



## CITIZEN POLICE REVIEW BOARD

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Approved and  
Adopted  
3/27/07

### **Minutes of the CPRB Meeting Held on February 27, 2007 Council Chambers, 510 City-County Building Pittsburgh, PA 15219**

**Members Present:** Ms. Marsha Hinton, Chair  
Mr. Richard M. Carrington, Vice Chair  
Mr. Malik G. Bankston  
Ms. Erin Dalton  
Dr. Mary Jo Guercio  
Ms. Deborah Walker

**Excused:** Mr. John H. Bingler, Jr., Esq.

**Absent:** NA

**Vacancies:** None

**Solicitor:** Mr. William F. Ward, Esq.

**Staff Present:** Elizabeth C. Pittinger, Executive Director  
Rhonda Sears, Executive Assistant  
Michael Ayoob, Investigative Associate  
Michelle Gamble, Investigator  
Tamara Lefcowitz, Investigator

**Excused:** None

#### **Administrative Matters:**

- At 6:30 p.m. Ms. Hinton, Chair, called the meeting to order.
- A motion to adopt the meeting minutes for January 23, 2007 was offered by Mr. Carrington, seconded by Mr. Bankston, and approved unanimously.

#### **Executive Director's Report:**

- Ms. Pittinger sent a letter (copy attached, dated 2/9/07) to Barbara L. Trant, Director, City of Pittsburgh Department of Personnel & Civil Service seeking clarification of the rumored plan for the PBP to absorb Housing Authority police officers. No reply or response has been received to date. The Board asked that a copy of the letter be sent to Mayor Ravenstahl.
- Ms. Pittinger reported that she is preparing a formal proposal to City Council seeking codification of certain standards affecting police conduct that were adopted during the consent decree between the City of Pittsburgh and the US Department of Justice.
- 2006 Total Intake: 783 allegations contained in 450 complaints.
- 2007 Intake: 53 complaints have been received as of 2/27/07.
- The Intake Coordinator recruitment process has concluded. 109 applicants are on the eligibility list. Under City contract, AFSCME has a first look preference for the position. Mr. Michael Ayoob has been performing Intake functions since 10/1/06. He is an eligible candidate and entitled to first-look preference. Mr. Ayoob has conducted Intake services to the public in an exemplary manner and if he will accept, he will be promoted to the position.

- Ms. Pittinger and Ms. Sears will attend a meeting with the Act 47 coordinators on Thursday, March 1 at 3:00 pm in Room 526 of the City County Building. Ms. Hinton indicated her intention to attend the meeting also.
- The Republic of Albania has requested a global videoconference with Ms. Pittinger and available Board Members to discuss the civilian police review process. Subsequent to meetings in 2005 and 2006 with Ms. Pittinger and Dr. John Burkoff, Univ. of Pittsburgh School of Law and former Chair of the CPRB, Albanian officials established two oversight entities based on “the Pittsburgh CPRB.” The Albanians report success with their endeavor, and wish to maintain a conferring relationship with the Pittsburgh CPRB.
- Ms. Pittinger asked permission of the Board to arrange an academic seminar focused on the Jackson/Charmo homicide case, irregularities in the police investigation and the continuing effort to obtain an independent criminal investigation into the questionable police conduct. The principals will include lawyers involved in the case litigation, police trainers, independent legal experts, academicians, and journalists.

The general purpose is to study the dynamics of the police and community culture that allowed a cover-up to occur in the Jackson case. Among the tasks: to analyze the “before and after” effect of the Jackson case; to consider police leadership and the expectations and limitations imposed on officers; to exam “command accountability” standards and monitoring.

Ms. Pittinger indicated that she would seek an objective moderator who is knowledgeable about the legal aspects of police/community relations but not necessarily intimately familiar with Pittsburgh nuances and political influences.

- Ms. Pittinger noted the upcoming tenth anniversary of the Board’s creation, 5/20/07 and asked if the members had any specific ideas for noting the occasion. Ms. Dalton suggested that the previously discussed seminar could be the first of a series of discussions sponsored by the Board in commemoration of its tenth year anniversary and addressing matters influencing police/community relations. The other members concurred.
- No new cases for public hearing.

## **Case Review**

Ms. Hinton moved to the case review agenda. Copies were available to the public. Each case summary was reviewed and acted upon as noted (votes unanimous among attending members unless stated otherwise).

*(Actions taken are published here and on the CPRB website, <http://www.city.pittsburgh.pa.us/cprb/>)*

**Case Review Agenda**

<b>CPRB# / Investigator</b>	<b>ALLEGATION</b>	<b>SUMMARY</b>	<b>REASON</b>
<i>Public Hearing (0)</i>			
<i>30-Day Extension of Full Investigation (2)</i>			
380-06 Gamble	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O.s used excessive force against the Victim and refused to give their names or badge numbers.	Authorized 30-Day Extension
404-06 Lefcowitz	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O.s racially profiled him, used excessive force, and made jokes about his tooth coming out during his arrest for drugs.	Authorized 30-Day Extension
<b>FULL INVESTIGATION (2)</b>			
05-07-R Carson	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. verbally abused her while she was attempting to get into her vehicle.	Authorized Full Investigation
23-07 Lefcowitz	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O.s used excessive force while detaining and/or arresting Victims 1, 2, & 3.	Authorized Full Investigation
<b>DISMISSALS (TOTAL OF 8)</b>			
<b>UNSUSTAINABLE (3)</b>			
178-06 Gamble	Use of Force (PBP 12-6) Use of Taser (PBP 12-13) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public (PBP 16-1, 3.7)	Cx alleges the S.O.s used excessive force against him during his arrest.	Authorized 30-Day Extension Include Cx. in the next Reclassification Hearing for Rude & Discourteous Conduct
384-06 Carson	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. harassed her because he pulled her vehicle over on two separate traffic stops.	Dismissed As Unsustainable (Evidence does not support the allegation(s)) Include Cx. in the next Reclassification Hearing for Rude & Discourteous Conduct

<b>CPRB# / Investigator</b>	<b>ALLEGATION</b>	<b>SUMMARY</b>	<b>REASON</b>
421-06 Lefcowitz 344-06	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. #1 & Cx. #2 allege that the S.O.s used excessive force against the Victims.	Dismissed As Unsustainable (Evidence does not support the allegation(s)) Include Cx. in the next Reclassification Hearing for Rude & Discourteous Conduct
<b>UNFOUNDED (3)</b>			
144-06 Gamble	Use of Force (PBP 12-6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S. O. used excessive force against him for religious reasons.	Dismissed As Unfounded (Evidence does not support the allegation(s)) Include Cx. in the next Reclassification Hearing for Rude & Discourteous Conduct
336-06 Lefcowitz	Truthfulness (PBP 16-1, 3.19) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. has harassed him at work and lied in court.	Dismissed As Unfounded (Evidence does not support the allegation(s)) Include Cx. in the next Reclassification Hearing for Rude & Discourteous Conduct
11-07-R Carson	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Truthfulness (PBP 16-1, 3.19)	Cx. alleges that he was pulled over for a traffic stop and harassed because of his race.	Dismissed As Unfounded (Evidence does not support the allegation(s)) Include Cx. in the next Reclassification Hearing for Rude & Discourteous Conduct
<b>WITHDRAWN (2)</b>			
399-06 Carson	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O. was rude to Victim 1 and made remarks concerning his mental health in front of others.	Accepted the Cx.'s Request to Withdrawal
422-06 Lefcowitz	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Warrantless Searches & Seizures (PBP 45-2, 10.2)	Cx. alleges the S.O. used excessive force and failed to produce a warrant while raiding his business.	Accepted the Cx.'s Request to Withdrawal
<b>OUT OF JURISDICTION (0)</b>			
<b>LACK OF COOPERATION (0)</b>			
<b>OTHER (0)</b>			
<b>SUSPENSIONS (0)</b>			

***Status/Information Update Only – No Action Requested (5)***

313-06 Gamble/ Lefcowitz	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (16-1, 3.7)	Cx. alleges the S.O. acted inappropriately by threatening her and her children over a traffic violation	Suspension Occurred: 01/23/07 (Pending Cx.'s Criminal trial)
339-03 MATTS	Use of Force (S.O. #1) (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Records/Reports/Files-General Regulations (S.O. #2, 3, &4) (PBP 62-1) Neglect of Duty (S.O. #1) (PBP 16-1, 3.13)	Cx. alleges that the S.O.s utilized excessive force and also wrote a false report.	Suspension Occurred: 02/24/04 (Pending re-evaluation due to the investigator's separation from the agency.)
363-03 MATTS	Use of Force (PBP 12-6)	Cx. alleges the S.O.s used excessive force during his arrest.	Suspension Occurred: 02/24/04 (Pending re-evaluation due to the investigator's separation from the agency.)
210-04 Matts	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Towing & Tow Pound Procedures (PBP 41-4)	Cx. alleges that the S.O. did not treat him properly and arrested him without cause.	Suspension Occurred: 01/25/05 (Pending re-evaluation by the Executive Director.)
23-06 Gamble	Truthfulness (PBP 16-1, 3.19)	Cx. alleges the S.O. perjured himself while testifying at the Cx.'s trial.	Suspension Occurred: 6/27/06 Pending Receipt Of Additional Information.

\* ECP = Executive Director reviewed fact-finding summary and authorized a Preliminary Inquiry or concurred with investigator's recommendations of dismissal. Before this meeting, the Board has not seen these cases and retains final action on these "new" cases.

*Comments/inquiries:*

- # 421-06 – Ms. Hinton asked if this was the case with an out of control teenager who was punched by the subject officer. Ms. Lefcowitz stated there were other options the officer could have used to restrain the girl, including Taser. Ms. Lefcowitz noted that the Use of Force policy does not distinguish the mode of force used based on race, size, or gender of the subject except for the use of Taser. The Taser Policy does limit deployment within a stated age range. The alleged victim was within the expressed age limits for which Taser can be deployed. Ms. Hinton questioned the self-control demonstrated by the officer when he punched the victim in the face. Ms. Pittinger feels his actions were instinctive reactions to taking a punch in the nose from the victim. Ms. Lefcowitz said officers are cooperating in the investigation

- # 336-06 – Mrs. Dalton asked if this case can go into the Reclassification Section. Members concurred and the complainant will be invited to the public hearing.
- Mr. Bankston comments on categorizing cases in the Rude and Discourteous Conduct group. The hearing was to be the first step in a further process leaning toward some recommendation for regulation and policy resulting in training requirements and procedures. Ms. Pittinger stated the Board never issued a formal finding from the September 18, 2006 hearing due to the transitions in City administrations. In a meeting with Ms. Hinton, Chief Harper assured her that he is aware of the conduct problem. He reported to her that every officer will go through verbal judo again, and numerous officers were being trained as verbal judo instructors.
- Update on # 34-06 – (companion to # 35-06): New information has been brought forth in the case by the complainant who now alleges that the subject officer threatened to kill her. This allegation did not emerge until recently and was not contained in her original complaint. The complaint was scheduled for a public hearing on 1/7/07 but was postponed pending status of the complainant in the companion case, # 35-06. Ms. Hinton asked that the Investigator report on # 34-06 at the 3/27/07 meeting.

### **New Business**

#### **Public Hearings Scheduled**

- None at this time.

### **Public Comment:**

Comments were offered by Robert Pataki and Ruth Stevenson.

### **Next Meeting:**

Ms. Hinton announced that the next regular meeting is scheduled for 6:00 p.m., Tuesday, March 27, 2007 at Northside Senior Center, Allegheny Square, Pittsburgh, PA 15212.

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Rhonda J. Sears

Attachment



**CITIZEN POLICE REVIEW BOARD**  
816 FIFTH AVENUE, SUITE 400  
PITTSBURGH PA 15219

February 9, 2007

**Members of the Board:**

*Ms. Marsha V. Hinton*  
Chair

*Mr. Richard M. Carrington*  
Vice-Chair

*Mr. Malik G. Bankston*

*Mr. John H. Bungler, Esq.*

*Ms. Erin Dalton*

*Dr. Mary Jo Guercio*

*Ms. Deborah L. Walker*

**Solicitor:**

*Mr. Frederick W. Thieman*  
*Mr. William F. Ward*

**Executive Director:**

*Ms. Elizabeth C. Pittinger*

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Barbara L. Trant  
Director, Department of Personnel & Civil Service  
City of Pittsburgh  
414 Grant Street, 4th Floor  
Pittsburgh, PA 15219

**RE: Pittsburgh Police Hiring**

Dear Barb,

I am seeking clarification on the status of a proposal for the Pittsburgh Bureau of Police to absorb police officers employed by the city's Housing Authority. I have not heard much public discussion about this in some time; however, I recently learned that Housing police are engaged in training at the PBP Training Academy, supposedly in preparation for transfer to the PBP.

Specifically, I am concerned with the technical manner in which such a transfer would occur. Therefore, I ask that you, or your designee, please provide me with information pertinent to the following questions:

1. Is there a plan to hire current police officers of the Pittsburgh Housing Authority into the ranks of the PBP? If so, may I please have the details of that plan and the date of implementation?
2. If indeed such a plan is executed, it would appear to be a lateral transfer. Do we permit officers from other jurisdictions, or former City police officers seeking to return, the same opportunity?
3. Will these Housing police officers undergo the same medical, psychological, criminal, employment and fitness screenings as other potential hires?
4. Have any of these Housing officers ever been employed by the PBP? Have any of these officers ever applied and been rejected or deemed non-qualified for employment by the PBP?
5. Do these Housing police officers meet the minimal qualifications of any other potential Pittsburgh Police Officer, including the educational requirement of 60 college credits? Have any exceptions been made? If so, to what extent, by what authority?
6. What Civil Service process applies to this? If it is an extraordinary exception, please describe the circumstance leading to it and the authority by which it is permitted.

*Implementing the Will of the People...*

February 9, 2007

As you know, recruitment and hiring of Pittsburgh police officers is a matter of extreme interest to the Citizen Police Review Board. I was very pleased with the revised process employed for the recent recruitment though I am deeply concerned if people who are not certified as qualified under Pittsburgh standards are hired as Pittsburgh police officers. Not only is it an issue of fairness, it is an issue of quality.

My inquiry is fairly straightforward and I ask that you kindly reply by Friday, February 23, 2007, so that I may report to the Board at their regular meeting on February 27, 2007.

Thank you.

Sincerely,



Elizabeth C. Pittinger  
Executive Director

cc: Nathan E. Harper, Chief of Police  
George Specter, Esq., Acting City Solicitor  
Michael Huss, Director of Public Safety Services  
Len Bodack, Chair, Council Sub-Committee on Public Safety Services