



# CITIZEN POLICE REVIEW BOARD

816 Fifth Avenue, Suite 400

Pittsburgh PA 15219

412-765-8023 Telephone – 412-765-8059 Facsimile

cprb@city.pittsburgh.pa.us

Approved and  
Adopted  
4/24/07

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

**Members Present:** Ms. Marsha Hinton, Chair  
Mr. Richard M. Carrington, Vice Chair  
Mr. John H. Bingler, Jr., Esq.  
Ms. Erin Dalton  
Dr. Mary Jo Guercio  
Ms. Deborah Walker

**Excused:** Mr. Malik G. Bankston  
**Absent:** NA  
**Vacancies:** None

**Solicitor:** Mr. Fred Thieman, Esq.

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

**Excused:** None

### Administrative Matters:

- At 6:16 p.m. Ms. Hinton, Chair, called the meeting to order.
- A motion to adopt the revised meeting minutes for February 27, 2007 was offered by Dr. Guercio, seconded by Ms. Dalton, and approved unanimously.

### Executive Director's Report:

- 2007 Intake: 78 complaints have been received as of 3/23/07.
- Police Commander Catherine McNeilly filed a federal whistleblower lawsuit against Mayor Ravenstahl, Chief Harper, and the City, protesting that an alleged disciplinary demotion was actually a retaliatory act for her public opposition to the nomination of Dennis Regan for appointment as Public Safety Director. Cmdr. McNeilly won a preliminary injunction against the City and was restored to her rank of Commander, pending resolution of the lawsuit. A settlement of \$85,000 was introduced in City Council on Tuesday, March 27, 2007 with a final vote expected on April 10, 2007.
- Police Commander RaShall Brackney is under investigation by the Allegheny County District Attorney's office for her actions at the scene of an accident involving a friend.

Ms. Hinton asked, "Is that unusual to forward this case to the district attorney before OMI based on the magnitude of the referral and criminality?" Mr. Thieman stated criminality takes precedence over OMI.

Ms. Hinton asked, "How much money was paid in punitive damages in 2006?" Pitterer responded that she did not have that information but would attempt to obtain it for the Board. It was noted that

about \$7 million in damages and related legal expenses was incurred in the period 1995 – 2005. (Murphy/McNeilly administration).

Pittering will also obtain the current monthly per capita rate that the City contributes to the legal defense fund administered by the FOP. It had been \$11/active duty officer/month. If the Bureau was at full force, 900 officers, the annual amount contributed by the City would be \$118,800. This is a provision of the contract between the City and the F.O.P.

- The City Paper featured a story on March 22 entitled “**Military Police Military-style police tactics reflect -- and arguably worsen -- distrust between black neighborhoods and police**” written by Charlie Deitch. The issue’s cover is a photo of the Lenco B.E.A.R. (an acronym for Ballistic Engineered Armored Response) a vehicle that comfortably transports 12 to 14 police officers. The vehicle can create an artificial environment to protect from bio-chem. hazard exposure, provides for full communication and computer links, and is essentially a mobile fortress.

In August and December, two raids were conducted in the Homewood and Brushton neighborhoods. The City Paper revealed great concern among residents and prominent spokespeople of the neighborhoods that the paramilitary tactics contributed more to alienation between citizens and police than to the control or prevention of criminal activity. .

Ms. Pittering asked the Board if they would like to hold a general public meeting to become better informed of community concerns. Although no one has come forth to file a formal complaint about the raids, the Board may consider conducting an official public hearing into the policy goals behind the tactics deployed

The Members weighed the options of conducting a formal public hearing inquiring into the policies and procedures related to the “saturation raids” or conducting a general community meeting to learn more about the effect of such raids on the neighborhoods and possible tension-reduction discussions with the Chief of Police. Mr. Thieman stated Informal meetings are basically informational, not recorded, and has minimum expenses. Formal meetings provide expert testimony, policy discussion, incur expenses (advertising, stenographer, videography, etc.), and are recorded.

A motion to hold an informal meeting as opposed to a formal hearing about community reaction to “saturation raids” and police tactics was offered by Ms. Hinton, seconded by Mrs. Dalton, and approved unanimously.

- CPRB Interns - 3 law students from the University of Pittsburgh School Of Law are tentatively scheduled to join our staff in mid-May. They will be assigned various research projects related to:
  - Factors influencing decisions in the Jackson case
    - Culture then & now
    - Rationale applicable to decisions of US Atty & PA AG
    - Legal limitations: real & contrived
  - Draft legislation: research and proposal
    - Theme: Command Accountability
    - Synthesis of contemporary research and review of findings from various commissions, treaties, international comparatives, Pgh consent decree, etc.

- Investigative standards
    - Distinguishing civil, criminal, administrative jurisdiction
  - Community Outreach Strategy
    - Message, tactics, evaluation of effect
  - Child exposure to police-related violence
- Community Activity: –began a demonstration on
  - March 2, 2007 – Investigators observed a protest at CMU's National Robotics Engineering Center in Lawrenceville sponsored by the Pittsburgh Organization Group (POG). The protestors created a blockade of the building by linking themselves together with PVC pipe. A single demonstrator was suspended from a 15' tripod that required a rescue release by firefighters. Fourteen people were arrested on charges of failing to disperse, obstruction of public highways and other public passages and possessing instruments of crime.
  - March 24, 2007 – The Thomas Merton Center sponsored a well-organized anti-war protest to mark the 5<sup>th</sup> anniversary of the Iraq invasion. Approximately 1,000 people participated in the event which started in two locations, converged, and marched to the military recruitment center on Forbes Ave. in Oakland and concluded with a rally at Bigelow & Fifth. One disorderly person was arrested after he disrupted the demonstrators' kick-off gathering by screaming about the bible.
- The Citizen Police Academy will open on Tuesday, April 3, 2007. Investigator Kathleen Carson and Intake Coordinator Michael Ayoob will attend this 15-week Academy being held at the Boys & Girls Club in Lawrenceville. The CPRB presentation is scheduled for 6:00 p.m. on May 29, 2007.
- CPRB Discussion Series: preparation for a series of discussions is underway. The Jerry Jackson Homicide Investigation will be the topic of the first discussion, anticipated to occur in mid-June at Duquesne University. Mr. Bankston encouraged consideration of a session designed to solicit police expectations related to the role of the CPRB. Another suggestion was to ask Dr. John Burkoff, inaugural Chair of the CPRB, to facilitate a retrospective discussion of the Board's evolution and the social context from which it emerged.
- Pittsburgh Police absorption of the Housing Authority of Pittsburgh Police: On March 27, 2007, a bill was introduced for City Council's consideration authorizing the Pittsburgh Bureau of Police to receive police officers from the Housing Authority of Pittsburgh as probationary officers. It is expected to receive an affirmative vote on April 10, 2007.

*(Case Agenda Follows on Next Page)*

## 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/>)

Board Action Date: 3/27/07

*Case Review Agenda*

CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
<b>Public Hearing (1)</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. was verbally abusive toward her.	Authorized Public Hearing
<b>30-DAY EXTENSION OF FULL INVESTIGATION (1)</b>			
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 a 30-day extension of the Full Investigation
<b>FULL INVESTIGATION (2)</b>			
07-07-R Gamble	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19)	Cx. alleges S.O.1 used excessive force on him when he fled from an auto accident in which he was a driver.	Authorized Full Investigation
26-07-R 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) Truthfulness (PBP 16-1, 3.19) False Report (PBP 62-1, 2.9)	Cx. alleges the S.O. lied about the incidents that led to her arrest and threatened to shoot her.	Authorized Full Investigation
<b>DISMISSALS (TOTAL OF 3)</b>			
<b>UNSUSTAINABLE (1)</b>			
306-06 Carson	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O. was rude during a traffic stop.	Dismissed As Unsustainable (Evidence does not support the allegation(s))

CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
<b>UNFOUNDED (2)</b>			
22-07-R Carson	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O. used excessive force during his arrest.	Dismissed as Unfounded (Evidence does not support the allegation(s))
18-07-R Carson	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O.'s unlawfully detained him, thus violating his civil rights.	Dismissed as Unfounded (Evidence does not support the allegation(s))
<b>WITHDRAWN (1)</b>			
25-07 Lefcowitz	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges the S.O. failed to take a report for him.	Accepted the Cx.'s Request to Withdraw
<b>OUT OF JURISDICTION (0)</b>			
<b>LACK OF COOPERATION (0)</b>			
<b>OTHER (0)</b>			
<b>SUSPENSIONS (3)</b>			
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 Suspension pending receipt of OMI photo array.
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 Suspension pending receipt of Medical Record Authorization and medical documents.
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 Suspension pending progress of possible companion case 379-06.

\* 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:*

- #23-07 – change staff recommendation from Authorized Public Hearing to a 30-Day Extension. The investigator needs more time to secure medical records.

- # 306-06 – Mr. Bingler asked if this case can go into the Reclassification Section. Inv. Carson did not believe this case was appropriate for that resolution. Mr. Bankston expressed concern that the reclassification group represents a problem for those complaints that are dismissed as unsustainable or lacking cause. After dismissing the complaint, the complainant is invited to come and talk about the incident that gave rise to the complaint although the Board's action on the complaint will not change. Mr. Bankston also encouraged that the officers be invited to participate in the reclassification hearings, not as accused but as affected parties.

## **New Business**

### **Pre-Hearing Conference Scheduled**

- #05-07-R, Tuesday, April 24, 07 @ 5:30pm – prior to regular monthly Board meeting

## **Public Comment:**

Comments were offered by Tamara Lefcowitz as private citizen.

## **Next Meeting:**

Ms. Hinton announced that the next regular meeting is scheduled for 6:00 p.m., Tuesday, April 24, 2007 at 510 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Rhonda J. Sears  
Executive Assistant