



CITIZEN POLICE REVIEW BOARD

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Approved and
Adopted
9/25/07

Minutes of the CPRB Meeting Held on June 26, 2007 **Council Chambers, 510 City-County Building** **Pittsburgh, PA 15219**

Members Present: Ms. Marsha Hinton, Chair
Mr. Malik G. Bankston
Mr. John H. Bingler, Jr., Esq.
Dr. Mary Jo Guercio
Ms. Deborah Walker

Excused: Ms. Erin Dalton
Absent: Mr. Richard M. Carrington, Vice Chair
Vacancies: None

Solicitor: Mr. Fred Thieman, Esq.

Staff Present: Ms. Elizabeth C. Pittinger, Executive Director
Ms. Michelle Gamble, Investigator
Ms. Tamara Lefcowitz, Investigator

Excused: Ms. Rhonda Sears, Executive Assistant
Mr. Michael Ayoob, Investigative Associate
Ms. Kathy Carson, Investigator

Administrative Matters:

- At 6:15 p.m. Ms. Hinton, Chair, called the meeting to order.
- Ms. Hinton acknowledged Pittsburgh Police Officer Steve Mescan and announced that he would be presenting a presentation on the SWAT team.
- *A motion to adopt the revised meeting minutes for May 22, 2007 was offered by Mr. Bankston, seconded by Mr. Bingler, and approved unanimously.*

Executive Director's Report:

- The CPRB is in receipt of 203 complaints since January.
- Ms. Pittinger announced the impending departure of Mr. Thieman from his private practice of law to assume Presidency of the Buhl Foundation. Ms. Hinton thanked Mr. Thieman for his steady and wise counsel to the Board from its inception to present day. Mr. Thieman assured the Board that Mr. Ward will continue to provide services to the Board. Mr. Thieman noted that Mr. Ward will be joined in partnership by former assistant city solicitor Hugh McGough. The Board congratulated Mr. Thieman and expressed their confidence in his leadership of the Buhl Foundation, known for its interest and concern for the well-being of Pittsburgh residents. Mr. Thieman acknowledged the Foundation's social concerns and its current focus on youth violence which he expects to continue.
- The Board agreed to move discussion of a proposal to submit legislation to Council and the administration to prohibit focused residential picketing in retaliation for public acts taken by public officials, including police officers.
- Ms. Pittinger reported that several recommendations were made to City Council on behalf of the Board, B-PEP, and other interested parties related to codification of consent decree standards. The City Code requires the Chief of Police to obtain police accreditation CALEA and PLEAC accreditations are recognized as prestigious achievements. Both accreditations incorporate or exceed the standards expressed in the consent decree. Therefore, it is Pittinger's

recommendation that enforcing compliance to the City Code provision to achieve and maintain accreditation satisfies the public's interest in perpetuating the consent decree expectations and assuring best practices in contemporary law enforcement. Additional recommendations included issuance of an annual report by the Bureau of Police and an amendment to the City Code Title One, Article VII, §160.01 to require compliance to the City Code, Title Six, Article VI, §661, §662.

- Ms. Hinton inquired as to the status of police promotions that initiated great controversy due to the association of some of those officers to histories of domestic violence. Mr. Bankston asked if promotional guidelines existed in the Bureau's operating policies and procedures.

Pittinger explained the deficiencies within the process that permits the Chief and others to exercise unbridled discretion. Essentially, there are no qualifiers or disqualifiers against which a candidate's credentials and performance are objectively measured.

Ms. Hinton asked about the diminution of civil service requirements for command promotions. In January, the Chief asked the Civil Service commission to eliminate the requirement that candidates for promotion to Commander positions must serve at least 5 years as a Lieutenant. The Civil Service commission approved the request. A sergeant and detective have since been promoted to Commander.

One newly appointed Commander and one Lieutenant have histories related to charges of domestic violence. A newly appointed sergeant has also been associated to unbecoming incidents both on and off-duty.

Pittinger reported that she encouraged the Chief and Mayor to adopt a zero-tolerance position on domestic violence and recommended the International Association of Chiefs of Police (IACP) model policy on domestic violence committed by police officers.

Additional considerations when evaluating the entire promotional process include implementing background checks, physical and mental fitness screenings, and complaint history, community and peer interviews.

- Pittinger reported to the Board a police initiative to permit officers to work four 10-hour days a week. This experiment will occur in Zone 4. There are details to be worked-out, including the handling of court time, vacation, holiday and sick time. Participation is voluntary. Officers choosing not to participate will be able to transfer out of Zone 4. If the experiment is unsuccessful, those leaving the Zone are not guaranteed that they may return to Zone 4. The annual "pick process" in which officers pick where and what shift they want to work based on seniority will continue.

Pittinger expressed concern about the ability of the Bureau to do this without compromising police coverage due to the low work force available, though she stated it was premature to have an opinion on the effort. Also, the intensity of four 10-hour workdays in conjunction with secondary detail work which is permissible up to 30 hours per week raises questions of fatigue. Pittinger noted that the FOP appears to be in support of the experiment. The FOP contract is due for negotiation in about 18 months so any concerns related to this work schedule will undoubtedly be addressed then. Mr. Bankston asked if there was a cap on how many hours an officer could work on-duty; Pittinger did not know of any current limitation other than the effort to avoid overtime by police administration. Mr. Bankston expressed an interest in the potential for the fatigue factor to negatively influence on-duty performance.

Dr. Guercio asked if any research related to fatigue and performance related to such a work schedule, and/or related to police working up to 70 hours per week, was reviewed. Pittinger replied that research was not reviewed but will be over the next several weeks.

- Ms. Walker suggested that the agenda move to the SWAT presentation as a convenience to Officer Mescan and the public in attendance for the presentation. Members concurred and Ms. Hinton introduced Officer Mescan.
- Officer Mescan proceeded provided an instructional presentation on the Pittsburgh SWAT Team. An open exchange with the public audience transpired.
- Ms. Hinton thanked Officer Mescan for an informative presentation and the Board took a 15 minute recess.
- Ms. Hinton returned to the Board's business agenda.

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: 6/26/07

Case Review Agenda

CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
<i>Public Hearing (0)</i>			
<i>30-Day Extension of Full Investigation (0)</i>			
FULL INVESTIGATION (1)			
101-07 Lefcowitz	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public (PBP 16-1, 3.7) Neglect of Duty (PBP 16-1, 3.13)	Cx. made three allegations: Incident 1: S.O. failed to respond to children harassing her granddaughter. Incident 2: S.O.'s unfairly arrested her son. Incident 3: S.O.'s failed to 302 her son.	Authorized Full Investigation
DISMISSALS (TOTAL OF 6)			
UNSUSTAINABLE (3)			
28-07 Carson	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges the S.O.s mishandled the arrest of their special needs daughter and failed to report to missing persons that she had been located.	Dismissed as Unsustainable
62-07 Carson	Conduct Unbecoming a Member (PBP 16-1, 3.6) Police Response to Domestic Violence Incidents (PBP 40-12, 5.4)	Cx. alleges the S.O. assisted her family member in entering the Cx.'s home unauthorized after Cx. filed a PFA against that family member.	Dismissed as Unsustainable
132-07-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 rude.	Dismissed as Unsustainable

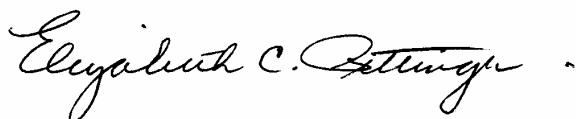
UNFOUNDED (2)			
<u>CPRB# / Investigator</u>	ALLEGATION	SUMMARY	REASON
13-07 Gamble	Truthfulness (PBP 16-1, 3.19) Conduct Unbecoming a Member (PBP 16-1, 3.6) Police Interrogation of Juveniles (PBP 43-10, 33.2) Warrantless Search and Seizure (PBP 45-2, 6.0, 10.2) False Report (PBP 62-1, 2.9)	Cx. alleges the S.O.s questioned her minor son without an attorney or guardian present, during a homicide investigation.	Dismissed as Unfounded
43-07 Gamble	Truthfulness (PBP 16-1, 3.19) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O. was rude to her when checking on the well being of the Cx.'s pets.	Dismissed as Unfounded
WITHDRAWN (1)			
81-07 Lefcowitz	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (16-1, 3.7)	Cx. alleges S.O. harassed him with the K-9 for no reason.	Accepted Cx's request for Withdrawal.
OUT OF JURISDICTION (0)			
LACK OF COOPERATION (0)			
OTHER (0)			
SUSPENSIONS (0)			

Next Meeting:

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

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,



Elizabeth c. Pittinger
Executive Director