



CITIZEN POLICE REVIEW BOARD

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Approved and
Adopted
10/23/07

Minutes of the CPRB Meeting Held on September 25, 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
Mr. John H. Bingler, Jr., Esq.

Excused: Ms. Erin Dalton
Dr. Mary Jo Guercio
Ms. Deborah Walker

Absent:
Vacancies: None

Solicitor: Mr. William Ward, Esq.

Staff Present: Ms. Elizabeth C. Pittinger, Executive Director
Ms. Rhonda Sears, Executive Assistant
Mr. Michael Ayoob, Intake Coordinator
Mrs. Kathy Carson, Investigator
Ms. Tiara Dinkins, Intern

Excused: Ms. Michelle Gamble, Investigator
Ms. Tamara Lefcowitz, Investigator

Administrative Matters:

- At 6:29 p.m. Ms. Hinton, Chair, called the meeting to order.
- Ms. Hinton noted the cancellation of the July meeting due to the quorum necessary to conduct a regular business meeting.
- Ms. Hinton acknowledged Mr. Fred Thieman's resignation effective September 1, 2007 as the Solicitor for the CPRB. Mr. Thieman has departed 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. Ward will be joined in partnership by former assistant city solicitor Mr. Hugh McGough.
- A motion to adopt the meeting minutes for June 26, 2007 was offered by Mr. Bingler, seconded by Mr. Carrington, and approved unanimously.

Executive Director's Report:

- The CPRB is in receipt of 328 complaints as of 9-25-07.
- The Board was given additional material to accompany the Executive Director Report. The following documents were presented as Administrative Recommendations for Action to the Board: Executive Director Inquiries (reauthorization) (EDI) and Subpoenas (reauthorization).
A motion for the Executive Director to remain authorized and directed to initiate inquiries and issue subpoenas on behalf of the Citizen Police Review Board via the review of documents by Board Members was offered by Mr. Bingler, seconded by Mr. Carrington, and approved unanimously.
- Legislative Recommendation: Private Picketing for Public Acts: Mr. Bingler asked Ms. Pittinger to prepare a memo discussing the possible restraint of this legislation. The Board agreed to move discussion of a memo prepared by a law school intern, Eli Baumwell, regarding a possible legislative remedy to private acts of retaliation taken against public officials for public

acts. Mr. Baumwell was present to engage in the discussion. The final action of this matter will be discussed at the October 23, 2007 board meeting.

- Ms. Pittinger reported on Executive Director Inquiry CPRB #283-07. This case alleged gender discrimination related to secondary details involving security for the Pittsburgh Steelers: secondary details coordinated by private parties often select police officers for participation. Ms. Pittinger will work with Mr. Ward on this case. The issuance of a subpoena may be necessary to seek a reply to the information requested.
- Ms. Pittinger provided Board Members with a copy of material presented to City Council on the Domestic Violence public hearing on September 10, 2007. The CPRB has an interest regarding the local problem and deficiencies in local policies and procedures of Domestic Violence committed by police officers. Council President Doug Shields introduced legislation to City Council on September 25, 2007 which outlines a Domestic Abuse Policy for the Bureau of Police.
- Ms. Pittinger attended a community meeting regarding police relations in the Hispanic community. The outcome was to establish a liaison and secure translation support to assure access to the CPRB process. Chief Harper committed to identifying a police liaison to the Hispanic community and to initiating training designed to improve the relationship between the community and police.
- The CPRB was present at various community affairs. Ms. Pittinger presented a presentation to the Osher Academy of Life Long Learning at CMU to 90 adult students. CPRB staff attended community picnics and public safety unity events over the summer. Investigators Gamble and Lefcowitz attended the NACOLE annual training conference in San Jose, CA 9/24 – 9/29/07.
- A copy of the CPRB budget for 2008 was provided to the Board at the meeting. The proposed allocation is adequate for CPRB operations.
- The CPRB will sponsor a series of workshops related to Politics, Policing, and Public Perceptions. These workshops will analyze key events affecting local law enforcement in the last decade and their impact on Pittsburgh. The first event was held at Duquesne Union, Duquesne University on Tuesday, October 9, 2007 from 6:00 – 9:00 pm.
- An update of the Solicitor transition was reported to the Board. In the absence of Mr. Thieman, Mr. Ward will continue to fulfill the current contract on behalf of Thieman & Ward. Mr. Ward and McGough notified the City Solicitor of their partnership and intent to continue representing the CPRB.
- Mr. Bingler would like for CPRB interns to receive a stipend for the work and effort put forth in completing assigned tasks.

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 94-07 will be discussed at the October 2007 Board meeting.

Case 05-07R scheduled for a Public Hearing on October 2, 2007 was cancelled. The Board received a copy of an Intention to Withdraw Complaint signed by the complainant.

Case 313-06 (Lawton) was discussed by the Board. This case was in suspension pending the disposition of the criminal case. The trial was held 9/20 – 9/21/07 finding Ms. Lawton not guilty of the disorderly conduct charge and guilty of the MV violations.

The staff will resume the investigation at the Board's request by obtaining the trial transcript to compare testimony to the statements and information given to the CPRB during the interrupted investigation. The staff will then report its findings to the Board in October and offer a recommendation as to further proceedings relevant to this case.

Prior to the case being suspended, the CPRB made several attempts during the investigation to obtain the public hearing transcripts in the complainant's possession. The complainant denied having possession of the evidence. Ms. Hinton would like for the complainant to be contacted and asked if the complaint will be pursued. Mr. Ward asked about the last correspondence to the complainant. It was a written record. Mr. Bankston would like to see a written summary about this case and determine the complainant's interest. He doesn't want to spend the time and money required without the cooperation of the complainant. Ms. Hinton feels we should continue the case in the best interest of the complainant and officer. She would like for the complainant to receive a letter from the CPRB explaining our expectations in moving forward on this case.

Board Action Date: 9/25/07

Case Review Agenda

(21 cases)

<u>CPRB# / Investigator</u>	ALLEGATION	SUMMARY	REASON
<i>Public Hearing (0)</i>			
<i>30-Day Extension of Full Investigation (0)</i>			
FULL INVESTIGATION (13)			
46-07 Gamble	Use of Force (PBP 12-6, 3.0) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. used excessive force while he was trying to cross the street.	Authorize Full Investigation
85-07 Carson	Use of Force (PBP 12-6, 3.0) Pepper Aerosol Restraint Spray (PBP 12-9, 4.3) Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges the S.O. used excessive force while arresting him.	Authorize Full Investigation

105-07 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public (PBP 16-1, 3.7) Truthfulness (PBP 16-1, 3.19) Warrantless Search & Seizure (PBP 45-2, 6.0 & 7.0)	Cx. alleges the S.O.'s searched himself and his vehicle without probable cause.	Authorize Full Investigation
113-07 Gamble (Companion Case #90-07)	Use of Force (PBP 12-6, 3.0) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. used excessive force against him for taking a photo of the Officer during a protest.	Authorize Full Investigation
163-07 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19) Warrantless Search & Seizure (PBP 45-2, 6.0 & 7.0) False Report (PBP 62-1, 2.10)	Cx. alleges the S.O. falsely arrested him on narcotics charges.	Authorize Full Investigation
198-07 Carson	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) Towing and Tow Pound Procedures (PBP 41-4, 1.1)	Cx. alleges his license plate was confiscated by the S.O. unjustly.	Authorize Full Investigation
207-07 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges S.O.'s acted unprofessionally.	Authorize Full Investigation
232-07 Carson	Use of Force (PBP 12-6, 3.0) Discharge of Firearms (PBP 12-7, 4.0) 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 S.O.'s used excessive force against him and shot his friend.	Authorize Full Investigation
241-07 Gamble	Use of Force (PBP 12-6, 3.0) Taser (PBP 12-13, 5.0) 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 for no reason.	Authorize Full Investigation

262-07 Gamble	Use of Force (PBP 12-6, 3.0) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. entered her home through a window and used excessive force against her while serving a warrant.	Authorize Full Investigation
265-07 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public (PBP 16-1, 3.7) Warrantless Search & Seizure (PBP 45-2, 6.0)	Cx. alleges the S.O. acted inappropriately during a traffic stop.	Authorize Full Investigation
274-07 Lefcowitz	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 and the Victim.	Authorize Full Investigation
287-07-ED Carson	Use of Force (PBP 12-6, 3.0) Handling of Prisoners (PBP 50-1, 2.1) Taser (PBP 12-13, 5.3)	Executive Director requests inquiry into death while in custody.	Authorize Full Investigation
DISMISSALS (8-TOTAL)			
UNSUSTAINABLE (3)			
94-07 Lefcowitz	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public (PBP 16-1, 3.7) Truthfulness (PBP 16-1, 3.19) Warrantless Search & Seizure (PBP 45-2, 5.2, 7.8, 11.1.1)	Cx. alleges the S.O. illegally searched her and discriminated against her for her sexual orientation.	Dismiss as Unsustainable
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.	Dismiss as Unsustainable
143-07-ED Carson	Neglect of Duty (PBP 16-1, 3.13) Motor Vehicle Pursuits (PBP 40-6, 8.2)	Executive Director inquiry into pursuit procedures.	Dismiss as Unsustainable
UNFOUNDED (2)			
139-07 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. alleges S.O.'s refused her medical attention during her arrest.	Dismiss as Unfounded

247-07 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 killing cats on his property.	Dismiss as Unfounded
WITHDRAWN (0)			
OUT OF JURISDICTION (1)			
231-07 Carson	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public (PBP 16-1, 3.7)	Cx. alleges S.O.'s restrained her, insulted her, and cited her unjustly.	Dismiss as Out of Jurisdiction (Port Authority)
LACK OF COOPERATION (1)			
137-07 Carson	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges the S.O.'s have failed to respond to her landlord/tenant dispute.	Dismiss for Lack of Cooperation
OTHER (1)			
90-07 Gamble	Use of Force (PBP 12-6, 3.0) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. used excessive force against the Victim during a protest.	Merge Case with Companion Case # 113-07
SUSPENSIONS (0)			

Next Meeting:

Ms. Hinton announced that the next regular meeting is scheduled for 6:00 p.m., Tuesday, October 23, 2007 at the Kingsley Community Center, 6435 Frankstown Avenue, Pittsburgh, PA 15206.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Rhonda J. Sears
Executive Assistant