



## CITIZEN POLICE REVIEW BOARD

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Approved and  
Adopted  
1/22/08

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### Minutes of the CPRB Meeting Held on December 4, 2007 Council Chambers, 510 City-County Building Pittsburgh, PA 15219

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**Members Present:** Mr. John H. Bingler, Jr., Esq.  
Ms. Erin Dalton  
Dr. Mary Jo Guercio  
Ms. Deborah Walker

**Excused:** Ms. Marsha Hinton, Chair  
Mr. Richard M. Carrington, Vice Chair  
Mr. Malik G. Bankston

**Absent:** None

**Vacancies:** None

**Solicitor:** 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. Michelle Gamble, Investigator  
Ms. Tamara Lefcowitz, Investigator

**Excused:** None

#### **Administrative Matters:**

- At 6:40 p.m. Dr. Guercio, Acting Chair, called the meeting to order. The meeting was delayed due to a scheduled prehearing conference prior to the regular board meeting.
- *A motion to adopt the revised meeting minutes for October 23, 2007 was offered by Dr. Guercio, seconded by Mr. Bingler, and approved unanimously.*

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

- The Black and White Reunion is scheduled for Saturday, January 26, 2008 8am – 4pm at East Liberty Presbyterian Church. Ms. Pittinger invited Board Members to participate in this annual event. Pittinger is coordinating an afternoon workshop focused on police/community relations, the relevant roles, and functions of the Human Relations Commission and the CPRB, community perceptions of those roles, and the development of a neighborhood advisory function to those bodies.
- On November 20, 2007, Ms. Pittinger gave a presentation at the Citizen Police Academy (CPA) at Police Headquarters on the North Side. The academy is intended for Pittsburgh residents but non-city residents have been permitted to attend at the discretion of the Chief of Police.
- On November 25, 2007, The Race and Reconciliation Center showed the film “Enough is Enough”. Pittinger attended and participated in the subsequent discussion of the documentary and contemporary police/community relations.
- On December 11, 2007, Chris Moore will be facilitate a panel discussion for taping to accompany the national release of the documentary of “Enough is Enough.” Pittinger will participate.
- On December 11, 2007, Ms. Pittinger will meet representatives from B-PEP to discuss standards of police performance, provisions of the Consent Decree, and the requirements in the City Code

requiring the Chief of Police to obtain Bureau accreditation. These requirements have been in the City Code since 1996.

- Officer Bradley Walker's domestic violence incident on November 24, 2007 opened an Executive Director inquiry. Ms. Pittinger requested documents from OMI and was briefed by Chief Harper on the following Monday.
- A Public Hearing is scheduled for Dec. 19 and 20 (if needed) for CPRB Case #: 59-07 (Bennett v. Abel).
- On January 7, 2008, three new members will be installed to City Council: Mr. Bruce Kraus (District 3), Dr. Patrick Dowd (District 7), and Rev. Richard Burgess (District 9). Having been duly re-elected, the Honorable Ms. Harris and Mr. Shields will be returning to Council.

### **Case Review**

Dr. Guercio moved to the case review agenda. Copies of the agenda 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

(22 cases)

| CPRB# / Investigator                              | ALLEGATION   | SUMMARY  | REASON  |
|---|--|--|---|
| <i>Public Hearing (0)</i>                         |  |  |   |
| <i>30-Day Extension of Full Investigation (0)</i> |  |  |   |
| <b>FULL INVESTIGATION (9)</b>                     |  |  |   |
| 125-07 Gamble                                     | Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Truthfulness<br>(PBP 16-1, 3.19)<br>False Report<br>(PBP 62-1, 2.10)   | Cx. alleges S.O.'s harass him for scalping tickets.  | Authorized Full Investigation<br><br><i>Dismissed charges against S.O.'s 2, 3, and 4.</i> |
| 135-07 Carson                                     | Truthfulness<br>(PBP 16-1, 3.19)<br>False Report<br>(PBP 62-1, 2.10)   | Cx. alleges a history of abuse and harassment from the S.O. since 2004.  | Authorized Full Investigation   |
| 209-07 Lefcowitz                                  | Use of Force<br>(PBP 12-6, 3.0)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)  | Cx. alleges the S.O.'s acted inappropriately during his arrest for false registration and vehicle inspection stickers. | Authorized Full Investigation   |
| 228-07 Carson                                     | Use of Force<br>(PBP 12-6, 3.0)<br>Taser<br>(PBP 12-13, 5.3)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Conduct toward the Public<br>(PBP 16-1, 3.7) | Cx. alleges S.O.'s used excessive force when arresting her daughter.   | Authorized Full Investigation   |
| 239-07 Lefcowitz                                  | Use of Force<br>(PBP 12-6, 3.0)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Conduct toward the Public<br>(PBP 16-1, 3.7)                              | Cx. alleges the S.O.'s used excessive force against him during his arrest.   | Authorized Full Investigation   |
| 289-07 Gamble                                     | Obedience to Orders and/or Laws<br>(PBP 16-1, 3.1)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)   | Cx. alleges the S.O., her neice, inappropriately used her authority during a family dispute.                           | Authorized Full Investigation   |

| <b>CPRB# / Investigator</b>    | <b>ALLEGATION</b>   | <b>SUMMARY</b>   | <b>REASON</b>                 |
|--------------------------------|---|--|-------------------------------|
| 340-07 Carson                  | Use of Force<br>(PBP 12-6, 3.0)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Conduct toward the Public<br>(PBP 16-1, 3.7)<br>Neglect of Duty<br>(PBP 16-1, 3.13)                              | Cx. alleges after her granddaughter was struck by a vehicle, the S.O. used excessive force and was discourteous to her when she attempted to render aid. | Authorized Full Investigation |
| 357-07 Gamble                  | Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Neglect of Duty<br>(PBP 16-1, 3.13)<br>Entering/Visiting/Loitering in Establishment Which Adversely Affect the Bureau of Police<br>(PBP 16-1, 3.54) | Cx. alleges the S.O. did not adequately respond to his call for an illegally parked vehicle.   | Authorized Full Investigation |
| 358-07 Gamble                  | Use of Force<br>(PBP 12-6, 3.0)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Conduct toward the Public<br>(PBP 16-1, 3.7)   | Cx. alleges S.O.'s used excessive force against him during his arrest.   | Authorized Full Investigation |
| <b>DISMISSEDALS (10-TOTAL)</b> |   |  |                               |
| <b>UNSUSTAINABLE (4)</b>       |   |  |                               |
| 85-07 Carson                   | Use of Force<br>(PBP 12-6, 3.0)<br>Pepper Aerosol Restraint Spray (PBP 12-9, 4.3)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Neglect of Duty<br>(PBP 16-1, 3.13)                            | Cx. alleges the S.O. used excessive force while arresting him.   | Dismissed as Unsustainable    |
| 205-07 Lefcowitz               | Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Neglect of Duty<br>(PBP 16-1, 3.13)<br>Motor Vehicle Pursuits<br>(PBP 40-5, 4.2)  | Cx. alleges the S.O's pursued Witness 1 without proper sirens or lights activated causing him to crash into and kill Victim without warning.             | Dismissed as Unsustainable    |

| <b>CPRB# / Investigator</b>    | <b>ALLEGATION</b>   | <b>SUMMARY</b>   | <b>REASON</b>                       |
|--------------------------------|---|--|-------------------------------------|
| 232-07 Carson                  | Use of Force<br>(PBP 12-6, 3.0)<br>Discharge of Firearms<br>(PBP 12-7, 4.0)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Conduct toward the Public<br>(PBP 16-1, 3.7)<br>Truthfulness<br>(PBP 16-1, 3.19) | Cx. alleges S.O.'s used excessive force against him and shot his friend.   | Dismissed as Unsustainable          |
| 290-07 Lefcowitz               | Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Truthfulness<br>(PBP 16-1, 3.19)<br>Warrantless Search & Seizure<br>(PBP 45-2, 7.1)<br>False Report<br>(PBP 65-1, 2.10)   | Cx. alleges the S.O.'s racially profiled him, searched his car inappropriately, and falsified their report.          | Dismissed as Unsustainable          |
| <b>UNFOUNDED (3)</b>           |   |  |                                     |
| 207-07 Gamble                  | Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)  | Cx. alleges S.O.'s acted unprofessionally.   | Dismissed as Unfounded              |
| 262-07 Gamble                  | Use of Force<br>(PBP 12-6, 3.0)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Conduct toward the Public<br>(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. | Dismissed as Unfounded              |
| 335-07 Lefcowitz               | Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)  | Cx. alleges he was ticketed by S.O. for parking on the sidewalk.   | Dismissed as Unfounded              |
| <b>WITHDRAWN (1)</b>           |   |  |                                     |
| 312-07 Carson                  | Obedience to Orders and/or Laws<br>(PBP 16-1, 3.1)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Neglect of Duty<br>(PBP 16-1, 3.13)   | Cx. alleges the Victim was lured to a home and shot but no charges were filed against the shooter.                   | Accept Cx.'s request for Withdrawal |
| <b>OUT OF JURISDICTION (0)</b> |   |  |                                     |
| <b>LACK OF COOPERATION (1)</b> |   |  |                                     |
| 295-07 Carson                  | Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Warrantless Search & Seizure<br>(PBP 45-2, 4.2.1)   | Cx. alleges she was detained by the S.O. without cause.  | Dismissed for Lack of Cooperation   |

| <b>CPRB# / Investigator</b> | <b>ALLEGATION</b>   | <b>SUMMARY</b>  | <b>REASON</b>   |
|-----------------------------|---|---|---|
| <b>OTHER (1)</b>            |   |   |   |
| 362-07 Carson               | Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Truthfulness<br>(PBP 16-1, 3.19)  | Cx. alleges a history of harassment since 2004 from the S.O.'s.                 | Merge with CPRB Case 135-07   |
| <b>SUSPENSIONS (3)</b>      |   |   |   |
| 105-07 Gamble               | Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Conduct toward the Public<br>(PBP 16-1, 3.7)<br>Truthfulness<br>(PBP 16-1, 3.19)<br>Warrantless Search & Seizure<br>(PBP 45-2, 6.0 & 7.0) | Cx. alleges the S.O.'s searched himself and his vehicle without probable cause. | Authorized Suspension pending receipt of S.O. statements                            |
| 241-07 Gamble               | Use of Force<br>(PBP 12-6, 3.0)<br>Taser<br>(PBP 12-13, 5.0)<br>Conduct Unbecoming a Member<br>(PBP 16-1, 3.6)<br>Conduct toward the Public<br>(PBP 16-1, 3.7)                              | Cx. alleges the S.O.'s used excessive force against him for no reason.          | Authorized Suspension pending contact with witnesses and anticipated Public Hearing |
| 287-07-ED Carson            | Use of Force<br>(PBP 12-6, 3.0)<br>Handling of Prisoners<br>(PBP 50-1, 2.1)<br>Taser<br>(PBP 12-13, 5.3)  | Executive Director requests inquiry into death while in custody.                | Authorized Suspension   |

**Public Comment:**

Dr. Guercio invited public comment, limited to three minutes each, at this time. No public comment was offered.

**Next Meeting:**

Dr. Guercio announced that the next regular meeting is scheduled for 6:00 p.m., Tuesday, January 22, 2008 in City Council Chambers, 510 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.

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

Respectfully submitted,

Rhonda J. Sears  
Executive Assistant