



## CITIZEN POLICE REVIEW BOARD

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Approved  
6/23/09

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### Minutes of the CPRB Meeting Held on April 28, 2009 (Mtg. No. 115)

City Council Chambers  
510 City County Building  
Pittsburgh, PA 15219  
Neighborhood: Citywide

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

**Excused:** Ms. Marsha V. Hinton, Chair  
Mr. Malik G. Bankston  
Mr. John H. Bingler, Jr.

**Absent:** None

**Vacancies:** None

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

**Staff Present:** Ms. Elizabeth C. Pittinger, Executive Director  
Mr. Michael Ayoob, Intake Coordinator  
Ms. Sherri Bridgett, Investigator  
Mrs. Kathy Carson, Investigator  
Ms. Michelle Gamble, Investigator  
Ms. Carolyn Gaskin, Executive Assistant

**Excused:** None

**Vacancies:** Investigative Associate

### **Administrative Matters:**

- At 6:15 p.m. Mr. Carrington, Vice Chair, called the meeting to order.
- *A motion to adopt the meeting minutes for March 24, 2009 was offered by Ms. Dalton and seconded by Ms. Guercio, and approved unanimously.*

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

- Pittinger reminded the board members to submit their 2008 State Ethics Financial Disclosure forms to the City Clerk by Friday, May 1, 2009.
- Pittinger mentioned the amended board meeting date for May 2009; the original meeting date was set for Tuesday, May 26, 2009 and was moved to Tuesday, May 19<sup>th</sup>, 2009 in observance of the Memorial Day holiday weekend.
- Pittinger mentioned the formal complaint filed with Deputy Chief Donaldson against Sgt. Campbell regarding his conduct during a public hearing; a transcript of the hearing was provided.
- Pittinger discussed the PBP plans to purchase assault rifles for the patrol vehicles and the necessity of relative policies and procedures, as well as a training process to ensure officers meet qualifications to carry such weapons.

## **Case Review**

Mr. Carrington moved to the case review agenda (copy attached). 18 cases were reviewed. Copies of the agenda were made 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/>*)

## **Public Comment:**

Mr. Carrington invited public comment, limited to three minutes each. Public comment was offered by Mr. Jamal Craig and Mr. Mark Ozark.

## **Next Meeting:**

Mr. Carrington announced that the next regular board meeting is scheduled for 6:00 p.m., Tuesday, May 19, 2009 at City Council Chambers, 510 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Carolyn L. Gaskin  
Executive Assistant

Attachment (2):

1. Case Review Agenda/Board Actions

**CPRB CASE REVIEW AGENDA**

<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>SUMMARY</b>	<b>RECOMMENDATION</b>	<b>RATIONALE</b>
<b>PUBLIC HEARING (2)</b>				
260-08/ CARSON & GAMBLE	Conduct Unbecoming a Member (PBP16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Incompetence (PBP 16-1, 3.12) Neglect of Duty (PBP16-1, 3.13) Response to Calls of Serious Nature (PBP 40-10, 5.1)	Cx. alleges the S.O. refused to get him medical treatment.	AUTHORIZED PUBLIC HEARING	Allegations against Subject Officer appear to be true.
20-09-P/ GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct toward the Public, (PBP 16-1, 3.7)	Cx. alleges the S.O. is harassing her because of a neighborhood dispute.	AUTHORIZED PUBLIC HEARING	Allegations against Subject Officer appear to be true.
<b>30 DAY EXTENSION OF FULL INVESTIGATION (1)</b>				
26-09-P/ BRIDGETT	Use of Force (PBP12-6, 3.1) Conduct Unbecoming a Member (PBP16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Truthfulness (PBP 16-1, 3.19)	Cx. alleges the S.O.'s were inappropriate during an investigative stop.	AUTHORIZED 30 DAY EXTENSION	Additional time is needed for further investigation.
<b>FULL INVESTIGATION (4)</b>				
40-09/ GAMBLE	Conduct Unbecoming a Member (PBP16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. acted inappropriately in front of her customers during a billing dispute.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
79-09/ CARSON	Conduct Unbecoming a Member (PBP16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Warrantless Search & Seizure (PBP 45-2, 4.1.2)	Cx. alleges the S.O.'s searched him for no reason.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
102-09-P/ BRIDGETT	Conduct Unbecoming a Member (PBP16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Motor Vehicle Stops (PBP 40-4, 3.24) Warrantless Search & Seizure (PBP 45-2, 4.1.2)	Cx. alleges the S.O. stopped him because of the way he looks.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.

<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>SUMMARY</b>	<b>RECOMMENDATION</b>	<b>RATIONALE</b>
110-09-P/ CARSON	Use of Force (PBP12-6, 3.1) Taser (PBP 12-13, 5.3) Conduct Unbecoming a Member (PBP16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges the S.O. used unreasonable force against him during his DUI arrest.	AUTHORIZED FULL INVESTIGATION	Further investigation is needed. Merge with companion Case #101-09-P
<b>DISMISSAL (7)</b>				
<b>UNSUSTAINABLE (3)</b>				
213-08/ GAMBLE	Conduct Unbecoming a Member (PBP16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Incompetence (PBP 16-1, 3.12)	Cx. alleges the S.O. cited him for selling baseball tickets in a non selling zone, when he should have been issued a warning.	DISMISSED AS UNSUSTAINABLE	Dismissed Charges with a letter sent to PBP Chief addressing the ticket selling warning.
247-08/ BRIDGETT	Obedience to Orders/ Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Incompetency (PBP 16-1, 3.12)	Cx. alleges the S.O. violated his Constitutional Rights when he made him move off the sidewalk while he was petitioning.	DISMISSED AS UNSUSTAINABLE	Dismissed Charges with a letter sent to PBP Chief addressing protected activity.
312-08/ CARSON	Conduct Unbecoming a Member (PBP16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Neglect of Duty (PBP16-1, 3.13)	Cx. alleges the S.O. did not do her job thoroughly and was prejudicial towards her daughter.	DISMISSED AS UNSUSTAINABLE	The S.O. did not violate policy. CYF was responsible for release of the child.
<b>UNFOUNDED (4)</b>				
351-08/ GAMBLE	Conduct Unbecoming a Member (PBP16-1, 3.6) Truthfulness (PBP 16-1, 3.19)	Cx. alleges the S.O. informed his employer about his DUI arrest causing him to lose his job.	DISMISSED AS UNFOUNDED	There is no evidence that the S.O. violated PBP Policy.
78-09/ GAMBLE	Conduct Unbecoming a Member (PBP16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Warrantless Search & Seizure (PBP 45-2, 4.1.2)	Cx. alleges he was wrongly arrested for his drug paraphernalia	DISMISSED AS UNFOUNDED	There is no evidence that the S.O.s violated PBP Policy.

<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>SUMMARY</b>	<b>RECOMMENDATION</b>	<b>RATIONALE</b>
80-09-P/CARSON	Conduct Unbecoming a Member (PBP16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O.'s used excessive force against him.	DISMISSED AS UNFOUNDED	Cx's testimony points to erratic behavior.
93-09/ 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 to her during a traffic altercation while he was off duty.	DISMISSED AS UNFOUNDED	It does not appear the S.O. violated PBP Policy or procedure.
<b>WITHDRAWAL (1)</b>				
84-09/ GAMBLE	Conduct Unbecoming a Member (PBP16-1, 3.6) Truthfulness (PBP 16-1, 3.19) False Report (PBP 62-1,2.10)	Cx. alleges the S.O. filed a false report against her.	ACCEPTED CX'S REQUEST TO WITHDRAW	Cx admits the S.O. did nothing wrong.
<b>LACK OF COOPERATION/COMPLAINANT (0)</b>				
<b>OTHER (3)</b>				
350-08/BRIDGETT	Use of Force (PBP 12-6, 3.1) 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, 2.10)	Cx. Alleges the S.O. arrested him for another person's drugs.	AUTHORIZED SUSPENSION	Polygraph test needs to be scheduled.
09-09-P/ BRIDGETT	Obedience to Orders/ Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP16-1, 3.6)	Cx. alleges the S.O. was unprofessional during a traffic incident.	AUTHORIZED SUSPENSION	Additional information is forthcoming.
101-09-P/ GAMBLE	Use of Force (PBP12-6, 3.1) Taser (PBP 12-13, 5.3) Conduct Unbecoming a Member (PBP16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges the S.O. used unreasonable force against the Victim during his DUI arrest.	MERGED CASE WITH CPRB #110-09-P	The Victim filed his own complaint with the CPRB.