



CITIZEN POLICE REVIEW BOARD

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Approved
7/27/10

Minutes of the CPRB Meeting Held on June 22, 2010 (Mtg. No. 127)
Freedom Unlimited, Inc.
2201 Wylie Avenue
Pittsburgh, PA 15219
Neighborhood: Hill District

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

Excused: Mr. Malik G. Bankston

Absent: None

Vacancies: 1 (Mayoral Selection – LEP)

Solicitors: Mr. William F. Ward, Esq. & Mr. Hugh F. McGough, 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 6:33 p.m., Ms. Hinton called the meeting to order.
- *A motion to adopt the meeting minutes for May 25, 2010 was offered by Mr. Carrington and seconded by Ms. Walker, and approved unanimously.*
- Ms. Hinton mentioned the executive session held prior to the meeting where discussion was held regarding ongoing litigation.

Executive Director's Report

- On 6/10, Ms. Pittinger was a guest speaker in a Criminal Justice class taught by former Chief Wayne Babish, at the University of Pittsburgh.
- Ms. Pittinger mentioned the proclamation that was presented to former CPRB member, John Bingler, by Councilman Doug Shields on June 15, 2010. Mr. Bingler's accomplishments were highlighted and a congratulatory reception was held immediately following the presentation.
- Ms. Pittinger reported on the ongoing court proceedings regarding subpoenaed G-20 documents. On 6/18/10, CPRB argued that Police Chief Harper/City of Pittsburgh was in contempt of court for failing to follow the 3/18/10 court order from Judge Wettick (directing that requested documents be released or a privilege log provided). On 5/14/10 some documents were provided;

however they were heavily redacted and inadequate for CPRB's investigation. Judge Wettick will hear arguments on 8/26/10.

- The Board directed Ms. Pittinger to subpoena Chief Harper/OMI for relative documentation regarding the individual sworn G-20 complaints.
- Ms. Pittinger mentioned the controversy surrounding the Mayor's 6/18/10 announcement to replace five of the seven current CPRB members. In part, the controversy stems from the timing of the Mayor's announcement, which was made while CPRB was in court, seeking contempt of court against Chief Harper/City of Pittsburgh. Also, because the Pittsburgh City Code appears deficient in describing an exact procedure for replacing members whose terms have expired or when the member is no longer available to serve.
- Ms. Pittinger informed the Board of the status of CPRB Case #260-08 (Brendan O'Malley). The CPRB held a public hearing on 1/5/10; the case was pending the participation of a relevant witness, whom is unable to participate in the hearing. The Board has agreed to accept the hearing as final and has asked the legal representatives to submit closing arguments with briefings.

Case Review

Ms. Hinton moved to the case review agenda (copy attached). 12 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:

Ms. Hinton invited public comment. Several community leaders and members offered comment before the Board.

Next Meeting:

Ms. Hinton announced that the next regular board meeting is scheduled for 6:00 p.m., Tuesday, July 27, 2010 at City Council Chambers, 510 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.

The meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Carolyn L. Gaskin
Executive Assistant

Attachment (1):

1. Case Review Agenda/Board Actions

CPRB CASE REVIEW AGENDA

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (0)				
FULL INVESTIGATION (9)				
10-30/BRIDGETT	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 the S.O.'s acted inappropriately.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-62/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)	Cx. alleges the S.O.'s were rude and untruthful about their identities.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-67/CARSON	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)	Cx. alleges the S.O.'s used profane language and excessive force while responding to a call at her residence.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-88/BRIDGETT	Obedience to Laws &/or Orders (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. threw him out of a store without a legitimate reason.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-121/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O.'s refused to ticket a car that was blocking his snow-filled driveway.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-147/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Warrantless Searches & Seizures (PBP 45-2, 7.0)	Cx. alleges the S.O. falsely detained & arrested him.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
10-152-P/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. acted inappropriately while responding to his call.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-164-P/GAMBLE	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)	Cx. alleges the S.O. used excessive force against him while he was being escorted from a hospital.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-165/GAMBLE	Obedience to Laws &/or Orders (PBP 16-1, 3.1) 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 the S.O. was judgmental towards him because he was the victim of a verbal anti-gay attack.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
30 DAY EXTENSION OF FULL INVESTIGATION (4)				
10-42/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)	Cx. alleges the S.O. did not take a report after he was assaulted.	AUTHORIZED 30 DAY EXTENSION	More time is needed for the investigation.
10-69/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. yelled at him for not walking on the sidewalk.	AUTHORIZED 30 DAY EXTENSION	More time is needed for the investigation.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
10-104/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Self –Assigned Investigations (PBP 16-1, 3.46)	Cx. alleges the S.O. issued him a citation while off duty because of road rage.	AUTHORIZED 30 DAY EXTENSION	More time is needed for the investigation.
10-120/CARSON	Obedience to Laws &/or Orders (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19)	Cx. alleges he was falsely arrest and did not receive a fair trial.	AUTHORIZED 30 DAY EXTENSION	More time is needed for the investigation.
DISMISSAL (3)				
UNSUSTAINABLE (1)				
10-119/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. acted inappropriately.	DISMISSED AS UNSUSTAINABLE	There is no evidence to support the allegations.
UNFOUNDED (2)				
10-70/GAMBLE	Use of Force (PBP 12-6, 3.1) Taser (PBP 12-13, 5.3) 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 while being arrested for several charges.	DISMISSED AS UNFOUNDED	Witness statements do not support the Cx.'s allegations.
10-107/GAMBLE	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)	Cx. alleges the S.O.'s are harassing him for unknown reasons.	DISMISSED AS UNFOUNDED	Witness statements do not support the Cx.'s allegations.
LACK OF COOPERATION/COMPLAINANT (1)				
10-103/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O. cited her for not having insurance or having her vehicle registered after a car accident.	DISMISSED FOR THE CX.'S LACK OF COOPERATION.	The Cx. failed to participate in the investigation.

OTHER (1)				
10-85/GAMBLE	Use of Force (PBP 12-6, 3.1) Obedience to Laws &/or Orders (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O.'s racially profiled him.	AUTHORIZED SUSPENSION	More time is needed to receive officer statements.