



## CITIZEN POLICE REVIEW BOARD

816 Fifth Avenue, Suite 400  
Pittsburgh PA 15219  
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cprb@city.pittsburgh.pa.us

Approved  
1/25/11

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**Minutes of the CPRB Meeting Held on December 7, 2010 (Mtg. No. 131)**  
**City Council Chambers**  
**510 City County Building**  
**414 Grant Street**  
**Pittsburgh, PA 15219**  
**Neighborhood: Citywide**

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**Members Present:** Ms. Deborah L. Walker  
Mr. Richard M. Carrington  
Rev. Eugene M. Downing, Jr.  
Mr. Ralph E. Norman  
Ms. Leshonda R. Roberts  
Ms. Debora Whitfield

**Excused:** Ms. Donna Kramer

**Absent:** None

**Vacancies:** None

**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 6:15 p.m., Ms. Walker called the meeting to order.
- *A motion to adopt the meeting minutes for September 28, 2010 and October 11, 2010 was offered by Ms. Whitfield and seconded by Ms. Roberts, and approved unanimously.*
- Ms. Walker welcomed Mr. Norman to the Board. Mr. Norman was designated by the mayor to fill the vacancy in the mayoral law enforcement professional seat and was sworn-in on 10/26/10. Mr. Norman's seating completes the complement of seven members on the CPRB.
- Ms. Walker reported that the official election for CPRB membership will be held at the January 25, 2011 meeting.

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

- Ms. Pittinger congratulated Michael Ayoob, CPRB Intake Coordinator, upon his return from a successful book tour regarding his first published novel, "In Search of Mercy." Mr. Ayoob promoted his novel in various cities around the country.
- Ms. Pittinger attended a meeting today, held at the August Wilson Center for African American Culture. The meeting was hosted by U.S. Attorney David J. Hickton where he introduced a new

civil rights section within the U.S. attorney's office. Several advocates representing various civil rights organizations gathered to discuss their specific concerns.

- Ms. Pittinger reported on a \$44,500 settlement reached in a federal lawsuit filed by Kalib Miller against the City of Pittsburgh and Pittsburgh Police Officer Paul Abel. The incident stems from a 2008 encounter whereby Mr. Miller stated that off-duty P.O. Abel pistol whipped and shot him in the hand. The settlement requires City Council's approval.
- Ms. Pittinger mentioned an 11/24/10 article in the City Paper, by Chris Young, which highlighted the status of CPRB solicitors, Ward McGough, LLC. The article comments briefly on the 10/18/10 resignation of Ward McGough, which followed an extended contractual disagreement with the City Law Department. The article also mentioned the willingness of Ward McGough to continue as legal representation during the appeal process of Judge Wettick's 9/23/10 decision.
- Ms. Pittinger announced that The Black & White Reunion will hold its Annual Summit Against Racism on Saturday, January 22, 2011 at the East Liberty Presbyterian Church. Information regarding the summit was distributed for any member wishing to participate.
- Ms. Pittinger observed the Marcellus Shale Gas Drilling protest on 11/3/10. The purpose for observing the event was to witness interactions between the demonstrators and the police. Ms. Pittinger stated that the protest was peaceful.
- The Board adopted the proposed 2011 Meeting Calendar. The Board also recommended holding the March neighborhood meeting in the West End and the October neighborhood meeting on the North Side. The locations will be determined and published accordingly.
- Solicitor Ward commented on the status of the 2010 Solicitor's contract by stating that he was optimistic that an agreement with the city is imminent.

### **Case Review**

Ms. Walker moved to the case review agenda (copy attached), 19 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. Walker invited public comment. Mr. Harry Liller and Mr. Mark Ozark offered comment before the Board.

### **Next Meeting:**

Ms. Walker announced that the next regular board meeting is scheduled for 6:00 p.m., Tuesday, January 25, 2011 at City Council Chambers, 510 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Carolyn L. Gaskin  
Executive Assistant

Attachment (2):

1. Executive Director's Report (10/26/10 & 12/7/10)
2. Case Review Agenda/Board Actions

# MEMORANDUM

**To:** Honorable Members of the Board  
**From:** Elizabeth C. Pittinger  
Executive Director  
**Date:** October 26, 2010  
**Re:** Executive Director's Report: 10/26/10

Suite 400  
816 Fifth Avenue  
Pittsburgh PA 15219

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## 1. Intake Summary through 10/24/09:

Citizen Complaints: 65	Pending Citizen Action: 188	Total Intake: 285
Out of Jurisdiction: 29	Statute of Limitation: 03	(EDI: 00)
(2 overlap categories)		
(Actual Totals for 2009: CC: 80; PCA: 380; OJ: 18; SL: 09	EDI: 05	Total: 490)
(Actual Totals for 2008: CC: 66; PCA: 288; OJ: 45; SL: 05	EDI: 03	Total: 412)
(Actual Totals for 2007: CC: 71; PCA: 227; OJ: 65; SL: 08	EDI: 10	Total: 425)
(Actual Totals for 2006: CC: 76; PCA: 280; OJ: 85; SL: 09		Total: 450)
(Actual Totals for 2005: CC: 59; PCA: 284; OJ: 70; SL: 18		Total: 431)
(Actual Totals for 2004: CC: 61; PCA: 352; OJ: 62; SL: 14		Total: 489)
(Actual Totals for 2003: CC: 61; PCA: 380; OJ: 66; SL: 20		Total: 527)
(Actual Totals for 2002: CC: 75; PCA: 330; OJ: 83; SL: 26		Total: 514)
(Actual Totals for 2001: CC: 77; PCA: 362; OJ: 87; SL: 11		Total: 537)
(Actual Totals for 2000: CC: 75; PCA: 394; OJ: 92; SL: 30		Total: 590)
(Actual Totals for 1999: CC: 80; PCA: 383; OJ: 27; SL: 11		Total: 501)

## 2. Administrative Matters

- a) Chair & Vice Chair election (deferred from September).
- b) Mr. Ralph E. Norman was designated by the mayor to fill the vacancy in the mayoral LEP seat (#M7). City Council formally received the nomination at the legislative meeting of 10/12/10. Mr. Norman was interviewed by Council on Wednesday, 10/20/10 and his appointment approved on Tuesday, 10/26/10 by a 9-0 vote.
- c) Mr. Norman will be sworn at the CPRB meeting, 10/26/10. His seating completes the complement of seven members on the CPRB.
- d) City Council waived the rules of Council and approved payment to Ward McGough for services rendered as CPRB Solicitors for the period 1/1/10 through 9/30/10, in the amount of \$32,766.22. The City Controller approved and issued payment which has been received by Ward McGough. The amount was predicated on the terms & conditions of the 2009 contract, which expressed the intention of the parties to be renewed for 2010 (and was authorized for 2010 by the mayor & city Council by Resolution 15 dated 1/28/10).
- e) On behalf of the CPRB on 10/15/10, Ward McGough filed a notice of appeal to the Commonwealth Court of Judge Wettick's ruling of 9/23/10. The Judge denied a CPRB motion to compel the City to produce unredacted reports (GD-10-001338).

Commonwealth Court has docketed the appeal at 2238 CD 2010.

Counsel has 30 days from the date of filing (10/15/10) to withdraw appearance.

Ward McGough's resignation was effective 10/18/10. We have a problem as we are in an appeal and our adversaries have exerted control over your relationship with your lawyers. At the very least this is a highly unethical situation, but as a practical matter, we have no lawyers engaged to represent us in this appeal.

We must file a docketing statement by next Monday, 11/01/10.

Recommendation: Hire Ward McGough to represent the CPRB in this appeal.

**3. Public Hearings**

- a) All public hearings are stayed until the CPRB solicitor problem is resolved.

**4. 2011 Meeting Calendar**

- a) Traditionally in October, the Board adopts its meeting calendar for the next year.
- b) Each year, the Board convenes a regular meeting in three different neighborhoods. Please designate a neighborhood for the following:

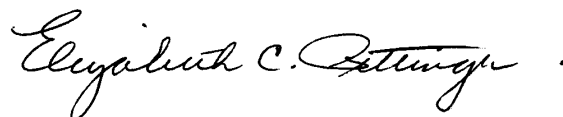
March:

June: Freedom Unlimited, Hill District

October:

**5.**

Respectfully submitted,



10/26/10

# MEMORANDUM

**To:** Honorable Members of the Board  
**From:** Elizabeth C. Pittinger  
Executive Director  
**Date:** December 7, 2010  
**Re:** Executive Director's Report: 12/07/10

Suite 400  
816 Fifth Avenue  
Pittsburgh PA 15219

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412-765-8059 (Fax)  
cprb@city.pittsburgh.pa.us



## 6. Intake Summary through 12/06/10:

Citizen Complaints: 75	Pending Citizen Action: 221	Total Intake: 330
Out of Jurisdiction: 30	Statute of Limitation: 03	(EDI: 01)
(2 overlap categories)		
(Actual Totals for 2009: CC: 80; PCA: 380; OJ: 18; SL: 09	EDI: 05	Total: 490)
(Actual Totals for 2008: CC: 66; PCA: 288; OJ: 45; SL: 05	EDI: 03	Total: 412)
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(Actual Totals for 1999: CC: 80; PCA: 383; OJ: 27; SL: 11		Total: 501)

## 7. Administrative Matters

- Mr. Norman was sworn at the Foster Community Center on 10/26/10. His seating completes the complement of seven members on the CPRB.
- Mr. Michael Ayoob has returned from his leave of absence during which he was on a successful tour promoting his book, In Search of Mercy.
- Pittinger engaged Ward McGough, LLC to represent the CPRB in the Commonwealth Court appeal of Judge Wettick's ruling of 9/23/10.
- Solicitor contract – deferred to Mr. Ward.
- 2011 Meeting Calendar proposed for adoption.

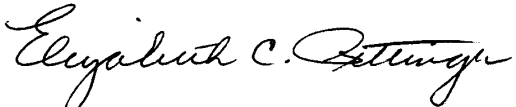
## 8. Miscellaneous

- Pittinger was invited, and attended, a roundtable discussion with Assistant Attorney General Thomas E. Perez on the occasion of US Atty. Dave Hickton's announcement of a local civil rights unit within the Western PA US Attorney's office. (12/7/10)
- Marcellus Shale Gas Extraction Protests: Pittinger observed protest actions on 11/3 and 11/4. Both events were conducted peacefully and no incidents between police & protestors were noted.
- Miller/Abel settlement: \$44,500 settlement to Kaleb Miller for physical and civil injuries sustained on 6/28/08 during an encounter with off-duty police officer Paul Abel. The

City will pay \$40,000 and Mr. Abel's homeowners' insurance will pay \$4500.  
(12/1/10)

- d) City Paper article: 11/24/10: Handcuffing the Review Board by Chris Young
- e) Jordan Miles Case: remains under criminal investigation at the federal and state level.
- f) The Black & White Reunion's Annual Summit on Racism is scheduled to open at 9:00 a.m. on Saturday, 1/22/11 at the East Liberty Presbyterian Church.

Respectfully submitted,

A handwritten signature in cursive script, reading "Elizabeth C. Pittenger". The signature is written in black ink and is positioned to the right of the "Respectfully submitted," text.

**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 (0)</b>				
<b>FULL INVESTIGATION (8)</b>				
10-146/GAMBLE	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 that the S.O.s intimidated her.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-209/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O.s neglected to help her.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-218/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13) Truthfulness (PBP 16-1, 3.19)	Cx. alleges that he called 911 for help and was ultimately arrested.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-226/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19) Motor Vehicle Stops (PBP 40-4, 3.2)	Cx. alleges that the S.O.s stopped and searched him without cause.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-249/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.s are harassing him.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-258/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19) Motor Vehicle Stops (PBP 40-4, 3.2) Warrantless Search & Seizures (PBP 45-2, 7.0)	Cx. alleges that the S.O.s harassed him during a traffic stop.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
10-284/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Use of Force (PBP 12-6, 3.1)	Cx. alleges that the S.O. allowed his K-9 partner to continuously bite him.	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>
10-294/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O. was rude and unhelpful when responding to an emergency call.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation is needed.
<b>30 DAY EXTENSION OF FULL INVESTIGATION (3)</b>				
10-163/BRIDGETT	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) Warrantless Searches & Seizures (PBP 45-2,4.0)	Cx. alleges that he was detained and then released without being charged.	DISMISSED DUE TO CX'S LACK OF COOPERATION.	S.O.s need to be interviewed.
10-189/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) Truthfulness (PBP 16-1, 3.19) False Report (PBP 62-1, 2.10)	Cx. alleges that he was falsely arrested.	AUTHORIZED 30 DAY EXTENSION	Witness #1 needs to be interviewed.
10-199/GAMBLE	Unbiased Policing (PBP 11-3, 4.0) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx.s allege that the S.O.s have harassed them on numerous occasions.	AUTHORIZED 30 DAY EXTENSION	More time is needed to interview witnesses.
<b>DISMISSAL (4)</b>				
<b>UNSUSTAINABLE (1)</b>				
10-237/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 Reports (PBP 62-1, 2.10)	Cx. alleges that the S.O. issued him 2 citations without cause.	DISMISSED AS UNSUSTAINABLE	There is no evidence to support the Cx.'s allegations.

<b>UNFOUNDED (3)</b>				
<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>SUMMARY</b>	<b>RECOMMENDATION</b>	<b>RATIONALE</b>
08-09-ED/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.s interfered with her tenants.	DISMISSED AS UNFOUNDED	The Cx. nor Witness #1 has participated further in the investigation.
100-09/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O. did not file a police report for her incident.	DISMISSED AS UNFOUNDED	Cx. resolved the issue outside of CPRB investigation.
10-06-P/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.s used excessive force during his arrest.	DISMISSED AS UNFOUNDED	The S.O. did not violate any PBP procedures.
<b>LACK OF COOPERATION/COMPLAINANT (1)</b>				
10-176/GAMBLE	Unbiased Policing (PBP 11-3, 4.0) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O.s acted inappropriately.	DISMISSED DUE TO CX.'S LACK OF COOPERATION	Cx. has not participated in the investigation.
<b>OTHER (3)</b>				
10-126/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. was rude.	AUTHORIZED RUDE & DISCOURTEOUS HEARING	Cx. may benefit from participating in Rude & Discourteous Hearing.
10-170/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 that she witnessed a S.O. using excessive force.	DISMISSED AS OUT OF JURISDICTION	The PBP was not involved in the incident.

<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>SUMMARY</b>	<b>RECOMMENDATION</b>	<b>RATIONALE</b>
10-181/GAMBLE	Conduct Unbecoming a member (PBP 16-1, 3.6) Warrantless Searches & Seizures (PBP 45-2, 7.0)	Cx. alleges that the S.O.s acted inappropriately.	AUTHORIZED A SUSPENSION	Investigator is awaiting PBP documents.