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**Minutes of the CPRB Meeting Held on May 24, 2011 (Mtg. No. 136)**  
**City Council Chambers**  
**414 Grant Street**  
**Pittsburgh, PA 15219**  
**Neighborhood: Citywide**

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Members Present: Ms. Deborah L. Walker  
Mr. Ralph E. Norman  
Ms. Donna Kramer  
Ms. Leshonda R. Roberts  
Ms. Debora L. Whitfield

Excused: Mr. Richard M. Carrington  
Rev. Eugene M. Downing, Jr.

Absent: None  
Vacancies: None

Solicitors: 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 April 26, 2011 was offered by Mr. Norman and seconded by Ms. Kramer, and approved unanimously.*
- Ms. Walker congratulated Solicitor McGough on winning the Republican/Democratic nomination for East End Magisterial District Judge. Mr. McGough will continue to provide legal representation to the Board for the remainder of the year; fulfilling the 2011 contract/agreement.

### Executive Director's Report

- Ms. Pittinger reported on the Appeal to Commonwealth Court regarding No. 2238 CD 2010. CPRB filed a reply brief on 5/16/11. Arguments have tentatively been scheduled to be heard on Monday, November 14, 2011.
- Ms. Pittinger mentioned the current status of Public Safety Bill No. 2010-0234, sponsored by Councilmen Burgess and Lavelle. The Bill is scheduled to be reintroduced on Wednesday, June 15, 2011. The community proposal will be offered as a substitution to amend the original bill in its entirety.
- Ms. Pittinger reported on the PBP 2010 Annual Report that was released on 5/18/11. Ms. Pittinger stated that the report was well done and provides the public with a wealth of useful information. Ms. Pittinger stated that several of the reporting standards offered by the community proposal to amend Bill 2010-0234 are reflected in the report.

- Ms. Pittinger updated the Board on the Jordan Miles case. On May 4, 2011, US Attorney David J. Hickton of the Department of Justice announced that the FBI investigation concluded that there is a lack of evidence to prove beyond a reasonable doubt that Jordan Miles' civil rights were violated. OMI's findings concluded that the three PBP officers will not be internally disciplined and all have since then been reinstated. The case has been moved to the Allegheny District Attorney's office. Ms. Pittinger reminded the Board that CPRB is required to defer any investigation until such criminal proceedings are concluded, pursuant to the City Code, Title Six, Article VI §662.05(g) Powers, Duties and Limitations of the Board.
- Ms. Pittinger updated the Board on the progress of the impending vacancy and term expirations. Reverend Downing will vacate his seat after the June 28, 2011 CPRB meeting and three seats will expire on 10/31/11. Ms. Walker, Chair directed the executive director to notify the public of the impending expiration of terms and the aforementioned information was published on May 4, 2011 in four local newspapers. The vacancy/term expirations have been conveyed to the Mayor, City Clerk, City Council and City Solicitor.
- Ms. Pittinger mentioned a 5/12/11 article in the City Paper, by Chris Young, entitled *Crossing a Thin Blue Line: Cyclist at heart of unusual Pittsburgh police dispute*. Ms. Pittinger conveyed several PBP policy and procedure questions emerging from the article and recommended that the Board initiate a study of the policies & procedures related to the arrest described in the 5/12/2011 article, and if appropriate, make recommendations to the Chief for the purpose of improving public understanding of police procedures and enhancement of police efficiency.

*A motion to table the vote until the June 28, 2011 meeting, on initiating a study into the arrest incident captured in the City Paper article, Crossing a Thin Blue Line: Cyclist at heart of unusual Pittsburgh police dispute, was offered by Ms. Whitfield and seconded by Ms. Roberts and approved unanimously.*

### Case Review

Ms. Walker 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. 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, June 28, 2011 at Freedom Unlimited, Inc., 2201 Wylie Avenue, Pittsburgh, PA 15219.

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Carolyn L. Gaskin  
Executive Assistant

Attachment (2):

1. Case Review Agenda/Board Actions
2. Executive Director's Report (5/24/11)

# MEMORANDUM

**To:** Honorable Members of the Board  
**From:** Elizabeth C. Pittinger  
Executive Director  
**Date:** May 24, 2011  
**Re:** Executive Director's Report: 5/24/2011

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cprb@city.pittsburgh.pa.us



## 1. Intake Summary through 4/22/11: 90 cases total

Citizen Complaints: 11	Pending Citizen Action: 64	Total Intake: 90
Out of Jurisdiction: 07	Statute of Limitation: 07	(EDI: 01)
(Actual Totals for 2010: CC: 79; PCA: 221; OJ: 30; SL: 05	EDI: 01	Total: 336)
(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) Appeal to Commonwealth Court, No.2238 CD 2010  
CPRB's reply brief was filed 5/16/2011.  
Tentatively scheduled for argument on 11/14/2011.

## 3. Miscellaneous

- a) Public Safety Bill No. 2010-0234 was originally sponsored by Councilman Ricky Burgess and introduced on 3/2/10. Councilman Lavelle joined as a co-sponsor during a post-agenda meeting on 2/10/11.

In its original form, Bill 2010-0234 required an annual police report providing for disclosure of specific police performance indicators. The current community proposal vastly expands the effect of 2010-0234 and addresses duty issues, reporting issues and disclosure standards.

On 4/27/2011, Councilman Burgess held the Bill. It will be brought up again on Wednesday, 6/15/11. At that time it is expected that the community proposal will be offered to amend 2010-0234 in its entirety.

- b) The 2010 Annual PBP Report was released on 5/18/11. It is a well done report. It is expansive and informative, and to a large degree, meets the reporting standards offered by the community proposal to amend Bill 2010-0234. Elements not included in the report but recommended in the community proposal:

- i. Information related to police related civil actions.
- ii. Information related to pedestrian stops/frisks.
- iii. Clearance rates are provided but conviction rates are not.

#### 4. Various

##### a) Jordan Miles

The CPRB investigation remains suspended pending the outcome of a criminal inquiry underway by the Allegheny Co, District Attorney.

On 5/4/2011, the US Attorney for Western Pennsylvania, David J. Hickton, announced his decision not to prosecute Pittsburgh police officers Ewing, Saldutte and Sisak for criminal violations of Mr. Miles' civil rights.

##### b) *Crossing a Thin Blue Line: Cyclist at heart of unusual Pittsburgh police dispute* by Chris Young (5/12/2011) The City Paper.

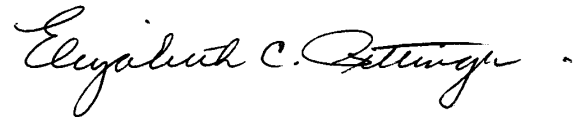
This article contains information that raises questions about police procedures and the effect on civilians, due process and the court system. The described situation also reinforces the importance of disclosing conviction rates as a measure of effective arrests.

Among the policy & procedure questions emerging from this article:

- a. Was the subject arrest within the bounds of police discretion? Was the arrest equitable? Was the arrest legal? Was it reasonable under the circumstances? What standards guide "discretion"?
  - b. Was there a potential Miranda violation pursuant to the dispute between the officers? Who/what determines who will be the arresting officer? (Control unit's role vs. back-up or other officers' role)
  - c. Does a desire to earn court time pay influence arrest decisions? How do postponements affect officers' court pay? Can the postponement process be abused for profit? (How is court time and related activities monitored by supervisors?)
  - d. Was there a material omission on the affidavit of probable cause? (Is there a check system to validate factual content?)
- c) Recommendation: That the Board initiate a study of the policies & procedures related to the arrest described in the 5/12/2011 article, *Crossing a Thin Blue Line: Cyclist at heart of unusual Pittsburgh police dispute* and if appropriate, make recommendations to the Chief for the purpose of improving public understanding of police procedures and enhancement of police efficiency.

- d) § 662.04 (o): Upon motion receiving an affirmative vote of a Quorum, the Review Board may initiate investigations of Misconduct for which no Informal Complaint or Citizen Complaint has been filed, or initiate studies and/or investigations, hold public hearings and/or make recommendations on policy matters, including improvement of the relationship between the Police and the community and Police training, hiring and discipline.

Respectfully submitted,

A handwritten signature in cursive script, reading "Elyah C. Zitting".

05/24/2011