



CITIZEN POLICE REVIEW BOARD
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Approved
10/25/11

Minutes of the CPRB Meeting Held on June 28, 2011 (Mtg. No. 137)
Freedom Unlimited, Inc.
2201 Wylie Avenue
Pittsburgh, PA 15219
Neighborhood: Hill District

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

Excused: Mr. Richard M. Carrington
Ms. Donna Kramer

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 May 24, 2011 was offered by Ms. Whitfield and seconded by Mr. Norman, and approved unanimously.*
- Ms. Walker announced that Reverend Downing's resignation is effective immediately following the meeting. Reverend Downing gave notice of his resignation on 4/26/11. Ms. Walker and the Board publicly thanked Reverend Downing for his service and wished him well in his future endeavors.

Executive Director's Report

- Ms. Pittinger updated the Board on the progression of the vacancy resulting from Reverend Downing's 4/26/11 notice of resignation. On 5/2/11, Ms. Walker, Chair, notified the Mayor, City Clerk, City Council and City Solicitor of the vacancy. On 5/31/11, City Council submitted a nominating resolution to the Mayor, recommending the following individuals for CPRB appointment: Thomas Klano, Claude Paradise Gray, and John S. Detweiler. The Mayor is required to submit an appointee selected from the three nominations to City Council for confirmation by June 30, 2011. If the Mayor fails to act, City Council has the prerogative of selecting one of the nominees.
- Ms. Pittinger reported on the current status of Public Safety Bill No. 2010-0234, sponsored by Councilmen Burgess, Lavelle, and Shields. The Bill was publicly discussed at Council's 6/22/11 Standing Committee Meeting. Several people encouraged Council to support the Bill. The

President and Vice President of the F.O.P. spoke in opposition to the Bill, specifically regarding the proposed documentation of pedestrian stops (“stop & frisk”). Ms. Pittinger showed a clip from the meeting, which highlighted their adverse reactions to the current bill. Ms. Pittinger mentioned other incidents regarding the perceived attitudes and positions projected by certain F.O.P. & PBP personnel that have raised concerns within the community. One example given was the 2011 St. Patrick’s Day Parade where PBP officers wore Green T-shirts in support of the three officers involved in the ongoing criminal investigation of the Jordan Miles incident.

- Ms. Pittinger mentioned Councilman Kraus’s concerns about including a provision in Bill No. 2010-0234 that would require data collection of the protected classes (gender, race, and disability), more specifically the LGBT community. The issue has not yet been resolved and discussions are expected to continue before the Bill returns to Council on 7/20/11.
- Ms. Pittinger also noted City Solicitor, Daniel Regan’s assertion that the provisions of the proposed legislation would negatively affect the accreditation process. On 6/24/11, Ms. Pittinger requested advice from PLEAC regarding this assertion.
- Ms. Pittinger informed the Board that the CPRB investigation into the Jordan Miles incident remains suspended pending the outcome of a criminal inquiry underway by the Allegheny County District Attorney, as is required by the Pittsburgh City Code.
- Ms. Pittinger renewed her recommendation from the 5/24/11 Board Meeting, of initiating a study of the policies and procedures related to the arrest described in the 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*. The Board opted to defer the vote until the July 26, 2011 Board Meeting.

Ms. Pittinger congratulated Ms. Walker on her election to the Presidency of the University of Pittsburgh Staff Association Council.

Case Review

Ms. Walker moved to the case review agenda (copy attached), 8 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. 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, July 26, 2011 at City Council Chambers, 414 Grant Street, Pittsburgh, PA 15219.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Carolyn L. Gaskin
Executive Assistant

Attachment (2):

1. Case Review Agenda/Board Actions
2. Executive Director's Report (6/28/11)

MEMORANDUM

To: Honorable Members of the Board
From: Elizabeth C. Pittinger
Executive Director
Date: June 28, 2011
Re: Executive Director's Report: 6/28/11

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1. Intake Summary through 6/27/11: 124 cases total

Citizen Complaints: 18	Pending Citizen Action: 87	Total Intake: 124
Out of Jurisdiction: 10	Statute of Limitation: 08	(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. Board Business

- a) On 4/26/11, Rev. Downing provided notice of his resignation from the Board due to relocation. His resignation is effective 6/30/11.
- b) On 5/2/11, Ms. Walker, Chair, notified other members, the Mayor, City Council and the City Solicitor of Rev. Downing's resignation.
- c) On 5/31/11, City Council sent a resolution to the Mayor nominating Thomas Klano, Claude Paradise Gray and John S. Detweiler for appointment consideration to succeed Rev. Downing in the term expiring 10/31/2013.
- d) 6/30/11: The Mayor must submit an appointee selected from the three nominees to City Council for confirmation..

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. Councilman Shields has also joined as a co-sponsor.
 - (1) 6/15/11: The Bill was amended by substitution. The community proposal was adopted as Bill 2010-0234.

- (2) 6/22/11: The Bill was discussed at the Public Safety Committee meeting of City Council.

Numerous people encouraged Council to support the Bill. The President and a Vice President of the F.O.P. spoke in opposition to the Bill. The point of controversy appears to be the proposed documentation of pedestrian stops (“stop & frisk”).

The City Solicitor stated that passage of the Bill would compromise the accreditation process under PLEAC. The Solicitor stated that the accreditation standard permits policy that affects the police department to be made only by the chief executive officer of the police department.

Council decided to hold the Bill for further discussion on 7/20/11.

On 6/24/11 I sent a request, with Bill 2010-0234 attached, to PLEAC seeking advice on the City Solicitor’s assertion that the provisions of the proposed legislation would negatively affect the accreditation process.

4. Jordan Miles Status

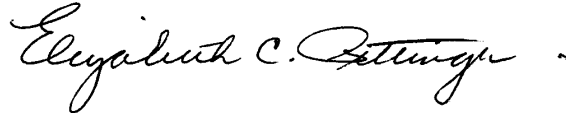
- (1) The CPRB investigation remains suspended pending the outcome of a criminal inquiry underway by the Allegheny Co, District Attorney.
- (2) On 5/4/2011, the US Attorney for Western Pennsylvania, David J. Hickton, announced his decision not to prosecute Pittsburgh police officers Ewing, Saldutte and Sisak for criminal violations of Mr. Miles’ civil rights.

5. *Crossing a Thin Blue Line: Cyclist at heart of unusual Pittsburgh police dispute* by Chris Young (5/12/2011) The City Paper. (Vote deferred from 5/24/11 meeting)

- (1) 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.
- (2) 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”? (*General review of the concept of police 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?*)
- b) 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.
- c) Authority: § 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,



06/28/2011

Attachments:

- a) Bill 2010-0234 as amended
- b) *"Broken Windows" and Police Discretion*, Kelling, George L. October, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1999, NCJ 178259
- c) *Police Discipline: A Case for Change*, Stephens, Darrel W., Police Discipline: A Case for Change, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2011.