



CITIZEN POLICE REVIEW BOARD

816 Fifth Avenue, Suite 400
Pittsburgh PA 15219
412-765-8023 Telephone – 412-765-8059 Facsimile
cprb@city.pittsburgh.pa.us

Approved
6/26/12

Minutes of the CPRB Meeting Held on May 22, 2012 (Mtg. No. 146)

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

Members Present: Mr. Ralph E. Norman
Mr. Thomas Kolano
Ms. Emma Lucas-Darby
Mr. Thomas Waters
Ms. Debora Whitfield

Excused: Ms. Deborah L. Walker
Ms. Leshonda R. Roberts

Absent: None
Vacancies: None

Solicitors: Ms. Lourdes Sanchez Ridge

Staff Present:

Ms. Elizabeth C. Pittinger, Executive Director
Ms. Sherri Bridgett, Investigator
Mrs. Kathy Carson, Investigator
Ms. Michelle Gamble, Investigator
Ms. Carolyn Gaskin, Executive Assistant

Excused: Mr. Michael Ayoob, Intake Coordinator

Vacancies: Investigative Associate

Administrative Matters:

- Mr. Norman, Vice Chair, called the meeting to order at 6:05p.m.
- A motion to adopt the meeting minutes for March 27, 2012 was offered by Ms. Whitfield and seconded by Mr. Waters, and approved unanimously.
- Mr. Norman, Vice Chair, congratulated and welcomed the newly appointed Board Members: Ms. Emma Lucas-Darby, Mr. Thomas Kolano and Mr. Thomas Waters. Mr. Norman offered the Board's support to the new members and emphasized the importance of fulfilling the Board's mission publicly and as an independent organization.

Executive Director's Report (Attached and made a part of the meeting record).

- Ms. Pittinger congratulated and welcomed the newly appointed Board Members and thanked them for their willingness to serve the Board's mission. Ms. Pittinger stated that the board is now in full complement and offered a brief discussion on the CPRB seat progression. Corresponding documentation was distributed to the members.
- On 5/15/12, Councilman Peduto sponsored a proclamation celebrating the 15th anniversary of the Board's inception. The proclamation also declared 5/15/12 to be "CPRB Day in the City of Pittsburgh." Immediately following the proclamation, the newly appointed members were sworn-in by The Honorable Hugh F. McGough, District Justice.
- Ms. Pittinger reported that the PA Supreme Court declined to hear CPRB's appeal that was requested after the Commonwealth Court upheld Judge Wettick's decision that, despite the

applicable language in the Home Rule Charter, under the PA Criminal History and Record Information Act, the Board is not entitled to receive police reports. Ms. Pittinger stated that this particular litigation was instigated by the events surrounding the 2009 G-20 Summit, however has since then become instrumental in implementing changes imposed by the state statute. Ms. Pittinger affirmed the need for future discussion concerning the impact and potential strategies.

- Ms. Pittinger mentioned two subpoenas that were served and are compelling the CPRB to produce confidential records. Solicitor Lourdes Sanchez Ridge is managing the legal issues on behalf of the CPRB. Solicitor Ridge stated that she has filed a motion to quash for each case and the presiding judges have granted the motion. One case remains active because the judge has given the defendant the option of submitting another subpoena with a much narrower request.
- Ms. Pittinger explained the purpose of conducting a Rude & Discourteous Public Hearing, by stating that it allows individuals whom have had contact with CPRB concerning an alleged act(s) of misconduct by a PBP officer, whereby the circumstances of the complaint do not provide a discernable amount of facts. The hearing provides complainants the opportunity to address the Board with their concerns and consequently the Board is able to make recommendations to the Chief of Police, in an effort to improve the relationship between the police department and the community.
- Ms. Pittinger reported on the status of the 2012 CPRB Solicitor agreement. CPRB authorized engagement of Attorneys' Robert J. Ridge and Lourdes Sanchez Ridge of Thorp Reed & Armstrong at the October 25, 2011 Board Meeting. On 2/21/12 City Council authorized the contract with Resolution No. 61, which was approved by Mayor Ravenstahl on 2/27/12. The contract is awaiting the Controller's signature, which will allow CPRB to submit payment for the first quarter installment.
- Ms. Pittinger reported on City Council's Resolution No. 445 of 2001, which authorized CPRB to prepare a report with recommendations regarding the education, recruitment and retention of Pittsburgh Bureau of Police Officers. Ms. Pittinger noted that CPRB completed the report in 2002, with the assistance of many individuals including Dr. Emma Lucas-Darby. More recently, Ms. Pittinger, with the assistance of Judy Finnegan-Hill, Director of the City's Department of Personnel & Civil Service, is updating the report as recruitment for, and diversity of the PBP remain matters of public concern.
- Ms. Pittinger informed the Board of the need for educational training sessions, to address topical issues as required by the City Code. Ms. Pittinger will circulate tentative dates and will schedule the training sessions at the members' convenience.
- Ms. Pittinger mentioned the soft launch of CPRB's new independent website. The URL address is www.CPRBpgh.org. The website will be a comprehensive tool used to preserve the historical and current events of CPRB.
- Ms. Pittinger commenced a brief discussion regarding Jordan Miles, the former CAPA High School student who was allegedly beaten in January 2010, by three Pittsburgh police officers. CPRB deferred any action while the criminal investigation was underway by the District Attorney's office, as is required by the City Code. On May 4, 2011, U.S. Attorney David Hickton concluded that there is a lack of evidence to prove that Jordan Miles' civil rights were violated. And on May 17, 2012, District Attorney Stephen A. Zappala announced that he will not prosecute

the officers involved in the incident. Ms. Pittinger informed the Board that Jordan Mile's civil trial is scheduled to begin in July. Ms. Pittinger made a recommendation that the Board remove Jordan Miles' case from suspension in order to continue the CPRB investigation.

- *A motion to remove case #10-21 from suspension was made by Ms. Whitfield and seconded by Mr. Waters, and approved unanimously.*

Case Review:

Mr. Norman, Vice Chair moved to the case review agenda (copy attached), 15 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. Norman, Vice Chair, invited public comment. Public comment was given by Mr. Harry Liller.

Next Meeting:

The next regular board meeting is scheduled for 6p.m., Tuesday, June 26, 2012 at Freedom Unlimited, Inc., 2201 Wylie Avenue, Pittsburgh, PA 15219.

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

Respectfully submitted,

Carolyn L. Gaskin
Executive Assistant

Attachment (2):

1. Case Review Agenda/Board Actions
2. Executive Director's Report (5/22/12)

CPRB CASE REVIEW AGENDA

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (0)				
FULL INVESTIGATION (10)				
12-11/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that she was pulled over without cause.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-33/BRIDGETT	Unbiased Policing (PBP 11-3, 1.1;2) Conduct Unbecoming a Member (PBP 16-1, 3.6:3) Truthfulness (PBP 16-1, 3.19;4) Warrantless Search and Seizure (PBP 45-2, 3.0;5) False Report (PBP 62-1, 2.10)	Cx. alleges that he was racially profiled during a traffic accident.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-35-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. acted inappropriately during the encounter.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-40/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)	Cx. alleges that he was brutally beaten during a traffic stop.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-49-P/CARSON	Unbiased Policing (PBP 11-3, 1.1) 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 and obnoxious during the encounter.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
12-50-P/GAMBLE	Unbiased Policing (PBP 11-3, 1.1) Use of Force (PBP 12-6, 3.1) Obedience to Orders &/or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Property of Prisoners (PBP 50-2, 1.2)	Cx. alleges that the S.O. used unnecessary force during his arrest.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-56/GAMBLE	Unbiased Policing (PBP 11-3, 4.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Motor Vehicles Stop (PBP 40-4, 3.2) Warrantless Searches & Seizures (PBP 45-2, 6.1)	Cx. alleges the S.O.s have harassed her son on several occasions.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-59/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1;2) Conduct Unbecoming a Member (PBP 16-1, 3.6;3) Conduct Toward the Public (PBP 16-1, 3.7;4) Warrantless Search & Seizure (PBP 45-2, 3.0)	Cx. alleges that the S.O. has repeatedly harassed and arrested him.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-60/CARSON	Unbiased Policing (PBP 11-3, 4.1) Truthfulness (PBP 16-1, 3.19) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) False Report (PBP 62-1, 2.10)	Cx. alleges that the S.O.s severely beat him during a traffic stop.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-63/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13) Truthfulness (PBP 16-1, 3.19) False Report (PBP 62-1, 2.10)	Cx. alleges the S.O. arrested him on false charges.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
30 DAY EXTENSION OF FULL INVESTIGATION (1)				
12-37-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) Truthfulness (PBP 16-1, 3.19)	Cx. alleges that the S.O. pulled him over and cited him without cause.	AUTHORIZED 30 DAY EXTENSION	Witnesses need to be interviewed.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
UNFOUNDED (3)				
12-12/GAMBLE	Use of Force (PBP 12-6, 3.1) Obedience to Orders &/or Laws (PBP16-1, 3.1) Responding to Incidents Involving People w/Mental Illnesses (PBP 40-15, 8.3) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O. stole jewelry from her home.	DISMISSED AS UNFOUNDED	There is no evidence to support the Cx.'s allegations.
12-25/BRIDGETT	Use of Force (PBP 12-6, 3.1) Obedience to Orders &/or Laws (PBP 16-1, 3.1;3) Conduct Unbecoming a Member (PBP 16-1, 3.6;4) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that his property was damaged during a search warrant.	DISMISSED AS UNFOUNDED	The S.O.s did not violate any PBP policy or procedure during the execution of the search warrant.
12-64/CARSON	Use of Force (PBP 12-6) 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 unprofessional during the encounter.	DISMISSED AS UNFOUNDED	The S.O. did not violate any PBP policy or procedure.
UNSUSTAINABLE (1)				
11-199/CARSON	Obedience to Orders &/or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Property of Prisoners (PBP 50-2, 7.0)	Cx. alleges that the S.O. stole personal property from him.	DISMISSED AS UNSUSTAINABLE	There is no evidence to support the Cx.'s allegations.