



CITIZEN POLICE REVIEW BOARD

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Approved
4/23/13

Minutes of CPRB Meeting Held on April 23, 2013 (Mtg. No. 155)
City Council Chambers
414 Grant Street
Pittsburgh, PA 15219
Neighborhood: Citywide

Members Present:	Dr. Emma Lucas-Darby, Chair Mr. Thomas C. Waters, Vice Chair Mr. Paul S. Homick, Jr., Esq. Ms. Karen McLellan Ms. Leshonda R. Roberts	Excused:	None
		Absent:	Mr. Howard Joe Brown
		Vacancies:	None
Solicitors:	Mrs. Lourdes Sanchez Ridge, 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 6:10 p.m., Dr. Darby, Chair, called the meeting to order.

Dr. Darby informed the Board that Mr. Ralph Norman has submitted a formal resignation effective immediately.

Dr. Darby announced that an executive session was held prior to commencing the March 26, 2013 meeting, to discuss personnel matters.

A motion to adopt the meeting minutes for March 26, 2013 was offered by Ms. McLellan, seconded by Ms. Roberts and approved unanimously.

The Board reconvened the official election for 2-year-termed executive officer, Vice Chair. At the 3/26/2013 meeting, Mr. Homick and Mr. Waters were nominated; since both members received equal votes for Vice Chair, the vote could not pass.

Mr. Homick respectfully withdrew his nomination.

A motion to accept Mr. Waters' nomination for Vice Chair was offered by Ms. Roberts, Seconded by Ms. McLellan, and approved unanimously.

Mr. Waters accepted the nomination as Vice Chair.

Executive Director's Report (copy attached)

- Ms. Pittinger acknowledged Investigator Carson for preparing a summary originating from the 12/12/12 "99 Cars" Deployment Public Hearing. Ms. Pittinger stated that more information will be added, including Councilman Burgess' Police Reform Bills and any contributions from the Board. The document will be publicly disclosed when revised and formally adopted.
- Ms. Pittinger informed the Board that the recommendations stemming from the Ka'Sandra Wade incident have been forwarded to Acting Chief Regina McDonald; May 7, 2013 is the deadline for a written response wherein the Chief is required to accept, modify, or reject the Board's recommendations.
- Ms. Pittinger mentioned the South Side incident and stated that the criminality status has not changed. Mr. Waters inquired about whether it is known when the investigation will conclude. No further information is publicly available. Ms. Pittinger informed the Board that the former chief of police had previously introduced amendments to the PBP General Orders related to "Shooting at Moving Vehicles." However, it is unclear whether those changes have been formally adopted by the current police chief.
- Ms. Pittinger updated the Board on the status of the working group convened by Councilwoman Theresa Kail-Smith. The committee will conclude within six months at which time it is expected that legislation will be introduced concerning management of police officer secondary details: more specifically regarding appropriate venues, assignment restrictions, and mandatory rest periods between regular duty assignments and secondary details.
- Ms. Pittinger noted that the PBP policy related to outside employment is currently under review by Steve Toprani, who was contracted for \$10,000 through City Council legislation. Ms. Pittinger offered that CPRB is an independent review agency capable of and instituted for such purposes.
- Ms. Pittinger reported that Acting Chief Regina McDonald barred police officer secondary details at two adult entertainment businesses. Blush is one such establishment; its owners filed a federal lawsuit against the city claiming that the Chief's action has allegedly violated their civil rights. A hearing is scheduled for Thursday, April 25, 2013, at which time more information will become available. Ms. Pittinger noted that the F.O.P. contract and the working agreement reserves authorization to the city for selection of venues and also clarifies secondary details as a privilege and not an absolute right.
- Ms. Pittinger mentioned her participation in the Responsible Hospitality Project meetings convened by Councilman Bruce Kraus. The meetings are collaborative efforts involving business proprietors, police officers, concerned citizens, and community officials, and are intended to manage use of law enforcement throughout the city's entertainment districts. Commander McNeilly of Zone 3 is spearheading the initial model consisting of an impact squad of trained officers who will patrol and respond to concerns, replacing the current practices relative to secondary details.

- Ms. Pittinger reported on the Community Police Relations Group meetings, which originated from the Jordan Miles incident where U.S. Attorney David Hickton concluded that there was a lack of evidence to prove that Mr. Miles' civil rights were violated. The meetings have progressed over the past two years and have revealed perceptions of several communities regarding community/police relations and neighborhood safety issues. The first phase of such meetings has concluded and a second phase is expected to ensue over the summer.
- Ms. Pittinger updated the Board on the early stages involved in the organization of a Regional Conference on community/police relations and police best practices. Former CPRB member Mary Jo Guercio, affiliated with CCAC, is willing to assist in the planning process, whereby high profile preeminent experts will be invited to participate, such as Maria Haberfeld, Chair of the Department of Law, Police Science and Criminal Justice Administration at John Jay College, CUNY. Ms. Roberts requested the engagement of Connie Rice, Civil Rights Activist and Lawyer. Ms. Pittinger will report any developments to the Board.
- Ms. Pittinger reminded the Board of the Wilson vs. P.O. Hlavac public hearing, scheduled for 6 p.m., Wednesday, April 24, 2013 at City Council Chambers. Presiding as the panel is Dr. Darby, Ms. Roberts, and Mr. Waters.
- Board Members received the Statement of Financial Interests issued by the State Ethics Commission to be completed and filed with the City Clerk by May 1, 2013.
- Ms. Pittinger stated that pursuant to the City Code the Board is required to give public notice within a specific timeframe of any impending member term expirations and vacancies, as well as notices advising members and appointing authorities. The official notifications will be distributed accordingly.

Case Review

Dr. Darby moved to the case review agenda (copy attached). 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: www.CPRBpgh.org).

Public Comment

Dr. Darby invited public comment. Public comment was made by Mark Ozark and Tris Ozark.

Next Meeting

The next regular board meeting is scheduled for 6:00 p.m., Tuesday, May 28, 2013, North Side Senior Center, 5 Allegheny Center, Pittsburgh, PA 15212.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Carolyn L. Gaskin
Executive Assistant

Attachment (2):

1. Case Review Agenda/Board Actions
2. Executive Director's Report (4/23/13)

A video recording of this meeting is available at www.CPRBpgh.org

CPRB CASE REVIEW AGENDA

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (0)				
FULL INVESTIGATION (3)				
12-13/CARSON	Unbiased Policing (PBP 11-3, 4.1) 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 that the S.O.s were prejudicial towards her.	AUTHORIZED FULL INVESTIGATION ROBERTS/HOMICK 6-0	Further investigation is needed.
50-13/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. is harassing him.	AUTHORIZED FULL INVESTIGATION ROBERTS/HOMICK 6-0	Preliminary evidence suggests more investigation time is needed.
75-13/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Warrantless Searches & Searches (PBP 45-2, 3.0)	Cx. alleges that the S.O. used inappropriate language while arresting him.	AUTHORIZED FULL INVESTIGATION ROBERTS/HOMICK 6-0	Preliminary evidence suggests more investigation time is needed.
30 DAY EXTENSION OF FULL INVESTIGATION (0)				
UNFOUNDED (2)				
59-13/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.9) False Report (PBP 62-1, 2.10)	Cx. alleges that the S.O. cited him for no reason.	DISMISSED AS UNFOUNDED McLELLAN/ROBERTS 6-0	The S.O. did not violate any PBP policies or procedures.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
72-13/CARSON	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 her brother was arrested without cause.	DISMISSED AS UNFOUNDED MCLELLAN/ROBERTS 6-0	The S.O. did not violate any PBP policies or procedures.
UNSUSTAINABLE (1)				
36-13/CARSON	Unbiased Policing (PBP 11-3, 4.1) 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 that the S.O.s falsely arrested him.	DISMISSED AS UNSUSTAINABLE HOMICK/WATERS 6-0	The Cx.'s allegations are not supported by the evidence.
LACK OF COOPERATION (1)				
04-13-P/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1;2) 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 detained Witness 2 without cause.	DISMISSED DUE TO COMPLAINANT'S LACK OF COOPERATION ROBERTS/MCLELLAN 6-0	The Investigator has made several attempts to contact the Cx.
OTHERS (6)				
12-158/BRIDGETT	Use of Force (PBP 12-6, 3.1) Pepper Aerosol Restraint Spray (PBP 12-9, 4.3;3) Conduct Unbecoming a Member (PBP 16-1, 3.6;4) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that she was pushed down a stairwell by the S.O.	AUTHORIZED SUSPENSION ROBERTS/HOMICK 6-0	The investigator is awaiting subpoenaed documents.
12-220/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) False Report (PBP 62-1, 2.10)	Cx. alleges that the S.O.s acted inappropriately during the encounter.	AUTHORIZED SUSPENSION UNTIL JUNE 2013 MEETING ROBERTS/HOMICK 6-0	More time is needed to determine whether the S.O. violated any PBP policy or procedure.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
12-266-ED/ GAMBLE/CARSON/BRIDGETT	Use of Force (PBP 12-6, 3.1) Discharge of firearms (PBP 12-7, 4.3) Incompetency (PBP 16-1, 3.12) Neglect of Duty (PBP 16-1, 3.13)	On 11/12/12, the executive director ordered an inquiry about an incident that occurred on 11/11/12.	AUTHORIZED SUSPENSION UNTIL MAY 2013 MEETING ROBERTS/HOMICK 6-0	Pending receipt of subpoenaed documents.
12-270/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) Incompetency (PBP 16-1, 3.12) Motor Vehicle Stops (PBP 40-4, 3.2)	Cx. alleges that the S.O.s pulled him over for no reason and used excessive force during the encounter.	AUTHORIZED SUSPENSION ROBERTS/HOMICK 6-0	The S.O. still needs to be interviewed.
03-13-ED/ GAMBLE/CARSON/BRIDGETT	Incompetency (PBP 16-1, 3.12) Neglect of Duty (PBP 16-1, 3.13)	On 1/7/13, the executive director ordered an inquiry about an incident that occurred on 12/31/12.	CONTINUED SUSPENSION (NOT INCLUDED IN YOUR PACKET) ROBERTS/HOMICK 6-0	Pending a response from the Mayor and/or the Chief of Police. Deadline:5/7/13
31-13-ED GAMBLE/CARSON/BRIDGETT	Use of Force (PBP 12-6, 3.1) Discharge of Firearms (PBP 12-7, 4.3) Obedience to Orders/Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	On 1/15/13, the executive director ordered an inquiry about an incident that occurred on 01/13/13.	AUTHORIZED SUSPENSION ROBERTS/HOMICK 6-0	Case status has not changed.

MEMORANDUM

To: Honorable Members of the Board
From: Elizabeth C. Pittinger
Executive Director
Date: April 23, 2013
Re: Executive Director's Report: 04-23-13

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816 Fifth Avenue
Pittsburgh PA 15219

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Intake Summary through 04/22/13:

Citizen Complaints: 13 Pending Citizen Action: 75 EDI: 03 Total Intake: 110
Out of Jurisdiction: 16 Statute of Limitation: 03

(Actual Totals for 2012:	CC: 49; PCA: 194; OJ: 23; SL: 06	EDI: 01	Total: 273)
(Actual Totals for 2011:	CC: 38; PCA: 215; OJ: 18; SL: 09	EDI: 02	Total: 282)
(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)

1. Policy reviews/fact-finding

a. Public Hearing on "99 car" Deployment

- i. Preliminary report distributed tonight to Board members, not a public document until adopted by the Board.

b. Update of Recommendations from 2/26/13 (copy attached)

Respectfully, the Executive Director recommends that items (a) & (b) remain as they are with a report at the May meeting:

- a. Wade & Response to 911 Calls (pending response from Bureau to recommendations due 5/7/13)
- b. South Side Shooting at Moving Vehicles

Items (c) & (d) are subjects of a working group convened by City Council Member Theresa Kail Smith, Chair of Public Safety Services. I am supporting that committee with research and participation on the Board's behalf.

c. Outside Employment of Pittsburgh Police Officers

- i. The Mayor by way of the City Solicitor has hired former Washington County District Attorney Steven M. Tropani to conduct an independent review of outside employment policies of the Bureau of Police. Council authorized the

contract on 4/9/13 for a total of \$10,000. Mr. Toprani is associated with Leech Tishman Fuscaldo & Lampl.

d. Secondary Employment of Police Officers (Secondary Details)

- i. The working group met on 4/15/13 and agreed to continue working on a secondary detail policy that will form the basis of legislation from Council's Public Safety Services' Committee.
- e. Related to secondary details, A/Chief McDonald terminated off-duty secondary details working for two adult entertainment establishments located in the City. Blush, one of the clubs, filed a federal lawsuit against the City alleging that the action violated their constitutional right to hire police officers for the purpose of enhancing their customers' perception of safety. A hearing is scheduled for Thursday, 4/25/13 before US District Judge Nora Barry Fischer.

2. Responsible Hospitality Project

- a. Spearheaded by Councilman Bruce Kraus, the Responsible Hospitality Institute (RHI) has facilitated a cooperative agreement among City administrators, Bureau of Police, FOP and the South Side Business Association to implement an innovative policing plan in the South Side on 5/17/13. The model will be deployed in trial mode and evaluated around the end of summer. Ultimately, the tactic will alleviate the need for secondary detail officers in the hospitality zone and may be replicated in all entertainment districts.
- b. Upon the invitation of Councilman Kraus, we have been included in the related RHI meetings which have included:
 - i. 4/4/13 at City Council
 - ii. 4/16/13 at Police HQ
 - iii. 4/19/13 at Point Park University

3. Community Police Relations Group CPRG

- a. The CPRG was created by US Attorney for Western District of PA, David Hickton. The purpose is to facilitate communication and understanding between the civilian & law enforcement communities. The CPRG sponsored four invitational regional meetings to discuss cursory analysis and characteristics of local relations between citizens and their police. The meetings were held in: Wilkinsburg, Mon Valley, McKees Rocks and Pittsburgh. The wrap-up meeting was held on 4/11/13 at the IBEW in Southside. The group will continue to meet with a focus on youth and further efforts to improve community/police relations.

4. Regional Conference on Community/Police Relations and Best Practices
 - a. I met with former CPRB Member Dr. Mary Jo Guercio and she has agreed to assist with the planning of a conference consisting of community representatives & police practitioners.
 - b. A conference planning committee will be organized in the near future.
5. **Public Hearing**
 - a. Wilson v. Hlavac, CPRB No. 242-12: Wednesday, 4/24/13, 6:00 p.m., Council Chambers.
 - b. Presiding panel: Dr. Darby, Ms. Roberts, Mr. Waters
 - c. Hearing will be broadcasted on the internet.

Respectfully submitted,



04/23/2013