



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
7/23/13

Minutes of CPRB Meeting Held on June 25, 2013 (Mtg. No. 157)
Freedom Unlimited, Inc.
2201 Wylie Avenue
Pittsburgh, PA 15219
Neighborhood: Hill District

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:	Mayoral Appointment, LEP
Solicitors:	Mrs. Lourdes Sanchez Ridge, Esq.		
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:

At 6:00 p.m., Dr. Darby, Chair, called the meeting to order.

A motion to adopt the meeting minutes for May 28, 2013 was offered by Ms. McLellan, seconded by Ms. Roberts and approved unanimously.

Dr. Darby commented on the Board's recognition of having the opportunity to review and make recommendations on all PBP policies and procedures prior to implementation.

Executive Director's Report (copy attached)

- Ms. Pittinger reported further on City Council legislation, Bill No. 2013-1186 which authorizes the CPRB to preview proposed changes and amendments to the Operating PBP policies and procedures, prior to implementation. The legislation finally passed by City Council on 5/23/13 and was signed into law by the Mayor on 5/29/13. Ms. Pittinger stated that because of the nature of the legislation it is recognized as a landmark for the Board.

In direct relation, Ms. Pittinger discussed the 6/19/13 issuance of a new PBP policy that changed the eligibility requirements for Pittsburgh police officers selected for the Police Recruit Oral Board Panel. Prior to the change, public criticisms and concerns were raised about the appropriateness of certain officers evaluating potential applicants for the police academy; more specifically a list of officers emerged who are currently implicated in questionable circumstances. Ms. Pittinger mentioned that the issue generated considerable media attention of which she participated.

- Ms. Pittinger reported on City Council's Post Agenda and Public Hearing that was convened earlier today regarding Bill No. 2013-1482; which proposes to establish a Domestic Violence Advisory Board. Comments and concerns were offered from a working group comprised of various DV advocates, as well as concerned citizens.

Ms. Pittinger discussed the general purpose of the proposed advisory board, and emphasized that the Board's mandate is equivalent. Ms. Pittinger further explained that the legislation is narrowly focused and may be more beneficial if expanded citywide or established specifically as an ad hoc advisory group. Ms. McLellan questioned whether such a panel already exists. Ms. Pittinger stated that there are various other groups focusing on the issue, including a PBP internal domestic violence review board and a citywide personnel domestic violence policy.

- Ms. Pittinger reported on a current PBP officer who has been with charged insurance fraud. Under such circumstances where a felony is involved, the state law revokes police officer certification; however the officer remains employed in the Warrant Office while participating in the Accelerated Rehabilitative Disposition [ARD] program.
- Ms. Pittinger reported on an incident that occurred in Zone 5 involving an encounter between undercover police officers and a young man. A WPXI reporter sought perspective from CPRB staff on a cellphone video that captured a portion of the encounter.
- Ms. Pittinger mentioned the controversy surrounding a PBP courtesy ride extended to a high profile witness immediately following a grand jury appearance. The officer involved used the patrol unit's illuminated light bar which was perceived by some to be an abuse of power. It is uncertain whether the action merited any disciplinary action. Furthermore, Ms. Pittinger noted that the same officer successfully sued the City in a civil rights action in 2000; which named the current acting police chief as a defendant.
- Ms. Pittinger informed the Board that the findings and recommendations from the Wilson vs. Hlavac (CPRB Case #12-242) Public Hearing were distributed to the Mayor and the Chief of Police and that a response is due by July 12, 2013.
- Ms. Pittinger mentioned that the CPRB website (www.CPRBpgh.org) has been updated. CPRB's internet broadcaster Don Carpenter was called away today on a family emergency; an audio file of tonight's meeting will be made available to the public as soon as possible.
- Mr. Waters inquired about the status of meeting with the Allegheny County E.O.C. regarding specific 911 protocols. CPRB publicly released recommendations stemming from the Ka'Sandra Wade incident and received a response from the Police Chief McDonald that suggested that CPRB contact Allegheny County E.O.C. Ms. Pittinger stated that she will arrange a meeting date.
- Dr. Darby commended Ms. Pittinger for her media appearances and also thanked her for representing the Board's stance on several issues.
- Ms. Pittinger reported on the status of a PBP internal investigation involving a video captured arrest on St. Patrick's Day. A complaint was made about Officer Frank Rende's conduct, language, and use of force when a video capturing the encounter was publicly released. The conduct unbecoming allegation was sustained; the use of force allegation was not upheld.

- Ms. Pittinger announced that after a discussion with the solicitors, it is in accordance with the Sunshine Law for a public body to accept alternative forms of attendance for Board Members, such as SKYPE or telephonic participation. Ms. Pittinger stated that this approach may facilitate reappointments and possibly assist in retaining valuable membership. Mr. Waters responded favorably and suggested that an articulation of specific guidelines be created. Dr. Darby asked Mr. Waters to initiate the guidelines and Ms. McLellan offered to contribute.

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. No public comment was made at this time.

(During the meeting a member from the audience asked the Executive Director to explain the dispositions of CPRB cases and another member sought an explanation of the District Attorney's interruption of CPRB investigations. Ms. Pittinger obliged).

Next Meeting

The next regular board meeting is scheduled for 6:00 p.m., Tuesday, July 23, 2013, City Council Chambers, 414 Grant Street, Pittsburgh, PA 15219.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Carolyn L. Gaskin
Executive Assistant

Attachment (2):

1. Case Review Agenda/Board Actions
2. Executive Director's Report (6/25/13)

An audio recording of this meeting will soon be available at www.CPRBpgh.org

Action Date: June 25, 2013
Moved/Seconded/Vote

CPRB CASE REVIEW AGENDA

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (0)				
FULL INVESTIGATION (7)				
30-13/GAMBLE	Unbiased Policing (PBP 11-3, 4.1) 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 the S.O.s arrested him twice without cause.	AUTHORIZED FULL INVESTIGATION MCLLELLAN/HOMICK 6-0	Preliminary evidence suggests more investigation time is needed.
71-13/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19)	Cx. alleges that the S.O.s tried to extort money from him.	AUTHORIZED FULL INVESTIGATION MCLLELLAN/HOMICK 6-0	Preliminary evidence suggests more investigation time is needed.
85-13/BRIDGETT	Use of Force (PBP 12-6)	Cx. alleges that the S.O. used excessive force during a traffic stop.	AUTHORIZED FULL INVESTIGATION MCLLELLAN/HOMICK 6-0	Preliminary evidence suggests more investigation time is needed.
104-13/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. humiliated him during the encounter.	AUTHORIZED FULL INVESTIGATION MCLLELLAN/HOMICK 6-0	Preliminary evidence suggests more investigation time is needed.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
112-13/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)	Cx. alleges that S.O. #1 is intentionally harassing him.	AUTHORIZED FULL INVESTIGATION MCLELLAN/HOMICK 6-0	Preliminary evidence suggests more investigation time is needed.
130-13/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O.s are harassing her and Witness #1.	AUTHORIZED FULL INVESTIGATION MCLELLAN/HOMICK 6-0	Preliminary evidence suggests more investigation time is needed.
132-13/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Motor Vehicle Stops (PBP 40-4, 3.2)	Cx. alleges the S.O issued him a traffic citation without cause.	AUTHORIZED FULL INVESTIGATION MCLELLAN/HOMICK 6-0	Preliminary evidence suggests more investigation time is needed.
30 DAY EXTENSION OF FULL INVESTIGATION (1)				
80-13/CARSON	Unbiased Policing (PBP 11-3, 4.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Motor Vehicle Stops (PBP 40-4, 3.2) Warrantless Searches & Seizures (PBP 45-2, 5.0)	Cx. alleges that he was pulled over without cause.	AUTHORIZED 30 DAY EXTENSION WATERS/ROBERTS 6-0	Additional information is needed.
UNFOUNDED (1)				
137-13/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Obedience to Orders &/or Laws (PBP 16-1, 3.1)	Cx. alleges that several PBP officers are repeatedly observing his daily actions.	DISMISSED AS UNFOUNDED ROBERTS/WATERS 6-0	There is no evidence to support the Cx.'s allegations.
UNSUSTAINABLE (1)				
82-13/CARSON	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 did not conduct a thorough investigation.	DISMISSED AS UNSUSTAINABLE HOMICK/MCLELLAN 6-0	There is no evidence to support the Cx.'s allegations.

LACK OF COOPERATION (0)				
OTHERS (1)				
CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
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 & Seizures (PBP 45-2, 3.0)	Cx. alleges that the S.O. used inappropriate language while arresting him.	AUTHORIZED SUSPENSION ROBERTS/MCLELLAN 6-0	The Investigator is awaiting documents.

MEMORANDUM

To: Dr. Emma Lucas-Darby, Chair
Honorable Members of the Board
From: Elizabeth C. Pittinger
Executive Director
Date: May 28, 2013
Re: Executive Director's Report: 05-28-13

Suite 400
816 Fifth Avenue
Pittsburgh PA 15219

412-765-8023 (Voice)
412-765-8059 (Fax)
cprb@pittsburghpa.gov



Intake Summary through 06/24/13: 172 total cases

Citizen Complaints: 26 Pending Citizen Action: 118 EDI: 03 Total Intake: 172
Out of Jurisdiction: 20 Statute of Limitation: 05

(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. Recent Legislation

- a. 2013-1186: passed 5/23/13. Gives the CPRB Preview authority of proposed changes and amendments to the operating policies & procedures of the Bureau of Police for the purpose of providing advice and comments for consideration of the Chief of Police. Status: details must be worked out.
- b. 2013-1482: held in Committee 5/8/13. Establishment of Pittsburgh Domestic Violence Advisory Panel. A post-agenda was convened on Tuesday, 6/25/13 at 1:00 p.m. A Public Hearing was held at 2:00 p.m., Tuesday, 6/25/13. The Bill proposes to amend the City Code, Title One, Administrative, Article IX, Boards, Commissions and Authorities, Chapter 178. Pittinger participated in the post-agenda and encouraged reconsideration of the legislation as it was redundant. Pittinger suggested abandoning the narrow focus of the bill on the police Bureau and expansion to a citywide Domestic Relations advisory entity. The working group asked to reconvene a session to reconsider their recommendation on Bill 2013-1482.

2. 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. Findings & Recommendations: the Panel's Findings & Recommendations were released publicly and conveyed to the A/Chief of Police and Mayor by letter dated 5/30/13 with the response due by 7/12/13.

3. Miscellaneous

- a. The following topics generated interest from local media outlets and resulted in comment(s) by Pittinger:
 - i. Bill 2013-1186: extends preview authority to the Board for police policies & procedures prior to implementation of new or modified police policies & procedures. (PCNC, WPXI, WESA, Post-Gazette)
 - ii. Issue about a police officer serving ARD for a felony insurance fraud offense working in the Warrant Office despite loss of certification for access to various criminal intelligence databases. (WPXI)
 - iii. Incident in Zone 5 involving a police encounter that was partially captured on a personal cellphone. Reporter sought perspective on what was videoed & proper police procedure. (WPXI)
 - iv. Controversy around a ride extended by a patrol unit (with an illuminated light bar) to a high profile witness following testimony at a grand jury session. (WPXI, Post-Gazette, Tribune Review)
 - v. Controversy around the composition of the oral board panels for the police recruit selection. A Bureau directive was issued by the Director of Public Safety setting forth eligibility criteria for participation on the panels. A list of officers selected to sit on the oral board panels included officers with questionable reputations. The list was subsequently revised. (WPXI, Post-Gazette)

Respectfully submitted,



6/25/13