

2014 Report

INDEPENDENT CITIZEN POLICE REVIEW BOARD

CITY OF PITTSBURGH

Emma Lucas-Darby, PhD
Chair

Elizabeth C. Pittinger
Executive Director

FEBRUARY 2015

2014 Report

Attachments

1. Allegations Filed in 2014
2. Race/Gender distribution of Complainants
3. Allegations with highest incidence 2012, 2013, 2014
4. Citizen Police Review Board Actions on Complaints 2014
5. CPRB No. 180-13 Hendrson v. Gromek
 - a. Findings & Recommendations issued by the Citizen Police Review Board (6 pages)
 - b. Chief of Police, Response to Findings & Recommendations (2 pages)
6. CPRB No. 286-13 Kelly v. Fallert, Emery
 - a. Findings & Recommendations issued by the Citizen Police Review Board (7 pages)
 - b. Chief of Police, Response to Findings & Recommendations (2 pages)
7. Seat Progression, Incumbent CPRB Members through 10/31/2015

Questions or comments regarding this information should be directed to Elizabeth C. Pittinger,
Executive Director: Beth.Pittinger@pittsburghpa.gov

cprbpgh.org

Independent CITIZEN POLICE REVIEW BOARD
816 Fifth Avenue, 4th Floor
Pittsburgh PA 15219
412-765-8023



Independent CITIZEN POLICE REVIEW BOARD

City of Pittsburgh
816 Fifth Avenue, Suite 400
Pittsburgh PA 15219
USA

February 24, 2015

Emma T. Lucas-Darby, PhD, Chair
Honorable Members
Independent Citizen Police Review Board
City of Pittsburgh Pennsylvania

Members of the Board:

Dr. Emma Lucas-Darby
Chair

Mr. Thomas C. Waters
Vice Chair

Mr. Elwin Green

Ms. Karen McLellan

Ms. Leshonda Roberts

Mr. Sheldon Williams

Solicitors:

Ms. Elizabeth F. Collura, Esq.

Ms. Tania Wang, Esq.

Executive Director:

Ms. Elizabeth C. Pittinger

412.765.8023 Voice

412.765.8059 Facsimile

412.255-CPRB Tipline

cprb@pittsburghpa.gov

cprbpg.org

Greetings,

I am pleased to present to you, and the public, information summarizing important aspects of the Board's work in 2014.

Included for review is a depiction of the allegations contained in the 299 complaints filed with the Board in 2014. The allegations number 641 and reflect a diverse usage of the Board with a significant representation of the African American community. In 2014 African Americans filed 40% of the allegations contained in the complaints. Overall, men presented 345 (or 54%) of the 641 allegations received.

As in past years, the highest incidence of alleged police misconduct sorted into four categories: Unbecoming Conduct (29%), Unbecoming Conduct Toward the Public (18%), Neglect of Duty (6%) and Excessive Force (6%).

Board actions are reported and a summary of all actions since 1999 is offered in a chart.

The Board's roster of membership is included and reflects the incumbents' status.

Findings & Recommendations released in 2014 are provided. The Board ordered four Public Hearings in 2014, conducted three Pre-hearing Conferences and convened two Public Hearings (#282-13 and #208-13). Public Hearings into #27-14 was continued pending return of the Subject Officer from a work-related injury and #281-11 was pending additional evaluation.

This collection of information is provided as a compilation of the most publicly sought information.

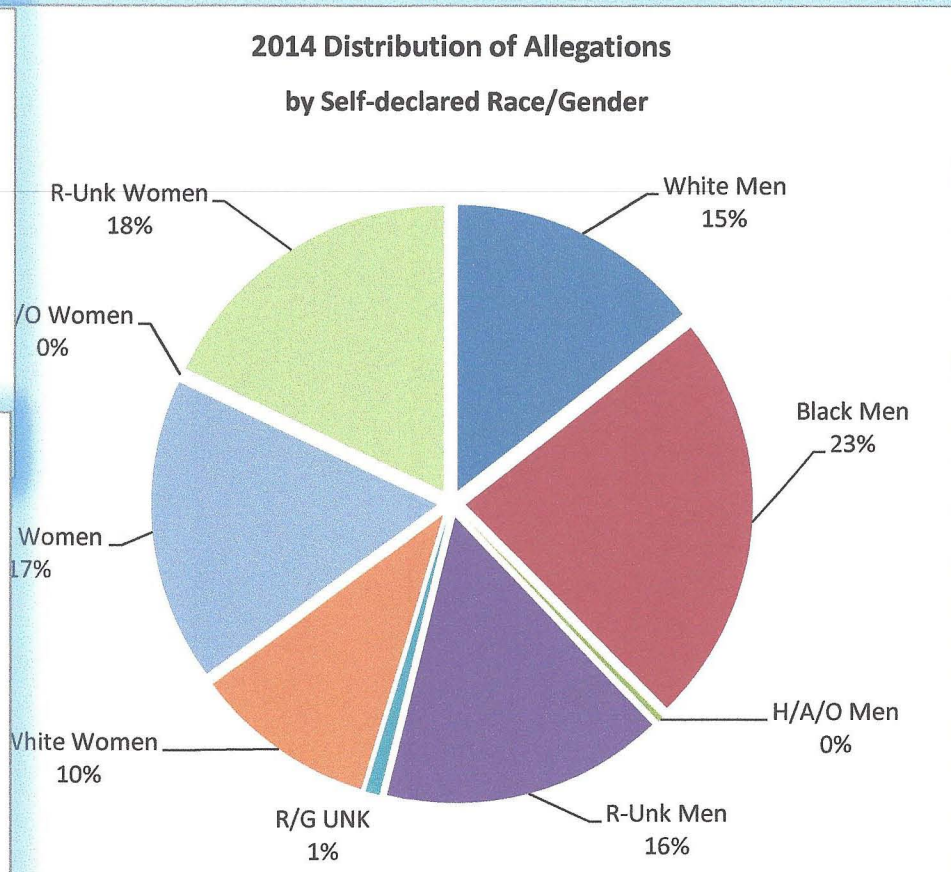
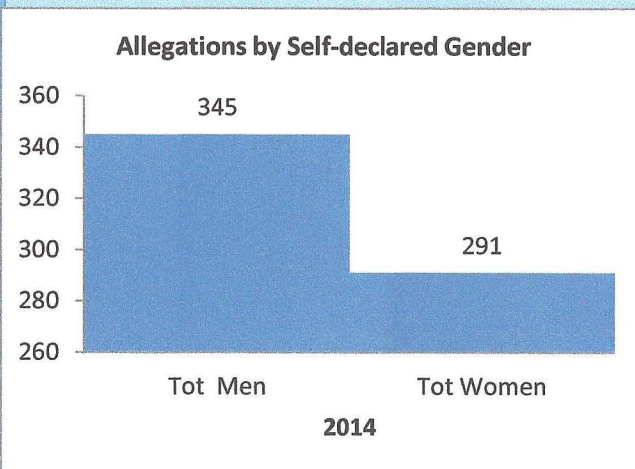
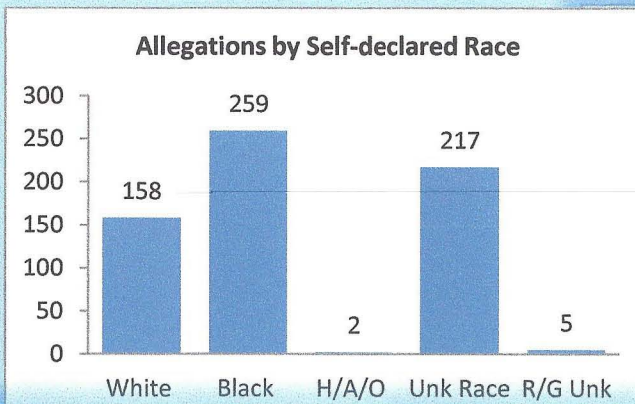
Official and detailed records of the Board are available upon proper request and on the website, cprbpg.org. Activities of the executive director are reported in the executive director's monthly reports, also available on the website as part of the Board's meeting minutes.

Respectfully submitted,

Elizabeth C. Pittinger
Executive Director

CPRB - Allegations Filed in 2014 (Total complaints = 299)

	White Men	Black Men	H/A/O Men	R-Unk Men	<i>Tot Men</i>	<i>R/G UNK</i>	White Women	Black Women	H/A/O Women	R-Unk Women	<i>Tot Women</i>	<i>Grand Total</i>	Percent of All
Conduct Unbecoming	38	38	1	45	122	1	25	46		50	121	244	28.7%
Conduct Toward the Public	25	33	1	24	83	2	19	21		28	68	153	18.0%
Neglect of Duty	6	9		10	25		7	12		10	29	54	6.4%
Excessive Force	7	19		6	32		4	5		7	16	48	5.7%
Warrantless S & S	2	3		2	7		1	5		1	7	14	1.6%
Untruthfulness	4	14		2	20		3	7		3	13	33	3.9%
Secondary Employment					0					1	1	1	0.1%
Obedience-Orders/Laws	2	2			4			3		1	4	8	0.9%
Superiors' Conduct					0						0	0	0.0%
Prisoners & Property	1	1			2			1			1	3	0.4%
Traffic Patrol MV Operation	1	4		6	11		2	4		2	8	19	2.2%
Incompetence	1	1			2						0	2	0.2%
Unbiased Policing	1	10		3	14	1	2	4		6	12	27	3.2%
Pepper Spray		1			1						0	1	0.1%
TASER		2			2		1				1	3	0.4%
General Firearms					0					1	1	1	0.1%
Reports/Records	3	10		2	15		2	2		2	6	21	2.5%
Strip Search		1			1						0	1	0.1%
OTHER	1	1		2	4	1				3	3	8	0.9%
Total Race/Gender	92	149	2	102	345	5	66	110	0	115	291	641	100.0%
% R/G of Total	14%	23%	0%	16%	54%	1%	10%	17%	0%	18%	45%		



Allegations Filed in 2012 - CPRB (Total complaints = 273)

Allegations Filed in 2012	White Men	Black Men	H/A/O Men	R-Unk Men	Tot Men	R/G UNK	White Women	Black Women	H/A/O Women	R-Unk Women	Tot Women	Grand Total
Conduct Unbecoming	35	59	2	43	139	2	30	43	2	45	120	261
Conduct Toward the Public	24	38	2	23	87	1	24	33	2	28	87	175
Unbiased Policing	3	20	1	7	31		2	8	2	5	17	48
Excessive Force	11	15	1	5	32	0	6	8	0	8	22	54
	73	132	6	78	289	3	62	92	6	86	246	538

Top Categories of Allegations Filed in 2013 - CPRB (Total complaints = 341)

Allegations filed in 2013	White Men	Black Men	H/A/O Men	R-Unk Men	Tot Men	R/G UNK	White Women	Black Women	H/A/O Women	R-Unk Women	Tot Women	Grand Total
Conduct Unbecoming	53	80	3	42	178	1	32	58	0	54	144	323
Conduct Toward Public	37	49	3	21	110	1	25	42	0	31	98	209
Unbiased Policing	6	11	1	3	21		5	7	0	7	19	40
Excessive Force	11	22	2	5	40		8	18	0	7	33	73
	107	162	9	71	349	2	70	125	0	99	294	645

Top Categories of Allegations Filed in 2014 - CPRB (Total complaints = 299)

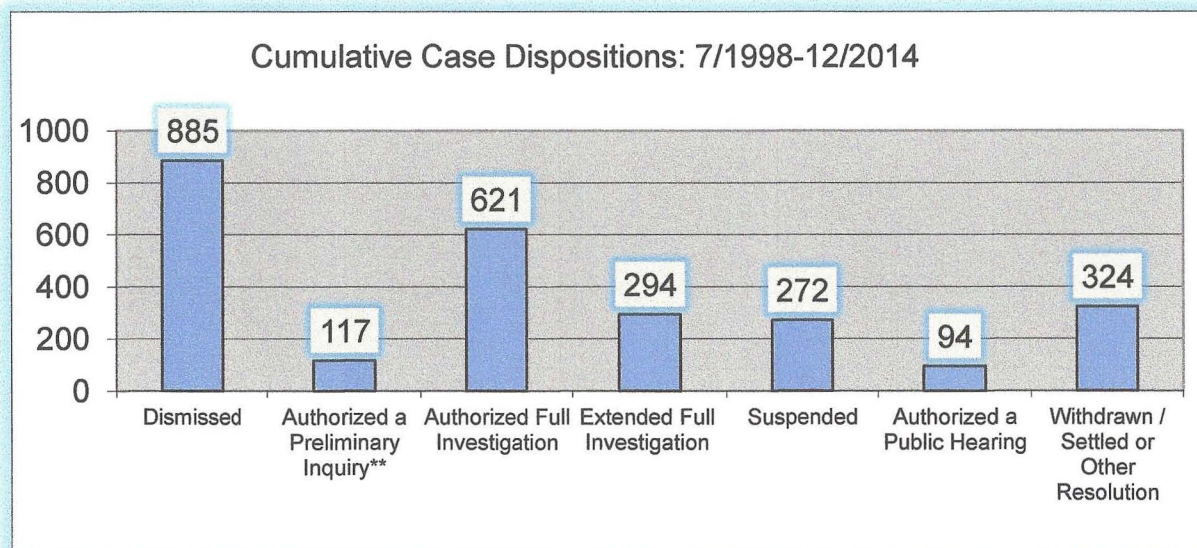
Allegations filed in 2014	White Men	Black Men	H/A/O Men	R-Unk Men	Tot Men	R/G UNK	White Women	Black Women	H/A/O Women	R-Unk Women	Tot Women	Grand Total
Conduct Unbecoming	38	38	1	45	122	1	25	46		50	121	244
Conduct Toward Public	25	33	1	24	83	2	19	21		28	68	153
Neglect of Duty	6	9		10	25		7	12		10	29	54
Excessive Force	7	19		6	32		4	5		7	16	48
	76	99	2	85	262	3	55	84	0	95	234	499

Citizen Police Review Board Actions through 12/3/2014

Meeting Date	Cases Reviewed At Meeting	Dismissed	Authorized a Preliminary Inquiry**	Authorized Full Investigation	Extended Full Investigation	Suspended	Authorized a Public Hearing	Withdrawn / Settled or Other Resolution	Specific Meeting Actions	Cumulative Actions (Since 7/98)
1/28/2014*	0								0	2480
2/25/2014*	0								0	2480
3/25/2014*	0								0	2480
4/22/2014*	0								0	2480
5/27/2014	48	23		16	1	2	2	4	48	2528
6/24/2014	23	3		5	13	1	1		23	2551
7/22/2014*	0								0	2551
9/23/2014	32	14		8	2	4	2	2	32	2583
10/28/2014	24	3		9	6	4		2	24	2607
12/2/2014*	0								0	2607
TOTAL	2607	885	117	621	294	272	94	324	2607	
% of ALL Dispositions :		34%		24%	11%	10%	4%	12%	100%	
2014		43	0	38	22	11	5	8	0	
% of Cumulative Total done in 2014 (Dispositions):		5%	0%	6%	7%	4%	5%	6%	0%	

* = no quorum

** = 3/25/2003: PI delegated to Exec. Dir. Disposition remaining with board.



INDEPENDENT CITIZEN POLICE REVIEW BOARD

City of Pittsburgh

CITIZEN COMPLAINT OF MISCONDUCT Findings & Recommendations

Executive Director, Independent Citizen Police
Review Board, on behalf of:

Mr. Dennis Henderson
Complainant,

vs.

P.O. Jonathan Gromek, #4061
Subject Officer

Case No.: CPRB # 180-13

Findings and Recommendations

- 1 Count: PBP General Rules and Regulations
16-1 (3.14.1) Cooperation
- 1 Count: PBP General Rules and Regulations
16-1 (3.6.1) Conduct Unbecoming a
Member or Employee
- 2 Counts: PBP General Rules and
Regulations 16-1 (3.7.1) Conduct
toward the Public
- 1 Count: PBP General Rules and Regulations
#30-1 (4.2) Operation of Bureau
Vehicles
- 1 Count: PBP General Rules and Regulations
#62-1 (2.10) Records/Reports/Files
- 1 Count: PBP General Rules and Regulations
#16-1 (3.12.2) Incompetency
- 1 COUNT: PBP General Rules and Regulations
#16-1 (3.19.2) Truthfulness

Having conducted a public hearing pursuant to Article 2, §228 – 230 of the Home Rule Charter and Article VI of the Pittsburgh City Code and the Rules and Operating Procedures of the CITIZEN POLICE REVIEW BOARD, as amended, the CITIZEN POLICE REVIEW BOARD issues the following findings and recommendation related to the conduct alleged in the captioned Citizen Complaint:

1. On the alleged Violation of PBP General Rules and Regulations #12-6 3.0 Use of Force, when on or about June 26, 2013 while arresting the Complainant, Subject Officer Gromek used physical force in excess of that reasonably necessary under the circumstances to effect the arrest, the panel finds there was insufficient evidence to sustain the charge.
2. On the alleged violation of PBP General Rules and Regulations #16-1 3.6.3 Conduct Unbecoming a Member, when on or about June 26, 2013 the Subject Officer's public conduct tended to destroy public respect for Pittsburgh Bureau of Police members and

employees and diminish confidence in the operations of the Bureau of Police when the Subject Officer operated his assigned marked police unit in a reckless manner, lost command of his temper, knowingly and willfully wrote and submitted untruthful and false reports related to the encounter and arrest of the Complainant, the panel sustains the allegation as an egregious act of misconduct.

3. On the alleged violations of PBP General Rules and Regulations #16-1 3.7.1 Conduct Toward the Public:

Count 1: The Subject Officer did not "maintain command of temper," when on, or about, June 26, 2013 the Subject Officer drove his vehicle toward the Complainant and a companion causing the Complainant and companion to jump against the Complainant's car to avoid being hit by the Subject Officer's marked police unit.

Count 2: The Subject Officer again violated this section when the Complainant yelled "wow" after the Complainant avoided being hit by the marked police vehicle driven by the Subject Officer the Subject Officer then performed a U-turn in the middle of the street and drove at a high rate of speed back to where the Complainant and his companion were standing and proceeded to unnecessarily and forcibly handcuff and arrest the Complainant.

The panel sustains both counts of this charge as very serious violations of PBP General Rules and Regulations #16-1 3.7.1 Conduct Toward the Public.

4. On the alleged violation of PBP General Rules and Regulations #30-1 (4.2) Operation of Bureau Vehicles when on or about June 26, 2013 while operating a marked Bureau of Police vehicle the Subject Officer did not operate the vehicle in a safe manner nor did he show due regard for the safety of all persons. The Subject Officer deliberately swerved his vehicle at the Complainant and companion coming within very close physical proximity and creating great fear of injury in the Complainant and his companion. The Subject Officer then performed a U-turn in the middle of the street and drove at a high rate of speed back to where the Complainant and his companion were standing.

The panel sustains this charge as a very serious violation of the PBP General Rules and Regulations #30-1 (4.2) Operation of Bureau Vehicles.

5. On the alleged violation of PBP General Rules and Regulations #62-1 (2.10) False Reports, when the Subject Officer knowingly and willfully wrote and submitted false and untrue reports created to justify the arrest of the Complainant on charges of Resisting Arrest,

Disorderly Conduct and Obstructing Highways. Video from the incident along with witness accounts, clearly show these charges to be false and pretextual to the arrest of the Complainant.

The panel sustains the charge as an egregious violation of PBP General Rules and Regulations #62-1 (2.10) False Reports.

6. On the alleged violation of PBP General Rules and Regulations #16-1 (3.12.2) Incompetency, when the Subject Officer did not use sound judgment when he swerved his assigned marked police vehicle, lost his temper, knowingly and willfully prepared and submitted false reports, arrested and used unreasonable and unnecessary force against the Complainant.

The panel sustains the charge as an egregious violation of the PBP General Rules and Regulations #16-1 (3.12.2) Incompetency.

7. On the alleged violation of PBP General Rules and Regulations #16-1 (3.19.2) Truthfulness, that the Subject Officer was not accurate, complete, or truthful when he arrested the Complainant and subsequently wrote and submitted documentation, including but not limited to, an official arrest report for the Complainant on charges that were withdrawn by the District Attorney.

The panel sustains the charge as an egregious violation of the PBP General Rules and Regulations #16-1 (3.19.2) Truthfulness.

The panel finds that the Subject Officer initiated an unnecessary encounter with the Complainant and his companion, escalated the situation into a questionable arrest of the Complainant and then proceeded to knowingly file a false report of the incident to law enforcement. The Subject Officer's actions caused the Complainant to be placed in the Allegheny County Jail for several hours. In its entirety, the evidence illustrated grossly unacceptable conduct demonstrated by the accused Pittsburgh police officer.

The panel received no evidence that the Complainant was combative or disorderly. In contrast to the reports filed by the Subject Officer, the panel found the evidence to illustrate poor judgment and self-control on the Subject Officer's part and determined that the Subject Officer contributed and allowed the situation to escalate and require a large and intrusive contingent of back-up units, inclusive of canine units. The testimony revealed that the police response resulted in community disruption, fear and renewed tension between police and civilians at the scene.

The panel received the Affidavit of Probable Cause which resulted in the arrest and detention of the Complainant. The panel is particularly troubled by the Subject Officer's preparation and filing of the affidavit which does not appear to document the incident accurately and truthfully. The Affidavit of Probable Cause caused the detention of the Complainant, is an official instrument of law enforcement and is a communication to the Court. The panel strongly recommends that this act be investigated by an outside law enforcement agent and be evaluated for any criminal culpability attributable to the Subject Officer and that the results of such investigation be publicly disclosed.

Testimony confirmed that the actions of Subject Officer Gromek negatively affected public perceptions and confidence in the operations of the Bureau of Police. The panel encourages the Chief of Police and the Mayor to establish high expectations of professional conduct by Pittsburgh police officers at all times and to swiftly discipline or remediate any officer whose conduct fails to satisfy that expectation.

While the panel recognizes the conduct demonstrated in this case as an exception, public perception tends to be expressed otherwise. The panel emphasizes its perspective that the restoration of trust and improved relations between the community and the Bureau of Police will not occur until professional, lawful and respectful conduct is demanded by police management and demonstrated as the norm practiced by Pittsburgh police officers.

Accordingly, the panel finds unanimously:

- ☐ The Subject Officer is exonerated because:
 - ☐ The facts alleged in the citizen complaint are true but do not constitute misconduct by the Subject Officer. *(or)*
 - ☐ The facts alleged in the citizen complaint are not true.
- ☐ Insufficient evidence exists to sustain the complaint.
- ☐ The complaint is sustained in *Whole*
- ☒ The complaint is sustained In *Part* (as noted at each charge)

Recommendation(s):

Reference to City practice is provided to assist the panel in devising a recommendation that will be within the parameters of disciplinary authority of the Chief of Police.

Board Grading of Severity	Pittsburgh's Discipline Policy Manual: Level and Consequence of Progressive Discipline	
De Minimus Act of Misconduct	Level 1	Verbal Warning
Serious Act of Misconduct	Level 2	Written Warning
Very Serious Act of Misconduct	Levels 3 & 4	Suspensions, financial sanctions (demotions, restricted secondary employment, etc.)
Egregious Act of Misconduct	Level 5	5 day suspension, pending discharge

(The CPRB does not consider training, counseling, and remedial activity to be disciplinary in nature but rather constructive activities intended to improve or enhance an officer's performance.)

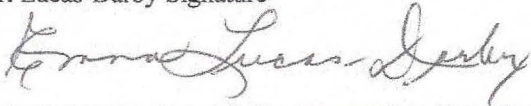
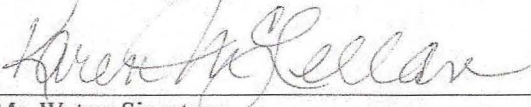
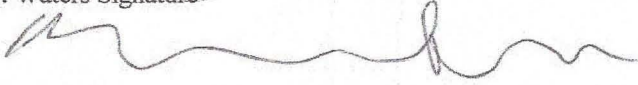
Other: Recognizing that there remains a question as to possible criminal culpability regarding the veracity of the affidavit of probable cause filed by the Subject Officer in this case, the panel recommends immediate suspension of the Subject Officer until an outside law enforcement investigation into that matter is completed and disclosed. Accordingly, the panel recommends that similar reports by this Subject Officer to other law enforcement agents, including the District Attorney, be subjected to scrutiny to determine the credibility of facts alleged by the Subject Officer in such reports.

Discipline: It is the panel's finding that the overall severity of the Subject Officer's conduct rises to an egregious degree of misconduct. The panel recommends adherence to the Disciplinary Manual of the City of Pittsburgh wherein such a degree of misconduct equates to a suspension of 5 days pending termination.

Notice to the Chief of Police and the Mayor:

The Pittsburgh City Code, Title Six, Article VI, § 662.09 Response To Board Recommendations, requires that within thirty (30) working days of the Board's submission of recommendations to you, you must respond in writing to the Board regarding which recommendations are accepted, rejected, or will be implemented with modifications. If the Board's recommendations are rejected or modified, the Mayor and/or Chief of Police shall include a written explanation for their decision.

By the Presiding Hearing Panel:

<input checked="" type="radio"/> Concur	<input type="radio"/> Dissent	Dr. Lucas-Darby Signature	Date
			3/25/14
<input checked="" type="radio"/> Concur	<input type="radio"/> Dissent	Ms. McLellan Signature	Date
			3/25/14
<input checked="" type="radio"/> Concur	<input type="radio"/> Dissent	Mr. Waters Signature	Date
			3-25-14

Public Hearing Conducted by the Board: 1/16/14

Presiding CPRB Hearing Panel:

Dr. Emma Lucas-Darby, Chair
Ms. Karen McLellan
Mr. Thomas Waters

Hearing Officer: Mr. Robert J. Ridge, Esq.

Special Prosecutor: Mr. Jeffrey J. Ruder, Esq.

Counsel for Subject Officer: Mr. Bryan Campbell, Esq.



**City of Pittsburgh
Bureau of Police
Chief of Police**

"...accountability, integrity and respect."

William Peduto
Mayor of Pittsburgh

Regina McDonald
Acting Chief of Police

July 8, 2014

Elizabeth Pittinger, Executive Director
Civilian Review Board
816 Fifth Avenue, Suite 400
Pittsburgh, PA 15219

Dear Ms. Pittinger,

RE: CPRB #180-13 Henderson v. Gromek
Clarification of Acting Chief of Police Response Dated May 9, 2014

- 1 Count: PBP General Rules and Regulations 16-1 (3.6.1) Conduct Unbecoming a Member or Employee
Agree with charge – not your rationale
- 2 Counts: PBP General Rules and Regulations 16-1 (3.7.1) Conduct toward the Public
Agree with charge – not your rationale
- 1 Count: PBP General Rules and Regulations #30-1 (4.2) Operation of Bureau Vehicles
Disagree
- 1 Count: PBP General Rules and Regulations #62-1 (2.10) Records/Reports/Files
Disagree
- 1 Count: PBP General Rules and Regulations #16-1 (3.12.2) Incompetency
Agree with charge – not your rationale
- 1 Count: PBP General Rules and Regulations #16-1 (3.19.2) Truthfulness
Disagree

180-13
FINAL
REPLY
7-8-14

No action will be taken based on CPRB Finding & Recommendations. We have already taken action based on OMI Findings.

Sincerely,

A handwritten signature in cursive script that reads "Regina McDonald Acting Chief".

Regina McDonald
Acting Chief of Police

RM/tmc

cc: Mayor William Peduto

Director Stephen Bucar, Public Safety

Deputy Chief Paul Donaldson, Bureau of Police

INDEPENDENT CITIZEN POLICE REVIEW BOARD

City of Pittsburgh

CITIZEN COMPLAINT OF MISCONDUCT Findings & Recommendations

Executive Director, Independent Citizen Police
Review Board, on behalf of:

Case No.: CPRB # 286-13

Kimberly Kelly,
vs.
Det. Edward Fallert, #3465
Det. Judd Emery, #3885
Subject Officers

Charges:

- 1 Count:** Conduct toward the public, 16-1, 3.7.2
- 1 Count:** Incompetency, 16-1, 3.12.2
- 1 Count:** Unbiased Policing, 11-3, 4.1.5
- 1 Count:** Law Enforcement Code of ethics, 10-1, 2.3

Having conducted a public hearing pursuant to Article 2, §228 – 230 of the Home Rule Charter and Article VI of the Pittsburgh City Code and the Rules and Operating Procedures of the Citizen Police Review Board, as amended, the Citizen Police Review Board issues the following findings and recommendations related to the conduct alleged in the captioned Citizen Complaint alleging the following acts of misconduct:

1. **Violation of PBP General Rules and Regulations #16-1, 3.7.2; Conduct Toward the Public:** On or about October 16th 2013, Subject Officer Fallert, violated regulation 16-1, 3.7.2 which states "A member or employee in the performance of his /her duties will not use ethnic designations, insults or other derogatory terms at any time when addressing any person, or in any communication," when he told the Victim that he knew that the Victim is a drug dealer and that "they" are going to get him.
2. **Violation of PBP General Rules and Regulations #16-1, 3.12.2; Incompetency:** On or about October 16th 2013, Subject Officer Emery stated to the Victim, "Since you are going to record me I am going to ticket you." showing a lack of sound judgment and the inability to get along with people. This violates regulation 16-1, 3.12.2 which states; "The lack of any of the following qualities will constitute evidence of incompetence: courage, honesty sound judgment, emotional stability, industry, alertness, decisiveness, power to observe, initiative, intelligence, technical skills, and the ability to get along with people. This list should not be considered as "all inclusive."
3. **Violation of PBP General Rules and Regulation 11-3, 4.1.5 Unbiased Policing:** When Subject Officer Emery made the statement, "Obama makes you sell Heroin," showed that he" could not make an objective judgment uninfluenced by prejudicial views or attitudes, intolerance to or preference for certain individuals that are unrelated to the situation at hand." This is a violation of this regulation.
4. **Violation of PBP General Rules and Regulation 10-1, 2.3 Law Enforcement Code of Ethics:** When Subject Officer Emery stated that "Obama makes you sell heroin" and, "if you are going to record me then I am going to give you a ticket", violated regulation 10-1, 2.3 which states; I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions.

The panel received testimony and evidence related to a traffic stop involving James Lee, III, and Pittsburgh police officers Edward Fallert and Judd Emery. The complaint was brought to the CPRB by Ms. Kim Kelly, the mother of James Lee, III, an adult.

The Complaint

The complaint alleges that on 10/16/2013 Mr. Lee was the subject of a traffic stop because, according to police, he failed to use a turn signal. The officers who conducted the traffic stop were in plainclothes and using an unmarked police vehicle. In the course of that traffic stop Mr. Lee initiated a video recording on his smartphone. The video documents the dialogue and conduct that are the foundation of this complaint.

The complaint alleges that during this encounter that Subject Officer Fallert violated the General Rules and Regulations of the Pittsburgh Bureau of Police, #16-1, 3.7.2: Conduct Toward the Public and Subject Officer Emery violated #16-1,3.12.2: Incompetency, #11-3, 4.1.5: Unbiased Policing and #10-1, 2.3 The Law Enforcement Code of Ethics.

Testimony

Testimony was received from Ms. Kelly, Mr. Lee, Det. Edward Fallert and Det. Judd Emery. A video of the encounter was recorded by Mr. Lee and was received into evidence.

Ms. Kelly

Complainant, Ms. Kelly, testified that her son has been stopped by police "well over two dozen times within a one-year period". Ms. Kelly expressed grave concern about her son's safety and her personal fear that something "bad" could happen to him when stopped by police. Ms. Kelly testified that because her son, Mr. Lee, is stopped by police so often, he tries to call her when a police stop is imminent. On this occasion Mr. Lee phoned Ms. Kelly and she told Mr. Lee she was on her way (with her fiancé and adult daughter). Upon arrival at the scene of the traffic stop Ms. Kelly attempted to learn why her son was stopped and was told by a Subject Officer that he was grown and could take care of himself.

Mr. Lee

Mr. Lee testified that he was on his way home from work as supervisor at a local bakery and immediately after calling his mother he activated the recording function of his cellphone. According to Mr. Lee, Subject Officer Fallert approached Mr. Lee and in the course of casual conversation told Mr. Lee that he knew he was a drug dealer and must be clean because of the way he (Lee) was acting. Mr. Lee admitted having a bottle of liquor in a bag positioned in the passenger seat of his vehicle. According to Mr. Lee, S.O. Emery arrived and told Mr. Lee that since he (Lee) wanted to record, he (Emery) would give him a citation. Mr. Lee testified that S.O. Emery shined his flashlight into his (Lee) eyes after commenting about Mr. Lee shining a light into S.O. Emery's eyes. The video depicts the encounter in which the two were shining lights at each other. Mr. Lee received two citations, one for an open container and one

for failure to use a turn signal. Mr. Lee testified that he moved out of the City because he doesn't feel safe on the North Side. He stated that this incident left him uncomfortable, not feeling safe at all, stressed and terrified. Mr. Lee acknowledged that at the time of this incident he was charged and subsequently convicted by a jury of possession with intent to deliver. Mr. Lee admitted that S.O. Fallert was involved in his arrest on the charges of which he was convicted. Mr. Lee denied that he was a drug dealer.

Mr. Lee testified that he called his mother when he saw a car perform a U-turn behind him and pulled over when he noticed police lights behind him. It was at that time Mr. Lee testified that he activated the video and light on his cellphone and waited for an officer to approach.

Subject Officer Fallert

Subject Officer Fallert testified that he had arrested Mr. Lee previously and the charges from that arrest were pending trial at the time of the stop. S.O. Fallert testified that he and his partner were working with S.O. Emery and his partners as an impact unit patrolling areas of high crime, shootings, gang activity and street level drug sales. S.O. Fallert testified that he had a complaint about Mr. Lee using his vehicle and selling drugs on a nearby street. S.O. Fallert stated that he approached Mr. Lee as S.O. Emery had finished speaking to him (Lee) and engaged Mr. Lee in conversation during which he explained to Mr. Lee that he (Fallert) knew he was a drug dealer. S.O. Fallert also acknowledged that he said something to the effect of "if you keep dealing drugs we will get you" in a matter-of-fact manner.

Subject Officer Emery

S.O. Emery testified "Initially, the traffic stop was fine and once Mr. Lee was shining his light in my face, calling people to the scene, calling people to come down and distract me from what I was doing, I was going to use my discretion and write him citations". The citations were prepared later through e-citations and forwarded through traffic court to Mr. Lee.

Det. Emery's testimony described an interesting and a commonly occurring scenario in which a person stopped by police summons others by phone or text to come to the scene of the police encounter. The arrival of additional parties to the location can create a distraction from the original police encounter. This scenario can escalate tension and create an unsafe environment for civilians and police officers on location. From Det. Emery's perspective, the arrival of Ms. Kelly, Ms. Kelly's daughter and Ms. Kelly's fiancé presented the possibility that such a scenario was evolving.

S.O. Emery explained that Mr. Lee's mother, another female and a male were present and there was "heated yelling back and forth". He said one of the females was "yelling over about harassing her son and they are selling drugs because -- one of them, George Bush made this economy bad and that's why they are selling drugs". Such was the context described by S.O. Emery and he deferred to what was reflected in the video evidence as to the validity of the allegation that he said to the female "Obama makes you (or him) sell heroin".

S.O. Emery confirmed that there was no probable cause to search Mr. Lee's vehicle so it was not searched. S.O. Emery indicated prior knowledge of Mr. Lee's possession of a permit for a firearm and his previous arrest with a firearm. He described the effect of a light shining in his eyes as an officer safety issue and the presence of bystanders as a distraction.

Discussion

The complaint presents several areas of interest that testimony clarified and illustrated many aspects of police and civilian conduct that contribute to the current status of community/police relations in the City. In this case we also have the benefit of video documentation.

Regulation #16-1, 3.7.2; Conduct Toward the Public

First the allegation that S.O. Fallert engaged in unbecoming conduct toward the public when he told Mr. Lee that he knew he was a drug dealer and they are going to get him. Officers are expected to refrain from using insults or derogatory terms when addressing any person or in any form of communication. Testimony confirmed that the Subject Officer did say to Mr. Lee that he was "a drug dealer" and that "if you keep dealing drugs we will get you". S.O. Fallert testified that he did arrest Mr. Lee and charged him with possession with intent to deliver prior to this incident. Ultimately Mr. Lee was convicted of the charge but at the time of the traffic stop and this encounter with S.O. Fallert, the case had not been adjudicated.

Notwithstanding the truth of S.O. Fallert's comment, the context of the traffic stop in this incident and the incidental role of S.O. Fallert in the stop, it was imprudent to convey the message to Mr. Lee as it had no relevance to the traffic stop.

Testimony from Ms. Kelly that her son (Mr. Lee) had been stopped "well over two dozen times within a one-year period, and I mean, he got so many bogus tickets, and it's very stressful and I just wanted to know why, because I always feared that y'all going to keep going and I don't want y'all to hurt my son. He's stopped too much." The cumulative effect of the numerous police stops of her son seems to have left Ms. Kelly exasperated and in fear for her son's safety when encountering Pittsburgh Police officers. In turn, Mr. Lee's practice of calling his mother when a traffic stop is imminent seems to arise from his, and her, concerns for his safety.

In this context the comment from S.O. Fallert, "if you keep dealing drugs we will get you", appears to have been a message intended to intimidate Mr. Lee by warning him that he (Lee), will be targeted in the future as a "drug dealer", a designation Mr. Lee denied. The comment was irrelevant to this traffic stop as both S.O. Fallert and Emery acknowledged there was no reasonable suspicion or probable cause to investigate Mr. Lee during this traffic stop for any drug related activity.

Regulation #16-1, 3.12.2; Incompetency

Mr. Lee testified that S.O. Emery said to him "since you want to record, I'm giving you a ticket". S.O. Emery explained that the light shining in his eyes from Mr. Lee's phone camera was making it difficult to see into the vehicle and he asked Mr. Lee to lower the light but Mr. Lee refused. S.O. Emery acknowledged Mr. Lee's right to record the encounter but was concerned about his own safety which was why he said he shined his flashlight into Mr. Lee's face. According to his testimony, at no time did S.O. Emery consider taking Mr. Lee's camera.

S.O. Emery testified that he exercised his discretion to issue the citations upon his assessment of the totality of the situation including Mr. Lee's shining the light in his eyes even after S.O. Emery directed him to lower it and Mr. Lee calling people to come to the scene and the distraction caused by the people that came to the scene. The problem observed by the panel is the statement "since you want to record, I'm giving you a ticket". The citations had nothing to do with Mr. Lee's act of recording the encounter yet S.O. Emery conveyed a message intimating the citations were in retaliation of Mr. Lee's recording. The exercise of discretion by S.O. Emery carries little accountability beyond the resolution arrived at by traffic court but imposes a burden for Mr. Lee. The citations may well be appropriate but the rationale should rest on the facts generating the citations not on a threat or retaliation.

Regulation 11-3, 4.1.5 Unbiased Policing

Regulation 10-1, 2.3 Law Enforcement Code of Ethics

Testimony from S.O. Emery introduced new information alleging that a female at the scene commented "...George Bush made the economy bad and that's why they are selling drugs". There was no other testimony confirming that the alleged comment was heard by any of the other witnesses at the scene and it was not heard on the video. When asked under cross-examination about the context of the statement "Obama makes you sell heroin", S.O. Emery replied "I may have said something in that context. I don't remember exactly what was said." He went on to say "If it is on the video exactly what I said, it would be there. But I have not seen the video." It was heard on the video by the Panel.

S.O. Emery described a scene that was fraught with distraction and heated verbal interactions. The panel was impressed that under such conditions an officer's patience could be drained and focus easily diverted. Effective strategic and tactical training develops within officers the stamina and professional finesse to overcome the temptation to lose his/her temper or engage in petty arguments with individuals involved in a police encounter. In this incident it is apparent that S.O. Emery communicated the message "Obama makes you sell heroin" which served only to escalate an already volatile situation. The comment also had no relationship to the facts initiating the traffic stop.

Finding

The nature of the conduct demonstrated in this incident is consistent with the most common examples of police conduct reviewed by the CPRB. Civilians and police officers alike identify the absence of respect as the most significant impediment to improved relations between the community and the police. Professional police officers are expected to demonstrate competence when assessing the context of people's reactions when engaged by police. Mere awareness, adaptation of tactics and judicious exercise of discretion would go a long way to demonstrate professional respect toward civilians engaged by police.

Here we have a young adult man fearful of the police, for whatever reason, reaching out to his Mother who shares that fear in an entirely different way. The act of reaching out to his mother became a subject of ridicule by a Subject Officer. The practice of calling people to the scene to create a distraction for the police is not acceptable or condoned; however, the Subject Officer should have refrained from judging or having any personal opinion about Mr. Lee calling his Mother.

The complaint is sustained in its entirety as de minimis acts of misconduct in violation of the cited orders.

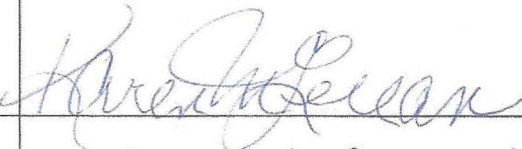
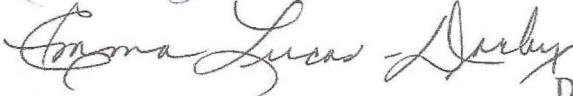
Recommendations

1. Review and revise the policy affecting the use of unmarked vehicles to make traffic stops for minor moving violations such as failure to use a turn signal or expired stickers or a broken taillight. Routine traffic stops for moving violations of a minor nature should be limited to marked police vehicles, preferably assigned to traffic division. In no way does this recommendation suggest that any police vehicle, properly equipped, should refrain from stopping a vehicle demonstrating imminent danger to the public.
2. Enhanced value-based training for Pittsburgh Police Officers regarding professional communication with civilians and respectful interaction.
3. Enhanced competency-based training related to the formulation of unbiased and soundly based rationale when exercising discretion.

Notice to the Chief of Police and the Mayor:

The Pittsburgh City Code, Title Six, Article VI, § 662.09 Response To Board Recommendations, requires that within thirty (30) working days of the Board's submission of recommendations to you, you must respond in writing to the Board regarding which recommendations are accepted, rejected, or will be implemented with modification(s). If the Board's recommendations are rejected or modified, the Mayor and/or Chief of Police shall include a written explanation for their decision.

By the Presiding Hearing Panel:

<input type="checkbox"/> Concur <input type="checkbox"/> Dissent	 Ms. McLellan, Chair	Date
<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Dissent	 Dr. Lucas-Darby	12/2/14 Date
<input type="checkbox"/> Concur <input type="checkbox"/> Dissent	 Mr. Waters	Date

Public Hearing Conducted by the Board: 9/11/2014

Presiding CPRB Hearing Panel:

Dr. Emma Lucas-Darby, Chair
 Ms. Karen McLellan
 Mr. Thomas Waters

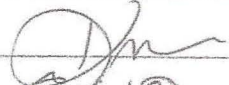
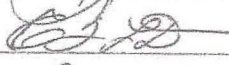

Hearing Officer: Ms. Elizabeth F. Collura, Esq.

Special Prosecutor: Mr. Jeffrey J. Ruder, Esq.

Counsel for the Subject Officer(s): Mr. Bryan Campbell, Esq.

Investigator: Ms. Kathleen Carson

☒ Sustained (
 ☒ De Minimus
 ☐ Serious
 ☐ Very Serious
 ☐ Egregious)

Panelists	Agree with finding	Disagree with finding	Initials
Ms. McLellan	✓		
Dr. Lucas-Darby	✓		
Mr. Waters	✓		



#286-13/ecf

**CITY OF PITTSBURGH
BUREAU OF POLICE
Office of the Chief**

"...accountability, integrity, and respect."

January 30, 2015

Elizabeth Pittinger, Director
Citizen Police Review Board
816 Fifth Avenue, Suite 400
Pittsburgh, PA 15219

Dear Director Pittinger:

I have reviewed the Findings and Recommendations of the Independent Citizen Police Review Board, Case Number: CPRB# 286-13. In response to the findings and recommendations therein, I concur in part, and disagree in part.

I disagree with the finding that Officer Fallert violated General Rules and Regulations 16-1, 3.7.2; Conduct toward the Public with his statement he knew Mr. Lee was a drug dealer. The record reveals that, in fact, the officers were reacting to a complaint Mr. Lee was using his vehicle and selling drugs on a nearby street. The officers were patrolling areas in response to violence and street level drug activity. They come into contact with Mr. Lee who our officers had arrested in the past for Possession with Intent to Deliver, charges on which Mr. Lee was convicted. The officers had probable cause to affect a vehicle stop for a traffic violation, creating a lawful platform upon which to discuss Mr. Lee's activities in the area. When an officer reasonably believes a person to be engaged in unlawful conduct, promising they will receive higher levels of police focus is neither unreasonable nor inappropriate.

I concur with the over-arching finding that the conduct of Officer Emery was inappropriate and inconsistent with the highest standards of police ethical conduct, as instituted within the Pittsburgh Bureau of Police under General Rules and Regulations 10-1. The statement "Obama makes you sell heroin" is inappropriate. In the context of the comments from bystanders to the effect "George Bush made the economy bad, and that's why they are selling drugs", it is easy to understand how one might be drawn into such inappropriate banter. The Law Enforcement Code of Ethics states, however, "I will never act officiously, or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions." However, I do not believe this conduct violates General Rules and Regulations 11-3, 4.1.5 Unbiased Policing, as I do not see evidence racial bias was factor in the enforcement decision.

I am sympathetic with the assertion Officer Emery's decision to issue a citation based upon the behavior of Mr. Lee for taping the interaction, and in so doing violated this same provision of the Code of Ethics, but disagree in part. Mr. Lee's actions of calling others to the scene, and shining a light in the officers' eyes created a potentially dangerous situation that escalated the situation for all involved. The

overarching goal of police presence is to seek voluntary compliance to the laws. When voluntary compliance is not forthcoming, to cite the individual and activate the justice system is not a violation. However, the situation devolving into Officer Emery and Mr. Lee shining lights in one another's eyes does not reflect the high standards of professional conduct contemplated in our Code of Ethics.

I likewise disagree the decision to issue a citation based upon the totality of Mr. Lee's behavior constitutes a violation of Regulation 16-1,3.12.2; Incompetency. Mr. Lee's behavior was escalating a situation. If Mr. Lee's only conduct were to respectfully record the interaction, without shining light in the officers eyes and calling others to the scene, I would concur such an arrest decision might be capricious and reflect poor judgment. I must review the officers' conduct contemplating the totality of the circumstances. Faced with an actor who has been known to be armed and engaged in drug activity in the past, who is calling others to the scene who are now yelling at the distracting the officers, and who is shining a light from the cellphone camera in the officer's eyes, thereby damaging the officer's night vision creates a tense situation. In this context, to use the only tools the law provided to assert their authority for the underlying contact, the traffic stop, is an appropriate discretionary decision.

I concur with the overall finding the allegations are acts of deminimus misconduct where misconduct is stated herein. I will direct both officers receive counseling on maintaining highest standards of ethical conduct, even during trying citizen interactions like these.

The use of a traffic violation to create an opportunity for an investigative stop, often referred to as a pretextual, is a legally supported investigative tool. Pretext stops can undermine community trust. Poorly performed, such stops can badly undermine the legitimacy of police conduct in the eyes of the public. It is my intention to review Police Bureau policies relative to this practice.

We will also review the use of unmarked cars with officers in plainclothes for our street level enforcement efforts. There are very valid reasons for officers seeking to reduce street level crime to gain a modicum of advantage by driving vehicles less obviously police vehicles when seeking to deal with violent street crime. The use of traffic stops is a necessary strategy in these efforts; however, I recognize the ---need to reexamine our efforts in this area to preserve legitimacy and public trust and will conduct that reexamination.

I am firmly committed to moving forward with the recommendations to conduct training related to respectful interactions with the public and on understanding bias and how it affects our judgments and discretionary decisions.

Please do not hesitate to contact me if you have questions or concerns.

Sincerely,



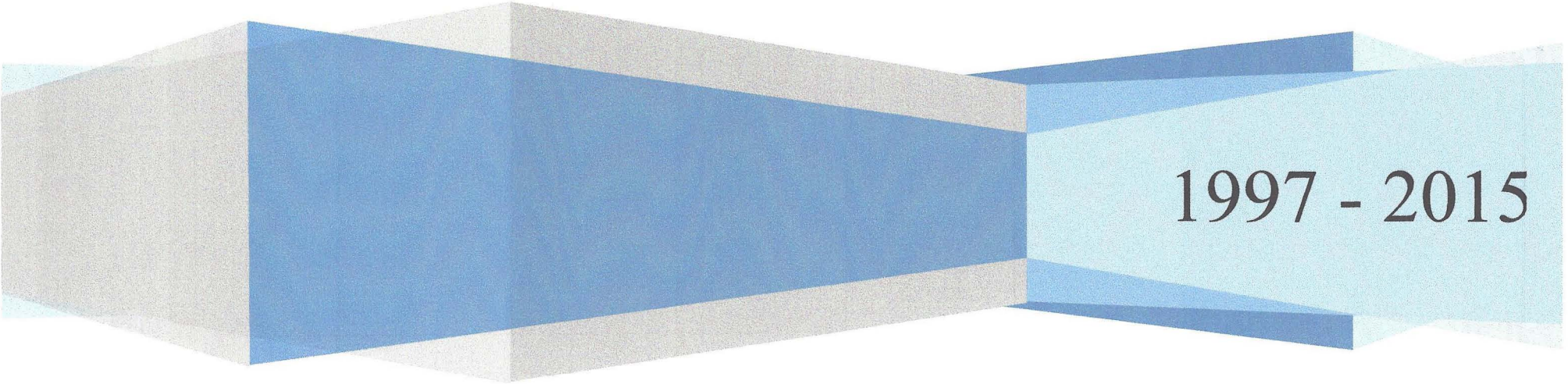
Cameron S. McLay
Chief of Police

City of Pittsburgh

INDEPENDENT CITIZEN POLICE REVIEW BOARD

Seat Progression

*Promoting responsible citizenship and
Professional law enforcement through
Mutual accountability
since 1997.*



1997 - 2015

Incumbent Board August 26, 2014 through October 31, 2015

Seat #1 Council Nominee	Seat #2 - LEP Council Nominee	Seat #3 Council Nominee	Seat #4 Council Nominee	Seat #5 Mayoral Nominee	Seat #6 Mayoral Nominee	Seat #7 - LEP Mayoral Nominee
Mr. Thomas Waters	Ms. Karen McLellan	Mr. Elwin Green	VACANT	Ms. Leshonda Roberts	Dr. Emma Lucas-Darby	Mr. Sheldon Williams
Vice Chair 4/21/13					Chair 4/21/13	
Appointed: 5/15/2012	Appointed: 1/29/2013	Appointed: 6/24/2014	Appointed:	Appointed: 8/2/2010	Appointed: 5/15/2012	Appointed: 5/6/2014
	Retained by ordinance provision 12/1/13		(Paul Homick, Esq. was retained by ordinance provision on December 1, 2013 to the term ending 10/31/17. He resigned January 6, 2014 due to relocation)	Retained by ordinance provision 12/1/13		(Successor to Ralph Norman; vacated 4/21/13)
Term to Expire: 10/31/2015	Term to Expire: 10/31/2017	Term to Expire: 10/31/2015	Term to Expire: 10/31/2017	Term to Expire: 10/31/2017	Term to Expire: 10/31/15	Term to Expire: 10/31/15

Meetings are conducted on the fourth Tuesday of the month except in August and in November which is combined with December and meets on the first Tuesday of December. Regular meeting calendar and location information is available at cprbpgh.org and is published in locally distributed newspapers. Further information: 412-765-8023.

Board May 15, 2012 - October 31, 2013

Seat #1 Council Nominee	Seat #2 - LEP Council Nominee	Seat #3 Council Nominee	Seat #4 Council Nominee	Seat #5 Mayoral Nominee	Seat #6 Mayoral Nominee	Seat #7 - LEP Mayoral Nominee
Mr. Thomas Waters	Ms. Karen McLellan	Mr. Howard Joe Brown	Mr. Paul S. Homick, Esq.	Ms. Leshonda Roberts	Dr. Emma Lucas-Darby	VACANT 4/21/2013
Appointed: May 15, 2012	Appointed: Jan. 29, 2013	Appointed: Dec. 11, 2012	Appointed: Nov. 13, 2012	Appointed: August 2, 2010	Appointed: May 15, 2012	Appointed: October 26, 2010
Vice Chair 4/21/13					Chair 4/21/13	Reappointed April 25, 2012
						Mr. Ralph Norman Vice Chair (1-25-11) (a/Chair 7/12/12- 4/21/13) RESIGNED 4/21/2013
	Term to Expire: October 31, 2013	Term to Expire: October 31, 2013	Term to Expire: October 31, 2013	Term to Expire: October 31, 2013		
Term to Expire: October 31, 2015					Term to Expire: October 31, 2015	Term to Expire: October 31, 2015

Meetings are conducted on the fourth Tuesday of the month except in August and in November which is combined with December and meets on the first Tuesday of December. Regular meeting calendar and location information is available on the CPRB website, and is published in locally distributed newspapers. Further information: 412-765-8023.

Board May 15, 2012 – July 31, 2012

Seat #1 Council Nominee	Seat #2 - LEP Council Nominee	Seat #3 Council Nominee	Seat #4 Council Nominee	Seat #5 Mayoral Nominee	Seat #6 Mayoral Nominee	Seat #7 - LEP Mayoral Nominee
Mr. Thomas Waters	Ms. Deborah L. Walker Chair	Mr. Thomas Kolano	Ms. Debora L. Whitfield	Ms. Leshonda Roberts	Dr. Emma Lucas-Darby	Mr. Ralph Norman Vice Chair
Appointed May 15, 2012	Appointed August 2, 2005 Re-appointed August 2, 2010	Appointed May 15, 2012	Appointed August 2, 2010	Appointed August 2, 2010	Appointed May 15, 2012	Appointed October 26, 2010
	Resigned: July 31, 2012	Resigned: July 31, 2012	Resigned: July 31, 2012			
	Service: 8/2/05 – 7/31/2012	Service: 5/15/12 – 7/31/2012	Service: 8/2/10 – 7/31/2012			
Term to Expire: October 31, 2015	Term to expire: October 31, 2013	Term to Expire: October 31, 2013	Term to Expire: October 31, 2013	Term to Expire: October 31, 2013	Term to Expire: October 31, 2015	Term to Expire: 10/31/2011
	<hr/> VACANT 7/31/12	<hr/> VACANT 7/31/12	<hr/> VACANT 7/31/12			

Board August 2, 2010 through October 31, 2011

Seat #1 Council Nominee	Seat #2 - LEP Council Nominee	Seat #3 Council Nominee	Seat #4 Council Nominee	Seat #5 Mayoral Nominee	Seat #6 Mayoral Nominee	Seat #7 - LEP Mayoral Nominee
Ms. Donna Kramer	Ms. Deborah L. Walker	Rev. Eugene Downing, Jr.	Ms. Debora L. Whitfield	Ms. Leshonda Roberts	Mr. Richard Carrington	Mr. Ralph Norman
Appt: 8/2/10	Re-appt.: 8/2/10	Appt.: 8/2/10	Appt.: 8/2/10	Appt.: 8/2/10	Re-appt: 8/2/10	Appt: 10/26/10
Term Expiry:	Term expiry:	Term Expiry:	Term Expiry:	Term Expiry:	Term Expiry:	Term Expiry:
10/31/2011	10/31/2013	10/31/2013	10/31/2013	10/31/2013	10/31/2011	10/31/2011
		Resigned 4/26/11. Effective 6/30/2011.				
		VACANT				
Service: 8/2/10 – 5/15/2012		Service: 8/2/10 – 6/30/2011			Service: 10/27/04 – 5/15/2012	

Meetings are conducted on the fourth Tuesday of the month except in August and in November which is combined with December and meets on the first Tuesday of December. Regular meeting calendar and location information is available on the CPRB website, and is published in locally distributed newspapers. Further information: 412-765-8023.

Board August 2, 2005 through August 10, 2010

Seat #1 Council Selection	Seat #2 - LEP Council Selection	Seat #3 Council Selection	Seat #4 Council Selection	Seat #5 Mayoral Selection	Seat #6 Mayoral Selection	Seat #7 - LEP Mayoral Selection
Dr. Mary Jo Guercio	Ms. Deborah L. Walker (Appt. 8/2/05)	Ms. Marsha V. Hinton Chair: 2006-2008	Mr. Richard M. Carrington Vice Chair: 2006-2008	Ms. Erin Dalton	Mr. Malik G. Bankston	Mr. John H. Bingler, Jr., Esq.
Term expires: 10/31/07	Term expires: 10/31/09	Term expires: 10/31/09	Term expires: 10/31/09	Term expires: 10/31/09	Term expires: 10/31/07	Term expires: 10/31/07
Served through 8/2/10	Reappointed 8/2/10 Term expiration: 10/31/13	Served through 8/2/10	Reappointed 8/2/10 Term expiration: 10/31/13	Served through 8/2/10	Served through 8/2/10	Served through 6/30/10
Service: 8/2/05 – 8/2/2010		Chair: 1999 - 2010 Service: 11/1997 – 8/2/2010 (Deceased: 2/18/14)		Service: 8/2/05 – 8/2/2010	Service: 8/2/05 – 8/2/2010	VACANT 6/30/2010- 10/26/2010 Service: 2/98 – 6/30/2010 (Deceased: 10/30/13)

May 7, 2003

November 1, 2003 – October 31, 2005

Seat #1 Council Nominee	Seat #2 - LEP Council Nominee	Seat #3 Council Nominee	Seat #4 Council Nominee	Seat #5 Mayoral Nominee	Seat #6 Mayoral Nominee	Seat #7 - LEP Mayoral Nominee
<u>VACANT</u> Council Notified 5/7/03 9/25/03 3/2/04; 9/04 Term: 11//03 – 10/07	<u>VACANT</u> Council Notified 5/7/03 (Successor needed to complete term through 10/05) Term: 11/01-10/05	Ms. Hinton Chair: 2001-2003 Term: 11/01 – 10/05	<u>VACANT</u> Council & Mayor Notified 1/29/03 (Successor needed to complete term through 10/05) Term: 11/01-10/05	<u>VACANT</u> Mayor Notified 5/7/03 (Successor needed to complete term through 10/05) Term: 11/01-10/05	<u>VACATED</u> Mayor & Council Notified 1/29/03 (Successor needed to complete term through: 10/03) Term: 11/99-10/03	Mr. John H. Bingler, Jr., Esq. V.Chair: 1999-2001 2001-2003 Term: 1998-10/99 (completed Mr. Kroner's term) Appointed to a full- term: 11/99 – 10/03 Term: 11/99-10/03
<u>VACANT</u> Council Notified 5/7/03 9/25/03 3/2/04; 9/04 Term: 11//03 – 10/07	Mr. Ronald B. Freeman (Appt: 11/03/03) Appointed through 10/31/05 <i>Did Not Serve</i>	Ms. Hinton Chair: 2001-2003 Term: 11/01 – 10/05	<u>VACANT</u> Council & Mayor Notified 1/29/03 (Successor needed to complete term through 10/05) Term: 11/01-10/05	<u>VACANT</u> Mayor Notified 5/7/03 (Successor needed to complete term through 10/05) Term: 11/01-10/05	<u>VACATED</u> Mayor & Council Notified 1/29/03 (Successor needed to complete term through: 10/03) Term: 11/99-10/03	Mr. John H. Bingler, Jr., Esq. V.Chair: 1999-2001 2001-2003 Term: 1998-10/99 (completed Mr. Kroner's term) Appointed to a full- term: 11/99 – 10/03 Term: 11/99-10/03

May 7, 2003

November 1, 2001 – October 31, 2003

Seat #1 Council Nominee	Seat #2 - LEP Council Nominee	Seat #3 Council Nominee	Seat #4 Council Nominee	Seat #5 Mayoral Nominee	Seat #6 Mayoral Nominee	Seat #7 - LEP Mayoral Nominee
Rev. Johnnie Monroe Nominated by: Udin (6) Term: 11/99-10/03 <hr/> VACANT Council Notified 5/7/03 9/25/03 3/2/04; 9/04 (Council Nominee) Term: 11/03 – 10/07	Mr. Craig B. Edwards Nominated by: McDonald (9) (Successor Term: 8/01-10/01) Term: 11/01 – 10/05) Resigned: 4/30/03 <hr/> VACANT Council Notified 5/7/03 (Successor needed to complete term through 10/05) (Council Nominee) Law enforcement professional Term: 11/01-10/05	Ms. Hinton Chair: 2001-2003 Term: 11/01 – 10/05	Mr. Peters Resigned: 1/28/03 <hr/> VACANT Council & Mayor Notified 1/29/03 (Council Nominee) (Successor needed to complete term through 10/05) Term: 11/01-10/05	Rev. Hill Resigned: 4/27/03 <hr/> VACANT Mayor Notified 5/7/03 (Mayoral Nominee) (Successor needed to complete term through 10/05) Term: 11/01-10/05	Mr. Eric Roberson Term: 1998-10/99 (completed Ms. Lewis' term) Appointed to full- term: 11/99-10/03 <hr/> VACANT Mayor & Council Notified 1/29/03 (Mayoral Nominee) (Successor needed to complete term through: 10/03) Term: 11/99-10/03	Mr. John H. Bingler, Jr., Esq. V.Chair: 1999-2001 2001-2003 Term: 1998-10/99 <i>(completed Mr. Kroner's term)</i> Appointed to a full- term: 11/99 – 10/03 Law Enforcement Professional Term: 11/99-10/03

Inaugural Board

May 7, 2003

Seats #1, #6, #7 = 2 year terms: 11/1997-10/1999. Seats #2, #3, #4, #5 = 4 year terms: 11/1997-10/2001.

Seat #1 Council Nominee	Seat #2 - LEP Council Nominee	Seat #3 Council Nominee	Seat #4 Council Nominee	Seat #5 Mayoral Nominee	Seat #6 Mayoral Nominee	Seat #7 - LEP Mayoral Nominee
John Burkoff, JD Inaugural Member Nominated By: Cohen (8) Chair: 1997-1999 Term: 11/97-10/99	Diane DePalma Inaugural Member Nominated by: Onorato (1) V.Chair: 1997-1999 Term: 11/97 – 10/01 Resigned: 2/00 Effective: 7/00	Marsha V. Hinton Inaugural Member Nominated By: McDonald (9) Chair: 1999–2001 2001–2003 Term: 11/97– 0/01 Re-Appointed: 11/01–10/05	Charles A. Peters Inaugural Member Nominated By: Ricciardi (3) Term: 11/97–10/01 Re-Appointed: 11/01–10/05	Rev. Toussaint K. Hill Inaugural Member (Mayor Murphy) Term: 11/97– 0/01 Re-Appointed: 11/01-10/05	Leslie Lewis Inaugural Member (Mayor Murphy) Term: 11/97-10/99 Resigned: 1998	Robert Kroner Inaugural Member (Mayor Murphy) Term: 11/97-10/99 Resigned: 1998 (Relocation) <i>(Deceased 4/19/2005)</i>

Notes: Referendum creation: May 20, 1997. Enabling Legislation adopted by City Council & signed by Mayor Tom Murphy in August 1997..