CITIZEN POLICE REVIEW BOARD



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Approved 1/27/15

Meeting Minutes of CPRB Meeting Held on October 28, 2014 (Mtg. No. 170)
Kingsley Association
Pittsburgh, PA 15206

Pittsburgh, PA 15206 Neighborhood: East End

Members Present: Dr. Emma Lucas-Darby, Chair

Mr. Thomas C. Waters, Vice Chair

Mr. Elwin Green Ms. Karen McLellan Mr. Sheldon Williams

Excused:

Absent:

Excused:

Vacancies: City Council Seat #4

None

Ms. Leshonda Roberts

Mr. Michael Ayoob, Intake Coordinator

Solicitors: Ms. Elizabeth F. Collura, Esq.

Ms. Tania Wang, Esq.

Staff Present: Ms. Elizabeth C. Pittinger, Executive Director

Ms. Carolyn L. Gaskin, Assistant Executive Director

Ms. Sherri Bridgett, Investigator Mrs. Kathy Carson, Investigator Ms. Michelle Gamble, Investigator

Administrative Matters:

Mr. Waters, Vice Chair, called the meeting to order at 6:00 p.m.

A motion to adopt the meeting minutes for September 23, 2014 was offered by Ms. McLellan, seconded by Dr. Darby and approved unanimously.

Mr. Waters publicly acknowledged and thanked the Board, staff, City Council, and the public for their invaluable support and contributions in pursuing the common goal of enhancing police-community relations.

Executive Director's Report

- Ms. Pittinger updated the Board on the appointment status of the remaining vacant seat, City Council Seat #4; no new information has been reported to date.
- Ms. Pittinger mentioned that the hearing panel members that presided over the 9/11/14 public hearing into CPRB Case #286-13 (Kelly v. Fallert & Emery) are still deliberating on the findings and recommendations of which when formally concluded will be conveyed to the Mayor and Chief of Police and released publicly.
- Ms. Pittinger stated that the hearing panel members that presided over the 10/9/14 public hearing into CPRB Case #208-13 (Scalese v. Love & Henson) are scheduled to deliberate on 11/8/14 and the corresponding findings and recommendations will subsequently be conveyed to the Mayor and Chief of Police and released publicly.

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- Ms. Pittinger noted that prior to this meeting the Board held two Pre-hearing Conferences into CPRB Case #27-14-P & #282-13 of which Public Hearings have been scheduled for each at 5:30 pm on 12/4/14 (Human Relations Commission) & 12/18/14 (City Council Chambers), respectively.
- Ms. Pitinger stated that the investigators attended the 20th annual National Association for Civilian Oversight of Law Enforcement [NACOLE] conference that was held September 14th 18th, 2014 in Kansas City, Missouri. Ms. Pittinger stated that the conference offers various workshops and training regarding contemporary and best practices of police oversight matters. Ms. Pittinger also mentioned that the investigators have completed the NACOLE criteria required to obtain the Certified Practitioner of Oversight credential.

Investigator Carson offered a brief summary of the conference, mentioning a workshop that promoted strategies for dispelling myths surrounding the LGBT community and the New York Civilian Complaint Review Board's ability to officially adjudicate civilian complaints and prosecute police officers.

- On 10/8/14, Ms. Pittinger, Ms. Roberts, and Ms. Gaskin met with CAPA High School students;
 a presentation was offered regarding CPRB operations and the dynamics involved during police-citizen encounters.
- On 10/8/14, Ms. Pittinger and Ms. Gaskin attended a live broadcast forum on police-community relations hosted by Essential Pittsburgh and WESA, 90.5. A panel consisting of Mayor Bill Peduto, Acting Police Chief McLay, APA Executive Director, Brandi Fisher, and CPRB Member, Sheldon Williams, answered questions and interacted with audience members. Ms. Pittinger stated that the event was well attended and received by the audience. Mr. Williams commented that the panel adequately represented the concerns of the community and also Mr. Leon Ford and his family's attendance demarcated a significant challenge faced within the city's police-community environment.
- On 10/7/14, Ms. Pittinger offered a presentation to a Citizen Police Academy class held at the PBP Headquarters. Ms. Pittinger noted that the sessions are very beneficial in that once completed citizens are better informed about police procedure.
 - Ms. Pittinger also mentioned partaking in discussions with PBP Sgt. Kroll and Officer Watt about encouraging diversity in law enforcement recruitment by means of outreach within the high schools and a program called Blue Courage; which emphasizes developing an individual philosophy that inspires self-pride and nobility of character.
- Ms. Pittinger stated that Acting Police Chief McLay appreciated and responded favorably to the CPRB Resolution 445 report; more specifically, the Community Oriented Policing recommendations and the benefit of civilianizing administrative positions and redeploying such officers.

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- Ms. Pittinger mentioned having discussions with two community activists to assist with
 organizing a focus group comprised of youth and law enforcement in an effort to strengthen
 relationships and develop strategies for utilizing social media as an outreach tool and
 mechanism to convey information to the public.
- On 10/22/14, Ms. Pittinger observed the National Stop Police Brutality Day rally held at the City-County Building. Ms. Pittinger stated that the rally assembled peacefully and highlighted community concerns surrounding the aftermath of police-citizen encounters, including Leon Ford, Jordan Miles, and Michael Ellerbe.
- Dr. Darby expressed an appreciation for the strategies being developed to engage others in the process of enhancing community-police relations and suggested including representatives from several different neighborhoods. Mr. Waters added that this may be an opportune time to organize a retreat to brainstorm and share concerns about furthering the effort.

Public Comment

Mr. Waters invited public comment. Mr. Mark Ozark offered comment.

Next Meeting

Mr. Waters announced that the next regular board meeting is scheduled for 6:00 p.m., Tuesday, December 2, 2014 @ City Council Chambers, 414 Grant Street, Pittsburgh, PA 15219.

The meeting was adjourned at 6:40pm.

Respectfully submitted,

Carolyn L. Gaskin Assistant Executive Director

Attachment (2):

- 1. Case Review Agenda/Board Action
- 2. 10/28/14 Executive Director's Report

A video recording of this meeting will be made available at www.CPRBpgh.org

Minutes of the Independent CPRB meetings and public documents are available at the website cited above.

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Action Date: October 28, 2014

CPRB CASE REVIEW AGENDA

			RECOMMENDATION	
CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	MOVED/SECONDED VOTE	RATIONALE
			I	PUBLIC HEARING (0)
			FULL	INVESTIGATION (9)
77-14/BRIDGETT	Use of Force (PBP 12-6, 3.2) 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 used unnecessary force without cause.	AUTHORIZED FULL INVESTIGATION McLellan/Williams 5-0	Preliminary evidence suggests more investigation time is needed.
135-14/BRIDGETT	Use of Force (PBP 12-6, 3.1) TASER (PBP 12-13, 5.3;3) 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 used unnecessary force during the encounter.	AUTHORIZED FULL INVESTIGATION McLellan/Williams 5-0	Preliminary evidence suggests more investigation time is needed.
146-14/GAMBLE	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 acted inappropriately during a search.	AUTHORIZED FULL INVESTIGATION McLellan/Williams 5-0	Preliminary evidence suggests more investigation time is needed.
162-14/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.1) Neglect of Duty (PBP 16-1, 3.13) Truthfulness (PBP 16-1, 3.19)	Cx. alleges that the Victim was falsely arrested.	AUTHORIZED FULL INVESTIGATION McLellan/Williams 5-0	Preliminary evidence suggests more investigation time is needed.

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CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
167-14/GAMBLE	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) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O. was rude and inappropriate during the encounter.	AUTHORIZED FULL INVESTIGATION McLellan/Darby 5-0	Preliminary evidence suggests more investigation time is needed.
216-14/GAMBLE	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 during the encounter.	AUTHORIZED FULL INVESTIGATION McLellan/Williams 5-0	Preliminary evidence suggests more investigation time is needed.
217-14/BRIDGETT	Obedience to Orders &/or Laws (PBP 16-1, 3.1;2) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O.s mishandled a search warrant.	AUTHORIZED FULL INVESTIGATION McLellan/Williams 5-0	Preliminary evidence suggests more investigation time is needed.
233-14/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.1;2) Conduct Toward the Public (PBP 16-1, 3.7;3) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O. threatened him without cause.	AUTHORIZED FULL INVESTIGATION McLellan/Williams 5-0	Preliminary evidence suggests more investigation time is needed.
234-14/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that S.O.s are ignoring the ongoing burglaries at her residence.	AUTHORIZED FULL INVESTIGATION McLellan/Williams 5-0	Preliminary evidence suggests more investigation time is needed.
30 DAY EXTENSION OF FULL INVESTIGATION (6)				
124-14/CARSON	Use of Force (PBP 12-5, 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 Report (PBP 62-1, 2.10)	Cx. alleges that the S.O. used excessive force during the encounter.	AUTHORIZED 30 DAY EXTENSION McLellan/Darby 5-0	Witnesses need to be interviewed.

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CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
139-14/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) False Report (PBP 62-1, 2.10)	Cx. alleges the S.O used unnecessary force during the encounter.	AUTHORIZED 30 DAY EXTENSION McLellan/Darby 5-0	Investigator will attend the Cx.'s Pre-Trial Conference.
149-14-ED/ GAMBLE/CARSON/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Use of Force (PBP 12-6, 3.1)	Executive Director opened an inquiry into an alleged police/citizen incident that occurred during PrideFest on 6/15/14.	AUTHORIZED 30 DAY EXTENSION McLellan/Darby 5-0	The Victim needs to be formally interviewed.
153-14/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6;2) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. approached him unnecessarily.	AUTHORIZED 30 DAY EXTENSION McLellan/Darby 5-0	The S.O. needs to be interviewed.
161-14-ED/ GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Executive Director opened an inquiry into an alleged incident that occurred at the CONSOL Energy Center on 7/7/14.	AUTHORIZED 30 DAY EXTENSION McLellan/Darby 5-0	The S.O. needs to be identified and interviewed.
190-14/GAMBLE	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) Truthfulness (PBP 16-1, 3.19) False Report (PBP 62-1, 2.10)	Cx. alleges that he was arrested unnecessarily.	AUTHORIZED 30 DAY EXTENSION McLellan/Darby 5-0	Investigator needs to obtain statements from Witnesses.

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CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
				UNSUSTAINABLE (1)
116-14/CARSON	Unbiased Policing (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O.s refused to assist her with filing a complaint.	DISMISSED AS UNSUSTAINABLE Darby/McLellan 5-0	The S.O.s did not violate any PBP policies or procedures.
				UNFOUNDED (2)
82-14/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Incompetency (PBP 16-1, 3.13) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O.s acted inappropriately when responding to a dispatched medical call.	DISMISSED AS UNFOUNDED McLellan/Williams 5-0	The evidence does not support the Cx.'s allegations.
175-14/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19) False Report (PBP 62-1, 2.10)	Cx. alleges that the S.O. cited him unnecessarily.	DISMISSED AS UNFOUNDED McLellan/Williams 5-0	The S.O. did not violate any PBP policies or procedures.
Suspensions (4)				
22-14-P/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) Motor Vehicle Stops (PBP 40-4, 3.2) Warrantless Search & Seizures (PBP 45-2, 3.0) False Report (PBP 62-1, 2.10)	Cx. alleges that the S.O. continuously harasses him.	AUTHORIZED SUSPENSION UNTIL THE DECEMBER MEETING Darby/McLellan 5-0	S.O. needs to be interviewed.

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CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
56-14/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Use of Force (PBP 12-6, 3.1) Truthfulness (PBP 16-1, 3.19) False Report (PBP 62-1, 3.19)	Cx. alleges that the S.O. acted inappropriately towards him and lied in his report.	AUTHORIZED SUSPENSION UNTIL THE DECEMBER MEETING Darby/McLellan 5-0	Investigator needs to formally interview witnesses.
59-14/Carson	Unbiased Policing (PBP 11-3, 4.1) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O.s falsely accused him of dealing drugs.	AUTHORIZED SUSPENSION UNTIL THE DECEMBER MEETING Darby/McLellan 5-0	The Investigator is awaiting information.
125-14/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Use of Force (PBP 12-6, 3.1)	Cx. alleges that the S.O. used unnecessary force during the encounter.	AUTHORIZED SUSPENSION UNTIL THE DECEMBER MEETING Darby/McLellan 5-0	Investigator is awaiting documents.
OTHERS (2)				
52-14-P/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges the S.O.s have failed to investigate her burglary complaint appropriately.	DISMISSED AS RESOLVED Darby/McLellan 5-0	Cx. is satisfied with the complaint outcome.
191-14/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O. neglected his duty by refusing to file a police report.	DISMISSED DUE TO THE CX'S LACK OF COOPERATION McLellan/Williams 5-0	The Cx. has no interest in pursuing the complaint.

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MEMORANDUM

To: Dr. Emma Lucas-Darby, Chair

Honorable Members of the Board

From: Elizabeth C. Pittinger

Executive Director

Date: October 28, 2014

Re: Executive Director's Report: 10/28/2014

Suite 400 816 Fifth Avenue Pittsburgh PA 15219

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



Intake Summary through 10/27/14: 262 total cases

Citizen Complaints:	Pending Citizen Action: 195	EDI: 5	Total Intake: 262
Out of Jurisdiction:	11 Statute of Limitation: 02		
(Actual Totals for 2013:	CC: 73; PCA: 224; OJ: 32; SL: 07	EDI: 05	Total: 341)
(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. Board Membership

a. No update. Vacancy: City Council Seat #4 (term exp. 10/31/2017; successor to Mr. Paul Homick, Esq., resigned/relocation). Details of notifications are published in the minutes of the 7/22/14 panel meeting.

2. Public Hearings

- a. 9/11/14: Held Public Hearing CPRB #286-13, Kelly v. Fallert & Emery.
 - i. Panel: Ms. McLellan, Chair, Dr. Lucas-Darby, Mr. Thomas waters
 - ii. F&R: pending deliberations
- b. 10/9/14: Held Public Hearing: CPRB #208-13: Scalese v. Love, Burgunder, Kail, Henson
 - i. Panel: Dr. Lucas-Darby, Chair, Ms. McLellan, Mr. Waters.
 - ii. F&R: pending deliberations
- c. Pre-hearing Conferences
 - i. Scheduled 10/28/14
 - a. #27-14-P El, El v. Kacsuta, Warnock

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- Panel: Ms. McLellan, Chair, Dr. Lucas-Darby, Mr. Williams
- b. #282-14 Brown, Brown v. Vitalbo
 - Panel: Mr. Waters, Chair, Ms. McLellan, Mr. Green

3. NACOLE

- a. 9/14-9/18/14: Investigators attended the 20th annual conference of the National Association of Civilian Oversight of Law Enforcement. The theme of this conference was "Building Community, Broadening Oversight" and was held in Kansas City MO.
- b. CPRB Investigators have completed the requirements to maintain their status as Certified Practitioners of Oversight (CPO). This is a credential offered by NACOLE.
- c. The CPRB is an organizational member of NACOLE.

4. Miscellaneous

- a. 10/2/14: met with a local blogger to explore devising a social media strategy to enhance our outreach.
- b. 10/7/14: Offered CPRB presentation at the Citizen Police Academy.
- c. 10/8/14: Met with two classes at CAPA, Pittsburgh Public Schools
- d. 10/8/14: Attended Community/Police relations program hosted by WESA.
- e. 10/9/14: Public hearing: #208-13
- f. 10/17/14: Met with two community representatives to discuss enhancing our use of social media as an outreach tool and mechanism to convey information to the public, and to plan a focus group to explore community police relations and strategies to reduce tension within.
- g. 10/22/14: National Stop Police Brutality Day. Attended local rally as an observer.

Respectfully submitted,

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Elegabeth C. Tattings

10/28/14

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