



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
3/22/16

Minutes of CPRB Meeting Held on February 23, 2016 (Mtg. No. 183)
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. Elwin Green Dr. Mary Jo Guercio Ms. Karen McLellan Mr. Sheldon Williams | Excused: | None |
| Solicitors: | Ms. Elizabeth F. Collura, Esq. | Absent: | Ms. Leshonda Roberts |
| | | Vacancies: | None |
| Staff Present: | Ms. Elizabeth C. Pittinger, Executive Director Ms. Carolyn L. Gaskin, Assistant Executive Director Ms. Sherri Bridgett, Investigator Ms. Michelle Gamble, Investigator | Excused: | Mr. Michael Ayoob, Intake Coordinator Mrs. Kathy Carson, Investigator |

Administrative Matters:

Dr. Darby, Chair, called the meeting to order at 6:10 p.m.

Dr. Darby welcomed newly appointed board Member, Dr. Mary Jo Guercio, and expressed an appreciation for the Board membership which is presently at full complement.

Dr. Darby thanked Mr. Waters, Vice Chair, for representing the Board at the Black & White Reunion's 18th Summit Against Racism. The annual event was held on 1/23/16 at the Pittsburgh Theological Seminary.

Dr. Darby indicated that following the events that transpired in Wilksburg, the public has been invited to this meeting to express their concerns about the use of K-9s.

Executive Director's Report

- Ms. Pittinger reported on an incident that occurred on 1/31/16 in Wilksburg, where Port Authority police encountered two individuals that were unlawfully consuming alcohol in public; an altercation ensued and resulted in the death of Mr. Bruce Kelley, Jr., and Port Authority K-9 Aren. Controversy developed over the use of K-9's and whether or not they should continue to be used as apprehension dogs. Ms. Pittinger also discussed a similar incident involving PBP K-9 Rocco; who was killed in January 2014 while attempting to subdue a violent suspect in Lawrenceville. Subsequently, federal and state officials

enacted severe penalties for anyone who willfully or maliciously injures or kills a police animal. Ms. Pittinger further acknowledged the concerns of community activists/members and animal right's advocates who decry the ethicality and humanization of police animals, particularly dogs. An invitation was extended to the public to attend this meeting to share their views regarding this issue.

- Ms. Pittinger reported on the recent events involving PBP Sgt. Stephen Matakovich. On 11/28/15, an encounter at Heinz Field was captured on surveillance video, where Sgt. Matakovich working a uniformed off-duty secondary employment detail, used what appeared to be an excessive amount of force on Mr. Gabriel Despres prior to arresting him. Furthermore, Sgt. Matakovich's official report regarding the encounter was deemed by PBP personnel to be documented in contrast to what transpired on the video. Consequently, Sgt. Matakovich was initially placed on paid administrative leave followed by a 5 day suspension pending termination. As part of due process, the FOP Union has appealed this decision to the Director of Public Safety, Wendell Hisrich; who will then determine reinstatement or termination of employment.
- The District Attorney's office filed criminal charges of Official Oppression & Simple Assault against Sgt. Matakovich and on 2/1/16 Magisterial District Judge Ravenstahl dismissed all charges (The District Attorney publicly announced that he intends to refile the charges). Additionally, it has been reported in the media that several uniformed PBP officers attended Sgt. Matakovich's preliminary hearing and applauded the dismissal of charges; an investigation by the PBP has been initiated into whether those uniformed officers were on or off duty at the time.
- Sgt. Matakovich has been suspended with pay since approximately 1/8/16; and is receiving base salary, and an averaged projected amount of compensation for court time and secondary employment. The FOP contends that a "sidebar agreement" to the police union contract was developed in 2014 and proposes that police officers suspended for more than 30 days are to receive their base pay plus however much they earned in the same pay period a year earlier, including overtime and secondary employment. Ms. Pittinger queried how a police officer can be paid for work he/she is unable to perform and asked permission of the Board to initiate an inquiry into the salary enhancements of Sgt. Matakovich.

A motion to authorize the Executive Director to conduct an inquiry into Sgt. Stephen Matakovich's salary enhancements was offered by Mr. Green, seconded by Mr. Waters and approved unanimously with the following amendments: Mr. Waters specified that the inquiry should be intently focused on the salary

enhancements of all PBP officers and Mr. Williams furthered the amendment to include whether salary enhancements are standard practice for all of public safety personnel.

- Ms. Pittinger presented the Board with a CPRB Briefing entitled, “Use of Force: Police Less Lethal Force Options,” which offers general background information about forms of less-lethal and non-lethal force. Ms. Pittinger stated that the report evolved from the current controversial discussions surrounding use of police animals and was prompted by the 1/31/16 Wilkinsburg citizen/police encounter. Included in the report is a copy of policy proposals released by the Police Executive Research Forum [PERF]; wherein 30 recommendations are offered in pursuit of changing the manner in which police use force and tactics to facilitate an increase in officer and community safety. Also included is the 2011 National Institute of Justice report entitled, “Police Use of Force, Tasers, and Other Less-Lethal Weapons,” which contributes findings in regards to injuries that have occurred to law enforcement personnel including animals and citizens during use-of-force incidents. Ms. Pittinger stated that an electronic copy will be distributed and made available on the CPRB website: www.CPRBpgh.org.
- On 2/19/16, Ms. Pittinger and Mr. Tim Stevens of the Black Political Empowerment Project [B-PEP], met with PBP Chief McLay to discuss the current policing environment in the city; the meetings are expected to continue on a regular basis.
- On 2/19/16, US Attorney David Hickton convened a meeting with members of the Community Police Relation Group consisting of several community members and officials, including Ms. Pittinger and CPRB member Mr. Sheldon Williams. The committee has been meeting over the past several years and continues to discuss strategies for improving current community/police relations and neighborhood safety.
- Ms. Pittinger was invited by Flo Taylor, Executive Producer of PCTV Channel 21 to appear as a guest speaker. Ms. Pittinger stated that Mr. Richard Garland also appeared and offered discussion about his outreach efforts aimed at reducing and preventing crime and violence. Ms. Pittinger discussed the fundamental role and responsibilities of CPRB and was asked to consider contributing to a public educational series about understanding civic affairs.

Case Review

Dr. Darby moved to the case review agenda (copy attached); each case was voted upon as recorded. Copies of the agenda were made available to the public and will be published on the CPRB website: <http://www.city.pittsburgh.pa.us/cprb/>

Public Comment

Dr. Darby invited public comment. Mr. Tim Stevens, Ms. Gayle Sappie, Mr. Creighton Vilsack, and Mr. Richard Steward offered public comment.

Next Meeting

Dr. Darby announced that the next regular board meeting is scheduled for 6:00 p.m., Tuesday, March 22, 2016 @ the Brashear Association, 2005 Sarah Street, Pittsburgh, PA 15203.

A motion to adjourn the meeting was offered by Dr. Guercio, seconded by Ms. McLellan and approved unanimously.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Carolyn L. Gaskin
Assistant Executive Director

Attachments (1):

1. 2/23/16 Case Review/Board Actions

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

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

CPRB CASE REVIEW AGENDA

| CPRB CASE NO. INVESTIGATOR | ALLEGATION(S) | SUMMARY | RECOMMENDATION | RATIONALE |
|---|--|---|---|---|
| PUBLIC HEARING (2) | | | | |
| 70-15/BRIDGETT HEARING PANEL: DR. DARBY, CHAIR DR. GUERCIO MR. WATERS | Unbiased Policing (PBP 11-3, 4.1;2) Use of Force (PBP 12-6, 3.1;3) TASER (PBP 12-13, 5.0;4) Conduct Unbecoming a Member (PBP 16-1, 3.6;5) Conduct Toward the Public (PBP 16-1, 3.7;6) Responding to Incidents Involving People with Mental Illness (PBP 40-15, 6.1, 8.3) | Cx. alleges that the S.O.s used unnecessary force against the Victim. | AUTHORIZED PUBLIC HEARING WATERS/WILLIAMS 6-0 | The evidence gathered in the case warrant a public hearing. |
| 217-14/BRIDGETT HEARING PANEL: MR. WATERS, CHAIR MR. GREEN MR. WILLIAMS | 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 FACT-FINDING PUBLIC HEARING WATERS/MCLELLAN 6-0 | The evidence gathered in the case warrant a public hearing. |
| FULL INVESTIGATION (3) | | | | |
| 10-16-ED/GAMBLE | Discharge of Firearms (PBP 12-7, 4.4) Motor Vehicle Pursuits (PBP 4-5, 1.2) | Executive Director opened an inquiry into an alleged incident involving a motor vehicle pursuit that occurred on 1/22/16. | AUTHORIZED FULL INVESTIGATION WILLIAMS/MCLELLAN 6-0 | Preliminary evidence suggests more investigation time is needed. |
| 16-16-ED/GAMBLE | Conduct Unbecoming a Member (PBP 16-1, 3.6) Use of Force (PBP 12-6, 3.0) | Executive Director opened an inquiry into an alleged incident that occurred on 11/25/15 at Heinz Field. | AUTHORIZED FULL INVESTIGATION WILLIAMS/MCLELLAN 6-0 | Preliminary evidence suggests more investigation time is needed. |

| CPRB CASE NO. INVESTIGATOR | ALLEGATION(S) | SUMMARY | RECOMMENDATION | RATIONALE |
|---|---|--|---|---|
| 241-15-ED/BRIDGETT | Conduct Unbecoming a Member (PBP 16-1, 3.6) Use of Force (12-6, 3.0) | Executive Director opened an inquiry into two alleged incidents that occurred downtown on 12/16/15 at the Wood Street T-Station. | AUTHORIZED FULL INVESTIGATION WILLIAMS/MCLELLAN 6-0 | Preliminary evidence suggests more investigation time is needed. |
| 30 DAY EXTENSION OF FULL INVESTIGATION (4) | | | | |
| 186-15/BRIDGETT | Obedience to Orders &/or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19;4) Eyewitness ID Procedure (PBP 43-17, 9.0;5) | Cx. alleges that the S.O. tampered with evidence and intimidated a witness during his trial. | AUTHORIZED 30 DAY EXTENSION GUERCIO/WATERS 6-0 | Cx. and S.O.s need to be interviewed. |
| 215-15/BRIDGETT | Use of Force (PBP 12-6, 3.1) TASER PBP 12-13, 5.3) 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 are harassing him. | AUTHORIZED 30 DAY EXTENSION GUERCIO/WATERS 6-0 | Investigator is awaiting S.O. Statements. |
| 223-15/GAMBLE | Unbiased Policing (PBP 11-3, 4.1) Obedience to Orders &/Or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13) | Cx. alleges that the S.O. acted inappropriately following the encounter. | AUTHORIZED 30 DAY EXTENSION GUERCIO/WATERS 6-0 | Investigator will attempt to interview Witnesses. |
| 235-15-ED/BRIDGETT | Use of Force (PBP 12-6) | Executive Director opened an inquiry into a 10/24/15 incident where PBP officer used force during an arrest. | AUTHORIZED 30 DAY EXTENSION GUERCIO/WATERS 6-0 | Investigator will continue trying to locate the Victim and Witnesses. |

| CPRB CASE NO. INVESTIGATOR | ALLEGATION(S) | SUMMARY | RECOMMENDATION | RATIONALE |
|---------------------------------------|---|--|--|---|
| UNSUSTAINABLE (3) | | | | |
| 12-15-ED/GAMBLE | Conduct Unbecoming a Member (PBP 16-1, 3.6) Use of Force (PBP 12-6, 3.1) | Executive Director opened an inquiry into an alleged incident that occurred on 8/26/14, at the Renewal Center. | DISMISSED AS UNSUSTAINABLE WILLIAMS/WATERS 6-0 | The available evidence does not establish whether the S.O. violated PBP policy or procedure. |
| 177-15/GAMBLE | Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) | Cx. alleges the S.O. acted inappropriately during a traffic stop. | DISMISSED AS UNSUSTAINABLE MOVED TO RUDE & DISCOURTEOUS HEARING GREEN/GUERCIO 6-0 | The available evidence does not support the Cx.'s allegations. |
| 200-15/BRIDGETT | 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) | Cx. alleges that the S.O.s used excessive force on her 16 year old nephew. | DISMISSED AS UNSUSTAINABLE WILLIAMS/WATERS 6-0 | Investigator is unable to determine whether or not the S.O. violated PBP policy or procedure. |
| UNFOUNDED (3) | | | | |
| 193-15/BRIDGETT | Conduct Unbecoming a Member (PBP 16-1, 3.6) | Cx. alleges that she received an official PBP document that contained false information regarding the Victim. | DISMISSED AS UNFOUNDED GUERCIO/MCLELLAN 6-0 | The available evidence does not support the Cx.'s allegations. |
| 236-15/GAMBLE | Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13) | Cx. alleges that the S.O.s failed to protect him while in the Witness Protection program. | DISMISSED AS UNFOUNDED GUERCIO/MCLELLAN 6-0 | The Cx. did not fulfill the required Witness Protection obligation. |
| 238-15/BRIDGETT | Obedience to Orders &/Or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19) Warrantless Searches & Seizures (PBP 45-2, 10.3) | Cx. alleges that the S.O. acted inappropriately during the encounter. | DISMISSED AS UNFOUNDED GUERCIO/MCLELLAN 6-0 | The S.O.s responded to a verifiable call of domestic violence. |

| CPRB CASE NO. INVESTIGATOR | ALLEGATION(S) | SUMMARY | RECOMMENDATION | RATIONALE |
|---------------------------------------|---|---|---|---|
| SUSPENSIONS (4) | | | | |
| 68-15/CARSON | Conduct Unbecoming a Member (PBP 16-1, 3.6;2) Conduct Toward the Public (PBP 16-1, 3.7;3) Truthfulness (PBP 16-1, 3.19) Operation of Bureau of Police Vehicles (PBP 30-1, 4.2) | Cx. alleges that the S.O. hit her vehicle with her police vehicle and misrepresented the occurrence with the insurance company. | AUTHORIZED SUSPENSION UNTIL THE MARCH MEETING GREEN/WATERS 6-0 | Investigator is awaiting a written response from the Cx. |
| 137-15/BRIDGETT | Use of Force (PBP 12-6, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) | Cx. alleges that he was falsely arrested. | AUTHORIZED SUSPENSION UNTIL THE MARCH MEETING GREEN/WATERS 6-0 | Pending the outcome of the Cx.'s court proceeding. |
| 198-15-ED/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) | Executive Director opened an inquiry into an incident that occurred on 10/07/15 at PNC Park. | AUTHORIZED SUSPENSION UNTIL THE MARCH MEETING GREEN/WATERS 6-0 | Investigator will continue trying to contact the Victim and his attorney. |
| 266-12-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 THE MARCH MEETING GREEN/WATERS 6-0 | Pending the Victim's lawyer's release to communicate with the Investigator. |
| OTHER (3) | | | | |
| 145-15/GAMBLE | Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19) | Cx. alleges that she was charged falsely because she refused to testify. | DISMISSED DUE TO CX.'S LACK OF COOPERATION WATERS/MCLELLAN 6-0 | Cx. has not participated in the investigative process. |
| 204-15-ED/BRIDGETT | Use of Force (PBP 12-6, 3.1) Discharge of Firearms (PBP 12-7, 4.4) Moving Vehicle Pursuits (PBP 40-5.10) Conduct Unbecoming a Member (PBP 16-1, 3.6;3) | Executive Director opened an inquiry into three separate incidents where PBP officers fired at moving vehicles. | DISMISSED AS SATISFACTORILY RESOLVED WILLIAMS/GUERCIO 6-0 | Continue to monitor any revisions to applicable PBP Policies. |

| CPRB CASE NO. INVESTIGATOR | ALLEGATION(S) | SUMMARY | RECOMMENDATION | RATIONALE |
|---------------------------------------|-----------------------------------|---|---|---|
| 225-15-ED/GAMBLE | Motor Vehicle Pursuits (PBP 40-5) | Executive Director opened an inquiry into a high speed vehicle pursuit that occurred on 11/22/15. | DISMISSED AS SATISFACTORILY RESOLVED GREEN/MCLELLAN 6-0 | Continue to monitor any revisions to applicable PBP Policies. |