



CITIZEN POLICE REVIEW BOARD

816 Fifth Avenue, Suite 400
Pittsburgh PA 15219
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cprb@city.pittsburgh.pa.us

Approved
5/23/17

Minutes of CPRB Meeting Held on April 25, 2017 (Mtg. No. 195)
Council Chambers
414 Grant Street
510 City County Building
Pittsburgh, PA 15219
Neighborhood: Citywide

Members Present: Dr. Emma Lucas-Darby, Chair
Mr. Thomas C. Waters, Vice Chair
Mr. Elwin Green
Sr. Patrice Hughes, SC
Mr. Sheldon Williams

Excused: Dr. Mary Jo Guercio
Ms. Karen McLellan

Absent: None
Vacancies: None

Solicitor: William F. Ward, Esq.

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

Administrative Matters:

Dr. Darby called the meeting to order at 6:20 PM.

A motion to approve the March 28, 2017 Board Meeting Minutes was offered by Sr. Patrice seconded by Mr. Williams and approved unanimously.

Executive Director's Report

- Ms. Pittinger reminded the Board Members to file a 2016 Financial Statement of Interest with the City Clerk, no later than May 1, 2017.
- Ms. Pittinger announced that the following Board Member terms are set to expire on October 31, 2017: Ms. Karen McLellan (Seat #2 – City Council; Law Enforcement Professional), Dr. Mary Jo Guercio (Seat #4 – City Council), and Sr. Patrice Hughes, (Seat #5 - Mayoral). Ms. Pittinger briefly explained the Board Member appointment process. Pursuant to the Pittsburgh City Code, Title Six: Conduct, Article VI §662.04(e)(1), 180 days prior to the expiration of any member's term, the Board Chair shall cause the public to be notified. In addition, 150 days prior to the expiration of any member's term, the Board Chair is required to provide notice to the Mayor, City Council, City Solicitor, City Clerk, and CPRB Members. Subsequently, the appointing authorities must nominate/appoint a successor within a specific timeframe; otherwise, the incumbent member will automatically be reappointed.

- Ms. Pittinger and Solicitor Ward briefed the Board on the status of two public hearings; both of which have been continued pending resolution of the disputes related to subpoenaed appearance and testimony.
 1. CPRB Case #70-15; the public hearing convened as scheduled on 1/26/17. However, the Subject Officer did not appear as directed by subpoena; two witness Officers did appear but through Attorney Bryan Campbell informed the hearing panel that they would not testify. Attorney Campbell contested CPRB's ability to compel testimony, referencing a clause in the collective bargaining agreement between the FOP and City of Pittsburgh. On 4/27/17, acting on the authorization of the Board, Solicitor Ward filed a petition to enforce compliance of the subpoenas; Judge McVay will hear arguments in Motion's Court on 5/15/17 at 1:30 PM, City County Building, Room 703.
 2. CPRB Case #72-16; the public hearing convened as scheduled on 3/27/17. The Subject Officer appeared but through Attorney Chris Cimballa, declined to testify. A motion to enforce the subpoena is pending receipt of the public hearing transcript.
- Ms. Pittinger presented a draft report in memoriam of former CPRB Chair, Deborah L. Walker. The report highlights complaint demographics, public hearings conducted and/or resolved, and significant activities of CPRB for the years 2015 & 2016.

A motion to adopt and publicly release the Independent Citizen Police Review Board 2015-2016 Report, was offered by Sr. Patrice, seconded by Mr. Waters and approved unanimously.

- Ms. Pittinger updated the Board on the status of the motion to quash filed by former CPRB Solicitor Collura, in response to a subpoena issued by Attorney Steven Tropani. Attorney Tropani filed a federal civil rights lawsuit on behalf of his client's allegations of excessive force by Pittsburgh police/canine. The subpoena sought CPRB information pertaining to related complaints, records and correspondence. Judge Cathy Bissoon ordered the plaintiff to reply to the motion by 4/4/17 and on 4/7/17, granted the CPRB motion.

Case Review

Dr. Darby moved to the case review agenda (copy attached), each case was voted upon as recorded and copies of the agenda were made available to the public.

Public Comment

Dr. Darby invited public comment. Mr. Mark Ozark offered comment.

Next Meeting

Dr. Darby announced that the next monthly board meeting is scheduled for 6:00 p.m., Tuesday, May 23, 2017, located at the First United Presbyterian Church of Crafton Heights, 50 Stratmore Avenue, Pittsburgh, PA 15205.

A motion to adjourn the meeting was offered by Mr. Green, seconded by Mr. Williams and approved unanimously.

The meeting adjourned at 6:45 PM.

Respectfully submitted,

Carolyn L. Gaskin
Assistant Executive Director

Attachments (2):

1. 4/25/17 Case Review/Board Actions
2. 4/25/17 Executive Director's Report

A video recording of this meeting will be 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 (0)				
FULL INVESTIGATION (4)				
51-17/BRIDGETT	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 were rude during the encounter.	AUTHORIZED FULL INVESTIGATION GREEN/WATERS 5-0	Preliminary evidence suggests more investigation time is needed.
53-17-P/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 the encounter.	AUTHORIZED FULL INVESTIGATION GREEN/WATERS 5-0	Preliminary evidence suggests more investigation time is needed.
57-17-P/BRIDGETT	Use of Force (PBP 12-16, 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 during his arrest.	AUTHORIZED FULL INVESTIGATION GREEN/WATERS 5-0	Preliminary evidence suggests more investigation time is needed.
62-17-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 on 3/20/17 at Westwood Elementary School.	AUTHORIZED FULL INVESTIGATION GREEN/WATERS 5-0	Preliminary evidence suggests more investigation time is needed.
30 DAY EXTENSION OF FULL INVESTIGATION (1)				
38-17/GAMBLE	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 used excessive force on the Victim during the arrest.	AUTHORIZED 30 DAY EXTENSION WATERS/WILLIAMS 5-0	The Victim and Witnesses need to be interviewed.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
UNSUSTAINABLE (3)				
157-16/GAMBLE	Unbiased Policing (PBP 11-3, 4.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Warrantless Search & Seizures (PBP 45-2, 5.1)	Cx. alleges the S.O. searched him without cause.	DISMISSED AS UNSUSTAINABLE WILLIAMS/ WATERS 5-0	Investigator is unable to prove or disprove the Cx.'s allegations.
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.	DISMISSED AS UNSUSTAINABLE WILLIAMS/ WATERS 5-0	Investigator is unable to prove or disprove the Cx.'s allegations.
201-16/GAMBLE	Unbiased Policing (PBP 11-3, 4.1;2) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Political Matters (PBP 16-1, 3.5.1)	Cx. alleges the S.O. was unprofessional when responding to a 911 call.	DISMISSED AS UNSUSTAINABLE WILLIAMS/ WATERS 5-0	Investigator is unable to prove or disprove the Cx.'s allegations
UNFOUNDED (0)				
SUSPENSIONS (4)				
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 SUSPENSION UNTIL THE MAY MEETING WATERS/WILLIAMS 5-0	Pending the outcome of the S.O.s criminal and arbitration proceedings.
17-16-P/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1;2) Obedience to Orders &/or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O. has a personal vendetta against him.	AUTHORIZED SUSPENSION UNTIL THE MAY MEETING WATERS/WILLIAMS 5-0	Investigator will attempt to attend the Cx.'s impending court proceeding.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
47-16/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1;2) Use of Force (PBP 12-6, 3.1;3) TASER (PBP 12-13, 11.1;4) Conduct Unbecoming a Member (PBP 16-1, 3.6;5) Conduct Toward the Public (PBP 16-1, 3.7;6) Property of Prisoners (PBP 50-2, 7.2)	Cx. alleges that the S.O.s used unnecessary force against the Victim.	AUTHORIZED SUSPENSION UNTIL THE MAY MEETING WATERS/WILLIAMS 5-0	Investigator will attempt to attend the Cx.'s forthcoming court hearing.
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 MAY MEETING WATERS/WILLIAMS 5-0	Pending the Victim's lawyer's release to communicate with the Investigator.
OTHER (0)				

MEMORANDUM

To: Dr. Emma Lucas-Darby, Chair
Honorable Members of the Board

From: Elizabeth C. Pittinger
Executive Director

Date: April 25, 2017

Re: Executive Director's Report: 04/25/17

Suite 400
816 Fifth Avenue
Pittsburgh PA 15219

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Intake Summary through 04/25/17:

Citizen Complaints:	11	Pending Citizen Action	73	EDI:	03	Total Intake:	106
Out of Jurisdiction:	11	Statute of Limitation:	04	General Service:	04		
(Actual Totals for 2016:	CC: 34;	PCA: 150;	OJ: 23;	SL: 04	EDI: 08	Total:	219)
(Actual Totals for 2015:	CC: 41;	PCA: 179;	OJ: 23;	SL: 03	EDI: 07	Total:	253)
(Actual Totals for 2014:	CC: 61;	PCA: 219;	OJ: 12;	SL: 02	EDI: 05	Total:	299)
(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) Pending matters:

- a) #70-15 Sorock v. Gardner and #72-16 Crawley v. Lippert: Both public hearings are continued pending resolution of disputes related to the subpoenaed appearance & testimony of involved police officers.
 - i) A motion to enforce the subpoena in #70-15 will be heard by Judge McVay on 5/15/17 at 1:30 in Rm. 703 CCB.
 - ii) A motion to enforce the subpoena issued in #72-16 is imminent. The matter was pending receipt of the hearing transcript.
- b) Bush v. City of Pittsburgh et al: a federal civil rights lawsuit in which the plaintiff alleges excessive force by Pittsburgh police related to their deployment of canine. Plaintiff Bush, through his Atty.,

Executive Director's Report: 04/25/17

Steven Tropani, issued a subpoena seeking any complaints received by the CPRB related to misuse of K-9 in Pittsburgh, any & all correspondence between the CPRB & the Bureau of Police, and any records/documents related to PO Paga and canine "Unit 341K".

- i) The CPRB Solicitor filed a Motion to Quash this subpoena and the Judge ordered the plaintiff to reply to that motion by Monday, 4/4/17. Judge Bissoon granted the CPRB Motion on 4/7/17.

2) Board Terms

- a) The following Board terms will expire on 10/31/2017:

- i) Seat #2 (CC): Ms. Karen McLellan was appointed to complete the term vacated by Ms. Deborah L. Walker, LEP. Ms. McLellan was retained by ordinance provision to serve the term expiring 10/31/17.
- ii) Seat #4 (CC): Dr. Mary Jo Guercio was appointed on 1/26/16 to complete the term vacated by Mr. Paul Homick.
- iii) Seat #5 (M): Sr. Patrice Hughes was appointed on 7/26/16 to complete the term vacated by Ms. Leshonda Roberts.

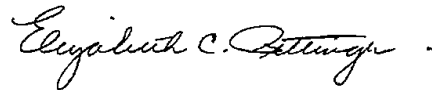
- b) The Chair is required to provide notice to the public 180 days in advance of the expirations. Accordingly, public notices will be published by 5/4/2017.

- c) The Chair is required to provide notice to the Mayor, City Council, City Solicitor, City Clerk and CPRB Members 150 days in advance of the expirations, which is by 6/3/17.

3) 2015-2016 Report

- a) A draft of a report for 2015-2016 was circulated to the Members for review.

Respectfully submitted,



04/25/17