



CITIZEN POLICE REVIEW BOARD

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Pittsburgh PA 15219
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Approved
3/27/12

Minutes of the CPRB Meeting Held on February 28, 2012 (Mtg. No. 143)

City Council Chambers
510 City County Building
Pittsburgh, PA 15219
Neighborhood: Citywide

Members Present: Ms. Deborah L. Walker
Mr. Ralph E. Norman
Ms. Leshonda R. Roberts
Ms. Debora L. Whitfield

Excused: Mr. Richard M. Carrington
Ms. Donna Kramer

Absent: None
Vacancies: 1 Mayoral Selection

Solicitors: Mr. Robert J. Ridge

Staff Present:

Ms. Elizabeth C. Pittinger, Executive Director
Mr. Michael Ayoob, Intake Coordinator
Ms. Sherri Bridgett, Investigator
Mrs. Kathy Carson, Investigator
Ms. Michelle Gamble, Investigator
Ms. Carolyn Gaskin, Executive Assistant

Excused:

Vacancies: Investigative Associate

Administrative Matters:

- Ms. Walker, Chair, called the meeting to order at 6:35p.m.
- Ms. Walker reported that the Board met in Executive Session prior to the meeting to discuss personnel matters.
- A motion to adopt the meeting minutes for January 24, 2012 was offered by Mr. Norman and seconded by Ms. Roberts, and approved unanimously.
- A motion to authorize the Executive Director to initiate inquiries when no sworn complaint has been received at the time which would be most appropriate to determine facts and circumstances related to the Pittsburgh Bureau of Police, was offered by Ms. Roberts and seconded by Ms. Whitfield, and approved unanimously.
- A motion to continue the Executive Director's authorization to issue subpoenas on behalf of the CPRB as necessary to facilitate prompt acquisition of materials, documents and information related to any authorized CPRB investigation and all other inquiries legitimately initiated on behalf of the CPRB and to summon parties to appear before CPRB panels convened to hear any matter to which the parties are related, was offered by Ms. Whitfield and seconded by Ms. Roberts, and approved unanimously.

Executive Director's Report (Attached and made a part of the meeting record).

Case Review

Ms. Walker moved to the case review agenda (copy attached), 11 cases were reviewed. Copies of the agenda were made available to the public. Each case summary was reviewed and acted upon as noted (votes unanimous among attending members unless stated otherwise). (*Actions taken are published here and on the CPRB website, <http://www.city.pittsburgh.pa.us/cprb/>*)

Public Comment:

Ms. Walker invited public comment. No public comment was made.

Next Meeting:

The next regular board meeting is scheduled for 6p.m., Tuesday, March 27, 2012 at the Sheraden Senior Center, 720 Sherwood Avenue, Pittsburgh, PA 15204.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Carolyn L. Gaskin
Executive Assistant

Attachment (2):

1. Case Review Agenda/Board Actions
2. Executive Director's Report (2/28/12)

CPRB CASE REVIEW AGENDA

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (0)				
FULL INVESTIGATION (2)				
12-17-P/GAMBLE	Use of Force (PBP 12-6, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Warrantless Search & Searches (PBP 45-2, 5.2)	Cx. alleges that the S.O.s acted inappropriately during an encounter.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-19/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. was very rude during a traffic stop.	AUTHORIZED FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
30 DAY EXTENSION OF FULL INVESTIGATION (1)				
11-258/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Truthfulness (PBP 16-1, 3.19) Warrantless Search & Seizures (PBP 45-2, 3.0)	Cx. alleges that the S.O. threatened her after he responded to a 911 call.	AUTHORIZED 30 DAY EXTENSION	A possible witness needs to be located and interviewed.
UNFOUNDED (4)				
74-07/ LEFCOWITZ & CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O.s used racial slurs toward her.	DISMISSED AS UNFOUNDED MOVED TO RUDE & DISCOURTEOUS HEARING	There is not sufficient evidence to support the Cx.'s allegations.
11-37/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)	Cx. alleges that the S.O.s are retaliating against him and his family.	DISMISSED AS UNFOUNDED	The evidence provided does not support the Cx.'s allegations.
11-207/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Unbiased Policing (PBP 11-3, 4.1)	Cx. alleges that the S.O.s are harassing him.	DISMISSED AS UNFOUNDED	The S.O.s did not violate any PBP policy or procedure.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
12-02-P/CARSON	Unbiased Policing (PBP 11-3, 4.1) Use of Force (PBP 12-6, 3.1) Obedience to Laws &/or Orders (PBP 16-1, 3.1) 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. has a vendetta against him.	DISMISSED AS UNFOUNDED	The S.O. was not involved in the alleged incident.
UNSUSTAINABLE (0)				
OTHER (4)				
359-07/CARSON	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) Truthfulness (PBP16-1, 3.19)	Cx. alleges that the S.O. has been harassing her son at his place of business.	DISMISSED AS RESOLVED	A PBP Commander worked with the Cx. to resolve the issue.
11-186/CARSON	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 the S.O. is harassing him because of his sexual orientation.	AUTHORIZED SUSPENSION	Pending the outcome of the Cx.'s upcoming trial.
11-199/CARSON	Obedience to Orders &/or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Property of Prisoners and Suspects (PBP 50-2, 7.0)	Cx. alleges that the S.O. stole his personal property.	AUTHORIZED SUSPENSION	The S.O. needs to be interviewed.
12-22/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O. made derogatory statements about him on Facebook.	ACCEPTED Cx'S REQUEST TO WITHDRAW	The Cx. does not wish to pursue the complaint.

MEMORANDUM

To: Honorable Members of the Board
From: Elizabeth C. Pittinger
Executive Director

Re: Executive Director's Report: 2-28-12

Suite 400
816 Fifth Avenue
Pittsburgh PA 15219

412-765-8023 (Voice)
412-765-8059 (Fax)
cprb@city.pittsburgh.pa.us



1. Intake Summary through 02-27-12: 36 total cases

Citizen Complaints:	08	Pending Citizen Action:	28	Total Intake:	36
Out of Jurisdiction:	00	Statute of Limitation:	00	(EDI:)	0

(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)

2. Board Terms

a. Status:

i. Council Seat #3:

1. 1 vacancy since 6/30/11: City Council Seat #3 (Rev. Downing's seat).
2. Council sent the proper Nominating Resolution (2011-1756) to the Mayor on 5/31/2011 (timely).
3. Mayor has not acted.

ii. 3 terms expired on 10/31/2011:

1. Ms. Kramer (Council Seat #1)
2. Mr. Carrington (Mayoral Seat #6)
3. Mr. Norman (Mayoral Seat #7 – LEP)

b. All notices from the CPRB Chair were made in a proper & timely manner.

c. City Council approved and sent to the Mayor a nominating resolution today, 2/28/12, offering three candidates for appointment to City Council Seat #1, succeeding Ms. Donna Kramer, to a term ending on 10/31/2016.

d. 2/28/2012: Councilman Lavelle introduced amendments to the ordinance 662.04(e) (7)

and 662.04(f)(2) and (3). The proposed amendments establish time-limited actions on appointments to seat vacancies and term expirations. The amendments close loopholes that permitted inaction to be an action thereby destabilizing the Board and leaving incumbents vulnerable to political manipulation.

3. Public Hearing on Rude & Discourteous Conduct

- a. The transcript of the hearing held on 1/31/2012 has not been received as of this date.
- b. Upon receipt of the record, recommendations will be prepared for you to review.

4. CPRB Solicitors' Contract

- a. 2/21/12: City Council authorized the contract between the CPRB and Robert J. Ridge, Lourdes Sanchez Ridge/Thorp Reed & Armstrong as authorized by the Board on 10/25/11.

5. A Petition for Allowance of Appeal of Commonwealth Court No. 2238 C.D. 2010 was filed with the Pennsylvania Supreme Court on 1/27/12, Docket No. 45 WAL 2012.

- a. The Chief of Police/City's response brief in opposition to the Petition for Allowance of Appeal was received by CPRB's counsel on 2/14/12.

6. Recommendations for review

- a. A list of topics that may be worthy of Board initiated inquiry is attached for your review and consideration. I recommend that if discussion of the suggestions must be deferred, it be scheduled definitely for the March meeting.

7. Miscellaneous

- a. 2/8/2012: Pittinger presented information to the current PBP recruit class.
- b. 2/15/12: Councilman Dowd expressed criticism of the Board's effectiveness and questioned the purchase of promotional items, specifically a pocket calendar book carrying the imprint of the Board's address and phone numbers. Regarding the calendar books, per standard operating procedure, the invoice was submitted with a narrated explanatory to City Council. City Council approved the invoice for payment on 12/14/11 and the bill was paid on 12/16/2011. The attendance record at Council for that meeting reflects Councilman Dowd as present.
- c. 2/16/2012: By letter (copy attached), Councilman Dowd requested additional information about the pocket calendar books previously mentioned. He also requested copies of the CPRB Budgets and Expenditures for years 2008, 2009, 2010 and 2011. The budget & expense information was sent to him electronically.
- d. 2/21/2012: Received a phone call from a member of Councilman Dowd's staff seeking information on his behalf related to the arrest of PBP officer Adam Skweres on criminal charges including bribery, oppression and indecent sexual assault. A response was

provided electronically noting that Skweres was never the subject of a public hearing so there are no public documents available from the CPRB.

- e. 2/23/12: To reassure Council that the Board's selection of solicitor is in compliance to standard operating procedures, an email was sent to Council members with a mayoral directive dated 4/15/2009 outlining procurement of professional service contracts.
- f. 2/28/12: Councilman Dowd sent an email "Ms. Pittinger, Please provide the information regarding the date book. Thank you. Psd patrick dowd Pittsburgh City Council". He was advised by email that the Board will meet at 5:30 p.m. 2/28/12 in Council Chambers and will direct Pittinger as to their desired response.

8. The Gammage Project

- a. The Gammage Project was very well received and heavily attended while at the Heyman Theater in Oakland. Pittinger participated in two talkback sessions. Ms. Walker participated in one.
- b. The play will be presented at the August Wilson Center, Friday, March 2nd through Sunday, March 4th.

Respectfully submitted,



2/28/2012

Attachments:

- 1. 2/16/2012 Correspondence to Pittinger from Dowd
- 2. Recommended Topics of Inquiry



PATRICK DOWD
MEMBER OF COUNCIL, CITY OF PITTSBURGH



February 16, 2012

Elizabeth Pittinger
Executive Director
Community Police Review Board
816 5th Avenue, Suite 400
Pittsburgh, PA 15219

Director Pittinger,

Thank you for taking time to appear at Pittsburgh City Council yesterday. As I said at the meeting, no one on the Council seeks to undermine the legitimacy and work of the Citizens Police Review Board. Speaking for myself, my questions are designed to better understand the goals and objectives of the board and your success in meeting their expectations. Ultimately, the goal of the Citizens Police Review Board is to serve citizens by reforming policies, practices and outcomes in the Pittsburgh Bureau of Police.

To that end, I asked yesterday that you provide Council with information on the 2012 leather date book. When did the board vote on this expenditure? What goals did you tell the board this expenditure might fulfill and how will success be measured? What RFP process was followed? To whom were these distributed?

Additionally, I would ask that you provide Council with CPRB budgets and actual expenditures for the years 2008, 2009, 2010 and 2011. Could you also provide Council with a copy of the 2012 budget?

I look forward to receiving and reviewing this material and then discussing it with you.

Thank you.

Patrick

CC: Mayor Luke Ravenstahl, City Council, City Controller Lamb, CPRB Board of Directors



Committee on Intergovernmental Affairs
510 City-County Building • Pittsburgh, Pennsylvania 15219
412-255-2140 • Fax: 412-255-2149
www.city.pittsburgh.pa.us

Recommended Topics of Inquiry

Submitted to the CPRB on 2/28/12

The City Code provides:

§ 662.04 (o) The Board, upon motion receiving an affirmative vote of at least four (4) members may:

(1) Initiate investigations of incidents of Police Misconduct for which no complaint has been filed;

(2) Initiate studies, investigations, hold public hearings and make recommendations on policy matters, including improvement of the relationship between the police department and the community, police training, hiring and discipline.

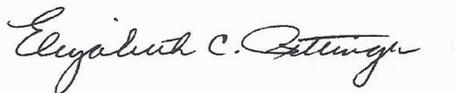
As a result of consultation with staff, observed community sentiment and review of public reports, the following topics emerge as areas of interest. Accordingly, I recommend consideration of Board initiated inquiries into any or all of the following for the purposes of enhancing understanding of current status and analysis of the potential for improvement or elevation to contemporary standards:

1. PBP Training Academy
 - a. Curriculum content (local)
 - b. Instructors' profiles (status/background/relationship to PBP)
 - c. In-service allowance/scheduling impact on patrol/duty assignments
2. Field Training
 - a. Qualifications of an FTO
 - b. FTO/Rookie ratio
 - c. FTO Supervision
3. Utilization of unmarked Zone vehicles ("99" cars)
 - a. Assignment criteria
 - b. Non-bid duty assignment status
 - c. Compliance to PA standards for unmarked vehicle use
 - d. Patrol vs. suppression utilization
4. Crisis Intervention Team (CIT)
 - a. Status of training
 - b. Participation criteria
 - c. Number PBP officers trained
 - d. Utilization
 - e. Protocols for deployment

INDEPENDENT CITIZEN POLICE REVIEW BOARD

5. PLEAC accreditation
 - a. Status of compliance
6. Fitness for duty standards (FFD)
 - a. Pre-employment/Applicant screening
 - i. Standards vs. negotiation vs. appeal
 - ii. Psychologists' selection & relationship to PBP
 - iii. Tools applied/rationale
 - iv. Criteria for weighting
 - b. Criteria for duty related fitness exam
 - i. Conditions requiring FFD
 - ii. Exclusions
 - iii. ADA adaptation standards

Respectfully submitted,



2/28/2012