



CITIZEN POLICE REVIEW BOARD

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Approved
7/24/2012

Minutes of the CPRB Meeting Held on June 26, 2012 (Mtg. No. 147)

Freedom Unlimited
2201 Wylie Avenue
Pittsburgh, PA 15219
Neighborhood: Hill District

Members Present:

Ms. Deborah L. Walker, Chair
Mr. Ralph Norman, Vice Chair
Dr. Emma Lucas Darby
Mr. Thomas Kolano
Ms. Leshonda Roberts
Mr. Thomas Waters

Excused: Ms. Debra Whitfield
Absent: None
Vacancies: 1 pending 7/31/12

Solicitors:

Mr. Robert J. Ridge, Esq.

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

Excused: Ms. Carolyn Gaskin, Exec. Assistant

Vacancies: Investigative Associate

Administrative Matters:

At 6:20 p.m. Ms. Walker called the meeting to order. Ms. Walker welcomed guests and expressed appreciation to the community for their interest, effort and support.

A motion to adopt the meeting minutes for May 22, 2012 was offered by Mr. Norman and seconded by Ms. Roberts and approved unanimously.

Chair's Report

Ms. Walker, Chair, announced that due to demands associated with the completion of her doctoral work, she is resigning from her seat on the CPRB effective 8/31/2012. She noted her decision was made with a heavy heart and that she felt personally honored to have had the opportunity to serve the public in this capacity for so many years. She reflected on her experience as a police officer and conveyed her empathy for both civilians and police officers involved in unpleasant encounters. She expressed her hope that a successor will have a passion for the community and the Board's mission so the Board can sustain its work with citizens, developing effective relationships between citizens and police so that no citizen fears police. Ms. Walker emphasized the importance of the Board to those citizens with nowhere else to turn. Her final meeting will be 7/24/2012.

Executive Director's Report (copy attached)

Ms. Pittinger acknowledged Ms. Walker's announcement and thanked her for her exemplary service and agile navigation of the Board through difficult years.

Pittinger asked the Members to review and return a signed Confidentiality Agreement. The agreement affirms CPRB members' commitment to abide by various requirements of confidentiality

imposed by the City Code, agreements with the City on certain documents and any other applicable local, state or federal law.

Pursuant to discussion generated by the Odell Brown incident, Pittinger offered to prepare an informative briefing on SWAT and critical incident protocols involving armed actors. Mr. Waters stated that “no one asked for such a briefing”. The Board declined. Dr. Darby asked if a response was expected to a letter from Tim Stevens regarding the procedures followed in the Brown incident. Pittinger explained that the letter was provided to the Board as a courtesy and as a demonstration of community concern with the Brown incident.

Discussion about public expectations of how police manage critical incidents included contributions from Ms. Walker & Mr. Norman as Law Enforcement Professionals. They offered their perspectives on the numerous influences confronted in such incidents and the need for police to establish and maintain control of a scene. The concept of “stop the threat” was discussed as was the relevant training received by police.

The issue of media/television portrayals of precision shooting to disarm an individual was characterized by Ms. Walker & Mr. Norman as unrealistic. Mr. Kolano shared that he saw a video, perhaps from Los Angeles, in which an armed subject on a freeway was disarmed by a police shot to the subject’s hand. Dr. Darby emphasized the Odell Brown scene as one in which the threat was to the neighborhood because he was in the street. Mr. Waters opined that the police spokesperson must be very clear as the public’s perceptions are crafted by the media.

Ms. Roberts emphasized the value of the Citizen Police Academy to developing an understanding of police protocols and various procedures. She noted how, as a civilian, her perspective was enhanced through the CPA and encouraged all members to attend the CPA.

Unfinished Business

None

New Business

None

Case Review

Ms. Walker moved to the case review agenda (copy attached). 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. Mr. Kenneth Miller offered comment and an invitation to the Black & White Reunion’s Barbecue and Organize to Stop Police Brutality event, Saturday July 28, 2012 at Schenley Park / Overlook Shelter 2 pm - 6 pm.

Next Meeting:

Ms. Walker announced that the next regular board meeting is scheduled for 6:00 p.m., Tuesday, July 24, 2012 in City Council Chambers, 510 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Elizabeth C. Pittinger
Executive Director

Attachment (1):

1. Executive Director's Report
2. Case Review Agenda/Board Actions

**Action Date: June 26, 2012
Moved/Second**

CPRB CASE REVIEW AGENDA

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (1)				
10-21/CARSON	Use of Force (PBP 12-6, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.7) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that he was jumped, assaulted, arrested and seriously injured by the S.O.s.	(Authorize a Public Hearing – amended) Exec. Director advised the Board that Staff is requesting a 30-day extension to the Full Investigation. Authorized: Darby/Kolano: 6-0	Recommendation changed to permit Investigators to attend civil trial and gather testimonial evidence.
AUTHORIZED: ROBERTS/NORMAN 6-0 FULL INVESTIGATION (4)				
12-66/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1) Conduct Unbecoming a Member (PBP 16-1, 3.6.3) Warrantless Searches and Seizures (PBP 45-2, 3.0)	Cx. alleges that the S.O. has repeatedly harassed the Victim.	AUTHORIZED A FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-90/GAMBLE	Use of Force (PBP 12-6, 3.1) Taser (PBP 12-13, 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.s used excessive force against him during the encounter.	AUTHORIZED A FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-96/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Towing Procedures (PBP 41-04)	Cx. alleges that the S.O. towed her vehicle without cause.	AUTHORIZED A FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.
12-107/GAMBLE	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 stopped and harassed him for no reason.	AUTHORIZED A FULL INVESTIGATION	Preliminary evidence suggests more investigation time is needed.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
AUTHORIZED: NORMAN/ROBERTS 6-0 30 DAY EXTENSION OF FULL INVESTIGATION (6)				
12-33/BRIDGETT	Unbiased Policing (PBP 11-3, 1.1;2) Conduct Unbecoming a Member (PBP 16-1, 3.6;3) Truthfulness (PBP 16-1, 3.19;4) Warrantless Searches and Seizures (PBP 45-2, 3.0;5) False Report (PBP 62-1, 2.10)	Cx. alleges that he was racially profiled during a traffic accident.	AUTHORIZED 30 DAY EXTENSION	The S.O.s need to be interviewed.
12-35-P/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. acted inappropriately during the encounter.	AUTHORIZED 30 DAY EXTENSION	The Investigator needs to obtain additional information.
12-40/CARSON	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)	Cx. alleges that he was brutally beaten during a traffic stop.	AUTHORIZED 30 DAY EXTENSION	The Investigator is awaiting medical records.
12-56/GAMBLE	Unbiased Policing (PBP 11-3, 4.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Motor Vehicles Stop (PBP 40-4, 3.2) Warrantless Searches & Seizures (PBP 45-2, 6.1)	Cx. alleges that the S.O.s have harassed her son on several occasions.	AUTHORIZED 30 DAY EXTENSION	The Investigator is awaiting court documents.
12-59/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1;2) Conduct Unbecoming a Member (PBP 16-1, 3.6;3) Conduct Toward the Public (PBP 16-1, 3.7;4) Warrantless Searches & Seizures (PBP 45-2, 3.0)	Cx. alleges that the S.O. has repeatedly harassed and arrested him.	AUTHORIZED 30 DAY EXTENSION	The Investigator is trying to contact the S.O. for an interview.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
12-63/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13) Truthfulness (PBP 16-1, 3.19) False Report (PBP 62-1, 2.10)	Cx. alleges the S.O. arrested him on false charges.	AUTHORIZED 30 DAY EXTENSION	The S.O. and potential witnesses need to be interviewed.
AUTHORIZED DARBY/WATERS 6-0 UNFOUNDED (2)				
11-73/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Use of Force (PBP 12-6, 3.1) Taser (PBP 12-13, 5.3)	An E.D.'s inquiry was opened after receiving a message from a concerned citizen who witnessed the PNC Park incident.	DISMISSED AS UNFOUNDED	The Cx. pled guilty and was sentenced accordingly.
12-49-P/CARSON	Unbiased Policing (PBP 11-3, 1.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. was rude and obnoxious during the encounter.	DISMISSED AS UNFOUNDED	There is not enough evidence to support the Cx.'s allegations.
UNSUSTAINABLE (0)				
AUTHORIZED NORMAN/DARBY 6-0 LACK OF COOPERATION (2)				
12-50-P/GAMBLE	Unbiased Policing (PBP 11-3, 1.1) Use of Force (PBP 12-6, 3.1) Obedience to Orders &/or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Property of Prisoners (PBP 50-2, 1.2)	Cx. alleges that the S.O. used unnecessary force during his arrest.	DISMISSED DUE TO THE COMPLAINANT'S LACK OF COOPERATION	Several attempts were made to contact the Cx.
12-87/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. cited him for leaving his car running.	DISMISSED DUE TO THE COMPLAINANT'S LACK OF COOPERATION	The Cx. has not participated in the investigation.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
OTHER (4)				
12-37-P/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)	Cx. alleges that the S.O. pulled him over and cited him without cause.	AUTHORIZED SUSPENSION Roberts/Norman 6-0	Witnesses need to be interviewed.
12-60/CARSON	Unbiased Policing (PBP 11-3, 4.1) Truthfulness (PBP 16-1, 3.19) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) False Report (PBP 62-1, 2.10)	Cx. alleges that the S.O.s severely beat him during a traffic stop.	AUTHORIZED SUSPENSION Roberts/Norman 6-0	The Investigator is awaiting the outcome of the Cx.'s criminal trial.
12-11/CARSON	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that she was pulled over and cited falsely.	MOVED TO RUDE & DISCOURTEOUS HEARING Darby/Roberts 6-0	The Cx. may benefit from participating in the next Rude & Discourteous Hearing.
12-98/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. was rude during the encounter.	MOVED TO RUDE & DISCOURTEOUS HEARING Darby/Roberts 6-0	The Cx. may benefit from participating in the next Rude & Discourteous Hearing.

MEMORANDUM

To: Honorable Members of the Board
From: Elizabeth C. Pittinger
Executive Director
Date: June 26, 2012
Re: Executive Director's Report: 6-26-12

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Intake Summary through 06-25-12: 137 total cases

Citizen Complaints: 28	Pending Citizen Action: 99	EDI: 0	Total Intake: 137
Out of Jurisdiction: 07	Statute of Limitation: 03		
(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 Status

- a. The Board is currently at full membership.
- b. Ms. Debora L. Whitfield informed the Chair and Members of her resignation that will be effective 7/31/12. Her departure is necessitated by a disqualifying change in residency.
 - i. Ms. Walker, Chair, notified all applicable parties on 6-18-12 as required by the City Code.
 - ii. The appointment calendar is attached. It reflects the action milestones required to appoint a successor to the impending vacancy in Ms. Whitfield's seat on the Board.

2. Police - Education Recruitment Retention and Support Final Report (2002)

- a. The update to the captioned report is underway.
- b. Director Hill has been extraordinarily helpful with data collection and extending the services of several staff in the Dept. of Personnel & Civil Service.

3. Miscellaneous

- a. Ms. Deborah L. Walker will be among the Pittsburgh Courier's Women of Excellence to be honored at a luncheon on Thursday, 6/28/12 at the Westin Convention Center. Congratulations!
- b. Recommendation: Consider scheduling an educational training session for mid-September to allow for the successor Members' appointment & participation.
- c. **The Citizen Police Academy:** The 15 week CPA is scheduled to open on 9/4/12 at the Banksville Park Shelter.
 - i. The electronic link to the application form has been emailed to Members. Applications must be received by 8/17/12.
 - ii. The CPA is an intended requirement for all CPRB Members. A reformatting of an amendment to §662.04 resulted in the inadvertent deletion of the following:

662.04(f) All Board members shall be required to receive training sufficient to become familiar with Police policies, procedures and training which shall include but not be limited to the Police Citizen's Academy. Board members shall also receive training in citizen rights with regard to the police, including civil, constitutional and human rights, as well as information regarding the history and operation of other Citizen Police Review Boards. Such training shall be provided in a timely fashion by qualified experts in each area.

(Ord. 29-1997, eff. 8-15-97; Am. Ord. 7-2000, eff. 3-9-01)
 - iii. Recommendation: Members enroll and attend the CPA opening on 9/4/12.
- d. **Confidentiality Agreement**
 - i. A copy of the CPRB's policy on confidentiality is distributed to Members for individual signature signifying agreement to the terms of the current confidentiality policy.
- e. **Police Incident: Odell Brown**
 - i. Distribution: copy of a letter from Tim Stevens, President & Founder of the Black Political Empowerment Project (B-PEP) addressed to DA Zappala, Sheriff Mullen and Pittsburgh Police Chief Harper and calling for a thorough investigation into the Odell Brown incident.
 - ii. During the morning of 6/13/12 Mr. Odell Brown was observed pacing in the street near his home holding what appeared to be a handgun. Pittsburgh SWAT responded and a 90 minute standoff ensued. At approximately 10:45 a.m. a single shot was heard and Mr. Brown collapsed.

Reports indicate that Mr. Brown pointed his weapon at a Deputy Sheriff and refused to drop the weapon when directed to do so resulting in the Deputy firing the shot to stop the threat presented and sustained by Mr. Brown. It was learned later that the weapon held by Mr. Brown was a pellet gun fashioned to replicate the appearance of a handgun.

Subsequent to the shooting, Mr. Brown's family and community groups expressed concern that police did not solicit information from the family which would have led to the police being informed that the weapon held by Mr. Brown was a pellet gun and not a "real" handgun.

The Deputy's action is beyond the CPRB's jurisdiction. The Pittsburgh police protocol regarding negotiations with armed individuals is within your jurisdiction.

f. Annual Report

- i. The draft of a comprehensive public report on CPRB activity will not be available until mid-August.

Respectfully submitted,



6/26/2012

Attachment(s):

- Appointment calendar
- CPA Announcement
- Tim Stevens/B-PEP Letter

