

Should Pittsburgh have a civilian police review board?

The William Pitt Debating Union addressed this vital question March 19, with leaders from each side making their cases. **Kelly Happe** summarized the arguments.

NO

Dan Onorato, Pittsburgh City Council

Marshall Hynes, Fraternal Order of Police

Blanca Huff, University of Pittsburgh student

Bianca Huff opened the debate by acknowledging that police brutality is a problem, but stating that a civilian review board is not an effective solution. Huff referred to CRBs in Washington, Charleston, Philadelphia, San Francisco and New York as examples of CRBs that have failed because of backlogs, budgetary constraints and refusal to take action against abusive officers. Huff argued that only systemic changes within police departments will work.

In answering questions from panelists, Huff claimed that the proposed CRB in Pittsburgh is similar enough in kind to CRBs in other cities that it will likely fail. She conceded that the New Orleans CRB has achieved limited success, but given the level of corruption, this result is not surprising. Huff closed with the appeal that Pittsburgh should not waste the time or money on a CRB, especially since key elected officials will work to undermine its effectiveness, and it will be vulnerable to lawsuits because not all claims will be investigated.

Marshall "Smokey" Hynes started by clarifying that only four officers have been fired by Pittsburgh police Chief Robert W. McNeilly Jr. because of excessive force, and two have been reinstated because it was concluded that the charges against them were without merit. Hynes noted that review is accomplished now through the Department of Justice's consent decree, the Office of Municipal Investigations and media coverage of the police.

Hynes argued that a CRB in Pittsburgh would add another layer of ineffective and expensive bureaucracy. In other cities, investigations have been proved biased and were ultimately discredited. Hynes pointed out that OMI review consists of an FOP representative, a city representative and a neutral arbitrator who ultimately decides the merit of a case. Having an independent arbiter, Hynes argued, is superior to a CRB which would defer the authority to decide a case to the mayor. Hynes defended his position by claiming that the rights of officers have to

be protected, and any grievance procedure must be fair. In answering questions by panelists, Hynes noted that the consent decree's requirement that officers be forced to provide tape-recorded testimony is a violation of wiretap laws. He urged listeners to consider that officers are reinstated because the charges against them are proved false, and referred to the Gammage case as evidence.

In countering the opposition's argument that he is not interested in disciplining officers when appropriate, he pointed out that when he served on an arbitration panel, he voted to suspend. Hynes pointed to Pittsburgh's low crime rate and ranking as one of the best places to live in the United States as evidence that things with police are not as bad as CRB advocates claim. Most claims against police, Hynes argued, have been bogus, and that if there are bad cops, any accused cop should have his day in court so that all claims are investigated and decided fairly.

Dan Onorato argued that most CRBs have failed, and referred to Minneapolis, where former advocates of the CRB are now leading to campaign to have it dismantled. Hynes, Onorato argued, is fulfilling the job of FOP representative and should not be faulted for defending the people he was elected to represent.

Furthermore, most media attention on police brutality is misleading: the ACLU suit has not resulted in documented evidence of police brutality, and the Department of Justice has not been forthcoming in releasing its evidence of a pattern of abuse. Onorato said that after attending all public hearings about the CRB, his decision to vote against it was well-informed and justified.

In answering questions from panelists, Onorato defended the need for the mayor to intervene and fire officers who are already known to be abusive. Onorato defended reform measures that have worked in other cities, including tracking of police officers and training. He suggested that the city eliminate the clause allowing OMI decisions to be overturned and that the city increase community policing to improve relations between residents and police. In his closing speech, Onorato noted that as an elected official from the North Side, a section of Pittsburgh plagued by a high crime rate, he is sensitive to the need for reform that does not undermine effective law enforcement.

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YES

Sala Udin, Pittsburgh City Council

Billy Hileman, Citizens for Police Accountability

Joe Panzino, University of Pittsburgh student

The debate opened with an attack on the status quo. Joe Panzino stated that, despite changes by police Chief Robert W. McNeilly Jr. and Mayor Murphy, bringing charges against an officer is unacceptably expensive and often results in humiliation of the person submitting the complaint. Panzino argued that most citizens cannot match the resources of the Fraternal Order of Police, and he cited the recent legal actions of the FOP to challenge the consent decree and invalidate signatures on civilian review board petitions as evidence of its formidable power in Pittsburgh.

In response to panelists' questions, Panzino claimed that current review is not adequate because city officials are part of government and cannot assess claims objectively. He also argued that a CRB achieves a level of transparency that increases public confidence in the police and in grievance procedures.

Sala Udin argued that although citizens have limited representation in the Office of Municipal Investigations, this representation is not enough to outweigh continued efforts by the FOP to undermine the firing or disciplining of police officers found guilty of excessive force. Udin observed that the FOP and City Council have continuously thwarted efforts to place the issue on the ballot, instead of engaging in constructive dialogue and reform. In response to panelist questions, Udin claimed that the purpose of a CRB is to provide a mechanism to correct deviations from standard police policy and procedure. Many officers need direct and regular intervention to prevent criminal acts.

In his closing speech, Udin challenged Hynes to demonstrate the willingness of the police to police themselves. In such a climate, Udin claimed, a CRB would be unnecessary. But, given the findings of the federal Department of Justice — findings that were compelling enough to force the city to sign off on a consent decree — action is needed to create a CRB.

In response to audience concerns about the limits

of the proposed CRB, Udin acknowledged that advocates of a CRB had to work within the confines of the city's Home Rule Charter. Udin acknowledged that a rotating jury system may be a workable alternative to a CRB, but cautioned that such an alternative may lack the stability and depth of a CRB. In response to concerns that the privacy of voters who signed the CRB petition was at stake, Udin clarified that the FOP has the authority to investigate the signatures on the CRB petition since it is considered a public document.

In response to the claim that current review procedures are strict and objective, Udin argued that current arbitration procedures are biased by FOP and city representation and that arbitration only occurs if and when an officer challenges the actions of the chief.

The third and last affirmative speaker, Billy Hileman, claimed that although a CRB is not a "magic bullet," it is a necessary first step in repairing relations between citizens and police. A CRB would restore public confidence in police and enable objective investigation of complaints. Most important, a CRB would make recommendations to the city for ongoing reforms of police procedures. Furthermore, Hileman argued, CRBs empirically result in an increased number of sustained complaints. If created, a CRB in Pittsburgh would have power to investigate, subpoena witnesses and evidence, and would hold hearings open to the public.

Unlike the CRB in Washington, Pittsburgh's CRB would not have to investigate all complaints, thus avoiding insurmountable backlogs of cases. Hileman made a point that negative arguments are misleading and contradictory since the speakers were claiming that a CRB would be ineffective and have too much power. In addressing a question about representation on the board, Hileman pointed out that it is up to voters to be involved in the nomination and selection of members of a CRB.

In his closing speech, Hileman noted that the evening's discussion added weight to the claim that a CRB would provide the public and police an opportunity to be educated. CRBs, he claimed, are reasonable and have increased the number of sustained complaints without opening the floodgates to unfair disciplinary actions against police officers.

In response to an audience question about the need for a CRB if accountability was achieved through alternative methods, Hileman argued that relations between police and citizens will only deteriorate further if citizen participation is not instituted.