

The Psychology of Policing
How Flawed Reforms are Prolonging a Crisis

A Forensic Fridays Seminar

Friday, SEPTEMBER 15

Background material

Presenter: Chuck Bosetti

Included for review are file copies (some with handwritten notes/corrections) of documents, memos, court records, news reports and commentaries. They reflect the actions, anger, distrust and hope of communities and their cops, from 1996-present.

The material is divided into collections:

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- "City to pay lawsuit costs...", Tribune Review, 5/20/2003
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- "Decree of separation...", Pittsburgh City Paper, 9/25/2002
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6/7/00

LOCAL NEWS

Judge lets attorney recommend sentence

By Mike Bucsko
Post-Gazette Staff Writer

The brother of a man who died after being shot by former Pittsburgh police Officer Jeffrey L. Cooperstein yesterday got a 30-day reprieve from a possible jail term to allow time for his attorney to provide a judge with an alternative to incarceration.

While acknowledging that Curtis Grimmitt has exhibited "anti-social behavior" for years, Allegheny County Common Pleas Judge Lester Nauhaus said another jail sentence may not be the most appropriate method of punishment for Grimmitt's most recent conviction for retail theft.

The April conviction for an offense at a North Hills department store occurred while Grimmitt, 35, was on probation for a 1998 drug conviction. That probation runs until October 2001.

Grimmitt was a passenger in a car driven by his brother, Deron S. Grimmitt Sr., the morning of Dec. 21, 1998, when the vehicle was fired upon by Cooperstein on Second Avenue, Downtown, killing Deron Grimmitt. The Grimmitt vehicle was being chased by another city police officer.

Cooperstein was acquitted in February of aggravated assault and homicide in Grimmitt's death.

Curtis Grimmitt was arrested about a month after the shooting for an incident in which police charged he and a woman tried to steal a \$1,150 woman's leather coat. At the time, he was set to begin serving a 6-month-to-23-month sentence for heroin possession.

Nauhaus said Curtis Grimmitt has been in trouble with the law since 1982, when he was declared delinquent as a juvenile for burglary.

"I am somewhat torn here," Nauhaus said. "You have exhibited anti-social behavior since you were a child. We are not talking about petty anti-social behavior."

Grimmitt said he has been trying to turn his life around since the death of his brother and his wife in the past 18 months.

"I been working real hard, staying out of trouble," Grimmitt told the judge. "By the grace of God, I been doing that."

Nauhaus questioned him and his attorney, Michael Sherman, about what type of sentence might be best suited to Grimmitt to make sure he stayed out of trouble. "[Grimmitt] has, as he says, been there, done that," Nauhaus said.

The judge told Sherman to return to his courtroom July 6 with an alternative plan for punishment, but reminded Grimmitt that his delay of the sentencing was "by no means a guarantee" that jail would be avoided.

"You have been a curse to society for the past 18 years," Nauhaus told Grimmitt. "I want society paid back."

WEDNESDAY, JUNE 7, 2000

VS. POLICE

Cooperstein agreement secrecy assailed

By Timothy McNulty
Post-Gazette Staff Writer

City Councilman Gene Ricciardi chastised the Murphy administration yesterday for refusing to publicly release a secret settlement agreement it reached last month with former Pittsburgh police Officer Jeffrey Cooperstein.

"That's not the way to have an open, truthful and honest government," Ricciardi said at the council meeting. "It's wrong and it needs to be made public."

Cooperstein, who was fired by Mayor Murphy after he fatally shot Deron S. Grimmitt Sr. during a police chase in December 1998, struck a deal with the city May 15. He agreed to retire, dropping his fight to rejoin the force, which was potentially embarrassing for the mayor, and Murphy agreed to rescind the officer's termination.

The settlement may have allowed Cooperstein to receive workers com-

pensation, pension payments, back wages or other benefits, but such details haven't been made public. City Solicitor Jacqueline Morrow has refused to release the city's written agreement with Cooperstein, saying the city signed a confidentiality pact with the officer and the agreement is not a public matter.

The Pittsburgh Post-Gazette filed suit against the city last week to obtain the agreement under public records law. A hearing on the newspaper's complaint has been scheduled for 10:30 Friday morning before Senior Common Pleas Judge Robert E. Dauer.

Yesterday Ricciardi called for a council resolution directing Morrow to produce the agreement, but was stopped short when Councilman Sala Udin said he feared breaking the confidentiality agreement would allow Cooperstein to rejoin the police force.

Even if the agreement forced the city to pay Cooperstein to keep him off the force, that would be better

than employing him again, said Udin, a longtime police critic. "I'd rather pay him money than pay with somebody else's life," he said.

City Council President Bob O'Connor said he would set up a private council meeting with Morrow to discuss the settlement. It was not scheduled.

Cooperstein was on patrol from the police bureau's Hill District station in December 1998 when he shot and killed Grimmitt, who was fleeing from police in a car on Second Avenue, Downtown. A Common Pleas jury ruled he justifiably used deadly force in the incident.

Murphy fired Cooperstein one month after the shooting, saying he had violated police procedures. After the acquittal, Murphy refused to let Cooperstein back onto the force, and the former patrolman called for an arbitration hearing, which was supposed to be held May 15. Instead Cooperstein and the city reached their settlement.



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City Neighborhoods

New probe sought in 1995 police shooting of motorist

Attorney claims police failed to provide crucial evidence at coroner's inquest

Thursday, December 08, 2005

By Jonathan D. Silver, Pittsburgh Post-Gazette

Ten years after a Pittsburgh Housing Authority police officer shot an unarmed motorist to death in the Armstrong Tunnels, a coalition yesterday alleged that Pittsburgh Police Chief Robert W. McNeilly Jr. and former top police officials might have broken the law in connection with the case and requested an independent investigation of their actions.



John Paul Charmo

The allegations were contained in a four-page letter by attorney Robert McClenahan that described a decadelong "miscarriage of justice" stemming from the April 6, 1995, shooting death of Jerry Jackson by John Paul Charmo.

Mr. McClenahan, representing the Citizen Police Review Board, the Urban League of Pittsburgh and several other organizations, wrote that "malfeasance" by some members of the police bureau "has been officially ignored for a decade."

The letter was hand-delivered to Allegheny County Common Pleas President Judge Joseph James, who has authority to ask the state attorney general to intervene. A copy was mailed to Attorney General Tom Corbett.

Mr. Charmo pleaded guilty in 2001 to involuntary manslaughter for shooting Mr. Jackson, 44, of Hazelwood, in the tunnels after police

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chased the stolen car he was driving following a traffic infraction.

Mr. Charmo has said he fired his gun because Mr. Jackson spun his car 180 degrees inside the tight tunnels and came at him. However, evidence that was available but never presented during a 1995 coroner's inquest, but came to light four years later, showed the car could not have performed such a maneuver.

Mr. McClenahan alleges that Chief McNeilly, former Assistant Chief Craig Edwards and retired Cmdr. Ronald Freeman might have obstructed the administration of law and been in breach of their official duties by not coming forward with certain crucial evidence during the coroner's inquest.

"Because these individuals did not come forward, the case was obstructed and the criminal justice system was corrupted," the letter said.

Mr. McClenahan, former chairman of the Pittsburgh Commission on Human Relations, claims that interviews, photographs and crime lab reports went missing from the Jackson case file, but does not allege who took them.

He also suggested that the law was broken when accident investigators were not called to reconstruct the accident scene, allegedly in violation of a standing Police Bureau order.

In response to the letter, Chief McNeilly said in a statement that he welcomed an investigation but discounted the legitimacy of any complaints.

"I find it interesting that the timing of these unfounded accusations coincides with the changing of the city's administration and that some individuals who have animosity toward me are using it to discredit me," Chief McNeilly said.

Mr. Freeman also said he would cooperate with an investigation.

"I welcome any legitimate independent investigation into this and I'll cooperate in any way without benefit of counsel," Mr. Freeman said. "I have nothing to hide."

The letter was supported by the Black Political Empowerment Project, the Urban League of Pittsburgh, the Pittsburgh Commission on Human Relations, the Citizen Police Review Board and city police officers Charles Bosetti and Robert Swartzwelder.

(Jonathan D. Silver can be reached at jsilver@post-gazette.com or 412-263-1962.)



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Pittsburgh Tribune-Review
ACLU may take police chief to court


By Chris Ochs
TRIBUNE-REVIEW
Pittsburgh, August 27, 2004

8/27/04

The American Civil Liberties Union is threatening to take Pittsburgh police Chief Robert W. McNeilly Jr. to court if he does not back off on what it calls unconstitutional restraints on the free speech of police officers.

The ACLU told McNeilly he has until Monday to rescind or suspend the rules before the ACLU seeks an injunction in federal court.

ACLU lawyers sent a letter to McNeilly on Aug. 20 saying that despite past court decisions and settlements, the chief continues to support rules "that we view as an unconstitutional restriction on speech rights regarding matters of public concern."

 **McNeilly said many of the rules the ACLU cited were implemented in the 1970s or '80s. He added that he thought other rules were issued -- with the ACLU's blessing -- in response to free speech concerns brought up by the ACLU in 2000.**

McNeilly said he has asked the police department's research and development bureau and the city law department to review the letter and the policies.

"We respect these lawyers," McNeilly said. "We have the same intentions in mind, protecting people's safety and their civil rights."

City Solicitor Jacqueline Morrow did not return telephone messages seeking comment.

The ACLU is objecting to rules it says bars any officer from discussing with the media disciplinary actions, even after the investigations conclude. Only management is permitted to discuss such matters.

"This provision, which constrains truthful statements concerning matters of public concern, is overbroad and constitutes viewpoint discrimination," states the letter, signed by attorneys Gregory Angell, Cristopher Hoel and local ACLU legal director Witold "Vic" Walczak.

"The answer here is simple," Hoel said. "Allow adults to express their opinions on matters of public concern. That's what the law requires. That's all we ask."

The ACLU also is objecting to restrictions on criticisms officers can level against

superiors. The organization also says the chief supports an "overbroad" requirement that officers or supervisors who release information to the media inform the police department's public information officer, Tammy Ewin.

The ACLU reminded McNeilly of two previous court cases against the police bureau. One involved Officer Robert Swartzwelder, who won a \$113,000 federal jury award in 2002. Chief U.S. District Judge Donetta Ambrose ordered the city to pay \$513,000 in legal fees and court costs to Swartzwelder's lawyers.

Swartzwelder contended the police department demoted him for testifying on behalf of Officer Jeffrey Cooperstein, who was accused of murder. Cooperstein was acquitted of homicide charges in 2000, two years after he shot and killed a man during a car chase.

The ACLU also cited the court settlement of Lt. Andrew Lisiecki, who filed a lawsuit after testifying for Cooperstein. The city settled that claim for \$95,000.

Pittsburgh City Councilman Alan Hertzberg said he's tired of seeing the city lose police administrative decisions in federal court.

"I wish someone would stop it before it happens again," said Hertzberg, noting that McNeilly's actions are controlled by Mayor Tom Murphy and not City Council. "It's frustrating to be a council member and watch this stuff go on."

He said the cases are taking a toll on the city's already strained finances.

Chris Osher can be reached at cosh@tribweb.com or (412) 391-8793.

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Note: In marked paragraph McNeilly states unlawful regulations were made by previous chiefs of police – NOT TRUE. All unlawful regulations were created and signed by him. - CJB

City ordered to pay officer's lawsuit costs

"What basis is anyone entitled to a half-million in fees? That's a lot of hours and a lot of work, and we don't believe it was justified."

— Jacqueline Morrow
CITY SOLICITOR

Judge awards \$513,000 in fees in dismissal case

By Chris Osher
TRIBUNE-REVIEW

The city of Pittsburgh might have to pay \$513,000 in fees and courts costs to lawyers for a police officer who won a federal lawsuit contending the police department demoted him for testifying on behalf of a fellow officer accused of murder.

Chief U.S. District Judge Donetta Ambrose on Friday awarded \$395,000 in fees and court costs to the law firm Watkins, Dulac & Roe and \$118,000 in fees and court costs to Schnader Harrison Segal & Lewis.

The law firms, both based in Pittsburgh, had sought \$641,000 for representing police Officer Robert Swartzwelder, who won a \$113,000 federal jury award in November.

City lawyers contended Swartzwelder's attorneys should receive

about \$100,000.

"We were vindicating important rights concerning the freedom of expression, which in this case were important not only for the speaker, Officer Swartzwelder, but also those who were entitled to hear what he had to say," said Christopher Hoel, one of Swartzwelder's lawyers. "It is extremely unfortunate that years of litigation were required to vindicate those rights."

City Solicitor Jacqueline Morrow said that while the city could have settled the case early on for far less, there was a principle of management we had to defend.

"We thought the value of the case was zero, and the case had a number of counts," Morrow said. "The jury agreed in all matters but one, and that matter ascribed a dollar amount."

She said her office will evaluate the judge's ruling and decide whether to appeal.

"What basis is anyone entitled to a half-million in fees?" she asked. "That's a lot of hours and a lot of work, and we don't believe it was justified."

Swartzwelder's suit against the city, police Chief Robert W. McNeilly

Jr. and other Pittsburgh police officials contends the department retaliated against him after he testified for patrolman Jeffrey Cooperstein. Cooperstein was acquitted of homicide in 2000, two years after he shot and killed a man during a car chase.

Swartzwelder's suit says that McNeilly violated his First Amendment rights by ordering that Swartzwelder and other officers get McNeilly's permission before testifying.

McNeilly demoted Swartzwelder in 1999 and transferred him to the Hill District station after Swartzwelder decided to testify for Cooperstein.

U.S. Magistrate Robert Mitchell issued a preliminary injunction to block McNeilly's order. The 3rd U.S. Circuit Court of Appeals in Philadelphia upheld Mitchell's ruling. It further ruled that "court testimony, whether compelled or voluntary, is always a matter of public concern."

"The city lost in this case, and it wasn't close," Hoel said. "They had to rescind unconstitutional restraints."

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"official opinion" is a crime - not the "right to manage"

all costs:
768K

5-20-03 pB3

NEWS

Pittsburgh is ordered to pay \$414,243 to officer's lawyers

By Torsten Ove
Post-Gazette Staff Writer

A federal judge has ordered the city of Pittsburgh to pay more than \$400,000 in legal fees for a police officer whose sergeant choked her at the South Side station in 1995.

But the city, describing the \$414,243 award as "exorbitant," will appeal the decision to the 3rd U.S. Circuit Court of Appeals.

The appeal is the final chapter in a contentious case that is already 6 years old.

In 1996, Officer Catherine Granger sued the city and Sgt. Carol Ehlinger for civil rights violations, saying Ehlinger grabbed her by the throat during a 1995 meeting and banged her head against a wall.

In 1999, a federal jury awarded Granger \$115,000 in damages, but rejected her claim that the Police Bureau retaliated against her because she had complained about what she said was police brutality by other officers.

Ehlinger admitted she violated policy, but said she grabbed Granger, a rookie at the time, as an impromptu training exercise to see how she would react to an attack on the street.

She said she did it because of complaints that Granger wasn't helping out other officers with arrests.

The jury said the city had to pay Granger \$75,000 in punitive damages and \$40,000 in compensatory damages, plus unspecified lawyers' fees.

The city appealed to the 3rd Circuit but lost, then appealed to the U.S. Supreme Court, which earlier this year refused to hear the case.

Since then, the parties have been haggling over attorneys' fees for Granger's chief lawyers, Tim O'Brien and James Carroll, to be paid ultimately by taxpayers.

After the 1999 verdict, the city had offered to pay just the damage award and not the fees.

The lawyers, who bill at \$300 an hour, rejected

the offer.

In court filings, the city accused the lawyers of inflating the fees by double-billing and other shady practices.

"We have rules that apply to the awarding of attorney's fees and we don't feel they were followed in this case," City Solicitor Jacqueline Morrow said yesterday.

O'Brien, a veteran civil rights lawyer, denied any false billings.

"We believe it's an appropriate award of fees," he said.

Torsten Ove can be reached at tove@post-gazette.com or 412-263-2620.

PGH. CITY PAPER - 9-25-02 p.10



Decree of Separation

A lifted consent decree leaves many critics at a difficult crossroads

Writer: CHRIS POTTER Illustrator: WAYNO
CPOTTER@STEELCITYMEDIA.COM

One might have expected Officer Chuck Bosetti to look happier outside the courtroom of U.S. District Judge Robert Cindrich on Sept. 13. Just moments before, Cindrich lifted portions of the federal consent decree that has governed the way Bosetti and every other Pittsburgh cop has done his job since 1997. And while Bosetti has frequently criticized both police management and the leadership of his union, the Fraternal Order of Police, he has reserved his sharpest criticism for the federal consent decree.

Many police accountability advocates tout the decree, enacted by the city and the Department of Justice in response to claims of police misconduct, as a vital tool that helped police Chief Robert McNeilly to institute reforms including a computerized "early warning" database that tracks use-of-force

statistics, civilian misconduct complaints and other data. Bosetti, meanwhile, wrote a July 7 *Pittsburgh Post-Gazette* op-ed piece calling the decree a mere "hologram of reform" that empowered management at the expense of the rank-and-file officers and "allowed federal intervention... to define the daily operations of an urban police department." Still, when Cindrich lifted the decree — echoing some of Bosetti's own concerns about federal over-reaching — the Hazelwood patrolman remained glum. "After five years and millions of dollars, there is still no management accountability — the reason we entered into the decree in the first place."

Bosetti's disenchantment nearly mirrored that of nearby ACLU and NAACP members who'd sought to convince Cindrich to keep the decree in place. But maybe the similarity isn't that surprising: Bosetti has filed a com-

plaint alleging police misconduct against his own superiors, a complaint that has languished for more nearly three years. And that's just one way Cindrich's ruling, in closing the book on the consent decree for McNeilly and Mayor Tom Murphy, has opened up a confusing new set of question for everyone else.

In some respects, it's puzzling that the city and the Department of Justice wanted to lift the consent decree at all. Just weeks before Cindrich's ruling, a Justice Department-commissioned study by the New York-based Vera Institute found that "[I]n some ways, the consent decree was a godsend" for McNeilly, because it "circumvented the political battles that he would have had to fight with the union to implement the reforms" he wanted.

Moreover, the institute found, many fears about the decree haven't materialized. While acknowledging that police had "overwhelmingly negative" feelings about the decree and claimed it "had serious negative consequences for police activity and public safety," the Institute found little supporting

continued from page 10

data. Arrest totals declined after 1997, but largely as part of a drop in crime and a "steady downward trend in arrests [dating] from well before the decree."

But supporters of the decree have a new fear: Though city officials insist they're keeping the reforms mandated by the decree, lifting the decree may make keeping those reforms harder.

As ACLU attorney Vic Walczak warned during Cindrich's hearing, "There are some provisions [in the decree] that have been challenged by the union," and by law, disputes over disciplinary procedures and contract negotiations are resolved in binding arbitration. As long as McNeilly's reforms were backed by the consent decree, and thus the force of federal law, city officials could use the decree as a shield to protect reforms. But with the decree lifted, the decision will be left to arbitrators, whose pro-union rulings have often vexed the city. "If history's any guide, they win an awful lot," Walczak warned.

In fact, the FOP has *already* won some early battles. During its most recent contract negotiations, which were finished after the consent decree went into effect, a three-arbitrator panel issued a February 1998 ruling that struck at some of McNeilly's most treasured reforms. Arbitrators ruled, for example, that disciplinary actions "which are sustained shall remain in an officer's file for a period not to exceed five ... years." That ruling would go to the heart of McNeilly's computerized "early warning" system, which tracks behavioral patterns by keeping records of officers throughout their careers. And legal filings contend the FOP has contested numerous disciplinary actions on the basis of that ruling, including a drug test on an officer who "admitted to an on-the-job theft of cocaine" seven years before — two years beyond the arbitrators' five-year limit on tracking infractions.

The city has challenged the arbitrator's ruling in Cindrich's court, and its legal filings sound like they could have been written by Walczak: The decree must trump the arbitrators' ruling, they argue, because by "prevent[ing] the city from fully implementing the standards of the decree," the ruling "violates the United States Constitution." The dispute has been idled pending the outcome of Cindrich's decision to lift the consent decree. Now the case will begin moving again ... but having lifted much of the consent decree, the city can no longer rely on its protections.

City Solicitor Jackie Morrow acknowledges that previously, "The arbitrator might have said, 'Well, I'm not going to touch that because of this decree.' Will an arbitrator feel less constrained by that now? Yes. Will the FOP be more aggressive [in arbitration]? Well, welcome to the world of labor relations."

Cindrich seemed similarly sanguine dur-

a balance so that we don't run roughshod over an officer," he argued. But as McNeilly left the hearing, he told *City Paper* "I share [Walczak's] concerns" and pledged to "fight to keep the improvements."

FOP attorney Bryan Campbell says challenges to McNeilly's policies will be limited. He does contend that "A disciplinary action shouldn't be used against you for your whole career, even in criminal court you get to expunge an offense eventually." But many of McNeilly's other reforms "just mandate certain record-keeping. ... I don't think we can stop that."

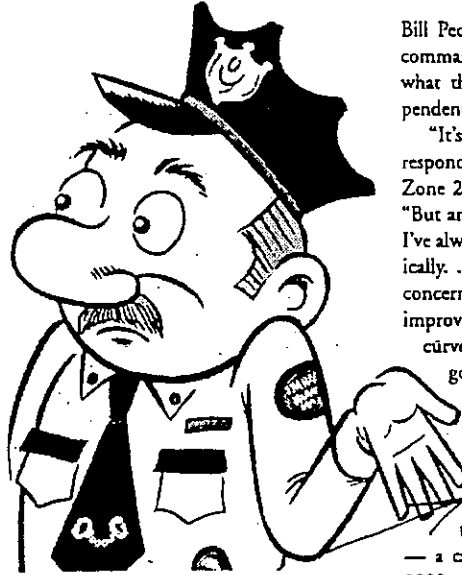
And even without the consent decree, Morrow maintains, the courts will overturn the arbitrators' decision. "Before we signed the decree, we very carefully read the contract to make sure nothing violated it," she says. And anyway, "The consent decree has to end *some* time."

Texas-based auditor James Ginger found that OMI rejected complaints even though "the officers admitted behavior not in compliance with Bureau policies."

The decree *hasn't* ended yet for the Office of Municipal Investigations, an internal affairs branch charged with investigating complaints against officers. But that doesn't make police accountability advocates entirely happy, either ... even though Cindrich has tightened scrutiny of the agency. With the agreement of the city and the Justice Department, Cindrich ordered Texas-based auditor James Ginger, who has monitored compliance with the decree through a series of quarterly audits, to conduct "intrusive" audits of OMI's operations.

That's because while police bureau operations have improved under the consent decree, things at OMI have gotten worse. The agency is swamped in a backlog of complaints; Ginger's audit earlier this summer found more than 200 investigations that were over three years old. And Ginger has found fault with cases that *have* been investigated. In at least four cases, for example, Ginger found that OMI rejected complaints even though "the officers admitted behavior not in compliance with Bureau policies." In some cases, OMI investigators didn't contact witnesses, or previewed questions with officers before taping their replies — giving them time to prepare their stories.

Some blame problems on the fact that OMI reports to the city's Law Department. After all, as Police Citizen Review Board chair Marsha Hinton — whose office also



as an independent agency — put it during Cindrich's hearing, OMI is "directed by the City Solicitor, who must defend against any liability caused by police misconduct."

But while Cindrich himself said the potential conflict of interest "really needs to be discussed," the office still reports to Solicitor Morrow. "On its face it sounds like a juicy issue, but I don't think it is," Morrow says. Concealing misconduct "wouldn't help the city," she contends, because the city would be held liable for doing so. "It's in our interest to be able to say, 'We've discovered problems and solved them.'" While Bosetti and other critics point out that it hasn't been able to say that so far, Morrow points out that OMI *used* to be under the control of the public safety department — a much more obvious conflict.

Ironically, some worry that very conflict may be arising again. To help resolve the backlog of cases, the city has put police Commander William Valenta in charge of OMI.

Valenta has a solid reputation, and "The quality of investigations has been so questionable that there may be more complete investigations" under him, says Elizabeth Pitinger, the executive director of the Police Citizen Review Board. "But OMI has become even more conflicted because now you have a police commander in charge." Even some officials who support lifting the decree have misgivings. "I respect

Bill Peduto, "but putting OMI under his command goes in the opposite direction of what the public wants in terms of independent review."

"It's an understandable concern," responds Valenta, formerly the head of Zone 2 and a one-time OMI investigator. "But anybody who knows me can say that I've always acted fairly, responsibly and ethically. ... The only way I can refute those concerns will be when the auditor notices improvements. There will be a learning curve, and you hate to say, 'You're just going to have to trust me,' but that's what it comes down to. And trust me when I tell you that the auditor is looking at these cases pretty closely."

That trust may be put to the test by a case already in OMI's files — a case lodged by Officer Bosetti. In a 1999 complaint and in subsequent public statements, Bosetti has accused police command staff of violating procedures and botching the investigation of the 1995 Armstrong Tunnel shooting of Jerry Jackson by John Charmo, a Pittsburgh Housing Police officer. Though the police shot a videotape showing grooves worn in the roadbed by Jackson's tires — grooves which contradicted Charmo's account that Jackson spun around in the tunnel to ram him — commanders never ordered a standard-procedure crime scene reconstruction. It wasn't until three years later, after Jackson's family turned up the video in a civil suit, that Charmo was charged for wrongfully killing Jackson.

Bosetti filed his OMI complaint nearly three years ago, but no investigator has contacted him. And now the office is being run by Valenta, a member of the very command staff Bosetti's complaint accuses. Moreover, Valenta and Bosetti have tussled in public before: When Bosetti's July 7 *Post-Gazette* op-ed piece argued that the consent decree had done nothing to address "cases involving command-level misconduct" in the Charmo case, Valenta wrote a piece in response that claimed, "Bosetti's opinions would be laughable if they were not so pathetic."

But Valenta says "I've worked too hard for the reputation that I have, to sully it over one case. The facts are going to speak for themselves."

When asked about Valenta's new post, Bosetti is diplomatic: "I don't think any political appointee should be in that position — and that's not a reflection on Bill. There should be one truly independent link processing these complaints." Until that happens, Bosetti says, the police brass who agreed to the consent decree will remain beyond the reach of its reforms. "Contrary to what's written on the bureau's letterhead, we do not have 'accountability, integrity, and respect.' And the battle isn't going to be

Chief defends policy on officers providing testimony

By Joseph D. Wilcox
TRIBUNE-REVIEW

Pittsburgh police Chief Robert W. McNeilly Jr. testified in federal court Monday that he was following the advice of city attorneys when he enforced a policy requiring police officers to obtain permission to testify in court as expert witnesses.

McNeilly responded to questions under cross-examination in a civil rights trial initiated by Robert C. Swartzwelder, a former instructor at the Pittsburgh Police Academy. Swartzwelder sued McNeilly and other high-ranking officers two

years ago, saying he was demoted after testifying for a city police officer accused of murder.

"We believed that was a sound policy," McNeilly said. "We were telling them to notify us so the law department and the district attorney's office could review their testimony."

McNeilly said the bureau rescinded the policy after a federal judge said it was unconstitutional. The old policy required officers to notify commanders that they would be testifying in court and did not require permission. The trial before Chief Judge

Donetta Ambrose, of the Western District, began one week ago and is expected to go to the jury today.

In a pretrial ruling, Ambrose said McNeilly's policy was unconstitutional. Her findings were upheld by a federal appeals court this summer.

Swartzwelder said he was demoted from his position as an instructor at the police academy after testifying for former patrolman Jeffrey Cooperstein in 2000. Swartzwelder, who was transferred to Zone 2 in the Hill District, is suing to get his old job back and for unspecified damages.

Cooperstein was charged with criminal homicide in the fatal 1998 shooting of black motorist Deron S. Grimmitt Jr., who was being chased by police along Second Avenue near Ross Street, Downtown. Cooperstein claimed he fired in self-defense.

During the trial, prosecutors also linked Cooperstein to a Web site that criticized police leaders. In February 2000, a jury acquitted him of homicide in Grimmitt's death.

Joseph D. Wilcox can be reached at jwilcox@tribweb.com or (412) 391-8793.

11-5-02 p B3

2001's cruel toll

By David Conti
TRIBUNE-REVIEW

Allegheny County homicides in 2001

Age	Number	Race/gender	Number	Cause of death	Number
10 or younger	4	Black male	54	Shooting	66
11-20	11	White male	16	Beating	10
21-30	38	Black female	11	Stabbing	6
31-40	14	White female	9	Fire	5
41-50	14			Automobile	1
51-60	14			Strangling	1
61-70	4			Suffocation	1
71-80	1			Source:	
81 or older	3			Tribune-Review research	
	1				

total of 43 homicides in August, police cited feuds between rival drug dealers and neighborhood beefs as a cause.

There was no clear answer, however, to the spike in killings. The areas outside the city were not seeing the same jump in homicides; the county averages about 27 killings annually outside Pittsburgh.

Just as quickly as the killings exploded, they stopped. After averaging 5.6 a month through August, there were just 13 killings in the next four months. But the unsolved cases, 21 in Pittsburgh and six outside the city, still haunt investigators and families.

"I'll never rest as long as my son's killing is unsolved," said Corrine Herron, whose son, Jaime Daniels, 21, was shot on the Smithfield Street Bridge in February.

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They were mothers, teachers, students and drug dealers. Allegheny County's 90 homicide victims of 2001 came from all walks of life. Their deaths, 59 in Pittsburgh and 31 in the suburbs, resulted from a similarly diverse set of circumstances.

Although the totals did not reach record levels — as some anticipated this past summer, when a spate of killings in the city brought community leaders, police and politicians head-summits — the deaths affected entire neighborhoods and devastated families.

"The man who killed my son hurt an entire family, several generations," said Lucrea Coward, whose son, Harry, 18, was killed in his hometown of Luquesne in May. "Only the Lord himself has kept us in one piece."

Forty-one of the city's victims and 14 of the county's were black men, like Coward. The

average age of a city victim was 30, county victims were a bit older, 34.

More than half of the city's victims had a criminal record. As in 49 other city killings, and 16 elsewhere in the county, Coward was killed by a man with a gun.

Officials pointed to an increase in illegal guns on the city streets as one reason for an upswing in killings this year. When Pittsburgh's 2001 tally reached the previous year's

42 of 59 = 71% B/W victims in 2001

43 of 59 = 73%

at least one, maybe two city victims were B/F's

43 in 2000
59 in 2001
most in 1st 6 mos

Officer gets \$300,000 in racism case

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Affirmative action letter triggered abuse

By Joseph D. Wilcox
TRIANGLE REVIEW

Two former high ranking Pittsburgh police officers violated a fellow policeman's free speech and due process rights when they retaliated against him after he wrote a letter to the editor saying he favored affirmative action.

A federal jury awarded \$300,000 to Cardell "Nino" Brown, 41, of Stanton Heights. Brown is black.

The city of Pittsburgh and former commanders Douglas M. Johnson and James Dickerson violated Brown's rights, the jury said.
The city must pay \$250,000 of the award.

Johnson must pay \$30,000 and Dickerson \$20,000, the jury said.

Assistant Police Chief Paul Woodard was acquitted. Brown withdrew his claims against a fourth officer, Cndr. William Hoehner.

"We're very pleased the jury took the time to listen to Nino's plight. We're grateful that they saw through what the city did to this police officer," said Kelly Graham, Brown's attorney.

Johnson and Dickerson declined to comment.
Brown, a community oriented police officer in Zone 5, was hired in April 1990.

Shortly after he joined the force, Brown wrote a letter to the editor that appeared in the Pittsburgh Post-Gazette. He said the letter prompted officers and supervisors to retaliate against him.

Johnson and Dickerson, who are also black, called Brown an Uncle Tom and a racist and urged other police officers to

harass him, Brown said.

Brown claimed he suffered a number of retaliatory acts, including vandalism to his car, not receiving backup support while he was on duty and general hostility from officers and supervisors.

In March 1996, Brown claims he was pulled over for no reason by two white police officers while returning from police academy training in his own car.

One officer drew his weapon and yelled at him, and treated him unprofessionally, Brown said.

The harassment became so bad he took nearly a year off work in 1996 and '97, saying he suffered work-related injuries, including emotional distress, mental distress, anguish, humiliation, depression and fear.

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