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PITTSBURGH POST-GAZETTE ■ TUESDAY, JUNE 9, 1998

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Matt Freed/Post-Gazette
er day for the retrial in the slaying

was quick to tell the jury that Karen Hurwitz was an innocent victim, a "vibrant, happy, 17-year-old child with a great future."

"Everyone has to grieve for that," Quinlin said.

"They were friends, but did not have a romantic or sexual relationship," Quinlin told the jury. "She was one of the best friends he ever had."

Quinlin told the jury that there is "no great mystery" about the case, that Anderson killed Hurwitz. But what Quinlin will try to do for the remainder of this week, and maybe into next week, is convince the jury that Anderson suffered from a bipolar disorder that had not been treated and made him incapable of forming the intent to commit first-degree murder.

Borkowski will be calling a psychiatrist to rebut that.

Police applicants win \$400,000 for racial bias

By Marylynne Pitz
Post-Gazette Staff Writer

A federal jury yesterday awarded more than \$400,000 to eight white men who claimed they were denied jobs on the Pittsburgh police force because of their color.

The jury decided that race was a factor in "city officials' rejection of nine men who applied for jobs on the city police force in 1992 and 1993.

After less than two hours of deliberation, the all-white jury of four women and three men awarded a total of \$427,573 in back pay to eight of the nine plaintiffs.

The money represents the difference between what the plaintiffs would have earned as a city police officer and what they are earning at their current job.

In their 1993 lawsuit against the city and the Civil Service Commission, they charged that the city used a half-hour oral exam, given on a pass/fail basis, to weed out qualified white applicants, thus creating quotas for minorities and women.

The nine men sought appointment to the city's police force and back pay from the dates they claim they should have been hired.

"Now, all people are truly equal. The citizens have spoken," said Brian Dayton, a Baltimore police officer who was awarded \$56,337.

Samuel J. Cordes and Philip A. Ignelzi, lawyers for the nine men, told Senior U.S. District Judge Maurice B. Cohill Jr. that they will file a motion asking that he order the city to hire their clients.

All but one of the plaintiffs are currently employed in law enforcement.

The oral exam, which was instituted in 1992, was initially graded on a pass/fail basis, but is now assigned a number that is averaged with an applicant's written score.

"The city's hiring practices, from 1992 on, were motivated by racial considerations," Cordes said.

Ignelzi said he was amazed by the "almost unequivocal evidence that before a hiring decision was made, the decision maker had before them the race and gender of the applicant, which is wrong."

Randall C. Marshall, an assistant city solicitor, maintained that the city designed the oral exam to improve its hiring process. The oral exam, he told jurors, disqualifies about 35 percent of all applicants, regardless of race.

The oral exam evaluates an applicant's abilities to speak, listen, solve problems and relate to others, and their degree of motivation.

The city's rejection of the nine men, Marshall insisted, was based on their failure of the oral exam and had nothing to do with their race.

"All we wanted was what was fair and rightfully ours," said Harry Lutton, a part-time Brentwood officer who also does undercover work for the state Attorney General's office. Lutton was awarded \$84,954 in back pay.

The jury did not award any back pay to plaintiff Mark Joyce, 39, of Frederick, Md., who is a U.S. Secret Service agent. He could not seek back pay because his salary has always been higher than what he would earn as a Pittsburgh police officer.

Marshall said the city would appeal the verdict.

City Solicitor Jacqueline Morrow said she needed some guidance from a federal appeals court.

"The city genuinely tried to improve the screening process for the most difficult job a city employee can have, which is to be a police officer. ... I'm baffled. So I need a higher court to give us some guidance."