

C I V I L I A N R E V I E W B O A R D
PUBLIC SESSION MINUTES

January 19, 2017

Present at the meeting were Civilian Review Board members John Wesby Jr. (Chair, Southeastern District), Joyce Green (Central District), Mary Denise Davis (Northern District) and Mike Ross (Northeastern District).

Also present were:

Jill P. Carter, Director of the Office of Civil Rights and Wage Enforcement
Evangula Brown, CRB Investigator
Shaun Clark, CRB Investigator
Amy Cruice, ACLU
Deputy Eric Cox, Sheriff's Office
Chief Rodney Hill, Office of Professional Responsibility
Jesmond Riggins, CRB Supervisor
Deputy Eric Cox, Sheriff's Office
Sgt. Tiffany Willis, Office of Professional Responsibility
Edward H. Wilson, Vanguard Justice Society

I. Welcome

Director Carter began the meeting by introducing herself to the Board as the new Director of the Office of Civil Rights and Wage Enforcement, and affirmed her commitment to a culture of transparency, accountability and reform. Chair Wesby thanked her for her introduction and welcomed all to the meeting.

II. New Chair Elections

Board members chose to vote for the new chair by show of hands. Member Davis nominated John Wesby Jr. as the Chair and all were in favor. John Wesby Jr. was elected as the Civilian Review Board Chair for 2017. Joyce Green nominated herself for Secretary and all were in favor. Joyce Green was elected as the Civilian Review Board Secretary for 2017.

III. Minutes

A motion to accept the December 16, 2016 public session minutes was made by Mary Denise Davis, seconded by Joyce Green, and all were in favor. The public session minutes were approved as submitted.

IV. New Complaints

New complaints were reviewed by the Board, who voted as follows:

PD178-16	Simultaneous Investigation
PD179-16	Simultaneous Investigation
PD180-16	Simultaneous Investigation
CRB2017-0001	Simultaneous Investigation
CRB2017-0002	Simultaneous Investigation
CRB2017-0003	Simultaneous Investigation
CRB2017-0004	Simultaneous Investigation
CRB2017-0005	Simultaneous Investigation

V. Completed Investigations

<u>CRB#</u>	<u>IAD#</u>	<u>Board's Finding</u>
MSU001-16		Not Sustained-EF FA AL H
PD017-16	16-0033	Not Sustained-AL
PD020-16	16-0400	Admin Closed-H
PD021-16	16-0091	Not Sustained- AL H EF
PD037-16	16-0215	Not Sustained-AL
PD047-16	16-0221	Admin Closed-AL
PD055-16	16-0242	Admin Closed- FA
PD096-16	16-0057	Not Sustained-EF FA FI H
PD098-16	16-0424	Admin Closed-H
PD099-16	16-0364	Admin Closed-AL

In this case, Member Davis noted that the complainant wanted to withdraw because they did not want to get the officer in trouble, but she did believe that it happened and wondered if the finding should be sustained. Member Green did not believe so, because there were no witnesses and stated that the complainant's request to withdraw should be honored.

PD102-16	16-0409	Admin Closed-H
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Member Davis asked Chief Hill if IAD would still investigate although the complaint had been withdrawn, and Chief Hill answered that they would.

PD120-16 16-0454 Admin Closed-H

PD163-16 16-0587 Admin Closed-H FA EF

Member Davis asked if IAD would be investigating the case, and Chief Hill noted that they believed that the complainant had some issues with mental illness and had referred him to a crisis intervention team.

VI. Administrative Closures

The below cases were administratively closed due to the lack of a complainant. Some of these cases were body worn camera cases, and others were cases in which there was an anonymous, untraceable complainant with unclear allegations.

PD170-16

PD150-16

PD146-16

PD144-16

PD151-16

PD174-16

Member Ross had some questions about the procedure for body worn camera cases. Chief Hill explained that in body worn camera cases, discipline for the officer is more automatic because there is video footage of the misconduct. He went to state that there is a BWC unit at police headquarters and IAD that reviews footage. There are monthly audits of footage, and each officer with a BWC should have the same number of videos as calls for service. When the reviewer finds an issue, Chief Hill makes himself the complainant, and the automatic discipline is 4 days suspension and a middle letter of reprimand. This is a part of the Accelerated Discipline Program. In addition to these reviews, there are also random reviews of footage, and occasionally issues are found by the State's Attorney's Office as they review footage during their investigations. The CRB is notified of these complaints, but because there is no actual complainant other than the officer reviewing the footage, and discipline is automatically administered by IAD without need for an investigation, it does not make sense for the Board to move forward with them. For those specific cases administratively closed, Chief Hill stated that he could circle back and let the Board know what happened in terms of officer discipline. Chief Hill noted that in one case there will be criminal charges. Member Ross asked how many police officers wore Body Worn Cameras, and Chief Hill stated that they were trying to issue between 25 and 50 per week, with priority on patrol ops units. Chief Hill also noted that if an officer got multiple not sustained complaints, they were issued a body worn camera. Member Green noted that there was a particularly problematic officer in the Central District, and Chief Hill confirmed that he knew who it was based on their previous conversations, and that officer had been assigned a body worn camera. Member Green expressed concern that the officer was still employed. Chief Hill also stated that officers are punished for failure to turn on Body Worn Cameras at the beginning

of a call for service. Member Davis wanted to clarify that in these BWC cases, the Board was notified of the complaint, but that there was no complainant, and how these would be handled in the future. Special Assistant Muth and Supervisor Riggins clarified that staff would assess complaints for legitimacy in the future before forwarding them to the Board, since the Board had authorized receipt of all documents as complaints, but not all documents forwarded by BPD were considered official complaints. Ms. Cruice asked if we would be able to get the footage from these cases, and Supervisor Riggins and Chief Hill stated that they would not as the complaints were not notarized. Special Assistant Muth clarified that staff does write a letter to the involved citizens named in the document, and explains to them the process for filing a complaint. Supervisor Riggins reiterated that staff wanted to ensure that a complaint was actionable before sending it the Board. Member Davis stated that she felt staff was ensuring that the Board was receiving everything that they were supposed to, while also ensuring complaints were actionable. Ms. Cruice had some further questions about Body Worn Camera cases, specifically around statistics. Chief Hill stated that 109 cases were non-compliant (officers failed to turn on the camera at the initiation of a call for service), 18 were cases where misconduct was revealed upon review, and in 4 of those cases discipline had already been administered. Chief Hill stated that the definitions of misconduct depend on changes in policy, noting specifically that the Use of Force policy had changed in July. Chief Hill did not know how many cases had been reviewed where no violation was found, and went on to state that BPD was planning to eventually equip the entire department, with priority given to operational, then detectives and admins, then members of the Early Intervention Unit.

VII. Director's Report

Director Carter began the report by introducing herself again to all present and thanking them for their attendance and their service. Director Carter went on to state that she noted a need to adopt bylaws, rules and regulations for the Board and asked if any progress had been made on this in the past. Chair Wesby noted that the Board was amenable to this but needed some guidance and was interested in securing some counsel. Director Carter stated that she felt that the Board could utilize existing resources and that staff would try to come up with a draft.

Director Carter went on to note that the work of the Civilian Review Board is becoming more critically important as they are the only statutorily regulated agency in Baltimore City, and noted that they were looking to make some changes to the law governing the CRB and welcomed input from the Board. Once suggested edits had been made and added, the draft would be given the Mayor's legislative staff and BPD for review. Two of the main proposed changes included more heavily weighted decisions from the CRB and parity with IAD complaints procedures (namely removing the notarization requirement and 90 day time bar for excessive force cases).

Board members suggestions were welcomed via email. Member Ross echoed the need for more consideration by the Police Commissioner, noting that the Commissioner can and has rejected decisions made by the Board. Chief Hill confirmed that there was only one case in which the Commissioner agreed with a CRB finding over the IAD finding.

Director Carter went on to note that the agency was currently understaffed and under-resourced, and hoped that it would not be for long, as they had met with the Results Board and requested funding for an additional four investigators, and had already authorized a part time investigator.

Director Carter continued by stating there were currently 4 vacancies on the Board, and that staff were actively advertising these positions and seeking applicants. She also noted that Board Members who had moved or whose terms had expired should reapply in their district, reiterating that Board members may serve two terms for three years each term.

Member Davis asked if the Board was eligible for grants, and Director Carter confirmed that it was and that they would be actively seeking grants.

Director Carter went on to state that the Consent Decree that was signed the previous week included provisions for greater civilian oversight, and that along with the provisions of this decree and a spirit of cooperation with the City and BPD, that we could join together in order to get greater resources, and that the ultimate goal was for citizens to have faith and trust in the work of the Board.

Director Carter ended by highlighting the work that current members of the Board had done, and the work they would continue to do, and invited them to share some information about themselves that could be published on the website.

Member Green went on to state that she believed that staff should reach out to the Police Community Relations Councils for new Board Members, and Member Davis noted that the Board needed a better PR representative, since many people had not heard of them. Director Carter confirmed that outreach was one of the main strategies of staff for the upcoming year. Ms. Cruice asked if she could be included in conversation about the changes to the law, and was told that she could.

VIII. Old Business

Board members were provided with a summary of the PD152-16 case, which had been requested at the previous meeting. Board members asked questions about the complainant's status as a reserve officer, which Chief Hill clarified was a position in the Anne Arundel County Police Department. Chief Hill stated that because the incident occurred in over 1 year from the date of the complaint, the complaint was out

of CRB jurisdiction, and that he had confirmed that with their legal department. Chair Wesby noted that the complaint would have to be closed as it was out of CRB jurisdiction. Investigator Clark wanted to know if this legal advice could be provided to the Board. Chief Hill stated that he would have to find out whether it was a violation of attorney client privilege, and that he would follow the advice of the attorneys. Chief Hill noted that excessive force cases are not subject to the one year time bar, but are not indefinite. Chief Hill also noted that their legislative group also wanted to get rid of the notarization requirement. Director Carter noted again that they were working to create parity with Internal Affairs requirements, particularly in taking out the notarization requirement and putting a time bar of 366 days on all complaints. Member Green noted that the time bar was important in case an officer quit or retired, and Chief Hill noted that IAD still investigates these cases fully, in case the officer reapplies to another police department.

IX. New Business

Member Green expressed her concerns about the difficulty of using passwords to lock and unlock CRB documents. Ms. Cruice noted that at the ACLU in order to ensure electronic security, the systems themselves and their connections were secure. Chair Wesby asked if staff could research cloud options. Chief Hill stated that with the Consent Decree there may be more resources available for document security and updates to equipment. Chair Wesby stated that we would have to work with the current password options for now until a solution could be found. Member Green stated that she still wanted someone from the Legal Department to come and answer the legalities of these questions.

Chief Hill stated that there would be an upcoming Citizen's Police Academy beginning on March 7, 2017. Starting on this date and the next 12 Tuesdays, the Academy would be held from 5:30-9:00PM at the Police Academy. There are no requirements to join and there is no cost to participate.

X. Adjournment

There being no further business, Chair Wesby declared the meeting adjourned.

Respectfully submitted,

Jill Muth