

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

December 15, 2016

Present at the meeting were Civilian Review Board members Keisha Allen (Chair, Southern District), John Wesby Jr. (Secretary, Southeastern District), Joyce Green (Central District), Odessa Neale (Northwestern District), Charlene Bourne (Eastern District), Mary Denise Davis (Northern District) and Mike Ross (Northeastern District).

Also present were:

Kisha A. Brown, Director of the Office of Civil Rights and Wage Enforcement
Evangula Brown, CRB Investigator
Shaun Clark, CRB Investigator
Amy Cruice, ACLU
Detective Sergeant Michael Sturm, Internal Affairs Division
Jesmond Riggins, CRB Supervisor
Deputy Eric Cox, Sheriff's Office
Duane Williams Jr., City Resident

I. Welcome

Chair Allen welcomed everyone to the Civilian Review Board meeting, which was hosted at the Office of Civil Rights and Wage Enforcement, on 7 E. Redwood Street, 9th floor. The meeting was called to order at approximately 6:00 p.m.

II. Minutes

A motion to accept the November 17, 2016 public session minutes was made by John Wesby, seconded by Odessa Neale, and all were in favor. The public session minutes were approved as submitted. A motion to accept the November 17, 2016 executive session minutes was made by John Wesby, seconded by Odessa Neale, and all were in favor. The executive session minutes were approved as submitted.

III. New Complaints

New complaints PD161-16 through PD177-16 were reviewed by the Board, who voted as follows:

PD161-16	Simultaneous Investigation
PD162-16	Simultaneous Investigation
PD163-16	Simultaneous Investigation
PD164-16	Simultaneous Investigation
PD165-16	IAD Only
PD166-16	Simultaneous Investigation
PD167-16	Simultaneous Investigation

PD168-16	Simultaneous Investigation
PD169-16	Simultaneous Investigation
PD170-16	Simultaneous Investigation
PD171-16	IAD Only
PD172-16	Simultaneous Investigation
PD173-16	IAD Only
PD174-16	Simultaneous Investigation
PD175-16	Simultaneous Investigation
PD176-16	Simultaneous Investigation
PD177-16	Simultaneous Investigation

Chair Allen called the Board’s attention to PD163-16, and stated that she had spoken with the complainant, who had requested that the Board reconsider their previous vote of IAD only. The complainant has a disability and used voice to text technology to file his complaint, and was not sure that his complaint was properly conveyed. He is fearful of the police and has been experiencing ongoing harassment for years, and does not have faith in Internal Affairs. Members Davis, Wesby, Neale, and Green changed their vote to authorize a CRB investigation.

IV. Completed Investigations

<u>CRB#</u>	<u>IAD#</u>	<u>Board’s Finding</u>
NO CRB	14-0451	Sustained-EF Not Sustained-AL
Board members did not believe that the officer had valid reason to make physical contact with the complainant, and noted that a number of independent witnesses corroborated her account. It was also noted that the force was excessive because at no point did she pose a threat to the officer, or make him feel that his life was in danger. Board members expressed concern that she was stopped based on a matching a description which only consisted of a common item of clothing that anyone might own. It was also noted that when the woman began to experience a seizure, it was the witnesses, not the officers on the scene, who called 911 for medical assistance.		
PD042-15	15-0453	Administratively Closed-EF, AL, FA, FI
This case was closed with regrets due to the timeframe placing it outside of the CRB’s jurisdiction.		
PD078-15	15-0734	Not Sustained-EF, FA
PD003-16	15-0760	Not Sustained- EF, FA, FI
PD005-16	15-0760	Not Sustained-EF, FA, FI
Board members requested to review the video evidence in this case before giving their final votes. After viewing the video, members Davis and Wesby voted to Sustain, and members Allen, Green, Ross, and Neal voted to Not Sustain. Members who expressed concerns felt that the complainant was arrested not because she presented an actual threat, but rather because she made the officer angry, which is not		

a valid reason. It was also noted that the officer had to take several steps towards her in order to arrest her, demonstrating that she was not an active threat based on her distance from the officer. Members who voted to Sustain noted that the complainant did not follow orders when told to step back, and that it can be difficult to judge the volatility of a situation from the video.

PD011-16 16-0006 Sustained- FI

Members noted that in this case there was not probable cause or reasonable suspicion to stop the complainant and restrict his movement. No reason was articulated for the stop, and the complainant was not a safety issue. BPD representative Sturm noted that a person may be searched, but if CDS were not revealed as part of the search, it must be documented. Member Davis who resides in the district noted that the officer referred to the area as a violent crime area and felt that this was inaccurate. Members felt that the officer created a nonexistent dangerous situation in an excuse to stop the complainant, and used his refusal to cooperate to escalate the situation. BPD Representative Sturm noted that an area may not seem like a high crime area to civilians, but officers have additional information about statistical crime rates in the area. Members noted that this data may also skew the officers perspective and put them in a warrior mindset and cause conflict between officers and community members, and can open the door to unfair stereotypes and assumptions.

PD012-16 16-0280 Administratively Closed- FA, FI

This case was closed with regrets due to the timeframe placing it outside of the CRB's jurisdiction.

PD057-16 15-0530AT Unfounded

PD106-16 16-0161 Tabled-AL, H, FI, EF

Members Wesby, Neale and Ross voted for further investigation, and Members Green and Bourne voted to Sustain the allegations. Member Davis voted to Sustain the allegations of abusive language, and Unsustain the other allegations. Member Allen wished to table her vote as she had not been able to review the case, and stated that she would submit her vote via email. The CRB finding is therefore tied between 'Further Investigation' and 'Sustained' until Chair Allen submits her vote.

V. BPD Informational Presentation

Detective Sergeant Michael Sturm came at the request of Chief Hill and Major Dombroski to give a brief presentation on the BPD disciplinary matrix. The Major passed out an informational packet on the disciplinary matrix, and explained that some of the categories were related to failure to appear in court and traffic violations, which were not applicable to the CRB. Sgt. Stern noted that when an allegation against an officer is sustained and approved by all superior officers, it is sent to the disciplinary review committee, which reviews the allegation as well as the officer's past history of Sustained allegations and makes a recommendations based on the matrix. The matrix specifies different categories of violations ranging from A through

F, (A being the least severe and F being the most severe and requiring termination) and indicates the minimum punishment that the Disciplinary Review Board must assign. The DRB may choose one or several of the punishment options, but may not choose a punishment option outside of the category in which the violation occurred. A violation may also be escalated to a higher category if multiple violations from the same category occur within a specified time period. Once the DRB has made a recommendation of punishment, the officer may either accept the recommendation, or choose to go to the trial board, except in cases of termination. The Board is drawn from a pool of Captains and Majors, and the accused officer has the option to strike a number of members from the Board. Ms. Cruice of the ACLU noted that at one time the trial boards were made public, however this only occurred once and all officers that were scheduled for the trial board afterwards subsequently accepted their DRB recommended punishment. Sgt. Sturm noted that trial boards are made up of 3 members, the officer has a representative to defend him, and the city has representatives from the law department to prosecute. If an officer chooses to go to the trial board, the Police Commissioner can override at any time and has the power to terminate the officer regardless of the DRB recommendations. Ms. Cruice asked if IAD kept statistics on the comparison between DRB recommendations and trial board outcomes, and Sgt. Sturm noted that he did not have that information but that he could find out. Director Brown noted that it is important for the Board to understand the disciplinary matrix, since Board members may also recommend discipline. Sergeant Sturm noted that officers above the rank of Lieutenant are at the will of the Police Commissioner and the Head of Internal Affairs, and are not governed by the trial Board. Director Brown noted that in order for a case to be subject to any of these procedures, a finding of Sustained must be reached, and few cases make it that far. Director Brown further explained that when the CRB chooses to Sustain a case that IAD has Unsustained, the case is forwarded to the Legal Consultant before being submitted to the Commissioner. It was also noted that the Commissioner has the discretion to Unsustain a case that both IAD and the CRB have Sustained, and that the CRB's findings are ultimately reviewed before the case is sent to the Disciplinary Review Board. Director Brown also noted that CRB staff follows up with every case in which the Board reaches a finding of Sustained. Investigator Clark asked at what point do officers get put "on the radar" for having numerous Unsustained complaints. Sgt. Sturm noted that the DRB only takes into account previously Sustained cases, not Unsustained cases in reviewing and making their decision. However, an officer with a number of Unsustained cases does get flagged by the early warning system and can be brought in for training and counseling. Director Brown noted that the Board could request to review Early Warning System records, and may use them to inform questions about particular officers. Sgt. Sturm noted that they were aware who the "frequent flyers" were and that they could go to the ethics unit and ask for training, and additionally pull in their supervisors. Secretary Wesby asked if it was possible to receive follow up information on what discipline officers received. Director Brown noted that staff continues to follow up, and that information may be communicated to the Board via email, or verbally in meetings. It was noted that in case PD073-15 the staff received information that the Commissioner was declining to reverse the

Unsustained finding after review by the Legal Consultant, and that staff was creating a complete profile on this case and requesting the assessment by the Legal Consultant. Member Ross asked Sgt. Sturm if a problem officer could be sent back to Education and Training, and Sgt. Sturm responded that the Early Warning system and IAD's Early Intervention Unit documents flags on officers, and Majors may recommend training for any officer in their unit at any time. It was noted that Sgt. Sturm's presentation was recorded for training purposes for future Board members.

VI. Director's Report

Director Brown began the report by thanking the Board members for their feedback on the new Adobe password protection feature for CRB documents, and stated that staff are working to integrate that feedback and accommodate Board members' needs. Current plans are to use shorter, simpler passwords, to create expiring passwords, and to continue to review other options, including a cloud option that would allow Board members to access all documents at once with one password. Members Neale and Green expressed concerns about not receiving the printed copy of each completed investigation, stating that they find it difficult to read on the computer, and would like to continue to receive printed copies.

Director Brown went on to note that the CRB was in the process of hiring a part time investigator, and currently has an intern working once a week to help the investigators with their caseload.

Director Brown went on to note that per Secretary Wesby's request in the previous meeting, Internal Affairs had forwarded the completed investigation for PD152-16, and the Special Assistant would be preparing a summary for the Board to review in addition to the completed case. As the case is expired, Board members do not need to vote.

Director Brown closed by thanking Chair Allen for her leadership over the year, and all of the Board members for their hard work and dedication, and said that staff would continue to provide information, training and opportunities moving into the New Year, and welcomes Board members' advice and feedback. Director Brown then presented Chair Allen with a Certificate of Recognition from former Mayor Rawlings-Blake recognizing her outstanding service.

VII. Old Business

Board members noted that they needed to review the video for case PD003-16/PD005-16, and Director Brown noted that moving forward a system would be devised so that video files could be sent to Board Members along with other materials.

VIII. New Business

Board Members agreed to continue into the New Year with meetings on the third Thursday of each month at 6pm.

Members of the public were asked to leave during the viewing of the video to protect the confidentiality with the understanding that they would be allowed to return for the discussion once the video was over. Board members viewed the video, and the discussion and findings are noted above in the Completed Cases section.

It was further noted that Chair Allen was resigning at the end of September, and that the Mayor and City Council would make the determination on new Board members. New applicants to the Board are being packaged and presented to the new Mayor for consideration.

Member Ross noted the difficulty of reviewing all cases in time for the meeting, and Director Brown noted that the Board has the option to divide cases through Inquiry Panels.

Finally it was noted that the Department of Justice had stated its willingness to work to complete the Consent Decree before January 20th, but needed the cooperation of Baltimore City. Several council members and state representatives had drafted a letter to Mayor Pugh urging her support in completing the work needed for the consent decree before January 20th.

IX. Adjournment

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

Respectfully submitted,

Jill Muth