

**CIVILIAN REVIEW BOARD
PUBLIC SESSION MINUTES**

October 20, 2016

Present at the meeting were Civilian Review Board members Keisha Allen (Chair, Southern District), John Wesby Jr. (Secretary, Southeastern District), Mary Denise Davis (Northern District), Joyce Green (Central District), Odessa Neale (Northwestern District), Charlene Bourne (Eastern 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
Sgt. Norman Coleman, Baltimore City School Police
Deputy Eric Cox, Baltimore City Sheriff's Office
Amy Cruice, ACLU
Ernest Hall, Observer
Chief Rodney Hill, Internal Affairs Division
Shannice Anderson Kimpson, Observer
Jesmond Riggins, CRB Supervisor
Sgt. Tiffany Willis, Internal Affairs Division

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 September 15, 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 September 15, 2016 executive session minutes was made by John Wesby, seconded by Mary Denise Davis, and all were in favor. The executive session minutes were approved as submitted.

III. New Complaints

New complaints PD091-16 through PD134-16 were reviewed by the Board, who voted as follows:

PD091-16	CRB Investigation Requested
PD092-16	CRB Investigation Requested
PD093-16	CRB Investigation Requested
PD094-16	ADMIN CLOSED

PD095-16	CRB Investigation Requested
PD096-16	CRB Investigation Requested
PD097-16	CRB Investigation Requested
PD098-16	CRB Investigation Requested
PD100-16	CRB Investigation Requested
PD101-16	CRB Investigation Requested
PD102-16	CRB Investigation Requested
PD103-16	CRB Investigation Requested
PD104-16	IAD ONLY
PD105-16	IAD ONLY
PD106-16	IAD ONLY
PD107-16	IAD ONLY
PD108-16	CRB Investigation Requested
PD109-16	CRB Investigation Requested
PD110-16	CRB Investigation Requested
PD111-16	CRB Investigation Requested
PD112-16	CRB Investigation Requested
PD113-16	CRB Investigation Requested
PD114-16	CRB Investigation Requested
PD115-16	CRB Investigation Requested
PD116-16	CRB Investigation Requested
PD117-16	CRB Investigation Requested
PD118-16	CRB Investigation Requested
PD119-16	IAD ONLY
PD120-16	CRB Investigation Requested
PD121-16	CRB Investigation Requested
PD122-16	CRB Investigation Requested
PD123-16	CRB Investigation Requested
PD124-16	CRB Investigation Requested
PD125-16	CRB Investigation Requested
PD126-16	CRB Investigation Requested
PD127-16	IAD ONLY
PD128-16	CRB Investigation Requested
PD129-16	CRB Investigation Requested
PD130-16	CRB Investigation Requested
PD131-16	CRB Investigation Requested
PD132-16	CRB Investigation Requested
PD133-16	CRB Investigation Requested
PD134-16	CRB Investigation Requested

Secretary Wesby called the Board's attention to the fact that complaints PD104-16, PD105-16, PD106-16, PD107-16 were submitted to the Board by IAD several months late, putting CRB investigators at a disadvantage in successfully completing investigations of these cases before the statute of limitations had expired. Secretary Wesby suggested that the Board reconsider their original vote and let IAD conduct their investigation, and then request further

review if it is deemed necessary. There were a number of concerns brought up in discussion such as, whether there would be ample time for further review once the IAD investigation has been completed, what would happen if an officer were already disciplined, whether a request for further review would change the deadline for the statute of limitations. Director Brown answered the many questions presented by the Board including how the Police Commissioner legally cannot make his final decision without the Board's finding. Director Brown also noted that when a case is Sustained, the Board may choose not to request further review and the statutory deadline would not change. Before the vote was held, it was asked if it would be possible for the IAD to provide status updates on these pending investigations. Chief Hill answered that they would be able to provide this information.

Discussion continued with both Secretary Wesby and Member Neale expressed concerns that citizens would not feel as comfortable talking to IAD investigators as they feel with the CRB investigators, and that these particular cases may be strategically withheld in order to cause them to be voted for IAD only investigations. Director Brown answered that the CRB only had two investigators, and in order to be effective, they must be able to make choices and prioritize, which they can do if they look at a completed investigation from the IAD. Ms. Cruice asked if these cases all originated at the IAD and Director Brown answered that they did. Ms. Cruice asked when the clock started for the statute of limitations, and Director Brown answered that it began when IAD received notification of the complaint.

Secretary Wesby noted for the record that it was not the Board's first choice to refer these cases for IAD investigation, but that they were compelled by the circumstances of the late forwarding of these complaints. Member Bourne expressed concern about setting a precedent for handling these cases. Director Brown noted that when a case is delayed in being forwarded to the Board, staff follows up and finds out information about the reason for the delay, and that we would include these reasons when staff sends complaints to the Board.

Discussion continued and it was noted by Chief Hill that it takes IAD on average 9 months to complete an investigation. Chair Allen noted that although it was an issue that needed to be solved legislatively, the deadlines are too short and force investigators to work in a deficit, and should be afforded more time in order to be fair to the citizen. Member Davis expressed concern that further investigation could exacerbate the delay by waiting for the Board to vote and authorize it. Director Brown answered that ideally, the CRB should receive all cases within 48 hours of their receipt, but it would take time to solve this issue and the CRB must currently deal with the dynamics of each case.

Member Green proposed that the Board should create a work group to look into issues such as this, and discuss how to advocate for legislative changes. Ms. Cruice noted that it would be advantageous to have this work group in place during the consent decree. Before the vote was taken, Director Brown noted that in these cases, CRB staff would be following up to receive the IAD completed investigation faster than usual to ensure that the Board would receive it in time for review and further investigation into pertinent issues in the case. Secretary Wesby put forth a motion to reconsider votes for these cases and change them to IAD only votes. Member Bourne seconded. The motion passed with all in favor.

IV. Completed Investigations

<u>CRB#</u>	<u>IAD#</u>	<u>Board's Finding</u>
PD032-15	15-0353	Not Sustained-EF

Board members noted that this was a difficult case. Chief Hill clarified that the case was not sustained for excessive force, and sustained for other BPD administrative charges. One member voted to sustain due to the fact that there were multiple independent witnesses.

PD054-15	15-0155	Not Sustained-EF, FI, FA
PD064-15	15-0607	Not Sustained-EF, FA, H

Member noted that although the Board chose not to sustain the charges, it should be noted that littering is a citable offense and that the officer should have simply written the complainant a ticket. It was noted that the interaction started with a small offense, and it seemed like the officers were waiting for the complainant to do something that would give them cause to escalate the interaction. Many members noted that this case illustrates the problems noted in the DOJ report: that quality of life crimes should require the least intrusive interactions, and the fact that the complainant stated that he would pick up the litter made the escalation especially unnecessary.

PD070-15	15-0632	Not Sustained-FA, FI
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One member noted that cases such as what happened to the complainant are frequent in his experience and that officers often escalate interactions in order to obtain information.

PD076-15 15-0664 Not Sustained-H

There was discussion amongst members but ultimately the vote was to not sustain. Some members noted that the complainant change her statement about the date in question. Other concerns were that the complainant gave the officer several options to view the video, but the officer still filed a complaint with the Liquor Board, and then never showed up at the hearing. Also, the officer went too far, and it was not the officer's place to assume she was lying.

PD080-15 15-0648 Not Sustained-H, AL

There was a question raised by a Member that IAD investigated an officer who was not identified by the complainant, while the CRB investigator investigated the correct party. Chief Hill stated that he would speak to the Major look into the reasons behind this.

PD002-16 16-0022 Not Sustained-FA

PD019-16 15-0692 Not Sustained-EF, AL

PD068-16 15-0806 Not Sustained-AL

Members expressed concern over the number of abusive language reports that the Board was receiving, and wanted to know if officers were receiving proper training. Discussion was had that abusive language unnecessarily escalates encounters. Members requested a letter be sent and a social media poll be conducted. At least one Member noted that there is a training issue, and the police are polite in some communities and abusive in others, because they believe politeness and professionalism can be interpreted as weakness. It was suggested the Board could invite the new Director of Training to a meeting. It was noted that one of the roles the Board fulfills is to report problems, communicate with other agencies, engage the community, and be part of the larger conversation.

Representative Websy put forth a motion to create a work group to address these issues, Member Davis seconded, and the motion passed with all in favor.

V. Administrative Closures

Director Brown reminded Board members of the reason behind administrative closures, due to the statute of limitations. The following cases were administratively closed in the period before the Board meeting.

PD005-13	PD007-13	PD008-13	PD009-13
PD010-13	PD011-13	PD016-13	PD017-13
PD018-13	PD019-13	PD022-13	PD023-13
PD027-13	PD029-13	PD031-13	PD033-13
PD034-13	PD035-13	SCH037-13	PD038-13
PD040-13	PD044-13	PD045-13	PD047-13
PD030-14	PD023-14	PD036-14	PD051-14

VI. Director's Report

Director Brown began the report by thanking Chair Allen and Secretary Wesby for attending the Pathways to Civilian Oversight conference, and noted that the conference was well attended and that there were a number of great discussions. Director Brown noted that speakers had been flown in from different areas including Seattle, New Orleans, and that representatives from the ACLU had come to speak. Director Brown noted that staff will send out "Thank You" and "Sorry We Missed You" emails. Director Brown shared copies of the "Advancing Diversity in Law Enforcement Report," and that she had attended a very informative briefing in Washington D. C. on this subject, which went deeper into different types of diversity and developed best practices.

Director Brown also noted that she had received an email that the Baltimore Police Department is creating a citizens' police academy, and wanted to inquire further so that CRB members could participate in this training. Director Brown noted that the State's Attorney had held a press event and given new policy proposals that mentioned the CRB, and that she would follow up on this by setting up a meeting with the State's Attorney Office. Director Brown also noted that there were samples of correspondence with the Police Commissioner that Board members could collect at the end of the meeting. Director Brown also requested that Board members who had not signed the Confidentiality Agreements please do so before leaving the meeting. Director Brown also noted that the Community Relations Commission, predecessor to the CRB would be celebrating its 60th Anniversary with a Diamond Evening Reception in lieu of the Annual Civil Rights Breakfast. Director Brown noted that

save the date notices for this event would be forthcoming. Director Brown also noted that there would be two brown bag lunches on Ban the Box, one on November 16th and another on December 9th, as well as a digital ad campaign on the radio station 92.3.

VII. Old Business

There was no old business.

VIII. New Business

Ms. Cruice noted that the ACLU was conducting Know Your Rights Trainings in communities around the city, and that she could inform the Board members when these events were taking place in their communities. Ms. Cruice also noted that the ACLU was launching an Election Protection Campaign, and she would make brochures available for members to distribute.

Director Brown stated that a short video from the conference would be played after the meeting for those who wished to view it.

IX. Adjournment

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

Respectfully submitted,

Jill Muth