

C I V I L I A N R E V I E W B O A R D
P U B L I C S E S S I O N M I N U T E S

September 15, 2016

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

Also present were:

Tessa Aston-Hill, President, Baltimore City Branch of the NAACP
Kisha A. Brown, Director of the Office of Civil Rights and Wage Enforcement
Evangula Brown, CRB Investigator
Karen Campbell, Fox 45 News
Shaun Clark, CRB Investigator
Sgt. Norman Coleman, Baltimore City School Police
Amy Cruice, ACLU
Chief Rodney Hill, Internal Affairs Division
Norman McCroey, Civilian
Ruth Morton, Fox 45 News
Catherine Rentz, Baltimore Sun
Jesmond Riggins, CRB Supervisor

I. Welcome

Acting Chair Wesby 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 August 18, 2016 minutes was made by John Wesby, seconded by Odessa Neale, and all were in favor. The minutes were approved as submitted.

III. New Complaints

New complaints PD076-16 through PD090-16 were reviewed by the Board and voted as follows:

PD076-16	Administrative Closure/Out of Jurisdiction
PD077-16	CRB Investigation
PD078-16	CRB Investigation
PD079-16	CRB Investigation

PD080-16	CRB Investigation
PD081-16	CRB Investigation
PD082-16	CRB Investigation
PD083-16	CRB Investigation
PD084-16	CRB Investigation
PD085-16	CRB Investigation
PD086-16	CRB Investigation
PD087-16	CRB Investigation
PD088-16	CRB Investigation
PD089-16	CRB Investigation
PD090-16	Administrative Closure/Out of Jurisdiction

IV. Completed Investigations

<u>CRB#</u>	<u>IAD#</u>	<u>Board's Finding</u>
PD047-14	14-0575	Sustained EF 1 st Officer Not Sustained EF 2 nd Officer

Board members noted that multiple independent witnesses on scene gave consistent accounts and agreed that excessive force was used, and that the taser report proves that the complainant was tased 4-5 times, despite being injured as a result of an auto accident and needing medical attention. Members questioned IAD's choice to exonerate the officer given the amount of evidence supporting the complainant's allegations. It was also noted that the complainant was hypoglycemic and had sustained a head injury, which may have caused him to be combative and non-compliant, however officers should have been trained to handle this without causing further injury to him. In addition, members noted that the officers were aware that medics were en route to the scene, and should have waited before attempting to remove him from the vehicle and their actions unnecessarily escalated the situation. The Board noted the arrival of medics on the scene, prevented the officer from further tasing the complainant, demanded that the handcuffs be removed, and all medics interviewed consistently stated that when they arrived on the scene, they were in fear for the complainant's life as a result of the officer's actions, which were unnecessary. Members expressed great concern for what type of training officers receive in responding compassionately to civilians in physical danger as a result of medical distress.

PD057-15	15-0606	Not Sustained-AL, EF
PD069-15	15-0772	Sustained -AL Further Investigation -EF, H, FA, FI

The allegations of abusive language were sustained, due to the fact that the video the complainant provided contains a clear, indisputable recording of the officer using profanity when speaking to the complainant in a demeaning manner, without provocation from the complainant. Other

allegations related to this complaint had not received a complete legal review of the analyses, therefore Board members were asked to consider requesting further investigation, and hearing the findings on these allegations in a future meeting. The remaining report will be forwarded as soon as possible. Representative Wesby called for a vote, Members Wesby Davis, Ross, and Neale voted for further investigation, Members Green and Bourne voted to Not Sustain. As such, the motion passed to further investigate the remaining charges.

PD008-16

15-0560

Not Sustained FA

V. Administrative Closures

Director Brown reminded the Board of a previous decision to administratively close cases that were out of geographic or subject matter jurisdiction, as well as cases in which the BPD statute of limitations had run out. In cases where the statute of limitations has run out before an investigation can be completed or the CRB was not given IAD's completed investigation, the complainant will be sent a customized letter explaining the specific reasons for administrative closure.

The following cases have been administratively closed:

Out of Geographic Jurisdiction: PD040-15
PD033-16
PD076-16
PD089-16

Complaint Withdrawn by Complainant: PD052-16

VI. Discussion Regarding BPD Formatted Forms

Director Brown stated that the majority of people file complaints at the Baltimore Police Department, and the BPD is required to forward these complaints to us within 48 hours of their receipt. Currently, BPD is receiving complaints over the phone, via email, and in person. When complaints are taken in person, BPD is able to provide the complainant with a CRB form. However, complaints taken over the phone and via email do not offer this possibility. Through email, Chair Allen made a motion to accept complaints that are not presented on a CRB form, in order to accept all complaints that come in, regardless of format, so that receipt of these complaints would be officially authorized by the Board. Some concern was brought forth by Board members about the accuracy of the complaints on these forms, as there exists an opportunity for the person taking the complaint to misrepresent the complainant's statements. Chief Hill was asked to respond as to whether the lines were recorded. Chief Hill responded that they were, however the system had shown some glitches and broken down several times, and was undergoing repairs. Member Wesby also asked Chief Hill about the length of time that these recordings were archived, and

Chief Hill responded that they were archived for over a year. Representative Bourne asked for clarification on what the law said, and stated that the Board should directly follow the law. Director Brown noted that the Law Department had given advice that they should be allowed to accept all forms with CRB authorization. There were some questions about the legal advice, and Director Brown noted that because this law has not been litigated, interpretations can be made by the Law Department, and urged the Board to vote on this issue promptly, so that new complaints that are being received can be authorized. Representative Ross expressed concern about the legitimacy of what was transcribed on complaint forms, without the backup of a recording, and other representatives stated that this information would be confirmed by the investigator. Representative Davis noted that Maryland is not a form-driven state, and complaints can be filed in any format, and at that point cast her vote to authorize BPD formatted complaints, provided said complaints were notarized at some point during the investigation. Representative Neal, Ross, Davis and Wesby voted In Favor, Representative Bourne and Green voted Not in Favor, and the Motion was passed to accept complaints in any format from the BPD. Representative Davis asked Chief Hill to clarify how many complaints were received in the various formats. He stated that 1% came via email, 10% were walk in complaints, and all the rest were phone complaints. Chief Hill stated that when complaints come to them via email, they send a specific prepared response, which includes instructions to contact the CRB. Representative Ross questioned what might be done if the investigator uncovered intentional discrepancies between the transcription and the complainant's statement, and Director Brown stated that investigators note when police policy has been violated and respond accordingly. Representative Neale questioned when the forms would be notarized, and Director Brown stated that this would take place during the investigator's first meeting for CRB voted complaints, and CRB staff will ensure notarization in IAD only cases. Ms. Cruice asked Chief Hill about the glitch in the phone recording system, and Chief Hill stated that the system was very old, and that a request has been put in for a new one, but it would be very expensive.

VII. Director's Report

Director Brown began the report by informing the Board that a new Mediation Coordinator, Baissou Sissoko, has been hired, and he is working on outreach and trying to get more officers to participate in the mediation program. Director Brown stated that she and Mr. Sissoko would be meeting with Community Mediation soon. Director Brown also asked Board members to save the date of December 9, 2016 for the Annual Civil Rights Breakfast. Director Brown stated that invitations would be coming through email, and that information about the speaker would be forthcoming.

VIII. Old Business

There was no old business.

IX. New Business

There was no new business.

X. Adjournment

There being no further business, the Secretary Wesby declared the Public Session meeting adjourned.

Respectfully submitted,

Jill Muth