

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

April 25, 2019

Present at the meeting were Civilian Review Board members Bridal Pearson (Northern), Mel Currie(Southwestern District), George Buntin (Western District), Ebony Harvin (Southern District), Betty Robinson (Northeastern), and Marcus Nole(Eastern District).

Also present were:

Darnell Ingram, Director
Troy Pumphrey, Interim CRB Supervisor
Evangula Brown, CRB Investigator
John Wesley, Public Information Officer
Amy Cruice, ACLU
Lt. John Fernandez, Internal Affairs Division
Kobi Little, NAACP

Members of the public and community members were also present.

I. Welcome and Introductions

Chair Pearson welcomed everyone and called the meeting to order at 6:07. He recognized and introduced non-voting members of the Board and staff. He noted that the meeting was being recorded.

Chair Pearson noted that his term was expiring, and requested that other Board members consider stepping forward as chair.

II. Director's Report

Director Ingram noted that the Civilian Review Board had received two in person intakes, 9 inquiries and 8 CRB eligible complaints, and that the Board had closed two cases the previous month, with 22 investigations still in progress.

He noted that in their last "Can We Talk?" event, religious leaders and elected officials came together with community members to discuss religious based violence and discrimination. He noted that the next event would be discussing education disparities.

He noted that the staff had received mental health first aid training and certifications in order to better serve their constituents. He stated that they were currently in the process of updating the website, and welcomed input from Board members.

Director Ingram noted that the next CRB meeting would be hosted by the Environmental Police Department at their headquarters on Lake Montebello.

He advised that the 2019 NACOLE Conference was coming up, for Board members that were interested.

Director Ingram noted that Civil Rights week had been scheduled for the week of September 27th through October 5th, beginning with a brunch with Jesse Jackson, and culminating in a gala event. He noted that they were also in the process of planning a Disabilities and Technology Conference.

Director Ingram advised that the OPR/CRB protocols had been signed and approved by the court.

He noted that none of the legislative bills that they had been tracking over the session passed, except for the bill to create the Hopkins Police Force, which would fall under the Board's jurisdiction. He reviewed some of the points in the bill.

He advised that the police department was accepting applications for civilians to serve on police trial boards.

III. Approval of the Public Session Minutes from March 21, 2019

Bridal Pearson motioned to approve the minutes from March 21, 2019. Mel Currie seconded, and all others were in favor.

IV. New Complaints

CRB2019-0009

A majority of Board members voted to authorize a CRB investigation.

CRB2019-0027

A majority of Board members voted to authorize a CRB investigation.

CRB2019-0042

A majority of Board members voted to authorize a CRB investigation.

CRB2019-0067

A majority of Board members voted to review only IAD's investigation.

CRB2019-0070

A majority of Board members voted to authorize a CRB investigation.

CRB2019-0077

A majority of Board members voted to authorize a CRB investigation.

CRB2019-0078

A majority of Board members voted to authorize a CRB investigation.

CRB2019-0101

A majority of Board members voted to authorize a CRB investigation.

V. Completed Investigations

<u>CRB#</u>	<u>IAD#</u>	<u>Allegations</u>	<u>Findings</u>
CRB2017-0193	17-0755	EF	S

Ebony Harvin noted that she wanted to see the complete video footage, but stated that she sustained because the photos showed injuries to the complainant, and the photoa did not match the officer's description of how the injuries occurred. George Buntin noted that he also sustained, and was concerned about why they had not received body worn camera footage in this case, and several other cases on the agenda. He felt that either the Board or the CRB investigator should be reviewing footage, and that the police provided description is not sufficient. Betty Robinson asked that staff make footage available when it is present in a case, and Jill Muth noted that they had previously experienced technical issues with sharing the footage electronically, however, Board members could view the footage at the office. George Buntin noted that there were several cases where footage was requested and never received. Director Ingram stated that they would alert the police department to this issue and ask them to address it. Mel Currie also expressed concern about witness officers failing to cooperate, and asked that this be addressed with the police department as well. Raemond Parrott noted that they had addressed many issues through the development of the consent decree protocol, which would go into effect July1st. Amy Cruice asked if the police department gave reasons for delaying or not providing the footage. Evangula Brown noted that sometimes there was reasoning and sometimes there was not, but that they had had more success recently. She noted that many cities had direct access to evidence, and that often officers could provide the footage the following day. Amy Cruice also noted that it would be helpful to have a list of issues to flag, so that they could look into them further and track these issues. Bridal Pearson wanted to know if non-voting members could access information. Raemond Parrott noted that they were in the process of giving non-voting members access. Director Ingram noted that if there were any data points that the Board wanted to track, to let staff know. Kobi Little asked if they were collecting data on accused officers, and Director Ingram stated that they were. Kobi Little also felt it was important from a policy perspective to collect demographic information, including educational background. Bridal Pearson noted that based on the photographs, there were lacerations on the complainant's face, which did not match the officer's claim that they had run into on another and that he struck his left side. The

complainant's father spoke and stated that the same officer had injured and harassed his son before. Kobi Little wanted to know if an officer witnessed another officer violate the law by committing an assault, do they have to arrest that officer. Lt. Fernandez stated that the charge would have to be made by the State's attorney. Lt. Fernandez stated that depending on what law was violated, they could, but the state's attorney would have to be notified prior to arrest, since police officers are part of a specific group that cannot be charged without a prosecutor. **A majority of Board members voted to sustain the charges and recommended Termination for Officers H and E, and 10-day suspension and a Middle Letter of Reprimand for Officer W.**

CRB2017-0198

17-0706

FA FI

FA-S FI-NS

Mel Currie felt that the charge was a public nuisance charge, and felt that the officer had unnecessarily made the arrest on the advice of someone who was not a police officer. Betty Robinson noted that he was charged with breaking and entering and burglary, but they had no evidence of either charge. **A majority of Board members voted to sustain the allegation of false arrest and recommended a 5-day suspension and a middle letter of reprimand. A majority of Board members did not sustain false imprisonment.**

CRB2017-0202

17-0680

EF FA FI

S-EF

Bridal Pearson noted that the body worn camera footage shows the officer pointing a gun at the complainant's head while is subdued. The noted that there was also a witness to corroborate the complainant's account. Betty Robinson noted that there were witnesses who said the man had a gun, and that the officers took the gun from him. Marcus Nole noted that the complainant immediately complied, put his hands in the air and did not resist and was slammed to the ground. Bridal Pearson felt that the search was warranted, but that putting a gun against the complainant's head was not necessary. **A majority of Board members voted to sustain excessive force for Officer B and recommended termination, and did not sustain all other allegations for all other officers.**

CRB2018-0012

18-0067

H

NS

Ebony Harvin noted that she would have liked to see the body worn camera footage, but did not sustain the case based on the evidence found in the house. George Buntin did not sustain because he did not see harassment in the officers' action, but felt that there were many concerning details in the case. Betty Robinson noted that the witnesses did not corroborate the complainant's story. Bridal Pearson and Marcus Nole felt that the officer's actions did not meet the definition of harassment. Marcus Nole noted that the officers had appeared twice on different cases on the agenda. **A majority of Board members voted not to sustain the allegations.**

CRB2018-0030

18-0105

H AL

NS

Mel Currie noted that the officer was charged with finding her temporary housing, and she wanted additional support, but he became frustrated. Bridal Pearson noted that there was no evidence to corroborate her statement. George Buntin sustained, because he believed it was more likely than not that the officer had used the language the complainant described. **A majority of Board members voted not to sustain the allegations.**

CRB2018-0033

18-0121

AL

NS

Ebony Harvin did not sustain because the fire department witness stated that the complainant was very direct, but did not use abusive language. Marcus Nole sustained because the crisis center had their own witness that did corroborate the complainant's statement. George Buntin sustained because the suicide prevention hotline person had filed the complaint, and felt that the fire department witness had seen the officer speaking to someone different. **A majority of Board members voted not to sustain the allegations.**

CRB2018-0046

18-0156

H AL

NS

Board members did not sustain the case because there was not enough evidence to corroborate the allegations, and they felt that it was not within their jurisdiction. **A majority of Board members voted not to sustain the allegations.**

CRB2018-0056

18-0195

EF

NS

Mel Currie felt that it was unclear who was the landlord and who was the renter, and the case was very confusing, and that there was insufficient evidence to corroborate the complainant's account. **A majority of Board members voted not to sustain the allegations.**

CRB2018-0061

18-0010

EF

NS

Mel Currie felt that what the officer did was unwarranted, because he chased him simply because he had a backpack. He also noted that no backpack was seen in any of the photos or the body worn camera footage. Mel Currie motioned to continue the case, George Buntin seconded, and all were in favor. **Board members voted to continue the case to a future meeting.**

CRB2018-0068

18-0255

H AL

S

Mel Currie noted that he sustained harassment because the woman felt belittled because the officer was insulting her education and the way she spoke, which he felt was unnecessary. Betty Robinson understood why the complainant was upset and frustrated, and noted the officer could have been more helpful in de-escalating. Mel Currie did not feel the allegation met the definition for abusive language because it did not contain profanity, and was questioning rather than a direct attack. Amy Cruice felt that because the language was verbally expressed and was belittling, it would meet the definition for abusive language. Bridal Pearson noted that the Board could vote on related allegations that were found in the complaint. Raemond Parrott noted that investigators would review the complaint and identify any other allegations that were appropriate. **A majority of Board members voted to sustain both allegations and recommended a 3-day suspension and simple letter of reprimand.** George Buntin noted that this was one of the cases in which the body worn camera footage was missing, and felt it was important to the case.

CRB2018-0088

18-0154

EF FA FI AL H

Betty Robinson noted that this was a difficult case because the relative who had dementia, had stated to hospital staff that the complainant had a gun and wanted to kill her, and hospital staff acted on that information. Bridal Pearson felt that the officer had a right to act on the information, but did sustain abusive language, because the officer did use abusive language

when speaking to the complainant. Mel Currie noted that the abusive language was overheard by another witness, but that she could not identify which officer made the statement. Marcus Nole noted that it was unfortunate, but felt that the police followed the protocol for an active shooter. George Buntin sustained the allegation of harassment because the complainant was strip searched unnecessarily, and felt that it was not normal for police to search for a weapon under his clothes. Lt. Fernandez noted that it would be possible to hide a handgun in a bodily crevice. **A majority of Board members sustained the allegation of abusive language for Officer #1 and recommended a simple letter of reprimand.**

CRB2018-0115

18-0070

H AL

Betty Robinson sustained because he immediately came home and recounted the interaction to his mother, and the complainant was able to pick the officer out of a lineup, and the officer was found to be in that neighborhood at that time. She noted that the officer had 5 car stops in the area during which he had his body worn camera on, and the last footage was 4 minutes and 2 blocks from where the interaction occurred. Marcus Nole noted that there was a witness who was on the phone and did not corroborate his account. Mel Currie noted that none of the stops were close to his house, although they were in the neighborhood. Kobi Little felt there were additional concerns about sexually explicit language directed towards a minor. **A majority of Board members voted to sustain the allegations and recommended a 15-day suspension and severe letter of reprimand.**

VI. Public Comment

A community member noted his concern that in the case where the man was charged based on another officer's recommendation, he felt that there was a case for false imprisonment, because his movement was restricted based on a false allegation. He also felt that with regards to the person accused of being an active shooter, he had never seen someone strip searched base on the accusation of having a gun.

Betty Robinson wanted to comment on the number of complaints and how vulnerable people are policed. She noted that she wanted to do a random survey of the City to find out how many people were aware that the Civilian Review Board existed, especially in vulnerable communities.

VII. Old Business

There was no old business.

VIII. New Business

Kobi Little wanted to know what the lens was for the Civilian Review Board, and the reason for two separate bodies completing the same work. He felt that there needed to be an articulation of the differentiation, and the Board needed to develop that. George Buntin felt that the Board existed to oversee police actions with a civilian lens. He felt that there should be one body made up of both civilians and police so that all biases could come to the table and be examined. Bridal Pearson that there was value in having civilian investigators. Bridal Pearson noted that the Board was in the process of developing operational policies.

IX. Adjournment

There being no further business, the meeting was adjourned at 9:24 PM.

Respectfully submitted,

Jill Muth