

MINUTES
Baltimore City Civilian Review Board
REGULAR MEETING
April 20, 2023
Place: Enabled by Zoom
6:00-8:00 pm

I. Welcome & call to order

- Tierra Hawkes, Chair, Northeast District
- Natalie Novak, Secretary, Northern District
- Mel Currie, Southwestern District
- Levi Zaslow, Northwestern District
- Sgt. Angel Batey, Public Integrity Bureau, Baltimore Police Dept.
- Mariel Shutinya, Chief of the Police Accountability Division, OECR
- Meg Mishou, Special Assistant to the Police Accountability Division, OECR

II. Review and approval of agenda

- Mel Currie motioned to approve
- Approved

III. Review and approval of minutes

- March 2023-Approved
 - Mel Currie motioned to approve with amendment to correct his last name.
 - Chair Hawkes announce that she will be leaving the CRB to work on the Administrative Charging Committee (ACC).

IV. Director's Report

- Mariel Shutinya, CRB Supervisor OECR – 19 collaborative meetings, 8 completed investigation; 6 cases closed with recommendations, 2 had sustained allegations; 13 CRB intakes; 48 notifications from PIB, 5 new complaints sent to the board, 4 new investigations authorized, 1 IAD only case.
- CRB members must filed their 2022 financial disclosure.
- A CRB investigation visited the Falstaff parent/teacher association meeting and did a presentation on the CRB and PAB in English and Spanish. A complaint was received from that meeting but was only PAB eligible.
- CRB is in the process of hiring someone to focus solely on outreach and education for the Police Accountability Division.
- Mariel will be unable to attend the CRB meeting in May, however a CRB investigator is able to attend if the board would like to keep that date.
- CRB will be advertising for new CRB members.

V. New Complaints:

- A. **CRB2023-0047-** Complaint filed 4/13/2023 for Harassment. The Complainant alleges that she called the officer to respond to a domestic violence situation, and he refused to speak to her, but returned the knife her spouse was carrying and told her he was taking her spouse to a medical facility. The Complainant alleges that the situation escalated further when her spouse was released from the hospital an hour later, and tried to return to the Complainant's home, forcing her to call the police again. The same officer responded and forced her to allow her spouse back into the residence, causing her to

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need to find another place to stay for the night for her safety. She stated she returned the next day after work and her spouse began acting aggressively towards her again, so once again she called the police and the same officer responded. Another officer who accompanied him told her she could get a protective order, which did. The original officer served the protective order, and then took her spouse to get her own protective order, and then the officer filed criminal charges against her for an event from December that he did not witness or respond to. The Complainant alleges that the officer continually returns to her residence with her spouse to allow her spouse to collect belongings on a continuous, regular basis.

- Mel:
 - I'm wondering what this would be or what this would come under. Not doing your job correctly. Possibly. Harassment?
- Mariel:
 - I think it was classified as harassment.
- Mel:
 - So, maybe we should just have an investigation because this is just seems a little strange to me and borderline but given that it is borderline maybe we should take a deeper look. So, CRB.
- Natalie:
 - I vote CRB too.
- Levi:
 - I vote CRB too.
- Tierra
 - I vote CRB too. I was on the borderline too at first too. But CRB investigation is fine.

VI. Completed Cases:

- A. **CRB2022-0064/0066:** Filed on 5/16/2022 and 5/17/2022 against one named officer for Harassment, and one named officer for false arrest and abusive language. The Complainant alleged that he was falsely arrested on May 7, 2022. The Complainant stated that he was set up for the arrest by his girlfriend and that the officer made the arrest while making racist comments about "ni**rs hitting females". He stated that when he informed the officer that he was an informant and asked him to reach out to his police contacts, the officer laughed at him and refused. The Complainant alleged that he asked to be taken to the homicide division instead of Central Booking because he had information for them, and the officer refused. He stated that the officer told him, "Your fucking rat ass wanna hit women but tell on men", and that "one way or the other, your pussy ass going in." He stated

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that he was taken to Central Booking, even though he feared for his safety there due to the fact that he was an informant. He stated that the officer did not have a warrant to enter the premises and no one let him in, and that the officer told him that since he was a police officer he could let himself in. In his May 17, 2022 complaint, the Complainant alleged that a different officer had been utilizing him as an informant and putting him in danger in the process without doing anything to mitigate his concerns. The Complainant alleged that during his time as an informant, the officer lied to him, harassed him, and put his family in danger. The Complainant alleged that the officer made him promises about relocating him for his safety, but never followed through. The Complainant alleged that he was shot in retaliation for being an informant, and the officer only went out of his way to make the situation worse. The Complainant alleged that the officer used him to solve cases and then failed to assist him when his safety was at risk. The Complainant stated that the officer had promised to get him out of jail if he ever got in trouble but did not follow through on those promises when he was arrested by the other officer. The Complainant stated that the officer had told him not to get an attorney, and continually followed him and harassed him even after the Complainant had told him he no longer wanted to be an informant.

- Mel:
 - You want the preponderance of the evidence to support one side or the other and I don't see that the preponderance of the evidence supports abusive language, BWC or etc. So, I'm not going to sustain on abusive language. Although it was pretty colorful. The other issue is his whole marriage with the BPD. I don't believe this marriage, as far as being an informant is concerned, is within our jurisdiction. They had some sort of prenuptial agreement about what he was going to do for them. I think that is beyond our purview. So, I don't even know where we would place it as far as our five categories are concerned. There's no ruling from me. That seems to be the major point of this complaint was that he was not treated the way he should have been treated because of the relationship that had been cultivated with him. That's outside our sandbox. So, I'm not sustaining on anything unless some other members persuade me otherwise.
- Natalie
 - I did not find there to be evidence of abusive language or false arrest in regard to Officer S and in regard to harassment for Officer C. The only documentation we had was the transcript of the text messages. And Officer C was charged with harassment. And Officer C had the most relationship with the Complainant in regard to being a confidential informant for the police. And it seems like the Complainant was saying there was harassment Officer C wasn't living up to his end of the bargain and not giving him the correct information. And taking actions to coerce him into testifying more times than he wanted to. But the only documentation we have is the transcript of the text messages between them and I did not think that the text messages were the allegations for harassment that the Complainant set forth in the complaint. I'm also at a not sustained at this time.

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- Levi:
 - I tend to agree on the abusive language and the false arrest based on the record on we have. Also based on the record that we have, it doesn't appear to be harassment by Officer C based on what we mentioned. But in doing that, I don't think there's any reason why I can't point this out. There's a 17-page report of investigation here. So, investigators I think interview two attorneys, attempted to interview federal agents, attempted interviews of multiple officers. I don't think there's any reason why I can't read the recommendation as long as I don't read the officers name, right? I think it's notable and well said. So, the recommendation here is, "While there is evidence here to suggest that the Complainant was in danger, and that Officer C has mishandled confidential informants in the past, the investigation was unable to uncover specific evidence regarding Officer C's conduct towards the Complainant. In addition, the Complainant made several statements inconsistent with the facts. There is however evidence that suggest that Officer C did not handle the Complainant responsibly as a confidential informant." And there was plenty of evidence that it appears that the Complainant life was in danger. It appears to be credible. I just think that something needs to be noted here somewhere somehow. Another reason why I point that out is because I think the conclusion here is that he wasn't treated responsibly as a confidential informant. There are issues there. Everyone concluded that the arrest was appropriated. Fine. But there are other issues there. I just think something needs to be noted somewhere. If I'm wrong about that tell me why but I think that's an important side note here.
- Tierra
 - Levi, I agree with you. I think the best thing for us is to put it in our letter, state reasons why this is not acceptable. It seems like being a confidential informant is a partnership with the police department. How can you expect people to enter into these, as Mel call it a "marriage" or "relationship" with the police department to be helpful and give information and things like that if you don't provide your side of the bargain like Natalie said. If you're not providing help. Because we all know there can be consequences for being involved with or providing information and things like that. Is this something we can force the AG office for? Because I think it is worth investigating at another level. I don't think we can do anything as far as the harassment is concerned but maybe another agency could.
- Mariel
 - We provided a multitude of other places for the Complainant to send the complaint and other services. As you can tell this was a very lengthy and thorough investigation. I think it expires in June. Obviously, most of our cases do not take that long to conduct. And it really just varies constant contact with the attorney. We provide a lot of resources. I was just speaking

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to the investigator yesterday about this trying to figure out even more because whatever is happening, he's in distress. We can definitely put it in the letter.

- Tierra
 - Ok. Then send him a copy of it so he has it for his records for if he files a complaint with someone else. For Officer C, everyone not sustained for harassment. Everyone was not sustained for abusive language and false arrest for the second officer. The board agrees.
 -
- B. **CRB2022-0146**: Filed on 9/1/2022 against an identified police officer for False Imprisonment. The Complainant alleges that on August 14, 2022, he was detained aggressively and unlawfully because of a possession of a legal firearm. There was an incident that occurred at Frank's Pizza at 6200 Belair Road. The Complainant stated that he walked into the pizza shop with a good friend. While the Complainant's friend waited for the food, the Complainant stated that 7 officers that were in the pizza shop observed his firearm and asked for his ID. The Complainant said that he complied with the officers and they said that the laws recommend that you don't carry firearms where people can see it. The Complainant believe that the firearm was concealed on his hip. When the Complainant glanced down at his hip to see if the firearm was showing, he stated that a female officer thought that he was reaching for his gun. The Complainant stated that the officers immediately slapped handcuffs on him before giving him a chance to show his ID and permit to carry. The Complainant allege False Imprisonment because the officers handcuffed him when he wasn't a threat and had a permit to carry. The Complainant stated that after several minutes in handcuffs, the officers verified his permit to carry. The Complainant stated that he felt his rights were violated because he was not reaching for his concealed weapon and that the officers didn't give him a chance to verify his identity. After his credentials were verified, the Complainant stated that he was released without an apology or explanation as to why he was detained. The Complainant stated that he was detained because of gun violence in Baltimore City.
- Tierra
 - We actually discussed this case last month and we watched the BWC footage in a closed session.
- Mel
 - I'm going to sustain False Imprisonment. First of all, in the BWC footage maybe if you're a police officer you notice that the person has a gun because you're looking for that. You see a shape. It's covered. It's completely covered in everything I saw. Secondly, if he do, he was not posing a threat. You pull someone over; you ask them if they have a permit to carry a gun. I notice that you have, and he would have said yes. But instead he got the handcuffs. There was no suspicion that he was involved in criminal activity. I think it was uncalled for. I would sustain False Imprisonment.
- Natalie

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- I will echo much of what Mel said. The Complainant looked or gestured towards his hip which is where the firearm was concealed. In response to the officer asking him, “Do you have a gun? Is it covered?” glances to his hip and there’s a lot of commotion without being able to respond to the officers’ questions about whether he has a permit, or he has his permit on him. They handcuff him before that information was apparent with de-escalation. BPD Policy 1112 Field Interviews and Investigative Stops does not mention in what circumstances in which officers should place handcuffs on an individual when doing an investigative stop. I know case law covers that, but BPD policy does not. I will also sustain.
- Tierra
 - I’m going to sustain the allegation as well. My main reason for sustaining the allegation is that once that recovered that handcuffed, there should have been a de-escalation from them. I think they handcuffed him before that. I felt that it was unnecessary to handcuff him because they had already recovered the gun. If he was already saying that he had a permit, I think it was unnecessarily escalated. So, that’s where I’m going to go with it.
- Levi
 - I agree. I think the minute he was approached and surrounded; he was not free to leave at that point. I think it was probably beyond inquiring about the status of a permit or not. They put the handcuffs on him when they asked about the gun on his side. There weren’t any quick moves to the handgun. It was more like confusion then the cuffs came on immediately. Now, his license was in the car, but he was already detained at that point. The cuffs were already on him before he told them that it was in the car. And there’s another factor here which is the shifting explanation from the officers. At first, they said they had to cuff him to check to see if he had a permit. When they found out he had a permit, the male officer said, “Oh we had to put cuffs on him because he reached for the gun.” They were changing on the fly once they realized that he had a permit. The most concerning is that they didn’t know the laws. They didn’t know what to do.

VIII. Public Comment

- No public comment

IX. Old Business

- No old business

X. New Business

- May meeting vote for temporary CRB Chair.
- Natalie happy to act as Chair until one is elected.
- Staff with assist with meeting minutes.
- In person community meetings and accessibility issues.

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XI. Adjournment