

## **POLICE ACCOUNTABILITY BOARD FOR BALTIMORE REGULAR MEETING**

### **AGENDA**

April 1, 2024

Via Zoom

6:00-8:00 pm

**Call to Order:** The meeting was called to order at 6:05 p.m. by Chair Joshua Harris.

### **Roll Call**

Secretary Stephanie Lee called roll.

#### *Present*

- Mansur Abdul-Malik
- Ambassador Peter Boddie
- Joshua Harris, Chair
- Dr. Janetta Gilmore
- Megan Kenny
- Stephanie Lee, Secretary
- Harold Madison
- Lisa Nguyen
- Maraizu Onyenaka
- Jesmond Riggins, Esq.
- Jamal Turner, Vice Chair
- Bryan Upshur
- Avi Wolasky

#### *Absent*

- Marc Broady, Esq.
- Antoine Burton
- Dr. Doris Minor-Terrell

#### *OECR Staff Present*

- Director Dana Moore
- Chief of Investigations Lisa Kelly
- COO Roland Selby
- Meg Mishou
- Jumel Howard
- Samuela Ansah

### **Welcome**

Chair Harris provided the following updates:

- a. There was proposed legislation in Annapolis to provide Police Accountability Boards around the state with subpoena powers. This bill did not make it out of committee. There is hope this will happen next year and this would provide the investigative powers the Civilian Review Board has to Police Accountability Boards. The ACLU sponsored this legislation as best practices for civilian review boards.

- b. There is an upcoming hearing of the Federal Consent Decree. You will be provided with the information of the meeting. Board members were asked if they had any questions or concerns about the updates before we move on to the agenda.

### **Review of the Agenda**

The Chair would like to add Annual Report under Old Business. It was moved by Board Secretary Stephanie Lee and seconded by Vice Chair Jamal Turner that the agenda be adopted with the addition under Old Business. Motion Carried.

### **Minutes Approval**

It was moved by Board Member Mansur Abdul-Malik and Seconded by Board Member Dr. Janetta Gilmore that the minutes from February and March meetings be accepted as printed. Motion Carried.

### **Staff Updates**

Director Dana Moore provided the following updates:

- **Oversight Training:** The request for training from Cambridge Consulting Services Group for Civilian Oversight training has been approved for funding. This assures that the Baltimore Accountability Board distinguish itself from the others in the state. A contract will need to be received from the company. Normal payments are paid via WorkDay, but permission has been given for use of the purchase card.
- **PAB DEI Training:** The training will be offered to the PAB Board. The Office of Equity and Civil Rights (OECR) staff will provide the training and it will be a Saturday. The training will take place for two (2) to four (4) hours. OECR staff will send out a survey for the dates for the training.
- **NACOLE Conference:** The 2024 National Association of Civilian Oversight of Law Enforcement conference is October 13-17, 2024, in Tucson, Arizona. Registration opens May 14, 2024, and we want to register members of the PAB Board to attend this conference in-person as well as staff and ACC. Looking to see how many we can send.
- **Press Release:** Chair Harris asked OECR to create a press release to recognize Baltimore Police Department (BPD) of their consent decree progress and passage of Baltimore City Council Bills 23-0445 and 23-0449 both of which advances the City's effort to gain control of BPD was prepared. The staff is awaiting edits and approval from Chair Harris before release.
- **Trial Boards:** Chair Harris asked that Board members be provided with resumes for the Trial Boards for review and selection during the Executive Session. Board Member Dr. Gilmore had some concerns about one of the applicants because it is unclear whether the applicant lives in Maryland. Chair Harris stated that he requested that the Board be sent several resumes they had on file because we need additional trained members since the two that are trained are not available for the May hearings. With the updated digitized application, we can send our networks to increase the pool of applicants.
- **Legislative Updates:** Senate Bill 621 and House Bill 533, which was sponsored by ACLU, would have given the Police Accountability Boards authorization to exercise investigatory and subpoena powers and to conduct independent police misconduct concurrently with law enforcement agencies did not make the cross over during this legislative session. Chair

Harris referred to this during his updates at the beginning of the meeting. It was suggested by Board Member Abdul-Malik that the Board consider a subcommittee for legislative matters and how to organize and collaborate to shepherd legislation that would be line with the Board's needs. It was further suggested by Director Moore that it would benefit all PABs statewide. The work on new legislation begins when the session ends. Chair Harris stated that this may still become a local bill for Baltimore City and not statewide. It is on the Chair's list to convene a meeting of Police Accountability Boards statewide. Baltimore and Prince George's County are ahead of the curve because of the need, but it appears that there is a greater need with the smaller jurisdictions on the Eastern Shore and Western Maryland where the Police Accountability Boards have been hamstrung. Board Member Abdul-Malik would like to be a part of that conversation per the meeting of the Organization and Community Engagement Committee. If you are interested in being a part of this conversation, please let Chair Harris know of your interest. He is currently pulling together the contact information for the Boards around the state. Chair Harris agreed with Director Moore that the Baltimore board is ahead of many of the boards, and he hopes we can be an asset to the others around the state.

- **BPD Police Integrity (PIB):** The staff has regular meetings with PIB to discuss the process of OECR receiving complaints and moving them to ACC. The OECR staff has been asking that the files be received sooner in the process no later than ninety (90) days before they expire. It must change, and we need to get the files sooner. There has been good cooperation with them to address this issue.
  - **Board Vacancy:** There is still a youth vacancy on the Board. Please package up any applications you have and submit them to Samuela Ansah so she can send them to the Mayor's Office of Governmental Relations. Please send future applications and resumes to [PAD.OECR@baltimorecity.gov](mailto:PAD.OECR@baltimorecity.gov) with a copy to [Lisa.Kelly@baltimorecity.gov](mailto:Lisa.Kelly@baltimorecity.gov).
  - **Board Stipends:** Board Members should have all received their stipends. If you have not, please contact Chief Operating Officer (COO) Ronald Selby [Ronald.Selby@baltimorecity.gov](mailto:Ronald.Selby@baltimorecity.gov).
  - **Laptops:** There are still three (3) laptops in the office. Laptops should have been distributed to all who need them. If you are need of a laptop, please contact COO Ronald Selby.
  - **Civil Rights Week:** Civil Rights Week begins Sunday, October 6, 2024, with a book talk on Fannie Lou Hamer by Kate Clifford Larson. October 6<sup>th</sup> is her birthday. We will do Prayers for the City and the Civil Rights Breakfast on Monday, October 7, 2024, and then the programming will begin. We are asking city agencies to submit proposals for that week. That request went out last week. We would like to have this Board put together a proposal on police accountability.
  - **Staff Updates:** OECR Team Member Megan Mishou has accepted the position of Case Manager Supervisor in the Police Accountability Division. She set up the case management system and trained the current case managers. She has identified the need for two (2) positions an additional Case Manager and Case Manager Special Assistant.
  - **Next PAB Meeting:** The next meeting will be virtual on May 6, 2024.
- **Questions and Discussion on the Report**

Board member Abdul-Malik stated that he found his notes and that we were to talk about dates for

DEI Training at today's meeting. Director Moore stated that the DEI trainer needs at least two (2) weeks since the training is on a Saturday to arrange for childcare. She is drafting a survey to be assess the needs of the Board. We will suggest a couple of weekends before May. Samuela Anash will draft a doddle poll after this meeting with dates for the Board Members to select.

Board Member Megan Kenny asked Director Moore if there had been any applications this calendar year for the data position. Director Moore stated that the applications received had been reviewed and have not found a qualified candidate.

Chair Harris asked Director Moore about additional positions being hired for the Police Accountability Division. Director Moore stated in addition to the third Case Manager and Special Assistant, the Chief of Police Accountability, and Legislative Position, they are interviewing for the Legislative position, but not the other positions. Chair Harris asked if the Board or at least the Executive Committee would be notified vs consulted when positions are being discussed and interviewed. Director Moore stated that she would discuss the other positions offline. Chair Harris just wants us all to work in good faith and work collaboratively with the Board.

Board member Maraizu Onyenaka asked Director Moore if the Board could be provided again with links for the positions that are still open and recruiting. Director Moore will provide us with the links for positions.

Chair Harris asked how cases are sent to the Civilian Review Board (CRB). Director Moore stated the OCER doesn't send case to the CRB. If a person who comes to file a complaint, they are given the opportunity to select which agency they want their case to be reviewed. They can select one or both. Chair Harris asked where the person would make that selection. Director Moore stated that this is a part of the application process, and the Director will share that information for the Chair. Chair Harris states he knows of two (2) individuals who have indicated that they would like their cases to go to the CRB. Chair Harris asked if there was someone on staff responsible for intaking the complaints to determine if they should go to the CRB versus Administrative Charging Committee (ACC) to review the PIB Investigation?

Director Moore stated the the technical answer is no because one person who works at OCER works with CRB and does not decide the direction applications can be sent, the person who files the application makes the choice. There is someone in OCER who works with CRB. Chair Harris recommended that we do not leave it up to civilians to determine where they want their complaints to go since most civilians do not know the difference between the CRB and the Police Accountability Board. He further recommends that there should be someone on staff who specializes in complaints to review the complaint intakes to determine if they should go to CRB or ACC. He was not aware of the process and looks forward to seeing it. Director Moore stated that this can be discussed, but the process is the process we honor it and respect the process. This was a discussion between the Chair and the Director on the authority over the process. Ms. Anshah stated that there was a correction to the process as previously explained. When a complaint is filed, it goes to the PAB. When a complaint is alleging five (5) specific types of misconduct: abusive language, use of force, harassment, false arrest and/or false imprisonment, the complaint is investigated by the CRB who can issue a non-binding disciplinary recommendation. The PAB takes all types of complaints so they can go to both boards. Chair Harris reviewed the application

and stated there is no place for the complaint to check. The complaint goes to both boards.

Board Member Jesmond Riggins stated that the ACC is not getting files in a timely manner. The statute requires PIB to complete their investigation in ninety (90) days.<sup>1</sup> The federal consent decree requires BPD within ninety (90) days and that is the standard. In order from BPD to come out of the consent decree, they must meet this standard. At the ACC meeting, it was asked that the PIB at least give us cases ninety (90) days before expiration. Board Member Riggins asked what the problems were with getting the investigations to the ACC in a timely manner. This has been a long-standing issue. ACC is receiving cases right up against the expiration date. He stated that he had worked on a complicated case this weekend over six (6) hours and it expires on Saturday. He sent PIB several questions regarding the case and he is unsure if they will be able to answer the questions and get back to them before Friday to make their decision. Director Moore stated that they have requested to get cases earlier and we have asked someone to be available to address cases when the ACC does meet especially for those cases on a short-term basis. Director Moore could not provide the name of the contact. The Office has been meeting with PIB.

Ray Kelly from the ACC stated that the public has the opportunity to file a complaint through any of the accepting agencies, but all cases of police misconduct are to be adjudicated by ACC because it involved the public. The issue with PIB is there are at least three to five cases that are added to the docket that are about to expire as well as cases that were after expiration. This area needs to be addressed with PIB. He is also trying to address this at the state level. ACC needs to have these cases on time, and we need to have serious conversations with PIB to address this situation.

Chief Antoine Smith stated that he would suggest developing a portal to input the information and then triage by OECR. That would ensure a timely receipt of reports.

Chair Harris thanked Chief Smith for his recommendation. One of the issues we have as a board and our priority to ramp up our public relations to make sure when complaints are filed that they come through our portal rather than the PIB portal so they we can have cases simultaneously or before they go to the PIB. It is still important for us to have a portal where all complaints go so they can be designated from the portal as to where they go and where they are in the process. They should be simultaneously investigating at the same time.

Chief Smith further stated that this would allow the police departments that are investigating to get the cases in a timelier manner. It would provide the police agency to upload cases into the portal or the database and PAB would be able to retrieve the case. This would elevate the ninety (90) day threshold.

Board Member Kenny asked the members of the ACC if they did actual investigations of the police. Chair Harris stated that the CRB could do simultaneous investigations with the PIB so can take and make calls on their own. ACC does have access to their investigative summaries. ACC does not have the capacity to do their own investigation. There are questions about the conclusions of the PIB. There are times that they have enough time to dig deep enough in the investigations to PIB and question the rationale as to how they reached their conclusions. When they have an

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<sup>1</sup>the process of review by the investigating unit through disposition by the administrative charging committee shall be completed within 1 year and 1 day after the filing of a complaint by a citizen

opportunity, they can effect a change in the decision-making process.

Board Member Onyenaka asked what body has the authority to change this. Chair Harris stated this is spill over from the law enforcement bill of rights legislation that had been in place for decades and the one year and one day has not been enshrined into law yet. It would have to come via legislation. It could be a statewide mandate or Baltimore City. This may be something we would want to do in the next legislative session. Ray Kelly stated that they are also addressing that with the Police State Standards and Training Commission. It will take a legislative effort. The state training commission that will begin work on this for the next legislation session.

Chair Harris asked Director Moore if we had an update on what happened to the recording of the February meeting. The recording was attached to former Chief Mariel Shutinya's email and when her email was removed when she resigned, it we switched to another email not realizing that was the only email that the recordings were attached. If Chair Harris would like to provide those recordings, we will house them with the other recordings. We have found that there is no requirement that the recordings be saved. It is required that there are minutes, and the minutes must be posted. As a result, the office has changed its policy. Tonight's meeting is being recorded and will be maintained on the PAD OECR email account. Staff will immediately preserve the recording and save it for future use. This was done for the March meeting and will be done for future meetings. Chair Harris stated that he only had the recording from the February meeting and not the previous meetings and has turned that recording over to the OECR Staff. It was requested if this happens again, please notify the Board to help build trust with the Board. Individuals in the office held the Zoom Accounts. The City policy now requires that two people have access to the account. Chair Harris feels that it is good policy to provide the public with the recordings.

### **Quarterly Meeting with Heads of Law Enforcement**

*Baltimore City Community College: Chief Marshall "Toby" Goodwin:*

Since the meeting in January, we have brought one (1) additional officer on staff. There are three (3) in the hiring process. There are still four (4) vacancies. We will be at the job fair at Loyola University of Maryland. Unarmed force with the opportunity to become armed when the Board of Trustees proposes that. They are working closely with the student population to ensure their safe environment for students and staff. The development of a process to file complaints for students, staff and the public has not been created yet. There have been no complaints. They have not been able to make any arrest. Nineteen security personnel and there are two (2) certified officers and three (3) in the hiring process. Vice Chair Turner wanted to the complaint process set up. Chief Goodwin indicated that he had no issues with establishing that, but it is an IT issue along with the Board. He is willing to connect the parties to make it happen. Send any posting for recruitment, share it with us, and see if we can help with your process. Board Member Abdu-Malik asked when the policies and procedures were updated. They are on hand and can be reviewed. They are not electronic. No problem discussing this with the PAB.

*Morgan State University Police: No response*

*Environmental Police: Chief Antoine Smith*

There have been a few disciplinary instances and we have had some officers under investigation. Some are violations of the city, and some are general orders. One has had his police powers suspended and the other has been transferred to another location. One officer is awaiting his good standing letter from the Maryland Police and Correctional Commission.

Still recruiting for additional staff and planning to promote two (2) Sergeants. They are in the process of updating their general orders by Lexipol. It is hoped within a month or so, they will be available for review.

Chair Harris wanted to make sure that none of the officers under reprimand was not due to encounters with the public. Yes and no to the inquiry mostly policy issues. The complaint may be sent to the Inspector General Office. Based on the legislation it will come to PIB. He is working with Baltimore County PIB and Department of Human Resources. They have a MOU with Baltimore County PIB. They do have the ability to investigate the officer at a command level. It has not risen to the level. We appreciate your transparency.

Board Member Riggins stated that if we had our own standalone website, we could create a section where police departments that we oversee, could create a section where police departments could provide information for employment and helping them post positions and help them recruit and any other information for the departments.

**New Business:**

*Hilary Ruley, Law Department*

Hilary Ruley was at our last meeting and Chair Harris was not aware that she was present to speak to the Board and apologized for not recognizing her. Chair Harris believes she is the longest standing employee in the city law department. If there are questions for the Law Department to please contact her. The Chair stated several meetings ago that there was a meeting with the City Solicitors Office and Hilary was identified as our point person.

We asked the questioned about the Police Accountability Board having independent counsel. What are our next steps regarding the ACC not receiving documents in a timely manner. Unfortunately, there is no legal recourse for this issue. If they are not being responsive, they are happy to reach out. There is no legal hurdle for those records, but subpoena powers, which the law department was in favor of, would support your efforts. It is not a legal barrier, but probably an administrative one. Will help in any way they can to facilitate this situation.

**Old Business:**

*a. Budget Presentation:*

Director Moore was asked to provide a budget presentation. She was unaware that she was making the presentation. She thought BBR was doing the presentation.

It was moved to table the Budget review until the May meeting by Vice Chair Turner and seconded by Board Member Kenny. Motion Carried

*b. Annual Report:*

Board Member Riggins provided an update on the Annual Report. The report is close to being completed. There are three (3) sections to the report and there is certain information that should be included.

The committee has requested information from the office to be included in the report that ask OECR to describe its work with the board. There is a request about staffing and the staff that has been assigned to support PAB and ACC. We are requesting the office to match the positions that are outline in the fiscal 2024 budget with those the office, the titles that are and will be assigned to PAB and ACC, whether those positions have been filled, and the date they were filled, and if they are not filled.

The next section is about the budget and spending. A detailed optimization of how the money was spent in the office for PAB and ACC has been requested. The response did not provide how the money was spent and we are still in fiscal year 2024. The response is really a guess of what will be spent. Information about fiscal year 2023 and nothing has been received to date.

The last section is engagement and feedback. This section would tell you where to locate information. It is hoped that the board would be included in the records retention policy.

There is a draft design version, and we are awaiting the additional information to drop in the report. It is hoped we that the draft will be sent to the Board to a vote soon.

- c. Wednesday April 3, 2024, at University of Baltimore there is Consent Decree Monitoring Team Quarterly Meeting at 6pm.
- d. Thursday, April 4, 2024, Quarterly Federal Consent Decree Public Hearing at the Federal Court House at 10:00 am.

**Public Comment:**

Amy Cruice from ACLU representative on the CRB asked how many board vacancies we have. The only board vacancy is the youth vacancy. If you know any youth, please have them submit their applications.

**Executive Session:**

It was moved by Secretary Lee and seconded that the Board go into executive session to review applications for the Trial Board. Motion Carried.

\*\*\* In future meeting we will record the beginning and end times for each executive session. \*\*\*

**Adjournment:**

It was moved by Vice Chair Turner and seconded by Board Member Kenny that the meeting be adjourned. Motion Carried. The meeting was adjourned at 8:06 p.m.

Submitted,

Stephanie V. Lee  
Secretary, Baltimore City Police Accountability Board