

AGENDA
Baltimore City Civilian Review Board
REGULAR MEETING
August 19, 2021
Place: Enabled by Cisco WebEx
6:00-8:00 pm

I. Welcome & call to order

- Mel Currie, Southwestern District
- Tiera Hawkes, Chair, Northeastern District
- Natalie Novak, Secretary, Northern District
- Levi Zaslow, Northwestern District
- Tyler Salley, Southeastern District
- George Buntin, Western District
- Amy Cruice, ACLU
- Dana Moore, Director Office of Equity and Civil Rights
- Jill Muth, CRB Investigator
- Tiffany Jones, CRB Investigator
- DC Brian Nadeau – Deputy Commissioner of Public Integrity Bureau
- Major Jason Callaghan – Major in Public Integrity Bureau
- Captain John Hernandez – Captain in the Public Integrity Bureau
- John Wesley, Public Information Officer OECR

II. Review and approval of agenda

- **Approved**

III. Review and approval of minutes

- **June 2021 – Approved**
- **July 2021 – Approved**

IV. Director's Report

DC Nadeau – Thank you for the opportunity to work with you on these issues; provided consent decree background information; I expressed desire to work together when we all first met in October of 2018; in regard to the allegations the CRB reviews, **PIB categorizes things differently because PIB must follow the law/definition of harassment**; PIB is governed by LEOBR, and as such, PIB has some additional rules and regulations to follow; PIB has shortened the time it takes to conduct the investigations and have been forthright that this might take some time and we are trying to get there; discipline is also an issue, under LEOBR and the Discipline Review Committee, PIB uses a disciplinary matrix, and CRB's disciplinary recommendations doesn't always match up with the matrix, PIB has offered trainings to the CRB about how to use the matrix but "no one has taken him up on it"; in regard to the duplicate case files (where only 1 is accessible by CRB), PIB doesn't get a lot of cases where they need to use the separate case file, which is usually a mirror image of the CRB case file, so PIB is going to try and have 1 file and then lock the confidential documents so they aren't accessible by the CRB, then there's only 1 case file; case files-PIB has 155 cases where 2 PIB cases were opened for the same case, to correct this, PIB requested a list of CRB's open cases, which wasn't provided at first, but now they are cleaning up the extra cases; PIB wants access to CRB case files, because if the CRB sustains a case but PIB doesn't have the information that CRB has, this becomes problematic and the disciplinary matrix will be thrown off; PIBs whole job is to be transparent, BPD has terminated lots of problem

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officers; in regard to the subpoena, everything that was requested in the subpoena was already in the case file the investigator had access to.

- Dana Moore, Director Office of Equity and Civil Rights – no updates yet on the new appointees to the CRB, Director is meeting with Mayor Scott next week to talk about all of OECR’s appointees; former supervisor has moved on, OECR is conducting a robust search for new CRB supervisors and will have a list of candidates to the CRB within next 30 days, in the meantime, management is handled by Jill Muth and Tiffany Jones; quarterly reports are behind, but they are catching up; office will be reopening on 9/1/21 with safety protocols, so people can come into the office; Director Moore reviewed BWC footage regarding police-involved shootings, one was on Alta Ave., it was a barricade situation, Director Moore decides if the BWC is appropriate to be shared with CRB; are the monthly statistics from the Director’s report the best use of our time? Wants to change the meeting time.
- Amy Cruice, ACLU – Do you review BWC footage anytime a firearm is discharged? Etc?
- Dana Moore, Director Office of Equity and Civil Rights - Only if it is a police involved shooting, then as the Director of OECR, I get it automatically, and it’s unedited; CRB board does not get it; CRB had 1 collaborative meeting; 5 completed investigations; 2 CRB decisions with disciplinary recommendations; 2 cases were closed; 2 cases with sustained allegations; 7 intakes all by phone; 14 complaint notification forms from PIB, 1 was converted to CRB statutory compliance; 1 new investigation was authorized; 0 complaints referred to PIB; OECR had monthly meeting with PIB.
- Levi Zaslow, Northwestern District – thank you for being here; hope to continue the dialog; suggestions that PIB has been nothing but forthright/transparent with our investigators is not necessarily correct; several CRB meetings where investigators say they are missing information they asked for and PIB hasn’t even responded, this happens over and over again, happens so often that the CRB had a unanimous vote to issue a subpoena; this has been an ongoing issue for months; not sure how DC Nadeau knows what information CRB had since that is confidential; we hope it won’t be necessary but we will request the information that we need; suggesting that CRB is using a different definition of harassment is unfair because we are familiar with our own statute and apply it, when we reach different decisions it’s not because we are using different definitions, we are using the same statutory definition; we are not bound by the matrix, PIB can look at our discipline recommendation if the matrix offers a range and use the CRB recommendation when deciding within that range; I would like to take you up on the offer for training on the matrix; not fair to say we have different information, we usually have the exact same information, as a lot of our information comes from the PIB investigation; we community members are just reaching different conclusions.
- Tyler Salley, Southeastern District – The CRB tries to be fair and we have a citizen’s perspective, which might be why we reach different decisions; sometimes our investigators don’t get a response from PIB at all.

V. New Complaints:

- A. **CRB2021-0121:** Complaint filed 7/20/2021 alleging that a woman caused a car accident with her son (hereinafter the “Victim”) who was driving a moped. The officers who responded to the scene of the accident did not believe what the Victim said about

AGENDA
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the accident. The woman had already threatened the Victim and he was scared. The Complainant told the officers that the Victim had medical issues that impacted the way he was reacting to the situation, but the officers didn't care. When the officers arrested them, they handled him roughly twisting his arm, and then made fun of him. The Victim had a cut that was untreated by the officers and wasn't treated until the juvenile detention facility ordered that the Victim be taken to the hospital.

Vote:

- Natalie Novak, Secretary, Northern District – CRB Investigation
- Mel Currie, Southwestern District – CRB Investigation
- Tiera Hawkes, Chair, Northeastern District – CRB Investigation
- Levi Zaslow, Northwestern District – CRB Investigation
- Tyler Salley, Southeastern District – CRB Investigation

- B. **CRB2021-0123**: Complaint filed 8/1/2021 alleging that on 6/19/2021 the Complainant was falsely arrested, for which the Complainant filed a complaint with PIB, but did not receive a response from PIB. On 6/19/2021, the Complainant called 911 reporting trespassing and breaking and entry. The responding officers instead gave the Complainant's house keys to the individual that prompted the Complainant to call 911.

Vote:

- Natalie Novak, Secretary, Northern District – CRB Investigation
- Mel Currie, Southwestern District – CRB Investigation
- Tiera Hawkes, Chair, Northeastern District – CRB Investigation
- Levi Zaslow, Northwestern District – CRB Investigation
- Tyler Salley, Southeastern District – CRB Investigation

- C. **CRB2021-0125**: Complaint filed 7/22/2021 for Abusive Language, Harassment and Excessive Force for an incident that occurred on 7/8/2021.

Vote:

- Natalie Novak, Secretary, Northern District – CRB Investigation
- Mel Currie, Southwestern District – CRB Investigation
- Tiera Hawkes, Chair, Northeastern District – CRB Investigation
- Levi Zaslow, Northwestern District – CRB Investigation
- Tyler Salley, Southeastern District – CRB Investigation

VI. Completed Cases:

- A. **CRB 2021-0020/PIB 2021-0097**: Complaint filed 10/19/2020 against an identified officer of the Baltimore Police Department for Harassment and False Imprisonment. On 9/25/2020, at 4:30 AM the Complainant heard loud banging at her door. Before she could answer the door, officers had broken the door down and entered her home in order to serve a search warrant. While searching the home, the Complainant and three other people in the house were handcuffed. The Complainant was shown a warrant. She noticed that her two cars were not on the warrant, but the officers towed them away

AGENDA
Baltimore City Civilian Review Board
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anyway, saying they were in the process of obtaining a warrant for the cars. The officers first asked for her car keys. When she refused to give them over, an officer said they would just break the windows if the Complainant didn't hand over her keys. The car was towed because the Complainant did not provide her keys. During the search, the Complainant stated that she did not want her picture taken, but an officer took a photo anyway, saying, "We have a warrant, we can do what we want." The Complainant and witnesses state that the subject officers were rude, unprofessional, and aggressive. One officer did not activate his body-worn camera. PIB provided some body-worn camera footage and parts of the investigatory file. The PIB investigation was not yet complete, so the entire file was not provided.

- Natalie Novak, Secretary, Northern District – A supplement report uploaded, BWC still not available because it's Alcohol, Firearms, and Tobacco Unit
 - Mel Currie, Southwestern District – There is not enough information at this time to sustain the allegations.
 - Levi Zaslow, Northwestern District – Agreed, not enough information to sustain.
 - Tyler Salley, Southeastern District – It is hard to hold the officer in the complaint accountable for this, but there was trauma that these three children experienced during this incident, they were handcuffed for over an hour, they were examined and photographed, these people were not on the warrant; the person on the warrant was arrested quickly, but the while family were handcuffed and mother told the officers to stop taking pics of her children and she was ignored, this was extremely dehumanizing and unnecessary, unfortunately, because we don't have the BWC, we can't sustain
 - Natalie Novak, Secretary, Northern District – Vote is Not Sustain
 - George – Vote is abstain
 - Mel Currie, Southwestern District – There is another complaint about handcuffs. And these are young people; "they were doing their job" is not an acceptable response, maybe it's lawful, but it's not acceptable; we see this over and over and again something to be discussed, anytime someone has to unnecessarily suffer pain.
 - Tyler Salley, Southeastern District – Handcuffs that are too tight could fall under harassment, and these were children – Vote is abstain
 - Tiera Hawkes, Chair, Northeastern District – Vote is Not Sustained, agree that kids don't need to be cuffed for any reason esp in this situation; understand that everyone can be cuffed during searches, but important to be reasonable especially with children when the scene has been secured.
- B. **CRB2021-0025/PIB2020-0892:** Complaint filed 9/1/2020 on against one identified BPD police officer for Abusive Language and Harassment. The complaint alleges that on 8/26/2020, while on duty as the director of the emergency department of the University of Maryland Medical Center she was notified that a police officer at the front desk was asking for confidential patient information. The hospital denied the officer's request, and the officer said "there is no HIPPA requirement in an active investigation, you are obstructing justice, this is a vulnerable adult who needs to be found, you don't want to help." The officer continued to request the information, saying that the patient would be on the nightly news and the Complainant and the hospital would be on the news as having obstructed justice. The Complainant asked for the officer's badge number and

AGENDA
Baltimore City Civilian Review Board
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supervisor, and the officer asked for the Complainants as well, stating, “so now you want a power struggle.” The officer was unprofessional when he was speaking with the hospital legal representative. The officer told the patient’s family members that the Complainant was breaking the law and he would “take care” of that, and that he would arrest the Complainant.

- Mel Currie, Southwestern District - Coarse language, brow beating, unacceptable behavior, several witnesses, the Subject Officer was being a bully.
 - Vote – Sustain for both
- Tiera Hawkes, Chair, Northeastern District - Four witnesses who gave statements, PIB said they were varying statements so they didn’t sustain, but the statements were consistent and credible.
 - Vote - Sustain both
- Natalie Novak, Secretary, Northern District – This is a good example of when the PIB analysis and CRB analysis comes out different
 - Vote – Sustain both
- Amy Cruice, ACLU - Did the officer leave the scene?
- Tiera Hawkes, Chair, Northeastern District - He left after he spoke with the hospital attorney and didn’t seem to have talked to the security officers at the hospital or any other people who would have had more information, doesn’t really seem like he was actually investigating.
- Tyler Salley, Southeastern District - This was a bully trying to intimidate witness statements, used “fuck” five times, clearly Abusive Language, no BWC footage, curious why that’s so?
 - Vote – Sustain for both
- Nadeau – Detectives are not required to wear BWC, this was a detective.
- Levi Zaslow, Northwestern District - went off on the employee, accused her of making smart comments, used swear words, all witnesses categorized it the same, his threats, tone, loud, confrontational, rude, sear words; almost abusing his position in the BPD by saying the Complainant was obstructing justice, threatening criminal charges; completely inappropriate; all the witnesses said the same thing; PIB just latched onto the officer’s denial and one other person who couldn’t really remember the conversation because she busy worrying about the missing individual.
- George – Vote is abstain
- Disciplinary recommendation:
 - Tiera Hawkes, Chair, Northeastern District - I use the matrix – this is a category E or F violation – the options are quite a range, but we don’t have access to their previous discipline record.
 - 2 day suspension, mid-level letter, training, HIPPA class
 - Mel Currie, Southwestern District - 10 days suspension and severe letter
 - Tyler Salley, Southeastern District – This was at a hospital, people in experiencing a difficult situation were in the waiting room, the staff worried about losing their job.
 - 10 days of suspension, severe letter
 - Levi Zaslow, Northwestern District – Hospitals are a scared institution; people are in crisis all around him, even talked to the hospital lawyer, threatening criminal charges.

AGENDA
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REGULAR MEETING
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- 10 days, severe letter and training
 - Natalie Novak, Secretary, Northern District - 10 suspension, severe letter
 - Total – 8 days of suspension, severe letter of reprimand
 - Amy Cruice, ACLU - Has there been previous complaints against the officer?
 - Tyler Salley, Southeastern District – It would be good for us to have that information for all cases.
 - Jill – No, but OECR records are not complete; it is just based on the information available to OECR.
- C. **CRB2021-0014/PIB2021-0075**: Complaint filed 9/11/2020 against two identified BPD officer for Excessive Force and Harassment. The complaint alleges that on 4/4/2020 he was approached by two Northwestern District BPD officers when he had parked his car to get out and check the tires for glass. The Complainant alleges that he was outside of the car and his keys were placed in the car dashboard, so he wouldn't misplace them. An officer approached him and asked if the Complainant would talk to him, the Complainant said "no," then the officer grabbed the keys off of the dashboard. The officers accused the Complainant of having an unattended vehicle. The Complainant alleges that the officers used excessive force when they handcuffed the Complainant and forced him to sit down on the ground while the officers ran his tags. The Complainant had refused to sit down, so an officer kicked the Complainant's legs out from under him so he would go down to the ground. The Complainant's car and person were searched. The Complainant felt harassed when the officers gave him a ticket for an abandoned vehicle when he was just a few feet away from it. The event triggered his asthma and the Complainant requested a medic, but the officers did not call one. PIB provided body-worn camera footage from the incident.
 - Tyler Salley, Southeastern District – BWC footage really made a difference here, which is why it's so important to get it.
 - Mel Currie, Southwestern District - The BWC contradicted the Complainant's statement
 - Vote – officer W Sustained for H – indulging himself a little bit, got annoyed with the Complainant, took his keys and jingled them in front of him, letting off steam; Vote is Not Sustained for the rest of the allegations against both officers.
 - Tyler Salley, Southeastern District - An officer's report said they stopped someone for not wearing a seatbelt, doesn't seem like they did stop them for a seat belt violation, the Complainant was already outside of the car when the officers arrived. Why would this happen?
 - DC Nadeau: Sometimes a driver will get out of the car very quickly and will be out of the car before the officers get out of the car, by the time the officers catch up, the person has parked and the driver is out of the car already, so the BWC wouldn't catch the Complainant getting out of the car.
 - DC Nadeau - BPD is looking into getting dashboard cameras as well.
 - Tiera Hawkes, Chair, Northeastern District - BWC contradicted Complainant's statement; officers thought he might be under the influence of alcohol and asked him not to drive, which was benevolent of them; childish behavior but not to the level of harassment
 - Tiera- Vote is Not Sustain on all

AGENDA
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REGULAR MEETING
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- Levi Zaslow, Northwestern District – Vote is Not Sustain for Excessive Force for both, Not Sustain for Harassment for Officer R; would like to see the BWC footage of the other officer jingling the keys in the Complainant’s face, because we only got a description of the BWC, wants to see the footage; Vote is abstain as to Harassment against Officer W
 - Tyler Salley, Southeastern District - Can the investigator speak more to that? Vote is Sustain only Harassment for Officer W; Vote is Not Sustain on all other allegations.
 - Tiffany-waiving in his face, teasing him, they knew he wanted his keys
 - Discipline Recommendation:
 - Mel Currie, Southwestern District - simple letter of reprimand
 - Tyler Salley, Southeastern District - simple letter of reprimand
 - Natalie Novak, Secretary, Northern District - simple letter of reprimand
 - Tiera Hawkes, Chair, Northeastern District - abstain
 - Levi Zaslow, Northwestern District - abstain
- D. **CRB2020-0033/PIB2020-0893:** Complaint filed 9/23/2020 against one identified BPD officer for Harassment. The complaint alleges that on 9/9/2019 the Complainant’s son (hereinafter the “Victim”) was pulled over in Baltimore County for a warrant issued by the subject BPD officer. The officer issued a warrant for the Victim in regard to a carjacking investigation. The Victim was arrested on 9/9/2019 and incarcerated for nine months based on that warrant. On 8/8/2020, the charges against the Victim were not pressed. The Complainant and Victim allege harassment because the warrant was not based on an adequate investigation and never should have been issued against the Victim and the BPD kept the Victim’s cell phone. PIB provided several investigative documents.
- Mel Currie, Southwestern District – The question is, should the warrant be issued or not? Issuing a warrant is not in of itself Harassment; can’t sustain an allegation for just issuing a warrant.
 - Vote is Not Sustain
 - Tiera Hawkes, Chair, Northeastern District - The carjacking victim identified someone six months after the incident, the officer then issued a warrant for the Complainant, the information behind the warrant might not have been enough, would have liked to see more proof before issuing the warrant and it’s unfortunate that the Complainant was incarcerated for several months, which is unfair, but didn’t see any indications in the report that sustains the allegation.
 - Vote is Not Sustained
 - Natalie Novak, Secretary, Northern District - Not enough info to sustain, Vote is Not Sustained
 - Levi Zaslow, Northwestern District – Vote is Not Sustained
 - Tyler Salley, Southeastern District - It’s not right that the Complainant had to go through this, but Vote is Not Sustained
- E. **CRB2021-0062/PIB2021-0332:** Complaint filed 3/12/2021 against six identified BPD officers for Excessive Force, Harassment, False Imprisonment, and False Arrest. The complaint alleges that on 5/5/2021 the Complainant and his brother were in a vehicle parked on E 34th Street, he was getting ready to exit the vehicle to go to a nearby

AGENDA
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store. The Complainant noticed an unmarked car driving slowly behind them and then next to them staring at them. The Complainant's brother asked, "what's up?" and someone from the unmarked vehicle said the same thing, "what's up?" The Complainant's brother advised that they were just going to the store and the individuals nodded. The Complainant then exited the vehicle and made his way to the store. He noticed several additional police cars pull up. The Complainant alleges that then the individuals from the unmarked vehicle got out of the car and followed him. The Complainant was getting nervous so he started to jog. Then someone yelled "gun" and the Complainant began to run. The Complainant alleges that he was then struck by a police car and fell to the ground. The Complainant alleges that he had run into a parking lot, a car had been driving next to him, in the parking lot the car swerved and then struck him. The Complainant alleges that he bounced off the hood and continued running. He alleges that he was then tackled by an officer. The officers injured his wrists when they handcuffed him. No medical attention was offered to him before he was taken to Central Booking. The CRB investigator submitted questions to PIB for the interviews of the subject officers, but there was no response from PIB. PIB provided body-worn camera footage and some documents, but the PIB investigation was not yet complete so the full final report was not provided.

- Continued until next meeting

VII. Public Comment

VIII. Old Business

- Following up with DC Nadeau about a meeting about a case from April meeting - Natalie

IX. New Business

- Tyler Salley, Southeastern District – is the meeting with DC Nadeau a public meeting and recorded or private meeting?
- Tiera Hawkes, Chair, Northeastern District - A public meeting, it will probably be an administrative meeting.
- Levi Zaslow, Northwestern District - Would like to attend the matrix training
- Tiera Hawkes, Chair, Northeastern District – I would also like to attend the matrix training, set up a Zoom training?
- Tyler Salley, Southeastern District – Update on data collection efforts, wants to create a plan to gather and track data.
- Tiera Hawkes, Chair, Northeastern District - Very interested in getting a data collection system set-up, would like to talk more about it. Will get the meeting with DC Nadeau set up ASAP.

X. Adjournment