

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

August 16, 2018

Present at the meeting were Civilian Review Board members Bridal Pearson (Chair, Northern District), Mel Currie (Southwestern District), Betty Robinson (Northeastern), George Buntin (Western District), Fred Jackson (Northwestern District), Marcus Nole and Leslie Parker Blyther (Central District).

Also present were:

Deputy Director Jill P. Carter
Maureen Johnston
Cynthia Coe
David Cali
Major Stephanie Lansey
Amy Cruice, ACLU

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 6:03. He recognized and introduced non-voting members of the Board and staff. He noted that the meeting was being broadcast via Facebook live.

II. Director's Report

Deputy Director Carter stated that she is excited to be back and thanked the Board for their dedication and commitment. She commended the Board on their comments in response to COTF, and noted they could be used to move the Board forward legislatively.

She noted that Blair Thompson had resigned, and that they expected to have new person to fill her space soon, and were open to Board members' suggestions.

She noted that there have been ongoing meeting between BPD, Department of Justice, and the Independent Monitor, and that Leslie Parker Blyther had attended the last meeting. She noted that Board members are welcome to attend these meetings, and that the next one would take place on August 29th.

She noted that they had begun testing a process where CRB staff received weekly IAD intake classification reports to give the CRB greater discretion in reviewing complaint classification. She noted that Lt. Fernandez of IAD was amenable to

working out a process and testing lines of communication. She noted that they were also experimenting with a new file sharing system.

Deputy Director Carter stated that they were close to agreeing on the Unified Complaint Form. She stated that CRB would continue to work with the parties on protocols for how it can work effectively with BPD.

Deputy Director Carter stated that their office has not received any IAD casebooks since early July. She noted that staff had prepared subpoenas if the Board wanted to issue them. Chair Pearson motioned to use the Board's subpoena power to compel the production of the missing casebooks, and George Buntin seconded. The motion passed with all in favor.

Leslie Parker Blyther asked why the documents are being withheld, and Deputy Director Carter stated that she had received communication from IAD that they were instructed by the Baltimore City Law Department to withhold the files. Betty Robinson noted that it is important that the Board get this information to give citizens access to due process. Marcus Nole noted that it is mandated by the CRB statute that they are entitled to these materials. George Buntin noted that this is a key reason why it is a conflict of interest for the Law Department to represent the CRB, as it is clear who they favor. George Buntin stated his recommendation was that the Board refrain from making decisions on cases until the IAD books are delivered. He stated that it would be incredibly unfair if we try to make these decisions with incomplete information. Amy Cruice asked how many casebooks were missing, and Deputy Director Carter noted that there were 19 files, a majority of which were at risk of expiring soon, if they were not already expired. Marcus Nole noted that they had already signed a confidentiality agreement prior to the new agreement that was out forth. Mel Currie stated that he had spoken with Solicitor Davis, and they did not agree on the definition of finding. He noted that at the very least he would expect him to add definitions to the agreement.

George Buntin motioned that the Board should not move forward with making final decisions or disciplinary recommendations on completed cases until the completed casebooks were delivered. Mel Currie noted his concern that there are some cases that could be sustained on the basis of the CRB investigation before expiration. George Buntin noted that it was unfair to those who made their complaints, even if the Board had enough information to sustain a case. Bridal Pearson noted all they could do was to go through those cases they had already. Amy Cruice asked how long the department had to comply with the subpoena, and Deputy Director Carter answered that they had 10 business days. George Buntin withdrew motion.

Bridal Pearson noted that it was important that the Board continue to deliberate cases with full transparency.

III. Approval of Minutes from July 19, 2018

Bridal Pearson motioned to approve the minutes from July 19, 2018. Mel Currie seconded, and all were in favor.

IV. New Complaints

CRB2018-0065 FI H AL

A majority of Board members voted to authorize an independent CRB investigation.

CRB2018-0098 H EF AL

A majority of Board members voted to authorize an independent CRB investigation.

CRB2018-0103 EF FI FA H

A majority of Board members voted to authorize an independent CRB investigation.

CRB2018-0105 EF H

A majority of Board members voted to authorize an independent CRB investigation.

CRB2018-0116 H

A majority of Board members voted to authorize an independent CRB investigation.

V. Completed Investigations

Bridal Pearson noted that there were no cases to evaluate. He noted that having both investigations was important as the Board would often compare IAD investigations to CRB investigations, and sometimes find discrepancies.

Leslie Parker Blyther noted that based on her time serving on the CRB, the Board had received an abundance of information from the department, and stated that she had no reason to believe that Chief Cali or his staff were withholding cases willfully, but rather were under the direction of the Law Department.

Betty Robinson stated that the Board's duty to citizens of Baltimore is totally compromised by this process, and noted that she would like to see those cases as soon as possible.

Marcus Nole wanted to give kudos to those Board members present for the City Council's public safety meeting, and noted that they were being well heard and well received. Fred Jackson stated that based on the last meeting, it should be apparent to the Solicitor that the Board doesn't automatically assume all officers are guilty, and that they were a fair and open Board. He noted that he had done this work before as Chief of IAD for the Sheriff's office, which is also under LEOBR, and stated that the Board is doing a good comparative study of their cases. He noted that these circumstances were making BPD look suspicious and harming the community. He noted that in the past week, video had been released of an officer beating a civilian.

He noted that the Board could work with the police department, but that these hindrances should be removed.

Amy Cruice stated that she appreciates the Board members' hard work in terms of reviewing all of the cases, and noted that the last few months had created a different kind of hard work. She applauded the Board's issuance of the subpoenas, and noted that these were real people with real complaints. She stated that the refusal to provide the casebooks is outrageous, as the Board constituted the small amount of oversight that residents have. She noted that they had invited David Rocah to come and be prepared with legal arguments, which were transcribed in a letter sent to the Mayor and City Council. She noted that if the ACLU could argue legally against the CRB's lawyer, then clearly there is a conflict in the form of a Law Department that is not looking out for the best interests of the Board. She noted that the Board's lawyer should be fighting for the most the CRB could possibly get under the law, which is what an independent lawyer would do. She noted that the second part of the letter went into the ability of CRB to communicate with the public and argues that recent changes are not rooted in law.

Leslie Parker Blyther stated that she was appreciative of those members of the public who told solicitor that they have observed our professionalism and objectivity.

VI. Public Comment

William Rowell noted that the Board's process is incredibly valuable to other municipalities who are seeking an equitable process to address complaints. He noted that these processes developed because of meaningful decisions, and it was growing as the public was learning.

Rev. Morris noted that she had come representing NAACP and CAST. She stated that she had been attending meetings on a regular basis, and that they agree that the Board has great integrity, and would continue to monitor the situation.

Arthur Rippy stated that he had created an app for the community called CopMerit, which would allow them to record and stream encounters and upload them to the cloud, rate interactions with officers, and email reviews directly to the police department. He noted that the app could be used by police for training, and allow the whole community to watch, which could provide transparency to build a bridge. He noted that there was commercial for the app on Facebook, Instagram, and Twitter. Amy Cruice noted that the ACLU has a similar app, MobileJustice, which includes Know-Your-Rights information with best practices and tips, which he might want to include.

VII. Old Business

There was no old business.

VIII. New Business

Deputy Director Carter noted that the Annual Civil Rights Breakfast was coming up on Sept 25th, and they needed sponsorship support as the office's annual fundraiser. She asked Board and community members to find people in their network to provide community sponsorship and support. She stated that it was a chance to educate people about the work of the Office of Civil Rights and to build alliances and coalitions.

IX. Adjournment

There being no further business, the meeting was adjourned at 6:48PM.

Respectfully submitted,

Jill Muth