

CIVILIAN REVIEW BOARD

MINUTES

December 19, 2019

Present: Civilian Review Board voting members Chairman George Buntin (Western), Secretary Mel Currie (Southwestern), Jillian Aldebron (Southeastern), Natalie Novak (Northern), and Tiera Hawkes (Northeastern), and Fred Jackson (Northwestern); non-voting member Kobi Little (NAACP-Baltimore Chapter), Lt. Jason Yerg (BPD, PIB), Lou Tomaschko (BPD, PIB).

Absent: voting member Ebony Harvin (Southern), Marcus Nole (Eastern); non-voting members Amy Cruice (ACLU-Md), the Fraternal Order of Police, and Vanguard Justice Society.

Also present:

Harry Armstrong, OCR Investigator Supervisor

Darnell Ingram, Director, OCR

Roland Patterson, Baltimore Police Civilian Review Board Coalition

Cedric McCray, Deputy Director, OCR

Tiffany Jones, Investigator, OCR

I. Welcome and Introductions

The Chair called the meeting to order at 6:05.

II. Approval of Agenda

Jillian Aldebron moved to limit the time reserved for the OCR report to 10 minutes, with the first order of priority being complaint statistics. Mel Currie seconded; the motion passed.

III. Review and approval of November 21, 2019 minutes

Minutes were approved without amendment or discussion.

IV. New Complaints

CRB2019-0202. Harassment by BPD officers. The Board voted not to conduct an independent investigation and instead review the PIB investigation.

CRB2019-0203. Abusive language, excessive force, false arrest, false imprisonment, harassment by several BPD officers. The Board voted to conduct an independent investigation.

CRB2019-0204. False arrest, false imprisonment, harassment by 4 BPD officers. The Board voted to conduct an independent investigation.

V. Completed Investigations

- **Board Decisions**

CRB2018-0116/IAS2018-0349. Harassment (1 BPD officer). Not sustained. Note that the allegation in this complaint expired on 6/13/19 before the CRB had an opportunity to make a finding.

CRB2018-0153/IAS2018-0558. False arrest, false imprisonment, harassment (1 BPD officer). Not sustained on all three allegations. Note that the allegations in this complaint expired on 9/24/19 before the CRB had an opportunity to make a finding.

CRB2018-0077/IAS2018-0297. Excessive force (7 BPD officers). Exonerated for 6 officers, not sustained for 1 officer. Note that excessive force allegations do not expire.

CRB2018-0124/IAS2018-0471 (review of PIB investigative report only). Harassment (1 BPD officer). Not sustained. Note that the allegation in this complaint expired on 8/13/19 before the CRB had an opportunity to make a finding.

CRB2017-0155/IAS2017-0483 (review of PIB investigative report only). Abusive language, excessive force, false arrest. (3 BPD officers). Not sustained for all allegations and all officers. Note that only the excessive force allegation was still active; the abusive language and false arrest allegations expired on 8/20/18 before the CRB had an opportunity to make a finding.

CRB2018-0136/IAS2018-0486. False imprisonment (2 BPD officers). Unfounded for one officer, sustained for one officer. Note that the allegations in this complaint expired on 11/8/19 before the CRB had an opportunity to make a finding.

- **Discussion**

In the course of deliberations on completed investigations before the Board, discussion ensued on the following matters:

- The need to improve complaint documentation and processing by OCR staff to improve the accuracy, comprehensiveness, and timeliness of the investigations brought before the Board for findings determinations.
- The need for greater clarity on the allegation of false arrest. While the allegation definitions are incorporated into statute, the definition for false arrest is a tautology and, therefore, uninformative for purposes of differentiating between false imprisonment and false arrest.
- Discussion of investigative processes: OCR is attempting to ensure better and more timely information flow from the BPD, consistent with the department's statutory mandate to provide the CRB with investigative reports and files, as well as the need for access to witness officers for the purpose of conducting interviews.

- Discussion of behavioral health training for BPD officers. Representatives for BPD were unclear as to what type of training BPD officers were getting for handling encounters with people suffering from mental health disabilities or crises. In a case before the Board, responding officers had requested the presence of an officer with specialized training in this regard. Kobi Little remarked that all BPD officers should receive such training, not just a selected few. This is critical to ensuring constitutional policing and reductions in the use of excessive force.

VI. Public comment

Roland Patterson introduced himself and his organization, the Baltimore Police Civilian Review Board Coalition, founded by Marvin Cheatam, and emphasized that they are “friends” who want to see a strong CRB. Roland Patterson commented on the definition of “false imprisonment”. He further noted that it was important to document in the Board’s annual report any lack of responsiveness of BPD to requests for investigative reports and files on misconduct complaints. He further endorsed the statement of Kobi Little that behavioral health training should be required for all BPD officers, and recommended including this in the Board’s annual report as well.

VII. OCR reports

Darnell Ingram distributed updated statistics on complaint intake and processing. These are attached to these minutes.

VIII. Old Business

Kobi Little emphasized the importance of the CRB obtaining independent legal counsel to attend all meetings and assist the Board by answering the many questions that arise in the course of complaint review, contributing to the production of internal policies and procedures, and to clarify for the Board its statutory position with respect to Baltimore City government and options for achieving independence.

After prolonged discussion of the many issues confronting the Board and impeding its efficacy, Jillian Aldebron moved to schedule a special administrative meeting in January for the Board to examine these and adopt strategies for addressing them. These include, but are not limited to 1) relationship to Baltimore City government, 2) bylaws, 3) independent counsel, 4) adoption of position descriptions for CRB officers, 5) training curriculum for CRB members, and 6) identifying and handling conflicts of interest. The Chair seconded; the motion carried.

Proposed position descriptions for chair and secretary were distributed for consideration at the above-mentioned meeting. Proposed clarified and standardized findings definitions were also distributed for this purpose. Kobi Little pointed out conflicts of interest, because they implicate

personnel matters, could not be addressed in open session, the Board agreed to close this portion of the January meeting. Ms. Aldebron distributed related material.

Action item 1: Jillian Aldebron will distribute the current working version of the bylaws electronically to members before the January administrative meeting.

Action item 2: The Chair will schedule an administrative meeting in January in addition to the regularly scheduled CRB meeting that month.

IX. New Business

Mel Currie reminded the Board that as a follow-up to the meeting with Commissioner Harrison, the Board should schedule a time to discuss two example cases with the Commissioner as a start to building an avenue to supply the feedback that the Commissioner has stated is needed, if the Board is to be effective.

The meeting adjourned at 8:50 pm.

VIII. Completed Investigations – Findings and Recommendations

George Buntin noted that he would abstain from voting on all completed investigations before the Board at this meeting due to computer problems that prevented him from reviewing the investigation reports in detail.

CRB2018-0172, PIB2018-0600 EF: Sustained (FA, FI, H expired and not considered)

The Board further voted to recommend a 15-day suspension along with a letter of severe reprimand. In determining a disciplinary recommendation, the Board was provided with the BPD disciplinary matrix. Fred Jackson commented that there was a difference between an isolated mistake by an officer and a continued pattern of behavior. Because the CRB has no access to prior offenses by an officer that would impact the severity of the discipline according to the matrix, the Board could not apply the matrix but would instead have to determine what it felt was an appropriate action based on the evidence.

CRB2017-0215, PIB2017-0552 H, AL: Not Sustained, all allegations

The case had been approved for CRB investigation, but due to the unavailability of the complainant, the CRB investigator recommended administrative closure pending review of the PIB investigative report. The Board made its finding based on the PIB investigative report.

CRB2018-0114, PIB 2018-0443 EF, FA, FI, H: Exonerated, all allegations

CRB2018-0164, PIB 2018-0164 AL (1 officer), FI (3 officers): Not Sustained, all allegations

The Board did not sustain any of the allegations against any of the subject officers.

CRB2019-0003, PIB2019-0059 FI, H: Not Sustained, all allegations

The case had been approved for CRB investigation, but due to the unavailability of the complainant, the CRB investigator recommended administrative closure pending review of the PIB investigative report. The Board made its finding based on the PIB investigative report.

CRB2018-0105, PIB2018-0435 EF (2 officers), H (2 officers): Not Sustained, all allegations

The case had been approved for CRB investigation, but due to the unavailability of the complainant, the CRB investigator recommended administrative closure pending review of the PIB investigative report. The Board made its finding based on the PIB investigative report.

IX. Public Comment

OCR Deputy Director Rae Parrot noted that a symposium regarding decriminalizing disability currently going on at Coppin State University. The symposium has some relevance to BPD draft Policy 712, which CRB members are encouraged to review and comment on.

X. Old Business

None.

XI. New Business

1. Board member Jillian Aldebron moved the following:

A. Adoption of draft CRB Policies and Procedures – Ms. Aldebron handed out an initial draft she prepared based on review of numerous CRB bylaws from across the country. The purpose of the draft is to give the Board a basis for constructing its own policies and operating procedures. She will distribute this electronically to all members of the Board. A policies and procedures working group had been proposed at the last meeting and a number of people expressed interest in participating. The motion carried. George Buntin asked for members interested in joining the working group. The group was constituted as Jillian Aldebron (point person), Natalie Novak, Fred Jackson, Kobi Little (not in attendance, but nominated by Amy Cruice). It is anticipated that the working group will propose a final draft for adoption at the January 2020 Board meeting.

B. Adoption of a training curriculum for Board members – Ms. Aldebron explained that she had served on the NACOLE Training, Education, and Standards subcommittee, and adapted the training recommended by NACOLE to suit some of the specific needs of the Baltimore CRB. She distributed hard copies and said she would send them electronically to all Board members. Amy Cruice commented that this type of training would be good to discuss during an administrative meeting. The group agreed and it was decided that the Chair would send out a doodle poll for Board members to list possible dates they would be available.

C. Adoption of the NACOLE Code of Ethics – Ms. Aldebron introduced the NACOLE Code of Ethics for civilian review boards and proposed that the Board adopt this. She said that this would resolve some of the ethical conflicts she had identified with respect to the Board that needed to be addressed. The group decided that this would also be a matter better taken up by the planned administrative meeting.

2. George Buntin asked for members to sign up for two other working groups. Tiera Hawkes agreed to be the point person for a community engagement working group; George Buntin agreed to be the point person for a legislative working group. Other members who expressed interest in being on the legislative working group were Jillian Aldebron, Mel Currie, Natalie Novak, and Amy Cruice.

XII. Adjournment

The meeting was adjourned at 8:15 PM.