

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

February 21, 2019

Present at the meeting were Civilian Review Board members Chair Bridal Pearson (Northern), Mel Currie (Southwestern District), Betty Robinson (Northeastern), Ebony Harvin (Southern), Fred Jackson (Northwestern) and George Buntin (Western).

The meeting was called to order at 6:17.

Also present were:

Director, Darnell E. Ingram
Tiffany Jones
Cedric McCray
Shaun Clark
Public Information Officer, John Wesley
Troy Pumphrey, Interim Investigations Supervisor
Evangula Brown, Investigator
David Cali, OPR
Captain Don Deale

Members of the public and community were also present.

I. Welcome and Introductions

Chair Pearson welcomed everyone and called the meeting to order at 6:17PM.

II. Director's Report

Director Ingram introduced Deputy Director Cedric McCray, and stated that he would be overseeing outreach, internships, community engagements, legislative matters, and the Wage Commission.

He noted that the "Can We Talk" event had been tentatively rescheduled for March 12th, and would be held on the subject of Housing and Equity issues in Baltimore.

He noted that staff had recently attended Human Rights Day in Annapolis, an event for all civil and human rights organizations in the state of Maryland. The event featured a presentation on lynching and the EJI facility in Alabama, as well as work on human rights and incarceration and research.

He noted that the Office of Civil Rights has changed its Annual Breakfast to a Civil Rights Week, culminating in a gala event.

He stated that the office would hold a think tank event on March 21st to discuss equity concerns. He noted that the office was open to any suggestions of outreach or new initiatives.

Director Ingram stated that staff was planning the Disabilities Conference 2020, a regional conference regarding technology.

III. Approval of Public Session Minutes from January 24, 2019

Bridal Pearson motioned to approve the minutes from January 24th, 2019. Mel Currie seconded, and all others were in favor.

IV. New Complaints

George Buntin described the process for reviewing new complaints.

CRB2018-0153

A majority of Board members voted to authorize a CRB investigation.

CRB2018-0154

A majority of Board members voted to authorize a CRB investigation.

CRB2018-0230

A majority of Board members voted to authorize a CRB investigation.

CRB2019-0017

A majority of Board members voted to authorize a CRB investigation.

CRB2019-0018

A majority of Board members voted to authorize a CRB investigation.

CRB2019-0019

A majority of Board members voted to authorize a CRB investigation.

V. Completed Cases

Mel Currie explained the process for reviewing completed cases.

CRB2017-0145

17J-0019

EF

Mel Currie noted that he had read the case several times. He noted that the complainant had fallen twice in front of the officers. He stated that on the body worn camera, he was complaining about his leg and his clavicle wasn't broken at that time. He felt that they had probable cause to make the arrest. Fred Jackson felt that he had contributed to his own injury. Betty Robinson noted that the person

who made the complaint did not respond to requests to be interviewed. **A majority of Board members voted not sustained.** Betty Robinson noted that the officer did not have his body worn camera on, and the police department had sustained the allegation of body worn camera policy violation.

CRB2017-0182

17-0596

FA H

Mel Currie noted that he felt this was a complicated case. He stated that the complainant was not initially in the house, and the police found him there later in a compromising situation. He stated that the complainant knew that the toy gun was used in the commission of a crime, and admitted that he had disposed of it, stating that it was not real. Mel Currie felt that since he knowingly disposed of evidence, he could not sustain false arrest. Betty Robinson noted that the charge that the officer's behavior later led to the complainant being shot was not established by the record. Fred Jackson stated that the complainant gave misleading information about an injury. **A majority of Board members voted not sustained.**

CRB2017-0184

17-0589

H AL

Betty Robinson did not sustain because the language that the complainant alleged the officer has used was not on the body worn camera footage. Fred Jackson did not sustain because there was no corroborating evidence for the complainant's statement. Ebony Harvin noted that the complainant had sold a gun to an undercover FBI agent, and the information should not have been revealed in front of other people. Bridal Pearson stated that in that community, you can put a person at risk by making those statements, and officers know that. **A majority of Board members voted not sustained on the allegation of abusive language. A majority of Board members voted sustained on the allegation of harassment and recommended 5 days and medium letter of reprimand.** Betty Robinson noted that there were so many circumstances discussed that would warrant training regarding officers' conduct with people on the street. She noted that the officer was not a stranger to the Board. Ebony Harvin noted that a lot of young people are losing their lives due to situations like this.

CRB2017-0185

17-0601

FA FI

Mel Currie stated that the officer called the State's Attorney, and she advised him to make the arrest. He felt that the officer had probable cause, based on the fact that the belt had been stolen and did not fit the young man, and the person making the claim was on the scene and identified the complainant. Fred Jackson felt that

the officer went above and beyond by calling State's Attorney. Betty Robinson stated that the court dismissed charges, and the young people claimed that they went to another store where there was a camera, and wanted the other store to show the video to prove their innocence. She felt that there was insufficient evidence to sustain, but that this case was an example of how juveniles can get tagged and handicapped by a court record. Ebony Harvin noted that the Uber driver said that he saw the two workers, and the police officer did his job by responding to what they witness said. **A majority of Board members voted not sustained.**

CRB2017-0206 17-0704 H

Fred Jackson noted that the area in which the complainant had parked was for taxi drivers, but not for his taxi, as the space was designated for two specific taxi companies. He noted that the officer gave the complainant the opportunity to leave after the casino security guard confirmed that the space was not for his cab. Betty Robinson noted that the complainant was a Black Jewish man, who had felt that the harassment was due to the fact that the officer was a white Jewish officer, but investigators did not find any evidence to support that claim. **A majority of Board members voted not sustained.**

CRB2017-0216 17-0702 H

Fred Jackson stated that the officer kept arresting the same person because he kept going to the same place and committing crimes. He noted that an officer may be assigned to a specific area, and it may be normal for the officer to see the same person every day. **A majority of Board members voted not sustained.**

CRB2018-0029 18-0118 AL H

Bridal Pearson stated that when he viewed the video, he saw no support for the complainant's allegations, and witnessed no abusive language. Mel Currie agreed that the officer did not say what she claimed that he said. **A majority of Board members voted not sustained.**

CRB2018-0082 17-0573 FA

Betty Robinson noted that the complainant had just had a baby and left her phone in the store, only to find it missing. She stated that she was clearly distraught. She noted that the officer's body worn camera died 17 minutes before the incident. She noted that in her distraught state, the complainant had removed things from the store shelf and was arrested for disorderly conduct. She noted that she wished the

police officer could have been a little more understanding and tried to de-escalate. She stated that she could not sustain, but felt it could have been handled in a different way. Mel Currie advised that there was body worn camera footage from the other officers, who asked the complainant to leave. He stated that she did not leave, she went through the store sweeping the shelves, then offered to pay for the items when she was being arrested. Ebony Harvin noted that she had broken someone else's property, but that officers need to have a little more empathy. **A majority of Board members voted not sustained.**

VI. Presentation by Jacqueline Robarge on Police Interactions with Sex Workers

Jacqueline Robarge, Director of Power Inside, an organization that deals with gender-based violence, gave a presentation on police interactions with sex workers. She noted that it is extremely common to see gender-based violence in interactions between women and police officers. She noted that surveys show high numbers of sexual misconduct among police officers, and that her organization serves around 800 women per year, 2 out of 10 of whom have experienced sexual misconduct. She stated that Black women, disabled women, and trans women experience policing differently, and vulnerable women are targeted for violence and police misconduct. She noted that in Baltimore City, the nature of violence is about the most vulnerable, least believable and least visible people. In addition to direct sexual violence, there are police who will not take sexual assault reports. She noted that Baltimore has the highest rates of unfounded sexual assault in the country as a result of the failure to investigate, document, and believe. She noted that women are harassed, demeaned, and sometimes assaulted when they attempt to report sexual violence. She stated that incidents like public strip searches, disparaging abusive language, and brutality take on a gendered tone, especially when women are pregnant. She stated that police officers coerce sex. She stated that they need safety for women to come forward, and that the public-safety risk goes beyond violence against individual. She stated that the same women are exploited for corruption, lookouts, and off-the-books informants, especially if they are visible and vulnerable to police. She stated that police will release them in a place visible to the drug trade, which grooms person to be beholden to the police officer. She stated that once women had opportunity to come forward anonymously, many women came forward, and it became clear that certain officers were repeat offenders. She stated that if rape is part of every war, it's also part of the war on drugs. She noted that they have not gotten any traction with State's Attorney to report this crime, and they are concerned about lack of access to report. She noted that in the midst of sexually violent police officers, the State's Attorney was prosecuting low level prostitution offenders. She noted that in October, Maryland had passed a law that it is a crime to have sex with a person in police custody. She stated that people often trade sex to avoid arrest, but they don't have opportunity to say no. She stated that they want to tell victims we are grateful for them standing out, and to help protect them.

Darnell Ingram reflected on his time as a prosecutor in Florida, and stated that this is a difficult issue due to the level of trust that prosecutors have with officers. He noted that the CRB could help at least from the position of reporting out, and that when a person alleges these issues, and are ready and comfortable to go forward in the process, then the CRB would need to inform IAD so that they can discipline the officers, and reach out to State's Attorney. He noted that he would like to see data on the issue.

Ms. Robarge stated that while there is some data available, the pursuit of data has been a way to sideline the problem, especially when people are afraid. She stated that sometimes informal data helps to formulate the conversation, and that the State's Attorney will have the data. She stated that particularly useful would be data on officers who can't testify in corruption cases due to credibility issues, but have a lot of low-level drug and prostitution arrests on their records. She noted that it is often possible to backtrack through offenders via Case Search. She noted that she would like CRB to review based on frequent offenders, especially for those complainants who may not be able to go through the formal process.

She stated that Power Inside is a service organization that helps women with trauma and violence, and that part of what they offer is to report batterers, and have included police misconduct as part of their mission. She noted that they have a volume of people willing to come in and tell their story, and that they are also able to report to DOJ in a variety of ways.

Director Ingram stated that CRB has an anonymous complaint process, and that they would like to partner with Power Inside and the appropriate officials. He noted that staff could come to their center, listen, document, and then report back. Jacqueline Robarge noted that women were seeing progress, although they were not confident in IAD. She stated that it was inefficient for the City to spend resources on low-level prostitution arrests. She noted that Baltimore City is investing in low-level prostitution arrests to find other crimes, but that the Vice Squad has a history of abusive behavior, and that finding crime victims does not require an undercover officer making an arrest. She noted that a prostitution stop is a proxy for gender, which allows police to search and harass women.

Kolbi Little of the NAACP noted that he had heard the importance of creating more spaces for people to tell their stories. Jacqueline Robarge stated that it would additionally be helpful to expand the CRB mandate.

VII. Public Comment

A member of Power Inside thanked Ms. Robarge for inviting members to the event. She stated that most policy is evidence based, creating a call for data. She wanted to share some data, and stated that in a sample pool of 313 women who reported that

they traded sex for money or resources, 82% had been arrested, 33 % reported trading information, sex, or money with a police officer to avoid arrest, 85% had experienced homelessness, 35% had exchanged sex for housing, 51% had experienced intimate partner violence, 51% had experienced physical or sexual violence from a client, and 53% reported going to bed hungry at least once a week. She noted that according to an Economic Policy Report from Communities United, the City spends \$2 billion annually on criminalizing people. She noted that people sell sex and drugs because of economic and structural failures. She stated that the Mayor has control of how the budget is allotted, and a majority is given to the police department, while youth violence prevention, employment, and other programs do not get funding. She stated that youth are funneled into the prison industrial complex, while their schools have no heat or air conditioning, and their rec centers are shut down. She stated that we should be asking how our society failed these people in a way that caused them to be part of the street economy. She stated that in order to reduce gender and economic violence, they should start looking at the budget, as well as the handling of misdemeanor and low level offenses.

Another community member was encouraged by the open discussion, and noted that she wanted to return to a time when officers live in and are known by the community. She noted that this would increase accountability, along with deeper background checks, better training, and checks for bias. She stated that the community wanted credibility and accountability, and that currently officers look at the community as criminals, and the community looks at officers as criminals. She noted that they wanted officers to be above reproach, just like they want society to be above reproach. She stated that they need to have higher standards for officer conduct and more accountability, so that the community can trust the officers again.

Another community member stated that she was brutally assaulted, and that a police officer was present and did not do his job. She stated that she was beaten for refusing to buy drugs, and the police officer threatened to take her back to the hospital rather than call an ambulance. She said the officer claimed it was a misdemeanor assault and would not write a police report. She stated that IAD was not helpful, either, and stated that they could not help due to lack of information. She stated that she had to get her own police report, and could not get help from victims of violent crimes. She stated that she was traumatized, and had almost lost her life as a result of the incident, which caused her to lose trust in the police. She asked how she could possibly have peace and trust without justice.

VIII. Old Business

There was no old business.

IX. New Business

Chair Pearson noted that they wanted to have more meetings in community, as they were aware that the office is not accessible.

Amy Cruice with ACLU of MD stated that there were a few bills in Annapolis dealing with public transparency for IAD files. She stated that the legislation came from a case that an ACLU brought from the lower Eastern shore, in which an officer left a voicemail for a complainant where he used a racial slur. She stated that ACLU had helped her file an IAD complaint, and at the end she received a non-descript letter. She noted that when civilians file complaints, the officers have all of their information. She noted that it is worse for the complainant because they never find out the results of their complaints. She stated that they cannot even receive a copy of their own complaint. She stated that the bill would change the law so that IAD records are not personnel records, but investigatory records. She also noted that there was a hearing on HB413 last week, during which George Buntin gave powerful testimony. She stated that they talked about the ability to make disciplinary recommendations based on limited information, and that 8 people told their personal stories, which was captured on videos. She stated that personal testimony made a huge difference, and many legislators said that it was the best hearing that they'd had on the issue.

Betty Robinson stated that she had gone to the Eastern District Meet & Greet with the new Commissioner, and wanted to know the commissioner's feelings on the CRB. She stated that Mr. Harrison had said that he supported civilian oversight. She also noted that there was a woman there who had filed a CRB complaint and received a letter advising that the Board has sustained her complaint. The woman stated that she has no idea if the officer was disciplined. She noted that Board members should collect these stories as they go out into the community.

X. Adjournment

There being no further business, the meeting was adjourned at 8:06 PM.

Respectfully submitted,

Jill Muth