

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

February 15, 2018

The meeting was held at the Office of Civil Rights on 7 E. Redwood Street, 9<sup>th</sup> floor. Present at the meeting were Civilian Review Board members Bridal Pearson (Chair, Northern District), Betty Robinson (Northeastern District), Mel Currie (Southwestern District), Ebony Harvin (Southern District), and Frederick Jackson (Northwestern District).

Also present were:

Jesmond Riggins, CRB Supervisor  
Evangula Brown, CRB Investigator  
Shaun Clark, CRB Investigator  
Samantha Jeffrey, CRB Investigator  
John Wesley, Office of Civil Rights  
Major Stephanie Delgado, Internal Affairs Division  
Mike Norris, Internal Affairs Division  
Steven Ryals, Department of Justice  
Earl Saunders, Department of Justice  
Detective Anthony Stokes, School Police

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 6:15PM. He asked Board members, non-voting members of the Board, and staff to introduce themselves.

**II. Director's Report**

Director Carter introduced the new Deputy Director, Charles Byrd. She stated that he would oversee the Community Relations Commission and the Civilian Review Board, and that he had over 30 years of experience in litigating cases.

Deputy Director Byrd introduced himself and stated that he has practiced law for 30 years. He noted that he has filed cases against officers in excessive force related cases and defended officers in court cases, and so has perspective from both sides of the issue.

Director Carter stated that Blair Thompson will be taking a leave of absence due to family health issues. She also noted that George Buntin's father had passed, and expressed her sympathies.

Director Carter noted that she and Deputy Director Byrd had attended a meeting with Commissioner Designate Darryl DeSousa. She felt that the Commissioner was receptive, and noted that he had an open door policy and had suggested regular meetings with the CRB. She also stated that he had suggested CRB staff and Board members participate in upcoming trainings. She noted that the Commissioner had indicated that he is willing to attend a CRB meeting after his official confirmation on Feb 21<sup>st</sup>, and may attend the meeting in March or April.

Director Carter noted that the Community Oversight Task Force had requested an extension to move their report completion deadline to June 30<sup>th</sup>. She noted that she felt there were challenges in getting the COTF to focus on CRB in a collaborative way. She noted that staff would continue to reach out to them. She noted that the CRB would also prepare their own report.

Director Carter went on to state that staff had met with the Independent Monitor, and encouraged Board members to review BPD's policies and formulate their input on drafting and modifying those policies. She noted that she felt assured the CRB's views would be considered. She noted that the monitoring plan had come out the previous month, and staff was working on determining how CRB could be part of the ongoing dialogue.

Supervisor Riggins noted that staff had reviewed the Unified Complaint form and sent the form back to BPD with revisions. He noted that the CRB was waiting on their feedback, along with the monitor and DOJ. He noted that he believed the Board should have a finalized unified complaint form by the summer. He stated that the CRB workload would likely increase, and that in the interim staff was pushing forward to provide the Board with as many cases as possible.

Director Carter noted that the monitoring plan calls for Neighborhood Liaisons, which would consist of residents with significant connections to their communities. She noted that the RFA was posted on the Monitor's website for comment, but those who comment would not be eligible to become a liaison. She noted that it would be another opportunity for Board members to represent their communities, and stated that Board members could also help identify people in their neighborhoods who should apply.

Mel Currie wanted to discuss the issue of witness officers who do not cooperate with CRB investigators. He stated that in cases where an officer does not respond to the CRB's request to provide information and the Board believes that officer can provide valuable information, the Board should use subpoena power to compel that officer's testimony. Chair Pearson noted that the Board does have subpoena power for witnesses, but not subject officers. He went on to state that there was no record of this power having been exercised before, but the Board members agree that it should be utilized and will continue to work on logistics. Fred Jackson asked what authority the Board would have to enforce their subpoenas. Director Carter stated that she believed

the CRB has the power to utilize the courts. Mel Currie stated he felt the CRB was obligated to use every instrument at their disposal. Mel Currie noted that there was currently a case in which the Board had discussed utilizing their subpoena power, but had received sworn court testimony which might satisfy their questions. Bridal Pearson noted that the Board should use this power strategically, and only in cases where they would benefit from the additional information gained. Mel Currie noted that his initial reaction was based on a matter of principle, but he would be willing to state that a subpoena may not be necessary in that case. Mel Currie noted that his stance in the future would be to issue a subpoena in any case in which witness officers refuse to cooperate with CRB investigations.

**III. Approval of Minutes from January 18, 2018**

Bridal Pearson motioned to approve the minutes from January 18, 2018. Mel Currie seconded, and all were in favor.

**IV. New Complaints**

**CRB2017-0096                    H                    CRB**

Supervisor Riggins noted that the case would expire in 90 days. Ebony Harvin voted for a CRB investigation because she felt that she needed more information to clarify the facts. The Board unanimously voted for a CRB investigation.

**CRB2017-0178                    H                    CRB**

The Board unanimously voted for a CRB investigation.

**CRB2018-0010                    H AL                    CRB**

A majority of Board members voted for a CRB investigation.

**CRB2018-0011                    EF FA FI H                    CRB**

The Board unanimously voted for a CRB investigation.

Betty Robinson asked whether there was a general rule for how long an investigation takes to be completed. Supervisor Riggins stated that it generally takes between 10 months and a year. He noted that some cases require emergency votes via email in order to come to a finding before the expiration of the case. He stated that by July the Board would be receiving investigations much further ahead of the expiration date. Ebony Harvin asked how long it took Internal Affairs to provide their reports to the CRB. Supervisor Riggins stated that there were investigations where Internal Affairs were 300 days into the investigation and had not submitted their report. Ebony Harvin noted that she had reached out to IAD for a personal situation, and had not received a response from them until 8 or 9 months later. She felt that complainant could become fatigued and may not cooperate with CRB because of the amount of time that IAD

took in replying. Mel Currie agreed that many complainants may feel worn out and disgusted by the time CRB reaches out to them. Ebony Harvin wanted to know how this problem could be addressed. Director Carter asked the IAD representatives if they had discussed faster turnaround times for their investigations. Lt. Norris stated that often it depended on the investigation, and noted that they were short staffed and their detectives had a heavy workload. He also stated that they had issues with cooperation, mainly because complainants who had filed a lawsuit were reluctant to talk to them, although the body worn camera was helpful in resolving cases quickly. Ebony Harvin noted that Board members had seen several reports in which officers had turned off their body worn cameras. Lt Norris noted that initially BWC violations were resulting in warnings, and that the warning period had ended. He stated that now officers were automatically given 2 days suspension and a Middle Letter of Reprimand for these violations. He noted that officers were trained, and that as a result of the program their caseload had increased.

Bridal Pearson noted that he wanted to make decisions about authorizing CRB investigations based only on the evidence presented and not on time limitations.

**V. Completed Investigations Noted on Via Email to Avoid Expiration**

<u>CRB#</u>	<u>IAD#</u>	<u>Allegations</u>	<u>Findings</u>
<b>CRB2017-0014</b>	<b>17-0045</b>	<b>AL H</b>	<b>Not Sustained</b>
The Board members unanimously voted not to sustain the allegations.			
<b>CRB2017-0017</b>	<b>17-0039</b>	<b>AL H</b>	<b>Not Sustained</b>
The Board members unanimously voted not to sustain the allegations.			
<b>CRB2017-0024</b>	<b>17-0057</b>	<b>AL FI</b>	<b>Not Sustained</b>
The Board members unanimously voted not to sustain the allegations, and agreed that the body worn camera footage did not show the alleged behavior.			
<b>CRB2017-0025</b>	<b>17-0062</b>	<b>FA FI</b>	<b>Not Sustained</b>
Mel Currie noted that this was a difficult case, and expressed his wish that communication between agencies with officers in the same jurisdiction would improve to avoid situations such as the one the complainant described. He also noted his concern the officer did not provide a citizen contact receipt. The Board members unanimously voted not to sustain the allegations.			
<b>CRB2017-0032</b>	<b>17-0091</b>	<b>FI</b>	<b>Not Sustained</b>
Ebony Harvin felt that the officer should have released the complainant when the gun residue test came up negative. She voted to sustain the officer who did not release him after the gun residue test, but did not sustain the allegation against any of the other officers. Betty Robinson felt that she could see the impact of the Freddie Gray case in this situation. She noted that the complainant had been shot at, there was nothing found in his			

car, and a 911 caller identified a white car as the shooter. She questioned why he would call 911 if he were the shooter. Mel Currie stated that he was tempted to sustain the allegations because the officers were being overzealous, but was conflicted because two different caliber casings were found in different places on the street. He felt the officers had to test the complainant for residue and could not test him on the scene. Bridal Pearson felt the officers did initially have probable cause. Ebony Harvin was concerned that the officer turned off his body worn camera. A majority of Board members voted not to sustain the allegations.

**CRB2017-0189      17-0095      AL H      Not Sustained**

Betty Robinson noted that the IAD investigator had sustained allegations against both of the officers for conduct unbecoming and neglect of duty. Mel Currie felt that conduct unbecoming and failure to supervise fit the definition of what occurred, and the officers' conduct had been correctly addressed internally. Bridal Pearson sustained allegations of harassment against two of the officers because they took the complainant's license without cause and refused to return it. Ebony Harvin agreed and sustained the harassment allegation against one of the officers because she felt that taking the complainant's ID was unnecessary and could have caused him additional problems. A majority of Board members voted not to sustain the allegations.

**VI. Completed Investigations**

**CRB#      IAD#      Allegations      Finding**

**PD016-16      16-0067      EF      Sustained**

Mel Currie sustained the allegations because the preponderance of the evidence strongly supported the complaint. Betty Robinson agreed and noted that what she heard in their court testimony matched the complainant's account. She also noted that the officers claimed that the complainant was recorded on video stating that he was in possession of CDS, but there was no CDS in the car and the video was not provided. She felt that the officers suspected the complainant was going to be vulnerable, and felt that they could use excessive force and lie about it. The Board members unanimously sustained the allegation and recommended termination. Betty Robinson noted that one of the detectives from Internal Affairs was aggressive and made pejorative remarks towards the complainant while interviewing him. Other Board members agreed that they felt the detective's tone was inappropriate.

**PD159-16      16-0574      EF      Sustained**

Chair Pearson reminded the Board that they had reviewed this case before, but had previously decided to hold their votes pending the investigator's review of the relevant video footage. Betty Robinson stated that one of the officers pushed two people from behind, and they tripped but did not fall. She also noted that the video showed the officer holding the complainant's arm. Mel Currie stated that he did not like the idea of pushing people who were already complying with the officer's verbal commands. He felt the

officer's actions were wrong. Bridal Pearson stated that the video did not show the person being pushed. Mel Currie noted that the complainant claimed that she was hurt as a result of the officer grabbing her. He stated that he did not think it was appropriate to use any amount of force on a person who was compliant. A majority of Board members sustained the allegation and recommended two days suspension and a middle letter of reprimand.

**CRB2017-0023      17-0059      EF      Not Sustained**

Mel Currie felt that there was no motive for the officer to act as the complainant had described and noted that there was no officer in BPD that fit the complainant's description. He noted that the complainant had been involved in a fight with another student before the incident allegedly occurred. Betty Robinson felt that in this case Internal Affairs had done their due diligence and the complainant did not respond to their attempts to interview him. The Board members unanimously voted not to sustain the allegations.

**CRB2017-0091      17-0296      H AL**

Ebony Harvin sustained the allegations against first officer because she felt he was biased against the complainant's landlord due to the fact that she frequently called the police. She noted that the complainant had spoken with the officer later in court and did not want to go forward. Bridal Pearson noted that the camera footage showed that the officer failed to inquire about the description of the suspect or the weapon and sustained harassment. Mel Currie agreed that the officer's response was inappropriate but did not feel it fit the definition of harassment. Bridal Pearson stated that he viewed it as harassment because officer was questioning the complainant rather than assisting her. He also felt that the officer's treatment of the asserting was lying was belittling, demeaning behavior. Supervisor Riggings read the definition of harassment, and both Bridal Pearson and Mel Currie felt that the officer was mocking the complainant and his actions were mean spirited. Mel Currie then expanded what he thought fit under the definition of harassment. Board members noted that the officer's failure to act put the citizen at risk of harm, since there was an armed person in her home, and the situation could have become much more serious. Fred Jackson felt it was inappropriate that the officers had acted like he had been disturbed when he was asked to perform his duties. Board members unanimously sustained the allegation and recommended two days suspension and a middle letter of reprimand.

**VII. Consent Calendar**

Bridal Pearson motioned to administratively close all cases on the consent calendar. Fred Jackson seconded and all were in favor.

**VIII. Public Comment**

There was no public comment.

**IX. Old Business**

Supervisor Riggins clarified that the CRB had sent an updated draft of the Unified Complaint Form to the BPD and briefly explained its purpose. He noted that the edits to the form were designed to allow the CRB to review and determine for themselves whether the complaint fell within their jurisdiction. He stated that they had removed the allegation boxes so that the complainant could provide their narrative and allow for staff to decide the allegations based on the narrative. He noted that the process of revising the form had started last July and was ongoing. Bridal Pearson noted that these changes were welcome due to concerns that the Board would not get to see complaints that were misclassified by IAD.

**X. New Business**

Bridal Pearson encouraged all Board members to arrange meetings in their communities and to increase their efforts to connect with their communities and create awareness.

Director Carter noted that Board members could also apply and build relationships with their community liaison, and reiterated the need to build community trust and resources. Bridal Pearson encouraged the Board to begin thinking about how to engage the community. Special Assistant Muth stated that she could provide promotional and informational items to give to community members. Director Carter stated that the Board should work to identify community activists to disseminate information, and identify key informants with whom to share and strategize. Mel Currie noted that the BUILD clergy/leader meetings were a good example.

Director Carter expressed concern about the tone of the IAD case files. She noted that the Board now had the opportunity to look at different policies, and should consider addressing the fact they repeatedly see a tone, language and tenor in IAD interviews and reports that is inappropriate and did not meet a professional level of courtesy. She noted that once she had a clear idea of the process for giving feedback, she would advise the Board.

Director Carter noted that on March 13<sup>th</sup>, the Office of Civil Rights in conjunction with MAHRA would be hosting Human Rights Day in Annapolis. She stated that all are invited and encouraged to participate in this free event centered on human rights in Maryland.

**XI. Adjournment**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jill Muth