

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

January 18, 2018

The meeting was held at the University of Baltimore, College of Public Affairs, Liberal Arts & Policy Building, 10 W. Preston Street. 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), Frederick Jackson (Northwestern District), Marcus Nole (Eastern District), and Leslie Parker Blyther (Central 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  
Deputy Eric Cox, Sheriff's Office  
Robert Stokes, BPD  
Amy Cruice, ACLU  
Chanel Bastfield, BPD  
Kristin Blumer, Law Department  
Senator Ralph Hughes, COTF

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 6:07PM. He asked non-voting members of the Board and staff to introduce themselves.

**II. Director's Report**

Jesmond Riggins, CRB Supervisor, gave a brief report in the Director's absence. He stated that the Board's semi-annual report will be published in February, as it is currently being drafted and is for the period of July 1, 2017 – December 31, 2017.

Supervisor Riggins also stated that the official procedure for the policy granting CRB staff limited authority to authorize investigations is still being drafted. He stated that he hopes to have the draft completed by February.

Supervisor Riggins noted that staff had received the draft unified complaint form from BPD. He stated the Board would be receiving that form for review and vote the

following week. Chief Hill noted that per the Consent Decree, the form would have to be approved by the Department of Justice as well. Supervisor Riggins noted that the CRB would soon be receiving interns.

He also noted that the Independent Monitoring Team's first-year-plan draft was released earlier in the month, and that the public comment period would end on January 29<sup>th</sup>.

**III. Approval of Minutes from December 21, 2018**

Bridal Pearson motioned to approve the minutes from December 21, 2017. Mel Currie seconded, and all were in favor.

**IV. New Complaints**

<b>CRB2017-0215</b>	<b>H AL</b>	<b>CRB</b>
<b>CRB2017-0216</b>	<b>H</b>	<b>CRB</b>
<b>CRB2018-0003</b>	<b>FA</b>	<b>CRB</b>

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

<b><u>CRB#</u></b>	<b><u>IAD#</u></b>	<b><u>Allegations</u></b>	<b><u>Findings</u></b>
<b>CRB2017-0006</b>	<b>17-0023</b>	<b>H FI AL EF</b>	<b>Officer S: Sustained H Not Sustained FI AL EF Officer B: Sustained H FI Not Sustained AL EF 12 Days Suspension Middle Letter of Reprimand</b>

Mel Currie noted that there was no field interview report or conduct slip written, and that he felt this was indicative that the officers realized that they had made a mistake and did not want to document it. Betty Robinson noted that there was no description for the officer's to use to identify the subject, which is why she sustained harassment. Mel Currie reiterated that the officers weren't truthful, and had claimed the complainant matched a description when there was no description. Several Board members were concerned that the complainant had come to the station to ask for help, and officers responded by arresting him without cause. Leslie Parker Blyther wanted to know why Board members did not sustain for Officer S as well as Officer B. Mel Currie stated that he felt Officer S did not have all of the information and was falsely told the complainant fit the

description. Leslie Parker Blyther asked whether the investigator was able to identify the unidentified officers, and the investigator noted that they were not.

**CRB2017-0007      17-0026      EF H FA FI      Not Sustained**

Marcus Nole noted that he felt the complainant was putting herself and others at risk, and that there was no evidence to support her allegations. Betty Robinson asked whether the investigator was able to interview, and he stated that he was able to complete an interview. Betty Robinson noted the need for positive intervention for civilians experiencing mental health issues that does not involve arrests. She noted that Baltimore City Police does have a Crisis Intervention Team. Leslie Parker Blyther asked how the Crisis Intervention Team worked, and Chief Hill clarified that they would respond based on the crisis event and the urgency of the situation. He noted that based on the video evidence in the case, the incident did not require intervention from the CIT. He noted that in situations where the patrol officer isn't able to handle a mental health crisis situation, they may then ask for CIT trained officer, if one is available to respond. Board members unanimously voted not to sustain all allegations.

**VI. Completed Investigations**

<b><u>CRB#</u></b>	<b><u>IAD#</u></b>	<b><u>Allegations</u></b>	<b><u>Finding</u></b>
<b>PD083-16</b>	<b>16-0389</b>	<b>EF</b>	<b>Sustained 4 Days Suspension Simple Letter of Reprimand</b>

Leslie Parker Blyther asked whether the investigator was able to view the body worn camera footage, and the investigator answered that his computer was unable to read the disk. Marcus Nole clarified with the investigator that there was a witness, but his view of the scene was limited. The investigator clarified that there were multiple components to the complainant's allegation of excessive force. The investigator noted that based on the witness's statement and drawing of the events, he would not have been able to see the victim being punched, but would have been able to see the victim being kicked and having her hair pulled, based on the angle of where the vehicle was relative to the position of the witness. Mel Currie noted that the witness was not outside of the vehicle, and was not convinced by the accounts of the witness or the complainant. He noted that the complainant lied about being pregnant and gave a false name. Leslie Parker Blyther asked whether the investigator felt there was a struggle, and the investigator felt that there was some resistance after the officer had pulled the victim's hair. Bridal Pearson felt that there was excessive force regardless of the position of the witness. Leslie Parker Blyther agreed and noted that she felt that pulling the complainant's hair would constitute excessive force. Fred Jackson felt that this action was what escalated the situation.

**CRB2017-0013      17-0098      FA      Not Sustained**

Leslie Parker Blyther noted that there was a problem with intimidation and asked what could be done when witnesses and complainants failed to cooperate. Supervisor Riggins noted that investigators asked witnesses whether they were being coerced, and noted that there were also cases where the investigator was unable to get in touch with the witness. He noted that sometimes witnesses preferred not to cooperate, and that sometimes BPD would get in contact with the witness several months before the CRB investigator, causing the witness to refuse to give another statement. Ebony Harvin advocated for CRB outreach to educate people about the CRB and encourage them to participate. Supervisor Riggins clarified that when a complainant does not cooperate with the investigator, the recommendation is to close the CRB investigation and ask the Board to review only IAD's investigation. He noted that it was also possible for the Board to request further investigation in these cases. Marcus Nole chose not to sustain because he felt what the officer saw satisfied probable cause.

**CRB2017-0014      17-0045      AL H**

Mel Currie noted that the complainant was sensitive to his environment and had called 911 many times. He believed that there was mutual annoyance on both side. He felt that the complainant was tired of not being taken seriously. He felt that the police officers were tired of receiving unsubstantiated complaints. Ebony Harvin agreed that it seemed to be mutual and that the camera footage did not reveal any misconduct. The investigator clarified that she had interviewed the complainant and there were no witnesses. Marcus Nole noted that both the detective and the sergeant at the station were involved in this case. He noted that there was an IAD interview for both if these parties that was not included in the report, and that he would like to see it before making a decision. Investigator Brown noted that these interviews were received by the office the days after she had completed her investigation. Betty Robinson asked if staff could send the requested information and allow the Board to vote via email. Leslie Parker Blyther felt that it was not accidental that these interviews were not submitted in the original report. She cautioned the Board against focusing on citizen credibility, and noted that officers could and did threaten civilians with failure to respond or arrest. Fred Jackson noted that it was impossible to establish credibility on either side, and stated that the constant complaints could become a perpetual cycle without a solution. At Chair Pearson's request, Supervisor Riggins agreed to send the transcripts to the Board, and Board members agreed to vote on the case by the following Monday.

**CRB2017-0015      17-0046      EF      Not Sustained**

Board members unanimously voted not to sustain the allegations.

**CRB2017-0016      17-0047      H      Sustained      14 Days Suspension  
Middle Letter of Reprimand**

Ebony Harvin noted that she sustained because she felt the officers were making judgments about the complainant based on his past, and stated that the complainants had not been arrested in over 11 years. She wondered why the officers did not simply give him a ticket and let him go. She did not feel that they had a good reason to search him. Chief Hill clarified that officers who turned off their body worn cameras were held accountable, and noted that it was dependent on the situation when the deactivation occurred. He noted that a great majority of the officers in BPD currently had body worn cameras and clarified that officers with numerous complaints were assigned cameras. Marcus Nole felt the K9 unit was unnecessary, the officer was inconsistent in his account of the events, and one of the officers deactivated their body worn cameras. Betty Robinson asked what training officers were given in approaching people who had prior records and what the culture was surrounding stopping these individuals. Chief Hill noted that officers were aware when they stopped someone with a prior history, and there was no policy as to whether this warranted an additional search or scrutiny. He noted that officers were trained to use as many resources as possible in fighting crime, and that state law allowed an officer to have a K9 sniff around the outside of the car. Ebony Harvin clarified that in order to perform a search beyond that, the officer would need to have reasonable suspicion. She asked whether IAD had statistical information about how many cases they had sustained, and Chief Hill stated that it was posted on the department's website. Marcus Nole felt that the amount of time the complainant was held was not reasonable. George Buntin felt the complainant was targeted.

**CRB2017-0043      17-0098      FA      Not Sustained**

Mel Currie noted that the arresting officer at first questioned whether there was probable cause to make an arrest. Currie noted that the complainant went to trial and the charges were dismissed, but the probable cause was accepted by the prosecutors. He noted that the complainant was stopped twice and the officer did not believe that he had probable cause to arrest for the first stop, but on the second stop he consulted with a more senior officer and made the arrest. Supervisor Riggins noted that the investigator was not able to reach the complainant.

**CRB2017-0187      17-0040      FA FI EF      Sustained  
4 Days Suspension  
Simple Letter of Reprimand**

Leslie Parker Blyther asked for clarification as to why the investigator received the case so late. Supervisor Riggins clarified that the complainant had filed a lawsuit, which BPD considered \*their notification of complaint and started the one-year clock. However, the complainant did not submit a CRB form for the case until several months later. Chief Hill stated that a lawsuit was considered a complaint under BPD's policy and that it did begin the clock for the statute of limitations. Supervisor Riggins noted that whenever CRB was notified of a possible complaint, staff sends a letter and calls the complainant. Leslie Parker Blyther asked how many notifications

per year were not converted into an eligible CRB complaint, and Supervisor Riggins clarified that the percentage was between 60% and 70%. Bridal Pearson felt there could be probable cause in this case due to the anonymous phone calls and wanted to know if there were transcripts of these calls and whether they were recorded. Ebony Harvin noted that the complainant's fingerprints were not on the gun and felt that if the officers saw him running, they would have seen him with the gun. She noted that a gun was found near the scene of the incident, but the officers never saw him with it, and felt that the 911 tape was valuable in this case. She wanted to know if it was possible to get a transcript, and Supervisor Riggins clarified that the Board could request further investigation and ask for the transcripts. Chief Hill noted that the recordings of calls are only maintained for a certain period of time, and that the recording would have been deleted by this point. Mel Currie did not feel that the events warranted excessive force. Bridal Pearson stated that he was considering false arrest and false imprisonment because the call was anonymous. Fred Jackson noted that an anonymous call could be considered sufficient probable cause. Mel Currie felt that it was suspicious because the call occurred after the police chase, and the complainant was arrested three days later. Bridal Pearson also noted that the complainant was searched and released, and then arrested again after an anonymous 911 call, after which the officers found a gun which he felt was suspicious. He noted that the officers had searched the complainant and could not find anything, and that they approached him and arrested him much later. Leslie Parker Blythe clarified that she felt officer presence was a use of force.

## **VII. Consent Calendar**

Bridal Pearson motioned to administratively close all cases on the consent calendar. Leslie Parker Blyther seconded and all were in favor.

## **VIII. Public Comment**

A member of the public requested an update about the Tyrone West case, and noted that his sister had asked about the report that she had made to the CRB. Supervisor Riggins noted that he was not able to provide a status update but that she had filed a complaint, but it was time barred by the CRB's controlling statute. Supervisor Riggins noted that his sister could contact him directly and he would answer all of her questions. Fred Jackson stated that the officers involved in the case were not trained correctly and put in specialized units too soon.

Another member of the public noted that one of the officers involved in the case had been named in various lawsuits for which the City had paid out settlements. She wanted to know if outside of reviewing complaints and making determinations, the Board would be able to advocate for particularly egregious cases.

Leslie Parker Blyther stated that the following week the Board would be discussing their expanding role, and while at this time she couldn't give specifics, she did note that their plans were to review issues such as the one she had raised. Mel Currie noted

that the COTF would probably provide input on the expansion of the CRB's scope as well. Bridal Pearson noted that the Board was trying to increase their authority and were doing all that they could to increase their power and be accountable to the community.

Another member of the public noted that false arrest had an extremely negative impact on members of the community, and those cases needed close examination. He questioned whether suspension was enough. She also questioned whether an emergency petition under false pretenses could be considered false imprisonment. She wanted to know how she could get her record expunged. Supervisor Riggins noted that he could take her information and follow up with her after the meeting to discuss the incidents where she was harassed or falsely arrested, and try to guide her in the right direction regarding expungement, since the Office of Civil Rights was working on that issue.

**IX. Old Business**

Supervisor Riggins wanted to remind the Board of the training session scheduled for January 27<sup>th</sup>. He noted that Tyrone Powers would be discussing use of force and Dwight Petit would be discussing the anatomy of excessive force cases. Director Carter would be going over possible legislative strategies.

**X. New Business**

Amy Cruice suggested that the Board plan a retreat to discuss expanding their role and how to support legislation.

**XI. Adjournment**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jill Muth