

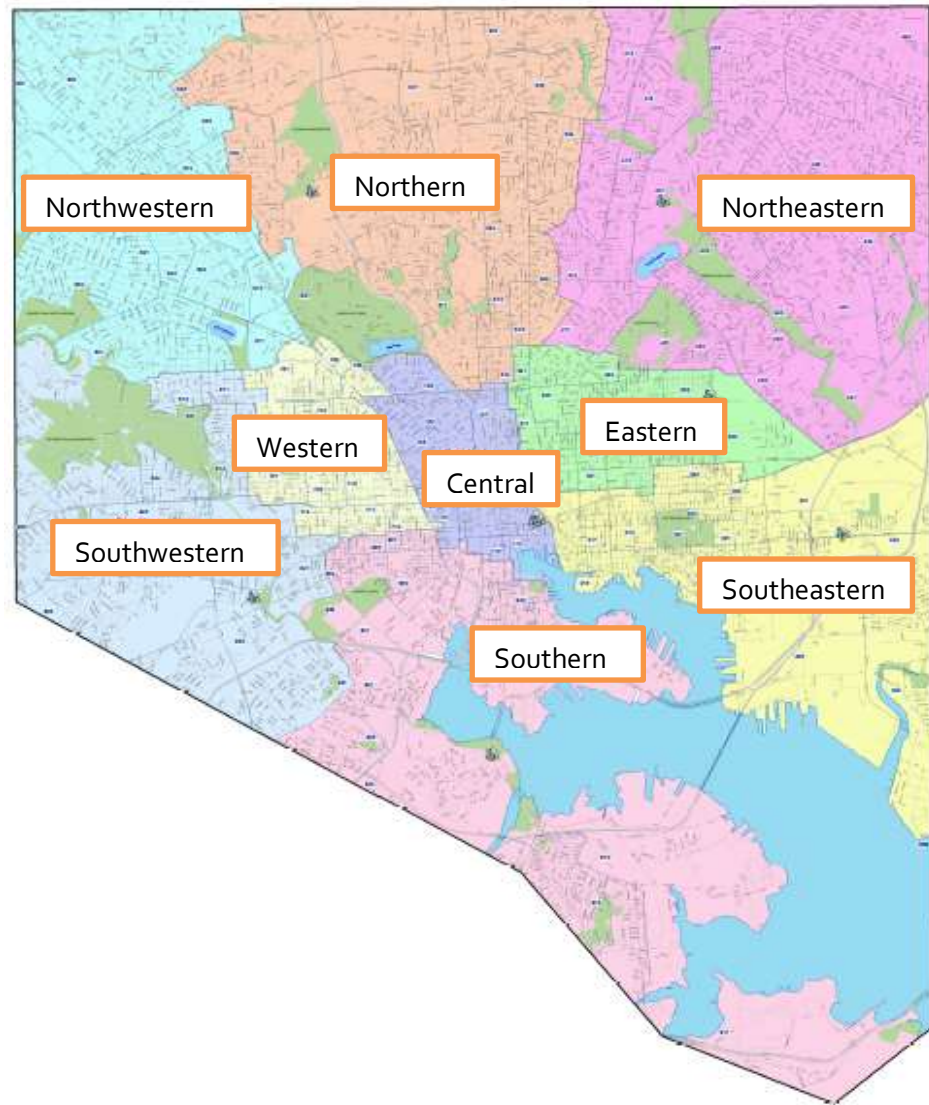
# SEMIANNUAL REPORT

July 2018-December 2018



Baltimore City  
Civilian Review Board





## Board Members

District	Board Member
Northern	<b>Dr. Bridal Pearson, Chair</b>
Central	<b>Vacant</b>
Southern	<b>Ebony Harvin</b>
Eastern	<b>Marcus Nole</b>
Western	<b>George Buntin</b>
Northeastern	<b>Betty Robinson</b>
Northwestern	<b>Fred Jackson</b>
Southwestern	<b>Dr. Mel Currie</b>
Southeastern	<b>Vacant</b>

Non-voting members serve on the Board in an advisory role, and include representatives from the ACLU, Fraternal Order of Police, Vanguard Justice Society, NAACP, and law enforcement designees from police departments within the Board's jurisdiction.

## How to File A Complaint

To file a complaint with the Civilian Review Board, complete and sign a CRB form (Appendix B), and submit the form to the Office of Civil Rights. There are three ways to file a complaint:

- Appear in person at the Office of Civil Rights on 7 E Redwood Street, 9<sup>th</sup> floor, Baltimore MD 21202 between the hours of 8AM-5PM and speak to a CRB intake professional, who can assist in completing the form and answering any questions about the process.
- Print, complete, sign, and scan the form. Email the completed, signed form to [CRBIntake@baltimorecity.gov](mailto:CRBIntake@baltimorecity.gov).
- Print, complete and sign the form. Mail the completed, signed form to 7 E Redwood Street, 9<sup>th</sup> floor, Baltimore MD 21202. For a printed copy of the form and postage paid envelope, call 410-396-3141.

**Language and ADA assistance are available upon request.**

## The Complaint and Investigation Process

Once a complaint is filed and reviewed to ensure that it is compliant with the requirements of the statute, the complaint is sent to the Internal Investigative Division (IID) and to the Board for review. The Board will review the complaint and vote on whether to authorize an independent CRB investigation. An IID investigation will take place regardless of whether the Board authorizes a CRB investigation. When all investigations are complete, the Board reviews the results of the investigations, deliberates on the case in its monthly meeting, votes on a finding, and sends its recommendations to the Police Commissioner, as well as a letter of findings to the complainant. The Police Commissioner makes the final decision on the case, but is prohibited from making this decision until after reviewing the Board's findings.

## Board Meetings

Board meetings occur on the third Thursday of each month at 6PM. Meetings are open to the public. Meeting schedule, location and agendas can be found at [civilrights.baltimorecity.gov](http://civilrights.baltimorecity.gov), or by calling 410-396-3151. Meetings are held at the Office of Civil Rights unless otherwise specified.

## Contact

The Baltimore City Civilian Review Board  
Office of Civil Rights  
7 E Redwood Street, 9th Floor  
Baltimore, MD 21201

410-396-3151  
[CRBintake@baltimorecity.gov](mailto:CRBintake@baltimorecity.gov)  
[civilrights@baltimorecity.gov](mailto:civilrights@baltimorecity.gov)  
[civilrights.baltimorecity.gov](http://civilrights.baltimorecity.gov)

## Overview

The Civilian Review Board of Baltimore City is the only independent City agency authorized to investigate complaints of police misconduct. The Board is comprised of nine members, each representing one of the nine Baltimore City police districts.

The Board's controlling statute, Public Local Law §16-41 limits the Board's jurisdiction to specific allegation types and police departments.

Police Departments	Complaint Types
<ul style="list-style-type: none"><li>• Baltimore City Police Department</li><li>• Baltimore City School Police</li><li>• Baltimore City Sheriff's Department</li><li>• Baltimore City Environmental Police</li><li>• Police force of Baltimore City Community College</li><li>• Police force of Morgan State University</li></ul>	<ul style="list-style-type: none"><li>• Excessive Force</li><li>• Abusive Language</li><li>• Harassment</li><li>• False Arrest</li><li>• False Imprisonment</li></ul>

Figure 1. The Board's jurisdiction per PLL §16-41

In addition to meeting the above criteria, CRB eligible complaints must also be filed on a signed form approved by the Board. Once the Board has received this signed form, Board members review the initial complaint, and vote on whether to authorize an independent CRB investigation to run concurrently with the police IID's investigation. The Board will then review either the IID investigation, or the IID and CRB investigation together (depending on their initial vote), and make a recommendation of their findings, and if applicable, disciplinary recommendations, to the head of the law enforcement agency.

PLL §16-54 requires the Board to publish a semiannual statistical report for submission to the Mayor, City Council, and Police Commissioner of Baltimore City. While the intended purpose of this report is to provide city leadership with basic statistical information about the Board's performance throughout the year, the Board wishes to use this information as an opportunity to engage stakeholders and community members and provide them with clear, transparent, essential information about the current state of the Board's operations.

# Challenges and Opportunities during the Reporting Period

## Stopped and Delayed Flow of Information from IAD – Significant Delay of Information

Readers of the previous report will note a significant decline in the number of cases which the Board reviewed and closed this reporting period. On July 19, 2019 the Baltimore Police Department notified the Board that they would no longer provide completed cases or fulfilled information requests to the Board until they had signed new and more restrictive confidentiality agreements. Board members refused to sign the confidentiality agreements, and made preparations to pursue legal action against the Baltimore Police Department and the City of Baltimore. On November 19, 2018 an agreement was struck between the Board and the City that only staff would be required to sign the more restrictive confidentiality agreements. The Board began receiving cases from the Baltimore Police Department on December 4, 2018 once the executed confidentiality agreements were delivered to pertinent parties. Although the Board was not able to review and vote on cases during the period from September-December, 2018, they continued to meet regularly to discuss Board business.

## The Consent Decree and the OPR-CRB Protocol

This period saw the end of the First-Year Monitoring Plan for the Baltimore City Consent Decree, with the Second-Year Monitoring Plan beginning in February 2019. During this period, CRB staff have been engaged in diligent collaborative work alongside the Independent Monitor, Department of Justice, and Office of Professional Responsibility (OPR) in order to develop the OPR-CRB Protocol, which is the Baltimore Police Department policy that will govern the Office of Professional Responsibility's interactions with the CRB during the intake and classification phase of investigations. As of this writing, the protocol is currently reaching the end of the public comment period, and moving into the final collaboration period before it will be reviewed for approval by the federal court on March 18, 2019.

In addition to the protocol, the teams worked together to develop the Unified Complaint Form, a standard form that will be used by both the Baltimore Police Department and the Office of Professional Responsibility. The form was developed in cooperation with the parties in order to fulfill the requirements of ¶ 336 of the Consent Decree, which requires the parties to work together to ensure that the complaint process is open and accessible for all.

The parties envision the development of a protocol during the Third-Year Monitoring Plan which will govern the Baltimore Police Department's interactions with the Civilian Review Board during investigations, and develop a clear, standardized process, for the consideration of the Board's findings and recommendations.

For more information about the Consent Decree or Monitoring Plan, please visit <https://www.bpdmonitor.com/>.

### **The Annual NACOLE Conference**

In September of 2018, CRB staff attended the Annual Conference held by the National Association of Civilian Oversight of Law Enforcement (NACOLE) in St. Petersburg, Florida. While there, staff were able to network with other civilian oversight practitioners, complete credential requirements for the Certified Practitioner of Oversight program, and receive training in various related subject areas, including investigations, transparency, law, law enforcement policies and procedures, as well as remediation and discipline.

For more information about NACOLE, please visit <https://www.nacole.org/>.

### **New Leadership and Additional Resources**

There were several changes to staffing and leadership that occurred between the beginning of this reporting period and the time of this writing.

In May of 2018, Interim Police Commissioner Gary Tuggle was appointed following the departure of Commissioner Darryl DeSousa. After a lengthy search process, Michael Harrison, former New Orleans Police Commissioner, was selected by Mayor Catherine Pugh for the position of Baltimore City Police Commissioner. On February 11, 2019, Harrison was appointed as Acting Commissioner, and will serve in that capacity pending his confirmation by Baltimore City Council.

On November 13, 2018 Darnell E. Ingram was hired as the Director of the Office of Civil Rights. He in turn appointed two new deputy directors, Raemondd Parrott and Cedric McCray. Parrot was appointed as the Deputy Director of Internal Operations and McCray was appointed as the Deputy Director of External Operations.

In December of 2018, Clarine Henderson and Tiffany Jones were hired as part-time investigators for the Civilian Review Board.

### **Board Vacancies and Expirations**

During this period, the Central District seat was resigned by Leslie Parker Blyther. The Southeastern District seat remains vacant after the resignation of Blair Thompson. Terms for the Northeastern, Eastern, and Western District seats expired as well. The City and Board are currently engaged in searching for qualified persons to fill those vacancies.

## Legislative Updates

During the 2019 General Assembly, three bills were proposed that would affect the operations of the Civilian Review Board.

### SB 834

SB 834 would add civilian investigators to the list of parties permitted to interrogate accused officers, and prohibit the expungement of un-sustained complaints by both the Baltimore Police Department and the Civilian Review Board.

### SB838

SB 838 would exempt Civilian Review Board members and staff from being barred from reviewing officers' complaint history by the Maryland Public Information Act's confidentiality requirements for personnel records related to law enforcement officers.

### SB843

SB843 would repeal the current Civilian Review Board statute in favor of a new statute, establishing the Community Oversight and Accountability Commission, a civilian oversight body with significantly broader investigative and enforcement powers.

### HB413

HB413 would establish that any complaints of job-related misconduct by public employees, including law enforcement officers, do not constitute personnel records but rather investigatory records. These would allow interested parties, including complainant and civilian investigators, to review police complaint records.

### HB1094/SB793

HB1094/SB793 would establish a police force for Johns Hopkins University and place it within the jurisdiction of the Civilian Review Board.

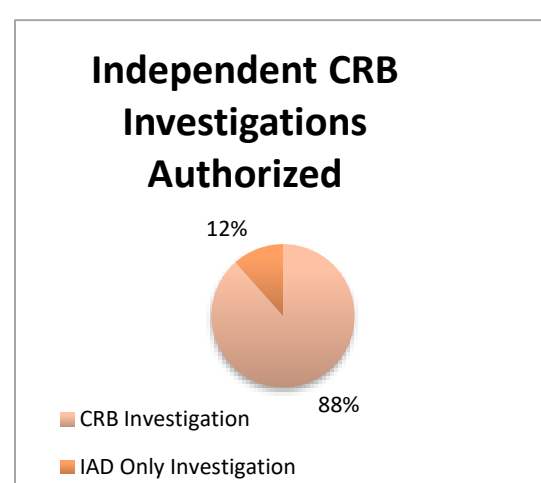
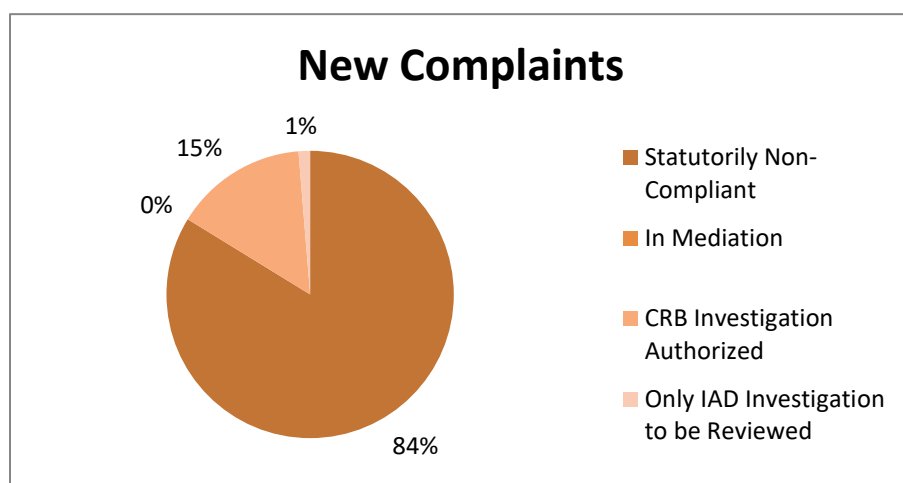
## Data

The below data represents the Board's activities during the period from July 1, 2018 through December 31, 2018.

### I. New Complaint Data

When the Board receives new complaints that comply with the requirements of the statute, they may vote to authorize an independent CRB investigation, or review only the internal investigative division's report.

<b>Total Complaints/Notifications Received</b>	<b>155</b>
Statutorily Non-Compliant Complaint Notifications <sup>1</sup>	<b>129</b>
Complaints In Mediation	<b>0</b>
Complaints Authorized for Independent Investigation	<b>23</b>
Complaints Assigned to Internal Investigation Review Only	<b>3</b>



### Complaints By Police Department

<b>Baltimore City Police Department</b>	<b>151</b>
<b>Baltimore City Sheriff's Department</b>	<b>1</b>
<b>Baltimore City School Police</b>	<b>0</b>
<b>Baltimore City Community College Police</b>	<b>0</b>
<b>Baltimore City Environmental Police</b>	<b>0</b>
<b>Morgan State University Police</b>	<b>0</b>
<b>Other: Out of Jurisdiction</b>	<b>3</b>

<sup>1</sup> Complaint notifications may be considered statutorily non-compliant for a number of reasons. They may be lodged against a police department outside the Board's jurisdiction; they may make allegations outside the Board's jurisdiction, or they may not be filed on a signed CRB form. The Board is statutorily prohibited from reviewing these complaints.



*97.4% of complaints filed during this period were against officers of the Baltimore City Police Department.*

## Out of Jurisdiction Complaints

The Board's jurisdiction is determined by its governing statute, PLL §16-41. Complaints are considered outside of the Board's jurisdiction when they are not filed on a signed CRB form, when they are filed against police departments not listed in the statute (geographic), when they make allegations not listed in the statute (subject matter), when they are not filed within 1 year of the date of the incident (timely), or when they are filed by a person who is not a victim, guardian, or witness to the misconduct.

Not Filed on an Approved Form <sup>2</sup>	98
Out of Subject Matter Jurisdiction (Allegation)	3
Out of Geographic Jurisdiction (Police Department)	3
Out of Personal Jurisdiction (Person Filing)	3
Not Filed Timely ( Within One (1) Year of the Incident)	22

## Mediation

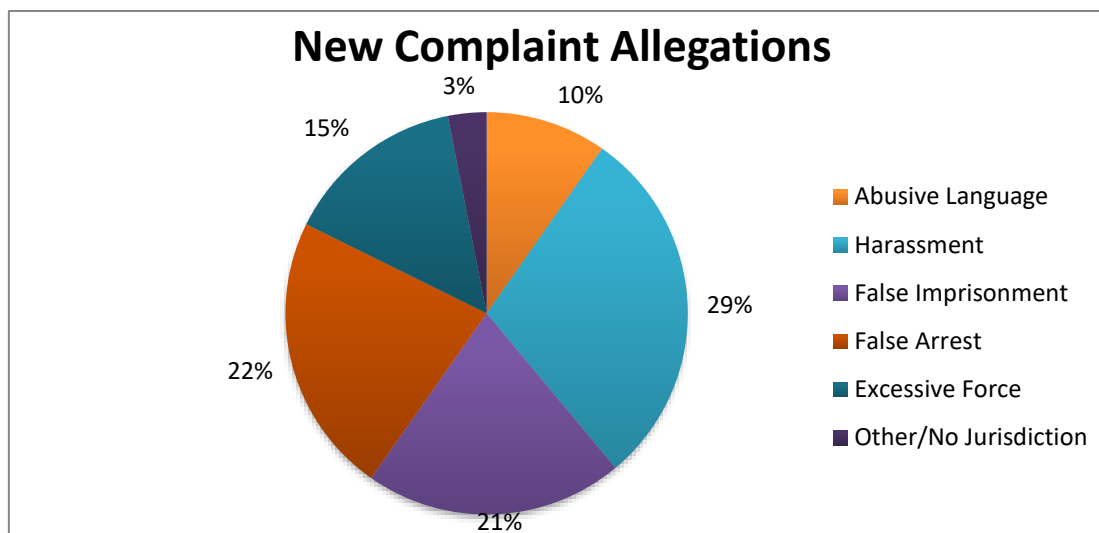
The Civilian Review Board partners with Baltimore Community Mediation to offer mediation as an option to complainants. The process is voluntary, can be terminated by either party at any time, and is facilitated by a professional mediator. Complainants are offered the option for mediation upon complaint intake, and if they indicate interest, Community Mediation will reach out to the complainant and to the accused officer to attempt to schedule a mediation appointment. If either party declines, the complaint is referred back to the Board for review. If mediation is successfully completed, the complaint finding will be deemed 'Not Sustained' by IAD and 'Closed through Mediation' for the CRB.

Complaints Referred to Mediation	5
Complaints Successfully Mediated	0
Mediation Unsuccessful	5
Complaints Awaiting Mediation Outcome	0

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<sup>2</sup> In cases where the Board is notified of a complaint without a statutorily compliant form and has contact information for the complainant, staff mails the correct form to complainants with instructions on how to complete it, and then follows up with a phone call to ensure the form was received.

## Allegations



## Allegation Definitions

- Abusive language means the use of remarks intended to be demeaning, humiliating, mocking, insulting, or belittling that may or may not be based on the actual or perceived race, color, religion, sex, national origin, sexual orientation, or gender identity of an individual.
- Excessive force means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance. Excessive force does not include force that is reasonably necessary to affect a lawful purpose.
- False arrest means an arrest made without legal justification.
- False imprisonment means the intentional restriction without legal justification of the freedom of movement of a person who is aware of the restriction and who does not consent.
- Harassment means repeated or unwarranted conduct that is intended to be overtly demeaning, humiliating, mocking, insulting, or belittling; or any conduct that is intended to cause unnecessary physical discomfort or injury. Harassment does not include conduct that is reasonably necessary to effect a lawful purpose.

**For new complaints/complaint notifications received during this reporting period, there were a total of 230 allegations made within 155 complaints.**

Abusive Language	22
Harassment	66
False Imprisonment	47
False Arrest	51
Excessive Force	37
Out of Subject Matter Jurisdiction	7

## II. Completed Case Data

**The Board reviewed and made determinations involving 92 allegations for complaints against a total of 43 officers. There were a total of 23 complaints made during this reporting period.**

### Board Findings

#### Finding Definitions

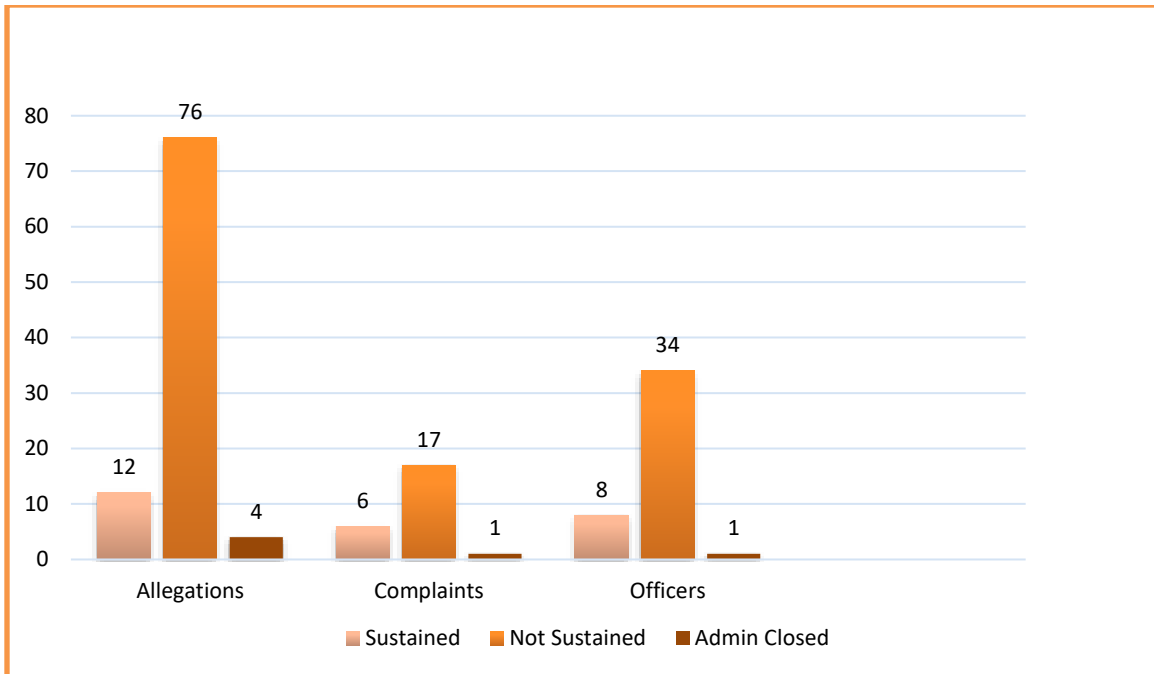
- Sustained: where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur;
- Not Sustained: where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred;
- Exonerated: where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate BPD policies, procedures, or training;
- Unfounded: where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the accused officer

	Allegations	Complaints	Officers
Sustained	12	6	8
Not Sustained	76	17	34
Exonerated	0	0	0
Unfounded	0	0	0
Administratively Closed <sup>3</sup>	4	1	1
Totals	92	24 <sup>4</sup>	43

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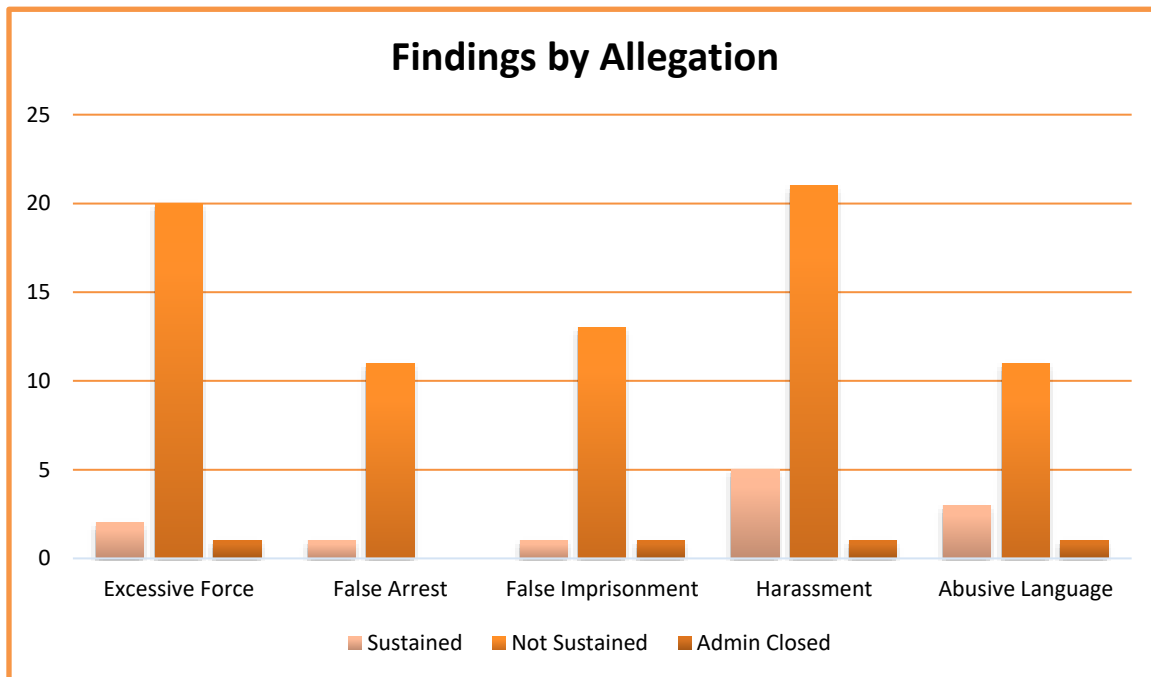
<sup>3</sup> One complaint was administratively closed because the investigation revealed that the accused officers were members of a police department outside the Board's jurisdiction.

<sup>4</sup> This number is higher than the total number of complaints because one complaint contained both sustained and not sustained allegations.



### CRB Findings by Allegation

	Sustained	Not Sustained	Admin Closed	Total
Excessive Force	2	20	1	23
False Arrest	1	11	0	12
False Imprisonment	1	13	1	15
Harassment	5	21	1	27
Abusive Language	3	11	1	15
Total	12	76	4	92



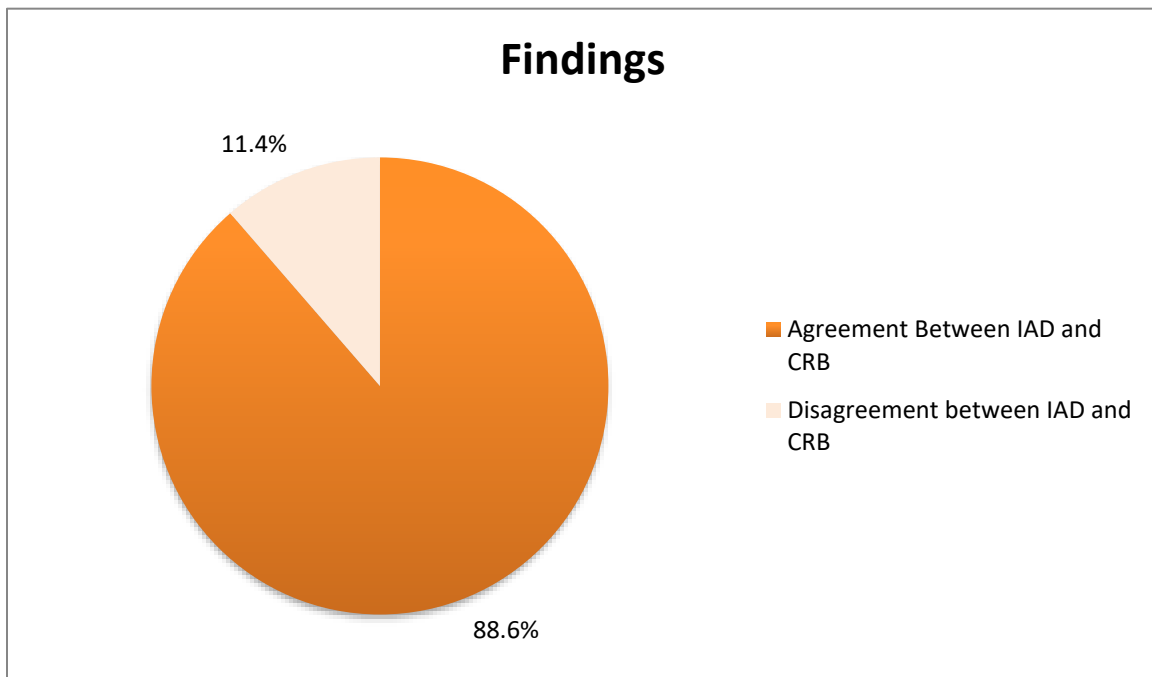
### Board Findings vs. IAD Findings

During this reporting period, the Board recommended that the IID's findings be reversed to from a finding of not sustained to a finding of sustained in 10 allegations in 5 complaints, for a total of 11.4% of all allegations reviewed.

Allegations	Civilian Review Board	IID
Sustained	12	2
Did Not Sustain <sup>5</sup>	76	86
Percent of CRB Eligible Allegations Sustained	13%	2.3%

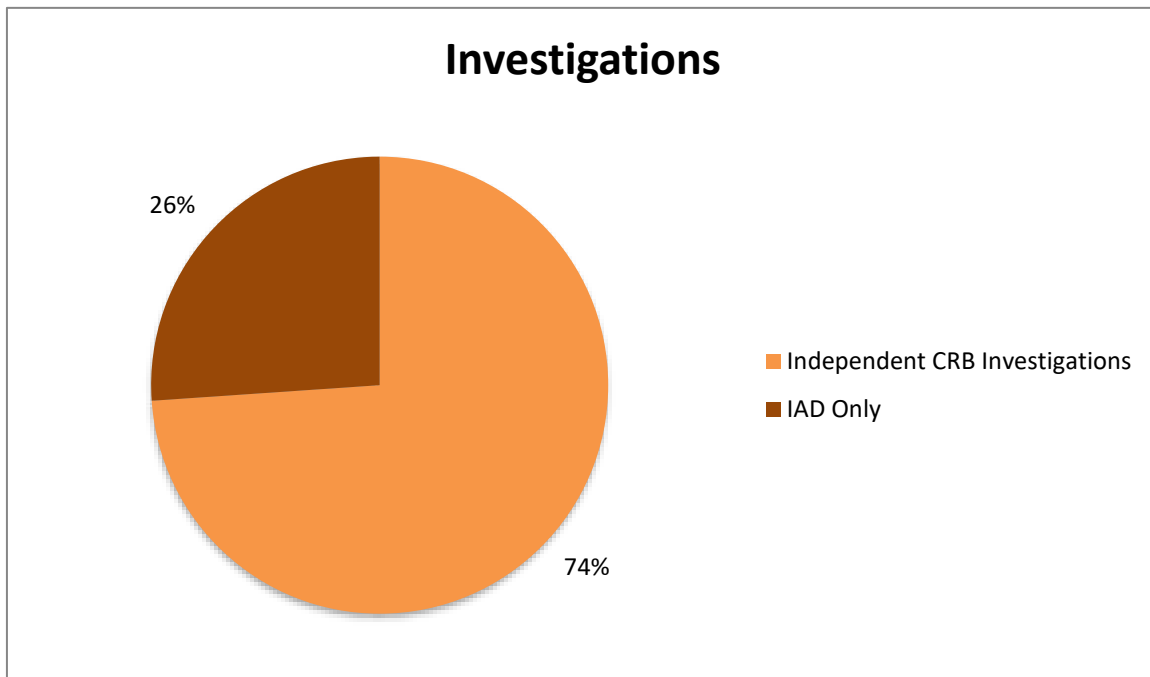
Allegations	# of Allegations	% of Allegations
Agreement in Finding Between CRB and IID	78	88.6%
Disagreement in Finding Between CRB and IID	10	11.4%

<sup>5</sup> Includes findings of Not Sustained, Exonerated, Unfounded, and Administratively Closed.



#### Independent CRB Investigations vs. IID Only Investigations Reviewed

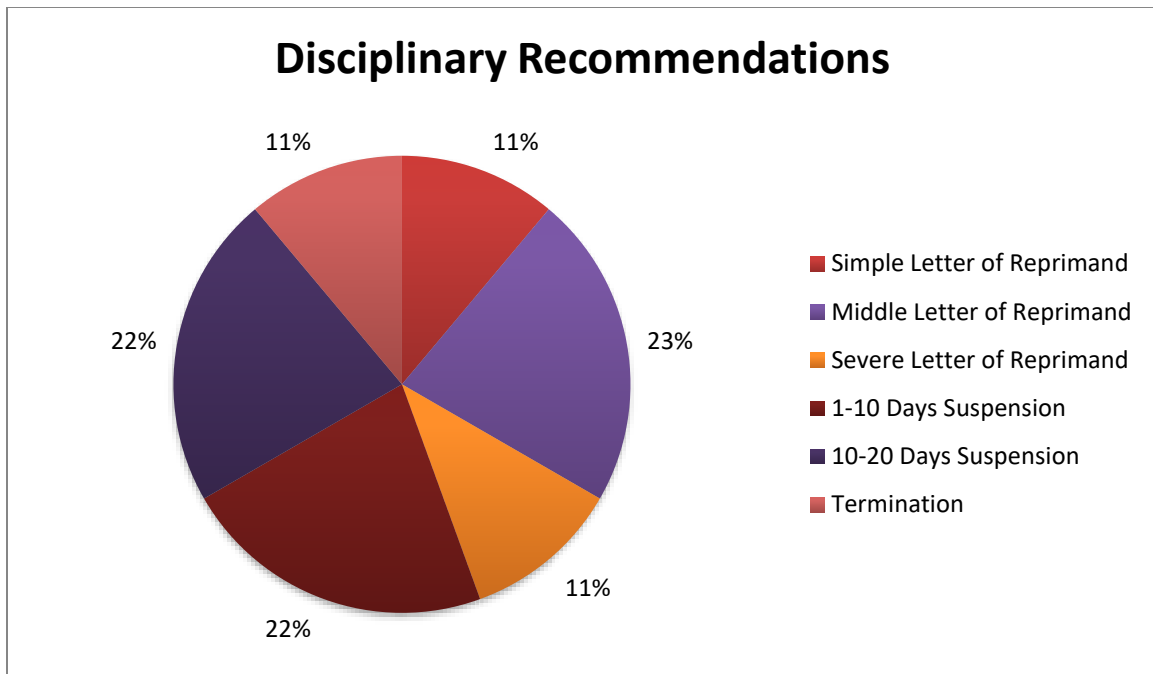
Total Cases Reviewed	
Concurrent CRB and IID Investigations	17
IID Only Investigations	6



### Disciplinary Recommendations

When a complaint is sustained, the Board may make disciplinary recommendations to the Police Commissioner. For BPD's disciplinary matrix and definitions, see Appendix C.

Types of Disciplinary Recommendations	Recs made in # of complaints
Simple Letter of Reprimand	1
Middle Letter of Reprimand	2
Severe Letter of Reprimand	1
1-10 Days Suspension	2
10-20 Days Suspension	2
20-30 Days Suspension	0
Termination	1



### III. Officers with Multiple Complaints

The following officers had 3 or more complaints during this reporting period. Complaints against these officers constituted a total of 8.4% of the total complaints for this reporting period.

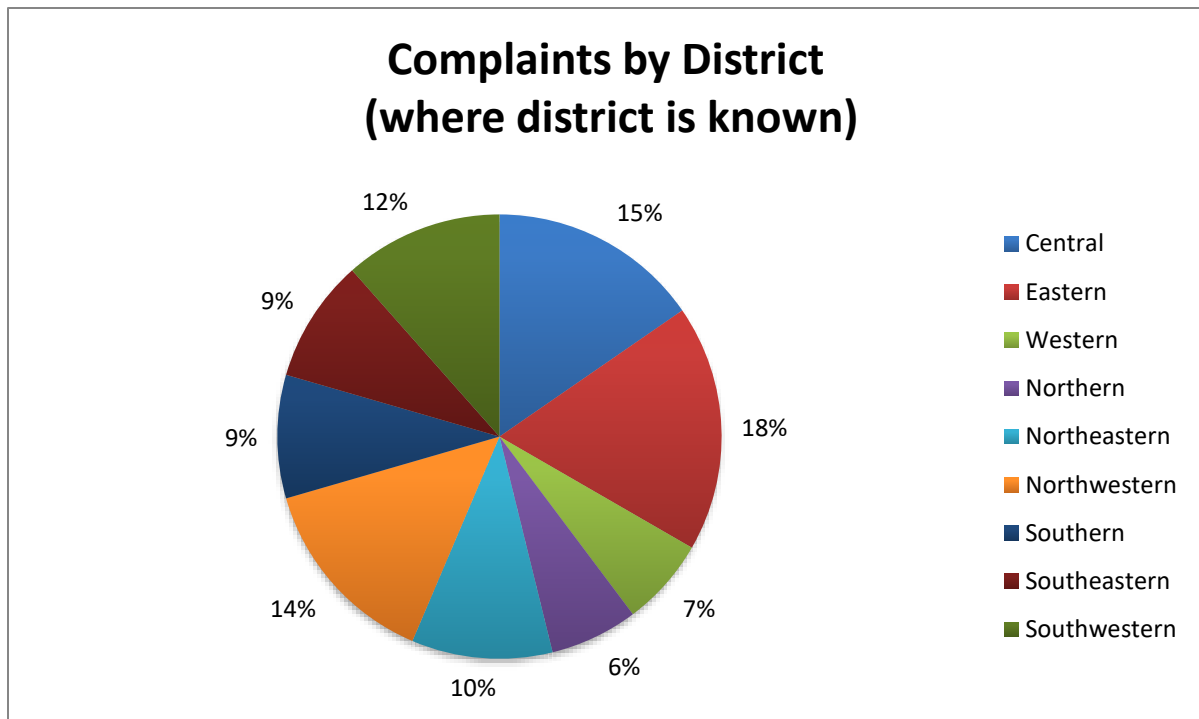
Officer	#of Complaints	Abusive Language	Harassment	False Arrest	False Imprisonment	Excessive Force
[REDACTED]	3	0	1	3	2	1
[REDACTED]	4	0	0	4	4	0
[REDACTED]	3	2	0	0	0	3
[REDACTED]	3	0	1	2	2	0

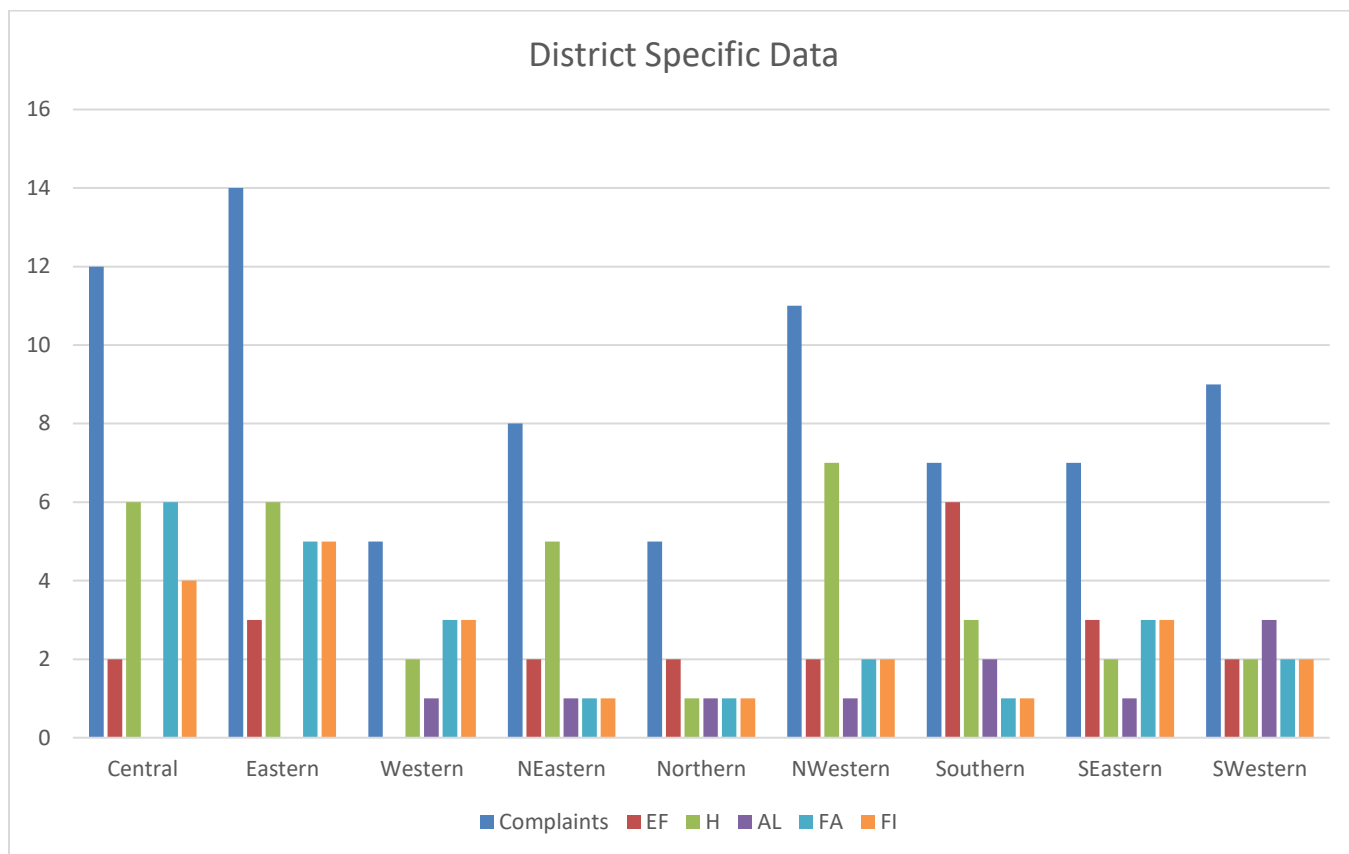
[REDACTED]



#### IV. District Specific Data

	Complaints	EF	H	AL	FA	FI
Central	12	2	6	0	6	4
Eastern	14	3	6	0	5	5
Western	5	0	2	1	3	3
NEastern	8	2	5	1	1	1
Northern	5	2	1	1	1	1
NWWestern	11	2	7	1	2	2
Southern	7	6	3	2	1	1
SEastern	7	3	2	1	3	3
SWestern	9	2	2	3	2	2
Unknown	57	13	24	10	17	16
School	0	0	0	0	0	0
Education & Training	0	0	0	0	0	0
Special Enforcement	19	2	7	1	10	9
Sheriff	1	0	1	1	0	0
Environmental Police	0	0	0	0	0	0
<b>Total</b>	<b>155</b>	<b>37</b>	<b>66</b>	<b>22</b>	<b>51</b>	<b>47</b>





## Conclusion

### Standout Data Points

- **97.4%** of complaints filed during this period were against the Baltimore City Police Department.
- For new complaints, the most frequently reported allegations was false imprisonment, representing **29%** of all allegations.
- The allegation most frequently sustained by the Board was harassment.
- The Board sustained **10%** more allegations than the Internal Investigative Division.
- The Board disagreed with the law enforcement agency's IID findings in **11.4%** of allegations reviewed.
- **74%** of cases that the Board reviewed during this period included an independent CRB investigation.

- The Board's most frequent disciplinary recommendation, a middle letter of reprimand, was recommended for 23% of sustained complaints.
- The Eastern District received the greatest number of complaints.
- The Southern District had the most excessive force allegations as a percentage of their complaints.

Please direct any questions to:

Darnell Ingram, Director, Office of Civil Rights  
Jill Muth, Special Assistant to the Civilian Review Board  
410-396-3151  
civilrights@baltimorecity.gov