

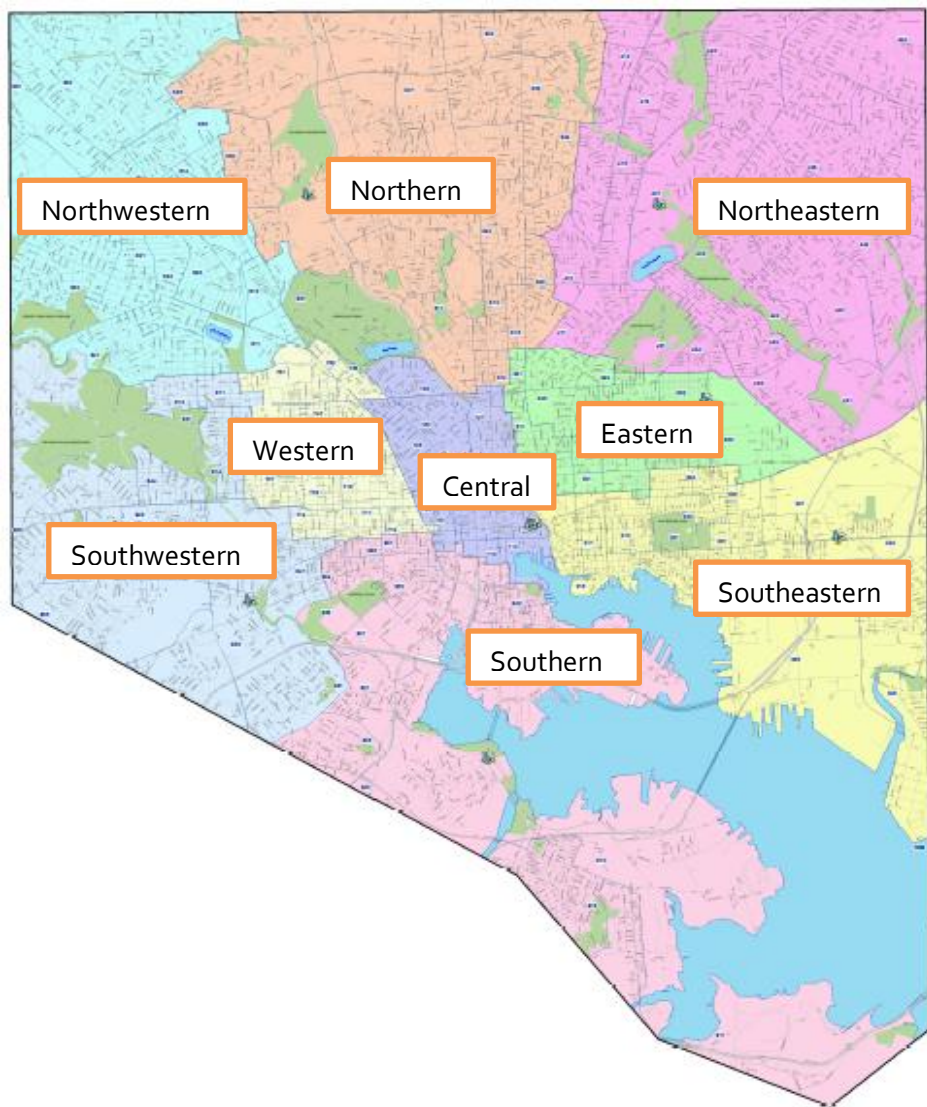
ANNUAL REPORT

July 2017-July 2018



Baltimore City
Civilian Review Board





Board Members

District	Board Member
Northern	Dr. Bridal Pearson, Chair
Central	Leslie Parker Blyther
Southern	Ebony Harvin
Eastern	Marcus Nole
Western	George Buntin
Northeastern	Betty Robinson
Northwestern	Fred Jackson
Southwestern	Dr. Mel Currie
Southeastern	Vacant*

Non-voting members serve on the Board in an advisory role. They include: representatives from the American Civil Liberties Union (ACLU), Fraternal Order of Police (FOP), Vanguard Justice Society, National Association for the Advancement of Colored People (NAACP), and law enforcement designees representing the law enforcement agencies (LEA's) within the CRB's jurisdiction.

*Blair Thompson resigned on July 16, 2018

Overview

The Baltimore City Civilian Review Board (CRB) was created by the Maryland General Assembly in 1999. It remains the only entity in Baltimore City statutorily 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 CRB's enabling statute, PLL §16-41 (Appendix A), confines its jurisdiction to six (6) law enforcement agencies and five (5) complaint categories identified in the chart below:

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

In addition to meeting the above jurisdictional criteria, CRB eligible complaints are required to be filed on a signed form approved by the Board. Once the CRB has received a signed complaint form, the Board reviews the complaint and votes to authorize an independent CRB investigation, which would run concurrently with the law enforcement agency's internal investigation; or, to merely review the law enforcement agency's internal investigation file. CRB findings are then based upon the IAD and CRB investigation together, or only on the IAD report (depending on the initial vote). The CRB, then, sends its findings, and if applicable, disciplinary recommendations, to the head of the appropriate law enforcement agency.

Publication of a semi-annual statistical report is required, by PLL §16-54, for submission to the Mayor, City Council, and Police Commissioner for Baltimore City. The CRB perceives this report as a welcome opportunity to provide city leaders, not only with basic statistical information about the CRB's performance throughout the year, but also, an opportunity to provide clear, transparent, and essential information about the current state of the CRB.

How to File a Complaint

To file a complaint with the Civilian Review Board, an individual must complete and sign a CRB Complaint 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, 7 E Redwood Street, 9th floor, Baltimore MD 21202 between 8AM-5PM and speak to a CRB intake professional, who can assist with completion of the form and answer questions about the process.
- Print, complete, sign, and scan the form. Email the completed, signed form to CRBIntake@baltimorecity.gov.
- Print, complete and sign the form. Mail the completed, signed form to 7 E Redwood Street, 9th floor, Baltimore MD 21202. (For a printed copy of the form and postage paid envelope, call 410-396-3151).

Language and ADA assistance are available upon request.

Complaint and Investigation Process

Once a complaint is filed, it is reviewed to ensure that it is compliant with the requirements of the CRB governing statute. The complaint is sent to the internal investigative division of the appropriate law enforcement agency and to the Board for review. The Board reviews the complaint and votes on whether to authorize an independent CRB investigation. If it is a Baltimore Police Department (BPD) jurisdiction complaint, an Internal Affairs (IAD) investigation will be conducted irrespective 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 head of the appropriate law enforcement agency, as well as well as a letter of findings to the complainant. The law enforcement agency head makes the final decision on the complaint, but is prohibited from making a final decision before 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, 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
civilrights@baltimorecity.gov
civilrights.baltimorecity.gov

Challenges/Opportunities

In June 2018, the Civilian Review Board members completed one full year of service. The Board is comprised of a diverse membership of volunteers that each work tirelessly to provide, and perfect, civilian oversight of law enforcement in Baltimore City. The CRB has been confronted with a multitude of challenges, but remains zealous and proactive in working to overcome them.

Staffing and Technological Resources

The CRB is currently assigned four full time staff members and one part time staff member from the Office of Civil Rights, which include:

- One (1) Supervisor
- One (1) Special Assistant
- Two (2) Full Time Investigators
- One (1) Part Time Investigator

For perspective, the San Francisco Department of Police Accountability is guaranteed a minimum of 1 investigator per 150 officers. The Baltimore Police Department reported for FY 2017: 3340 personnel, 2514 sworn officers, and a budget of \$480.7 million. Thus, the BPD officer – CRB investigator ratio was 1006/1. The contrast becomes stark when the other five law enforcement agencies within the CRB’s jurisdiction are taken into consideration. Addressing this deficiency, and adding additional staff, would significantly deepen the impact of the CRB’s work on behalf of the people of Baltimore.

The CRB is also under-resourced with respect to technology. The CRB’s current case management system is outdated, and lacks the capacity to store and track data in a way that allows the CRB to holistically analyze policing trends with a 360 degree view. Further, the Consent Decree has created new reporting requirements which the CRB is not poised to meet with its current system. The current system does not have the mobility to move with investigators as they work in the field and allow them to upload evidence, and other data, in real time.

Legislative Barriers

The CRB continues to face a number of legislative barriers that serve as impediments to comprehensive, effective, civilian oversight. The Law Enforcement Officer’s Bill of Rights (LEOBR) prevents CRB investigators from questioning and subpoenaing accused officers. The LEOBR also precludes the CRB

from participating in the formal administrative disciplinary process. The CRB's enabling statute limits its jurisdiction to five narrow complaint categories, and burdens complainants with a requirement that complaints must be filed on a signed paper form. Because the CRB does not have original jurisdiction over complaints, CRB staff generally does not participate in the complaint classification process for incoming complaints from law enforcement agencies, and cannot respond proactively to incidents of community concern without a formal complaint filed by a victim, guardian or witness. The CRB is barred from information about final disciplinary outcomes for officers. Because the Board's powers are merely recommendatory, CRB decisions are not enforceable and are often ignored by law enforcement agencies.¹

The Consent Decree

The Consent Decree has added new challenges and opportunities to the CRB. The Decree was signed by Judge James K. Bredar on April 7, 2017. The first year of Consent Decree implementation has begun with intensive review and revision of Baltimore Police Department (BPD) policies, with a heavy focus on community engagement.

Through this review and revision process, the Consent Decree has created space to address many of the issues that have historically made the relationship between the CRB and the BPD dysfunctional. CRB staff and Board are working in productive partnership with the Independent Monitoring Team, Office of Professional Responsibility, Department of Justice and the Baltimore City Law Department to ensure that the essential component of civilian oversight is included in the process. All are working to revise the policies that govern misconduct investigations. Progress is being made to ensure a free flow of information from the BPD to the CRB. Recently, a process has been developed for CRB investigators' information requests that is slated to provide access to vital evidence and enhance the quality of investigations.

The challenge created by this process has been the addition of responsibilities and time demands of an already understaffed agency. While the BPD has been able to add staff to respond effectively to this process, the CRB struggles to navigate these demands while remaining attentive to regular assigned duties.

¹ For a full list of the Board's legislative and resource impediments and recommendations to address them, see Appendix C, "15 Recommendations to Make the Civilian Review Board Effective: A Preliminary Report to the Community Oversight Task Force".

The Community Oversight Task Force

The Community Oversight Task Force (COTF) was mandated by ¶ 12 of the Consent Decree to “review how the civilian oversight system currently functions, how it should function, and what the impediments to change are, and will then make recommendations based on that information”. On July 7, 2018, the COTF publicly released its ‘report and recommendations’ on civilian oversight in Baltimore City. The CRB shares the COTF’s vision for comprehensive, independent, oversight with robust authority and resources. The CRB is deeply disappointed that the COTF failed to seize its opportunity to thoroughly learn, review or dissect the CRB’s operations.

CRB provides:

- A safe, neutral space to make complaints.
- Thorough investigations that are grounded in impartiality.
- Trauma informed civilian investigators that make victims and witnesses feel comfortable sharing information.
- Community forums for sharing experiences, resources and ideas about policing.

The COTF met with the CRB Board members only twice, on December 20, 2017 and on May 21, 2018. The COTF report trivializes the CRB, asserting, “...as it currently stands, the CRB has little if anything to offer the citizens of Baltimore”.

As outlined in the CRB’s 15 Recommendations Report (Appendix C), the CRB’s shortcomings can be remedied by sufficient resources and legislation. Once those fixes are actualized, the CRB is well-equipped to provide effective oversight. Even with its current challenges, the CRB offers the people of Baltimore a safe, neutral, space to make their complaints. CRB investigations are often able to uncover evidence that internal investigative divisions are not because victims and witnesses are more comfortable sharing information with civilian investigators that are independent from law enforcement agencies. CRB monthly meetings, and periodic community meetings, provide vital forums for community members to share experiences, resources and ideas about their unique community policing needs.

Community and Political Engagement

During the reporting period, the Board held two meetings in the community. The October meeting was held in the Fred B. Leidig Rec Center in the Southwestern District. The January meeting was held at University of Baltimore in the Central District. The meetings are live streamed and open to public comment both those physically present and online.

In addition to regular monthly meetings, the Board held four (4) special community meetings. The first was a community forum, in November, at the Metropolitan United Methodist Church in the Western District following exceptional police activity in Harlem Park after the death of Det. Sean Suiter.

In January, the Board held an open information and training also at the University of Baltimore. In April, a strategic meeting was held at the 29th Street Community Center in the Northern District. Also in April, the Board held an open forum community meeting at the Cherry Hill Community Building in the Southern District.

The need to strengthen civilian oversight in order to reform policing in Baltimore has compelled the CRB to engage the community, as well as, political representatives, to build momentum for necessary legislative advocacy to overcome political challenges. The Board has developed an engagement plan for engaging with local political leaders and community groups to increase awareness of the CRB's work, respond to community needs, and prepare to work for necessary legislative changes in the 2019 General Assembly Session.

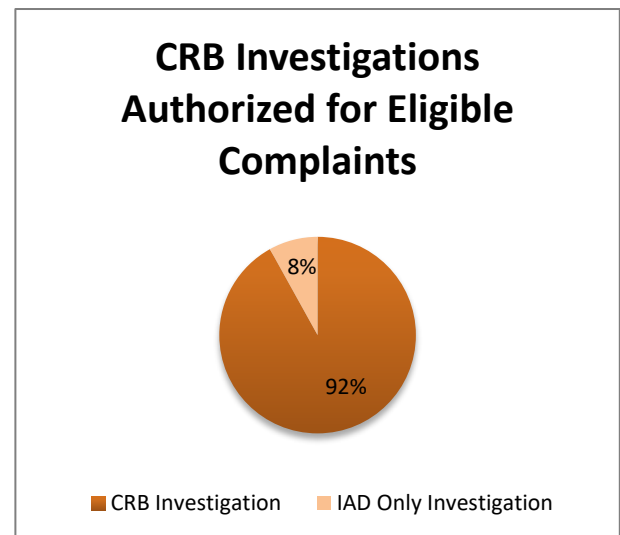
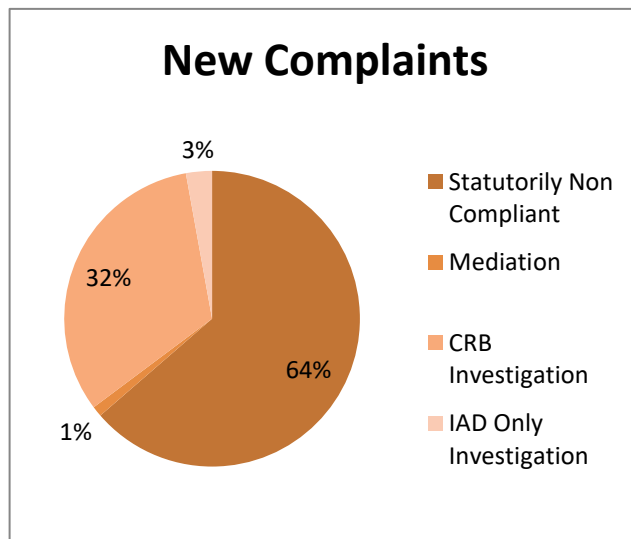
Data

The below data represents the Board's activities during the period from July 1, 2017 through June 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.

Total Complaints/Notifications Received	
Statutorily Non-Compliant Complaint Notifications ²	112
Complaints In Mediation	2
Complaints Authorized for Independent Investigation	57
Complaints Assigned to Internal Investigation Review Only	5
Total	176



² 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.

Complaints by Police Department

Baltimore City Police Department	167
Baltimore City Sheriff's Department	0
Baltimore City School Police	1
Baltimore City Community College Police	0
Baltimore City Environmental Police	1
Morgan State University Police	1
Out of Jurisdiction	6

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 among the six (6) listed in the statute (geographic), when they allege misconduct types not covered by the statute (subject matter), or when they are not filed within 1 year of the date of the incident (time-barred).

Not Filed on an Approved Form³	97
Out of Subject Matter Jurisdiction (Allegation)	1
Out of Geographic Jurisdiction (Police Department)	2
Not Filed Timely (Within One (1) Year of the Incident)	12

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. 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	13
Complaints Successfully Mediated	0
Mediation Unsuccessful	11
Complaints Awaiting Mediation Outcome	2

³ 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.

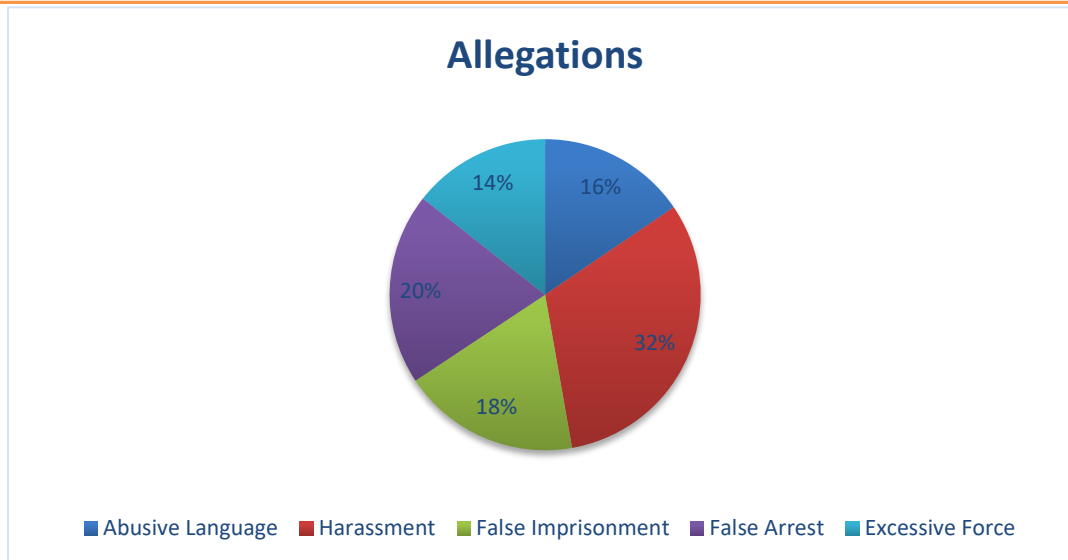
Allegations

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 **271** CRB eligible allegations made within **176** complaints⁴.

Abusive Language	42
Harassment	86
False Imprisonment	50
False Arrest	54
Excessive Force	39



⁴ For new complaints, allegations are counted per complaint, and not per officer. There may be multiple officers involved in a single complaint, however, allegations for each officer may not be clearly determined until the end of the investigation.

II. Completed Case Data

The Board reviewed and came to a finding on a total of 366 allegations against 204 officers found within 112 complaints during this reporting period.

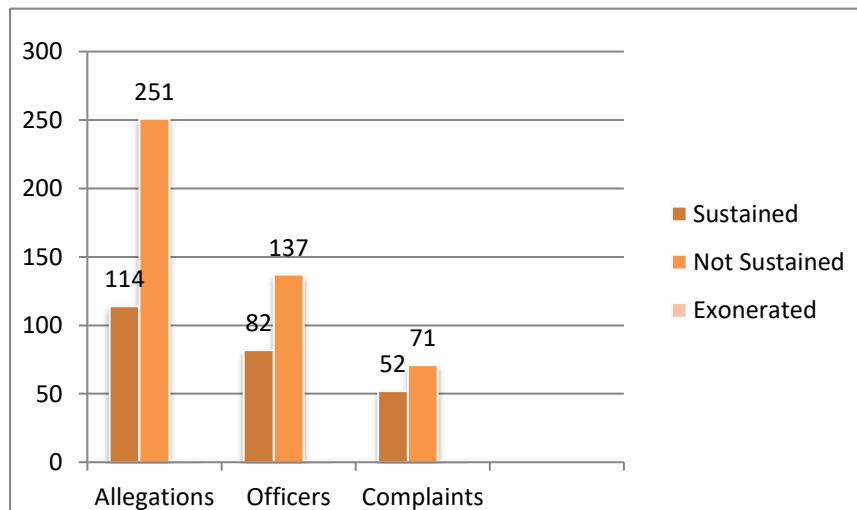
Board Findings

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;

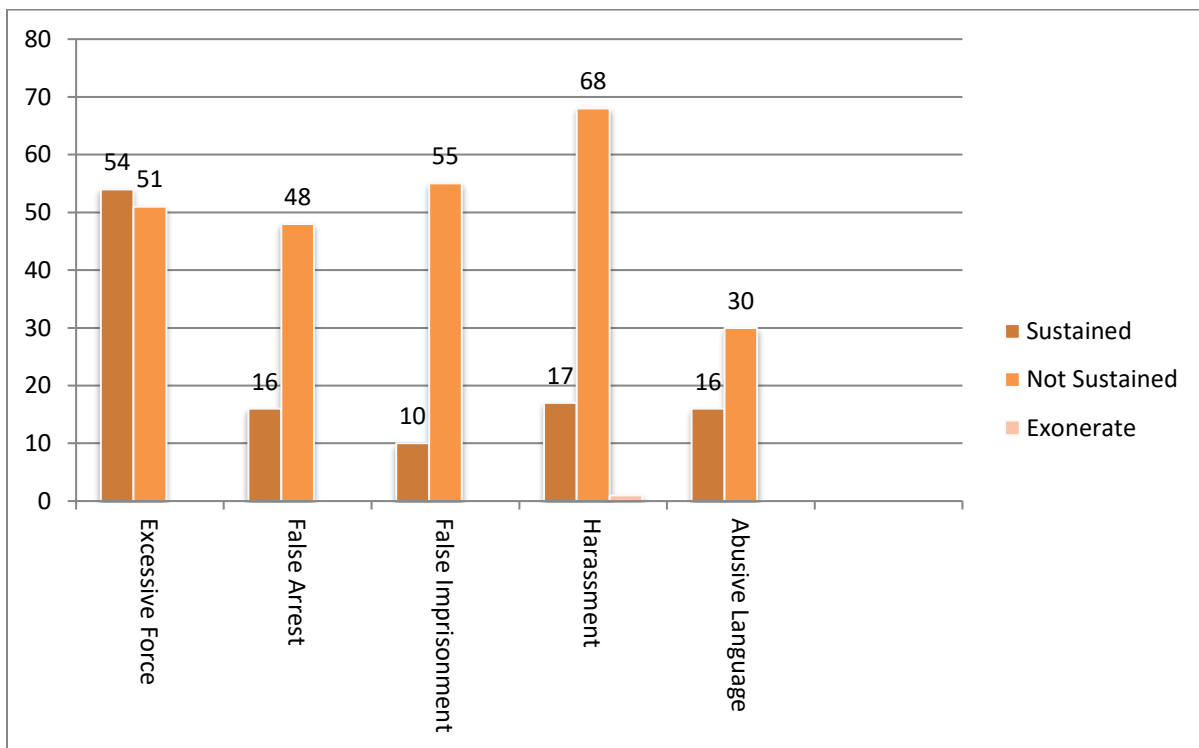
	Allegations	Complaints	Officers
Sustained	113	52	82
Not Sustained	252	71	137
Exonerated	1	1	1
Unfounded	0	0	0

Totals for complaints and officers will differ from totals listed above, as one complaint may have both sustained and not sustained allegations, and one officer may also have both sustained and not sustained allegations.



CRB Findings by Allegation

	Sustained	Not Sustained	Exonerated	Total
Excessive Force	54	51	0	105
False Arrest	16	48	0	64
False Imprisonment	10	55	0	65
Harassment	17	68	1	86
Abusive Language	16	30	0	46
Total	113	252	1	366



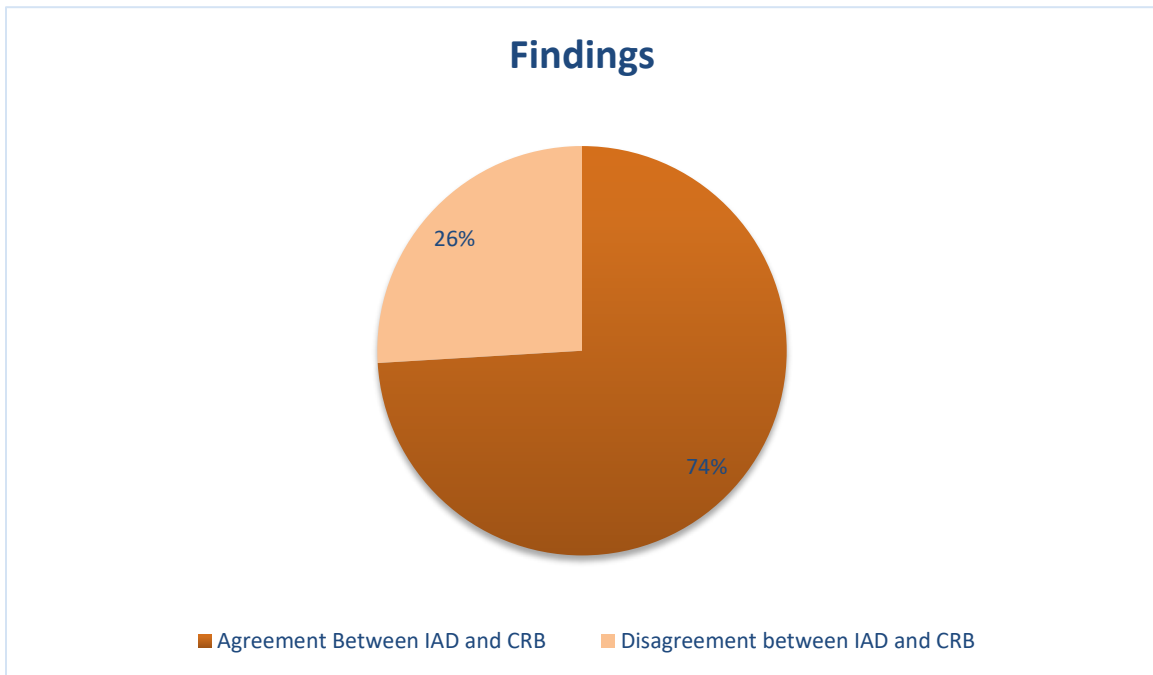
Board Findings vs. IAD Findings

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 95 allegations in 44 complaints, for a total of 26% of all allegations reviewed.

Allegations	Civilian Review Board	IID
Sustained	113	18
Did Not Sustain*	253	348
Percent of CRB Eligible Allegations Sustained	30.8%	5%

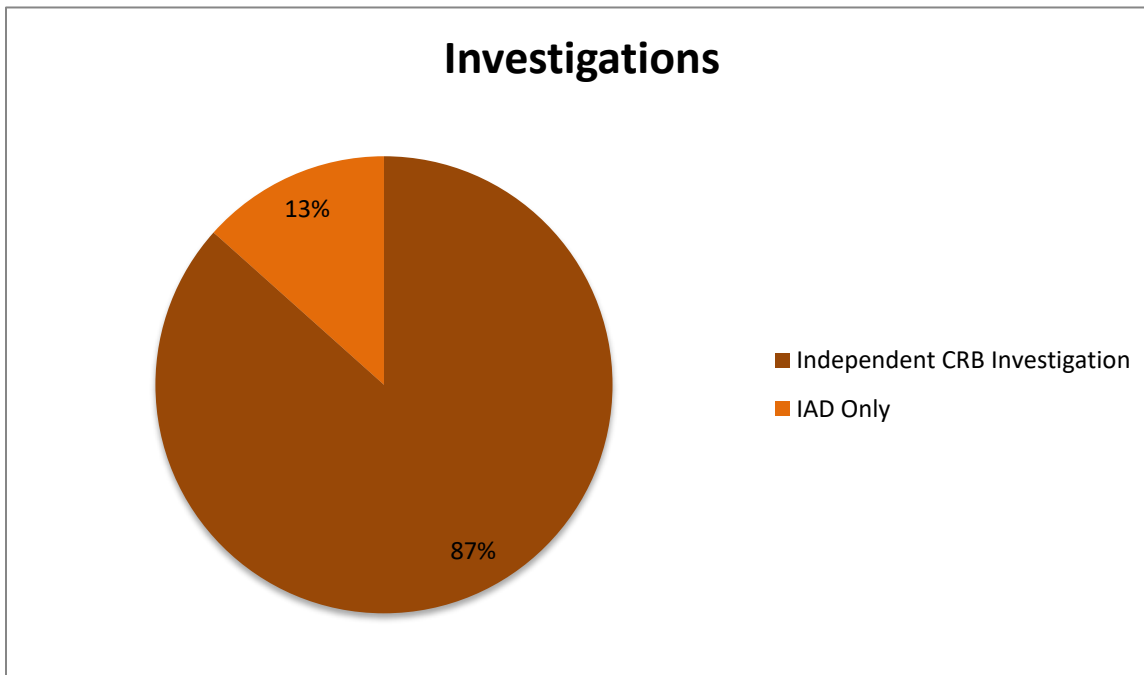
*Includes findings of Not Sustained, Exonerated, Unfounded, and Administratively Closed.

Allegations	# of Allegations	% of Allegations
Agreement in Finding Between CRB and IID	271	74%
Disagreement in Finding Between CRB and IID	95	26%



Independent CRB Investigations vs. IID Only Investigations Reviewed

Total Cases Reviewed	
Concurrent CRB and IID Investigations	97
IID Only Investigations	15



Closure Types by Complaint

Administratively Closed	85
Reviewed by the Board	112

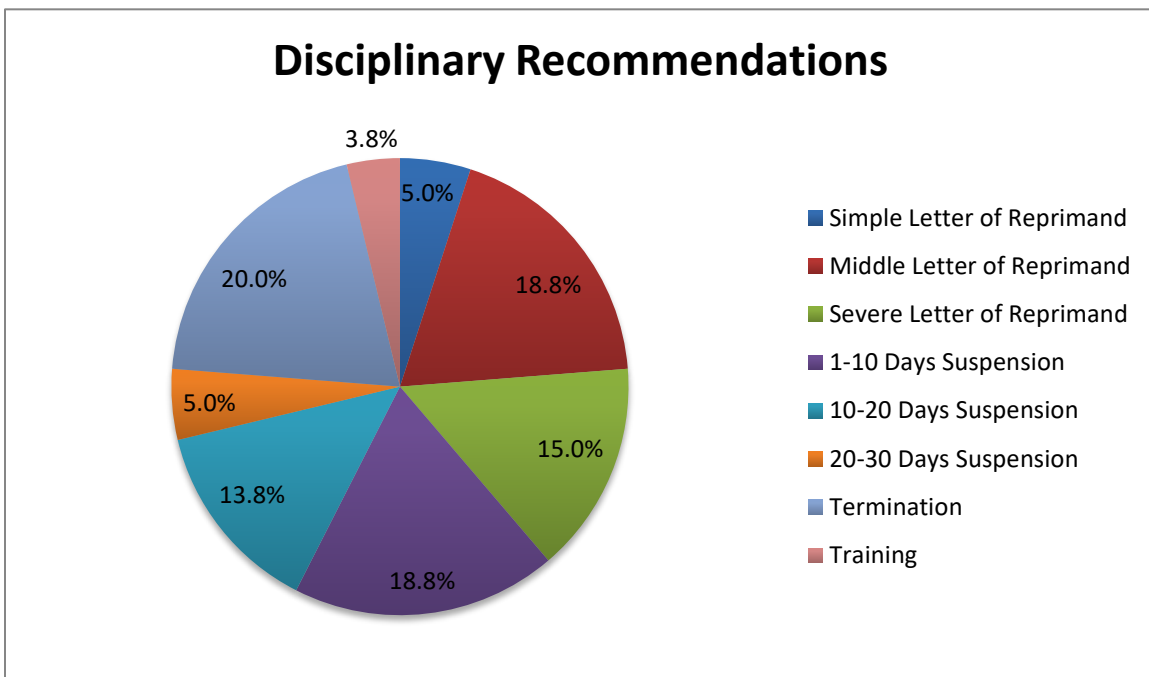
Administrative Closure Reasons

Complaints	
Discovered to be out of jurisdiction during investigation	27
Passed 1 year Statute of Limitations before Board could review	17
Complaint Authorized on a Non-Compliant Form	30
Complainant Withdrew	2
Complainant Uncooperative	9
Total	85

Disciplinary Recommendations

When a complaint is sustained, the Board may make disciplinary recommendations to the Police Commissioner.

	Recs made in # of complaints
Simple Letter of Reprimand	4
Middle Letter of Reprimand	15
Severe Letter of Reprimand	12
1-10 Days Suspension	15
10-20 Days Suspension	11
20-30 Days Suspension	4
Termination	16
Additional Training	3



III. Officers with Multiple Complaints

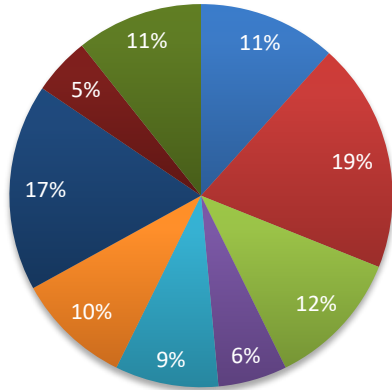
Complaints against these officers constituted a total of 8% of the total complaints for this reporting period.

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

IV. District Specific Data By Complaints

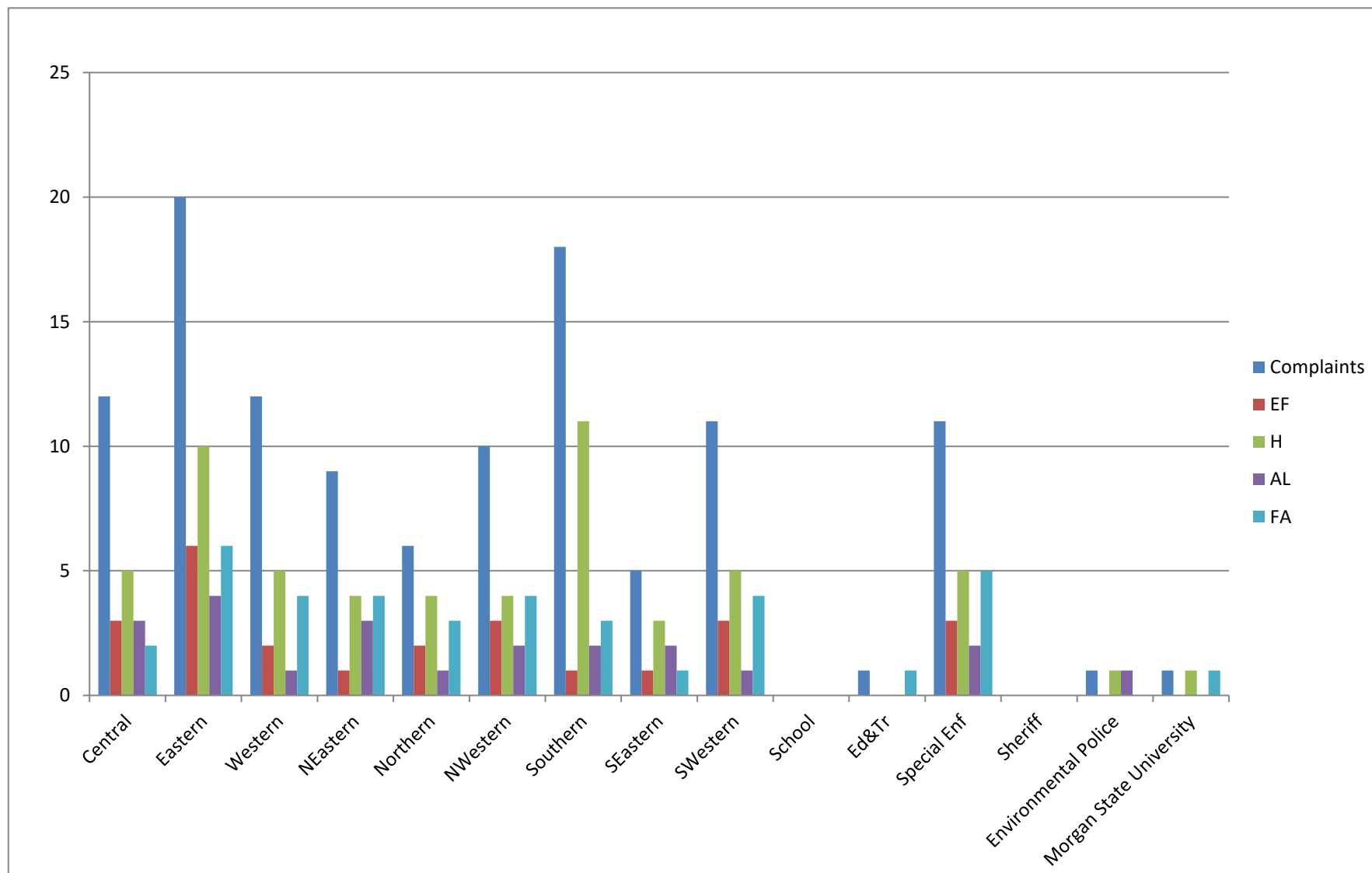
	Complaints	EF	H	AL	FA	FI
Central	12	3	5	3	2	2
Eastern	20	6	10	4	6	7
Western	12	2	5	1	4	6
NEastern	9	1	4	3	4	4
Northern	6	2	4	1	3	2
NWestern	10	3	4	2	4	5
Southern	18	1	11	2	3	3
SEastern	5	1	3	2	1	1
SWestern	11	3	5	1	4	3
Unknown	58	13	27	19	16	10
School	1	1	1	1	0	0
Ed&Tr	1	0	0	0	1	1
Special Enf	11	3	5	2	5	5
Sheriff	0	0	0	0	0	0
Environmental Police	1	0	1	1	0	0
Morgan State University	1	0	1	0	1	1
Total	176	39	86	42	54	50

Complaints By District (where district is known)



■ Central ■ Eastern ■ Western ■ Northern ■ Northeastern
■ Northwestern ■ Southern ■ Southeastern ■ Southwestern

District Specific Data



Conclusion

The following standout data points are noteworthy in this report:

- The most commonly named allegation for this reporting period was **Harassment**, making up **32%** of allegations in new complaints for this reporting period.
- Complaints against **officers with 3 or more complaints** made up **8%** of the total number of complaints received.
- Besides complaints with unidentified district origins, **Eastern District** received the highest number of total complaints in the report period.
- The Board authorized an **independent CRB investigation** for **92%** of the complaint within its jurisdiction.
- **Excessive force** was the most sustained allegation of the reporting period, for a total of **47.8%** of all sustained allegations.
- The Board's most common disciplinary recommendation was **termination**, making up **20%** of the Board's disciplinary recommendations.
- There was a **disagreement in finding between CRB and IAD** in **26%** of all allegations reviewed.

Direct any questions to:

Jill P. Carter, Deputy Director, Office of Civil Rights
Jill Muth, Special Assistant to the Civilian Review Board

410-396-3151

civilrights@baltimorecity.gov

Appendix A

PARK POLICE**§ 16-40. Status in Police Department.**

Any person who became a member of the Baltimore City Police Department as a result of the merger of the Park Police, a Division of the Department of Recreation and Parks, of the City of Baltimore, with the Police Department shall be deemed to have been a member of the Baltimore City Police Department for the period such person was employed as a member of the said Park Police Division; and the period of each person's employment time spent with the Park Police Division prior to the effective date of the merger on January 1, 1961, shall be held to have been spent in the service of the Baltimore City Police Department for purposes of probationary period, seniority rating, length of service for compensation, or additional compensation, eligibility for promotion and all other purposes except eligibility for membership in the Special Fund for Widows; and each person shall continue in the rank attained in the Park Police Division during his tenure in the Baltimore City Police Department, until promoted, reduced, retired, dropped, dismissed, or otherwise altered, according to law, and in the same manner as other members of the Baltimore City Police Department. Any person who is a member of the Baltimore City Police Department shall be given credit for all the purposes aforesaid for all time spent as a member of the said Park Police Division. (*P.L.L., 1969, §16-40.*) (*1961, ch. 290.*)

CIVILIAN REVIEW BOARD**§ 16-41. Definitions.**(a) *In general.*

In this subheading the following words have the meanings indicated.

(b) *Abusive language.*

“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.

(c) *Excessive force.*

(1) “Excessive force” means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.

(2) “Excessive force” does not include force that is reasonably necessary to effect a lawful purpose.

(d) *False arrest.*

“False arrest” means an arrest made without legal justification.

(e) *False imprisonment.*

“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.

(f) *Harassment.*

(1) “Harassment” means:

(i) repeated or unwarranted conduct that is intended to be overtly demeaning, humiliating, mocking, insulting, or belittling; or

(ii) any conduct that is intended to cause unnecessary physical discomfort or injury.

(2) “Harassment” does not include conduct that is reasonably necessary to effect a lawful purpose.

(g) *Law enforcement unit.*

“Law enforcement unit” means:

(1) the Police Department of Baltimore City;

(2) the Baltimore City School Police;

(3) the Housing Authority of Baltimore City Police;

(4) the Baltimore City Sheriff’s Department;

(5) the Baltimore City Watershed Police Force;

(6) the police force of the Baltimore City Community College; or

(7) the police force of Morgan State university.

(h) *Police officer.*

“Police officer” means a member of a law enforcement unit authorized to make arrests. (1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499; 2015, ch. 130.)

§ 16-42. Board established; jurisdiction; notice of procedures; training.

(a) *Board established.*

The Civilian Review Board of Baltimore City is established to provide a permanent, statutory agency in Baltimore City through which:

(1) complaints lodged by members of the public regarding abusive language, false arrest, false imprisonment, harassment, or excessive force by police officers of a law

enforcement unit shall be processed, investigated under § 16-46 of this subheading, and evaluated; and

(2) policies of a law enforcement unit may be reviewed.

(b) *Board jurisdiction.*

Jurisdiction of the Board shall extend only to complaints against police officers with respect to abusive language, false arrest, false imprisonment, harassment, and use of excessive force as defined in § 16-41 of this subheading and by the law enforcement unit's rules and regulations.

(c) *Public notice.*

A law enforcement unit shall place posters in all law enforcement unit stations and elsewhere throughout the City to explain the procedure for filing a complaint.

(d) *Notice to officers.*

An explanation of the Board's complaint procedures shall be made to all police officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new police officers.

(e) *Training Board members.*

Each member of the Board shall receive training on the issues of abusive language, false arrest, false imprisonment, harassment, and excessive force.

(1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499.)

§ 16-43. Composition; officers; meetings; staff.

(a) *Composition of Board.*

(1) The Board is composed of:

(i) one member of the public from each of the nine police districts in Baltimore City selected by the Mayor, subject to the advice and consent of the City Council;

(ii) one representative of the Fraternal Order of Police;

(iii) one representative of the Vanguard Justice Society;

(iv) the Commissioner or the Commissioner's designee;

(v) one representative of the American Civil Liberties Union of Maryland; and

(vi) one representative of the Baltimore City Branch of the National Association for the Advancement of Colored People.

(2) Each public member of the Board:

- (i) shall be a voting member of the Board; but
- (ii) may not be a current employee of a municipal, county, state, or federal law enforcement agency.

(3) Each voting member of the Board shall be a resident of Baltimore City.

(b) *Officers.*

At its first meeting each year, the Board shall elect a Chairman and Secretary.

(c) *Meetings — frequency.*

- (1) The Board shall meet as often as necessary to perform its functions and duties, but it shall meet at least once a month.
- (2) Each year at least four meetings of the Board shall be held in locations rotated throughout different police districts in the City.

(d) *Meetings — quorum; voting.*

- (1) The Board shall determine what constitutes a quorum.
- (2) In all matters where a quorum is present, a majority of the voting members of the Board shall prevail.

(e) *Terms; voting status.*

- (1) The term of a public member of the Board appointed under subsection (a)(1)(i) of this section is 3 years.
- (2) (i) The terms of the public members are staggered as required by the terms provided for the public members of the Board on October 1, 1999.
 - (ii) A public member of the Board is not eligible to serve for more than two full successive terms.
- (3) At the end of a term, a public member appointed under subsection (a)(1)(i) of this section continues to serve until a successor is appointed and qualifies.
- (4) A public member who is appointed under subsection (a)(1)(i) of this section after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (5) A member who is appointed under subsection (a)(1)(ii), (iii), (iv), (v), or (vi) of this section shall serve in a nonvoting advisory capacity.

(f) *Staff.*

(1) The Mayor of Baltimore City shall assign staff to the Board for the periodic meetings of the Board from the Office of the City Solicitor and the Community Relations Commission.

(2) Baltimore City may hire an independent administrator to serve the Board.

(1999, chs. 196, 197; 2015, ch. 130.)

§ 16-44. Filing complaints.

(a) *Where filed.*

An individual who claims to have been subjected to or witnessed an act of abusive language, false arrest, false imprisonment, harassment, or excessive force, or injury allegedly resulting from excessive force caused by a police officer, may file a complaint at

the Office of the Internal Investigative Division,

the Legal Aid Bureau,

the Maryland Human Relations Commission,

the Baltimore Community Relations Commission, or

at any of the police district stations.

(b) *When filed.*

(1) Except as provided in paragraph (2) of this subsection, a complaint shall be made within 1 year of the action giving rise to the complaint.

(2) A complaint for excessive force shall be made within 90 days of the alleged act of excessive force.

(c) *Form.*

(1) (i) The complaint shall be reduced to writing on a form authorized by the Board, signed by the complainant, and witnessed by a notary public.

(ii) In addition to the requirements of subparagraph (i) of this paragraph, a complaint for excessive force shall be sworn to by the complainant.

(2) The complaint shall include:

(i) the name of the complainant;

(ii) if known, the name of the police officer allegedly involved;

(iii) the date, time, and place of the alleged misconduct;

- (iv) the circumstances of the alleged misconduct; and
- (v) an explanation of the alleged misconduct that is deemed to be wrongful.

(d) *Referral to IID and Board Secretary.*

One copy of the completed form shall be retained by the recipient of the complaint and a copy given to the complainant. A copy shall be sent within 48 hours to the Internal Investigative Division and the Secretary of the Board.

(e) *Docketing; referral to Board members.*

The Secretary of the Board shall assign a consecutive number to each complaint, and within 48 hours, shall send a copy to each member of the Board. The Secretary shall also maintain on file a record of each complaint.

(1999, chs. 196, 197; 2006, ch. 499.)

§ 16-45. Investigations.

(a) *IID to investigate within 90 days.*

The Internal Investigative Division shall make a comprehensive investigation of each complaint and submit its Internal Investigative Division Report relating to the incident alleged to the Board within 90 days from the date of the complaint.

(b) *Extension.*

For good cause shown, the Board may extend the time allowed to complete the report required under subsection (a) of this section.

(1999, chs. 196, 197.)

§ 16-46. Board proceedings.

(a) *Board review of complaint.*

- (1) The Board shall review all complaints alleging police misconduct described in § 16-42(a)(1) of this subheading.
- (2) The Board may investigate, simultaneously with the Internal Investigative Division, each complaint it deems appropriate and report its findings to the Internal Investigative Division.

(b) *Witnesses and records.*

- (1) The Board may issue a subpoena, signed by the Chairman of the Board, to compel:
 - (i) the attendance and testimony of a witness other than the accused officer; and
 - (ii) the production of any book, record, or other document.

- (2) If a person fails to comply with a subpoena issued under this subsection, on petition of the Board, a court of competent jurisdiction may compel compliance with the subpoena.
 - (3) A police officer may submit a witness list to the Board 10 days or more before the Board takes testimony.
 - (4) The Chairman or the Secretary of the Board may administer oaths in connection with any proceeding of the Board.
 - (5) The police officer or the police officer's representative shall have the right to question witnesses who testify about the complaint.
 - (6) All witness testimony shall be recorded.
- (c) *Board review of report; recommendations.*
- (1) The Board shall review the Internal Investigative Division's Report.
 - (2) On review of the Internal Investigative Division Report and the Board's investigative report, if any, of each case, the Board shall recommend to the head of the appropriate law enforcement unit one of the following actions:
 - (i) sustain the complaint and may recommend the appropriate disciplinary action against the police officer;
 - (ii) not sustain the complaint;
 - (iii) exonerate the police officer;
 - (iv) find that the complaint is unfounded; or
 - (v) require further investigation by the Internal Investigative Division.
- (d) *Submission to unit head.*

The Board shall submit a statement of its findings and recommendations to the head of the appropriate law enforcement unit within 30 days of receipt of the Internal Investigative Division Report.

(1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499.)

§ 16-47. Penalty for false statements, etc.

Any person who knowingly makes a false statement, report, or complaint in the course of an investigation by the Internal Investigative Division or the Board conducted under the provisions of this subheading is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6 months or both.

(1999, chs. 196, 197.)

§ 16-48. Final decision by unit head.

(a) *Consideration of Board recommendation.*

The head of the appropriate law enforcement unit has final decision-making responsibility for the appropriate disciplinary action in each case, but the head of the appropriate law enforcement unit may not take final action until after reviewing the recommendation of the Board under § 16-46(c)(2) of this subheading.

(b) *Expungement or records.*

If a complaint is not sustained or the police officer is exonerated, on written request by the police officer sent to the Board, the Board shall expunge all records of the complaint.
(1999, chs. 196, 197; 2000, ch. 290.)

§ 16-49. Rights preserved.

The procedures established under this subheading may not be construed to abrogate any constitutional, statutory, or common law right of:

- (1) a police officer against whom a complaint is filed; or
- (2) the complainants, investigators, or witnesses who participate in the complaint procedure under this subheading.

(1999, chs. 196, 197.)

§ 16-50. Disciplinary proceeding unaffected.

The procedures established under this subheading may not be construed to affect or change the methods and procedures for suspension or dismissal of police officers.
(1999, chs. 196, 197.)

§ 16-51. Officer’s right to notice and hearing.

A police officer may not be penalized or affected adversely in any way as a result of the procedures established under this subheading without having been first afforded proper written notice of the charges lodged against the officer and the right to a hearing before the Police Trial Board in accordance with due process of law.
(1999, chs. 196, 197.)

§ 16-52. Records.

(a) *Names to be kept confidential.*

Records containing the names or identification of complainants, investigators, and witnesses may not be disclosed or released to the public.

(b) *Records maintenance.*

(1) The Internal Investigative Division shall retain sole custody of an Internal Investigative Division Report.

(2) Except for an Internal Investigative Division Report, the Board shall be the custodian of all records of a proceeding for a complaint under this subheading, including personal notes, audio recordings, memoranda, letters, and forms resulting from a complaint and proceedings before the Board involving the complaint.

(1999, chs. 196, 197.)

§ 16-53. Rules and regulations.

Subject to the provisions of this subheading, the Board may adopt reasonable and proper regulations to govern its procedures.

(1999, chs. 196, 197.)

§ 16-54. Semiannual statistical report.

(a) *Board to publish.*

The Board shall prepare and publish a semiannual statistical report regarding the complaints processed under this subheading.

(b) *Submission.*

The Board shall submit the report semiannually to the Mayor and City Council of Baltimore City and the Commissioner.

(1999, chs. 196, 197.)

Appendix B

VICTIM INFORMATION (If different from person completing this form)

22. Victim's Name (First, MI, Last)		23. Home Address		24. City	25. State	26. Zip
<input type="checkbox"/> The person completing this form is the victim. (Skip to Officer Information Section, page 2.)		Same as Mailing <input type="checkbox"/> Yes <input type="checkbox"/> No				
27. Date of Birth (MM/DD/YYYY)		28. Age	29. Race/Ethnicity	30. Gender/Gender Identity		
31. Contact Number <input type="checkbox"/> Mobile <input type="checkbox"/> Home <input type="checkbox"/> Other		32. Other Contact Number <input type="checkbox"/> Mobile <input type="checkbox"/> Home <input type="checkbox"/> Other		33. Email Address		
34. Was the victim directly involved in the incident? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know		35. Was the victim arrested during the incident? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know		36. Did the victim receive a ticket and/or summons for this incident? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know		
37. Was the victim physically injured during the incident? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know		38. If physically injured, was medical attention provided? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know				
39. If the victim was physically injured, please briefly describe the injury and how it occurred in this box and in the Narrative Statement, which begins on Page 4:						
<hr/> <hr/>						

OFFICER INFORMATION

34. Officer's Name (First, MI, Last)		35. <input type="checkbox"/> On Duty <input type="checkbox"/> Off Duty <input type="checkbox"/> Unknown		36. <input type="checkbox"/> Uniformed <input type="checkbox"/> Plainclothes		37. <input type="checkbox"/> Marked Vehicle <input type="checkbox"/> Unmarked Vehicle <input type="checkbox"/> Other	
38. Police Department/Unit							
<input type="checkbox"/> Baltimore Police Department	<input type="checkbox"/> Baltimore Sheriff's Office	<input type="checkbox"/> Baltimore Public Schools Police	<input type="checkbox"/> Baltimore Environmental Police	<input type="checkbox"/> Baltimore City Community College Police	<input type="checkbox"/> Morgan State University Police	<input type="checkbox"/> Other	
39. Age	40. Race/Ethnicity	41. Gender/Gender Identity	42. Badge#	43. Rank			
44. Name(s) or Description(s) of Other Officer(s) Involved:							
<hr/> <hr/>							

WITNESS INFORMATION

45. Witness's Name (First, MI, Last)	46. Home Address Same as Mailing <input type="checkbox"/> Yes <input type="checkbox"/> No	47. City	48. State	49. Zip
50. Date of Birth (MM/DD/YYYY)	51. Age	52. Race/Ethnicity	53. Gender/Gender Identity	
54. Contact Number <input type="checkbox"/> Mobile <input type="checkbox"/> Home <input type="checkbox"/> Other	55. Alternate Contact Number <input type="checkbox"/> Mobile <input type="checkbox"/> Home <input type="checkbox"/> Other	56. Email Address		

MEDIATION

Are you interested in mediating this complaint? Mediation offers a safe space for complainants and police officers to discuss and resolve the complaint in a fair and impartial way by creating understanding and actively participating in finding a solution. **Please be advised, if mediation is successful, no disciplinary action will be taken against the police officer.**

57. <input type="checkbox"/> Yes , I am interested in mediating this complaint	58. <input type="checkbox"/> No , I am not interested in mediating this complaint	59. <input type="checkbox"/> I do not know /I need more information about mediation
---	--	--

SIGNATURE OF COMPLAINANT

I understand that this statement will be submitted to the Civilian Review Board and the relevant Police Department, and will be the basis for an investigation. The facts contained in my narrative statement are true to the best of my knowledge and belief. In addition, I declare and affirm that I have given my statement voluntarily and without persuasion, coercion, or promise of any kind.

60.

Please Print Name: _____

Signature: _____

Date: _____

FOR OFFICE USE ONLY

a. CRB Complaint Number:	b. Date Complaint Form Received:
c. Complaint Taken By:	d. Complaint Filed By (circle): Visit Phone Online Mail Other
e. Complaint Type(s) (circle): EF FA FI H AL Other Unknown Unintelligible	f. Complaint Related to Active CRB Complaint (circle): Yes No If yes, CRB Complaint Number: _____

Appendix C

FIFTEEN RECOMMENDATIONS TO MAKE
THE CIVILIAN REVIEW BOARD
EFFECTIVE: A PRELIMINARY REPORT TO
THE COMMUNITY OVERSIGHT TASK
FORCE

The Baltimore City Office of Civil Rights – Jill P. Carter, Director
7 E. Redwood Street, 9th Fl. Baltimore, MD 21202
410.396.3151

THE BALTIMORE CITY OFFICE OF CIVIL RIGHTS
Preliminary Report to the Community Oversight Task Force
November 2, 2017

A. Introduction

Since its creation in 1999, numerous structural barriers have blocked the Civilian Review Board's (Board) ability to play a meaningful role in the process of investigating police misconduct and improving police policy in Baltimore City.

At the root of these barriers is the Law Enforcement Officers' Bill of Rights (LEOBR)ⁱ – a state law created in 1974 that broadly defines the formal process through which police officers are to be investigated and disciplined for misconduct.

Unfortunately, the law completely excludes civilian oversight from the investigation stage of the process. It does this by restricting who can investigate and interrogate officers accused of conduct that may lead to discipline. Under LEOBR § 3-104(b), only sworn officers or the state's Attorney General can do so; civilians cannot, which means the Board cannot.

This exclusion, which has been woven into the fabric of the Board's enabling statuteⁱⁱ and police labor contracts, both explicitly and implicitly, has created a restrictive legal regime that consigns the Board to the role of outsider looking in. The cumulative effect has been a statutorily weak, chronically under-resourced Board dependent on the Baltimore Police Department (BPD) to function, as well as a justified public perception that the Board is a "Toothless Tiger" with little to no influence.

In order to alter the status quo and shift the prevailing paradigm, a number of legislative changes must occur, and soon. Below are 15 preliminary recommendations identified by the Office of Civil Rights to help ensure Baltimore City has the kind of civilian oversight that is strong, durable, and reliable for decades to come.ⁱⁱⁱ The Community Oversight Taskforce should strongly consider using these recommendations as a guide and including them in its final report.

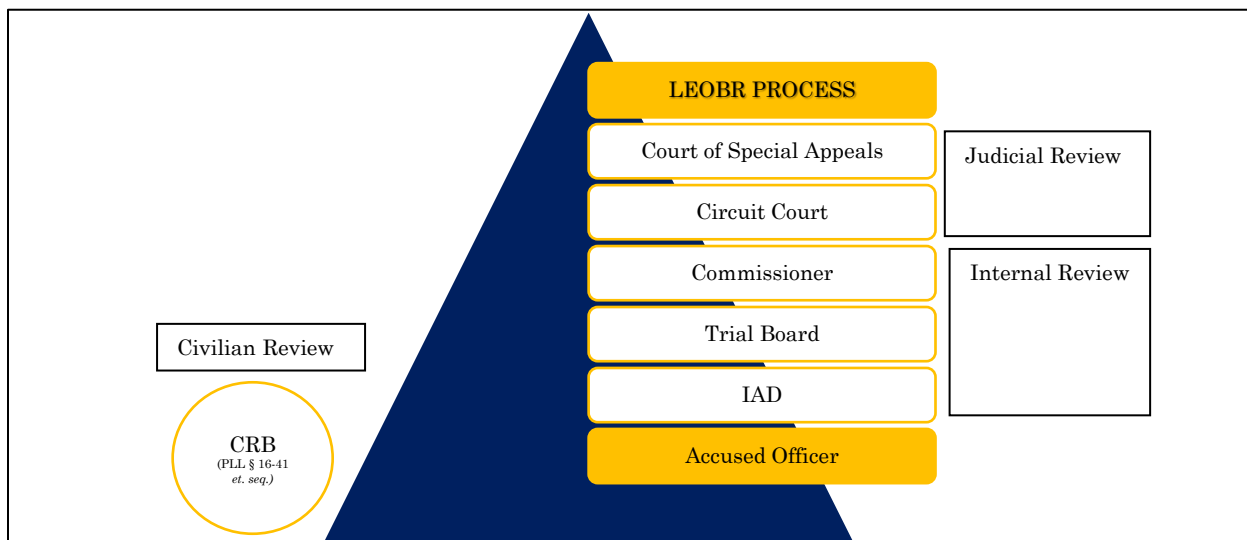
The Office of Civil Rights thinks the implementation of these recommendations will accomplish at least three important things: (1) integrate civilian oversight into the formal disciplinary process, thereby making community review an integral part of police accountability in Maryland; (2) strengthen the Board's authority by expanding its powers and duties, and increasing its funding and staffing to effectively carry out those duties; and (3) limit the police union's power to constrict the effectiveness of civilian oversight through the bargaining process.

It is important to note that all 15 recommendations are linked inextricably and must be addressed together. They set the foundation upon which all progress rests. Little to no change in these areas means little to no change in the status quo. And as we are reminded by the U.S. Justice Department's 2016 findings report, the status quo for many in Baltimore is unjust and therefore unacceptable.

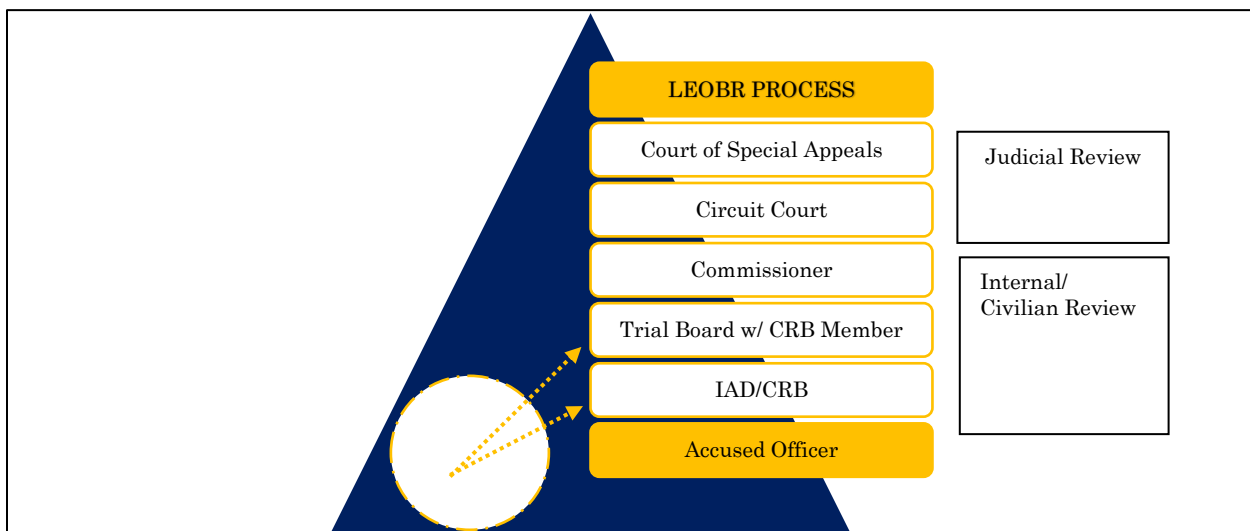
B. Loosen the Restrictive Legal Regime

1. **The LEOBR excludes civilian oversight from the formal disciplinary process.** LEOBR §§ 3-104(b), 3-107(a), 3-107(c)(1)(i) and 3-107(c)(5)(i). Recommendation: Propose an amendment to include civilian oversight personnel on the list of individuals authorized to investigate and interrogate officers accused of misconduct. Also, propose amendments to require that Trial Boards include not less than two (2) voting members who are elected or appointed members of a civilian oversight body. This change will add a civilian component to both the investigation stage and trial board stage of the process. This will also resolve a provision in the collective bargaining agreement, Article 16(D), which forbids civilians from serving on Trial Boards.

Current LEOBR Process: Civilian Oversight Excluded



Proposed LEOBOR Process: Civilian Oversight Included



2. **The Board’s enabling statute excludes too many allegations from its subject matter jurisdiction, capping the number to just five – excessive force, false arrest, false imprisonment, harassment and abusive language.** PLL § 16-42(b). Recommendation: Propose an amendment to expand the Board’s subject matter jurisdiction to include all complaint types lodged by members of the public against police officers. Additional allegations should include but not be limited to: coercion, conduct unbecoming an officer, death or serious bodily injury in custody, firearm discharge, failure to wear or display required identification, improper search and seizure, inappropriate language, neglect of duty, pattern or practices of misconduct, retaliation, taser discharge resulting in death or serious bodily injury, unlawful denial or access to counsel, and unnecessary force.
3. **The Board’s enabling statute creates a duplicative and inefficient investigative process by giving the Board and BPD “concurrent jurisdiction” over the few allegations the Board can investigate.** PLL §§ 16-45(a) and 16-46(a)(2). Recommendation: Propose an amendment to provide the Board “original jurisdiction” over all complaints within its authority to investigate. This means that in combination with Recommendations 1 and 2, the Board will have sole authority to investigate all complaints filed by members of the public and make findings and recommendations that are binding at the investigation stage of the process. Consequently, the Board will replace BPD’s Internal Affairs Division (IAD) as the formal investigator of external complaints. IAD’s mission will shift to investigating and addressing issues pertaining to BPD’s internal affairs only.
4. **The Board’s enabling statute fails to provide a way that disparate findings between the Board and BPD’s Internal Affairs Division (IAD) can be independently resolved.** Recommendation: In case the Board is not granted “original jurisdiction” per Recommendation 3 and must continue conducting investigations concurrent to IAD, also propose an amendment to require that an independent arbiter resolve disparate findings between the Board and IAD. The current process is dictated by BPD and biased in favor of IAD findings.^{iv}
5. **The Board’s enabling statute forecloses the Board’s ability to accept complaints filed anonymously or through various methods by attaching strict form requirements to complaints filed with the Board.** PLL § 16-44(c). Recommendation: Propose an amendment to grant the Board authority to accept and act upon complaints filed anonymously and by various means, including by telephone, email, letter, electronic form, etc.
6. **The Board’s enabling statute denies the Board authority to initiate investigations. The Board’s authority is triggered only when a complaint is filed.** PLL § 16-42(b). Recommendation: Propose an amendment to provide the Board authority to unilaterally initiate investigations into certain incidents, including those where no misconduct complaint is filed. Such incidents should include but not be limited to: officers discharging firearms in a manner that potentially could strike another individual; discharging a stun gun or taser in a manner that results in death or serious bodily injury; or the use of other weapons, including the use of equipment as a weapon that results in death or serious bodily injury. The Board should also

have authority to unilaterally investigate all incidents of an officer-involved or in-custody death.

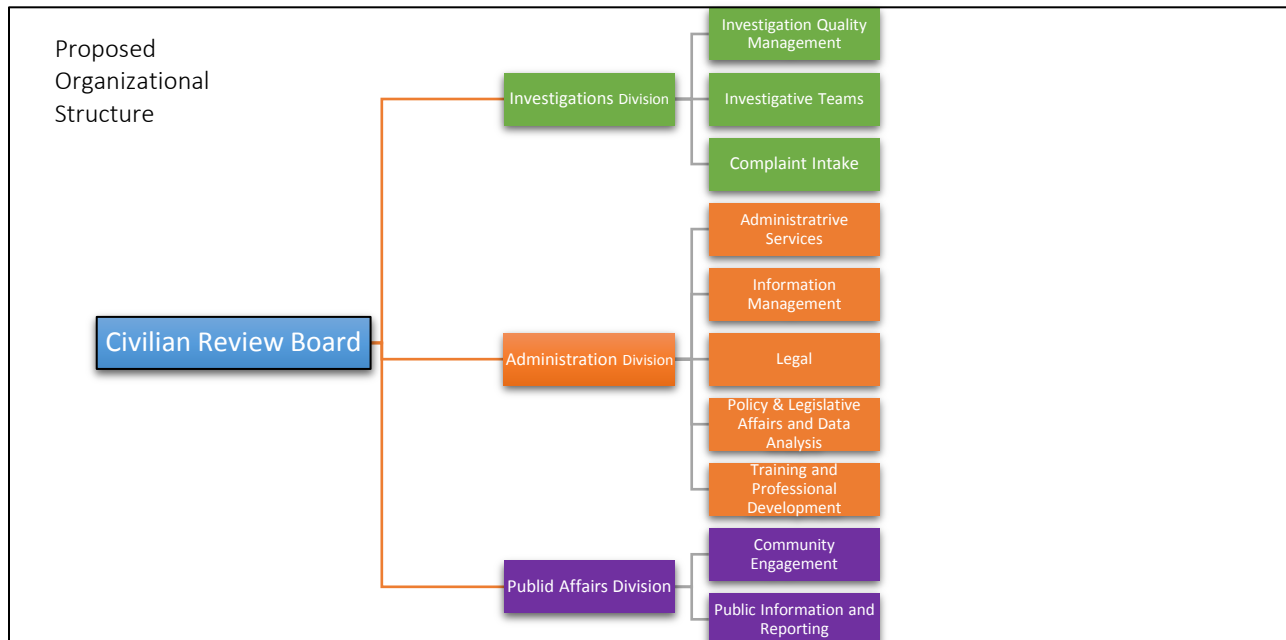
7. **The Board's enabling statute fails to grant the Board authority to compel cooperation of accused officers with its investigations and/or proceedings.** PLL § 16-46(b)(1)(i). Recommendation: Propose an amendment to require every officer, employee, department, and agency of the city to cooperate in Board investigations and proceedings. Provide that failure to cooperate is subject to discipline, including but not limited to release from employment.
8. **The Board's enabling statute fails to grant the Board access to information needed to conduct independent and thorough investigations.** PLL § 16-45(a). Recommendation: Propose an amendment to provide the Board full and timely access to all evidence and information in the possession or control of BPD, and any other city department or agency, for the purpose of conducting investigations within the Board's jurisdiction.
9. **The Board's enabling statute fails to require BPD to respond in any way to Board correspondence concerning its recommendations or other matters of import.** PLL § 16-48(a). Recommendation: Propose an amendment requiring the Police Commissioner (or designee) to respond in writing to Board concerns and recommendations – whether advising officer discipline, counseling or training, or proposing changes to departmental policies – within 60 calendar days of the date of receipt.
10. **The Board's enabling statute fails to require BPD to notify the Board of final disciplinary actions taken against officers.** PLL § 16-48. Recommendation: Propose an amendment to require the Police Commissioner to notify the Board of BPD's final disciplinary actions against officers within 48 hours of the decision. This will resolve a provision in the current collective bargaining agreement, Article 16 (K), which prevents BPD from sharing such information with the Board.
11. **The LEOBR and the Board's enabling statute prevent the Board from viewing officer performance holistically by allowing the expungement of formal complaints from officer records.** LEOBR § 3-110(a)(2) and PLL § 16-48(b). Recommendation: Propose an amendment to LEOBR and the enabling statute prohibiting the expungement of formal complaints from officer records, regardless of the finding. This will enable the Board to capture the most holistic picture of an officer's performance when evaluating complaints and considering discipline, counseling, training, or even commendation. The change will also close the expungement loophole created by an attachment to the collective bargaining agreement, Addendum D, which creates a process that allows a finding of misconduct to be transformed into a finding of no misconduct, thereby making the complaint against the officer eligible for removal from their record.^v
12. **The Board's enabling statute allows police labor contracts to shape its provisions and therefore its power.** Recommendation: Propose the inclusion of a provision that requires all collective

bargaining agreements to be in accord with the enabling statute’s policy, which should be to ensure that complaints made by members of the public concerning police misconduct and abuse are resolved timely, fairly and impartially.

C. Increasing the Board’s Funding and Resources

13. **The Board’s enabling statute fails to grant the Board an annual operating budget.** PLL § 16-43(f). Recommendation: Propose an amendment to guarantee the Board an annual operating budget, and that the budget totals not less than two and one-half percent (2.5 %) of BPD’s annual operating budget. This will provide the Board the steady funding necessary to carrying out its duties and have an impact over time. To note, the Fiscal 2017 Operating Budgets of BPD and the Board were approximately \$480,697,000 and \$556,000, respectively.^{vi} If this change were in effect today, the Board would have a minimum operating budget of approximately \$12,017,400 to recruit and retain talented personnel, procure much needed information and data management technology, etc.

14. **The Board’s enabling statute fails to grant the Board its own staff and set out an organizational structure that maximizes staff effectiveness.** PLL § 16-43(f). Recommendation: Propose an amendment to guarantee the Board its own staff, including but not limited to additional investigators and administrative staff, an independent administrator, and independent legal counsel to advise and represent the Board with respect to its investigations and subpoenas (see endnote viii for more positions).^{vii} The amendment should also incorporate the description of an organizational structure designed to maximize Board effectiveness (see proposed structure below).^{viii} In combination with Recommendation 14, this will not only protect Board staffing, it will protect against arbitrary organizational restructurings that inhibit Board effectiveness in overseeing the eighth-largest police force in the country.



15. **The Board’s enabling statute erects an unnecessary barrier to filling Board vacancies by imposing a dual-residency requirement on eligibility.** PLL §§ 16-43(a)(1)(i) and (a)(3). Recommendation: Propose an amendment to ease the historical burden of filling vacancies on the Board by either removing the dual-residency requirement or providing an exception to the requirement.^{ix} Currently, a Board member must be a resident of both Baltimore City and the police district in which he or she represents. For other boards and commissions in Baltimore City, residency within municipal boundaries is the only requirement.

D. Conclusion

The Office of Civil Rights believes these 15 preliminary recommendations (and other such changes), will fundamentally alter the trajectory of civilian oversight in both Maryland and Baltimore City for years to come, and narrow the current power imbalance between the Baltimore Police Department and the Civilian Review Board – an imbalance that at its base is structural in nature.

Implementation of these recommendations, which centers on amending LEOBR § 3-104(b) to formally include civilian oversight into the investigation stage of the disciplinary process, will swing the pendulum away from a statutorily weak, chronically under-resourced Board dependent on BPD to function, to a Board that is fundamentally independent,

resourced, and influential in the process of holding officers accountable and conforming police culture to the principles of community policing. This will enable the Board to rebuild itself internally and be well-positioned to successfully carrying out its intended purpose: To help enrich police-community relations in Baltimore City by improving police accountability and transparency.

It is the desire of the Office of Civil Rights that the Community Oversight Task Force – whose mandate it is to publish a report proposing recommendations that will improve the effectiveness of the Board – to strongly consider using these recommendations as a guide and including them in its final report. To leave in place the status quo is not an option.

ⁱ Maryland Code Annotate, Public Safety, §§ 3-101 – 3-113.

ⁱⁱ Code of Public Local Laws of Baltimore City (“PLL”) §§ 16-41 – 16-54.

ⁱⁱⁱ The Office of Civil Rights is in the process of drafting a more comprehensive report that may include additional recommendations. The timeline for completion of the comprehensive report is TBD.

^{iv} Prior to September 2017, BPD resolved differences in findings by first forwarding them to a legal consultant for evaluation. The consultant, who was hired without input or consultation of the Board or Office of Civil Rights, reviewed IAD’s casebook and then issued an opinion to the police commissioner, who made a final decision. The Board had no access to the opinion because IAD asserted it was protected by attorney-client privilege. Recently,

BPD fired the legal consultant and created a new process where such disputes are forwarded to the Baltimore Law Department, who will issue an opinion to the police commissioner for a final decision. IAD also asserts that said opinions are protected by attorney-client privilege and should not be provided to the Board.


^v Addendum D of the collective bargaining agreement states that if the legal affairs division recommends administrative closure of a sustained case, an administrative body (likely a hearing Board) will dismiss the case as "not viable for prosecution." Once this happens, the sustained finding "revert[s]" to a not sustained finding, making it "subject to the expungement provisions of the Law Enforcement Officers' Bill of Rights."

^{vi} The Board's budget was increased from \$555,998 in FY 2017 to \$608,727 in FY 2018 (+9.50%).

^{vii} As of November 2, 2017, the Board has a staff of five to carry out its affairs: Staff Supervisor Jesmond O. Riggins, Full-time Investigators Evangula Brown and Shaun Clark, Part-time Investigator Samantha Jeffrey, and Special Assistant Jill Muth-Sanders.

^{viii} The proposed organizational structure is identical to the City of Chicago's newly created civilian oversight agency – the Civilian Office of Police Accountability (or COPA). COPA is divided into three core components – Administration, Investigations, and Public Affairs. The Administration component includes the following personnel: a Chief Administrator, a 1st Deputy Chief Administrator, a Chief of Staff, an Executive Administrative Assistant, a Director of Administrative Services, a Director of Training and Professional Development, a Director of Information Systems, a Director of Public Policy and Legal Affairs, an Administrative Services Officer, Administrative Assistants, an Inquiry Aid, a Policy Analyst, Senior Information Analysts, Technical Support Admin, and others. Also a part of the Administration component is the Legal Division, which includes the following personnel: a General Counsel, a Supervising Staff Attorney, a Senior Litigation Counsel, Attorneys, a Supervising Paralegal, Paralegals, and a Clerk. The Investigations component includes the following personnel: Chief Investigators, Supervising Investigators, Major Case Specialists, Investigators, a Director of Quality Management, Quality Management Analysts, Evidence Specialists, Digital Forensic Analysts and Data Entry Operators. And the Public Affairs component includes the following personnel: a Deputy Chief Administrator/Public Information Officer, a Director of Community Outreach and Engagement, Senior Public Information Officers, and Community Case Liaisons.

^{ix} Eliminating or modifying this requirement will substantially widen the pool of talent and experience available to serve on the Board while also decreasing the likelihood of the Board losing quorum. The last time the Board lost quorum and the ability to function was in February 2017, when four Board members resigned within a few months' time. It was not until June 2017, four months later, that enough Board members were recruited and appointed to the Board to regain quorum. However, between February and June, a number of cases expired before the Board could render a finding. And although the new class of Board members began with nine candidates, three of them could not serve on the Board because it was discovered at the last minute that they lived on the boarder of the police district they were slated to represent. As of November 1, 2017, these seats were filled.

FROM	Name & Title	Jill P. Carter, Director <i>JPC</i>	CITY OF BALTIMORE MEMO	
	Agency Name & Address	Office of Civil Rights & Wage Enforcement Civilian Review Board 7 East Redwood Street, 9 th Floor, Baltimore, MD 21202 Phone (410) 396-3141 Fax: (410) 244-0176		
	Subject	Preliminary Report Addendum – Recommendations for the short-term		

To: The Community Oversight Task Force

Date: November 02, 2017

In recognition of the long-term goals set out in the Preliminary Report to improved civilian oversight in Baltimore City, the Office of Civil Rights also proposes five (5) recommendations that we believe the Task Force can push in the short term. We believe that with urging from the Task Force, these changes can be accomplished sooner rather than later. Here are the recommendations:

1. Propose that the City of Baltimore take all necessary steps to substantially increase the Civilian Review Board’s (Board) operating budget as soon as possible. Provide that the budget total not less than 2.5 percent of the Baltimore Police Department’s (BPD) operating budget. The Board will use these funds to capacity build – i.e., acquire staff, training, needed technology, etc.
2. Propose that BPD (and other law enforcement units) provide Board investigators with full and timely access to all relevant evidence and information in its possession or control that pertains to Board investigations.
3. Propose that BPD’s Internal Affairs Division (IAD) not change or create any internal process or policy in a way that impacts Board functions without Board input and agreement.
4. Propose that in cases where the Board and IAD render different findings and the Police Commissioner upholds the IAD finding, the Police Commissioner provide his/her reasoning to the Board in writing within 30 calendar days of the decision.
5. Propose that BPD work in collaboration with the Board to develop policies that (1) protect individuals from relation or harassment who have either filed a misconduct complaint or witnessed the alleged misconduct; (2) prevent all evidentiary materials associated with an investigation - whether audio, video, photographic, etc. – from being deleted or otherwise made unavailable by IAD for “lack of evidentiary value”; (3) allow Board access to the training records of officers who have received multiple complaints of misconduct; and (4) subject officers’ body worn camera history to auditing after an officer has received multiple misconduct complaints of the same type.