

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

November 16, 2017

Present at the meeting were Civilian Review Board members Bridal Pearson (Chair, Northern District), Blair Thompson (Southeastern District), Mel Currie (Southwestern District), Ebony Harvin (Southern District), Marcus Nole (Eastern District), George Buntin (Western District), and Leslie Parker Blyther (Central District).

Also present were:

Director Jill P. Carter, Director of the Office of Civil Rights
Jesmond Riggins, CRB Supervisor
Evangula Brown, CRB Investigator
Shaun Clark, CRB Investigator
Samantha Jeffrey, CRB Investigator
Amy Cruice, ACLU
Kristin Blumer, Law Department

Members of the public and community members were also present.

I. Welcome and Introduction of New Board Members

Chair Pearson welcomed everyone and called the meeting to order at 6:09. He recognized and introduced non-voting members of the Board and staff. He recognized the new Board members, who introduced themselves. He noted that the meeting was being broadcast via Facebook live.

II. Director's Report

Director Carter announced that the swearing in ceremony for the Civilian Review Board would take place Monday, November 20th at 5PM in City Hall.

She noted that staff had met with Community Oversight Task Force and published a list of preliminary recommendations, and noted that the COTF and Board members would need to meet and begin to work together as the process continued.

III. Approval of Minutes from October 19, 2017

Mel Currie noted some phrasing and grammatical edits. Bridal Pearson motioned to approve the minutes from October 19, 2017 with the requested amendments. Leslie Parker Blyther seconded, and all were in favor.

IV. Approval of Minutes from November 9, 2017

Mel Currie noted some phrasing and grammatical edits. Bridal Pearson motioned to approve the minutes from November 9, 2017 with the requested amendments. Leslie Parker Blyther seconded, and all were in favor.

V. New Complaints

Special Assistant Muth noted that Fred Jackson was not present and would provide his votes on Monday, November 20, so in the event that any cases would require a tiebreaking vote, Mr. Jackson would provide the information on Monday and the case would be assigned a final finding at that time.

CRB2017-0094 AL CRB

All members except for Leslie Parker Blyther voted CRB. Leslie Parker Blyther noted that this was an unfortunate case highlighting the negative community relations culture of the police department, but felt that investigators' resources were strained and wanted to consider their caseload, and make decisions based on the severity of the allegations. Director Carter advocated that the Board vote their conscience regardless of current caseloads, and noted that she was advocating for additional resources. The majority of votes were for CRB.

CRB2017-0182 FA H CRB

Board members unanimously voted for a CRB investigation.

CRB2017-0189 AL H CRB

Leslie Parker Blyther, Marcus Nole, George Buntin voted IAD, and all other Board members voted for CRB. Fred Jackson had submitted his vote for CRB via email. The majority of votes were for CRB.

It was clarified that new Board members were not required to vote due to the limited amount of time between their training and their first meeting, but were able to vote if they felt prepared.

VI. Discussion and Vote on Model for Disciplinary Recommendations

Mel Currie explained that there was a spectrum of disciplinary recommendations that Board members could make for sustained cases, ranging from a number of days' suspension to letters of reprimand. He stated that it was unlikely that Board members would all be in total agreement for each of the recommendations in a given case. He noted that it had become difficult to find a majority on each of the recommendations,

and that he felt it would be best to work out an averaging system. He suggested that the Board average the number of days' suspension or loss leave of leave, and assign a number to other disciplinary recommendations such as letters of reprimand, and average those numbers in each category to determine the final recommendation. He noted that if there was a remainder, the number should round up to the next highest integer.

Amy Cruice noted that having demotion and termination in the same tier as the letters of reprimand could be problematic, and should be differentiated in some way. She also asked that if a certain number of people voted for termination, that further conversation should take place. Mel stated that there should be a dissenting opinion included in the minutes and final letters for the public record if a certain number of people voted for termination but were not in the majority. He noted that termination should be counted as 30 days suspension when a majority had not voted for termination. Amy agreed and suggested removing termination and demotion from the original formula and converting it to 30 days suspension when termination is not the majority. She also proposed that if 3 or more people voted for termination or demotion, it warranted further discussion and dissenting opinion on the public record. There was a brief discussion on loss of leave and Board members agreed that the number of days of loss of leave, the number of days of suspension and the other non-numerical disciplinary recommendations could be averaged separately.

Mel Currie noted that he would restrict recommendations to suspension, letters of reprimand, loss of leave and termination. Mel Currie moved that if there was no majority in any of the three categories, that Board members should use the averaging algorithm. Mel Currie motioned to accept this as the new disciplinary recommendation system. Leslie Parker Blyther seconded and all were in favor. Special Assistant Muth clarified that the model will be as originally proposed, with the change to adapt termination to 30 days when there is not a majority, with public record dissent and further discussion when more than 3 members voted for termination, and also to strike demotion as a disciplinary option. All board members agreed and decided that they would use the system within the same meeting.

VII. Disciplinary Recommendations for Sustained Cases from October 19, 2017

| <u>CRB#</u> | <u>IAD#</u> | <u>Sustained Allegations</u> |
|--------------------|--------------------|-------------------------------------|
| PD038-14 | 14-0569 | EF |

Leslie Parker Blyther clarified that the description matched the case. Amy Cruice wanted to note that sometimes there were multiple charges and/or multiple officers that needed to be considered when making disciplinary recommendations. Blair Thompson noted that she was unclear on the manner of the choking and noted that the investigator had recommended not to sustain the case because there was some dispute over whether the complainant was intentionally choked. Mel Currie noted that he believed that the choking was intentional. **A majority of Board members voted for 5 days suspension, 5 days loss of leave, and a Middle Letter of Reprimand.**

PD039-14

14-0315

EF

Leslie Parker Blyther advocated for termination, stating that once the officers have quelled the threat and have an individual under control, there is no need to add force, and any additional force is excessive. She noted that excessive force disproportionately occurred in interactions with African Americans. She wanted to show to the police department that these cases were not acceptable and that the Board would not hesitate to recommend termination. Blair Thompson stated that the officer who used the Taser had lied, and she felt that the officer's dishonesty constituted evidence of guilt. Marcus Nole agreed that there was no need for additional force. Mel Currie changed his initial vote to termination. **A majority of Board members voted for termination.**

PD016-15

15-0623

EF

Blair Thompson noted that the officer was never identified, and noted that two of the officers in the house were federally indicted. Supervisor Riggins noted that this was an older case, and so it would be difficult to identify the officers, but the Board could still make a disciplinary recommendation. Investigator Clark recalled a past incident in which BPD had a case that was sustained against an unidentified officer, and they were tasked with additional investigation to find out who the officer was, although the officer was ultimately never identified. Director Carter suggested that the Board base the recommendation on the conduct, despite the difficulty of identifying the officer. Jesmond Riggins stated that in a similar case in the past, the investigator had obtained video of the officer, which they provided to BPD, and BPD stated that they still could not identify the officer. Jesmond Riggins recommended that the Board make a decision regardless, which they would relay to BPD. George Buntin questioned how the police were unable to identify an officer involved in an incident. **A majority of Board members voted for 15 days suspension and a severe letter of reprimand.** Amy Cruice questioned whether it was possible to recommend additional training, and Mel Currie noted that it was a possibility in cases where Board members felt it would successfully correct the behavior.

PD017-15

14-0420

EF

Mel Currie stated that he believed the complainant's account of what the officers had done. Blair Thompson felt that the officer had lied and also noted that there were other open complaints against the same officer. **A majority of Board members voted for a severe letter of reprimand and 15 days suspension.** Mel Currie, Ebony Harvin and Marcus Nole wanted to recommend termination. Ebony Harvin felt that this was a case in which the officer was using his position of power to abuse a civilian. Marcus Nole noted that the complainant was under control when the Taser

was deployed. Mel Currie noted that the officer had lied in the report, making it difficult to believe the rest of his account.

PD019-15

15-0157

EF

Leslie Parker Blyther reiterated that that any time a case involved a chokehold and/or additional force being used when the complainant is already subdued, she would lean towards more severe consequences up to termination. She noted that in this case, it was difficult for her to tell whether the chokehold had happened accidentally. Mel Currie was disturbed by the fact that the stop started with tinted windows and ended with a use of force. He also noted that the complainant was trying to protect his young son from witnessing the interaction. He felt that the officers had an opportunity to de-escalate and chose not to do so. Blair Thompson voted for termination because a young child was in the car, and disputed the use of the Taser. Leslie Parker Blyther noted that a Taser was a non-lethal way to quell a disturbance. Blair Thompson felt that the officer did not have a valid legal reason to use the Taser. Bridal noted that a Taser could be lethal under certain circumstances. Leslie Parker Blyther ultimately voted for termination. **A majority of Board members voted for Termination.** Amy Cruice noted that it would be helpful at some point to do a presentation on the use of force continuum. George Buntin noted that he felt that it would be important for Board members to thoroughly understand the laws that govern police officers, while also considering the citizens' perspective. He noted that force should never be used for non-compliance at a traffic stop.

PD033-15

14-0434

EF

Mel Currie noted that the complainant had been stopped for not wearing safety gear, and was injured more severely in his interaction with the officer than he would have been if he had fallen off of his scooter. George Buntin wanted to know what specific circumstances constituted the harassment and illegal search. Mel Currie answered that they had searched his scooter without probable cause and found a gun, however that was not what had ultimately triggered the use of force. Blair Thompson noted that the complainant had sustained a head injury while he was already subdued which influenced her to recommend termination, and Bridal Pearson agreed and noted that there was a corroborating witness. Bridal Pearson also noted that the complainant had lost consciousness. **A majority of Board members voted for Termination.**

PD035-15

15-0448

EF, AL

Mel Currie felt the idea that the complainant "displayed the characteristics of an armed person" was extremely problematic. Mel Currie clarified that he voted for a severe letter of reprimand because the officers used force on the complainant simply

because he appeared to be armed, and the complainant sustained injury. He also noted that no drugs or weapons were ultimately recovered. Marcus Nole noted that he felt additional training could be beneficial in this situation, and that officers needed to identify people as citizens first and not as suspects. Blair Thompson felt that this case exemplified systemic problems with BPD. **A majority of Board members voted for 15 days suspension and a severe letter of reprimand.**

PD055-15

15-0378

EF

Leslie Parker Blyther noted that the complainant was not secured in the transport vehicle and stated that the case reminded her of Freddie Gray. She recommended termination. Mel Currie noted that there seemed to be an issue with officers applying handcuffs too tightly. He stated that the officers had admitted that they were too tight, had time to adjust them and chose not to do so. Leslie Parker Blyther noted that failing to properly secure the complainant constituted a greater threat to her safety. In order to finalize the decision, Fred Jackson's vote was needed. Fred Jackson provided his vote of middle letter of reprimand and 5 days suspension on Monday, November 20th. **A majority of Board members voted for 5 days suspension and a middle letter of reprimand.**

PD138-16

16-0505

EF FA FI

Mel Currie noted that the number of times the complainant was Tased constituted a violation of policy. Blair Thompson clarified that he was Tased three times. Evangula Brown advised that for every incident where a Taser is deployed, BPD downloads a report of how many times a person was Tased, and in her investigation she reviews the Taser report and compares it to BPD policy. She noted that this policy states that during a single incident, the Taser can only be deployed a certain number of times, and the number of deployments in this case was in excess of that policy. **A majority of Board members voted for 30 days suspension and a severe letter of reprimand.**

CRB2017-0050

17-0156

FI

Leslie Parker Blyther clarified that the charges against the complainant were dropped once it was ascertained that the complainant was not the correct suspect in of the alleged crime. Mel Currie noted that this case was an example of terrible police work and reiterated that the complainant did not remotely match the description of the person they were seeking. Leslie Parker Blyther was bothered by the fact that the complainant had been incarcerated due to faulty policing. Bridal Pearson noted that he felt that there was racial profiling and an assumption on the part of the officer that the complainant was the suspect due to the fact that he was African American. **A**

majority of Board members voted for 30 days suspension and a severe letter of reprimand.

Bridal Pearson questioned whether the Board felt that it was worthwhile to make recommendations on sustained expired cases. He felt that it was important to sustain for the purpose of public record, but questioned whether it was useful to make disciplinary recommendations. Amy Cruice felt that it was only a minimal amount of additional effort to make the recommendations, and could be beneficial in terms of record keeping. Leslie Parker Blyther wanted to know what it would mean for the office and the bureaucratic process. Supervisor Riggins noted that a letter would be sent regardless advising the complainant of the Board's findings, and the disciplinary recommendations could be added to that letter. Special Assistant Muth noted that for the purposes of data and record keeping, IAD would not allow the Board or public access to the final disciplinary actions, so there was no means for comparison of the Board's recommendations to the final action. George Buntin recommended voting in order to advise the complainant of the Board's opinion. Amy Cruice agreed and noted that the information would be important in terms of representation of the perspective of the civilians. Mel Currie noted that he would like to see the averages without the expired cases and see what percentage was sustained on a quarterly and annual basis. Bridal Pearson agreed with George Buntin and Amy Cruice. Supervisor Riggins stated that hopefully these situations would be avoided in the future as cases would be forwarded more timely, but noted that in the past the Board had already considered expired cases for disciplinary recommendations, and copies were sent to the complainant and the Commissioner. Supervisor Riggins clarified that there was still a significant backlog of excessive force cases. Amy Cruice noted that the fact that the complainant does not get to see the investigatory records according to BPD policy is often upsetting, and providing them with the recommendation could help the complainant to feel vindicated.

PD046-16

16-0206

AL H

Bridal Pearson clarified that this case was sustained but had expired while the Board was defunct. Director Carter stated that a new complaint had been lodged involving the same parties. Bridal Pearson noted that it was extremely problematic that the officer had publicly accused the complainant of child molestation. **A majority of Board members voted for 15 days suspension and a severe letter of reprimand.**

PD053-16

16-0230

AL FI FA

Mel Currie stated that the complainant was arrested for inciting a crowd, but he believed the complainant was exercising his 1st amendment rights, and that the officer's actions were an abuse of authority. Blair Thompson noted that the officer even admitted that he had arrested him because he was filming. **A majority of Board members voted for 30 days suspension and a severe letter of reprimand.**

PD071-16

16-0236

FI FA

Blair Thompson clarified that this was the case that involved a video that was released to Youtube, and noted that the video was compelling as it revealed severe misconduct. Ebony Harvin stated that the evidence of misconduct in this case was obvious, and that nothing was ultimately found on the complainant to indicate a crime had been committed. She also noted that the officer had a negative reputation in the community and recommended termination for the main officer, and suspension for those who watched and did not report him. **A majority of Board members voted for termination for the main officer, and 15 days suspension and a severe letter of reprimand for the other officers.**

PD129-16

16-0246

FI FA H

Blair Thompson felt this case was similar to other cases involving stops without probable cause. Ebony Harvin noted that it was a particularly severe case because it resulted in the complainant being sentenced to 12 years of incarceration as a result of the probation violation. Ebony Harvin felt that further investigation was required to determine whether the complainant was targeted because he was on parole. Leslie Parker Blyther asked whether the officer maliciously charged the youth knowing he did not have a gun, or whether it was a case of bad policing. Ebony Harvin stated that she felt it was malicious and Blair Thompson agreed. Mel Currie felt it was another case of a person being stopped because they appeared to be armed, which did not satisfy probable cause. Leslie Parker Blyther felt it required a severe letter of reprimand because of the malicious act. Mel Currie agreed and noted that he felt the police officer was overzealous. Ebony Harvin noted that the gun was never found. Mel Currie stated that he should not have been stopped in the first place. Mel Currie clarified that the officers did not know whether the complainant had a gun when they stopped him. **A majority of Board members voted for termination for the main officer, and 30 days suspension and a severe letter of reprimand for the other officers.** George Buntin wanted to know if it was possible to come back to this case, and find out if the complainant was spending 12 years incarcerated based off of this specific arrest, and whether the complainant was targeted. George Buntin noted that

officers often knew that arrests during probation could cause a violation and targeted citizens accordingly. Director Carter clarified that Board members could request additional information. Supervisor Riggins noted that there were a number of interactions that the complainant had with various officers, and that the probation officers had stated the complainant was violated for not meeting the conditions of his probation. Director Carter noted that there was now a prohibition on incarcerating for minor parole violations. She noted that in this case, the arrest was most likely a trigger.

VIII. Completed Investigations Noted on Via Email to Avoid Expiration

| <u>CRB#</u> | <u>IAD#</u> | <u>Allegations</u> | <u>Findings</u> |
|---|----------------|--------------------|------------------|
| PD149-16 | 16-0545 | EF AL | Sustained |
| Blair Thompson voted to sustain because the officer admitted to pulling out the gun, and noted that based on the situation she felt there was no threat to the officer's safety. Leslie Parker Blyther clarified that the suspect was calm and compliant when the officer pulled out his weapon. It was also noted that the complainant was 14 years old. Board members agreed to send an additional letter recommending termination. A majority of Board members voted for Termination. | | | |

IX. Completed Investigations

| <u>CRB#</u> | <u>IAD#</u> | <u>Allegations</u> |
|---|----------------|----------------------|
| PD067-15 | 15-0508 | EF FA FI H AL |
| Leslie Parker Blyther asked whether there was any corroborating medical evidence, and Blair Thompson clarified that there was no medical evidence. Other Board members noted that there was not sufficient evidence to support the complainant's allegation. Mel Currie also noted that drugs were found on the complainant. Board members noted that both IAD and CRB did not sustain the case. They also noted that there was a corroborating witness who did not see EF used. A majority of Board members voted not to sustain. | | |
| PD068-15 | 15-0666 | EF |
| Mel Currie noted that a supervisor appeared and became impatient, and grabbed the complainant as a result, which he felt was unnecessary because the situation was already under control. George Buntin noted that the investigator recommended not to sustain, and asked for the reason. Investigator Clark clarified that he didn't have any evidence that specifically corroborated the story, and there was no preponderance of evidence. Ebony Harvin questioned whether there were corroborating medical records, and Investigator Clark noted that the complainant had previously been in a car accident that could have caused the injuries. Mel Currie sustained the case because the subordinate did admit that the officer had used force on the complainant. Blair Thompson did not sustain because | | |

the complainant was driving away from the scene with two flat tires, and felt that the officer had grabbed him to stop him from moving, and Mel clarified that he was not moving at the time, but rather had refused to exit the car. Blair Thompson changed her vote to sustain. Leslie Parker Blyther sustained because the officers pulled the complainant out of the car window, which was a violation of policy. Leslie Parker Blyther noted that an injury did not have to occur for a violation of the excessive force policy. **A majority of Board members voted to sustain, and voted for a disciplinary recommendation of 5 days suspension and a middle letter of reprimand.**

PD004-16

15-0733

EF

Leslie Parker Blyther noted that the CRB investigators did not sustain the allegation. Mel Currie wanted to know why the officers had insisted that the complainant sit on the wet ground when he was already handcuffed. Investigator Brown stated the facts of the case and noted that the issue started because he was questioning the officer. She noted the complainant had on new clothes and did not want to get on the ground. She stated that she reviewed the video and the complainant was upset because he was on the ground, and that he was arrested for disorderly conduct. Bridal Pearson noted that video evidence did not support excessive force, however he noted that a lack of evidence did not necessarily mean that the actions did not occur. Leslie Parker Blyther noted that when a civilian did not comply, additional issues could arise that could escalate a situation. Director Carter clarified that a person under arrest was not fully notified of their rights or the charges before being taken to central booking, but that they had to provide an attorney if asked before arriving. Amy Cruice noted that it was important to educate the public on how to be good witnesses. **A majority of Board members voted not to sustain.**

PD042-16

16-0182

EF H

Mel Currie noted that he believed the complainant, especially because the findings were corroborated by the medical records. He doubted that the officer had applied the bar hammer lock technique so accurately that the complainant was not injured. Bridal Pearson noted that different pressures could hurt different people and there was no uniform technique that was guaranteed not to cause injury. Leslie Parker Blyther noted that the training commission allowed this technique if there was no injury. Bridal Pearson felt this policy was problematic. George Buntin noted that there were times when officers had to use some type of force, and felt that the force was used because the complainant was running. He stated that more often than not there was a reason why someone might run. He did not feel the force used was in excess of what was needed to subdue the complainant. He noted the investigator also recommended not to sustain, meaning that the evidence did not prove excessive force. Blair Thompson noted that running in a high crime area is reasonable suspicion and justified a terry stop. Amy Cruice noted that she did not know what the complainant was accused of before he began to run, but running did not warrant force. Leslie Parker Blyther noted that African American men needed to be told not to run, because it placed the interaction into a different context and could put them in a dangerous situation. Blair Thompson and Mel Currie noted that no CDS were recovered. Marcus Nole noted that with young people, chronic trauma could cause them to run when approached by the police. George Buntin noted that running sent a certain

message to police that made them suspicious. **A majority of Board members voted to sustain, and voted for a disciplinary recommendation of 10 days suspension and a middle letter of reprimand..**

PD043-16

16-0199

EF H

Mel Currie did not sustain because the when police responded, the homeowner confirmed that the complainant should not have been in her house, and other witnesses on the scene did not corroborate the complainant's account. **A majority of Board members voted not to sustain.**

PD124-16

16J-0015

EF

Mel Currie noted that the victims were armed and had fired their weapons. Bridal Pearson agreed that the victims were in possession of weapons and did not sustain. **A majority of Board members voted not to sustain.**

PD176-16

16-0620

FA

Mel Currie did not sustain because the complainant had hit the person before calling the police, giving them probable cause to arrest her, and other Board members agreed. **A majority of Board members voted not to sustain.**

CRB2017-0030

16-0602

FA FI H

Bridal Pearson sustained the allegation of false arrest for all of the involved officers because they did not allow the complainant to take the field sobriety test. Bridal Pearson voted to sustain harassment for the officer who handcuffed the complainant because the complainant made it clear that to the officer that his arm was injured and he was uncomfortable. Investigator Jeffrey noted that there was a video of the arrest, which she used as her primary source of evidence. She noted that in the video, the officers wanted the complainant to put his phone down to complete the field sobriety test, and the complainant finally yielded to put his phone against a tree. She noted that on the video the officers walked out of frame, at which point the sound of the officers yelling became audible. She clarified the complainant was spitting on the ground, and not on the officer. She noted that there were sounds that could indicate a physical struggle, and the complainant sounded like he had been injured. She noted that the officer could be heard stating that the complainant's arm was not injured, and demanding that the complainant give them his arm, and that they continued to handcuff him in spite of the arm being injured. Leslie Parker Blyther clarified that the arm was broken as a result of the arrest and unfortunately the excessive force allegation was time barred, but the harassment covered physical discomfort or injury. Leslie Parker Blyther noted that he was stopped for a DWI and officers had a right to stop him, and that they had tried to complete the field sobriety test. Mel Currie noted that IAD had sustained conduct unbecoming. **A majority of Board members voted to sustain false arrest for all of the officers involved, and harassment for the officer that had handcuffed the complainant. They voted for a disciplinary recommendation of 10 days suspension and a middle letter of reprimand for the officer that had handcuffed the complainant and 5 days suspension and a middle letter of reprimand for all of the other officers.**

CRB2017-0083

17-0260

FA

George Buntin questioned whether the existence of the arrest warrant had been confirmed, and Board members clarified that it was confirmed. Blair Thompson noted that the complainant had withdrawn her complaint. **A majority of Board members voted not to sustain.**

CRB2017-0119

17-0337

FA FI

Bridal Pearson noted that he did not sustain because the video indicated that the complainant had assaulted her daughter, giving the officers probable cause for the arrest. **A majority of Board members voted not to sustain.**

X. Public Comment

A member of the public wanted to clarify that a Black man running should not result in a use of force. He noted that George Buntin had specifically stated that a Black man running could be considered suspicious by the police. He stated that the police should not get to use force on anyone simply because they ran. Another citizen noted that her 19 year old son had run from the police, due to the fact that he struggled with mental illness and impulse control. She stated that when the Board members spoke about Black men running from the police, it struck a nerve. She stated that she felt officers needed additional training in implicit bias. Mel Currie noted that he felt this issue was a deeply entrenched societal problem, and that it couldn't be trained out of officers. Mel Currie clarified that he felt that Board members were saying the African Americans were at a greater risk for use of force, not that force should be used on them when they ran. The couple reiterated that they had had similar issues and their son was incarcerated as a result. The member of the public stated that he felt that the Board should focus on teaching the police not to pursue and profile Black men. He noted that there was significant historical bias in arrests.

Keesha Ha stated that she felt the same way regarding the pattern of police targeting African American men, and noted that she felt it was difficult to separate the societal expectations from the burdens that Black men face. She stated that it was important to teach and protect their children from these issues, and that she felt the challenge for the CRB was to always represent the civilians. She noted that the Board should be the voices of the people who were not there. She felt that it should not be expected that force be used on people who had run.

Keesha Ha noted that now the Board was fully appointed, there was potential to form subcommittees. She noted that she had attended all of the Freddie Gray trial board hearings, and that witnessing that process and how adamant the FOP is in not allowing the department to discipline officers made her realize the difficulties inherent in the process. She noted that she felt civilians stood little chance of having input in the process, and seeing the division and the dynamics made her realize that there was no way of gently wrestling away power. She clarified for Amy Cruice that a few other civilians and press were at the trial boards. Director Carter stated that she felt that people were fatigued by the issue because they could not know the outcome of the hearings. Blair Thompson stated that the formation of some of the panel's questions suggested that they had made up their minds in favor of the accused officer. Leslie Parker Blyther stated that MD has one of the strongest LEOBR laws in the country which made it difficult to discipline officers. Director Carter noted that this was why complete reform, rather than small appeasement measures, would be paramount.

XI. Old Business

There was no old business.

XII. New Business

Director Carter stressed the need for additional public outreach through community engagement and social media, and urged Board members to get out into their communities. She noted that they could host CRB meetings and town halls in their local communities.

Bridal Pearson noted that he was happy to have the new Board members join. He also noted that he had written an op ed about the Civilian Review Board in the Baltimore Sun which would be released online and in print.

Amy Cruice wanted to bring the Board's attention to the pattern in Taser cases, as 6 of the cases they had sustained during the meeting dealt with excessive Taser use. She also want to clarify that the averaging formula for disciplinary recommendations would only be used in the event a tie needed to be broken.

Mel Currie noted that he wanted to see the language improved in the reports Board members received from Internal Affairs, and felt that there was not enough information in the police reports as they were written. He noted that the CRB investigators' reports were well written.

Leslie Parker Blyther stated that she would like to initiate a training on Use of Force sometime around the first of the year. She noted that she would take the responsibility to organize it. She also wanted to identify Board members that would like to be involved in strategic planning of legislative reform in the General Assembly. Director

Carter stated that **she** would like to work out a strategic plan with her and the other Board members.

George Buntin noted that he had read several cases, and he wanted to Board members to strategically consider how aggressive they wanted to be in their approach. He felt that they should not attempt to convince BPD to cooperate, as this cooperation was unlikely to happen. He would stated that he would like Board members to think about how far they were willing to push. He clarified that the 15 recommendations in the Preliminary Report had been presented as solutions to give the Board the power it needed to be effective. Director Carter clarified the role of the Community Oversight Task Force and noted they would be coming out with a report of recommendations to make the CRB more effective. Leslie Parker Blyther wanted to know why the Board members were not involved with the discussion with the Community Oversight Task Force, and Director Carter clarified that it was an issue of timing and that there would be future meetings scheduled to allow the Board to collaborate with the COTF.

George Buntin wanted Board members to give some thought to the proposal of issuing subpoenas for the personnel records that were being denied to them. He referenced the amicus curae brief that the ACLU had issued in the previous FOP lawsuit, and stated that the Board should not accept their current limitations.

Leslie Parker Blyther noted that the Board could explore the subpoena issue, but that they should do so strategically and make the results public. Mel Currie wanted to know why subpoena powers had not been used in the past. He noted that he was more concerned about persuading the public and legislators than the BPD that the CRB makes rational, reasonable decisions that can and should be supported. Director Carter noted that the Board had been defunct for a period and were now fully up and running. She stated that this was the first time the issue had come up with the new Board, but staff had had internal conversations. Director Carter noted her surprise when she first came on that the Board had never had an official hearing with witnesses. Supervisor Riggins stated that there were many things the Board had not done that they were statutorily able to do, and stated that the conversation had been ongoing internally and would continue with the new Board members. Bridal Pearson noted that the Board was new, and they that could begin to work together strategically on these issues. Leslie Parker Blyther motioned that the Board have another administrative retreat to strategize on these issues. She noted that she would coordinate. Bridal Pearson seconded the motion, and all were in favor.

Director Carter noted that a complainant had come and was disgruntled because his complaint had not been heard yet and stated that it would be added to the agenda in December. She noted that the complainant would be able to speak at the December meeting.

Director Carter noted that there was a question on social media as to whether Board members had any police background, and she wanted to note that while Board

members were barred from working for law enforcement while they were on the Board, there was usually a representative of the Sheriff's Department and BPD there to answer questions.

XIII. Adjournment

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jill Muth