

**C I V I L I A N R E V I E W B O A R D**  
**P U B L I C S E S S I O N M I N U T E S**

December 20, 2018

Present at the meeting were Civilian Review Board members Chair Bridal Pearson (Northern), Mel Currie (Southwestern District), Betty Robinson (Northeastern), Leslie Parker Blyther (Central District) and Marcus Nole (Eastern). The meeting was called to order at 6:09.

Also present were:

Director, Darnell E. Ingram  
Deputy Director, Raemond Parrott  
Public Information Officer, John Wesley  
Evangula Brown, Investigator  
Shaun Clark, Investigator  
Kobi Little, NAACP  
Sgt. Raymond Lloyd, Office of Professional Responsibility  
Amy Cruice, ACLU

Members of the public and community were also present.

**I. Welcome and Introductions**

Chair Pearson welcomed everyone and called the meeting to order at 6:09PM.

**II. Director's Report**

Director Darnell E. Ingram welcomed everyone to the office. He introduced Raemond Parrott, the new deputy director of internal operators, and noted that he was overseeing the internal administrative aspects of the office.

Director Ingram noted that an external deputy would be hired soon to oversee outreach and external operations. He noted that the office had recently hired two part time CRB investigators and a disabilities compliance officer. He noted that they were planning to hire a new CRC supervisor as well. He noted that there was a wealth of experience in the office that would continue to be an asset to the work of the Board.

Deputy Director Parrott noted that generally communication would still go through the Special Assistant. Director Ingram noted that he wanted to facilitate training and the development of rules and regulations for the Board. He noted that Deputy Director Parrott would be coordinating with Supervisor Riggins to accomplish this. He noted that he wanted to do more outreach events this fiscal year, and wanted to emphasize involving youth, especially middle school and high school students, so that they would learn about empowerment, advocacy and exercising their rights. He noted that he wanted to use the CRB's Annual Report as part of their outreach efforts to showcase the work and tell the Board's story.

Director Ingram noted that the parties were in the process of finalizing the first draft of the OPR-CRB protocol. He noted that it will be available for public comment the following week. He noted that all parties were cooperating, meetings were proving productive, and that there were some issues that would be disputed later, at which point staff would solicit comment from the Board.

Betty Robinson asked about the process for mediation, and Director Ingram noted that they could refine and establish this through the promulgation of rules and regulations.

Leslie Parker Blyther wanted to know if the protocol meetings could take place at times that the Board could attend. Deputy Director Parrott noted that once the protocol was released for public comment, it would be disseminated to the Board for their comments as well. He noted that with regards to the meetings, if Board members are unable to attend in person, staff could provide a dial in number for Board members to participate, or they could distribute the documents they were working on, and incorporate the Board's input during the meetings. Director Ingram noted that he would encourage that participation, and that everyone would have a say in the final document.

Director Ingram noted that the Civil Rights website needs a significant amount of restructuring, and wanted to do an exhaustive upgrade. He encourage Board members to review other website examples of civilian oversight agencies so that they could make suggestions and provide input.

**III. Approval of Public Session Minutes from September 20<sup>th</sup>, 2018**

Bridal Pearson motioned to approve the minutes from September 20<sup>th</sup>, 2018. Mel Currie seconded, Leslie Parker Blyther abstained, and all others were in favor.

**IV. Approval of Public Session Minutes from November 12, 2018**

Bridal Pearson motioned to approve the minutes from November 12<sup>th</sup>, 2018. Mel Currie seconded, Leslie Parker Blyther abstained, and all others were in favor.

**V. Approval of Executive Session Minutes from November 12, 2018**

Bridal Pearson motioned to approve the executive session minutes from November 12, 2018 and adopt them as sealed. Marcus Nole seconded, and all were in favor.

The following are the details from the last closed session:

Time of closed session: 6:40PM

Place: University of Baltimore College of Public Affairs

Liberal Arts and Policy Building

10 W Preston Street

Baltimore, MD 21202

Purpose(s): Discussion on potential litigation regarding violation of P.L.L. § 16-45-46

Members who voted to meet in closed session: Bridal Pearson, Betty Robinson, Fred Jackson, Marcus Nole, Leslie Parker Blyther, Ebony Harvin

Persons attending closed session: Bridal Pearson, Betty Robinson, Fred Jackson, Marcus Nole, Leslie Parker Blyther, Ebony Harvin

Authority under § 3-305 for the closed session: § 3-305(b) (8)

Topics actually discussed: Issues regarding potential legal actions.

Each action Taken: [No actions taken]

## **VI. New Complaints**

Mel Currie explained the difference between votes to authorize an independent CRB investigation, and votes to review only the Internal Affairs Division's investigation. Bridal Pearson noted that the Board preferred to have a diversity of information to make more precise decisions, and noted that in the past, they had seen discrepancies between the independent CRB investigation and the Internal Affairs Division's investigation.

**CRB2018-0087                      H                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0088                      H, AL                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0109                      H                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0115                      H                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0123                      FA, FI                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0131                      AL, H                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0135                      H                      IAD**

A majority of Board members voted to review only IAD's investigation.

**CRB2018-0136                      FA, FI                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0140                      EF, FA, FI, H CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0152                      EF,FA FI                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0155                      FA, AL                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0159                      FA                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0162                      AL                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0164                      FI,H                      CRB**

A majority of Board members voted to authorize a CRB investigation.

**CRB2018-0172                      EF, FA, FI,H CRB**

A majority of Board members voted to authorize a CRB investigation.

**VII. Completed Cases**

Special Assistant Muth explained that were four cases with upcoming expiration dates that would be reviewed via email before the next meeting. Marcus Nole explained the process of reviewing and voting on the cases, and the definitions of the different case findings.

**SCH001-16                      16-001                      EF**

Mel Currie noted that this was a difficult case, and felt that the focus should be on the officer using the baton on the teenager, who was trying to go after the girl getting in a fight with his sister. He noted that the other officer had her hands full, and she eventually hit him with the baton to keep him off of the other student. He noted that the victim had admitted that he was not backing off and was trying to get to the girl who had fought with his sister. Mel felt that the officer's force was not excessive, and noted that the intervening officer had not been interviewed. Marcus Nole noted that the student that was being threatened had already been placed in the vehicle when the officer hit him with the baton. He felt that because that situation had been resolved by removing the student, the baton should not have been used. Leslie Parker Blyther asked about the chokehold, Marcus Nole noted that there was no evidence of the chokehold, and that more likely the officer had grabbed the victim around the shoulder area. He noted that there was no escalation based on the conversation the officer had with the alleged victim afterward, which was an indication that the chokehold did not take place. Bridal Pearson noted that an adult should be able to control and de-escalate an issue between children without force. Leslie Parker Blyther asked about the force policy regarding batons, and

Chief Luke Brackett noted that according to Environmental Police Department's policy, officers are supposed to aim for muscle mass, and a baton to the head would only be permissible in deadly force situations. Investigator Brown noted that in cases where a juvenile was taken into custody, officers were supposed to ensure appropriate care was obtained. Leslie Parker Blyther asked if Investigator Brown felt that protocol was followed, and she stated that it was not followed. Kolbi Little asked why the intervening officer wasn't interviewed, and asked what the Board's recourse would be to demand a more robust investigation. Mel Currie noted that they could issue a subpoena. Bridal Pearson noted that investigators often may not have all of the facts. Director Ingram noted that the Board has an authority to continue an investigation. Betty Robinson asked if the school police had an IAD division, and noted that the documents from their investigation were not as extensive or thorough. Marcus Nole noted that at the time the victim was struck, the officer was not defending the other student. Leslie Parker Blyther sustained for Officer SC, because the complainant articulated that it was an L shaped hold, and not just a body hold. Marcus Nole noted that he felt she was trying to de-escalate the situation, and she was not attempting to harm the child. Leslie Parker Blyther stated that the officer could have inadvertently use excessive force, and police officers were expected to proceed with caution and follow their training.

**A majority of Board members sustained excessive force for Officer CM, and did not sustain for Officers SC and RM. They recommended a 15-day suspension and middle letter of reprimand for Officer CM.**

Deputy Director Parrott asked if training was ever recommended, and Chair Pearson noted that it was occasionally recommended. Leslie Parker Blyther asked Det. Stokes of the School Police how many officers came to the School Police from BPD, and he answered that the number was small, and confirmed that they received special use of force training relevant to juveniles. Leslie Parker Blyther wanted to know if Deputy Director Parrott or Director Ingram objected to the Board's use of officer initials. Director Ingram noted that he was simply observing today and he wanted to discuss his observations with the chair and other Board members at a later time. Bridal Pearson noted that the Solicitor had not raised this as an issue after viewing the meetings in the past.

**CRB2017-0109**

**17-0328**

**EF FA H**

Mel Currie noted that the body worn camera footage did not support the complainant's account. Betty Robinson noted that there were 4 attempts to interview the complainant, and the complainant did not appear. Amy Cruice asked why the Board was not sustaining rather than exonerating the officer. Mel Currie stated that he preferred to say that there was not enough evidence in case that there was contact, and he needed additional evidence to take a stronger stance that would lead him to vote to exonerate the officer.

**A majority of Board members voted not to sustain the allegations.**

**CRB2017-0142**

**17-0430**

**H**

Betty Robinson noted that the officer did not follow protocol, and did not check whether there was an active warrant before handcuffing the complainant. Marcus Nole noted that the officer made a mistake and thought that there was a warrant still in force. He noted that this was unfortunate because there was improper searching and conduct that took place. Leslie Parker Blyther sustained because she did not believe the officer had probable cause to stop the complainant or take his belongings. Bridal Pearson noted that the while Board could express concerns about other issues, they were

limited to vote on those allegations within their jurisdiction. Director Ingram noted that the new Deputy Director would focus on the external aspects of operations, including the reviewing current legislation to expand jurisdiction. He noted that they would discuss whether that would fit with promoting the Board's legislative agenda. Director Ingram noted that the Board should take data on recurring issues, and begin to use data to make the case for increased jurisdiction. Betty Robinson noted that in this case, the complainant had alleged harassment and not false imprisonment. Investigator Brown noted that they had attempted to get in touch with the complainant to discuss the additional allegations, but the complainant was unresponsive. Bridal Pearson noted that harassment did not have to be repeated, only unwarranted. Mel Currie noted that it was not clear that this was intentional. Betty Robinson noted that the officer had handcuffed the person without knowing whether it was appropriate. Leslie Parker Blyther noted that police officers had the right to detain people for short periods of time.

**A majority of Board members sustained the allegation of harassment. They recommended a Simple Letter of Reprimand and a 7-day suspension.**

Betty Robinson noted that she wanted a better understanding of the process for the Commissioner's review of the Board's findings. Deputy Director Parrott noted that they could work this out through the protocol.

**CRB2017-0146**

**17-0394**

**FA, FI, H**

Mel Currie asked whether false arrest immediately implicated false imprisonment, and Investigator Clark clarified that one could be present without the other. Mel Currie sustained because he felt that the officer had no reason to arrest the complainant beyond confiscating his phone to conceal the video footage that he had taken. Board members agreed and felt that the complainant was arrested for what was captured on his phone, and that there was no probable cause to arrest.

**A majority of Board members sustained the allegation of harassment, false arrest and false imprisonment against Officer CT. They recommended a 15-day suspension and a Severe Letter of Reprimand.**

**CRB2017-0152**

**17-0474**

**H, AL**

Bridal Pearson noted that there were two civilian witnesses who confirmed the complainant's account. Investigator Brown noted that two civilian witnesses confirmed that it was the same officer that had testified against the complainant in court who were harassing him on that day. Marcus Nole noted that in the IAD report, one of the subject officers expressed that they were involved in an arrest during the time the incident allegedly occurred, but that the evidence of that was not provided.

**The Board members sustained all allegations against all officers. They recommended termination.**

**CRB2017-0161                      16-02074                      H**

Mel Currie felt this was a difficult case because it was the complainant's claim versus the officer's claim. He noted that she gave specific, consistent statements, and that he didn't believe she had made the story up. Betty Robinson concurred and noted that she had her husband on the line, who also recounted the events. Betty Robinson felt that the officer was certainly demeaning her.

**A majority of Board members sustained the allegation of harassment. They recommended a 5-day suspension and a Medium Letter of Reprimand.**

**CRB2017-0201                      17-0268                      H, AL**

Chief Brackett noted that they had attempted twice to interview the complainant, and she did not attend either interview. He noted that the complainant stated that the officer was yelling, but that the car window was closed, and the officer may have need to raise his voice to make verbal contact. He noted the officer had probable cause for the stop, as the complainant was in a restricted area and was driving on a suspended license. He noted that she was never removed from the car, and the officer followed department protocol in taking her identification.

**A majority of Board members did not sustain the allegations.**

**CRB2018-0003                      17-0728                      FA, FI, H**

Betty Robinson wanted to know what had led to the complainant's arrest and whether there was a court hearing. Bridal Pearson noted that no illegal substances were found and the complainant was released the next day. Betty Robinson wanted to know what proof of CDS was needed for an arrest. Sgt. Lloyd noted that if the officer witnessed a hand to hand transaction, they had probable cause for an arrest.

**A majority of Board members did not sustain the allegations.**

**CRB2018-0029                      18-0118                      H, AL**

Mel Currie noted that there was BWC footage in this case, and that the complainant claimed the officer had said that he would snatch her out of the car window. He wanted to know if the audio was audible on the BWC footage. Investigator noted that IAD failed to provide the BWC footage during the investigation. Mel Currie noted that this evidence was pivotal. Special Assistant Muth confirmed that the BWC footage was contained in the file that had been received the week prior, and explained the technological issues with electronically sharing the footage with the Board members. She noted that Board members could review the footage immediately following the meeting. Deputy Director Parrott noted that although there had been issues with IAD in the past, they had been forthcoming and cooperative, and did not believe that they would experience the same issues going forward. Amy Cruice wanted to know whether IAD always reviewed the BWC footage and provided it to CRB. Sgt. Lloyd noted that they only pull footage if it is available and that they provide what they have to the CRB.

**Bridal Pearson motioned to table the case pending review of the body worn camera footage, Mel Currie seconded and all were in favor. He noted that they would review it immediately following the meeting.**

Kolbi Little noted that he chair did not usually make motions, and Mel Currie clarified that it is acceptable in bodies of 12 members or less. Kolbi Little suggested that the Board establish protocols and that the Special Assistant call the role so that each Board member could vote and provide their reasoning, in order to facilitate smoother discussion.

**CRB2018-0076**

**18-002**

**H, AL**

Investigator Clark noted that the CRB investigation had been closed due to an uncooperative complainant. Mel Currie noted that the complainant was out of bounds in many ways.

**A majority of Board members did not sustain the allegations.**

### **VIII. Public Comment**

Amy Cruice suggested that the Board create a process to notify complainants of their tort claim deadlines to preserve their right to sue. She noted that she would provide the form letters and language. Director Ingram noted that giving information about other agencies would be helpful, but that he was concerned about giving legal advice. Amy Cruice felt it was a question of informing people of their rights. Deputy Director Parrott noted that there could be a way to do this, and that although it might be difficult as staff, the Board could do as they wished. Director Ingram felt that the Board would need to make the final decision. Kolbi Little asked how the Board interpreted the staff clauses of their legislation, and Director Ingram stated that he felt they would need to continue having this conversation, and that this question could be included and discussed during upcoming legal training.

Roland Patterson stated that he had come on behalf of the Baltimore Citizen Review Board Coalition, which was founded in 2014 by Dr. Marvin Cheatham, who lobbied for and obtained legislation for the CRB. He noted that they wanted to continue to be a friend of the Board. He wanted to compliment the staff on the hire of Ms. Huffman, due to the findings of the Justice Department regarding the treatment of the mentally disabled. He noted that there was an important question about the cases that were adversely affected by the City Solicitor, and that the ACLU should consider what causes of action might rise from the denial of the cases and ignoring the Board's subpoenas. He noted that they had filed a petition for injunctive relief for the Board, and that the Solicitor would be allowed 30 days to respond. He wanted to recommend that they look at the need for a structural modification regarding CRB2018-0135 because the complainant was being held to a standard of knowledge that she did not have regarding the statute of limitations and her option to file a complaint with the CRB.

Kolbi Little noted that this was a public body, and felt that it would be useful to have delineation of the roles of the staff. He wanted to know if there was an existing interpretation on the question of the Board's independence.

### **IX. Old Business**

Bridal Pearson advised that the Board had met with the plaintiffs and their legal representation once the Solicitor had removed the requirement that the Board sign the confidentiality

agreement. He noted that after this discussion, Board members had voted via email to withdraw the lawsuit once the IAD began to deliver the case files.

**X. New Business**

Bridal Pearson noted that a new chair and secretary could be voted in at the next meeting. He asked Board members to consider this in preparation for the next meeting. He noted that he wanted the secretary to serve as the de facto deputy chair in order to spread out some of the responsibilities.

Leslie Parker Blyther wanted to know how many cases were affected by the stoppage of information. She wanted to have that information to present to the public at the next Board meeting. Director Ingram noted that they would have those numbers by the next meeting. Betty Robinson noted could they still make comments and recommendations on these cases. Leslie Parker Blyther noted that these cases should not be considered expired. Bridal Pearson noted that they had sent a letter to the Solicitor about re-activating the cases. Mel Currie noted that there was a statute of limitations on disciplinary actions, but not on civil suits. He noted that they could continue to deliberate and make their decisions. Bridal Pearson noted that they could possibly review the cases under special circumstances, and that this would be an important advocacy point.

Kolbi Little noted that if the Board were to put together a legislative agenda, they should include that complainants should not be penalized for administrative delays. Director Ingram noted that the Solicitor was advocating for more teeth for the CRB. Leslie Parker Blyther noted that they would welcome the assistance of Dr. Patterson or Kobi Little to help draft that legislation. Kolbi Little noted that he felt it was important that there be an analysis of the power dynamics as it relates to the public and the police, and that they should take into account everything in LEOBR, union contracts, MPIA, noting that the citizens have the least amount of protection. He hoped that the body would generally think about how to create spaces for the most vulnerable. He noted that ordinary people must carry the most difficult and heavy burdens.

**XI. Adjournment**

There being no further business, the meeting was adjourned at 9:37 PM.

Respectfully submitted,

Jill Muth