

AGENDA
Baltimore City Civilian Review Board
REGULAR MEETING
December 17, 2021
Place: Enabled by Cisco WebEx
6:00-8:00 pm

I. Welcome & call to order

- Mel Currie, Southwestern District
- Tiera Hawkes, Chair, Northeastern District
- Natalie Novak, Secretary, Northern District
- Tyler Salley, Southeastern District
- Dana Moore, OECR Director
- Mariel Shutinya, CRB Supervisor
- Jill Muth, CRB Investigator
- Tiffany Jones, CRB Investigator
- Caylin Young – OECR, Deputy Director
- Sergeant Lloyd

II. Review and approval of agenda

- Approved

III. Review and approval of minutes

- Will be approved next meeting

IV. Director's Report

- Mariel Shutinya, CRB Supervisor - 41 collaborative meetings; 52 completed investigations, 41 recommendations; closed 41 cases, sustained allegations in 16 cases, new complaints 14; 11/29/21 met with Baltimore Community Mediation Center to relaunch mediation program; 12/7/21 met with PIB and discussed pending information requests, reviewing BWC, and review of disciplinary records; going forward we can do a closed meeting and play the BWC footage from Evidence.com; 12/8/21 attended Youth in Resources roundtable; caught up with all expired cases and have put procedures in place to prevent any cases from expiring; staff is doing NACOLE trainings; OECR working on outreach to the community.
- Tyler Salley, Southeastern - wondering what the investigation bandwidth is for our staff investigators
- Mariel Shutinya, CRB Supervisor - staff is caught up for the moment, every case and investigation is different and requires different levels of investigation; and the deadlines vary as well; not overwhelmed at the moment but can shift at any moment.

V. New Complaints:

- A. **CRB2021-0194:** Filed 11/23/2021 for Excessive Force. The complaint alleges that on 2/27/2021 the Complainant was “beat up” by a police officer while he was being detained.
- Mel Currie, Southwestern – CRB investigation
 - Tyler Salley, Southeastern – CRB investigation
 - Natalie Novak, Secretary, Northern – CRB investigation
 - Tiera Hawkes, Chair, Northeastern – CRB investigation

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- B. **2021-0079:** Filed 12/2/2021, in July 2021, Complainant was at work when several officers came to her work and grabbed her and detained her. When they checked the warrant, it wasn't for her, and she was released.
- Mel Currie, Southwestern – CRB investigation
 - Natalie Novak, Secretary, Northern – CRB investigation
 - Tyler Salley, Southeastern – CRB investigation
 - Tiera Hawkes, Chair, Northeastern- CRB investigation
- C. **2021-0190:** Complainant was involved in a car accident and as she exited the hospital three officers grabbed her without cause and caused injury.
- Mel Currie, Southwestern - CRB investigation
 - Natalie Novak, Secretary, Northern – CRB investigation
 - Tyler Salley, Southeastern – CRB investigation
 - Tiera Hawkes, Chair, Northeastern - CRB investigation
- D. CRB received it 12/15/2021, but it was filed in Feb 2021 for H and FA Complainant alleges that Det made an arrest not based on evidence and officer because rude and aggressive when the arrestee asked to speak with the arrestee's lawyer. Arrestee is not the C.
- Mel Currie, Southwestern – CRB investigation
 - Natalie Novak, Secretary, Northern – CRB investigation
 - Tyler Salley, Southeastern – CRB investigation
 - Tiera Hawkes, Chair, Northeastern - CRB investigation

VI. Preliminary Reports

- A. **CRB2021-0158/PIB2021-1285**
- Mel Currie, Southwestern – CRB investigation
 - Natalie Novak, Secretary, Northern – CRB investigation
 - Tyler Salley, Southeastern – CRB investigation
 - Tiera Hawkes, Chair, Northeastern - CRB investigation
- B. **CRB2021-0157 PIB2021-1203**
- Mel Currie, Southwestern - BPD's role was tangential to the Complainant's main issue and might not be within out jurisdiction
 - Tyler Salley, Southeastern - as the law stands now, not within our jurisdiction
 - Natalie Novak, Secretary, Northern - no CRB investigation, but review PIB investigation
 - Tiera Hawkes, Chair, Northeastern - no CRB investigation, but review PIB investigation
 - Vote all: no CRB investigation, but review PIB investigation

VII. Completed Cases:

- A. **CRB2021-0061/PIB2021-0382:** Filed 1/15/2021. However, it was not received until March at the CRB Complaint alleges that on 12/19/2020 the Complainant went to the

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hospital to visit her daughter who had just given birth. In the daughter's hospital room was a man the Complainant has a peace order against. The man yelled in the Complainant's face and pushed her. The Complainant called the police because the man was violating the peace order. When the police arrived, they removed the Complainant from the hospital, instead of the man. One of the officers was male, and he stated to the Complainant that he knows the man's mother and she was trying to keep the man away from his daughter.

- Tiera Hawkes, Chair, Northeastern - officers were understand, tried to resolve the situation; officer knew the man and politely asked the man to leave, and he did, but the daughter wanted the Complainant to leave the hospital; Not Sustain
- Mel Currie, Southwestern – Not Sustain
- Tyler Salley, Southeastern - chaotic situation, officers handled it well, called the supervisor to ask for guidance; Sgt. Lloyd please tell them they did well; Not Sustain
- Natalie Novak, Secretary, Northern - Not Sustain
- Vote - Not Sustain

B. CRB2019-0153/PIB2019-0154: Complaint filed 7/6/19 against two identified BPD officers for Excessive Force, False Arrest, and False Imprisonment. Complaint alleges that on 2/11/2019, he was approached by one of the subject officers who asked the Complaint to show him his ID. The Complainant declined to do so, and the officer kept asking him. The Complaint asked the officer if he had broken any laws, and the officer stated, "I don't know yet." The officer called for backup and the second subject officer arrived, who also asked to see the Complainant's ID. The Complaint declined. Then one officer told the other to grab the Complainant and "lock him up." At that time, the Complainant produced his ID. He was then arrested for an open warrant. The Complainant was placed into a police car while they waited for the transport van. When the officer was trying to move the Complainant from the car to the van, the Complainant would not move. So, the officer reached into the car to unbuckle the Complainant. The Complainant states that the officer used excessive force while unbuckling him. The Complaint was not given his Miranda rights. BWC footage was provided. The FA and FI allegations have expired.

- Tyler Salley, Southeastern – Not Sustain; maneuver used to unbuckle the Complainant is the tactic that is taught in the police academy, I can understand why the Complainant might have thought it was too forceful, but it was what was taught; the BWC did not show the unbuckling, but the officer described what he did.
- Mel Currie, Southwestern - officer properly relied on his training; Not Sustain for False Imprisonment and Excessive Force; Exonerated for False Arrest
- Mariel Shutinya, CRB Supervisor - BWC footage showed the officer explaining to the Complainant what the maneuver was
- Tiera Hawkes, Chair, Northeastern - Not Sustain for False Imprisonment and Excessive Force; Exonerated for False Arrest
- Natalie Novak, Secretary, Northern - Not Sustain for False Imprisonment and Excessive Force; Exonerated for False Arrest

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- Vote - Not Sustain for False Imprisonment and Excessive Force; Exonerated for False Arrest
- C. **CRB2018-0152 PIB2018-0637:** Complaint file 10/11/2018 against two identified BPD officer for Harassment. The Complaint alleges that on 11/16/2017, the Complainant was parked near a gas station and attempted to drive his car away from the gas station when officers blocked him in. The officer looked at this ID, pulled him by the arm out of his vehicle and then arrested him without telling him why. The officers asked him to sit in the police vehicle, but the Complaint refused, to which the officers threatened him with physical harm. So, the Complaint agreed to sit in the police vehicle while his vehicle was searched. During the vehicle search, the officers found controlled dangerous substances, which the Complainant states were planted by the officers because they were Gun Trace Task Force officers who had arrested him before and those charges ended up being nol prossed. The Complainant was taken to the Northeast District, where the officers questioned him without their body-worn cameras being activated. The CRB investigator questioned the ASA prosecuting the case. The ASA stated that the officers were in a covert location where they witnessed the Complainant make hand-to-hand drug transactions. Further, upon approach of the vehicle, the officers smelled marijuana coming from the Complainant's car. BWC footage was provided. This complaint is expired.
- a. Tyler Salley, Southeastern - investigator's conversation with ASA was helpful, it seemed like there could have been previous interactions, but evidence showed a lawful interaction
 - b. Mel Currie, Southwestern - no evidence to sustain; Not Sustain
 - c. Tiera Hawkes, Chair, Northeastern - Not Sustain
 - d. Natalie Novak, Secretary, Northern - Not Sustain
- D. **CRB2018-0110/PIB2018-0403** Filed 1/5/2019 against an unknown officer and an identified officer for Harassment, False Imprisonment, and False Arrest. The complaint alleges that on 1/28/2018, officers arrived at a hotel she was staying at and forced themselves into her hotel room. The Complaint retreated to the bathroom, but the officers forced her out of the hotel and into an ambulance. The Complainant was taken to the hospital where no one explained to her what was happening, and she was given a sedative. The Complainant believes that her son, a BPD officer, arranged for the officers to do this. The subject officers handled her roughly during the incident. She had medical bills to pay afterwards. The subject officer authored a Petition for Emergency Evaluation for the Complainant. The identified subject officer is no longer employed by BPD. The complaint is expired.
- a. Tyler Salley, Southeastern - admin close; officer no longer employed, others are unknown, it was so long ago, not sure if our decision is relevant; the Complainant did describe some rough behavior from the officers, but we don't have any other information
 - b. Mel Currie, Southwestern - Complainant was suffering from mental health symptoms, was taken to the hospital

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- c. Vote all: Exonerated for False Imprisonment (had a petition for emergency evaluation); Not Sustain for Harassment; and Unfounded for False Arrest because the Complainant was not arrested
- E. **CRB2018-0098 PIB2018-0386:** Filed 7/16/2018 against two identified officers for Harassment, False Imprisonment, and False Arrest. The complaint alleges that on 7/3/2018, the Complainant was sleeping in his fiancé's car when officers knocked on the window and ended up pulling him out of the car and searching it with a k-9. The officers first said the car was searched because it smelled like marijuana, and then said it was because of information from a confidential source. One of the subject officers told the CRB investigator that he had information from a confidential source that the Complainant was driving without a license, so when he saw the Complainant behind the wheel, he approached the Complainant. When the Complainant exited the car, he was frisked and then the officer called for the k-9. The k-9 alerted, and prescription pills were in the car and the Complainant was arrested. The Statement of Probable cause states that the confidential information was regarding controller danger substances, not driving without a license.
- Natalie Novak, Secretary, Northern - seems odd that a k-9 was called based on the confidential information the officers had.
 - Mariel Shutinya, CRB Supervisor - smell of marijuana was likely enough to call the k-9, and the information from the confidential sources could have also established cause to call the k-9; there was multiple points of probable cause that occurred throughout the interaction
 - Mel Currie, Southwestern - prescription pills were found, over 100, with Complainant's name
 - Tiera Hawkes, Chair, Northeastern - Not Sustain for all allegations
 - Natalie Novak, Secretary, Northern - Not Sustain
 - Mel Currie, Southwestern - Not Sustain
 - Tyler Salley, Southeastern - Not Sustain
- F. **CRB2018-0064 MSU:** Filed 4/23/2018 against an identified Morgan State Police Officer for Harassment, False Arrest, and False Imprisonment. The complaint alleges that on 2/9/2018, the subject officer called the Complainant and told him to come to the police station or else the Complainant would be arrested. The Complainant did not go to the police station and was arrested. However, the warrant was dated before the date the subject officer told him to come to the station. The Complainant believes that the subject officer has a relationship with the alleged victim, which caused the officer to harass the Complainant.
- Natalie Novak, Secretary, Northern - Complainant did not provide an interview, did not want to speak with CRB; Not Sustain
 - Mel Currie, Southwestern - Not Sustain
 - Tyler Salley, Southeastern - Not Sustain
 - Tiera Hawkes, Chair, Northeastern - Not Sustain

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G. **CRB2021-0019:** Complaint filed 1/14/2021 against an identified BPD officer for Abusive Language. The complaint alleges that on 12/20/2020 the Victim contacted the Complainant and stated that the subject officer did not take her sexual assault complaint seriously and she was treated disrespectfully. The Victim stated this to her social service caseworker, the Complainant. The Victim stated that when she was making a sexual assault complaint to the subject officer, the officer's tone made it seem like he did not believe her; the officer stated that the alleged perpetrator was her boyfriend; and she is unsure if a police report was ever filed. The BWC footage shows the subject officer conversing with the Victim at the Eastern District police station. The footage shows the officer asking the Victim, "Is this your boyfriend? Have you ever had sex with him before?" The officer ends up applying for charges against the Victim not the alleged perpetrator. After the Victim was treated at a hospital, charges were filed against the alleged perpetrator.

- Mariel Shutinya, CRB Supervisor - Transcript of the conversation provided; CRB investigator who speaks Spanish translated and then asked another native Spanish speaking staff person to check it as well; officer's tone was apathetic and dismissive, officer used the informal language instead of the formal tense, also
- Mel Currie, Southwestern - leaning towards Not Sustain, it is a case of poor bedside manner; not sure if there is enough information to show he "intended" to use abusive language; don't think there's quite enough to sustain
- Tyler Salley, Southeastern - wanted to know more about the Spanish language subtleties; the transcript showed that the officer should not have been handling sexual assault complaints, a female officer should have been, but nevertheless he was handling it and was representing the BPD and he used belittling, dismissive language with the Complainant to the point where someone felt they had to file a complaint on behalf of the Complainant; Sustain for Abusive Language
- Natalie Novak, Secretary, Northern - transcript showed demeaning and disrespectful language; Sustain
- Tiera Hawkes, Chair, Northeastern - Transcript shows dismissive remarks instead of exploratory questions to figure out what was going on; Sustain
- Vote: Sustained for Abusive Language
- Mariel Shutinya, CRB Supervisor - Consent decree was clear that BPD officers needed to be better trained for sexual assault cases, therefore, under the consent decree they should have already been trained to handle these; the CRB is allowed to make policy recommendations if an allegation is not sustained or there are other policies that we'd like to comment on
- Discipline:
 - Tiera Hawkes, Chair, Northeastern - Simple letter of reprimand and training on trauma victims
 - Tyler Salley, Southeastern - Simple letter reprimand and training on trauma victims
 - Natalie Novak, Secretary, Northern - Simple letter reprimand and training on trauma victims
 - Mel Currie, Southwestern - Simple letter reprimand and training on trauma victims

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- A. **CRB2021-0102:** Complaint filed 6/7/2021 against an identified BPD officer for Harassment. On 3/19/2021, the Complainant's facility was treating the Victim. The Complainant grew concerned about the Victim's wellbeing and asked for an ambulance to take the Victim to the hospital to get medical attention. No officers were requested, but four officers arrived before the ambulance. The subject officer asked several questions about the Victim and spoke to the Victim in an aggressive manner and told the Victim that he had to go to the hospital, or the subject officer would arrest him. The Complainant's colleague told the subject officer that they were just waiting for the ambulance and didn't want the situation to be escalated any further. The subject officer asked, "why did you call the police if you don't want them to do their job?" After the ambulance came, staff asked the police to leave, but the subject officer did not leave right away. The Complainant is concerned that officers entered a recovery facility without any police business and was disruptive to the facility. BWC footage was provided. PIB's investigation is complete.
- **12/17/2021 meeting – vote on discipline**
 - Mariel Shutinya, CRB Supervisor - we did not get discipline record from PIB, it was broached at PIB meeting, they told us to file a MPIA request; CRB asked if we could get the discipline history for sustained allegations, this is something PIB will consider, but no answers at this time. So, we might be able to vote to sustain at one meeting, and if sustained, hold discipline over to the next meeting for staff to request the record from PIB
 - Tiera Hawkes, Chair, Northeastern - 2 days of suspension and simple letter of reprimand and training trauma victims
 - Natalie Novak, Secretary, Northern - 2 days of suspension and simple letter of reprimand and training trauma victims
 - Mel Currie, Southwestern - 2 days of suspension and simple letter of reprimand and training trauma victims
 - Tyler Salley, Southeastern - 2 days of suspension and simple letter of reprimand and training trauma victims

VIII. Public Comment

IX. Old Business

- Legislative update
 - Baltimore City does not agree with our proposed plan, they are going to move forward with setting up the PAB and dealing with the CRB at a later date; they want to work with CRB, maybe CRB can be on the PAB, but they did not appear as concerned with the issues we brought up
 - Dana Moore - we need to have another meeting with them and find out more information from the city, see if we can make a plan that works for everyone
 - Caylin Young - we should have more conversations with the city, the city might think that the budget provision should not be in state statute, we want that to be a city council decision; there needs to be more conversation

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X. New Business

- Local Control Advisory Board update – need additional CRB members to attend some meetings
 - Tyler is the only CRB rep at the moment and looking at 2022 the meetings are going to become more frequent and at a different time of the day, which will conflict with my work schedule, it would be helpful to get someone else from CRB to attend some meetings when T is unable or have a conflict
 - Mel can help out
 - Tyler Salley, Southeastern - will send over dates and times of January and February meetings, it's about every other week in January, and then in February the subcommittees will set their own schedule (1/5, 1/14, 1/28)
- 2022 Elections of Secretary and Chair
 - Natalie will send email to everyone on the board, so they know
- Tiera Hawkes, Chair, Northeastern - thoughts and prayers sent out to BPD and officer who was recently injured

XI. Adjournment