

**POLICE ACCOUNTABILITY BOARD FOR BALTIMORE
REGULAR MEETING AGENDA**

December 4, 2023

Hybrid Meeting

6:00-8:00 pm

I. Welcome

Chair Joshua Harris calls the meeting to order at 6:05 pm. Chair Harris opens the floor for members to share any personal announcements.

II. Roll Call

Secretary Stephanie Lee conducted roll call

Mansur Abdul-Malik
Peter Boddie
Antoine Burton
Joshua Harris, Chair
Janetta Gilmore
Megan Kenny
Stephanie Lee, Secretary
Doris Minor-Terrell
Lisa Nguyen
Maraizu Onyenaka
Jesmond Riggins
Jamal Turner, Vice Chair
Avi Wolasky

Board Absent

Marc Broady Excused
Harold Madison was present but left before the meeting
Byran Upshur

OECR Staff

Director Dana Moore
Chief Mariel Shutinya
Deputy Director Caylin Young
Megan Mishou
Jumel Howard
Samuela Ansah
Brandon Wafford

III. Review and Approval of Agenda

Secretary Stephanie Lee moved to adopt the December 4th meeting agenda. Vice Chair Jamal Turner seconded the motion. Motion passes.

IV. Review and Approval of Minutes

Member Dr. Doris Minor-Terrell moved to approve the minutes of the

November 8th meeting. Member Megan Kenny seconded the motion. Motion passes.

V. Staff Updates

Director Dana Moore shares staff updates, which were sent to Board members as the Director's Report on November 29th via email.

Director Moore shared Deputy Chief for the Police Accountability Division has been hired. Deputy Chief Aeiramique Glass couldn't join the meeting due to delayed travel plans but will be present at the January 8th meeting.

Director Moore will allow Chief Mariel Shutinya to share her experience at the in person annual National Association of oversight of Law Enforcement conference. The Office of Equity and Civil Rights will cover the cost of the virtual conference occurring on December 14th and 15th for any Police Accountability Board members.

Director Moore reminds the board to submit any comments or edits for the trial board application so it may be posted online. Staff member Jumel Howard will oversee outreach and engagement for the trial board application in collaboration with board members. Director Moore also announced the Youth vacancy on the Board is still posted for applicants.

Board members can schedule one-on-one meetings with the Office of Ethics should they have any questions about their filings and requirements.

The next Police Accountability Board meeting will be held on January 8th, 2024. It is currently scheduled to be held in person; the hybrid option will be determined. Members enjoy the opportunity to meet in person ahead of the 6 PM start of the public meeting.

Director Moore shared board members are entitled to a stipend and the Office of Equity and Civil Rights will be working with payroll to ensure members receive their stipend. Chair Harris shares stipends were a topic in prior board meetings and inquires how stipends were determined. Director Moore answered, it was determined by the enabling legislation. She further stated that members are free to not accept the stipend, if they choose.

Chair Harris thanks Director Moore for the updates and acknowledges the upcoming holidays and travel plans may require further discussion about an in person or hybrid meeting for the January 8th meeting.

Chief Shutinya announces laptops for board members have arrived and will coordinate with members individually for pick up. These laptops will allow members to directly sign in instead of accessing a remote virtual desktop. Chief Shutinya agrees further discussion for the modality of the January 8th meeting is needed.

Chief Shutinya shares additional information about the newly hired

Deputy Chief Aeiramique Glass. Chief Mariel Shutinya announces to the Board that she submitted her resignation and her last day at the Office of Equity and Civil Rights would be December 15th. Chief Shutinya has enjoyed working with everyone and is proud of her work in setting up the Police Accountability Division. She implores everyone to evaluate and ensure they are working in public safety, accountability and building public trust for the residents of Baltimore City and the work shouldn't be derailed.

Chair Harris opens the floor for questions to the staff. Chair Harris shares he has met with the new Deputy Chief and acknowledges Chief Shutinya's departure. Chair Harris also met with OECR staff member Jumel Howard regarding outreach and engagement strategy. Chair Harris and the board do not have any additional edits to the trial board application. Chair Harris wants to ensure the trial board applications are in a digital format and the outreach strategy will reach those who have not participated in trial boards. Board members will receive the application and share it with their networks to increase solicitation.

Chief Shutinya shared some context about the trial board application; including it is a similar form to what the Police Accountability Board and Administrative Charging Committee (ACC) members used to apply for their positions. The application does not ask about immigration status, criminal records and was vetted by community and advocacy groups in the city. The application can be filled out on a PDF form or handwritten, and it is available in multiple languages. Applicants can contact the Office of Equity and Civil Rights for Americans with Disabilities accommodations and translation in additional languages. Chief Shutinya shares additional information about the trial board process and training and the role the Police Accountability Board plays in selecting civilian members for trial boards.

Vice Chair Turner asks if additional training for civilian trial board members can be added as the Maryland Police and Correctional Training Commissions (MPCTC) only offer them quarterly. Chief Shutinya shares the MPCTC is an agency of the state and trial boards don't happen as often Administrative Charging Committee meetings but can follow up with them. Trial boards are trials so they can take some time to complete, and civilian trial board members are not always available. In the event the Board selects multiple applicants, and they cannot wait until the next quarterly training to serve on trial boards, OECR can work with MPCTC to see if they can hold additional trainings for Baltimore City trial boards, as it is the largest jurisdiction.

Staff member Jumel Howard shared the City has asked agencies to stop offering online application forms as they undergoing an update which should be completed by the end of the month. The new platform is much more accessible and secure than the current one.

VI. Quarterly Meeting with Heads of Law Enforcement
a. Baltimore Police Department

Chair Harris invites Baltimore Police Department Commissioner Richard Worley to provide any updates or changes with the Board. Commissioner Worley shares he has added two Deputy Commissioners and a few lieutenant colonels to provide additional oversight. Additional positions will be added in the future within compliance and Public Integrity Bureau. Commissioner Worley reports things are going well and thanks Chief Shutinya for all her hard work.

Member Jesmond Riggins asks if there were any additions to the reorganization of the Department. Commissioner Worley shares there will be an additional leadership position. Deputy Commissioner Brian Nadeau will oversee the Public Integrity Bureau and Compliance, but there will be Chiefs who will provide an additional layer of oversight. Deputy Commissioner Nadeau shares BPD will add 10 civilian investigators; three (3) have been hired and seven (7) are in the process of being hired. They will assist in processing cases to the Administrative Charging Committee faster as it currently takes 120 days to process. Since the repeal of the Law Enforcement Officer's Bill of Rights, law enforcement agencies can hire civilians. BPD is also adding 10 additional sergeants to assist with high profile cases and cases that involve supervisors. Their goal is to process cases quickly so citizens can receive answers faster than they could previously. BPD has reduced their processing time from 365 days to 120 days, but is still seeking reduce their processing time. An additional Captain will assist in processing cases quickly. Commissioner Worley shares there will be Investigative Sergeants, as they have extra sergeants than they need in some districts. They will place those sergeants in the Public Integrity Bureau so they can investigate and oversee cases. Member Riggins asks if the Investigative Sergeants will handle certain cases outside of the standard investigators. Deputy Commissioner Nadeau shares investigative sergeants will handle cases involving supervisors as detectives are currently investigating those cases.

Vice Chair Turner asks if the new positions were hired internally or externally. Commissioner Worley shares those positions were promoted from within the force.

Member Kenny confirms misconduct complaints are sent to OECR from BPD and are sent in PDF form. Deputy Commissioner Nadeau asks if Member Kenny is referring to every case. Member Kenny informs Deputy Chief Nadeau the information the Board sees, OECR staff must manually type in their software is sent in a PDF from BPD. Deputy Chief Nadeau believes the information is extracted from BPD's system. Member Kenny believes that is incorrect. Chief Shutinya clarifies OECR staff manually type information from the PDF into OECR's case management system. Deputy Chief Nadeau shares OECR has a separate system than the one used by BPD. Member Kenny believes BPD should export a CSV file so OECR staff can quickly upload the data rather than type from a PDF. Deputy Commissioner Nadeau wasn't aware that was the process OECR staff undertake and can work with staff to improve the process.

Chair Harris asks if Commissioner Worley can share the names of the two

new deputy's and their role. Commissioner Worley shares he was formerly the Deputy Commissioner of Operations which required him to oversee about 1500 men and women in that unit which is about 2/3 of BPD. To manage his duties, he split up the operations unit. Monique Brown is the Deputy Commissioner of Patrol and Community Policing, which will be a big emphasis for BPD moving forward. Kevin Jones is the Deputy Commissioner for the Criminal Investigation Bureau.

Chair Harris asks if there is data on how many officers are currently suspended with pay pending investigation and how long they have been suspended. Commissioner Worley doesn't have a number now. Deputy Commissioner Nadeau shares the number of officers suspended fluctuates weekly, however there can be between fifty (50) to seventy-five (75) individuals suspended depending on the case. When the cases are adjudicated and there is a determination of termination by the Administrative Charging Committee or Disciplinary Review Committee (DRC), officers remain suspended until they complete their trial board. If the case has been adjudicated and there is a finding that the complaint is not sustained or there is no recommendation for termination by the ACC or DRC, the officer will be reinstated or undergo other discipline required by the ACC. Chair Harris requests a monthly report of how many officers are suspended with pay pending investigation and how long they remain suspended with pay. Deputy Commissioner Nadeau will receive the request from OECR, BPD will consult with their legal team and report to the Board. Deputy Director Caylin Young suggests OECR can track that data now that the ACC is the entity determining discipline for officers. Chair Harris is requesting different data as investigations must be completed in one year and a day and wants to ensure that is happening for officers who are suspending pending investigation. Deputy Commissioner Nadeau shares there are only certain cases an officer can be suspended with pay pending investigation: mainly criminal cases or the State's Attorneys Office is dealing with integrity issues. In those cases, their police powers can be suspended. The statute that created the Police Accountability Board and Administrative Charging Committee determines the instances and officer can be suspended with or without pay and BPD cannot deviate from the statute.

Chair Harris asked Commissioner Worley if the Harbor Patrol still exists and how many officers are in the Harbor Patrol? Commissioner Worley confirms Harbor Patrol still exists and is staffed by twelve (12) or thirteen (13) officers. Chair Harris asks if the Harbor Patrol seize vessels on the water. Commissioner Worley realizes Chair Harris is referring to the Marine Unit. BPD does not have a marine unit. The Inner Harbor Unit is not a Marine Unit, the Inner Harbor unit just patrols the Inner Harbor. The marine unit is on-call and is activated when there are complaints or a need to go into the water. Chair Harris asks if the Marine Unit can seize vessels, Commissioner Worley confirms they can seize vessels if they go through a particular process. Chair Harris asks Commissioner Worley to outline the process for the Board. Commissioner Worley shares a recent incident where a vessel was abandoned and received several citations and fines for illegal parking. At some point, the vessel was seized after

approval from BPD's legal department. BPD is usually not in the water at all unless it is an emergency such as recovery. Chair Harris asks how vessels receive complaints. Commissioner Worley shares individuals will receive complaints and BPD will follow up to see where the vessel is housed, as they must be housed. Chair Harris asks if there are other locations outside of the Marina that BPD can operate per laws and regulations. Commissioner Worley will check on that, as that falls in the Department of Human Resources.

Deputy Commissioner Nadeau clarifies the terminology suspended with pay. The term suspended with pay comes from the MPCTC. The term implies a suspension of police powers and duties; however, officers are still working and performing administrative duties. They just cannot interact with members of the public while suspended with pay. Only those suspended without pay do not report to work.

Member Mansur Abdul-Malik reports it is difficult to hear individuals who speak without the mic.

Member Kenny shares she handles the spreadsheets and data as the chair of the Data committee. After reviewing the data from complaints, there are two officers with 20 complaints each. It is her understanding they are both still on the force. She believes there is an additional officer who was involved in a shooting of an individual who was running away. Member Kenny wants to know the metrics BPD uses to catch 'high-flyers' as the community is usually aware of officers who engage in misconduct, such as the Gun Trace Task Force. The two individuals identified with 20 allegations have complaints involving aggravated injuries to other people. Commissioner Worley clarifies these are allegations against officers and until an allegation is sustained, BPD can't do anything. BPD is getting ready to introduce an early intervention system that will help identify problematic officers. When an allegation is sustained, the ACC will provide discipline according to the disciplinary matrix. Officers with sustained allegations can accept the discipline or decline and go to a trial board. Member Kenny notes individuals who are arrested and charged face punishment before they are found innocent however; officers are allowed to keep working despite allegations. Commissioner Worley comments the severity of the allegation determines whether an officer will be suspended with or without pay.

Chair Harris asks Commissioner Worley if there is a data position at BPD that regularly keeps up to date with data. Commissioner Worley answers it depends on what kind of data Chair Harris is referring requesting. Chair Harris replies the complaint data is one type of data but is asking if there is a data department in general. In his experience as a consultant, when there is a lack of capacity to look at data, important trends are missed. Commissioner Worley notes the Public Integrity Bureau tracks data. Deputy Commissioner Nadeau answers the Performance Review Board goes through all level three (3) Use of Force reviews and looks for challenges, opportunities for trainings, things that officers do well and don't do well. Sometimes, nominations for awards or investigations come

out of that. There is also a trending and analysis portion they review to see how many cases officers have. BPD also has a very robust health and wellness program that officers utilize. The early intervention system will electronically pull data together and provide indicators BPD should be looking for. Currently, BPD does that manually. Commissioner Worley shares BPD's COMPSTAT process is all about accountability. The first two hours of COMPSTAT is spent on simple accountability. Commissioner Worley believes if the little things are done right, the big things will take care of themselves. It starts with writing reports; BPD will begin reviewing reports and identifying individuals, supervisors and shift commanders who don't write, and process reports correctly. They will do that with every part of the department, which will encourage discipline. Member Kenny is asking what indicators BPD is using to identify 'high-flyers'. Commissioner Worley will allow Deputy Commissioner Nadeau to expand but one indicator is repeated use of force or a particular type of force. Repeated complaints about integrity issues are another indicator. Deputy Commissioner Nadeau explains it depends on what unit an officer is in, as enforcement units tend to receive more complaints as they interact with the public more. However, typically, they will review the type and level of complaint, the disposition of the complaint. The early intervention system will review use of force, district and sergeant input, lateness, misplacing items. Smaller infractions such as lateness or misplacing items can indicate future issues with an officer. The Health and Wellness program can also provide indicators of problematic officers. BPD is working with a national company on the early intervention system and is following national trends and best practices to ensure their early intervention system is the best it can be. BPD is ensuring supervisors have access to the early intervention system to note individuals who are red flags and intervene early as officers may have personal issues that are affecting their work. The Health and Wellness program will play a huge role, as they want to ensure they are supporting their officers as they engage in their work.

Vice Chair Turner asks if officers are utilizing ChatGPT to write their police reports and if there any policies or detection systems to ensure that is not happening. Commissioner Worley can't say for sure but doesn't believe officers are using AI to write their reports. AI might not even be compatible with their software. That doesn't mean officers can't write it elsewhere and change it around, so long as it isn't changing the facts and circumstances of the cases or adding things that shouldn't be added. Officers should be writing in their own words.

Chair Harris asks due to the influx of carjacking in Baltimore City and nationwide, what is BPD's policy on collecting and processing evidence from a crime scene such as fingerprints. This question comes from personal experience after an officer told Chair Harris they weren't supposed to collect fingerprints after his car had been broken into with fingerprint evidence present. Commissioner Worley notes the information the officer gave Chair Harris is incorrect; all officers undergo fingerprint training and may call for a kit, if they do not have one. For carjackings, cars are towed to the nearest district headquarters and the crime lab will

process the car for evidence. While Commissioner Worley was a Major in the Northeast District, he had his officers fingerprint vehicles for a 6-month period and only got one or two hits off every fingerprint they spent a lot of time on; it wasn't very helpful. Fingerprints aren't always helpful in some carjacking cases, especially if the prints are only on the outside of the vehicle because an individual can just walk down the street and touch a car. If anything needs to be processed, it goes to the Crime Lab, if there is a hit, it will go to a detective or sergeant. If it is a ballistic kit from weapon, that comes out as well. Fingerprints can take a bit more time, but not that long if the individual is in the system.

Chair Harris asks how many BPD officers have taken crisis intervention training. Commissioner Worley can get an exact number but believes at least a couple hundred. BPD used to have BEST officers that were taught to deal with behavioral crisis situations. Previously, officers had to go to specialized training and would be called on scene when needed. Now, it is part of the academy, so BPD is bolstering their numbers.

Vice Chair Turner asks if the early intervention system is the same system, the previous police commissioner submitted an RFP for and has there been any changes in how the system will be utilized. Commissioner Worley has not changed anything except for a few policies and moved a few people around.

Member Maraizu Onyenaka recounts an experience where she received an unsatisfactory response from a BPD Officer. Commissioner Worley advises in the event someone does not agree with a response from an officer, the individual should request for a supervisor. Commissioner Worley recounts an instance where an officer was unsure what to do and called for a supervisor themselves. If one officer can't do it, another officer on the shift can.

Member Riggins asks if there is anything, the ACC can do to assist the Public Integrity Bureau increase the quality of their investigations. Deputy Comm. Nadeau comments they have 1500 cases a year. The struggle usually comes from the reports, ensuring officers are writing in the correct style and everything is done correctly. That is why they are adding another Captain to assist in quality control. If the ACC sees cases coming through with missing items, which doesn't usually happen mention it to the OECR staff who has a good working relationship with BPD thanks to Chief Mariel Shutinya who ensured the ACC and PAB was set up correctly and smoothly. ACC and PAB members can give feedback to OECR who will relay it to BPD. We currently have thirty-six (36) individuals handling cases the ACC receives and are working to get all those individuals formulated into the same pattern. BPD receives feedback from the Monitoring team and is awaiting feedback from an assessment they conducted. The report will show the conclusion of cases are correct, but the writing might be wrong and is where the Department is having a hard time, as not everyone they hire has a college degree and must teach them the writing style. This is why the new captain will be essential. They also place individuals in training every year. Anything the

ACC sees that BPD doesn't see is always welcomed feedback. Civilians on trial boards also bring things up to BPD, which also welcomed.

Director Moore notes the meeting must end at 7:45 PM as the library closes at 8 PM and does not want to keep the library staff waiting.

VII. New Business

Chair Harris asks if any members have any questions or concerns about the stipend Director Moore mentioned earlier. There is none.

Chair Harris received notification from the City Solicitor that the Board may not seek independent counsel. Chair Harris is still in conversation with the ACLU and NAACP Legal Defense Fund. Chair Harris shared as background; the civilian review board was told something similar that resulted in litigation. The overarching concern of the Board is the same legal representation that represents BPD can't represent the body that's supposed to provide independent civilian oversight of BPD, which was also the civilian review board's concern at the time.

Member Abdul-Malik asks if there is a total prohibition on independent counsel or can the Board seek pro-bono independent counsel. Chair Harris answers it seems like a prohibition in total, which is the recommendation of the city solicitor. Director Moore clarifies it's not the recommendation of the City Solicitor, but the legal opinion of the City Solicitor that the Board does not have the authority to hire independent legal representation as the Board is an entity of the City of Baltimore. This is the difference between the Police Accountability Board and the Civilian Review Board that is a state entity. The Police Accountability Board is represented by Baltimore City Law Department. If there was a conflict between the Board and the Law Department, there may be consideration to hire independent counsel. Currently, there is no conflict or legal issue the Board needs an opinion the City Solicitor's Office. Member Riggins asks if there was a legal issue that looked like a conflict, would it be the City Solicitor that would determine there is a conflict. Director Moore believes the City Solicitor would be the one to determine if there was a conflict in that instance but cannot speak for them. Chair Harris comments this issue was present about 4 months ago when there were questions around the interpretation of the ordinance that establishes the limits of the Board and feedback of the Board's bylaws.

VIII. Old Business

- a. Trial Board Solicitation
The Board has approved the trial board applicants. Board members and OECR staff will ensure trial board applications reach a wide range of applicants.
- b. Annual Report
Member Riggins and the Policy and Advice committee reviewed the outline and provided comments. They voted on the outline, which included an overview of the information to include in the report. They

submitted the outline to OECR staff. Member Riggins and OECR Staff member Samuela Ansah had a conversation about the process of drafting the report. Chair Harris announces each committee will be writing their portion of the report and OECR staff has a portion they will be writing as well over the next three weeks to meet the deadline. One recommendation the Board will be providing is to extend the deadline so the report can reflect a full year of activities. They will also be providing legislative recommendations on how the ordinance can be improved, policy recommendation for law enforcement agencies and recommendations to improve civilian oversight of law enforcement agencies in Baltimore City. These recommendations have been informed by committee work, conversations with other civilian oversight entities around the country and community engagement effort, and from the ACC. Chair Harris informs members of the public who are present the difference between the Police Accountability Board and Administrative Charging Committee is the ACC reviews investigations of misconduct and sets the floor for discipline of officers, should they sustain an allegation. Chair Harris allows members to comment on the annual report. Vice Chair Turner reflects on the progress both the PAB and ACC has accomplished throughout the course of the year, including hundred of complaints. Chair Harris asks Chief Shutinya to share her experience at the NACOLE Annual Conference. Chief Shutinya shares her experience at the NACOLE Annual Conference. PAB Members have access to all the materials from the NACOLE Conference on their SharePoint website. Chief Shutinya also encourages PAB Members to attend the virtual conference on December 14th and 15th. Six (6) Board members expressed interest in attending the virtual conference.

VIII. Public Comment

Chair Harris opened the floor for public comments. A member of the public spoke on his experience with Baltimore Police Department in the past. He filed a complaint but it has yet to be resolved. He has been in communication with Judge Bredar of the Consent Decree. The individual speaks about his legal challenges in the city as a community activist and retaliation he has experienced from BPD and the judiciary system. He has sent emails, advocated on social media and taken videos. He expects the Civilian Review Board to protect his civil and human rights. Chair Harris highlighted the importance of having a PAB to take complaints. Director Moore thanks the ASL interpreters.

IX. Adjournment

Vice Chair Turner moved to adjourn, Member Kenny seconded, meeting is adjourned at 7:40 p.m.

Submitted,
Stephanie V. Lee
Secretary

