

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

May 17, 2018

Present at the meeting were Civilian Review Board members Mel Currie (Southwestern District), Ebony Harvin (Southern District), Betty Robinson (Northeastern), George Buntin (Western District), Fred Jackson (Northwestern District), Marcus Nole (Western District) and Leslie Parker Blyther (Central District).

Also present were:

Jesmond Riggins, CRB Supervisor
Evangula Brown, CRB Investigator
Shaun Clark, CRB Investigator
Samantha Jeffrey, CRB Investigator
Amy Cruice, ACLU
David Cali, Office of Professional Responsibility
Raymond Lloyd, Office of Professional Responsibility
Stephanie Lansey, Office of Professional Responsibility
Mike Norris, Office of Professional Responsibility
Anthony Stokes, School Police

Members of the public and community members were also present.

I. Welcome and Introductions

Mel Currie welcomed everyone and called the meeting to order at 6:09. He recognized and introduced non-voting members of the Board and staff. He noted that the meeting audio was being recorded.

II. Staff Report

Supervisor Riggins stated that Chair Pearson would be in contact with the Board about a meeting in early June to discuss the events and stakeholder meetings that had taken place in May. He advised that Deputy Director Charles Byrd and Director Jill P. Carter had resigned. He noted that Board members and staff had had a series of meetings with the City Solicitor including Kay Harding, their assigned legal representation. He noted that subjects discussed at these meetings included challenges of dual representation, software, rules and procedures, CRB subpoena power and access to body worn camera footage. He noted that a meeting had been scheduled with Commissioner Darryl DeSousa, however the meeting was canceled and the Commissioner resigned. He noted that staff had met with members of the COTF and provided additional recommendations that would not require legislative change and could be implemented in the short term to make the Board as effective as possible. Supervisor Riggins clarified that a second meeting with Board members was scheduled for later in the month that Bridal Pearson and Mel Currie would attend. Leslie Parker Blyther asked whether they discussed the CRB's 15 Recommendations

Report that had already been presented, and Supervisor Riggins advised that they had proposed additional suggestions beyond this report, totaling about 25 recommendations. He noted at the coming meeting, Chair Pearson and Mel Currie would provide additional feedback, and encouraged Board members to send them their questions, comments, and suggestions so that they could present them to the COTF. Supervisor Riggins noted that the letter the Board had drafted addressing CRB2017-0045 was mailed out on May 11th. He noted that on May 14th staff had met with the Office of Professional Responsibility and discussed the Unified Complaint Form, which should be in its final phase. He noted that there was an upcoming meeting with the DOJ, Independent Monitor, and Law Department. He noted that topics for discussion at that meeting would be the pending meeting with Judge Bredar, protocols that Board and PD need to develop per the Consent Decree regarding how the two offices will interact, and information requests.

III. Approval of Minutes from April 19, 2018

Betty Robinson motioned to approve the minutes from April 19, 2017. Ebony Harvin seconded, and all were in favor.

IV. Approval of Minutes from April 30, 2017

Betty Robinson motioned to approve the minutes from April 30, 2017. Marcus Nole seconded, and all were in favor.

V. Discussion/Adoption of NACOLE Code of Ethics

Mel Currie motioned for the Board to adopt NACOLE's standard code of ethics. Leslie Parker Blyther clarified that the motion was that the Board would adopt the code as their own, and questioned whether it had to happen at the current meeting. Mel Currie stated that adoption was not urgent, but could add an additional sense of legitimacy. Betty Robinson asked if the Board had anything to gain besides addition to NACOLE's list of entities that had adopted their code, and Mel Currie stated that he believed that was the main benefit. Marcus Nole stated that the Board already incorporated these traits in their work, and asked if adopting the code would provide more structure. Mel Currie advised that he felt it would be a recognition of standards for the Board that anyone could easily access. Betty Robinson asked if there were any agencies that wrote their own code, or customized the NACOLE Code. Board members decided to table to the discussion until the subsequent meeting.

VI. New Complaints

CRB2018-0057

H AL

CRB

A majority of Board members voted to authorize an independent CRB investigation.

CRB2018-0061 EF CRB

A majority of Board members voted to authorize an independent CRB investigation.

CRB2018-0064 FA FI H CRB

A majority of Board members voted to authorize an independent CRB investigation.

CRB2018-0066 FI IAD

A majority of Board members voted to review only IAD's investigation. Betty Robinson felt that the issue in this case was harassment. Fred Jackson felt that the officer had used appropriate discretion. Mel Currie did not feel the case warranted an independent CRB investigation.

CRB2018-0067 H EF CRB

A majority of Board members voted to authorize an independent CRB investigation.

CRB2018-0068 H AL CRB

A majority of Board members voted to authorize an independent CRB investigation.

CRB2018-0075 EF

A majority of Board members voted to authorize an independent CRB investigation.

VII. Completed Investigations Noted on Via Email to Avoid Expiration

Mel Currie motioned to change the way the Board made disciplinary recommendations, specifically that in cases where a majority of Board members did not feel the officer's actions warranted termination, the Board would recommend that the Commissioner make the appropriate recommendation based on the officer's prior record, given that they were not privy to that information. He clarified that this would only occur in cases where the Board sustained, but a majority did not recommend termination. He stated that he felt that without prior information about the officer's record, they were not able to make appropriate disciplinary recommendations. He noted that he hoped they would soon have their own database to refer to in making these decisions. Leslie Parker Blyther felt that making the disciplinary recommendations was an important part of the Board's work, and that giving up this power would not be effective in influencing the Commissioner. Amy Cruice asked for the reason for this motion, and Mel Currie clarified that he did not feel decisions about disciplinary recommendations could be credible without information about the officer's prior history. Amy Cruice stated that a lack of transparency on the part of the

police department should not cause the CRB to relinquish any of their power. She stated that for data purposes, the disciplinary recommendations are helpful and show the public that the Board takes its work seriously. Betty Robinson noted that she felt it was a difficult task to decide what discipline should be recommended, and wondered if there would ever be a time when the Board had access to the information it needed. Ebony Harvin agreed on the importance of disciplinary recommendations for data tracking. Leslie Parker Blyther felt that it was important for the community to see CRB's disciplinary recommendations, as their recommendations could differ significantly from the police department. She felt that the Board should continue to make recommendations and seek legislative support to get the information they need. Fred Jackson agreed with Mel Currie and noted that he felt the Commissioner was bound to the disciplinary matrix, which proscribes punishment based on number of offenses. Major Lansley clarified that in terms of the department's procedures, sustained cases are reviewed by the Disciplinary Review Committee, who decides on a disciplinary action, and the officer may choose to accept their recommendation or seek an administrative hearing. Fred Jackson advised that although some repeat offenders were known to the Board, they did not have the full picture. Leslie Parker Blyther felt that the Board's decisions were credible on their own, and noted that in the past, they had asked Chief Hill, who would occasionally provide insight. Mel Currie withdrew his motion.

<u>CRB#</u>	<u>IAD#</u>	<u>Allegations</u>	<u>Findings</u>
CRB2017-0088	17-0267	FA FI H	Sustained Simple Letter of Reprimand Appropriate Training

Mel Currie noted his concern that the officer stated that he smelled unburnt marijuana, and did not understand why a second search occurred when the complainant showed the officer the repair order and was within the time to have it fixed. He felt that the officer did not have probable cause. Ebony Harvin asked if they did find CDS in the car, and Mel Currie clarified that they did on the first occasion the complainant was stopped, however the amount was in dispute. Mel Currie sustained for the allegation of harassment. Betty Robinson felt that the case could be used for training and that it constituted undue harassment. Mel Currie stated that the citation shouldn't have been issued again. Marcus Nole sustained for Officer H for Harassment, as he felt that the interaction should have been a simple traffic stop, and the officer escalated it to an unnecessary level. Betty Robinson felt that it raised the question about the proper procedures for a car search. **Board members sustained the allegation of harassment against officer H. They did not sustain all allegations against all other officers. Board members recommended a simple letter of reprimand and appropriate counseling or training for the officer.** Ebony Harvin asked if there was any conversation during the roll call about car stops from the night before. Lt. Norris noted that they discussed certain high level crimes, and only discussed names of the top five

individuals that had warrants for their arrests. He also stated that information about stops was not available at street level, and the officers would have to go into the station.

CRB2017-0089 17-0287 H EF Not Sustained

Mel Currie noted that in this case the officer had retired, had a search warrant to enter the home. Betty Robinson noted that he did not follow the animal control process. Leslie Parker Blyther asked what the protocol was for approaching animals, and Lt. Norris stated that officers would normally use a shield to push a dog back, but would use force if the dog becomes aggressive. Fred Jackson noted that the owners were not present to control the dog. Leslie Parker Blyther asked whether the officer had a shield, and Lt. Norris noted that the tactical unit regularly carries the shield, while drug unit does not, although the dog could always come around the shield. Leslie Parker Blyther asked if the agency would reconsider that policy and provide all officers with shields. Lt. Norris noted that it was a budgetary issues and Leslie Parker Blyther stated that this was problematic for citizens given police spending in other areas like salaries. Betty Robinson noted that this could be a discussion topic for the DOJ. Fred Jackson noted that often dogs don't respond well to other control techniques. Marcus Nole was concerned that the officer had prior knowledge that the family had a dog, and had shot their dog before. Fred Jackson noted that the search warrant was legitimate and the officer recovered all the materials listed on the warrant. Lt. Norris clarified that excessive force only applies to people, and Leslie Parker Blyther noted that the CRB definition of excessive force did not specify this. A majority of Board members voted not to sustain this case.

CRB2017-0092 17-0286 EF AL H Not Sustained

Ebony Harvin felt that there was not enough information to sustain the case. Mel Currie felt that the officer had legitimate cause to pursue the complainant, and noted that medical records showed that the complainant was hospitalized prior to the incident for the injury the complainant claimed was a result of the use of force. A majority of Board members voted not to sustain this case.

VIII. Completed Investigations

<u>CRB#</u>	<u>IAD#</u>	<u>Allegations</u>	<u>Finding</u>
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CRB2017-0109	17-0328	EF FA H	
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Mel Currie suggested that the case be continued until the IAD casebook was received. George Buntin clarified with Supervisor Riggins that multiple attempts had been made to reach the complainant. Supervisor Riggins clarified that the non-excessive force allegations would expire on May 31st.

IX. Public Comment

Roland Patterson wanted to commend members of the Board on their progress, and stated that he felt that the Board was a more mature organ and ran their meetings

much more smoothly. He noted that he had a legal background, and he wanted to comment that excessive force applies only to people, and when an animal interferes, it is impeding the officer's duty, although this should be clarified with the City solicitor. He felt that on the question of receiving officers' prior history, as a former prosecutor, he felt that the Board had relevant cause for sustained cases and should speak with the Commissioner on this subject, and escalate to the Mayor and City Council if necessary.

Rev. Marguerite Morris wanted to know what types of training the Board had received, as she was considering bringing a civilian oversight process to Anne Arundel County. Mel Currie stated that the Board was a diverse body, closer to being a jury. Betty Robinson advised that the Board was assembled based on their love for the public and sense of justice, and relied on their reasoning skills. Leslie Parker Blyther recommended a book called "Chokehold" by Paul Butler, and thanked everyone who had come out for their advocacy.

X. Old Business

Checklist

Supervisor Riggins clarified that the letter for CRB2017-0045 had been sent on May 11th. Special Assistant Muth agreed to resend the letter to Board members. George Buntin discussed making the letter public and felt that it would be a good starting point to engage community discussion and utilize social media. Betty Robinson felt that the Board should use these platforms to advocate for civilian review and accountability.

Leslie Parker Blyther asked if the Board could get statistics on the number of cases sustained by the department and Mel Currie noted that he would like to see the discrepancy between CRB and IAD findings. Supervisor Riggins noted that this data would be included in the next semi-annual report, and that prior reports with this information were on the website. .

XI. New Business

There was no new business.

XII. Adjournment

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jill Muth