

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

February 4, 2024

6:00-8:00 pm

1. Welcome

Chair Joshua Harris calls the meeting to order at 6:02 pm. Chair Harris opens the floor for members to share any personal announcements. Board Member Megan Kenny was in California visiting with father helping him to celebrate eighty-three (83) years young. Director Dana Moore stated that she is celebrating twenty-two (22) years of wedded bliss.

2. Roll Call

Secretary Stephanie Lee conducted roll call

Mansur Abdul-Malik
Ambassador Peter Bodde
Marc Broady, Esq.
Joshua Harris, Chair
Dr. Janetta Gilmore
Megan Kenny
Stephanie Lee, Secretary
Harold Madison
Dr. Doris Minor-Terrell
Lisa Nguyen
Maraizu Onyenaka
Jesmond Riggins, Esq.
Jamal Turner, Vice Chair
Bryan Upshur
Avi Wolasky

Board Absent

Antoine Burton

OECR Staff

Director Dana Moore
Jumel Howard
Lisa Kelly
Megan Mishou

3. Review and Approval of Agenda

Added to the Agenda under Old Business: Stipends and Counsel for the Board

It was moved by Board Member Megan Kenny and seconded by Board Member Dr. Doris Minor-Terrell that the Agenda be adopted with the additions. Motion Carried.

4. Review and Approval of the Minutes

It was moved by Board Member Ms. Kenny and seconded by Board Member Dr. Minor-Turner that the minutes be approved as presented. Motion Carried.

5. Staff Updates and Director's Report

Director Dana Moore states that Aeiramique Glass is no longer Acting Director of the Police Accountability Board. There was an emergency meeting with some of the Board Members regarding Ms. Glass. The office is working to fill this position ASAP.

Director Dana Moore addresses the two issues added to the Agenda. Regarding the Stipends, everyone must submit a W-9 and all have been received but Chair Harris and Board Member Ambassador Peter Bodde. There is a process with Human Resources to take these payments to the Board of Estimates and she is not sure why this is required. Additionally, members have to be placed in the city payroll system. Director Moore notes she received a note there will be a proposal to the Board of Estimates to create a line item for the Police Accountability Board in the OECR budget and members will receive payments biweekly. Director Moore prefers members to receive a lump sum for the past 6 months then receive payments monthly or biweekly. Chair Harris asks if the lump sum will cover 2023 and where the directive for the line item in the budget come from. Director Moore clarifies it is not a directive, but a process to ensure the Board of Estimates approves the body that will bold the PAB's payment. Director Moore doesn't know more than that and is seeking more clarity on why going before the Board of Estimates again is necessary. Chair Harris asks who provided that information, Director Moore is unsure.

Regarding counsel for the Board, Director Moore states that City Solicitor Ebony Thompson issued an opinion that PAB and ACC are represented by the City Solicitor's Office. Additionally, Director Moore has requested a staff from the City Solicitor Office be assigned to the PAB and ACC and be present at the PAB meetings and that the staff assigned is not

representing the Baltimore City Police Department (BCPD) in anyway. If there is a conflict of interest in any questions posed by the Board with the Law Department or City, the City Solicitor's office will bring in outside counsel. Director Moore also asked if legal issues would be a part of the agenda for recordkeeping if there was any current conflicts. Chair Harris appreciates Director Moore's suggestion and asks Board member to hold their legal questions until they arrive at that part of the agenda.

Director Moore highlighted information from her written report. The Local Controls Bill for the Baltimore City Police Department. Councilman Mark Conway sponsored the bill and the Mayor signed the two bills on January 24, 2024 that will further advance the city's efforts to regain control of BCPD. The two bills codify the powers and duties of the Police Commissioner and the Department and ensures that no other entity can pass legislation affecting the department but Baltimore City.

All laptops are in and can be picked up. Please contact Khadeja Farahmand Chief of Staff to arrange pick up.

There are two bills advancing in the Maryland General Assembly that impact law enforcement and the PAB. Going forward, that might be a regular item on the agenda. Maryland General Assembly session opened January 10, 2024. There is a bill investigation powers for Police Accountability Boards. The Bill numbers are House Bill 533 and Senate Bill 621. There are no bills coming from the Office of Baltimore City Equity and Civil Right (OECR).

The next PAB Meeting will be an in-person on March 4th 2024.

Director Moore stressed that Police Accountability Board Team and OECR are here to support the work and interest of the PAB. If the work and needs of the Board are not being met, please contact Director Moore.

Questions were asked about staffing. There are seventeen (17) positions funded for the PAB and only seven (7) have been filled. There are more than nine hundred (900) applications for those positions. Board Member Kenney stated that the Data position had been posted for a year and still has not been filled. Board Member Ambassador Bodde asked what the Board could do to assist with the application review. The filling of these positions should be a priority. Director Moore notes OECR is doing the hiring, as they will be employees of the City. The language in the legislation empowers Director Moore to designate persons from the OECR to support the Police Accountability Board upon consultation with the Board. To Director Moore, that means OECR can let the PAB know who

they are interested in and would be happy to hear from the PAB. However, it is not feasible for the PAB to be involved in all 900 applicants, so that will not happen. If the PAB has a particular interest, there can be a conversation. Member Bodde understands it might always make sense or be feasible for the PAB to be involved, but only notifying the PAB when OECR is at the end of the hiring process doesn't allow them to provide input or consider their needs. Member Bodde asks if there can be a little more flexibility as they move forward to make sure whoever gets hired is focused on the needs of the PAB. Director Moore would be open to hearing a proposal. The Chair and Member Bodde will get back to Director Moore.

Chair Harris asks OECR staff if notification for this meeting was sent via Gov Delivery. Secretary Lee notes she's seen postings for the meeting on Instagram and Facebook. Chair Harris was just wondering if an email notification was sent to an internal listserv by OECR. Director Moore notes the Open Meetings Act requires the office to post notices of meetings in a reasonable timeframe ahead of the meeting, which OECR always meets. Whether the notice is sent via Gov Delivery, she is not sure. Director Moore suggests Chair Harris and OECR collaborate their attendee lists.

There is still a Board opening for a Youth Member. Questions were asked about the status of applications. Vice Chair Jamal Turner stated that he has assisted several youth in completing the applications and thus far, there has been no response. Director Moore will find out the status of the Youth applications.

Member Jesmond Riggins asks Director Moore if interpretation of the word "consultation" in the enabling legislation would be resolved by the Law Department or any other entity. Member Riggins notes there seems to be a difference between the interpretation of the word between the PAB and OECR. Director Moore notes she isn't aware of PAB's interpretation of the word, but she uses the plain meaning of the word. Member Riggins asks for Director Moore's interpretation. Director Moore clarifies she believes it means to have a discussion about whatever needs to be decided. Member Riggins believes Director Moore's earlier comment regarding consultation about hiring seemed like the PAB would be consulted after a decision has already been made, and there would not be a discussion in regards to staffing. Member Riggins asks if it would be the Law Department that would issue an opinion on interpretation of the word. Director Moore agrees the question would go to the Law Department.

VI Quarterly Meeting with Heads of Law Enforcement

1. Baltimore City Sheriff Department:

Sheriff Samuel L. Cogen

Sheriff Cogen has been in office for a year. Sheriff Cogen stated that there have been about 14-15 cases sent to the Administrative Charging Committee (ACC). Sheriff Cogen would like to learn how his department could benefit from the new disciplinary process and is currently the rewriting all General Orders as they were outdated. They have contracted with Lexipol to assist in rewriting the orders to meet national standards. Sheriff Cogen would like the PAB to review the rewritten orders, as he values community input. Sheriff Cogen would also appreciate insight from the Board regarding procedures for filing a complaint on the Baltimore City Sheriff's Department newly developed website. Sheriff Cogen expressed his commitment to community input as an agency head for a law enforcement agency in Baltimore City and how helpful it would be to include the community in their oversight to ensure constitutional policing with integrity. He believes disciplinary decisions he's received from the Administrative Charging Committee have been well rationalized. They appreciate when the ACC asks for further information in cases as it sets a standard for investigations for them. They are engaging in some non traditional policing particularly in evictions that might generate complaints. Sheriff Cogen suggests a question and answer conversation to help the PAB and community understand the role they play in evictions and laws around evictions on the civil side that are different on the arresting side. Evictions can be particularly hostile as they are seizing property and have order to use whatever force is reasonable to enforce the eviction. Chair Harris appreciates Sheriff Cogen's proactive thinking and is happy to review any policies they have. Chair Harris offers the opportunity for a town hall with the Sheriff's Department and the community in partnership with the PAB. Member Riggins also appreciates Sheriff Cogen's proactive thinking. Member Riggins asks how the Sheriff's Department is thinking about body worn cameras. Member Riggins understands the Sheriff's Department was piloting a body worn camera program, particularly in the courthouse. Sheriff Cogen notes there wasn't technology when he joined the agency. He further stated that when he took over the position there was no IT Department. They now have a public information officer and have beta tested three (3) or four (4) body cameras, which aren't the Axon cameras being used by the Baltimore Police Department. They will probably select a body worn camera company that is not Axon, as they are building their own records management system. For example, when an officer places an eviction notice, it will be geocoded that will also keep a record of the body worn camera footage. It is his hope the staff will be wearing body worn cameras in the next three (3) months for Protective Orders, warrants, civil notices and Evictions. They will probably go with the company that will interface with their new computer system and smart phones. Per state law it is unlawful to record (Film) in the courtrooms. However, there are ongoing

conversations regarding that policy. Cameras might be turned on for interactions such as calls for service in the courtroom such as an arrest. Member Kenny notes body worn cameras are only as good as officers who utilize them. Member Kenny asks if the Sherriff's office partners with Baltimore Crisis Response (BCRI) or any crisis intervention group to de-escalate situations during calls for service. Sherriff Cogen took Crisis Intervention Training with the National Alliance on Mental Illness (NAMI). The Sherriff's Department conducts mental health warrants where individuals in group homes who have been convicted of a violent crime violates their probation by enacting violence on another resident of the home. The Sherriff's Department will have to arrest them and send them back to the State hospital. The Sherriff's Department has a very good relationship with Mental Health Court and Behavioral Health service providers in general. The Sherriff's Department doesn't operate in the same way as BPD who might receive a call for service for an individual experiencing a behavioral health crisis, but they do operate when an individual is in crisis in a court setting. Based on Member Kenny's question, however, Sherriff Cogen will look into additional CIT training for his officers. Member Kenny put a link to BCRI in the chat. Sherriff Cogen believes they are utilizing that resource. Chair Harris notes the State Police Training does offer crisis training but not everyone is required to take it, based on their jurisdiction so it might be helpful to have that in their written policies. Member Mansur Abdul-Malik asks if Sherriff Cogen is aware of any upcoming legislation that would affect his office. Sherriff Cogen shares they have entered legislation that would allow them to use additional funding to create additional positions. Currently, the Sherriff's Department is only allowed to have 103 deputies, by law but would like to see that expanded as their areas for service has expanded, like protective orders for interpersonal violence. There is currently a House Bill 1034 and Senate Bill 1160 that would allow the Department to hire additional Social Workers to assist with evictions, Protective Orders and Domestic Violence orders to bridge the service for the victims. All law enforcement bills affect this department. Member Abdul-Malik asks where the agency is in terms of staffing. Sherriff Cogen notes there is a 28% vacancy, which is due to salary. Their salaries are less than BPD and over 50% of the Deputies live in Baltimore City. The Sherriff Office is a state agency, and the staff are state employees. Director Moore suggests Sherriff Cogen share why he has to go to the Maryland General Assembly to increase the staff of the agency. Sheriff Cogen clarifies the Sherriff's Department is a State agency, which means the City Council can't pass laws to regulate the agency and the deputies are in the State pension system. Part of that is because when civil service began, there was a loophole in the law that left the Baltimore City Sherriff's Department to the State. They could propose a bill to move the Sherriff's Department to Baltimore City's pension system, but that wouldn't make sense because the City has to fund Sherriff's Office. All Sherriff's Offices across the state are considered

ministerial offices regulated by the Maryland General Assembly. They are part of the Judicial branch of government, not the Executive Branch and since Sheriffs are independently elected, they do not want the Executive to come in and set their priorities. They want to work well with the Executive Branch and that is evidenced through the budgetary process alongside the City Council. Chair Harris again asked about scheduling an opportunity for the PAB members to visit the Baltimore City Sheriff's Office to see their operations. You may contact him samcogen@baltimorecity.gov or angelawise@baltimorecity.gov. Chair Harris thanked Sheriff Cogen for his presence and information provided to the PAB.

2. Johns Hopkins Police Department:

Dr. Branville G. Bard, Jr. Vice President Public Safety

Johns Hopkins University

As they work to become operational, Dr. Bard states they have almost finalized hiring a Deputy Chief of Police for the Johns Hopkins University Police Department and they are working on hiring new police officers with the goal of patrolling in a limited capacity by the end of 2024. The new officers will be working in concert with the existing Public Safety apparatus, not to replace it. They are at the end of the policy review process. They just had a public comment period which were to be submitted by January 29, 2024. The finalized policies will be posted on the website when they are ready. There are currently only two staff members, the Community Engagement Coordinator and himself. They will continue to build out the staff and have a limit of 100 employees, as mandated by legislation. Chair Harris explains they received a question from a member of the community concerning the boundaries of the JHUPD and asks Dr. Bard to clarify. Dr. Bard explains the legislature sets the boundaries of the campus. While Hopkins owns several properties and satellite campuses, The Community Safety and Strengthening Act only authorizes JHUPD to operate on the 3 campus defined areas: Homewood, Peabody and East Baltimore campuses. The boundaries of the Police force are determined by legislation of the State of Maryland. Dr. Bard will ensure there are maps on their website that reflect the boundaries set by the legislature. Member Kenny shares she has heard members of the community not having access to the draft policies. She asks when the public will see these missing draft policies. Dr. Bard clarifies all the draft policies are available on the website, however there can be gaps. For instance, section 100, there may only be 20 policies but there are 100 spaces. JHU may decide to adjust the policies and keep the policy numbers. They are required to leave open spaces so they incorporate policies as they grow. Member Kenny suggests a disclaimer on the website for the public. Member Mansur

Malik-Abdul asks if there would be any gray areas where the PAB may receive a use of force complaint from the JHUPD. Chief Bard notes JHUPD has the same reporting requirements as BPD and the Community and Safety Strengthening Act requires them to report incidents to BPD as well. Incidents will not occur and not be reported publicly. Member Malik-Abdul asks if a use of force incident occurred during an eviction of a student will be reported to BPD. Chief Bard notes they are required to report on their use of force annually. Member Malik-Abdul asks what is JHU's stance on body worn cameras. Chief Bard notes body worn cameras are required by statute, which includes audio and have accepted delivery of a batch of cameras. Their goal is to limit the use of discretion by officers in the operation of body worn cameras through policy so bad actors cannot decide when they want to operate their cameras. Chief Bard explains the reasons behind delays in audio recording and video recording. Chair Harris asks Chief Bard to explain how the Johns Hopkins Accountability Board works. Chief Bard notes the JHU PAB was created by State Statute and has a different responsibility than that of the PAB. They have advisory authority over policy, practice, hiring, arrest, and monitor data on racial profiling and policies. They can also make recommendations and the University is required to respond in 120 days. Chair Harris thanked Dr. Bard for his report and information provided to the PAB.

1. **New Business**
2. **Board Trainings: Mansur Abdul-Malik**

Chair Harris stated that it is important that the PAB Board receive the appropriate training and since Board Member Mansur Abdul-Malik has been in contact with several other PAB Boards and National Association for Civilian Oversight of Law Enforcement (NACOLE). Chair Harris asked Member Abdul-Malik to research training for the PAB Board. Board Member Abdul-Malik stated that he has been in contact with Brian Corr, who was once the Executive Director of NACOLE regarding training. We would need to set up a time and specific training for the Board

3. **Local Control Bill and Consent Decree Compliance Statement: Ray Kelly**

Ray Kelly, a member of the ACC presented on the Local Control Bill and Consent Decree Compliance Statement as requested by Chair Harris. He stated that this was a ballot question in 2022 and the citizens voted to strike Article 27 Section 22 of the City Charter. Both Bills were signed last month and there will be a vote on the November ballot. The Consent Decree was a big moment for the City of Baltimore and got citizens reengaged in the process and the real work began. As you are aware, only two (2) out of the eighteen (18) compliance issues have been achieved: transportation of persons in custody and officer safety and wellbeing.

Director Moore gave Mr. Kelly high praise for his work in this area. She further stated that Councilman Mark Conway pushed through the need legislation in the City Council. Mr. Kelly stated that City of Baltimore had to prove that we were ready for local control of our Police Department. He also provided a copy of the City of Baltimore Consent Decree Report (COTF) report.

It was moved by Vice Chair Turner and seconded by Board Member Kenny that the PAB Board issue a statement (Press Release) in support of the Local Control of BPD and BPD reaching compliance on two (2) sections of the Consent Decree Transportation of Detainees and Officer Safety and Wellness. Motion Carried.

4. Old Business

5. Bylaws: Board Member Marc Broady, Esq.

Board Member Broady stated that he is communicating with the City Solicitor's Office to address the PAB Board Bylaws. After the issues have been resolved, we should be able to vote on the Board's Bylaws.

6. PAB Enabling Legislation: Avi Wolasky

Chair Harris asked Board Member Avi Wolasky to review the enabling legislation. Board Member Wolasky highlighted Council Bill 22-0234 specifically:

Sections 11-7 regarding holding quarterly meeting with law enforcement, appoint Civilian members of the ACC and trial boards, receive complaints of police misconduct, review outcomes of the ACC, and advise the Mayor and the City Council on outcomes of ACC and police misconduct and policing matters.

Section 11-8 Must Publicly publish and submit an Annual Report by December 31st, identify trends in the disciplinary process, recommend policy changes and describe the activities of the board.

Section 11-10 ACC composition of members Five (5) members Chair of the PAB or designee, two(2) civilian members appointed by the PAB and two (2) members civilian members appointed by the Mayor for three (3) year terms; they are to review the body armor footage and administrative charges.

Section 11-12 The Director of OECR serves as the Director of PAB and is responsible for assisting them and providing staff support.

Section 11-12c the Director may expend funds as authorized in the Ordinance or Estimates in any Supplementary Appropriations.

Additionally, Board Member Wolasky reviewed Ordinance 23-217, which was the Supplementary General Fund Operating Appropriation of \$2,388,311.00 for OECR-Service 849 PAB to provide funding for staffing; equipment, technology and training resources to support the PAB and ACC. Members were encouraged to read the Ordinances as well as the State bills establishing PABs.

Member Kenny asks if the 7 current full time employees that serve the PAB fluid in their duties. Director Moore answers there are a few different divisions in OECR and some of those in the Equity division have supported the PAB. Those in the Police Accountability Division support the PAB. Director Moore's job is to ensure the office functions at a high level and there are times individuals are asked to support the work of the office in general. Member Kenny asks how many full time employees solely support the work of the PAB. Director Moore notes there is nothing in the legislation that mandates individuals to work for the Police Accountability Division. Member Kenny asks how many positions were budgeted to support the PAB. Director Moore notes there are 17 budgeted positions for the PAB. Member Kenny asks how many full time employees out of the 17 budgeted positions support the PAB. Director Moore answers 6. Member Kenny notes there are 11 open full time employees that have been budgeted. Director Moore notes this is incorrect and will give a report on what positions are open and filled. Director Moore notes there is one employee that was hired through funding for the police accountability board that provides general support for the office which is the community engagement and outreach coordinator. Chair Harris reiterates there isn't a legislative mandate on staffing for the PAB. Member Riggins asks Director Moore how many boards and commissions are supported by OECR. There are 7 boards and commissions supported by OECR.

7. Annual Report

The Committee was working with the Acting Director for PAB on the report. Director Moore stated the report was being housed on a non-City laptop. The Staff is creating the report on the OECR Canva Account. Still needed are letters from the Mayor, the Director, the Chair and the Board members names need to be in alpha order. The migration should take place with very little change, and it is hoped the report will be to the PAB members by February 15, 2024 in draft form for review.

The Stipend and the Counsel for the Board were addressed under Staff Updates/Directors Report.

8. Public Comment

None

9. Adjournment

It was moved by Vice Chair Turner and seconded by Board Member Jesmond Riggins, Esq. that the meeting be adjourned. Motion Carried

The meeting was adjourned at 8:39 p.m.

Submitted,

Stephanie V. Lee

Stephanie V. Lee

Board Secretary