

# MINUTES

Baltimore City Civilian Review Board

## REGULAR MEETING

February 29, 2024

Place: Enabled by Zoom

6:00-8:00 pm

### I. **Welcome & call to order 6:04**

- Natalie Novak, Chair, Northern District
- Levi Zaslow, Northwestern District
- Tiffany Jones
- Lisa Kelly
- Robin Drummond
- Roland Selby
- Shannon Harris-Community Member
- Troy Anthony
- Terrie Lewis

### II. **Review and approval of agenda**

- Chair Novak called for the approval of the agenda.
- Levi Zaslow moved to approve the February 29, 2024 Agenda, seconded by Chair Novak.
- Agenda was approved without objection.

### III. **Review and approval of minutes**

- Chair Novak called for a motion to approve the minutes for January 2024.
- Approval of January minutes tabled until March pending review by Commissioner Zaslow.

### IV. **Director's Report-Lisa Kelly for January**

- 2 - collaborative meetings, forums or presentations with CRB and the community in January – Total 2 in 2024
- 1 – Completed investigations. – Total 1 in 2024
- 0 - cases officially closed by the board in January – Total 0 for 2024
- 0 – cases with sustained allegations in January – Total 0 for 2024.
- 1 – CRB intakes for January – Total 1 intakes for 2024.
- 14 – notifications from Internal Affairs Divisions in January – Total 14 notifications for 2024.
- 0- new complaints sent to the Board – Total 0 for 2024
- 0 – Board authorized investigations for November – Total – 0 for 2024
- 0- Number of complaints referred to Internal Affairs only – Total 0 for 2024
- Megan Mishou will create PowerPoint slides for the CRB to see how the intake system works. Chief Kelly stated that Megan wants to work on that to protect confidentiality as many of the cases come from PAB and ACC.

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- She went over how the complaint investigation is processed through the system.
  - Investigator reaches out to the complainant parties for signature on the CRB improved form.
  - Information is entered into the case management system
  - Copies and files can be downloaded from IApro and entered into the system
  - Investigator can upload the complainant's information to the Google file.
  - Per Ms. Mishou, there are 20 CRB eligible complaints received from the Office on average per week.
- Chief Kelly gave an update on Board members. Mayor's Officer of Government Relations (MOGR) is short-staffed; there are multiple pieces in the Maryland General Assembly; and the moving process of CRB candidates is on hold until after the regular session - around Mid-April.
  - Chair Novak asked about how many candidates were forwarded. Chief Kelly responded that there are 3 candidates forwarded to the Mayor.
  - Chair Novak asked about which districts are covered. Chief Kelly will follow-up on that answer.
- Regarding the 20 complaints per week, Chair Novak asked if that number includes complaints overall including the IA complaints sent over from PIB and those who want to come in and file complaint? Chief Kelly responded yes, absolutely.
- Chair Novak would like to include in the Ms. Mishou's PowerPoints what OECR does when people come in to file a PAB or ACC complaint. Do they try to get the complainant to fill out a CRB complaint as well. Chief Kelly responded that she could find out, but she is sure that they do, and if not there is a follow-up with the CRB investigator. Chair Novak said that she can email Ms. Mishou.
- Chair Novak shared the # of investigative cases by CRB that she had read from the Baltimore City Website:
  - 2016 – 151
  - 2017 – 98
  - 2018 – 112 & 124 cases, report unclear
  - 2019 – not all reports were not posted
  - 2020 – did not view
  - 2121 - 25 cases
  - 2022 - 21 cases.
  - 2023 - 10 cases
  - 2024 - 0

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- Chair Novak noted the sharp decrease in investigative cases after 2018. She would like to understand more about the intake process and clarity from OECR on why this had happened.
- Chief Kelly responded that she had been working with the CRB investigator about Excessive Force in 2023. Since July 1, 2023 it appears that there were 4 of investigated cases. Chair Novak responded that it sounded correct.
- Chief Kelly stated that 3 of those cases were excessive force. Regarding the Out of force cases there were 274 cases and Chief Kelly agreed that there is a substantial difference for what is coming over to CRB. She stated that the obstacle of having the complainant sign a separate form before the investigation can begin could be a contributing factor. Chair Novak understood and agreed.
- Chair Novak also is curious to know how many complainants are able to come into the office to fill out a PAB complaint and at the same time get the CRB complaint filed also.
- Levi Laslow commented that it would be useful to have at least 4 in-person meetings per year in the districts. That would help with outreach and having people understand what OECR and what CRB does. Under the enabling statute CRB should be having at least 4 in-person meetings rotated in the particular police districts throughout the City. Chair Novak agreed.
- Chair Novak asked about the number of Board members. She stated that for the past 6 months CRB has had only 2 Board members, and there were no people of color. She stated that this is now an emergency as Levi Laslow will be leaving in March. State also stated that CRB had only 3 members for over a year and having been asking OECR about new members.
- Because this is an urgent request, she asked if anyone had ideas on who to reach or what can be done to move forward. Chief Kelly agreed to take the CRB requests back to MOGR. She will follow-up. Chair Novak stated that waiting until May will be in violation of the enabling statute. She stated that she intends to do something about it and is not okay with the process. She put her information in the chat for any feedback and suggestions.
- Levi Laslow stated that there should be 9 members of the public selected by the Mayor and subject to the advice and consent of the City Council. In addition, he gave an overview of the representatives that should be present. There should be one representative of Fraternal Order of Police, Baltimore City Police Commissioner or designee, NAACP, Vanguard, and the ACLU. Without all the voting members, at least a full meeting to discuss other business could be done.
- Chair Novak would like to meet with Levi Laslow to go over the moving vehicle case as it is set to expire in March or April.

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### V. New Complaints:

- **No New Complaints**

### VI. Completed Cases:

**A. CRB2023-0126/PAB2023-1250:** Filed on August 10, 2023, against an identified officer for harassment. The Complainant alleged that on June 10, 2023, he was involved in a car accident in Northeast Baltimore. When the officer arrived at the scene, the Complainant said that he tried to inform the officer that his 9 year old son was also in the vehicle with him and may have been injured. According to the Complainant, the officer was not concerned about his son's safety nor did the officer contain the scene. Consequently, the Complainant called 911 for more assistance. When more assistance arrived, the Complainant stated that he was detained and given a field sobriety test. The Complainant admitted that he had been drinking alcohol, however he was later able to obtain footage that proved that the other party was actually the cause of the accident. The Complainant stated that during the sobriety test, the officer was agitated and stereotyped the Complainant as a "thug." The Complainant ultimately wants the police report changed and is alleging harassment because he believes that the field sobriety test performed by the officer was completed incorrectly as the officer was agitated with him.

- Chair Novak:
  - Chair Novak read the summary of the case.
  - Chair Novak stated that the case file was provided and the camera footage.
    - She gave a summary of the footage. She spoke and explained about the complainant activities and the officer's activities.
    - There was some commotion about the son and later the officer conducted a field sobriety test. The officer did ask the son about any injuries and did talk to the complainant. The complainant wanted to get the video camera footage, but the officer was not forward about the footage. Chair Novak did not see a time where the officer was demeaning or acted in a harassing manner. She intended to vote not sustained.
    - Levi Laslow agreed that he did not see where the officer did anything wrong. He could understand the complainant's point

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but did not think it was harassment and would vote not sustained.

- **Decision:** Commissioners voted not sustained.

### VII. Public Comment

- No comment

### VIII. Old Business

- Chief Kelly stated that there are two cases for CRB follow-up.
  - CRB2020-0051  
The Board had requested information from the environmental police. She checked with the Environmental Control Board and DPW's Environmental Police. Neither had this case. Chief Kelly asked if CRB had seen where the investigation was started. She did follow-up with ACC and the ACC did not sustain the charges of harassment and intimidation against the Officers. Chair Novak remembered that the case was discussed at length last month. It was held over for more information but there was no further information. She was likely going to vote not sustained. Member Levi Zaslow was ready to vote. Because it was not on the Agenda, Chair Novak asked to include it on the next Agenda for early March.
  - CRB2022-0070  
Member Levi Zaslow requested an update on the case specifically to contact the other person in the vehicle. The CRB investigator was unable to contact the other person in the vehicle. Chief Kelly stated that they were asked to contact the AG's IID investigator about the decision to fire into a moving vehicle and the Officer's disciplinary record. The AG's office responded stating that they were unable to participate in the meeting or give an opinion but directed the CRB investigator to the public Report.
  - Chief Kelly followed up on the BPD policy about the officer standing in front of the moving vehicle. Her research found policy 1115 Use of Force and Policy 409 firearms regulation. She read the policy. The consent decree is in the eLearning material that was distributed in 2020. Chair Novak and member Levi Zaslow will review the case and policies. Chair Novak asked that the case will be placed back on the Agenda for March. The Report can be found on the AG's website.

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- CRB members agreed to schedule the next Board Meeting on Tuesday, March 12, 2024 at 6pm.

### **IX. New Business**

- No new business

### **X. Adjournment**

- Chair Novak ended the meeting at 7:08pm.