

AGENDA
Baltimore City Civilian Review Board
REGULAR MEETING
July 15, 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
- Levi Zaslow, Northwestern District
- George Buntin, Western District
- Amy Cruice, ACLU
- Tiffany Wingate, Central District
- Evangula Brown, CRB Supervisor
- Dana Moore, Director Office of Equity and Civil Rights
- Jill Muth, CRB Investigator
- Tiffany Jones, CRB Investigator
- Sergeant Eric Mox, BPD
- Khadeja Farahmand, Chief of Staff, Office of Equity and Civil Rights
- Michelle Herring, BCMC
- John Wesley, OECR

II. Review and approval of agenda

- **Approved**

III. Review and approval of minutes

- **Delayed until August**

IV. Director's Report: The OECR held 3 collaborative meetings; the CRB had 3 completed investigations, 2 determination letters, 2 cases closed - 1 case with sustained allegations, 14 CRB intakes, 13 Complaint notifications from PIB, 2 new complaints; 2 new investigations were authorized; OECR had a monthly meeting with PIB and discussed BPD officers uploading their body-worn camera footage at the end of each shift; BWC footage is supposed to be uploaded at the conclusion of a shift, Captain Hernandez was very responsive at the meeting, the PIB meeting brought up the subject of CBR submitted questions to the PIB to be asked of the subject officer pursuant to the PIB/CRB policy that was established in 2020, PIB said they would start notifying CRB of when subject officer are scheduled to be interviewed, Hernandez said he would follow up on this and it shouldn't be a problem in the future.

- Mel Currie, Southwestern District – the CRB can't let this go on forever, the fact that PIB isn't giving us all of the required information on a timely basis.
- Dana Moore, Director Office of Equity and Civil Rights – after the CRB issued a subpoena, Moore talked to PIB about subpoenas, which spurned a conversation with PIB about their duty to provide the required information to the CRB; can't remember who specifically she talked to at BPD/PIB about these issue.
- Natalie Novak, Secretary, Northern District – in regard to the complaint we issued the subpoena for, we got the BWC, but not the search warrant, in response to the subpoena.
- Levi Zaslow, Northwestern District – PIB is invited to the meetings so they can get all the details they need to comply with the requirements to provide documentation to CRB

V. New Complaints:

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A. CRB 2020-0111

▪ **Vote:**

- Mel Currie, Southwestern District – CRB investigation
- George Buntin, Western District – CRB investigation
- Levi Zaslow, Northwestern District – CRB investigation
- Natalie Novak, Secretary, Northern District – CRB investigation
- Tiera Hawkes, Chair, Northeastern District – CRB investigation

VI. Completed Cases:

- A. CRB 2021-0020/PIB 2021-0097:** Complaint filed 10/19/2020 against an identified officer of the Baltimore Police Department for Harassment and False Imprisonment. On 9/25/2020, at 4:30 AM the Complainant heard loud banging at her door. Before she could answer the door, officers had broken the door down and entered her home in order to serve a search warrant. While searching the home, the Complainant and three other people in the house were handcuffed. The Complainant was shown a warrant. She noticed that her two cars were not on the warrant, but the officers towed them away anyway, saying they were in the process of obtaining a warrant for the cars. The officers first asked for her car keys. When she refused to give them over, an officer said they would just break the windows if the Complainant didn't hand over her keys. The car was towed because the Complainant did not provide her keys. During the search, the Complainant stated that she did not want her picture taken, but an officer took a photo anyway, saying, "We have a warrant, we can do what we want." The Complainant and witnesses state that the subject officers were rude, unprofessional, and aggressive. One officer did not activate his body-worn camera. PIB provided some body-worn camera footage and parts of the investigatory file. The PIB investigation was not yet complete, so the entire file was not provided.

- Levi Zaslow, Northwestern District - CRB requested approximately 20 items from PIB, and we only got 2 items; this is a red flag.
- Natalie Novak, Secretary, Northern District - do we have the correct body-worn camera footage? Should we request it?
- Tiera Hawkes, Chair, Northeastern District - the BWC camera is from the officer who towed the car; maybe it was because AFT officers were involved that we didn't get the BWC from the other officers; let's request it one more time, specifically state what we want, and if it doesn't happen by the next meeting, we'll issue a subpoena.
- Amy Cruice, ACLU - what percentage of CRB cases do we not get everything we need from PIB? Officers are disciplined for not activating their body-worn camera, this information should be preserved, and especially if a complaint is filed; not getting the info is a systemic problem.
- Levi Zaslow, Northwestern District – PIB doesn't provide us the information piece by piece, they provide it all together at the time they provide their final report; they have the warrant right now, even if the investigation isn't complete.

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- Tiera Hawkes, Chair, Northeastern District - how does IAPro work? Do they upload things piece by piece?
- George Buntin, Western District - there is no way to know if the duplicate IAPro file has all of the same information the investigator's file has, this has been a question for 4 years. Being on the CRB for 4 years, having the same conversation, we are back to issuing subpoenas, we should consider making the subpoena a regular part of our process, we file a subpoena at the start of every investigation as a matter of course; and share documentation in real time, not at the conclusion of the PIB investigation. This is an ongoing issue. The CRB is the only entity in existence that can hold BPD accountable. It is our responsibility to get all of the information.
- Mel Currie, Southwestern District - many people have complained about handcuffs being too tight; this could be excessive force.
- Sergeant Eric Mox, BPD - handcuffs aren't built for comfort, we use the two-finger rule, two fingers between the cuffs and the person's wrist.
- Vote
 - George Buntin, Western District - issue subpoena now
 - Mel Currie, Southwestern District – now
 - Levi Zaslow, Northwestern District – now
 - Natalie Novak, Secretary, Northern District - now
 - Tiera Hawkes, Chair, Northeastern District - subpoena will be issued
- Case continued to August meeting

B. CRB 2021-0039/PIB 2020-001: Complaint filed 1/23/2021 against an identified officer of the Baltimore Police Department for Excessive Force and Abusive Language. On 12/22/2020 the subject officer pulled the Complainant's car over and requested to see the Complainant's driver's license. The Complainant showed the subject officer his driver's permit. The subject officer asked the Complainant to get out of the car. When the Complainant was out of the car, the subject officer arrested him and twisted his wrists. The subject officer then pushed the Complainant into the car, pressing his knee and elbow into the Complainant's neck and chest. The Complainant stated that he couldn't breathe and then he lost consciousness. When he awoke he continued to have difficulty breathing and stated he had asthma. The Complainant stated that he has had previous encounters with the same officers. PIB provided the entire investigatory file, including body-worn camera footage.

- Vote: abusive language & excessive force
 - Mel Currie, Southwestern District – the officers seem overly familiar with the complainants; one officer used inappropriate language and the other for excessive force, he twisted his wrists
 - Vote: sustain abusive language; sustain excessive force
 - George Buntin, Western District – agreed with Mel
 - Vote: sustain abusive language; sustain excessive force
 - Natalie Novak, Secretary, Northern District - officer was aggressive when the Complainant was trying to comply
 - Vote: sustain abusive language; sustain excessive force

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- Levi Zaslow, Northwestern District - the Complainant did grab the officer's wrists, but then the Complainant stopped. It was after the Complainant stopped that it escalated, the officer pushed the Complainant, which escalated the situation, there was various pushes between them and there was a point where there was excessive force from the officer.
 - Vote: sustain abusive language; sustain excessive force
- Tyler Salley (e-vote) - sustained abusive language; sustained excessive force
- Tiera Hawkes, Chair, Northeastern District - the goal is not to injure people, body language is important during these interactions, the officers set an aggressive tone from the beginning, called in 3 officers, grabbing the phone from the Complainant and the Complainant looked like he was in pain.
 - Vote: sustain abusive language; sustain excessive force
- Levi Zaslow, Northwestern District – the officer grabbed the Complainant's phone away from him
 - Discipline: abusive language
 - Mel Currie, Southwestern District - 3 days of suspension, simple letter of reprimand
 - George Buntin, Western District - 0 days of suspension, medium letter of reprimand
 - Natalie Novak, Secretary, Northern District - 10 days of suspension, medium letter
 - Tyler Salley (e-vote) - 10 days of suspension, simple letter of reprimand, training
 - Levi Zaslow, Northwestern District - 3 days of suspension, training
 - Tiera Hawkes, Chair, Northeastern District - 5 days of suspension, simple
 - Total - 6 days of suspension, simple letter of reprimand, training.
- Discipline: excessive force
 - Mel Currie, Southwestern District - 7 days of suspension, medium letter of reprimand
 - George Buntin, Western District - 10 days of suspension, medium letter of reprimand
 - Natalie Novak, Secretary, Northern District - 15 days of suspension, medium letter of reprimand
 - Levi Zaslow, Northwestern District - 10 days of suspension, medium letter of reprimand
 - Tyler Salley (e-vote) - 10 days of suspension, simple letter of reprimand
 - Tiera Hawkes, Chair, Northeastern District - 7 days of suspension, medium letter of reprimand
 - Total: 10 days of suspension, medium letter of reprimand

C. **CRB 2021-0001/PIB 2020-0011:** Complaint was filed 1/5/2021 against identified officers of the Baltimore Police Department for Excessive Force, False Imprisonment,

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and Abusive Language. The complaint arises out of the same incident described in CRB 2021-0039/2020-001. The Complainant states that he exited the car and was immediately arrested, however, the subject officers did not report to him why he was being arrested. The Complainant reports that after he was handcuffed, he was pushed to the ground and two officers put pressure on his legs. He asked the officers to release some pressure. Another officer on the scene ordered the two officers holding the Complainant's legs down to release his legs, which they did. Shortly thereafter, the two officers went back to putting pressure on the Complainant's legs. The Complainant also reports have previously encounters with these officers. PIB provided the entire investigatory file, including body-worn camera footage.

- Vote: excessive force
 - Mel Currie, Southwestern District - officers let the Complainant get their goad, the officers were holding the Complainant's legs down because he was kicking, but they held his legs down with too much force even after being ordered to let him up.
 - Levi Zaslow, Northwestern District - agreed, putting pressure back on the legs might have been retaliatory,
 - George Buntin, Western District - abstains
 - Natalie Novak, Secretary, Northern District - sustain
 - Tiera Hawkes, Chair, Northeastern District – sustain
- Discipline: excessive force
 - Levi Zaslow, Northwestern District - officers should be held to a higher standard, it was retaliatory, 3 days of suspension
 - Mel Currie, Southwestern District - 6 days of suspension, simple letter
 - Natalie Novak, Secretary, Northern District - 2 days of suspension, simple letter of reprimand
 - Tyler Salley (e-vote) - 10 days of suspension, simple letter of reprimand
 - Tiera Hawkes, Chair, Northeastern District - 2 days of suspension, simple letter of reprimand
 - 1. Total - 5 days of suspension and simple letter of reprimand
- Vote: false imprisonment
 - All CRB members - not sustained

VII. Public Comment

VIII. Old Business

- Following up with DC Nadeau about a meeting about a case from April meeting - Natalie
- Subpoena procedure
 - George Buntin, Western District - the subpoena issue comes up when it's a egregious or serious case, it should note take an egregious situation for us to take action to get the information from PIB we are supposed to get. The statute says we are entitled to the information, whether or not PIB thinks its important, we

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could issue the subpoena right off the bat so it's there if we need it, we will be able to save some time, we can nip this in the bud right from the start of each case.

- Mel Currie, Southwestern District - there have been some cases where I would definitely not issue a subpoena, so maybe it's something we can vote on when we vote on whether we want to conduct a CRB investigation?
- Tiera Hawkes, Chair, Northeastern District - it's one of our only tools; it might become diluted if we issue it in every case.
- George Buntin, Western District - it might not weaken it, it's still a subpoena, replace our requests with a subpoena, we don't have to drag it out if we've already issued a subpoena, if we are missing something we can enforce the subpoena, waiting to use it puts us behind the curve, we can't extend the statute of limitations, we end up waiting to issue it and we get closer and closer to the statute of limitations.
- Dana Moore, Director of OECR - if you issue a subpoena in every case, as a matter of course, it becomes duller each time, it worked this time because it was a rare occurrence, if you do it all the time, it just becomes a regular part of the process; also we ask for 20 categories of documents which might not relate to every case. I would use it sparingly, but we don't have to wait 6 months to do it; would like to see whether the promises made at the last meeting are kept; we didn't have to open a case to put a case number on the subpoena because it was a friendly, OECR was able to move it through without having a judge open a file, this is great cooperation, doesn't mean it will happen every time. Recommends waiting and seeing, wait until September and readdress the issue.
- Mel Currie, Southwestern District - this has been going on for years, we should stay on it, if we don't get requested information in 60 days, issue the subpoena.
- Levi Zaslow, Northwestern District - PIB needs to comply with document requests; subpoena is an awesome power, but we should use it if they aren't providing the documents; we can subpoena officers for questions as well if needed. The CRB can issue its own subpoenas, CRB has our own subpoena power, the CRB / Chair can issue it, we don't have to go to the court.
- George Buntin, Western District - cooperation is the easier course of action for everyone and it would help build an impactful relationship between BPD and community, willing to defer and hold off and see if they make good on their promises, wait until September.

IX. New Business

X. Adjournment