

AGENDA
Baltimore City Civilian Review Board
REGULAR MEETING
June 17, 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
- Tyler Salley, Southeastern District
- George Buntin, Western District
- Amy Cruice, ACLU
- Tiffany Wingate, Central District
- Evangula Brown, CRB Supervisor
- Cedric McCray, Deputy 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, Public Information Officer OECR
- Yao Kouassi Jean Me

II. Review and approval of agenda

- **Approved**

III. Review and approval of minutes

- **Approved**

IV. Director's Report

- Cedric McCray, Deputy Director Office of Equity and Civil Rights – OECR had 3 collaborative meetings or events; 5 CRB investigations were completed; 5 CRB decisions including disciplinary recommendations; 5 cases were closed; 2 cases with sustained allegations; 14 intakes; and 19 complaints from PIB.

V. New Complaints:

- A. **CRB2021-0105:** Complaint filed 6/5/2021 against officers of the Baltimore City Police Department. Complaint alleges that he was driving a vehicle in the opposite direction as a Baltimore City Police vehicle. The BPD vehicle turned around to follow him. BPD signaled for the Complainant to pull his vehicle over. BPD said he was pulled over for his window tints, but then he was asked to get out of the car and the car was searched without his permission, nothing was found. The Complainant has previously filed complaints against the same officers.

- **Voting:**
 - Mel Currie, Southwestern District – CRB investigation
 - Tiera Hawkes, Chair, Northeastern District - CRB investigation
 - Natalie Novak, Secretary, Northern District - CRB investigation

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- Levi Zaslow, Northwestern District - CRB investigation
- Tyler Salley, Southeastern District - CRB investigation

B. **CRB2021-0201:** Complaint filed 6/7/2021 against an officer of the Baltimore City Police Department. The complaint was filed by a witness on behalf of a victim. A doctor called 911 to get an ambulance to take a patient to the emergency department. While they were waiting for the ambulance, a BPD officer arrived, even though no officers were requested. The subject officer yelled at the victim, stating that he believed that the victim had used the bathroom so the victim could ingest drugs and then threatened the victim with arrest. The doctor asked the subject officer not to escalate the situation, and the subject officer said, "why did you call the police if you didn't want us to do our jobs?" When the EMS arrived, the attending medic asked the subject officer to leave, to which he replied, "I'm not going to leave because if [the victim] doesn't go with the paramedics, and I am not here, then I'm going to be the one picking him up off the corner later today" The subject officer eventually left. The complaint alleges that subject officer's behavior was egregious and he entered a recovery facility without permission and with no police business is a violation of statute.

▪ **Voting:**

- Mel Currie, Southwestern District – CRB investigation
 - Tiera Hawkes, Chair, Northeastern District - CRB investigation
 - Natalie Novak, Secretary, Northern District - CRB investigation
 - Levi Zaslow, Northwestern District - CRB investigation
 - Tyler Salley, Southeastern District - CRB investigation
- Tyler Salley, Southeastern District - is it usual for that many officers to show up for a medical call?
- Sergeant Eric Mox, BPD – it depends, usually go to calls with several officers on a regular basis, they could have called in more officers.

VI. Completed Cases:

- A. **2018-0123/2018-0467:** The complaint was filed 9/19/2018, against two identified BPD officers for False Arrest and False Imprisonment. The complaint states that the Complainant stopped her vehicle outside of a bar because she needed a couple cups of ice. The Complainant saw a friend and asked him to go into the bar to get the ice. When he was on his way back to the car, BPD officers jumped out of police cars and immediately arrested the man. The officers then ordered the Complainant out of her car and immediately arrested her. The Complainant's car was searched at the scene. The Complainant told the officers searching her car that there was a bag of cake flour in the glove compartment. While the Complainant was arrested, the charges were later not pressed because the cake flour was tested and was cake flour, not CDS. The Complainant never got her car, computer (which was in the car), or \$800.00 back. Note: the CRB sent requests for information to PIB on 1/3/2020, 2/6/202, and 2/25/2020, which were never answered.
- Notes from 10/15/2020 meeting:

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- Levi Zaslow, Northwestern District - concerned about not getting the requested information from PIB.
 - George Buntin, Western District: also concerned about not getting information from PIB
 - Evangula Brown: this is a back-logged case during a time when PIB wasn't complying with the rules to provide CRB information, it's an old case
 - George Buntin, Western District: it is unacceptable, when we know there is more information that they are not giving us, our standard request letter is not getting through, maybe an administrative meeting to establish a plan
 - Mel Currie, Southwestern District - we need independent counsel
 - Evangula Brown: we will send a request to PIB for additional information
 - Mel Currie: motion to continue case for more information; motion carried
 - Tyler Salley, Southeastern District - we still didn't get all the info we requested from PIB, this is very concerning, CRB isn't getting full compliance from PIB
 - Vote: Not sustained
 - Levi Zaslow, Northwestern District
 - Vote: Not sustained
 - Evangula Brown - we got the BWC we requested
 - Mel Currie, Southwestern District
 - Vote: Not sustained
 - Natalie Nova, Northern District - need to see CCTV to determine if it was a false arrest or false imprisonment, the officers' statements all stated that they never saw a laptop, seems hard to believe, it was pulled out of her bag and put right on the back seat
 - Vote: Not sustained
 - Tiera Hawkes, Chair, Northeastern District – vote: Not sustained
 - Amy Cruice, ACLU - Retention of evidence once a complaint is filed? Any internal policies that would preserve evidence once a complaint is filed? ACLU is working on a self-advocacy toll kit focusing on interactions with police, one section will be about how to get your stuff back after an interaction with the police.
 - Tiera Hawkes, Chair, Northeastern District - we should provide the tool kit with our letters to clients
 - Evangula Brown - Yes, we can do that. OECR keeps everything, it's always preserved
- A. **2020-0021/2020-0747:** Complaint filed on 7/17/2020, against an identified officer of the Baltimore City Police Department for Harassment. The Complainant alleges that on July 18, 2019, an unidentified white male was taking photographs of her home. The unidentified male also asked the Complainant to view her security camera footage, the Complainant declined. Later that day when the Complainant was out, her security system app notified her that there were people standing at her front door. Looking at the app, the Complainant could see that it was the unidentified male, who is the subject officer, as well as other BPD officers. When the Complainant got home, she saw that police officers had broken down her front door, which was damaged, and the subject officer was holding her security system equipment in his hands. The video footage provided by the Complainant shows that the officers repeatedly knocked on her door. The footage shows that the subject officer gave the command to bust the door down. The

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Complainant alleges that the subject officer called her a “smart ass.” The subject officer demanded that the Complainant give the password for the security system to the officer. When she finally did, the officers reviewed the security footage and then left. The footage provided by the Complainant show that the subject officer was wearing a body-worn camera, however no BWC footage has been provided to the CRB. The Complainant provided a copy of the search warrant, which appears to be incomplete.

- Tiera Hawkes, Chair, Northeastern District - warrant wasn't signed
- Tyler Salley, Southeastern District - warrant seemed incomplete
- Amy Cruice, ACLU - I guess they didn't think they'd get in trouble, is why they left a copy of the warrant with her
- Levi Zaslow, Northwestern District - they break down the door, as if a crime is in progress, but in this case it was just for evidence of another crime, then there's a blank warrant from what we can tell, not signed, concerned that we have no PIB response, which is unacceptable, wants more info.
- Mel Currie, Southwestern District - retaliation for refusing the security camera footage in the first place; there are witness officers who need to be interviewed, etc., would also like more information, we should try and talk to the witness officers if the subject officer won't agree to an interview with us.
- Tiera Hawkes, Chair, Northeastern District - PIB called us to request evidence from us, but under our guidelines we don't have to do that.
- Tiffany Jones - this morning PIB sent body-worn camera footage to us this morning and a witness video
- Levi Zaslow, Northwestern District - wants to see application for search warrant, wants the entire file, not just the body-worn camera footage, what was the criminal event they were investigating, and maybe there is an innocent explanation, want to know that, too.
- Tyler Salley, Southeastern District - how do we effectively request the kind of information that we want? I am frustrated that PIB is not providing the info when we need it, they are not cooperating, is there some kind of escalation we can do?
- Levi Zaslow, Northwestern District - issue subpoenas every time
- Sergeant Mox - detective failed to upload the information when she was supposed to, which is why I uploaded it this morning; the case is still being investigated, so there might be more information.
- Natalie Novak, Northern District - set a date for Sergeant Mox to get us the documents, deadline 7/1/21; requests have been sent to PIB, then subsequent requests were made, then emails were sent.
- Levi Zaslow, Northwestern District - issue the subpoena anyway, and if they bring the docs on 7/1/21, then we don't need to enforce the subpoena; maybe during Other Business, investigators can brief us on what they need and what they aren't getting, so we can review it as it's happening and then issue subpoenas earlier on.
- Evangula Brown - this can be done
- Tyler Salley, Southeastern District - we should come up with a policy of how we respond when PIB doesn't give us what we want, the steps we take; and just now as of this morning we are just getting BWC footage, why did it take so long?
- Sergeant Mox - depends on how fast the investigator is working on it, sometimes the case has to transfer between officers, doesn't know why this one is taking so long

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- Evangula Brown -aren't the officers supposed to download their BWC on a regular basis? Isn't it already in the system?
 - Sergeant Mox – officers dock their body-worn camera footage and it goes into Evidence.com, it should be available as long as the officer docks
 - Tyler Salley, Southeastern District - should we try to systemize using our subpoena power? This seems to happen in every case, and we have to make decisions without the needed information, how do we start developing structure to address this issue?
 - Tiera Hawkes, Chair, Northeastern District - we will write something up and vote on it at the next meeting
 - Levi Zaslow, Northwestern District - moves to issue a subpoena for the entire investigative file on this case
 - Vote: motion carried, subpoena will be issued
 - Vote: case continued to request additional information, motion carried
- B. 2019-0077/2019-0229:** Complaint filed 3/20/2019, against an identified officer of the Baltimore Police Department for False Imprisonment and Harassment. The Complainant alleges that on 2/8/2019, the Fire Department and Baltimore Police Department knocked on her door and advised that they received a call that the Complainant was suicidal. After speaking with the Complainant, the Fire Department left her home, finding that she was not suicidal. The BPD however demanded that the Complainant come with them and threatened that if she did not come with them, the officers would have to handcuff her and take her to the hospital. The subject officer's body-worn camera footage shows him giving the Complainant two choices, to willing go with him to the hospital or the officer would handcuff the Complainant and take her to the hospital. The Complainant ended up going with the subject officer to the hospital without handcuffs.
- Tiera Hawkes, Chair, Northeastern District - she jokingly made a statement to a Bank of America representative that she was going to hurt herself
 - Mel Currie, Southwestern District - fire department/EMS left her house and did not take her to the hospital, why did BPD have to? It was unjustified
 - Vote: sustain for False Imprisonment
 - Tyler Salley, Southeastern District - same thoughts, why did fire dept leave but BPD didn't, and this is another example of a time when PIB didn't give us info we requested.
 - Levi Zaslow, Northwestern District - it was clear that the Complainant didn't actually have a choice, but was forced to comply, the officer's report stated he didn't know the Complainant's state of mind, was only concerned about the media, such as, what will the media think if I don't take you in and something happens; officer stated he didn't know her state of mind, any medical history, nothing; he intimated that he would lock her up if she didn't go with her, and if she did, then it would be quicker. A 911 call (like here) without more is not enough to detain her, the officer didn't have anything other indication to detain her, it was just the 911 call, which wasn't enough; and the fire dept was just there and they did not take her to the hospital; officer didn't let her call anyone or call her lawyer.
 - Natalie Novak, Northern District – same
 - Vote: sustain for False Imprisonment

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- Tiera Hawkes, Chair, Northeastern District - there was a medical report submitted that she had suicide attempts in the past, substance abuse, depression—I don't know if the officer knew that or if he had come to the C's house in the past; he could have handled it better, but understood that it would be tragic if something did happen; okay with sustaining for FI, but did consider these other factors
- Levi Zaslow, Northwestern District - good points, I thought about that too, but the Emergency Evaluation Petition didn't include any of that, officer would have put that in the petition, none of that info was in the petition, all that was in the petition was the 911 call from the BOA rep. Maybe that comes into play for the discipline rec.
- Tyler Salley, Southeastern District
 - Vote: sustain for False Imprisonment
- Allegation of False Imprisonment sustained
- Discipline
 - Mel Currie, Southwestern District - 5 days of suspension and medium level of reprimand
 - Levi Zaslow, Northwestern District - 5 days of suspension, medium level of reprimand, and training for emergency evaluation petitions and working with people experiencing a mental health crisis
 - Tyler Salley, Southeastern District - this officer was respectful and that should be reflected; 5 days of suspension, medium level of rep, training, if the Complainant had said No, we might be dealing with a different case
 - Natalie Novak, Northern District - 5 days of suspension and medium level of reprimand, training
 - Tiera Hawkes, Chair, Northeastern District - 5 days of suspension and medium level of reprimand
- Evangula Brown - subpoena witness officers and documents, look at statute

VII. Public Comment

- **None**

VIII. Old Business

- Following up with DC Nadeau about a meeting about a case from April meeting
 - No updates yet, Cedric will circle back to Dir. Moore and see if it's been scheduled.
 - We sent availability to OECR
- 2021 legislation that impacts CRB – quick update from Natalie Novak
 - Natalie Novak will email Ray Kelly about coming to a meeting

IX. New Business

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X. Adjournment