

MINUTES

Baltimore City Civilian Review Board

REGULAR MEETING

March 12, 2024

Place: Enabled by Zoom

6:00-8:00 pm

I. Welcome & call to order 6:012

- Natalie Novak, Chair, Northern District
- Levi Zaslow, Northwestern District
- Shannon Harris-Community Member
- Nicole Chang - NAACP
- Amy Cruice – ACLU of MD
- Dana P Moore – Director
- Lisa Kelly
- Roland Selby
- Tiffany Jones
- Terrie Lewis
- Robin Drummond

II. Review and approval of agenda

- Chair Novak called for the approval of the agenda.
- Levi Zaslow moved to approve the March 12, 2024 Agenda.
- Agenda was approved without objection.

III. Review and approval of minutes

- Chair Novak called for a motion to approve the minutes.
- Chair Novak moved to approve of January and February 2024 minutes seconded by Commissioner Zaslow with amendments.

IV. Director's Report-Lisa Kelly for February (Data Attached)

- Director Moore commended the CRB Commissioners for their work on the Board. She had proclamations to give to the Commissioners (if they have not received theirs) and relayed Mayor Scott's gratitude for the work of the Civilian Review Board. In addition, she congratulated Judge Zaslow for his new move.
- Director Moore acknowledged the changes on the Board and OEGR has posted openings to join the CRB. She has received a few applications, and they have been forwarded to the Mayor's Office of Government Relations (MOGR).
- MOGR is staffing the Maryland General Assembly in Annapolis.
- Director Moore spoke about Legislation to help CRB have investigatory and subpoena power. There are about 30 days left for the approval process.

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- She mentioned an expiring case and that the office is taking into consideration the process of the General Assembly. The goal is that no cases expire.
- Director stated that it takes about 6 weeks to bring on a new Board member. During the period where there is only one CRB Board Member, there is an option to allow the Administrative Charging Committee (ACC) to review cases that are expiring.
- Chair Novak thanked Director for attending this meeting and had follow-up questions:
 - She asked if applications, that have moved to MOGR, are the same that were mentioned back in August 2023. Director Moore responded that she will compare lists and find out.
 - Chair Novak asked, What is meant by “the law passes, and the 3rd body that has investigatory power.” Director Moore responded that she was referring to three entities: PAB – 1ST, ACC – 2ND, and CRB – 3rd.
 - Chair Novak was unsure that the ACC has investigatory power. Director Moore responded yes, and they are requiring more information from law enforcement.
 - Member Amy Cruice clarified that the ACC has been asking PIB to do further investigation and not deploying their own independent investigators. Director Moore responded, “correct.”
 - Commissioner Zaslow thanked Director Moore for her efforts on helping the CRB. He spoke about the CRB enabling statute and the requirements and policies under 16-43(c)(1), 16-43(a)1(i)-(vi), and 16-45 that they do have a full board, but the members do not attend.
 - Commissioner Zaslow stated that he believes that the Board should continue to meet whether there are cases, or all Board members present or not because they could still discuss other business. He did think that they need to comply with the law and did not believe that there is discretion that the Board should not meet anymore, and that the public should have the meetings as a resource. Chair Novak agreed and stated it is unacceptable and will continue to meet. Member Amy Cruice agreed and weighed in on the number of cases. Director Moore responded to that 1) people are choosing to file their cases with ACC, 2) redistricting caused members to be ineligible to be on the CRB, and 3) it is not an action or inaction on the part of OECR. In addition, she stated that Police Accountability is very important to the Office, the Mayor, and to the citizens of Baltimore and we value the work.

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- There was a question in the chat about why people are choosing ACC. Director Moore stated that it may be that the requirements for ACC are not as limited as CRB.
- Chief Kelly also responded that the CRB investigator informs the complainant about the option to file a complaint with the CRB, but they must sign the CRB form which is an extra step.
- Amy Cruice gave comments about the swearing in of Board members and appreciated having legislation of investigatory powers.
- Chair Novak asked if many PAB complainants are filing online or over the phone. Chief Kelly will follow-up but stated that most likely they are filing online.

V. New Complaints:

- **No New Complaints**
- 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.

VI. Completed Cases:

- A. CRB2022-0070/PIB22J-0004:** Filed on May 25, 2023, against identified BPD officers on behalf of her deceased son for excessive force. The Complainant stated that on February 19, 2022, her son was driving his car when he was stopped by BPD officers for an outstanding warrant. The Complainant stated that because her son was unarmed and feared for his life, he returned to his vehicle and attempted to flee the scene. As he attempted to flee, the Complainant stated that the officers shot her son in his chest. The Complainant is alleging excessive force because she believes that this was an unjust shooting. The Complainant also believes that BPD is attempting to dehumanize her son by stating that he had a criminal record and an outstanding warrant as a way to distract from their misconduct. After the medic arrived, the Complainant's son was taken to the hospital where he was pronounced dead.
- Chair Novak:
 - a. Chair Novak read the summary of the case.
 - b. Chair Novak stated that this case was reviewed before and will not add any facts.

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- i. She spoke about the two Officers' activities.
 1. Officer CM-Because the officer shot into the vehicle and violated policy– because he placed himself into the vehicle.
 2. She would find this allegation to be sustained.
 3. Officer CM - Commissioner Zaslow explained his reasons for his decision. He read the Baltimore policy and trainings regarding the violation.
 4. He would sustain the allegations of the Officer CM.
- ii. Officer RM - Chair Novak spoke about the Officer's activities.
 1. Under the policies that were read, she saw no reason for the officer to shoot into the vehicle or exert excessive force.
 2. She sustained excessive force for this Officer.
 3. Commissioner Zaslow gave an overview of both Officers' activities.
 4. Based on timing, he would also sustain against Officer RM. He confirmed that this is for excessive force only.
- iii. Chair Novak gave a summary of the disciplinary recommendation.
 1. Officer CM
 - a. Decision: Commissioners voted to sustain the allegation.
 - b. Recommendation is termination.
 2. Officer RM
 - a. Decision: Commissioners voted to sustain the allegation.
 - b. Recommendation is termination.
- iv. **Decision:** Sustained for both Officers. Recommendation: Termination.
- v. Commissioner Zaslow noted that this was a case that highlighted the discrepancy where officers were found to be exonerated while the Board found the conduct to be unacceptable (PIB vs CRB determinations). Chair Novak asked to highlight the discrepancy in the letter for the BPD Commissioner. Chair Novak stated that this is a good example of where the CRB and PIB have different results.

B. CRB2023-0051-1117SO/PAB2023-0117: Filed on April 20, 2023, against two identified officers for harassment. The Complainant alleged that on December 21, 2022, two identified deputies from the Baltimore City Sheriff's Office used intimidation practices to illegally enter one of his rental properties. The

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Complainant stated that he owns four rental properties in Southeastern Baltimore City. The Complainant alleged that the two identified deputies and a Baltimore City Department of Housing Investigator were targeting him and his property management company. When the deputies arrived at one of his rental properties, the Complainant stated that one of the deputies threatened to put a lien on the property and sell the Complainant's home if he did not provide his business financials to the deputy. The Complainant stated that he asked for a warrant, but the deputy stated that he didn't need one and that he would get an arrest warrant and charge the Complainant for obstruction if the Complainant didn't turn over the financial information. The Complainant stated that even after the Department of Housing proved that all of his licenses were up to date, the Sheriff's Office continued to place notices on his door. The Complainant also believes that he is being racially profiled. As a result, the Complainant stated that he has suffered distress and trauma from the incident. The Complainant is seeking financial compensation for his financial loss and mental anguish.

- Chair Novak:
 - a. Chair Novak read the summary of the case.
 - b. Chair Novak reminded everyone that a representative of the Sheriff's office did come and answer questions on this case. She stated that an investigation was completed by the housing department.
 - i. She did not believe that there is enough information to sustain the allegation for harassment.
 - ii. She did not see evidence of illegal entry.
 - iii. Commissioner Zaslow agreed not to sustain for all of the previous reasons.
 1. He was glad to have a conversation with the Sheriff's on policies.
 2. He commended the Sheriff's department for sending a representative.
 3. Note: He would like to recommend engaging in other agencies.
 - iv. **Decision:** Commissioners voted not sustained.

C. CRB2023-0045/PIB2023-0453: Filed on September 1, 2023, against an identified BPD officer for excessive force. The Complainant stated that on April 6, 2023 at around 9pm she noticed that her daughter had been sharing inappropriate videos with her female friends. Upon discovering this, the Complainant told her daughter that she did not want to see that kind of content in her daughter's phone again. After the Complainant approached her daughter about this behavior, her daughter became frustrated and slammed her bedroom

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door and knock objects off the table. The Complainant stated that she called the police at 11pm to attempt to resolve the situation. However, her daughter's belligerent behavior continued 30 minutes after the first set of police officers left the home. When the second set of officers arrived, they advised the Complainant that they could take her daughter in for an Emergency Evaluation and stated that it was "bad parenting." When the identified officer made this statement, it offended the Complainant's male friend, resulting in him leaving the home with the officer. The Complainant followed them to make sure her friend was alright. The Complainant is alleging excessive force because upon leaving the home, the identified officer grabbed her arm aggressively and forcefully twisted it.

- Chair Novak:
 - a. Chair Novak read the summary of the case.
 - b. Chair Novak gave an overview of the camera footage.
 - i. She spoke and explained about the complainants' activities and the officer's activities.
 - ii. She spoke about other people involved and the other Officer's activities.
 1. She stated that there are a lot of allegations.
 2. She did not think it was unreasonable for to put his hands on the complainant.
 3. Based on the policy for arresting she did not find excessive force for Office C's arrest.
 - iii. Commissioner Zaslow spoke about the BWC footage.
 - iv. He also gave his view of the activities of the Officer.
 - v. He stated that, "I cannot sustain in this case." He voted to not sustain the allegations in this case.
 - c. **Decision:** Commissioners voted not sustained.

VII. Public Comment

- No comment

VIII. Old Business

- No Old Business
- CRB members agreed to schedule the next Board Meeting in April 2024 at 6pm.

IX. New Business

- No new business

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X. Adjournment

- Commissioner Zaslow asked if Director Moore needed anything from him. She asked for a written letter of resignation.
- Chair Novak ended the meeting at 7:35pm.



DIRECTOR'S REPORT

Civilian Review Board

March 12, 2024

STATISTICAL DATA

Metrics	February	2024 Total
Number of collaborative meetings, forums, and presentations convened between the community and the Civilian Review Board	4	6
Number of investigations completed	1	2
Number of Cases Closed by the Board	1	1
Number of Cases with Sustained Allegations	0	0

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Number of CRB Intakes	5	6
Number of Complaint Notifications from IAD	12	26
Number of New Complaints Sent to the Board	0	0
Number of new CRB investigations authorized	0	0
Number of Complaints referred to IAD only	0	0