

Minutes
Baltimore City Civilian Review Board
REGULAR MEETING
Thursday, November 19, 2020
Place: Enabled by Cisco WebEX
6:00-8:00 pm

I. Welcome & call to order.

- Present:
 - Chair, Tiera Hawkes, Northeastern District
 - Secretary, Natalie Novak, Northern District
 - Mel Currie, Southwestern District
 - George Buntin, Western District
 - Evangula Jones, OECR
 - Tiffany Jones, OECR
 - Jill Muth, OECR
 - Cedric McCray, Acting Director OECR
 - Eric Mox, BPD
 - Michele Herring, BCMC
 - Amy Cruice, ACLU of Maryland
 - ASL translator
 - Members of the public

II. Review and approval of agenda.

- Agenda approved unanimously

III. Review and approval of minutes from:

- October 15, 2020 - Regular meeting
 - Minutes approved unanimously
- November 16, 2020 - Administrative meeting
 - Minutes approved unanimously
- Introduced:
 - Keirra Wells a CRB intern
 - Sruthi Surendran an AmeriCorps Vista volunteer

IV. New Complaints:

- A. **CRB2020-0037**: Complaint filed 10/16/2020 against officers in the Northern District. The Complaint alleges on 9/22/2020 the Complainant was in a vehicle eating Chipotle with friends when another car slowly passed them looking into their car, then reversed and parked in a way that blocked in the car the Complainant was sitting in. A white officer approached the car; the Complainant rolled down the window and asked the officer how he was doing. The officer looked in the backseat and saw someone with a joint. The passenger was searched, nothing was found. The Complainant wanted to leave, so he attempted to get out of the car and walk away, as the car was not his. The officer grabbed him and pushed him back into the car. The Complainant again tried to walk away but several officers restrained him, he was pushed against the car and a brick wall while the officers tried to restrain him, during which an officer pulled off his fanny pack,

Minutes
Baltimore City Civilian Review Board
REGULAR MEETING
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which contained an illegal weapon. He was eventually tased by two tasers. The Complainant has sustained nerve and muscle injuries from being tased.

- Voting:
 - Southwestern: CRB investigation
 - Western: CRB investigation
 - Northeastern: CRB investigation
 - Northern: CRB investigation

B. **CRB2020-0038:** Complaint filed 10/21/2020. Complaint alleges that on or about 10/6/2020 the Complainant was delivering for Doordash when officers approached his parked car, there was a passenger inside. The officers said they smelled marijuana so they searched the car.

- Voting:
 - Southwestern: CRB investigation
 - Western: PIB investigation
 - Northeastern: CRB investigation
 - Northern: CRB investigation

C. **CRB2020-0040:** Complaint filed on 11/10/2020 against officers in the Northeast District. At 1530 hours, the Complainant got into a car to drive friends and family only to his father's home. A police car was directly in front of them; the police car eventually did a u-turn and pulled the Complainant over. The officers said they stopped the car because someone threw trash out of the window and the tints were too dark, and then they stated that they smelled marijuana and was going to search the car. They asked everyone to get out of the car and if there were any weapons or controller dangerous substances in the car. The Complainant stated that there was a weapon in the glove box, and both he and his father stated they had marijuana. They were arrested. A medic was called because of the Complainant's asthma. The Complainant was taken to Northern District, then Central Booking, and was released several hours later.

- Voting:
 - Southwestern: CRB investigation
 - Western: CRB investigation
 - Northeastern: CRB investigation
 - Northern: CRB investigation

D. **CRB2020-0044:** Complaint filed on 11/13/2020 against officers in the Central District. The Complaint alleges that on 10/2/2020, the Complainant called the police because he was having issues with her son who suffers from mental health issues. Later the day, the Complainant got an emergency evaluation for his son, and unbeknownst to her, the officer issued an arrest warrant for her son, as well. On 10/9/2020, the Complainant called the police because a window in his kitchen was broken. Upon closer inspection, it was broken from the inside, not the outside. Officers asked the Complainant if he saw who broke it, the Complainant did not actually see his son break the window, but assumed it was him. The officers saw a bottle of kerosene on the oven (which was inoperable at the time). The arrest warrant issued for the disabled son is based on

Minutes
Baltimore City Civilian Review Board
REGULAR MEETING
Thursday, November 19, 2020
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attempted homicide charges. The officer escalated the situation and filed needless, violent charges.

- Voting:
 - Southwestern: CRB investigation
 - Western: CRB investigation
 - Northeastern: CRB investigation
 - Northern: CRB investigation

E. **CRB2020-0047**: Complaint filed 11/16/2020 against officers in the Western District. Complaint alleges that on 11/15/2020, the Complainant is engaged in an argument with his intimate partner, which escalates to the partner refusing to return the Complainant's car keys to him and locking him out of the house so the Complainant is unable to collect the rest of his belongings. The Complainant flags down a police car for assistance. The partner is yelling at the Complainant with a baseball bat in hand. Officers tell the Complainant to sit on the curb across the street, which he does. More officers arrive to attempt to deescalate the situation, to no avail. A sergeant arrives who is able to go into the house to get the Complainant's car keys. The sergeant then arrests the Complainant because there was allegedly a witness in the house who said the Complainant was kicking the door and trying to break in. Because the Complainant doesn't live there, it was destruction of property. Complainant was charged with fourth degree burglary and malicious destruction of property.

- Voting:
 - Southwestern: CRB investigation
 - Western: PIB investigation
 - Northeastern: PIB investigation
 - Northern: PIB investigation

V. Completed Cases:

A. **CRB2018-0131/PIB2018-0488**: Allegation – AL; Complaint filed 8/23/2018, expired on 8/22/19 (backlog case): On 8/24/2018, officers executed a search warrant at her grandmother's home and states that they found marijuana in her grandmother's room and made insulting comments about the grandmother and messed up the home during the search. At the scene, the supervising officer pulled that officer aside and reminded the officer that it is important to have good interactions with citizens and to look at Policy 302. On 10/3/2018, the Complainant provided a recorded statement to a PIB investigator, the statement matched up with the original Complainant. PIB's report shows that three officers gave statements to PIB and there is body worn camera footage of the incident. PIB has already concluded this case.

- Voting:
 - Southwestern: Abusive Language: sustained; Harassment: sustained
 - Western: Abusive Language: sustained; Harassment not sustained
 - Northern: Abusive Language: sustain; Harassment: not sustained
 - Northeastern: Abusive Language: sustain; Harassment: not sustained
- Disciplinary Recommendation:

Minutes
Baltimore City Civilian Review Board
REGULAR MEETING
Thursday, November 19, 2020
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- Southwestern: simple letter of reprimand
- Western: 10-day suspension and simple letter of reprimand
- Northern: mid-level letter of reprimand
- Northeastern: mid-level letter of reprimand
- Final Disciplinary Recommendation: 3-day suspension and mid-level letter of reprimand

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- B. **CRB2019-0203/PIB2020-0468**: Allegations - EF, FA, FI, H, AL; Complaint filed 12/5/2019, expires 12/04/20: On 12/2/2019, Complainant was pulled over on Cherry Hill Rd. by a white plain-clothes officer, there were three additional officers. Officer asked for license and registration and then asked the Complainant to get out of the car. An officer ended up putting hands around the neck of the passenger in Complainant's car, pulled the passenger out of the car, cuffed him, put him on the ground with a knee in his back, passenger screamed for help because he could not breath. Car was searched. Officer advised that Complainant was pulled over because of the tint on her window, but wasn't given a citation or ticket. Officers said they were looking for the passenger, same officers have harassed passenger in the past. Complainant fears for her life due to these officers and the passengers, too. The officers damaged car and things were broken. Statement of Probable Cause (SOC) states that the officer stopped the care due to the window tints, and the passenger was identified. Officer could smell strong, unburnt marijuana emitting from passenger side of the car. Officers asked them to exit the car, Complainant did so, but the passenger did not. Officers state passenger was sweating and trying to conceal a fanny pack. Officers eventually got passenger out of the car, searched him and found a weapon and controlled dangerous substances. Passenger was placed under arrest and taken to Harbor Hospital. PIB documents indicate that body worn camera footage is available, but it doesn't appear that it was provided to CRB.
- Northern: Body-worn camera footage was not provided.
 - Eric Mox: I will make sure the BWC footage is uploaded as soon as possible.
 - Northeaster: Pause deliberation on this case until the BWC footage is provided.
- C. **CRB2019-0204/PIB2019-1710**: Allegations - FA, FI, H; Complaint filed 12/4/2019, expires: 12/03/20: Complainant filed Complaint on behalf of her son, who was falsely arrested on 9/23/2019. The Complaint alleges that the Victim was arrested by five officers because he fit the description of a robbery suspect. But, at first, the officers did not tell the Victim why he was being arrested. During interrogation, the officers were upset because the Victim did not want to say anything, so the officers took his shoes, made him walk outside barefoot, and charged him with other charges. According to the Victim's attorney, the BWC showed the police stop the Victim and two friends, line them up, and the crime victim came to identify them, the crime victim did not identify the Victim, but identified one of the other individuals. The charges against the Victim were eventually nol prossed, as the crime victim again did not identify the Victim. A police report incorrectly states that the crime victim positively identified the Victim as the person who punched her and took her purse, but per the BWC footage the crime victim did not identify the Victim. CRB requests for information were made on 1/14/2020 and 10/14/2020, and information was provided to CRB on 10/15/2020; however, "the

Minutes
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following information requested was not uploaded and included: 911/KGA Recordings, Advice of Rights Form, CCTV Footage, CAD Reports, Evidence Submission, Photogenic Array Form, Action Form and Information Sheet, Property Receipt Form, Statement of Probable Cause, Video of Victim's Interrogation and interview notes for all involved officers." A third request for the Victim's interrogation room video was made on November 9, 2020 and returned negative results (the Victim's attorney has viewed the interrogation video). On 10/21/2020, CRB investigators sent interview requests to the witness officers; none responded. PIB has completed this case, but it is subject to revision following CRB's determinations.

- Southwestern: Case was added a little late, a complicated case, and requested video footage of interrogation has not been provided; would like more time to review the complete case reports.
 - Northeastern: Pause deliberation until additional documentation is provided and allow additional time to review.
- D. **CRB2019-0125/PIB2019-0474**: Allegation: H; Complaint filed 3/18/2019, expired; Board reviewed, and placed on hold, Interpreter is in place for November meeting for Complainant: The Complaint alleges that on 2/10/2019, he was robbed at gun-point, called the police and requested an interpreter, as he is deaf. The officers who responded did not bring an interpreter, Complainant was taken back to the command station, where no interpreter was provided and the Complainant was laughed at by officers. Robbery case was dismissed because officers did not communicate with the Complainant. BWC footage provided by PIB was reviewed and presented additional facts.
- This case was previously put on hold
 - Voting
 - Southwestern: not sustained
 - Northern: not sustained
 - Western: not sustained, but if you ask for an interpreter you should get one; this conduct might not necessarily be harassment, but it is not right; if you are deaf how do you even ask for an interpreter without speaking, how should you best communicate with the officers? The officer should have noticed the communication difficulties and called an interpreter; the Complainant might not have been insistent on getting an interpreter, but the officers should certainly picked up on it at some point.
 - Northeastern: not sustained; BWC showed that no request was made by the Complainant for an interpreter.
 - Southwestern: Might be neglect of duty, seemed like the Complainant *was* speaking with officers, which might not have provided sufficient indication that an interpreter was needed.
 - Jill Muth: Eric Mox would know BPD's policy for interpreters; OECR staff is trained that if anyone requests an interpreter, staff are legally required to provide one.
- E. **CRB2019-0104/PIB19-0624**
- Voting:
 - Northern: Excessive Force sustained

Minutes
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REGULAR MEETING
Thursday, November 19, 2020
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- Western: Excessive Force sustained
 - Northeastern: Excessive Force sustained; the officer appears to be trying to argue it was exigent circumstances, but doesn't fit here.
 - Southwestern: Excessive Force sustained; the Complainant bumped his head against the wall, stuck fingers in his mouth trying to get sim card, against all 3 officers.
 - Disciplinary Recommendations:
 - Southwester: 10-day suspension and mid-level letter of reprimand
 - Northern – termination
 - Western – termination
 - Northeastern – 15-day suspension, mid-level letter of reprimand
 - Final Disciplinary Recommendation = 21 day-suspension and severe letter of reprimand for all three officers for the allegation of Excessive Force
 - False Arrest and False Imprisonment: not sustained
- F. **CRB2018-0139/PIB18-0528:** Complainant filed a complaint against two named officers from the BPD Central District for false arrest and false imprisonment. The Complainant alleges that she was illegally detained on 7/3/2018 and then illegally arrested on 7/17/2018 for a weapon that was found in an LA Nails salon. On 7/3/2018, the Complainant exited her doctor's office and approached her vehicle parked nearby. When she approached her vehicle, she saw that her boyfriend was handcuffed on the curb. The officers present at the scene stated that the vehicle stop was due to a window tint violation. The Complainant told the officers that she had paperwork for the window tint. The Complainant had to use the restroom and an officer escorted her to LA Nails to use their restroom. After leaving LA Nails, the Complainant left the scene to pick up her children from school. An officer went into the restroom the Complainant had used and found a gun in the trashcan, which was the basis for the Complainant's arrest. At some point, the k-9 Unit was called. A K-9 alerted to the vehicle and it was searched, which revealed some bullets that allegedly match the weapon found in the LA Nails restroom. On 10/22/2020, BWC footage was provided to CRB investigators, but PIB reported that no arrest warrant or fingerprint analysis exists.
- Voting:
 - Southwestern: not sustained; preponderance of the evidence includes probable, the report indicates that it is probable that it was her gun
 - Evangula Brown: Car window tint and confidential informant were the reasons the car was stopped
 - Northeastern: not sustained; When the Complainant came outside from her doctor's office, the car stop had already occurred, so False Arrest and False Imprisonment would be based on events that occurred after that point, not sure what events we are focusing on—before or after the car stop only and before or after

Minutes
Baltimore City Civilian Review Board
REGULAR MEETING
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6:00-8:00 pm

the bathroom incident only; gun is not normally in a bathroom, under the standard of a preponderance of the evidence, not sustain

- Northern: not sustained
- Western: not sustained; seems like two separate issues, the car stop and the later events, but looked at the later events for this case.

V. Public Comment

- Sharonda Huffman: Disability rights coordinator for OECR; she has concerns about BPD's interactions with people with disabilities, she asked BPD to speak with the Disability Commission to address these concerns; she is hosting a training on effective communication with deaf offenders using ASL; for example, if an officer handcuffs a deaf person, the officer has taken away their ability to communicate. Purple has an application for a phone ASL interpreter; if someone doesn't ask for an interpreter, we still have to ask him or her if that is something that they need.
- Emma Matthews: Studies police discretion, language issue is a serious issue, have a right to know your rights regardless of what language you speak.

VI. Old Business

- Bylaws Vote
 - Voting:
 - Northern moves; bylaws can be amended by majority vote
 - Southwestern seconds
 - Northeastern: Yes
 - Southwestern: Yes
 - Western: Yes

VII. New Business

- Administrative Meeting recap; goals
- Chair's 5 Point goals
 - Northeastern: Meeting minutes are posted for review; discussed the communication with PIB and CRB obtaining information from PIB, both of these have improved over the past several months; no outstanding issues on this topic at this time. Also discussed the Chair's 5 Point Plan: 1) get a full board, fill all of the seats; 2) increase public access to the information that the CRB has access to; 3) increase social media presence; 4) increase community outreach and awareness of CRB; and 5) increase research efforts and data collection, have the data on hand to back-up our policy points and requests.

VIII. Adjournment