

AGENDA
Baltimore City Civilian Review Board
REGULAR MEETING
November 18, 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
- Tyler Salley, Southeastern District
- Levi Zaslow, Northwestern District
- Amy Cruice, ACLU
- Mariel Shutinya, CRB Supervisor
- Jill Muth, CRB Investigator
- Tiffany Jones, CRB Investigator
- Sergeant Lloyd
- John Westley – OECR

II. Review and approval of agenda

- **Approved**

III. Review and approval of minutes

- **Delayed**

IV. Director's Report

Mariel Shutinya – Met with Youth in Resources team to develop a uniform complaint form for students, complaint forms will be online, and each school will decide where the complaint forms are kept in the school; Jill attended October PIB meeting; Mariel attended November PIB meeting; sent master information/evidence request over to PIB and got a response, everything is looking good, we are getting better and faster information.

V. New Complaints:

- A. **CRB2021-0184:** Complaint filed 11/12/2021 alleging that on 11/4/2021 she was driving on Wilkins Ave. when she a group of people in the street. Some people yelled for her to call the police and others yelled for her to not call the police. The Complainant pulled over to the side of the road and called the police. She is filing a complaint for harassment and incompetency of the police officers.
- **Vote:**
 - Mel Currie, Southwestern District – CRB investigation
 - Tiera Hawkes, Chair, Northeastern District - CRB investigation
 - Natalie Novak, Secretary, Northern District - CRB investigation
 - Tyler Salley, Southeastern District - CRB investigation
 - Levi Zaslow, Northwestern District - CRB investigation

VI. Completed Cases:

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- A. **CRB2021-0070**: Filed 3/24/2021 against an identified BDP officer for False Arrest, Abusive Language and Excessive Force. The complaint alleges that on 2/8/2021 the Complainant and his intimate partner were having a fight and the cops showed up. An officer cuffed the Complainant and took him to Central Booking, even though the officer told the Complainant that he was taking him to the police station. The handcuffs were much too tight and the Complainant kept asking that they be loosened, but the officer did not loosen them. The Complainant now has a cyst on his wrist and has to see a hand surgeon. The prosecution is still pursuing a case against the Complainant, even though his partner withdrew her complaint.
- Mariel Shutinya - investigator did translate and it was normal course police talk, not making fun of the Complainant
 - Levi Zaslow, Northwestern - the right to make an arrest does not mean you can use excessive force, the Complainant complained, there was a need to complain, and the Complainant was injured by the handcuffs. The only info we have is from the Complainant, not much from the officer, so all we have to go on is the info from the Complainant, including the medical records.
 - Mel Currie, Southwestern District - Sustain for Excessive Force for the hand cuffs used
 - Natalie Novak, Secretary, Northern – we hear this all the time; Not Sustain for False Arrest and Abusive Language; Sustain for Excessive Force
 - Tyler Salley, Southeastern - the Complainant's complaint about the handcuffs was heard by an officer, who responded to his complaint, so they knew about it. Vote: Sustain for Excessive Force; Not Sustain for False Arrest and Abusive Language
 - Sgt. Lloyd: depends on the situation, most of the time metal handcuffs are used, not the flex cuffs, unless they are available.
 - Tiera Hawkes, Chair, Northeastern - Sustain for Excessive Force; not sustain for Abusive Language and FA
 - Sgt. Lloyd: BPD does not have an algorithm to use to put all the information in and the matrix discipline will be calculated
 - Disciplinary Recommendation:
 - Mel Currie, Southwestern District – 3 days of suspension and simple letter of reprimand
 - Natalie Novak, Secretary, Northern – 1 day of suspension and simple letter of reprimand
 - Levi Zaslow, Northwestern – 1 day of suspension and medium letter of reprimand
 - Tiera Hawkes, Chair, Northeastern – 1 day of suspension and simple letter of reprimand
 - Tyler Salley, Southeastern – 1 day of suspension and simple letter of reprimand
 - Total: 1.4 = 1 and simple letter of reprimand
- B. **CRB2021-0019**: Complaint filed 1/14/2021 against an identified BPD officer for Abusive Language. The complaint alleges that on 12/20/2020 the Victim contacted the Complainant and stated that the subject officer did not take her sexual assault complaint

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seriously and she was treated disrespectfully. The Victim stated this to her social service caseworker, the Complainant. The Victim stated that when she was making a sexual assault complaint to the subject officer, the officer's tone made it seem like he did not believe her; the officer stated that the alleged perpetrator was her boyfriend; and she is unsure if a police report was ever filed. The BWC footage shows the subject officer conversing with the Victim at the Eastern District police station. The footage shows the officer asking the Victim, "Is this your boyfriend? Have you ever had sex with him before?" The officer ends up applying for charges against the Victim not the alleged perpetrator. After the Victim was treated at a hospital, charges were filed against the alleged perpetrator.

- Natalie Novak, Secretary, Northern - there is body-worn camera footage of the subject officer's conversation with the Complainant.
 - Tyler Salley, Southeastern – officer's comments to the Complainant were belittling and humiliating, Complainant wasn't even offered medical services, she went to the hospital on her own.
 - Levi Zaslow, Northwestern – in some ways officers do have to ask those questions to determine what's going on. Nevertheless, the officers conduct was inappropriate.
 - Amy Cruice – what were the exact questions? Was it, "Have you ever had sex with him before?" How does that add to the police investigation? Can you play it by sharing your screen?
 - Mariel Shutinya – Let me look into this and get back to you.
 - Mel Currie, Southwestern District – Let's continue the case until next month – approved
 - Tiera Hawkes, Chair, Northeastern – didn't transport her to the hospital, didn't give her the form
- C. **CRB2021-0007:** Filed 2/15/2021 against identified BPD officers for False Imprisonment and Harassment. The complaint alleges that the Complainant was on his way to work when he was pulled over for not having a tag light. The Complainant followed the officers' directions and gave his information to them and rolled down all four windows twice. The officers then asked the Complainant to get out of the car, which he did. Then the officers started to search the Complainant's car without his consent. The officers stated they could search the car due to "exigent circumstances." The Complainant lodges a complaint with the CRB that he was racially profiled, his rights were violated, and he experienced emotional distress. He was afraid for his life during the interaction. Body-worn camera footage was provided.
- Tyler Salley, Southeastern – they searched the entire car
 - Amy Cruice – this is a case where we should send the Complainant a tort claim notice for damages, he might have missed work, or his car was damaged.
 - Levi Zaslow, Northwestern – PIB has concluded its investigation
 - Tiera Hawkes, Chair, Northeastern – the conversation afterwards was also inappropriate and infuriating
 - Levi Zaslow, Northwestern – the officers obviously lied when they searched the car pursuant to exigent circumstances and none of the other officers intervened.

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- Vote:
 - Mel Currie, Southwestern District - Sustained False Arrest for all 3 officers; Not Sustained Harassment
 - Tyler Salley, Southeastern – Sustained both False Arrest and Harassment for all 3 officers
 - Tiera Hawkes, Chair, Northeastern – agrees
 - Levi Zaslow, Northwestern – agrees
 - Natalie Novak, Secretary, Northern – agrees
- Disciplinary Recommendations:
 - Tyler Salley, Southeastern – 3 days of suspension for all, severe letter for officers B and L; and medium letter for officer F
 - Levi Zaslow, Northwestern – given the lies and the attempt to cover up afterwards; if the Complainant wasn't respectful, this could have gone differently; 3 days of suspension for all, severe letter for officers B and L; and medium letter for officer F
 - Tiera Hawkes, Chair, Northeastern – 3 days of suspension for all, severe letter for officers B and L; and medium letter for officer F
 - Natalie Novak, Secretary, Northern – 3 days of suspension for all, severe letter for officers B and L; and medium letter for officer F
 - Mel Currie, Southwestern District - 3 days of suspension for all officers, medium letter of reprimand for officers B and L; and simple letter of reprimand for officer F
 - Total: 3 days of suspension for all officers; severe letter of reprimand for officers B and L; and medium letter of reprimand for officer F

D. **CRB 2020-0069:** Complaint filed 12/14/2020 against an identified BPD officer for Harassment. BPD was called to a hospital because of a patient who was threatening staff people with violence. The responding BPD officers questioned the Complainant in a back hallway. The officers told the Complainant that she signed up for this kind of incident when she took this job—it's part of the territory. One officer asked her to speak into the camera, which made the Complainant uncomfortable. The officers were rude and stated that they had more important places to be. The Complainant feels intimidated by the officers, who regularly respond to incidents at the hospital, and was hesitant about filing a complaint. The officers blocked their badges from the Complainant; one officer claimed not to know the name of the other officer.

- Mel Currie, Southwestern District - Vote: Sustain for Harassment; we have the Complainant's story and the officer's story, but the officer's story included several false statements; and another witness, the security guard during the incident felt the need to intervene and ask the Complainant if she was okay.
- Tyler Salley, Southeastern – officer intentionally turned off his camera; told the Complainant to talk into the BWC when it wasn't even on, nurse felt cornered by the officer. PIB did a good job in this investigation, has seen a positive shift in the investigations. Vote: Sustain for Harassment.
- Sgt. Lloyd – will look up the BWC policy for hospitals

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- Mariel Shutinya – has it pulled up, reads it; it appears that it should have been turned on for the call for service, turned off in the hospital, and then turned on for one-on-one interactions that wouldn't violate privacy
 - Mel Currie, Southwestern District - the Complainant took the officer to a place where the officer could have used his BWC
 - Natalie Novak, Secretary, Northern – Sustain for Harassment
 - Levi Zaslow, Northwestern – Sustained for Harassment
 - Tiera Hawkes, Chair, Northeastern – Sustain for Harassment, it's more likely than not
 - Disciplinary Recommendation:
 - Tyler Salley, Southeastern - a fine line has to be drawn regarding this behavior, intentionally turning off camera is inappropriate; another example of an officer in a hospital setting who are trying to misuse their authority. Recommendation is 4 days of suspension and medium letter of reprimand.
 - Natalie Novak, Secretary, Northern - 3 days and a medium letter of reprimand
 - Mel Currie, Southwestern District - 6 days, medium letter of reprimand
 - Tiera Hawkes, Chair, Northeastern - 3 days and medium letter of reprimand
 - Levi Zaslow, Northwestern – 2 days and medium letter of reprimand
 - Total: 3.6 = 4 days of suspension and medium letter of reprimand
- E. **CRB2019-0027:** Complaint filed 2/27/2019 against an identified BPD officer for Harassment and Excessive Force. The complaint alleges that on 1/19/2019 the Complainant was in a bathroom stall of a McDonald's. The store manager asked her to vacate the stall because the Complainant had been in the stall for a long time and a line was forming. The manager called the police to assist her. The subject officer arrived at the McDonald's and asked the manager to ensure everyone in the bathroom was dressed before he entered the bathroom. Upon his entrance, the subject officer yelled at the Complainant, ordered her to leave the bathroom, grabbed her arm to force her to exit the bathroom stall, pushed the Complainant out the door, and argued with the Complaint before she left the McDonald's. The Complainant alleges that the subject officer slammed her hand in the door of the bathroom.
- Tiera Hawkes, Chair, Northeastern - the BWC foots makes it seem like she moved her hand out from the doorway before the door closed; the pics of her hand don't show any redness or bruises or any injury at all; the officer seemed like he did what was appropriate to get the out of the bathroom.
 - Mel Currie, Southwestern – don't think there is preponderance of the evidence for excessive force; we don't know if he did slam the door on her hand, if it was inadvertent
 - Levi Zaslow, Northwestern – Not Sustained
 - Natalie Novak, Secretary, Northern – Not Sustained
- F. **CRB2019-0009:** Complaint filed 3/12/2019 against an unidentified BPD officer for Harassment. The complaint alleges that unmarked police vehicles follow him around wherever he goes. This case is expired.
- Natalie Novak, Secretary, Northern – Not Sustained

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- Mel Currie, Southwestern District - Not Sustained
 - Levi Zaslow, Northwestern – Not Sustained
 - Tiera Hawkes, Chair, Northeastern – Not Sustained
- G. **CRB2018-0231:** Complaint filed 11/5/2018 against an identified BPD officer for False Arrest. The complaint alleges that on 10/26/2018 the subject officer was under cover and approached the Complainant, asking if she was “looking to hang out.” Thereafter, the Complainant and the subject officer consensually touched each other, but the Complainant was consequently arrested. This case is expired.
- Vote all: Administratively close
- H. **CRB2018-0230:** Complaint filed 12/18/2018 against an identified BPD officer for Harassment and Excessive Force. The complaint alleges that on 7/26/2018 the Complainant was unlawfully detained and the officer used excessive force in detaining him. The Complainant was approached by the subject officer who asked him a question about bike share bicycles. The Complainant answered and then walked away, but the subject officer grabbed him by his backpack and told him to sit down on the curb “pending an investigation of the bikes.” The complaint alleges that the subject officer pulled up his pant leg to see if there was an ankle monitor, handcuffed him as he attempted to make a call, and pulled his underwear away from his body and looked down at his genitals twice during strip search. The Complaint was arrested for stealing the bicycles. Body-worn camera footage was provided.
- Tiera Hawkes, Chair, Northeastern – for a child, this would be a devastating incident
 - Mel Currie, Southwestern District – is this excessive force or harassment?
 - Levi Zaslow, Northwestern – read BPD body cavity policy, this was a cavity search
 - Tiera Hawkes, Chair, Northeastern – he was under arrest, so if he had anything in his pants it would have been discovered when he was processed
 - Mel Currie, Southwestern District – this sounds more like harassment; it’s a close call, but he did pull the underwear down twice
 - Tiera Hawkes, Chair, Northeastern – seems like this is somewhere in between harassment and excessive force
 - Amy Cruice – an unconstitutional search and excessive force originate from the same Constitutional amendment, the 4th amendment.
 - Levi Zaslow, Northwestern – first he pulls his underwear away from his body, then touches close to the Complainant’s genitals, then takes the Complainant to a more private area and looks into his underwear again.
 - Natalie Novak, Secretary, Northern - vote sustain for EF and H
 - Tiera Hawkes, Chair, Northeastern - vote to Sustain for Excessive Force and Harassment
 - Levi Zaslow, Northwestern - Sustain for Excessive Force and Harassment
 - Mel Currie, Southwestern District - Sustain for Excessive Force and Harassment
 - Disciplinary Recommendation:
 - Tiera Hawkes, Chair, Northeastern – 15 days of suspension and severe
 - Natalie Novak, Secretary, Northern – 15 days of suspension and severe letter of reprimand

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- Levi Zaslow, Northwestern – involves a juvenile and greater care should be used in such situations; 15 days of suspension and severe letter of reprimand
- Mel Currie, Southwestern – 15 days of suspension and severe letter or reprimand

VII. Public Comment

VIII. Old Business

- Dana Moore – there were not many applicants for the board, only had 1 application for each vacancy; gave the mayor 1 or 2 names for each vacancy; the mayor did not act on those names and put out notifications for more applicants; the notices were posted on social media and The Afro, among other places, the mayor now has a few names, but he would like even more; if you have any names, please send them forward.

IX. New Business

X. Adjournment