

MINUTES
Baltimore City Civilian Review Board
REGULAR MEETING
November 29, 2023
Place: Enabled by Zoom
6:00-8:00 pm

I. Welcome & call to order

- Natalie Novak, Chair, Northern District
- Levi Zaslow, Northwestern District
- Mariel Shutinya, Chief, Police Accountability Division, OECR
- Sgt. Angel Batey, Public Integrity Bureau
- Amy Cruice, ACLU
- Nicole Chang, NAACP
- Lisa Kelly, Chief of Investigations, OECR

II. Review and approval of agenda

- Chair Novak motioned to approve
- Approved

III. Review and approval of minutes

- October 2023-Approved
 - Chair Novak motioned to approve October 2023 minutes.
 - Levi Zaslow moved to adopt the minutes.
 - Chair Novak seconded.

IV. Director's Report

- As of this month 2023, we've had 38 collaborative meetings, forums or presentations that the CRB did in the community.
- Completed 14 investigations.
- 13 of the investigations have had recommendations that are punitive or non-punitive. And there's one pending this month to get the discipline. That's why there's a difference in case numbers.
- 12 cases have been officially closed by the board.
- 4 of those have had sustained allegations.
- We have 43 intakes.
- We've received 168 notifications from PIB.
- We had 12 new complaints sent to the Board.
- The Board authorized 10 investigations. One is pending tonight to be authorized and one has be IAD Only.
- OECR had Civil Rights Week the end of October, the beginning of November. On Wednesday MONSE did a victim services conference that we helped co-host. The lunch portion was devoted to telling the group about CRB, PAB and ACC, how they can file complaints, how they can work with us, all of those issues.
- She's not here today but she starts tomorrow. The Deputy Chief of the Police Accountability Division. The Deputy will be working with me which is very exciting. She is joining us all the way from San Diego. She was the Chair of their advisory board.

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- Jumel Howard, who is our Community Outreach Coordinator has created a draft outreach plan that we'll be sending to everyone to review and work on together. He will join us at the December meeting.
- I went to the NACO Conference. It was out in Chicago in early November. The Chair of the ACC, Tierra Hawkes joined as well. I have downloaded all the material and will send it to the board. They are labeled by topic.
- Mayor's Office of Government Relations advised that they will not be taking no formal action to sunset the CRB. They are happy with the work that's being done. There's no reason to sunset it. The City itself will not be introducing any legislation to get rid of the CRB.
- The Mayor has reviewed the applications and there will be 3 names for 3 new CRB members going to Council. Hopefully next week. I think its Northeast, Southeast and West. When the names are made public, I can provide you with that.
- OECR will be hosting a holiday party on December 15th at the Vollmer Center from 11:30am-3:30pm all Board members are invited.
- Lisa Kelly: CRC will be hosting an informational hearing titled, Providing Caring Attention and Services to the City as Law Enforcement. CRC has invited several law enforcement agencies such as, the Baltimore Police Department, Johns Hopkins Police Department, and the Sheriff Office. It's scheduled for January 17th, 2024 at 6pm. The hearing will be recorded.
- The PAB is meeting on Monday December 4, 2023 from 6p-8p. It will be hybrid. In person at the Wavery Enoch Pratt Library.

V. New Complaints:

A. CRB2023-0165/PIB2023-1670: Filed on November 2, 2023, against identified BPD officers for excessive force, false imprisonment and harassment. The Complainant alleged that on September 22, 2023 they witnessed several Baltimore City Police Officers brutalizing and illegally detaining a minor. The complainant stated that they intervened out of immense fear for the child's life and managed to help the child and her older brother, also a minor, to be safely released. After the incident, the Complainant stated that they attempted to collect information multiple times on all the involved officers from the police department to hold them accountable. However, all the persons the Complainant spoke to were uncooperative, leading the Complainant to believe that BPD is attempting to cover up the incident.

- Levi:
 - I'll go first. I would vote for a CRB investigation for this.
- Natalie:
 - I would too.

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VI. Completed Cases:

A. CRB2023-0067/PIB2023-0738: Filed on May 16, 2023, against an identified BPD officer for abusive language and harassment. The Complainant alleged that on May 15, 2023 she called the police due to a dispute with her neighbor. The Complainant stated that a BPD officer responded, and as she was explaining the situation to him, the neighbor and several of her family members exited the building and began taunting the Complainant and threatening her. The Complainant stated that the group approached her vehicle, and someone threw a water bottle into her car, striking her leg. The Complainant stated that the officer did nothing about this assault and threatened to pepper spray her, cursed at her and demanded her to return to her vehicle. The Complainant stated that no arrests were made, and the group was allowed to leave after assaulting and threatening her.

- Natalie:
 - So, we sustained the allegation of abusive language as well as harassment [last month]. And we received the disciplinary history for this officer.

- Mariel
 - Can I say one thing? Just very quickly. All of the complaints were internal and not involving a member of the public. If you had any questions about what it meant.

- Natalie:
 - I actually did. I was going to ask you or Sgt. Batey. Because it just said internal so sometimes, I provide more information so you can use the disciplinary matrix on what kind of infraction it was. I wasn't sure what internal meant.

- Mariel
 - So, I looked up all of these. They happened since the ACC existed and would have been hearing them and they were not ACC cases. Which means it did not involve a member of the public. And they were internally generated. Even if they were sustained, they're not going to impact anything in the matrix for y'all. I'm just saying there are no sustained cases involving a member of the public.

- Natalie:
 - Thank you. That's very helpful. Well, basing best I can on the disciplinary matrix, without having all of the information, I landed on 3 days loss of leave. Again, without having too much information about mitigating or aggravating circumstances to deviate from the standard recommendation of 3-day loss of leave.

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- Levi:
 - So, I did not have loss of leave on this one. But admittedly, I did not use the matrix. I don't know where that came out with that. I had this one as a letter of reprimand and training.

- Natalie:
 - So, I was thinking there were two previous complaints in the history. So, the third complaint bumps you up on the next level on the matrix. But as Mariel said, the matrix doesn't 100 percent apply to this. I didn't use it 100 percent correctly because I didn't have all the information. And we don't have to use the matrix. So, if you have zero loss of leave, we will just average somehow one day and a half. I think if there hadn't been previous incidences, and I understand they didn't include members of the public, but they were fairly recent, I really wish we had more details because there was nothing reported there. I guess for me because they were fairly recent that caused me to go for 3 days loss for leave. I thought that was appropriate.

- Levi:
 - Right. And I think for me...two of them [complaints] were vehicles accidents. So, its hard for me to really tie this complaint with those two together. So, the internal complaints, there wasn't much details, so it was really hard to tell what it involved.

- Natalie:
 - If you are at 0 and I'm at 3, then the average would be 1.5. And if we round down it would be 1. Our recommendation would be 1-day loss of leave.

- Levi:
 - I think I know what one of them [complaints] is. One of them might have been punctuality. Punctual for an appointment. It lists the policy that was a violated and you can see what was sustained.

- Natalie:
 - Can you do the same for July 25th.

- Sgt. Batey:
 - You wanted to know what the two sustained charges were? One of them he was late for work. The other one, he missed training.

- Levi:
 - He missed training. I think we all agree the training would be appropriate. I think I'm comfortable with where I am on this. I'm going to stick with that.

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- Natalie:
 - Ok. I'm going to go to 2 days loss of leave. Then we'll average at 1. And training.

- Mariel:
 - So, 1-day loss of leave and training.

- Natalie:
 - Yeah. And did you have a letter of reprimand, Levi.

- Levi:
 - Yes.

- Natalie:
 - I will vote for that.

B. CRB2023-0047/PIB2023-0502: Filed on April 13, 2023, against an identified BPD officer for harassment. The Complainant alleged that on March 23, 2023 she called the officer to respond to a domestic violence situation, and he refused to speak to her, but returned the knife her spouse was carrying and told her he was taking her spouse to a medical facility. The Complainant alleges that the situation escalated further when her spouse was released from the hospital an hour later, and tried to return to the Complainant's home, forcing her to call the police again. The same officer responded and forced her to allow her spouse back into the residence, causing her to need to find another place to stay for the night for her safety. She stated she returned the next day after work and her spouse began acting aggressively towards her again, so once again she called the police and the same officer responded. Another officer who accompanied him told her she could get a protective order, which did. The original officer served the protective order, and then took her spouse to get her own protective order, and then the officer filed criminal charges against her for an event from December that he did not witness or respond to. The Complainant stated that the officer continually returns to her residence with her spouse to allow her spouse to collect belongings on a continuous, regular basis.

- Natalie:
 - So, we originally heard this complaint last month. Then we deferred it to watch the body worn camera. The allegation is harassment.

- Amy:
 - Can you describe what you saw for those of us that can't see the body worn camera.

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- Natalie:
 - There was two- or 3-days' worth of body worn camera. I would say there was the first incident where the officers come and take the spouse to be evaluated at the medical facility and that's when the pocketknife from the spouse to the Complainant is the first incident. The second incident, the spouse comes back to the apartment. The Complainant is upset because she feels that the officers did not speak to her during the first incident. They didn't make sure she was ok to get the help that she needed. During the second incident, the Complainant was upset because she was the party that called the police for help, but she felt like she didn't get any help.
- Nicole Chang:
 - In the first video, did the officer interact with the Complainant? Did they converse with her?
- Natalie:
 - That is a very good question. I didn't watch the first video as closely because the allegations were more tied to the later incidences. Mariel or Levy do you remember? During the first incident did the officer respond to the Complainant's concerns and offer her a lot of help at that time?
- Mariel:
 - There was a brief interaction. The call was not in regard to the Complainant's spouse having a knife. It was really was a domestic incident. An altercation. There was interaction but the vast majority was assisting the spouse in the mental health crisis.
- Nicole Chang:
 - After the turmoil, I understand the appearance of the spouse coming back to the home is bothersome, however; what it sounds like to me is that the police officers did not show up to the home on their own unannounced. There was nothing illegal being done here. It was stated that the spouse could come back whenever. It sounds like the officers is coming back because their presence was requested.
- Natalie:
 - For those reasons, I'm not sure I can sustain harassment on this.
- Levi:
 - I have question. Before I vote on this. On page 6, note 1 of the case reports, the investigator notes concern about the interview was conducted. And it says, "Attached Memorandum." I didn't see that attachment. It says PIB.

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- Natalie:
 - So, what's easiest for you Mariel. If we vote on this tonight, but then put it back on the agenda if you're able to find that memo. And we want to make a recommendation based on that memo. Is it easier to send the one letter that says we reviewed this, and we vote to sustain or not sustain and here's another related, unrelated recommendation? Or send two letters. Does it matter. It does not matter.
- Mariel:
 - It does not matter. Any of that is fine for us to do. It's really about what y'all want to do. My suggestion would be to vote now.
- Levi:
 - I'm ready to vote on it. I vote not sustain. It's helpful to receive training on domestic violence informed care in regard to LGBTQ+ relationships.
- Natalie:
 - I agree. I don't find facts to sustain harassment, but I do think this officer need to be trained on abuse between LGBTQ+ couples.

C. CRB2023-0006/PIB2023-0086: Filed on January 25, 2023, against an identified officer on behalf of herself and her son, for harassment, excessive force, false imprisonment and false arrest. The Complainant stated that on January 22, 2023, she received a call from a family member that BPD officers were entering her vehicle because it was parked illegally in a handicap spot. When the Complainant arrived at the scene, she stated that several officers were surrounding her vehicle and that her vehicle had been opened by the officers. When the Complainant asked the officers whether they had a warrant to enter the vehicle, the Complainant stated that the accused officer approached the Complainant and asked her to identify herself. The Complainant confirmed that she was the owner of the vehicle. However, she never received a response regarding why her vehicle was being entered by the officers. During the incident, the Complainant stated that the identified officer also requested that the Complainant identify her son. After identifying the Victim as her 18-year-old son, the Complainant stated that several officers grabbed the Victim and placed him in handcuffs stating that they needed to question him. To deescalate the situation and get the Victim to comply with the officers, the Complainant said that she "redirected the Victim's face with her hand so that the Victim could make eye contact with her" and advised the Victim to stop being disrespectful towards the officers. Immediately after the Complainant touched the Victim's face with her hand, she alleged that the officer pushed her in the chest, causing her to fall against her vehicle. Several minutes later, the Complainant stated that the officer

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placed handcuffs on the Complainant and stated that she was under arrest for assaulting the Victim. The Complainant stated that ultimately both herself and the Victim were uncuffed at the scene and released. The Complainant's vehicle was towed and fined for parking illegally in a handicap spot.

- Natalie:
 - To provide more information, the body worn camera opens up with several vehicles, officers, using those coat hanger things to open up a vehicle. It takes them awhile. They remove what turns out to be BB gun from the vehicle. Shortly thereafter, the Complainant arrives in her car, and her son is with her and who is identified as the victim. And the Complainant, son and officers are all trying to figure out what's going on. Her car has been opened by the officers. The son is not being cooperative. They put the son in handcuffs. The Complainant put her hand underneath the son chin. The officer in question says he's going to handcuff the Complainant for assaulting an officer. I did not see the officer push the Complainant and I did not see the Complainant touch the officer.

- Amy:
 - Can you confirm if the initial reason for the stop was parking violation?

- Mariel:
 - There's a designated handicap spot in the neighborhood and Complainant's car that her son had been using was parked in the spot so the officers were called to do a tow so the neighbors could use their designated spot. And when they got there, in plain sight, there's a gun on the seat. It turned out to be a BB gun. That's what led to all of that.

- Amy
 - And if there's a parked car with a BB gun in it, is that a crime.

- Mariel:
 - At the time, you can't tell it's a BB gun. It's looks like a handgun. Once the recovered it from the vehicle, they knew it was a BB gun. But it was still a violation of an ordinance in Baltimore that you can't have BB gun. They were trying to talk to the son to issue a written citation for it. Not an arrest. That's when all this happen.

- Natalie:
 - When she arrives at the scene, she asks the son like, "Weren't you the last one driving it?" I think at that point, it's when everyone is acknowledging it's his BB gun, or he has some knowledge of the BB gun or something. That's when the officers try to talk to him. They do put him in cuffs in order to talk to him.

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- Nicole
 - Was he being combative? Was he an immediate threat? Why was he placed in handcuffs?

- Natalie
 - He was verbally combative, I think. I don't he was trying to run away. He wasn't being physically combative, but he also wasn't being cooperative.

- Nicole
 - Not being cooperative in wanting to answer their questions? In what way?

- Natalie
 - Mariel, do you have the video pulled up?

- Mariel
 - Basically, the Victim is verbally combative. Yelling a lot of obscenities. This is where kind of where the incident comes in the CRB complaint. Because his mother, the Complainant, is acknowledging this he's being belligerent and she's trying to get him to cooperate. That's when she touches her face. And then it's kind of when from there. He was verbally combative. Not answering questions.

- Nicole:
 - Is it illegal to curse at the officers?

- Mariel:
 - Sgt. Batey you want to answer this one?

- Sgt. Batey:
 - I can't really answer that without looking at the video.

- Nicole:
 - During the video when the mother is placing her hand on her son's face, I can picture it, I know the motion when the mother is trying to get her son to calm down. Was the motion vigorous? Did the son look like he was harmed in anyway? Did it look like assault to you? Did it look like she was trying to deescalate the situation?

- Natalie:
 - I just re-watched that part of the video. Information is revealed that the son was last one driving the car. They kind of move closer to son and ask for ID and keep asking for it. And he walks one or two steps in the other direction. And they keep touching his arm. He asked them to stop grabbing his arm. Then very quick it escalates.

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- Amy:
 - I want to know when the last time our CRB members, when you two last attended a de-escalation training and hoping when we get our new 3 members if that's something, we can have them do. I would like to attend but I don't have to. I attended several years ago and was appalled. It was more about when you are legally allowed to escalate which is different from skills for de-escalation.

- Mariel:
 - Amy, I will add you to the emails in regard to this. But the PAB requested the ability to attend in service training. We have full access to all of them. Any of us can attend.

- Nicole:
 - Mariel, can you add me to those emails too please.

- Mariel:
 - Yes. Definitely.

- Natalie:
 - I didn't answer your question, Nicole. The way the mother grabbed the son was a little bit vigorous. There was a lot going on. There was a lot of vigor used to get his attention.

- Nicole:
 - Is a BB gun illegal in Baltimore?

- Sgt. Batey:
 - Yes. That's why the officer was going to issue the citation as oppose to making an arrest. But you can't issue a citation without an ID.

- Natalie:
 - I don't know if they had to handcuff either person. They definitely didn't have to handcuff the Complainant. That seemed completely unnecessary. After re-watching this video, I don't see a reason to cuff the son either. I'm going to go back and see how many steps away he took. It didn't seem like he was fleeing. He wasn't combative.

- Nicole:
 - To your point Natalie. Many of the conversations we've engaged with community members, this kind of speaks to some of the things they said. I think for this mother, her even getting involved in the first place, a lot of the times, a lot of the officers are not able to deescalate the situation. So, you had a mother on the scene who wanted her son to cooperate and she kind of ended up in handcuffs. So, it's important to note when we have community

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members that are trying to deescalate, and they are treated as criminals. For me both of those incidences are problematic. And to Amy's point, there needs to be training into what de-escalation looks like.

- Natalie:
 - Yeah, I didn't see de-escalation tactics that were used during these quick sequences of events. They cuffed him fairly quickly.
- Levi:
 - There's also a question whether he was walking away from the scene or not. That needs to be considered. I'd like to watch the BWC footage again after listening again.
- Mariel:
 - Would you like to table it? It's not expiring anytime soon.
- Levy:
 - I did watch that. But there's a few subliminal moments. I wouldn't mind watching it fresh again after listening to everybody.
- Natalie:
 - I think that's a good idea. We'll defer it until the December meeting, and we'll talk about it then.

B. CRB2023-0016/PIB2023-0057: Filed on March 9, 2023, against identified BPD officers for harassment. The Complainant alleged that on January 8, 2023, he was working on his truck on his property when he saw someone illegally dumping on it. The Complainant stated that he took pictures of the individual and warned the individual to stop the dumping. The Complainant claimed that after he confronted the individual for illegal dumping, the individual stated, "It's my hood," and proceeded to argue with the Complainant. Subsequently, the Complainant threatened to contact law enforcement, and alleged that the individual physically assaulted him by smacking his phone out of his hand. In addition, the Complainant alleged that the individual attempted to run him over with a truck, which caused the Complainant to call the police. Upon the police arrival, The Complainant alleged that the Officer drew his firearm, pointed it at the Complainant, and ordered him to drop the hammer that the Complainant had been holding in self-defense. The Complainant stated that he complied with the Officer's command and that the Officer later apologized for drawing his gun at the Complainant. The Complainant alleges harassment because he believes that the Officer's use of the firearm was unwarranted and put the Complainant's life at risk. Further, the Complainant believes that the Officer pointed the gun at him

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because he's Latino. The Complainant further noted that the Officer's conduct was unprofessional compared to the other officers' present at the scene.

- Natalie
 - So, the start of the video, the police car pulling up to the scene. And you can hear officer say, "Woah, Woah. Are they about to fight? Are they fighting?" The officer gets out the door and you see a man about 10-15ft away from the officer. One man is holding a hammer and there's another man. And you automatically assume those two men are in an altercation. And the officer says drop the hammer. Maybe he says it like 5 times. Then the man does drop the hammer. Then the officers try to figure out what's going on. The two men really want to fight each other. The first few minutes of the video, the two men are threatening to beat each other up and the officers are trying to deescalate it. You don't see the gun. I guess the gun was on his side. The officer said in his interview that his gun wasn't raised. It was not pointed at the Complainant, but it was at the officer's side. I think the Complainant said it was raised 45 degrees off his side. So, you don't see it in the video.

- Levi
 - I think that was a good summary. The hammer might have been more of like a mallet. Seemed kind of big. I tend to agree. I didn't see the gun. It might have been to his side or not raised. I couldn't quite tell. But the Complainant did immediately drop the hammer and the officer came in and deescalated the situation. I didn't view it as harassment after watching the video. I vote not sustain on this one.

- Natalie
 - I don't think the officer should have had his gun drawn. The two men were close to each other, but I remember if they were in striking distance. And what was he going to do with his drawn gun? Shoot somebody? Was he going to shoot somebody that has a hammer? I don't know if it could fit in the violation of harassment.

- Amy
 - Would that be excessive force?

- Natalie
 - I think I looked that up before. Pointing a gun at someone excessive force.

- Mariel
 - But in this case, you can't tell by the videos. The gun isn't drawn on camera. You can't see. The Complainant alleges that gun was unholstered due to the fact there was a hammer or mallet. I think we've talked about this before if

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pointing a gun is excessive force. I think it's unclear if a gun was pointed. Is the point I'd make on that. From the evidence, you can't tell.

- Levy
 - I do want to add that this was a call for service for assault.
- Mariel
 - If you want to table, it. This expires in January. So, it will have to be voted on in the December meeting. We can do supplemental investigation.
- Natalie
 - Great. So, we'll defer this to December too.

VIII. Public Comment

IX. Old Business

X. New Business

XI. Adjournment