

**C I V I L I A N R E V I E W B O A R D**  
**PUBLIC SESSION MINUTES**

October 19, 2017

Present at the meeting were Civilian Review Board members Bridal Pearson (Chair, Northern District), Blair Thompson (Secretary, Southeastern District), Fred Jackson (Northwestern District), Mel Currie (Southwestern District) and Leslie Parker Blyther (Central District).

Also present were:

Jesmond Riggins, CRB Supervisor  
Evangula Brown, CRB Investigator  
Shaun Clark, CRB Investigator  
Deputy Eric Cox, Sheriff's Office  
Chief Rodney Hill, Office of Professional Responsibility  
Tiffany Willis, Office of Professional Responsibility  
Amy Cruice, ACLU

Members of the public and community members were also present.

**I. Welcome**

Chair Pearson welcomed everyone and called the meeting to order at 6:01. He recognized and introduced non-voting members of the Board and staff. He recognized that a quorum was present and thanked Board members for their attendance. He noted that the meeting was being broadcast via Facebook live. Chair Pearson apologized that public discussion would not likely be possible due to the time constraints.

**II. Approval of the Minutes from September 21, 2017**

Leslie Parker Blyther requested that the Special Assistant ensure that the Board's consensus that they write a letter to IAD regarding the Law Department review process was included in the minutes. Supervisor Riggins added that there was an update that IAD's changes regarding the Unified Complaint Form were not substantive and only related to formatting. Mel Currie requested a few minor grammatical changes.

Bridal Pearson motioned to approve the minutes from September 21, 2017 with the requested amendments. Blair Thompson seconded, and all were in favor.

**III. New Complaints**

CRB2017-0146                      CRB Investigation

Leslie Parker Blyther felt that the officer attempted to confiscate the device because the complainant was recording. Bridal Pearson felt it was a violation of the complainant's first amendment rights. Board members unanimously voted CRB. Amy

Cruice noted that if investigators recovered the cell phone, she knew of an organization that could recover potentially deleted footage. Leslie Parker Blyther asked if the investigators had access to resources to retain those services. Supervisor Riggins stated that he would have to confirm and circle back.

CRB2017-0155 CRB Investigation

Leslie Parker Blyther would like to know if the officer identified himself during the pursuit of the complainant. Blair Thompson noted that even if the complainant committed a crime, the officer still could have committed misconduct. Bridal Pearson felt further clarification was needed. Board members unanimously voted CRB.

CRB2017-0159 CRB Investigation

Mel Currie noted that he expected officers to properly handle domestic disputes. Leslie Parker Blyther voted IAD, all others voted CRB.

CRB2017-0161 CRB Investigation

Leslie Parker Blyther voted CRB, she stated that there seemed to be an issue with officers failing to investigate due to bias. Mel Currie stated that the officer's actions showed lack of professionalism. Board members unanimously voted CRB.

CRB2017-0168 CRB Investigation

Leslie Parker Blyther voted CRB because she did not understand why the victim of a motor vehicle accident was handcuffed. Board members unanimously voted CRB.

CRB2017-0176 CRB Investigation

Fred Jackson voted CRB because he wanted more information. Mel Currie voted IAD because he was not sure that there was a case. Bridal Pearson felt he needed further clarification, and Blair Thompson agreed and voted CRB. Leslie Parker Blyther noted that she felt this would be a good case for mediation, and recommended mediation.

CRB2017-0181 CRB Investigation

Blair Thompson voted CRB due to the seriousness of the allegations, Leslie Parker Blyther wanted to know why the citizen was approached. Board members unanimously voted CRB.

CRB2017-0182 Tabled

Fred Jackson felt that the nature of the complaint was confusing. Leslie Parker Blyther stated that she felt that the complainant felt set up. Mel Currie was unsure of whether it fell within the CRB's jurisdiction. Supervisor Riggins stated he would caution against authorizing an investigation without knowing whether the complaint fell within jurisdiction. Board members unanimously voted to table their votes until the complainant had clarified his allegations.

CRB2017-0184 CRB Investigation

Leslie Parker Blyther asked investigators how they would investigate this case if it were sent to the CRB. Investigator Clark stated he would review to see if the action met the definition of harassment, which includes unwarranted action. He would first determine whether it was a warranted police procedure. Investigator Brown stated that you had to review the allegation and conduct an interview. Board members unanimously voted CRB.

CRB2017-0185 CRB Investigation

Mel Currie felt the arrest was based on inadequate information. Leslie Parker Blyther voted for IAD, all other Board members voted CRB.

CRB2017-0187 CRB Investigation

Mel Currie felt the complainant took issue with the fact that he was arrested, and voted IAD. Blair Thompson stated it was unclear why he was stopped, and voted CRB since the DOJ found that this was part of the pattern and practice. All other Board members voted CRB.

**IV. Completed Investigations Voted on Via Email to Avoid Expiration**

Supervisor Riggins clarified that the cases were voted on via email because they were about to expire, and required email votes by the Board in order to get letters sent to the Commissioner before expiration.

PD066-15 16-0449 EF FI AL Not Sustained

Board members unanimously voted not to sustain. Fred Jackson noted the officer got exonerated by the video footage. Mel Currie noted he did not see cooperation from the primary complainants, and Bridal Pearson agreed and noted there were no corroborating witnesses or clear evidence.

PD126-16 16-0475 H Not Sustained

Blair Thompson sustained because she stated that the helicopter saw an alleged CDS transaction and different officers stopped the complainant and did not find drugs in the car. She noted that the complainants both had the same corroborating accounts. Fred Jackson felt that the complainant left out that they were stopped because of the report from the helicopter and reports from the police on the scene and did not sustain. Mel Currie agreed and did not sustain. An investigator asked whether that information was obtained from IAD, and Mr. Jackson clarified that it was contained in the original report. Bridal Pearson noted that the behaviors in the scenario did not meet the definition of harassment. Leslie Parker Blyther asked whether the removal of clothing was substantiated, and Investigator Brown clarified that it was substantiated. Leslie Parker Blyther sustained.

PD128-16 16-0479 AL Sustained

Mel Currie voted to sustain because he noted that the officer's supervisor did state in the interview that he reprimanded the officer and he did not deny the abusive

language, and that the use of the phone was violation of policy. Blair Thompson and Fred Jackson sustained for the same reason. Bridal Pearson sustained for the same reason and stated it was corroborated by an additional witness. Leslie Parker Blyther sustained for the same reasons.

PD129-16          16-0246          FI FA H          Sustained

Leslie Parker Blyther clarified that the investigator in the case was not able to make a recommendation due to time constraints. Blair Thompson noted that it seemed as though there was a fourth amendment violation, and sustained. Mel Currie agreed and sustained. Fred Jackson sustained because he felt the stop was bad. Leslie Parker Blyther sustained. Bridal Pearson did not sustain because he felt that there was probable cause for the stop. Supervisor Riggins noted that Board members should provide reasoning tied to the definitions. Leslie Parker Blyther noted that in the future the voting sheet should include the different allegations so that they are more clearly delineated. Bridal Pearson felt that it was understood on the sheet. Fred Jackson felt that all of the charges were related, which is why he sustained. Mel Currie agreed. Amy Cruice asked if actions were taken based on the email findings, and it was clarified that letters were sent with the original finding of not sustained in order to render a finding before the allegations had expired. It was clarified that Board members' votes were changed in the discussion process, and that an amended letter could be sent to inform the complainant and Commissioner of the new finding. Amy Cruice and Bridal Pearson agreed that it was problematic to vote via email and discuss cases in the meeting, but Bridal noted that it was what had to be done in order to render a finding before the case had expired, and that Board members were dealing with the backlog from the past, creating imperfections in the process. Mel Currie noted that this should not happen anymore, and that the Board should work to eliminate the backlog.

PD130-16          16-0374          H          Not Sustained

Board members unanimously not sustained. Mel Currie felt that the City did not have the resources to follow citizens around in the way that the complainant had described. Amy Cruice asked if the police department owned drones, and Chief Hill clarified that they were not used in investigation.

PD131-16          16-0485          EF AL          Not Sustained

Mel Currie stated that there was not enough evidence to sustain the complaint. Blair Thompson stated that there were many eyewitnesses who did not corroborate the allegations. Board members unanimously did not sustain.

PD136-16          16-0523          AL          Not Sustained

Board member unanimously did not sustain for lack of supporting evidence.



PD053-16            16-0230            AL FI FA            Sustained

Mel Currie sustained because he believed there was a violation of the complainant's first amendment rights and ordered the arrest of the complainant in retaliation for questioning his authority. Bridal Pearson, Fred Jackson, and Blair Thompson agreed.

PD071-16            16-0236            FI FA                Sustained

Blair Thompson voted to sustain because she felt the video evidence corroborated what the complainant stated and because there were exhaustive searches that did not initially uncover the CDS, and did not believe that the CDS that the officer ultimately found belonged to the complainant. Bridal Pearson agreed. Mel Currie did not sustain because of the photographic evidence. Leslie Parker Blyther sustained because of the investigator's report.

PD139-16            16-0520            H FA                Not Sustained

Leslie Parker Blyther clarified with the investigator that the complainant was arrested and charged. Blair Thompson clarified that the officer had requested the complainant's daughters leave the room and escorted down the steps. The investigator noted that the girls changed clothing, but it was not clear at what point and whether the officer was present. It was clarified that one of the officers were present while a family member was using the restroom but was turned around. Leslie Parker Blyther asked under what circumstances are juveniles allowed to remove their clothes during detention. Deputy Cox clarified that they would not remove their clothes, but would get dressed if they were undressed or if they were uncomfortable. Leslie Parker Blyther did not sustain false arrest because there was a warrant, and Fred Jackson and Mel Currie agreed. Blair Thompson sustained harassment and did not sustain false arrest. Bridal Pearson did not sustain either. Blair Thompson and Leslie Parker Blyther noted that the juveniles should not have had to change their clothes with the officers present, and they did not express that they were uncomfortable with being in their pajamas.

PD147-16            16-0026            H AL                Sustained  
Rec-Middle Letter of Reprimand

Mel Currie stated that the quote the fellow officer supplied was the same as the quote the complainant gave, and corroborated the complainant's account. All other Board members agreed. Mel Currie and Fred Jackson recommended a simple letter of reprimand. Leslie Parker Blyther recommended a middle letter of reprimand because a trained law enforcement officer should have the discipline to act professionally, and Blair Thompson agreed. Blair Thompson clarified that a letter of reprimand was added to an officer's permanent record and was part of progressive discipline. Chair Pearson recommended a middle letter of reprimand.

PD175-16            16-0550            AL                            Not Sustained

Board members did not sustain because they felt the video evidence did not corroborate the complainant's statements. Leslie Parker Blyther clarified that it was an arrestable offence for a complainant not to sign a traffic citation. Blair Thompson clarified that the same was not true for a repair order.

CRB2017-0050    17-0156            FI                            Sustained

Mel Currie sustained the complaint because he stated that the suspects that were identified were white, the complainant was not, the truck was not the correct color, and they did not check the VIN number of the car, which was a neglect of duty. Board member agreed because the complainant did not match the description of the suspect that the police were seeking. They felt that the officer ignored evidence. Board members unanimously sustained.

PD017-15            14-0420            EF                            Sustained

Mel Currie stated that the officer had lied to Internal Affairs when asked if he was injured. He felt that the officer's lie shifted the preponderance of the evidence in favor of the complainant and nullified the officer's credibility. Blair Thompson agreed and noted the lie showed consciousness of guilt, and noted that the medical records corroborated the complainant's story. Fred Jackson, Bridal Pearson and Leslie Parker Blyther agreed. Amy Cruice clarified that the investigators did not receive IAD's completed report, and confirmed that investigators received the taser report. Leslie Parker Blyther clarified that tasers confirmed to a standard amount of voltage and officers could not adjust the voltage.

PD019-15            15-0157            EF                            Sustained

Blair Thompson voted to sustain the complaint because she felt that the complainant was trying to protect his son and the tasing was unnecessary. Mel Currie noted that the situation was mismanaged and a tinted windows stop should not have ended in tasing. Mel Currie felt that force was excessive. Fred Jackson clarified that the complainant was arrested for disorderly conduct and resisting arrest. Blair Thompson felt the officer acted out of anger. Board members unanimously voted to sustain. Fred Jackson clarified that tinted windows were not a secondary offense, and that someone could be stopped solely based on tinted windows.

PD026-15            15-0165            EF                            Not Sustained

Mel Currie did not sustain because the video evidence proved that the complainant made false statements. Leslie Parker Blyther clarified when the complainant's hoodie was placed over his head. Blair Thompson sustained because he was medically rejected at Central Booking because he was injured. Sgt. Willis noted that this was not uncommon and that any complainant that reported an injury was not accepted. Mel Currie also noted that the injuries the complainant reported were visible in a photo taken earlier that day. Leslie Parker Blyther clarified that hog tying was not a

recommended technique to subdue a suspect because it puts persons in custody in danger of positional asphyxiation.

PD033-15            14-0434            EF                            Sustained  
Bridal Pearson sustained the excessive force because the complainant suffered head trauma and it was corroborated by the civilian witness. Mel Currie noted that there was a medical report that corroborated the complainant's statement and sustained. Board members unanimously sustained.

PD124-16            16J-0015            EF                            Continued to next meeting  
Leslie Parker Blyther asked how long the police department archives video footage in cases of excessive force. Chief Hill clarified that the video footage was three blocks away from the shooting and did not capture anything, and that he had detectives take photos of the video camera to show that it did not have the vantage point to view the shooting. Mel Currie did not sustain because the victims were armed and shooting at the other parties. Fred Jackson agreed because the complainants had loaded weapons and witnesses corroborated that they turned towards the officers with the weapons. Blair Thompson felt that she needed additional time to review the case. Leslie Parker Blyther clarified that the Board would review Internal Affairs files when an independent investigation was not authorized. Fred Jackson stated that his only question was why the officer was still on the street when he had been involved in several shootings. Bridal Pearson motioned to table the case to have more time to review. Leslie Parker Blyther seconded and all were in favor. Leslie Parker Blyther noted that the video should have been archived whether it had evidentiary value or not for the sake of transparency.

## **VI. Disciplinary Recommendations**

PD038-14            14-0569            EF  
Continued to future meeting  
Leslie Parker Blyther clarified that the officer had not left the force. Bridal Pearson recommended three days suspension and a middle letter of reprimand. Fred Jackson voted for three days suspension and a severe letter of reprimand because of the choking. Mel Currie recommended 5 days suspension and a middle letter of reprimand. Blair Thompson recommended 30 days suspension and a severe letter of reprimand. Leslie Parker Blyther agreed. Mel Currie noted the need for an administrative process to break ties in disciplinary recommendations. Supervisor Riggins clarified that the case would be sent to BPD Legal to review the Board's recommendations and explained the process to the public. Bridal Pearson agreed with a severe letter of reprimand. Leslie Parker Blyther motioned to table the cases. Mel Currie seconded. Leslie Parker Blyther motioned to have an administrative meeting within 10 days to discuss an administrative process to review disciplinary recommendation. Mel Currie seconded. All were in favor. Board members discussed whether the meeting should be open to the public and ultimately decided to discuss the issues in open meeting.

PD039-14          14-0315          EF  
Continued to future meeting

PD016-15          15-0623          EF  
Continued to future meeting

PD055-15          15-0378          EF  
Continued to future meeting

**VII. Public Comment**

Keesha Ha wanted to know why an additional administrative process of review by the Law Department was added, and if the public would be notified of the changes. Bridal Pearson noted that the process was to resolve the conflicts between findings, but that there was an issue of bias, and an interdisciplinary team would be preferable, and the Board would be recommending that course of action be taken. Mel Currie stated that the Board would continue to push to be as effective as possible and mentioned the Community Oversight Task Force. Keesha Ha wanted to know if there was a way to make the Board's feelings known via a letter. Amy Cruice noted that in the minutes the Board had agreed to put together a letter to express those thoughts. Supervisor Riggins clarified that the Board was not involved in the decision to change the process for reviewing cases with conflicting findings, and that staff was working to find out whether the Board could receive the law department's opinion. Chief Hill stated that the attorneys were part of the City Solicitor's Office and would simply be issuing an opinion, and stated that the process was changed from utilizing the retired judge because the process was taking too long. Chief Hill could not definitively state whether the opinions of the law department would be made available to the Board.

Another civilian wanted to know the qualifications of the investigators. Investigator Brown briefly described her background and education in criminal justice and advocacy, and her commitment to service. Bridal Pearson echoed that Board members were there to serve the community. The civilian stated that she felt the Board should be there for change. The civilian noted that there were conflicts between police and communities, and that many communities were difficult for police to serve in. Leslie Parker Blyther noted that in the past many police officers lived in the community and were personally invested. She stated that living in the communities they served created better police/community relations.

Another civilian asked whether the CRB could open an investigation on PD124-16. Supervisor Riggins stated that it would not be possible because the Board's only option was to request further investigation since the vote on whether to authorize a CRB investigation had taken place the year before.

Another civilian wanted to know if relatives or witnesses could file a complaint, and the Board clarified that it was possible.

Another civilian thanked the Board for their service.

Jesmond Riggins noted that this was the first meeting in the community in over a year and the Board was in a transformative process.

**VIII. Old Business**

There was no old business.

**IX. New Business**

There was no new business.

**X. Adjournment**

Mel Currie motioned to adjourn, Blair Thompson seconded, and all were in favor.

Respectfully submitted,

Jill Muth