**POLICE ACCOUNTABILITY BOARD FOR BALTIMORE REGULAR MEETING AGENDA**

October 2, 2023

Zoom

6:00-8:00 pm

1. **Welcome**
2. **The monthly meeting of the Police Accountability Board was called to order at 6:05 p.m.**

**II. Roll Call**

**Present**

Joshua Harris

Bryan Upshur

Peter Bodde

Avi Wolasky

Janetta Gilmore

Jamal Turner

Jesmond Riggins

Mansur Abdul-Malik

Marc Broady

Megan Kenny

Stephanie Lee

**OECR Staff**

Samuela Ansah

Lisa Kelly

Megan Mishou

Caylin Young

**Absent**

Lisa Nguyen
Maraizu Onyenaka

Antoine Burton

Harold Madison

Doris Minor-Terrell

**III. Review and Approval of Agenda**

Chair Joshua Harris proposed to add a discussion of BPD’s response to recent events under New Business on the October agenda.

Vice Chair Jamal Turner moved to approve the October agenda with the addition from Chair Harris. Member Marc Broady seconded the motion. Motion carried.

**IV. Review and Approval of Minutes**

Chair Harris confirmed with Police Accountability Board Liaison Samuela Ansah that previous minutes from previous meetings have been posted online. Ms. Ansah confirmed all previous minutes from previous meetings have been posted online.

Chair Harris opened discussion on the September minutes; Member Broady noted he did not see the discussion about an in-person meeting during the September PAB meeting reflected in the September PAB meeting minutes.

Chair Harris asked Secretary Stephanie Lee if she was able to capture that discussion in the September PAB meeting minutes. Secretary Lee captured that discussion in the September PAB meeting minutes but is unsure exactly where they are in the minutes. Chair Harris believes it was under the Staff updates.

Chair Harris asks for a motion to approve and adopt the September PAB meeting minutes with the changes recommended. Vice Chair Turner makes the moved that the minute of the September meeting be approved with the recommended changes. Member Broady seconds the motion. Motion carried.

**V. Staff Updates**

Civil Rights Week is October 30-November 4th. PAB Members received information about the Civil Rights Breakfast happening October 30th and will be invited to the Police Accountability Division lunch in partnership with the Mayor’s Office of Neighborhood Safety and Engagement happening Wednesday November 1st.

Chair Harris asked about the position of Deputy Chief of the Police Accountability Division; Chief of Investigations, Lisa Kelly, noted interviews are being conducted for the position.

Chair Harris asked if Director Dana Moore would be joining the meeting, PAB Liaison Samuela Ansah has not seen her join yet.

**VI. Quarterly Meeting with Heads of Law Enforcement**

* Baltimore City School Police

Major Norman Coleman is representing for the Baltimore City School Police

Member Broady acknowledges Major Coleman for his work at Dunbar High School when he was a student

Chair Harris asked Major Coleman if there is any updates regarding operations or events at the Baltimore School Police

Major Coleman reported on shootings near school property, particularly at athletic events. They have coordinated with local districts and increased the number of officers at football events. There was a shooting across the street at Dunbar High School stadium and Carver High School and another up the street from Reginald F Lewis Museum. There are officers monitoring the exterior and interior of stadiums to provide safe passage to and from the games. BCSP is currently twenty ( 20) officers short and is actively recruiting.

Chair Harris asked if the BCSP has found any common themes or causes for the recent shootings. Major Coleman answered it is community issues, nothing related to the actual school or its students. The shooting last week was between two adult males. The other one was children in the community playing with weapons.

Member Megan Kenny asked what the current process and standard for data collection and analysis is under BCSP at this time. Major Coleman noted there is a Director of Data and Logistics who is creating systems to make data efficient as they must report to Maryland State Department of Education and Maryland Center for School Safety. Current data shows BCSP has made two (2) arrests this year. Major Coleman noted arrests is their last resort, they prefer to rely on diversion programs in Teen Court for minor infractions. More serious offenses such as armed robbery or a weapon generally result in arrests.

Member Mansur Abdul-Malik asked about the success of gun detection system that was put into schools across the city to keep guns out of schools. Chief Coleman answered the gun detection systems are being piloted in a few schools as an agreement has not been signed yet, most schools still use metal detectors. Evolve system assists with flow of students entering the building whereas metal detectors can have students outside for 45 minutes. So far, they have come across one (1) or two (2) items that needed action.

Member Abdul Malik asked which schools are under the pilot program. Major Coleman answered Mergenthaler Vocational-Technical High School is currently piloting the gun detection system and Dunbar High School will receive the gun detection system soon.

Member Abdul Malik asked if there is staff at Baltimore City Public Schools to monitor social media. Major Coleman answered they collaborate with Criminal Intel that monitors social media and there is a detective on staff dedicated to social media. In addition, a staff monitors Instagram and Facebook.

Chair Harris asked Member Jesmond Riggins if the Administrative Charging Committee has received any complaints about Baltimore City School Police. Member Riggins answered the ACC has not received any BCSP cases as the majority has been Baltimore Police Department but will notify this board when there is a case from Baltimore City Public Schools. Major Coleman noted there might be two (2) cases coming before the Administrative Charging Committee.

Vice Chair Turner asked how schools are chosen for pilot program, how Baltimore City Public Schools is evaluating efficacy of the gun detection system and what situations could Baltimore City Public Schools use to remove from the schools and is tracking diversions of students. Major Coleman noted they do keep track of diversions. The Evolve system is handled by facilities and school’s office. Suspension services keeps track of all incidents related to the Evolve system. BCSP becomes involved only when it is a weapon.

Vice Chair Turner asked how Baltimore City Public Schools evaluates whether the gun detection system should stay in the schools or be removed? Major Coleman noted it is determined by how much the system detects items and how fast they allow students to enter the building.

Secretary Lee asked Major Coleman if there are metal detectors or monitoring at elementary and middle schools as there was a recent incident at Cherry Hill Elementary/ Middle School. Major Coleman answered there are no metal detectors at elementary or middle schools nor is he aware of an incident at Cherry Hill Elementary/ Middle School. Secretary Lee noted there was a student with a gun at Cherry Hill ES. Major Coleman noted a staff member Elementary/ Middle School noticed the gun. Secretary Lee asked what the protocol at elementary and middle schools was without metal detectors is. Major Coleman answered it is the staff that report incidents when they notice something and notify.

Member Broady asked Major Coleman his estimation on what needs to be happening that is not happening to prevent students from bringing weapons into schools and the negative impacts it causes to their futures. Major Coleman answered there was always weapons in schools in the past; it just was not in the media until an arrest was made. Major Coleman noted he tries to do what he has always done in the past, which is to develop relationships with students so they would feel comfortable to tell him about students with weapons.

Chair Harris acknowledged Major Coleman’s work as community policing and the impact that has in communities. He noted equity is the greatest issue in Baltimore policing which impacts which communities are engaged with and which are not.

The Board hopes to interface with other Police Agencies that have contact with Baltimore City such as the United Marshals for the District of Maryland. We are also attempting to our rescheduled meeting with the Baltimore City State’s Attorney’s Office.

**VII. Presentation by Consent Decree Monitoring Team**

Ms. Wanda Watts is the Lead Community Liaison for the Consent Decree Monitoring Team.

Mr. Ken Thompson is the Lead Monitor. He explained the Consent Decree is a court order to reform within the BPD to become a constitutional 21st century police department. As the Monitoring Team, they work exclusively for the Chief Judge James Bredar that oversees the consent decree. Mr. Thompson’s team covers the misconduct and discipline which is the largest area in the consent decree.

Chair Harris noted the difference between the consent decree personnel from Baltimore Police Department that came before the Board previously and the Consent Decree Monitoring Team that works for Chief Judge James Bredar who oversees the Consent Decree.

Mr. Johnathan Smith is the subject matter expert for the misconduct and discipline section of the Consent Decree Monitoring Team. Mr. Smith noted misconduct and discipline is important to the consent decree because everything in the consent decree hinges on accountability. The monitoring team is currently assessing Baltimore City Police Department’s implementation of the misconduct investigations and discipline reforms of the consent decree. The Monitoring Team is assessing the entire process from intake of complaints to imposition of disciple and supervision and review of the process, which includes outreach to community, classification of complaints, quality and adequacy of the investigations to ensure compliance with policy. Additionally accessing communication between the police department and the individual who made the complaint to ensure timeliness, respectful and adequate information is shared; imposition of discipline to ensure the discipline complies with the discipline matrix. The supervision and review of the process ensures the functioning of the internal affairs process. The most time-consuming part of the assessment for the monitoring team is the large volume of closed cases from the Public Integrity Bureau in 2020, which is approximately 1,439 cases. The monitoring team has reviewed 230 investigations, which includes reviewing the complaint, listening/watching to interviews of the complainants, reviewing body worn camera, reviewing discipline records of involved officers to ensure adequacy of investigations. Their review should produce a 95% confidence level, which is a 5-10% margin of error as they are conducting a random sample to ensure they are looking at every type of complaint. They are reviewing 42/72 use of force cases, 14/16 race bias cases, 40/65 arrests based on race bias cases, 7 retaliation cases, 5 failure to intervene cases, 40/66 failure to secure during transport cases. The sample will produce a high confidence level that should accurately reflect in the wider review.

Mr. Smith noted a few discipline cases undergo an expedited process for relatively minor offenses that the officer is willing to accept discipline for such as losing equipment not including a weapon or not wearing uniform properly or late to duty assignment or mandatory training without engaging in the whole discipline process. The Monitoring Team is reviewing 74 of the 318 cases from 2020, which will produce a 95% confidence level.

There 10 individuals conducting the reviews who are comprised of lawyers, former law enforcement personnel to ensure cases are being reviewed the same. They have protocols and measures to ensure cases are reviewed uniformly.

In addition to case review, the Monitoring Team is also assessing the transparency in how the Baltimore Police Department shares the complaint process with residents, the quality of supervision of those conducting investigation and training they receive to conduct investigations. They meet regularly with Department of Justice and Baltimore City Police Department to discuss cases as part of their review to achieve consensus and discusses problems in cases.

The monitoring team is also reviewing the Civilian Review Board’s complaint process, which has limited jurisdiction on the type of cases they review. The monitoring team is assessing that cases are properly referred to the CRB and resolved appropriately.

The monitoring team has promised the Court they will have completed their process by the end of November and will receive feedback on their work from DOJ and BPD before reports are published.

Member Riggins asked Mr. Smith if prior to publishing reports the monitoring team will consult with the Administrative Charging Committee on the quality of cases they are currently reviewing. Mr. Ken Thompson answered they are focusing on cases from 2020 as they are conducting outcome assessments to see if proper training has been implemented to set a baseline. They can consult with the ACC as they move into cases from 2022. Mr. Smith noted they are reviewing 2022 cases; the ACC is reviewing cases from 2023 and will reach out to the ACC as they are reviewing cases currently. This will allow the Monitoring team is look retroactively. They will be contacting Member Riggins for feedback of what he is currently reviewing in ACC.

Member Kenny recalls a previous monitoring team touting BPD’s data collection practices having come a long way; how is that demonstrated because she cannot observe it. Member Kenny asked who is validating the Open Baltimore database because as of 2022, 60% of the arrests have no missing location data. Looking back year by year, the data cleanliness was better prior to the consent decree. Is this monitoring team able to speak to the data and where is it demonstrated that BPD has better data now than they did before? Mr. Smith noted the team that oversees stops, searches and arrest data is not on the call, but they are far along in their work. Mr. Thompson noted they had to break off data for stops and searches because there simply was not data there. For arrests, the report is close to being finalized by the end of October. They are working on data for stops and searches. Member Kenny asked if the data available to the public on Open Baltimore is the same data, the Monitoring team has. Mr. Thompson answered their data comes directly from BPD; they do not use secondary sources. Mr. Smith answered based on data practices from the Crisis Intervention Team. Chair Harris suggested a possible policy recommendation should be transparency in data from BPD to the public. Member Kenny reiterated data available on Open Baltimore as policymakers and nonprofits utilize that data for targeted policing and supported Chair Harris’ policy recommendation. Chair Harris asked Member Riggins to include that policy recommendation in his notes for the annual report to ensure that the data shared with Consent Degree is the same that is shared with the public such as Open Baltimore.

Member Broady noted the Baltimore City Council as the new Commissioner of the Baltimore Police Department has confirmed Commissioner Richard Worley. Member Broady asked how the top official in the Department being on board with the consent decree affect the organization. Chair Harris asked if the monitoring team has evaluated any shifts in performance due to changes in BPD leadership. Mr. Thompson answered they are limited to evaluating the 16 areas outlined in the consent decree and they are seeing trends in one direction or another. Mr. Thompson focuses on initial compliance and whether the Department can maintain full and effective compliance. For the question about Commissioner Worley, Mr. Thompson noted the previous Commissioner laid out a good plan and will see how Commissioner Worley performs.

Chair Harris thanked the monitoring Team for their work and for presenting at this meeting

**VIII. Johns Hopkins University Police Department Draft Policies**

Chair Harris noted Johns Hopkins University Police Department has released their draft policies and it has been sent to the Board via email. Chair Harris also noted there has been some confusion between the JHU Police Accountability Board and the Baltimore City Police Accountability Board since JHU falls under the Board’s purview. Chair Harris asked PAB Liaison if there was anything additional the staff wanted to share with the Board.

PAB Liaison answered this is the first round of comments the JHUPD is accepting on their policies; they will close the open comment period in November, incorporate comments and open the policies for additional comments in the future. There will be additional policies forthcoming.

Member Kenny commented about her experience as an undergraduate at Yale University and stressed that a police department at a predominately-white institution allows students to believe they need protection from the monsters out there. It has everyone look away from the monsters that are on campus. A university police department places student in a bubble and fosters a skewed idea of safety, as danger happens everywhere. Campus police is effectively border control and creates an imbalanced understanding of danger and safety. It perpetuates an us vs them ideology while there are monsters on campus.

Chair Harris acknowledged Member Kenny’s comments and reiterated the greatest issue for BPD is inequity and how communities are policed which is not just to keep the wealthy safe and understanding the historical context of policing to protect property, which at the time were enslaved people. That should be kept in mind when evaluating policies from JHUPD to ensure they are not merely focused externally on those who may or may not belong on campus away from those on campus, but also crime happens where you look for it as shown in the over policing of Black and Brown people during the War on Drugs. There should not be another cycle of targeted policing of Black and Brown people or low-income folks who cannot afford to attend the institution. The JHUPD should be seeking ways to be apart of the greater Baltimore community rather than separating themselves.

Member Riggins asked how many policies JHUPD has released for this round of comments. PAB Liaison answered about 20-25 but will provide members with the approximate amounts. There are also two staff members in the Office of Equity and Civil Rights dedicated to policy analysis. Chair Harris asked who the staff persons are. PAB Liaison answered Autumn Grant and Tylor Schnella who are not present. Chair Harris asked them to be present at the next PAB meeting and to set up meetings with Vice Chair Turner.

Vice Chair Turner commented on the JHU Police Accountability Board title causes confusion as it relates to their function and purpose and who supersedes when incidents happen at Johns Hopkins. A meeting with the Chief at JHUPD might be necessary and evaluate if there is a conflict with their title as PAB and this Board’s title. Chair Harris asked Chair Riggins to add a policy recommendation to rename the JHU PAB to be renamed a community advisory board or otherwise as it might cause confusion in the media when the JHU PAB has no authority to provide recommendations or changes to the JHUPD.

Chair Harris will work with the PAB Liaison to have a meeting with OECR staff dedicated to policy to assist in providing analysis for comments on JHUPD Draft policies.

Chair Harris will work with Ms. Ansah to schedule a meeting with the Policy Liaisons and our Policy and Advice Committee to do a thorough review of the proposed policies.

**IX. NACOLE Conference**

Chair Harris wishes to send three (3) members to the National Association of Civilian Oversight of Law Enforcement annual conference happening November 12-16 in Chicago, Illinois. Chair Harris nominates Member Abdul-Malik to attend. Member Abdul-Malik is interested in attending but will confirm.

Ms. Ansah PAB Liaison advised OECR could not sponsor PAB members to attend the NACOLE Conference in person, but there is a virtual component of the conference that all members will have access. Chair Harris will consult with Director Moore about sponsoring attendance for PAB members.

Chair Harris wishes to move forward with identifying members to attend. Vice Chair Turner and Member Riggins wish to attend the NACOLE Conference. Member Broady noted there might be nonprofit groups willing to sponsor attendance to the NACOLE Conference, in the event the City cannot sponsor attendance. Member Kenny is interested in the virtual option. If there is virtual attendance available, it will shared with the entire board

**X. Reimbursement Process**

PAB Liaison Ansah presented on the reimbursement process. Members will receive a form via email; they are instructed to fill out as much information as they can and return the form via email for approval and disbursement.

Chair Harris asked if there is a delineation between reimbursements for mileage reimbursement. PAB Liaison Ansah will confirm about mileage reimbursement, but members are allowed to submit reimbursements from the initiation of their membership to the Board until present.

Secretary Lee asked PAB Liaison Ansah if members would be provided with a list of reimbursable items. The reasonable expenses list will be provided to members.

**XI. Committee Updates**

Vice Chair Turner congratulated the Chairs of various committees and spoke on his role of overseeing committees. Vice Chair Turner asked, for updates from the committees and if there is any assistance he can provide. Committee Chairs should be setting up meeting with their committee members and if not they are encouraged to do so.

Member Riggins is Chair of the Policy and Advice Committee. He has created a Policy and Advice channel on Teams for organization and structure. He also created a Bylaws Committee channel that includes relevant documents. He would prefer to isolate work to the committee channel of Teams/SharePoint. Member Riggins asked if members are having issues accessing the Teams/SharePoint channels and if staff can assist with that. There is also a tentative schedule to complete the annual report.

Chair Harris noted that he has received complaints from members about access to email/Teams/SharePoint and will work with staff to resolve those issues. Members raised their hands to indicate they are experiencing issues with access. There may be city issued laptops for the members based on the issue that members are having, Member Kenny is Chair of the Data and Research Committee. She has also created a Data and Research channel on Teams, following Member Riggins lead but is also experiencing access issues on Teams/SharePoint and suggested training on utilizing the platform. Issues with connectivity slows down collaboration, which seems like an infrastructure issue.

Vice Chair Turner reiterated there is hard work being done and acknowledged the volunteer capacity that members operate. One of Vice Chair’s goals is efficiency, and some work can be given to the staff that supports their work so they can focus on the task.

Secretary Lee shared she was offered a laptop by the City when she was experiencing connectivity issues and that could be a possible solution to the issues members are experiencing.

Member Broady is Chair of the Bylaws Committee. They have been reviewing feedback from the Law Department and there will be a meeting with the whole committee once the review is complete to understand the Law Department’s comments to help them operate more efficiently and understand what their parameters are as a body. Chair Harris acknowledged the importance of bylaws and acknowledged the PAB is a separate entity from the city and the bylaws should work within the guidelines of the enabling legislation.

Member Avi Wolasky shared his trouble accessing his emails, which is the reason he still uses his personal email although they could be accessed under a Maryland Public Information Request. Member Broady acknowledged he does not want anyone in his personal emails.

Member Abdul-Malik is Chair of the Community and Organization Committee. They have not convened yet, but will do so in the future. He has begun to connect with other police accountability boards across the country and will continue to develop those relationships.

Member Riggins shared the Administrative Charging Committee will also be sharing their recommendations with the Board and has created an ACC folder in the channel. Chair Harris explained the nature of privacy surrounding the ACC for members of the public in attendance.

**XII. New Business**

* **Recent events and BPD response**

Chair Harris speaks specifically of Jason Billingsley and his alleged crimes. Chair Harris stated that he has received comments about BPD’s decision to not notify the community about Billingsley. That could have prevented a murder. The sentiments the Chair has received indicate that when a crime occurs in the Black community or community of Color, the police do not respond with the same urgency as they do if the crime occurs in a wealthy white community. He reiterates the equity in police response is the greatest issue facing BPD and it will be hard to rebuild trust between BPD and the community if equity is not at the center. Chair Harris opens for discussion and policy recommendations on this matter.

Chair Harris recommends BPD examine when and how to issue public warrant notices in the best interest of citizens to do so immediately or to wait.

**XIII. Old Business**

* Trial Board Applicants

Chair Harris acknowledged this topic was discussed during the last meeting but there was confusion around the deadline for selecting applicants to send to training and the process for soliciting candidates. Chair Harris makes it clear the email to request a halt to voting on trial board applicants did not happen unilaterally but was in consultation with members. Chair Harris explains the responsibility of selecting a trial board member and believes it is important members have a clear understanding of the solicitation process for candidates to serve on the trial board.

PAB Liaison Ansah explains this was put on the agenda in the event members wish to go into a close session to discuss and select an applicant to attend training to serve on the statewide trial board. PAB Liaison Ansah explains the process for the statewide trial board and advises members can go into a closed session to select applicants. There was a time limit because of training and the need to have some the hearings before the end of the year.

Chair Harris asked what the solicitation process for applicants is and where the names of these applicants came from. PAB Liaison Ansah advised because Baltimore City is the only jurisdiction in the State to have trial boards, these are former members who have served on trial boards in the past.

Deputy Director Young is listening as he is on a Delegate Tour.

Chair Harris asked how the applicants were selected and if there was a public solicitation process to search for candidates from the community to serve on trial boards.

PAB Liaison Ansah recalled from the last PAB meeting, Chief Mariel Shutinya mentioned these applicants were selected because of their previous service to trial board sin the past. Because this is the first initial pool of candidates, the Board can create an improved solicitation process.

Chair Harris clarified that OECR currently does not have a solicitation process for trial board applicants. Deputy Director Young advised there is a solicitation process and when Chief Shutinya returns, she will provide that process to the Board.

Secretary Lee shared her experience as a trial board member. Chair Harris acknowledged solicitation from a wide range of community members with different experiences might be helpful on the trial boards.

Member Riggins notes it will be helpful to have a structure in place and written rules by which trial board members are selected to be memorialized and regulations in the Bylaws and published on the website along with our Annual Report.

Chair Harris recommends that process be developed in the policy and advice committee. Chair Harris recommends taking public comments prior to going to closed session to select trial board applicants.

Secretary Lee moved to take public comments prior to the closed session, seconded by Member Broady. Motion carries.

Member Broady recommends Chair Harris formally acknowledge the law that allows for closed session. Chair Harris acknowledges Rule 305B of the ordinance that allows the Board to go into closed session to discuss personnel matters.

Member Abdul-Malik requests an update on independent counsel. Chair Harris shares there will be meetings with the NAACP Legal Defense Fund and the American Civil Liberties Union as possible independent counsel for the Board and will provide an update.

Member Abdul-Malik asks PAB Liaison Ansah if the 2024 budget has been approved for the PAB. Deputy Director Young advised the fiscal year begins July 1st and was approved by the City Council in June. The next budget process is underway and will begin next July 1st.

PAB Liaison advised breakout rooms for the closed session and members must motion to go into closed session.

Vice Chair Turner moved to go into closed session, seconded by Member Broady, motion carries.

Members moved into closed session to discuss personnel matters.

**XIV. Public Comment**

None

**XV. Adjournment**

The meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Stephanie V. Lee

Secretary