



BALTIMORE POLICE DEPARTMENT



CATHERINE E. PUGH
Mayor

KEVIN DAVIS
Police Commissioner

December 5, 2017

Bridal Pearson, Chairperson
Civilian Review Board
7 E. Redwood Street, 9th floor
Baltimore, MD 21202

Re: Final Action for OPR and CRB Cases: IAS 2016-0331/CRBPD116-16

Dear Mr. Pearson:

This letter is regarding the above referenced case, where [REDACTED] alleges charges of Excessive Force, False Imprisonment and Harassment against [REDACTED]. [REDACTED] alleged that on July 21, 2016, around 1500 and 1600 hours, [REDACTED] wrongfully detained him and injured his wrist with handcuffs that were too tight. [REDACTED] alleged that, while coming from the store, [REDACTED] stopped and detained him at the corner of Monastery and Lexington Street. [REDACTED] further alleges that [REDACTED] handcuffed him and placed him on the ground, when another Officer (never identified) advised [REDACTED] that he had the wrong person. [REDACTED] reported that he asked [REDACTED] to remove the cuffs because they were too tight, but he refused. [REDACTED] alleged that the incident was captured on Kim Liquor and Groceries' store camera. [REDACTED] alleged that after Officers caught the suspect they were pursuing, and recovered CDS from that suspect, [REDACTED] advised both suspects they could go. The CRB Sustained the Excessive Force and False Imprisonment charges against [REDACTED] and did Not Sustain the Harassment charge.

In cases where the CRB Sustains an allegation that the Police Department has Not Sustained (to include Unfounded and Exonerated findings), I have forwarded those cases to the Baltimore City Law Department to ascertain a legal opinion as to whether the case can be proven by a preponderance of the evidence in an Administrative Hearing. In the case at hand, the Law Department has opined that there is insufficient evidence (which includes information forwarded from the CRB) for this case to be proven by preponderance.

After careful review and analysis of the case, I concur with this opinion. As such, my final decision is that the case will remain closed as Unfounded and Not Sustained.

Sincerely,

Kevin Davis
Police Commissioner



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Police Commissioner

December 5, 2017

Bridal Pearson, Chairperson
Civilian Review Board
7 E. Redwood Street, 9th floor
Baltimore, MD 21202

Re: Final Action for OPR and CRB Cases: IAS 2016-0303/CRBPD069-16

Dear Mr. Pearson:

This letter is regarding the above referenced case, where [REDACTED] alleges charges of False Arrest against [REDACTED]. [REDACTED] contends that he was falsely arrested on June 22, 2016 for handgun and CDS violations. [REDACTED] swore that he saw [REDACTED] enter a shed behind a vacant building and then act suspiciously. [REDACTED] was stopped and a search of the shed resulted in the recovery of a loaded handgun and heroin. [REDACTED] and his girlfriend, [REDACTED] deny that he was in the shed. The visit to the shed and the subsequent behavior was the basis of probable cause. The CRB Sustained the False Arrest charge against [REDACTED].

In cases where the CRB Sustains an allegation that the Police Department has Not Sustained (to include Unfounded and Exonerated findings), I have forwarded those cases to the Baltimore City Law Department to ascertain a legal opinion as to whether the case can be proven by a preponderance of the evidence in an Administrative Hearing. In the case at hand, the Law Department has opined that there is insufficient evidence (which includes information forwarded from the CRB) for this case to be proven by a preponderance.

After careful review and analysis of the case, I concur with this opinion. As such, my final decision is that the case will remain closed as Not Sustained.

Sincerely,

Kevin Davis
Police Commissioner



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Police Commissioner

December 5, 2017

Bridal Pearson, Chairperson
Civilian Review Board
7 E. Redwood Street, 9th floor
Baltimore, MD 21202

Re: Final Action for OPR and CRB Cases: IAS 2014-0209/CRBPD028-14

Dear Mr. Pearson:

This letter is regarding the above referenced case, where [REDACTED] alleges charges of Excessive Force against [REDACTED] and [REDACTED] and [REDACTED] witnessed the Officers arrest a male and a female outside of the Light Street Pavilion at Harbor Place on April 19, 2014 and alleged in her recorded interview with the Office of Professional Responsibility ("OPR") that the Officers attacked the arrestees and threw them to the ground for no reason. She further alleged that one Officer strangled the male arrestee, causing blood to gurgle from his mouth. The CRB Sustained the Excessive Force charges against both Officers, noting that the Officers "unnecessarily approached the victim and escalated the situation as the victim was obeying an order to leave the premises."

In cases where the CRB Sustains an allegation that the Police Department has Not Sustained (to include Unfounded and Exonerated findings), I have forwarded those cases to the Baltimore City Law Department to ascertain a legal opinion as to whether the case can be proven by a preponderance of the evidence in an Administrative Hearing. In the case at hand, the Law Department has opined that there is insufficient evidence (which includes information forwarded from the CRB) for this case to be proven by a preponderance.

After careful review and analysis of the case, I concur with this opinion. As such, my final decision is that the case will remain closed as Not Sustained.

Sincerely,

Kevin Davis
Police Commissioner



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Police Commissioner

December 5, 2017

Bridal Pearson, Chairperson
Civilian Review Board
7 E. Redwood Street, 9th floor
Baltimore, MD 21202

Re: Final Action for OPR and CRB Cases: CIU 16-01935/CRB 2017-0112

Dear Mr. Pearson:

This letter is regarding the above referenced case, where [REDACTED] alleges charges of False Arrest and Harassment against [REDACTED]. [REDACTED] stated that her complaint focused on [REDACTED] because "she was corresponding back and forth with the man who attacked me, and she was making disrespectful comment [sic], and she kept saying that she can do what she wants, and that he didn't beat me up." The CRB Sustained the Harassment charge against [REDACTED], and did Not Sustain the False Arrest charge.

In cases where the CRB Sustains an allegation that the Police Department has Not Sustained (to include Unfounded and Exonerated findings), I have forwarded those cases to the Baltimore City Law Department to ascertain a legal opinion as to whether the case can be proven by a preponderance of the evidence in an Administrative Hearing. In the case at hand, the Law Department has opined that there is insufficient evidence (which includes information forwarded from the CRB) for this case to be proven by a preponderance.

After careful review and analysis of the case, I concur with this opinion. As such, my final decision is that the case will remain closed as Not Sustained.

Sincerely,

Kevin Davis
Police Commissioner



BALTIMORE POLICE DEPARTMENT



CATHERINE E. PUGH

Mayor

Bridal Pearson, Chairperson
Civilian Review Board
7 E. Redwood Street, 9th floor
Baltimore, MD 21202

December 5, 2017

KEVIN DAVIS
Police Commissioner

Re: Final Action for OPR and CRB Cases: IAS 2016-0479/CRBPD128-16

Dear Mr. Pearson:

This letter is regarding the above referenced case, where [REDACTED] alleges charges of Abusive Language against [REDACTED]. [REDACTED] alleged that [REDACTED] answered her daughter's cell phone after her daughter had been arrested. When [REDACTED] asked [REDACTED] what was going on with her daughter, he responded "Why the fuck do you want to know?" [REDACTED] then asked [REDACTED] why her daughter had been arrested, and he responded, "None of your fucking business." She further alleged that [REDACTED] became "smart" with her and then hung up on her.

In cases where the CRB Sustains an allegation that the Police Department has not sustained (to include Unfounded and Exonerated findings), I have forwarded those cases to the Baltimore City Law Department to ascertain a legal opinion as to whether the case can be proven by a preponderance of the evidence in an Administrative Hearing. In the case at hand, the Law Department has opined that there is insufficient evidence (which includes information forwarded from the CRB) for this case to be proven by a preponderance. In addition, any disciplinary hearing on this complaint is now barred by the statute of limitations. The incident occurred on October 6, 2016 and was reported to a Supervisor that same day. The CRB complaint was completed by [REDACTED] on November 30, 2016. The CRB reviewed the case at its meeting on September 26, 2017, and drafted a letter regarding its findings dated October 3, 2017. The letter was received in the Police Commissioner's Office on October 10, 2017, according to the date stamp. Therefore, the Department may not proceed with disciplinary charges against [REDACTED] due to the statute of limitations.

In the event that this incident was timely charged and presented to an Administrative Hearing Board ("the Board") on the allegation of abusive language by [REDACTED], it is unlikely that the Department could prove any misconduct or violation of BPD policies by a preponderance of the evidence. It is unknown if [REDACTED] and her daughter would show up to testify. The case would come down to her word against the word of [REDACTED].

After careful review and analysis of the case, I concur with this opinion. As such, my final decision is that the case will remain closed as Not Sustained.

Sincerely,


Kevin Davis
Police Commissioner



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December 5, 2017

Bridal Pearson, Chairperson
Civilian Review Board
7 E. Redwood Street, 9th floor
Baltimore, MD 21202

Re: Final Action for OPR and CRB Cases: IAS 2016-0401/CRBPD088-16

Dear Mr. Pearson:

This letter is regarding the above referenced case, where [REDACTED] alleges charges of Abusive Language against [REDACTED]. [REDACTED] alleges that [REDACTED] called him a "Piece of shit" and a "Liar" during his response to [REDACTED] home at [REDACTED] for a report of an argument between [REDACTED] and his roommate on September 8, 2016. The CRB Sustained the Abusive Language charge against [REDACTED].

In cases where the CRB Sustains an allegation that the Police Department has Not Sustained (to include Unfounded and Exonerated findings), I have forwarded those cases to the Baltimore City Law Department to ascertain a legal opinion as to whether the case can be proven by a preponderance of the evidence in an Administrative Hearing. In the case at hand, the Law Department has opined that there is sufficient evidence (which includes information forwarded from the CRB) for this case to be proven by a preponderance. However, since more than one year has passed since the complaint was filed, the BPD cannot move forward with this case pursuant to the one year statute of limitations found at Sec. 3-106(a), Md. Public Safety Code.

After careful review and analysis of the case, I concur with the CRB's opinion. However, due to the statute of limitations, my final decision is that the case will remain closed as Not Sustained.

Sincerely,

Kevin Davis
Police Commissioner