

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

September 19, 2019

Present at the meeting were Civilian Review Board Members Bridal Pearson (Northern), Mel Currie (Southwestern), Betty Robinson (Northeastern District) George Buntin (Western), and Fred Jackson (Northwestern District).

Also present were:

Kobi Little, NAACP
Michelle Herring, Community Mediation
Harry Armstrong, CRB Supervisor
Tiffany Jones, Investigator
Evangula Brown, Investigator

Members of the public and community members were also present.

I. Welcome and Introductions

Bridal Pearson welcomed everyone and called the meeting to order at 6:09 p.m. He recognized and introduced non-voting members of the Board and staff. He noted that the meeting was being recorded.

II. Director's Report

Director Ingram noted the following announcements in his Director's Report.

- In terms of statistics, the Board had completed 6 investigations in the last month, 3 in person intakes, and had received 13 complaint notifications from IAD.
- Staff and CRB member George Buntin attended a town hall meeting held by City Council President Brandon Scott on August 8th at Cherry Hill Elementary Middle School.
- CRB member George Buntin gave a presentation to youth on the CRB on July 26th.
- Director Ingram attended the Mayor's Press Conference on reaffirming the City's commitment to the immigrant communities of Baltimore.
- CRB Staff will be attending the NACOLE Annual Conference from September 21-26 in Washington D.C. Registration is still open.
- Civil Rights Week will take place from September 27th – October 5th, with various events around the City.
- Staff attended various National Night Out events on August 6th around the City.
- Staff attended the Vegan Southwest on August 3rd in Clifton Park.
- On August 15th, Board members met with new CRB candidates Jillian Aldebron, Tiera Hawkes, Natalie Novak and Tiffany Wingate. The first three of these candidates had their nomination hearing in front of City Council on September 18th and are scheduled to be sworn in at the Civil Rights Breakfast on September 27th. Board members are encouraged to attend. Ms. Wingate and Mr. Nole

are expected to be sworn in in October. The Board is still seeking a candidate for the Northwestern District.

- Director Ingram thanked those Board members who are ending their service after the meeting: Betty Robinson and Bridal Pearson. He encouraged them to attend the Civil Rights gala so that they could recognize them publicly for their service.
- The OCR summer internship programs have ended, and staff are grateful to all those interns who supported the work during the summer. Staff is now accepting fall internship applicants.
- The Letter to the Commissioner that was drafted by George Buntin was sent and receipt confirmed. Staff has contacted his scheduler and are working on meeting dates.
- On July 30th, staff were trained on the use of evidence.com, for the review of body worn camera footage.
- Raemond Parrot and Harry Armstrong attended Use of Force training at BPD on September 16th and 17th, and will give a brief update on their thoughts regarding these trainings.
- The CRB continues pushing to hold more events in communities, rather than at the office. Staff asks Board members to please continue to identify places in their community where they can hold CRB meetings.
- Harry Armstrong introduced himself and spoke about his background in federal compliance.

III. Board Elections

Bridal Pearson noted that it was his and Betty Robinson's last meeting. He thanked the Board members for their service.

Kobi Little noted that it was important to explain the process for electing a new chair. Mel Currie noted that given their small membership, they were comfortable with allowing a Board member to nominate a chair and holding a vote.

Mel Currie motioned to vote George Buntin in as the new Chair, Betty Robinson seconded and all were in favor.

George Buntin motioned to solidify a process for selecting a chairman and secretary. Betty Robinson seconded and all were in favor.

Amy Cruice reported on the process of developing rules and regulations for the Board based on the best practices of other Boards. Betty Robinson noted that it would be valuable for residents in Baltimore to find out about what other cities have done. Director Ingram noted that this information could be posted on the website. Amy Cruice stated that the spreadsheet could also be shared to compare with other cities to determine appropriate staffing and funding.

IV. Approval of the Minutes from July 18, 2019

Mel Currie motioned to approve the minutes from July 18, 2019. Bridal Pearson seconded, and all were in favor.

V. Approval of the Minutes from August 1, 2019

Betty Robinson motioned to approve the minutes from August 1, 2019. Bridal Pearson seconded, and all were in favor.

VI. New Complaints

CRB2019-0149

A majority of Board members voted to authorize an independent CRB investigation.

CRB2019-0154

A majority of Board members voted to authorize an independent CRB investigation.

CRB2019-0167

A majority of Board members voted to authorize an independent CRB investigation.

CRB2019-0168

A majority of Board members voted to authorize an independent CRB investigation.

CRB2019-0169

A majority of Board members voted to authorize an independent CRB investigation.

CRB2019-0170

A majority of Board members voted to authorize an independent CRB investigation.

VII. Completed Investigations

<u>CRB#</u>	<u>IAD#</u>	<u>Allegations</u>	<u>Findings</u>
CRB2017-0138	17-0420	FA FI	Sustained 16 day-suspension Middle Letter of Reprimand

Mel Currie felt that the officer was being vindictive and arrested the complainant unnecessarily. He felt that this was an example of improper policing. Bridal Pearson felt that it was not within his authority to arrest her because he lied about his sirens being turned on. He stated that a witness corroborated that sirens were not on when he arrived. He noted that the body worn camera showed him being agitated and confrontational. Mel Currie noted that the officer admitted that he wasn't sure that his lights were on the whole time. Betty Robinson stated that

she asked him to turn his body-worn camera on, and she felt that he had unnecessarily escalated the situation. Fred Jackson noted that an officer has to remain calm, and if he was going to stop her, he had to have his lights and sirens on. He felt that he had towed the car out of spite.

Amy Cruice noted that the case was already expired. She stated that there was a one-year deadline, and she wanted to have them consider informing people of their rights to file a tort claim. Darnell Ingram noted that the Board also had independent authority to communicate with complainants.

George wanted to know if it would be possible to give complainants a list of resources and next steps when they file. He wanted to know how they could pressure IAD to provide the casebooks in a shorter time. He felt that it was unacceptable. Darnell Ingram noted that they had ineffective processes, but they also had a very heavy workload. He noted that he had suggested prioritizing CRB and more egregious cases, and that IAD was streamlining processes to exclude more minor infractions. He said he did not know when they would be rolled out. Fred Jackson said that they had discussed this with them, and they were claiming that they did not have enough staff. Darnell Ingram noted that they would be meeting with the Commissioner soon, but the Board could also write letters, and begin to advocate on this issue.

Kobi Little noted that when cases expire and officers are not held accountable, it emboldens them to continue to operate outside law and policy. He stated that officers incrementally get worse without intervention. He noted that the Board also has a responsibility to review policy, and that the Board does not have the power it needs to discourage misconduct. He stated that the value of the CRB was to advocate for an independent oversight board. He felt that the Board should make a policy recommendation on this issue, and have a meeting prior to the convening of the General Assembly to discuss legislative recommendations. Amy Cruice noted the need to change the Law Enforcement Officer's Bill of Rights. She added that she felt that they should develop subcommittees as well. She noted that only 10 cases per year go to trial board hearings.

Evangula Brown noted that the complainant in this case was extremely upset. She noted that the complainant was on her lunch break from work when the incident occurred, and she ended up moving as a result. Darnell Ingram noted that they wanted to create a Victim Assistance program to deal with the trauma associated with civil rights issues.

Kobi Little noted that he would like the staff to go through the minutes and pull out all of the current policies and add them to a single document.

A majority of Board members voted to sustain the allegations and recommended a 16-day suspension and middle letter of reprimand for the officer.

CRB2017-0157

17-0501

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Betty Robinson noted that there was no body worn camera footage and wanted to know why mediation did not go through. Michelle Herring noted that mediation could not be scheduled, and the reasons were confidential. Betty Robinson felt that they should clearly designate which report comes from the CRB and which comes from IAD. Mel Currie felt that the officer's actions did

not rise to the level of harassment. Betty Robinson wanted to know the policy on confiscating medication. **A majority of Board members voted not to sustain the allegation.**

CRB2017-0178

17-0545

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Bridal Pearson noted that the case was administratively closed due to lack of cooperation from the complainant. He noted that they body worn camera footage did not capture harassment. Mel Currie noted that abusive language was captured, but not by the officer captured in the complaint. Betty Robinson noted that it was noted in the IAD report that the individual had a storied history of criminal behavior, and felt there was bias in the report.

A majority of Board members voted not to sustain the allegation.

Kobi Little wanted to know what option the Board had in a case where the complainant identified the wrong officer. George Buntin noted that he did not see why the Board could not initiate a complaint, but the issue was the time limit. He stated that they could include in the letter to the Commissioner other allegations that go beyond their purview. He noted it could be discussed in the subcommittee on policy. Kobi Little noted that the Board should go on the record even if the allegations had expired. He felt it was important for the Board not to be powerless bystanders. Darnell Ingram felt that they should implement a process to deal with those issues. He noted that the board was deciding facts, so they could not be witnesses to a case as complainants. Kobi Little noted that this case warranted clear and full understanding of what is possible in these situations. Darnell Ingram noted that this was a policy and procedure conversation for another setting. Kobi Little noted that he was raising these issues now so that they would be on the record.

George Buntin motioned that it be added to the letter that the Board did find cause for abusive language for Officer L. Mel Currie seconded and all were in favor.

CRB2018-0066

18-0149

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Board members felt the incident did not rise to the level of harassment, since the complainant was complaining about not being given a repair order. Fred Jackson noted that there was no case for racial bias.

A majority of Board members voted not to sustain the allegation.

CRB2018-0103

18-0420

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Betty Robinson did not sustain because she noted the complainant was told that there was a search and seizure warrant for his house, and the body worn camera footage does not show the complainant complaining about the tightness of the handcuffs. Fred Jackson noted that the body worn camera clearly showed the officer finding the drugs in the presence of another officer. Mel Currie felt there was no evidence to support the claims.

A majority of Board members voted not to sustain the allegation.

VIII. Public Comment

A community member noted that she was impressed with how the Board was operating. She noted that she concurred that it was important to condense the policies of the Board into one document. She agreed that it was important to vote on violations found that were not in the conduct of the original complaint.

Keesha Ha noted that with regard to the delay in getting the cases, it was bewildering that the Board was still voting on expired cases. She noted that she found that to be unconscionable, and the issue had been going on for three years. Darnell noted that they would have to use their authority to receive the IAD reports in time. Mel Currie also noted that it was an issue that they needed to use subpoenas to compel the testimony of witness officers. Kobi Little wanted to clarify that there were witness officers who were not cooperative.

Harry Armstrong noted that he felt it was unacceptable that the CRB was not provided reports within one year. He noted that he would be speaking about this with the Director to find out what actions can be taken if our report is done. He noted that he would also be speaking with the Public Integrity Bureau about this.

He noted that they would be prioritizing interviewing witness officers and using subpoena power. Kobi Little wanted to know where this would fit in terms of reporting to the Consent Decree Monitor. Darnell Ingram noted that legally the Public Integrity Bureau (PIB) is required to provide a report within 90 days, and they would be working through how to enforce this. He noted that PIB needed to provide good cause for failure to timely provide the casebooks. Fred Jackson noted that the CRB did a thorough job with a small staff. He felt that they needed to take definitive action.

Betty Robinson wanted to recommend that this issue be brought up at the quarterly court hearing. She motioned that the staff of the Office of Civil Rights compile a chart of the last two years of IAD files that were delivered late and present that to the Consent Decree judge. Kobi Little wanted to include the number and character of witness non-cooperation. Mel Currie seconded and all were in favor. Bridal Pearson noted that sometimes it was necessary to go outside the structure and give information to the press. George Buntin wanted to know if the office could put together an entire document about BPD's general lack of cooperation, lateness, failure of witness officers to cooperate, or any actions that have impeded the work of the Board, and investigators being denied access to evidence. Darnell Ingram noted that the Board had statutory authority to receive the PIB report within 90 days. George Buntin noted that the last time they had attempted to use this authority, it became a struggle with the Law Department. He noted that many cases expired in the interim, and that the Solicitor instructed the police department not to give the Board any files. He stated that it started when the Board started to exercise their subpoena power, and was not confident that the Solicitor would comply with their subpoena power. Mel Currie noted that they would need independent counsel.

IX. Old Business

Darnell wanted to note that the Board has resolved 38 cases since January.

He noted that there will be training once new Board members are installed that Harry will develop and asked that members please send Harry suggestions for training.

He noted that Board members would need to discuss and decide on committees.

X. New Business

Kobi Little wanted to discuss the processes of the Board. He felt that it was important for them to operate according to policy and procedure and in accordance with the law. He stated this could help to set a standard around cases. He wanted to press the staff to equip the Board with the tools they need. He felt that it would have been helpful for the staff to review the statute prior to Board elections. He felt that the Board should be equipped with law, regulations, policy and rules. He felt that staff should be doing an inventory of laws for each agenda. He wanted to delineate between training and orientation. He noted that he had not received any orientation.

Kobi Little stated that it would be helpful to have ACLU and NAACP nameplates, and have non-voting members be listed as Board members. He felt that they needed to empower themselves. He felt that they should start the process by sending a letter to the Attorney General asking for his interpretation of the meaning of independence, and that they should discuss this independence.

Amy Cruice stated that this Board has come so far in the last four or five years and is postured well to move forward. She noted that they did not have to reinvent the wheel and could get information from NACOLE to help them develop these pieces.

Amy Cruice noted that in Mid-November NACOLE is having a regional conference in Washington, D.C. Amy Cruice stated that she may have information on scholarships.

XI. Adjournment

There being no further business, the meeting was adjourned at 8:36 PM.

Respectfully submitted,

Jill Muth