

AGENDA
Baltimore City Civilian Review Board
REGULAR MEETING
September 16, 2021
Place: Enabled by Cisco WebEx
6:00-8:00 pm

I. Welcome & call to order

- Mel Currie, Southwestern District
- Tiera Hawkes, Chair, Northeastern District
- Natalie Novak, Secretary, Northern District
- Tyler Salley, Southeastern District
- Amy Cruice, ACLU
- Dana Moore, Director Office of Equity and Civil Rights
- Jill Muth, CRB Investigator
- Tiffany Jones, CRB Investigator
- Sergeant Lloyd
- Michelle Herring – Baltimore Community Mediation Center
- Caylin Young – ACLU

II. Review and approval of agenda
Approved

III. Review and approval of minutes
Vote next month

IV. Director's Report

Dana Moore - Opened office to receive complaints in person, none yet; can do off-site investigations and off-site events; Hispanic Heritage month is ongoing; OECR now has access to the original Iapro file, there is no longer duplicate files; 4 completed investigations; 4 closed cases in August; intakes 13 in August; complainant notifications from PIB 10 in Aug; 0 new complaints.

V. New Complaints:

None

VI. Completed Cases:

- A. **CRB2021-0062/PIB2021-0332:** Complaint filed 3/12/2021 against six identified BPD officers for Excessive Force, Harassment, False Imprisonment, and False Arrest. The complaint alleges that on 5/5/2021 the Complainant and his brother were in a vehicle parked on E 34th Street, he was getting ready to exit the vehicle to go to a nearby store. The Complainant noticed an unmarked car driving slowly behind them and then next to them staring at them. The Complainant's brother asked, "what's up?" and someone from the unmarked vehicle said the same thing, "what's up?" The Complainant's brother advised that they were just going to the store and the individuals nodded. The Complainant then exited the vehicle and made his way to the store. He noticed several additional police cars pull up. The Complainant alleges that then the individuals from the unmarked vehicle got out of the car and followed him. The

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Complainant was getting nervous so he started to jog. Then someone yelled “gun” and the Complainant began to run. The Complainant alleges that he was then struck by a police car and fell to the ground. The Complainant alleges that he had run into a parking lot, a car had been driving next to him, in the parking lot the car swerved and then struck him. The Complainant alleges that he bounced off the hood and continued running. He alleges that an officer then tackled him. The officers injured his wrists when they handcuffed him. No medical attention was offered to him before he was taken to Central Booking. The CRB investigator submitted questions to PIB for the interviews of the subject officers, but there was no response from PIB. PIB provided body-worn camera footage and some documents, but the PIB investigation was not yet complete so the full final report was not provided.

- Mel Currie, Southwestern District - officer stated that he did not want to tackle the Complainant, officer was glad he didn’t have to
 - Vote: Not sustained
- Tiera Hawkes, Chair, Northeastern District - BWC didn’t align with the complaint, the car striking him, officers adjusted the handcuffs when asked and changed to plastic cuffs, officers saw him with a gun.
 - Vote: Not sustained for all
- Natalie Novak, Secretary, Northern District - the way they pulled up on the Complainant could be Harassment with more evidence
 - Vote: Not sustained for all
- Tyler Salley, Southeastern District - BWC footage provided insight
 - Vote: Not sustained for all

B. **CRB2020-0044/PIB20201179:** Complaint filed 11/16/2020 against one Baltimore Police officer for False Arrest. The Complainant is the Victim’s father. On 10/9/2020, someone called 911 alleging that the Victim was threatening to light a house on fire. When an officer arrived at the scene, a chemical flammable substance could be smelled, the Complainant stated the Victim poured it in the living room. The Victim was arrested 10/9/2020. The officer did a follow-up interview with the Complainant on 11/16/2020, during which the Complainant stated that he wanted to drop the charges against his son and hoped he would be released soon. The Victim needed mental health assistance, not incarceration. The Victim was at Bayview hospital shortly before this incident on an emergency evaluation; the Victim’s family member told the officer that the Victim has a disability. PIB investigation only; body-worn camera footage was provided.

- Tyler Salley, Southeastern District - this is a really sad situation, but no violation from an officer misconduct standpoint; BPD did not do anything wrong.
 - Vote: Exonerated
- Mel Currie, Southwestern District –agreed with Tyler
 - Vote: Exonerated
 - Natalie Novak, Secretary, Northern District – Vote: Exonerated
- Tyler Salley, Southeastern District – Vote: Exonerated
- Amy Cruice – Caylin Young from the ACLU, Director of Public Policy, filing in for Amy for the rest of the meeting.

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- C. **CRB2020-0040/PIB20201132:** Complaint filed 11/10/2020 against one identified Baltimore Police officer for False Arrest, Harassment and False Imprisonment. The Complainant alleges that on 11/7/2020 he was in a vehicle when it was stopped by the Subject Officer who stated that he pulled the car over because someone threw a paper bag out of the window and the windows were illegally tinted. As the Subject Officer approached the vehicle, he stated that he smelled marijuana. At that point, all three passengers, including the Complainant, were asked to get out of the car and handcuffed while the car was searched. The Subject Officer asked the individuals if anyone had a weapon, one of the individuals stated that he did have a firearm and produced a gun permit from his wallet, which appears to be a permit to carry a firearm for his duties as a security guard. CRB and PIB investigations, body-worn camera footage was provided.
- Natalie Novak, Secretary, Northern District - what is the case law about investigatory stop based on smell of weed is illegal?
 - Mel Currie, Southwestern District - stopped for throwing trash out the window and window tints, then asked them questions and found firearm improperly stored, no misconduct.
 - Vote: Not Sustained
 - Tyler Salley, Southeastern District - curious what the marijuana law is in Baltimore, asks Sergeant Lloyd, when is it enough to conduct a search?
 - Vote: Not sustained
 - Sergeant Lloyd - pulling up information now, will look for some information.
 - Tiera Hawkes, Chair, Northeastern District - someone threw trash out and tints, and then passenger stated he had a gun, based on all of the events combined, no misconduct
 - Vote: Not sustained for all
 - Natalie Novak, Secretary, Northern District – Vote: sustained for False Imprisonment and False Arrest; Not sustained for Harassment
 - Sergeant Lloyd - can't only stop based on weed smell, but had the trash and tints to stop the car, so it wasn't just the smell.
 - Tyler Salley, Southeastern District - do you pull everyone out of the car when there's weed?
 - Sergeant Lloyd - not by itself, but there are multiple things.
 - Tyler Salley, Southeastern District - if there are several things, trash, tint, weed smell, all together it's enough to pull them out of the car?
 - Sergeant Lloyd – yes.
- D. **CRB2020-0035/PIB2020-1059:** Complaint filed 10/3/2020 against one identified Baltimore City Police officer for Harassment. The Complainant alleges that in 2011, she reported to the BPD that she was raped. The subject officer was assigned to investigate the criminal rape case. The Complainant alleges that the subject officer did not do much investigation of her case, but contacted her all the time. The subject officer continuously called the Complainant and asked about her family and fiancé. The Complainant told the subject officer to stop calling her, but he continued to call her and started calling her at work, as recently as 10/2/2020, at which point she told him to leave her and her family alone. The subject officer passed away in 2014.

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- Tiera Hawkes, Chair, Northeastern District - maybe it was someone from BPD following up?
 - Vote: Unfounded
 - Mel Currie, Southwestern District - complaint noted a date that was during a time when the officer had already passed away, complainant must have been mistaken.
 - Vote: unfounded
 - Tyler Salley, Southeastern District – Vote: unfounded
 - Natalie Novak, Secretary, Northern District – Vote: unfounded
- E. **CRB2020-0017/PIB2020-0485:** Complaint filed 5/215/2020 against one identified officer of the Baltimore Police Department for False Arrest and False Imprisonment. The complaint alleges that on 2/25/2020 she was arrested based on a Child Protective Services complaint. The Complainant was interviewed by CPS based on statements that her child made at school on 2/17/2020. The Complainant did not response to the Investigator’s attempts to schedule an interview with her. Thereafter, the Complainant sent an email to the Investigator indicating that she no longer wished to pursue the complaint. On 7/22/2020, the Investigator spoke with the Complainant over the phone and explained the investigation process and the Complaint’s choices; the Complaint stated that she wished to withdraw her complaint.
- Mel Currie, Southwestern District - we should be able to administratively close it
 - Natalie Novak, Secretary, Northern District - we don’t have a set way to do this, we should figure it out.
 - Tiera Hawkes, Chair, Northeastern District - administratively close it today, and if that’s not acceptable, we can still vote on it later.
 - Mel Currie, Southwestern District - continue this and figure out how we want to handle administrative closures?
 - Tiera Hawkes, Chair, Northeastern District - let’s continue this and we’ll try and figure it out before the next meeting.
- F. **CRB2020-0022/PIB2020-0726:** Complaint filed 7/8/2020 against one identified Baltimore Police officer for Harassment. The Complainant alleges that the Subject Officer is harassing the Complainant because he is Black. The Subject Officer has investigated several cases against the Complainant, accusing him of crimes he didn’t do, he won’t leave the Complainant alone, and the Complainant has developed anxiety because of the Subject Officer’s constant surveillance. Specifically, the Subject Officer lied in a statement of charges when he affirmed that a witness had made a positive identification of the Complainant; as a result, some of the charges against the Complaint were dropped. The Complainant alleges that the Subject Officer lied in another statement of charges as well, which resulted in the Complainant being denied bail. As a result of the Subject Officer’s harassment, the Complainant has panic attacks and anxiety. Related case: CRB2019-0204. Incomplete PIB file.
- Mel Currie, Southwestern District - insufficient information to sustain this complaint
 - Tiera Hawkes, Chair, Northeastern District – Vote: Not sustained
 - Tyler Salley, Southeastern District – Vote: Not sustained

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- Natalie Novak, Secretary, Northern District – Vote: Not sustained
- G. **CRB2020-0037/PIB2020-0990:** Complaint filed 10/16/2020 against three identified Baltimore Police officers for Excessive Force, False Imprisonment, and Harassment. The Complainant alleges that on 9/22/2020, the Complainant was a passenger in a vehicle. The vehicle was parked, and the individuals inside of the car were eating Chipotle. A police car pulled up next to them, looked inside the car, and then parked in a way that blocked the vehicle in. An officer asked what the individuals were doing. The officers then stated that they smelled marijuana and the Complainant and the car were searched. The Complainant stated that no one was smoking marijuana and there wasn't any in the car and none was found in the officer's search of the Complainant and the car. The Complainant wanted to leave, but the officers wouldn't let him. The Complainant pushed through and walked away, but the officer immediately grabbed him and pushed him against a brick wall. During this altercation, the Complainant's fanny pack fell off and a firearm was revealed. The Complainant alleges Harassment, because the officer did not have any probable cause from the beginning to stop and search the car. The Complainant alleges Excessive Force because he was tased by two tasers and had to be taken to Johns Hopkins for medical treatment. He has sustained nerve and muscle damage from the tasers. The BWC footage shows the three officers approaching the vehicle and asking if anyone is smoking a "blunt." An officer singles out the back seat passenger, and then that passenger gets out of the car. An officer grabs the individual's sweatshirt as he is getting out of the car. The officer's incident report states that the officer touched the individual's fanny pack (without consent) and felt what could be a firearm in the fanny pack. An altercation proceeds where the individual asks the officer not to touch him and the officer tells the individual to "calm down." The individual states that he just wants to show the officer the marijuana he has on him. The officer lifts up his sweatshirt and asks him if he has anything else on him. The officer is continuing to touch the individual, who is asking the officer to stop. (This officer's body-worn camera footage was not provided). All of the officers are grabbing the Complainant so he can be searched. The Complainant is not being violent. The officer say, "put him in cuffs" and are still trying to restrain him. There is a tussle between the Complainant and the officers. The Complainant is refusing to let the officer search him. The tussle continues, during which the officer alleges that the Complainant elbowed him in the face and chipped a tooth. The Complainant is yelling, "help, help!", and is crying and screaming. The officer is trying to remove the Complainant's fanny pack. He is still struggling. The officer then starts to tase the Complainant, to the point where the other officers have to push him to get him to stop tasing him. The Complainant states that he can't feel his legs. It appears that no marijuana was recovered. Body-worn camera footage from one of the three officers was provided, however, it appears that BWC footage from all three officers exists, as it was referenced in the report, one of the officers deactivated his BWC during the Complainant medic transport to the hospital; PIB evidence summaries were provided, but the underlying source documents were not, even though they were requested, including the Use of Force Report, Electrical Weapon Report. PIB concluded its investigation.

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- Mel Currie, Southwestern District – Vote: sustain for all; one officer got carried away with the taser, but it was a team effort, they were all involved; would like to sit down with Nadeau and Harrison and talk about cases where we come to different conclusions, like this one.
- Tyler Salley, Southeastern District - BWC for one officer was logged under another officer, it was clear through the details of the case that this was over the line, it was Excessive Force, these officers were doing what they were supposed to be protecting people from; this Complainant might still be locked up for this, which is terrible; this was a tough one to read.
 - Vote: Sustain for all; PIB concluded their investigation and their conclusion is legally and factually wrong. How do we reach such drastically different conclusion, asks Sergeant Lloyd to speak to that. It would be great to know exactly what the process is. This is another case we bring up with DC Nadeau.
- Sergeant Lloyd - I wasn't part of the investigation, typically when discrepancies between us and PIB happen PIB gets a letter and they will send it up to the commissioner and the law department and they decide; I believe that process is still happening, but not sure, but can give confirmation and follow-up; they are getting the determination letters.
- Tiera Hawkes, Chair, Northeastern District - these people were eating Chipotle and on their phone, and then this happened to them, it is scary as a citizen, can still vote without the BWC footage.
 - Vote: sustained all allegations against all 3 officers
- Dana Moore - let's talk about setting up a meeting with Commissioner Harrison
- Tyler Salley, Southeastern District - What would have happened if PIB sustained it?
- Sergeant Lloyd - it goes to DRC Disciplinary Recommendation Committee (a 3 member panel, all BPD staff, higher ranking officers) and they use the matrix to set the discipline,
- Natalie Novak, Secretary, Northern District – Vote: Sustained for all
- Discipline:
 - Mel Currie, Southwestern District - 10 days suspension for officers M and T, with severe letter of reprimand
 - Officer W, severe letter of reprimand, termination
 - Tiera Hawkes, Chair, Northeastern District - matrix for Excessive Force (an E and F category violation), under F the 1st violation can be termination; E 2nd violation is termination
 - Tiera Hawkes, Chair, Northeastern District - same as Mel
 - Natalie Novak, Secretary, Northern District – this policing is outrageously inappropriate
 - Officer W – termination, 15 days for Officer M and Officer T
 - Tyler Salley, Southeastern District – Officer W – termination; Officers M and T 15 days suspension, I keep in mind the chaos of the situation, but officers did nothing to deescalate the situation; that person could have lost his life that day, abuse of power, not doing a good job,, need to go
 - Total –
 - Officer W – termination
 - Officer M and T – 13 suspension and severe letter

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- Caylin Young - Anton's Law will change our ability to know certain information, some of this information is addressed in Anton's Law and coming up legislation; we can request it under MPIA, so it won't be automatic.

H. **CRB2019-0202/PIB2020-0168:** Complaint filed on 2/6/2020 against one identified Baltimore Police officer for False Arrest and Harassment. The Complainant alleges that on 2/3/2020, he was driving for Uber when he was hit by a car, which he believes was orchestrated by the Subject Officer who is harassing him. The Complainant was arrested on the scene for an outstanding warrant. He was transported to police headquarters and waited there for 20 minutes before he was released, because the warrant was not for him. It appears to have been a mistake. The Complainant alleges that officers in his area are stalking him. PIB report provided, including a summary of body-worn camera footage. PIB investigation complete.

- We already voted on this one

VII. Public Comment

- Caylin Young - smell of marijuana, earlier case tints and littering plus smell of weed is enough to stop the car, both tints and littering are both ticketed civil offenses, probable cause is suspicion of criminal activity; these are 3 civil offenses (tint, trash, marijuana under a certain amount), are all leveraged for a search; gave him pause, would consider whether it gave raise to the search in the first place, I don't see where there is criminal activity in this situation.
- Tiera Hawkes, Chair, Northeastern District - driver stated that he had a gun in the car.
- Caylin Young - it was a legal firearm and has the permit, so why would this be suspicious or be criminal.
- Tiera Hawkes, Chair, Northeastern District - had the gun in the console or glove compartment, which isn't where it is supposed to be according to the permit, it wasn't being stored properly.

VIII. Old Business

- Following up with DC Nadeau about a meeting about a case from April meeting
 - Wasn't able to get with Nadeau, will send out new dates
- Tiera Hawkes, Chair, Northeastern District - Youth in Resources group CRB works with is having an event next week, they are creating a complaint form for schools to use to file complaints; creating a statutorily compliant complaint form that is also kid-friendly; and they will be talking about police in school. New legislation and how it impacts us, a couple of different perspectives on this, the CRB should get an opinion from the City Solicitor to see what they think about how it will impact us; Tiera will also be meeting with Maryland Coalition of Justice and Accountability and we can get their perspective, too.
- Caylin Young - the new legislation creates police accountability boards, which are more policy without investigatory powers, the board appoints some members to a charging committee, which does have some investigatory powers; have to figure out if CRB falls in line with this structure or if we want to keep the CRB's unique role; want to get a good

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idea of what it will look like and see what we think and see what the community wants us to do.

IX. New Business

X. Adjournment