

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

September 20, 2018

Present at the meeting were Civilian Review Board members Bridal Pearson (Chair, Northern District), Mel Currie (Southwestern District), Betty Robinson (Northeastern), Fred Jackson (Northwestern District), and Marcus Nole (Eastern). The meeting was called to order at 6:07.

Also present were:

Deputy Director Jill P. Carter
Jesmond Riggins
David Cali, IAD
Stephanie Lansey, IAD
Maureen Johnston, DOJ
Katie Smith, DOJ
Roland Patterson, Citizen's Police Review Board Coalition
Amy Cruice, ACLU

Members of the public and community members were also present.

I. Welcome and Introductions

Chair Pearson welcomed everyone and called the meeting to order at 6:07. He recognized and introduced non-voting members of the Board and staff. He noted that the meeting was being broadcast via Facebook live.

II. Director's Report

Deputy Director Carter noted that she was pleased that CRB supervisor Jesmond Riggins had returned.

She noted that Dr. Lenwood Ivey, president of Baltimore City Foundation and stalwart in Baltimore Civil Rights Movement, had passed away. She stated that he had been a great support to the office, and that he was given a lifetime award and given a scholarship in his honor.

She noted that Civil Rights Breakfast would be held on Tuesday September 5th, and that she and staff were looking forward to the event and hoping that all collaborators stakeholders and supporters would be able to attend.

She stated that the Mayor had nominated Nicholas A. Mongeluzzo to fill the southeastern district vacancy, and that they were waiting on information on his executive nomination hearing.

Deputy Director Carter noted that the Board's Annual Report had been released, and she was pleased with the work that the staff had accomplished.

She stated that staff would be attending the upcoming NACOLE conference, which is a valuable resource for all agencies to connect with each other and build strength and capacity.

She noted that staff was continuing to work in collaboration with IAD, DOJ and Monitoring Team to develop protocols, and that meetings are ongoing and productive. She noted that the Board was still not receiving Internal Affairs case files, and so far there had been no response to their subpoenas.

She noted that the next Public Court Hearing for the Consent Decree would be on October 9th.

III. Approval of Minutes from August 16, 2018

Bridal Pearson motioned to approve the minutes from August 16, 2018. Mel Currie seconded, and all were in favor.

IV. New Complaints

Bridal Pearson stated that the Board would be holding an administrative meeting in the following month, and that Special Assistant Muth would be reaching out to schedule.

CRB2017-0210 FA H CRB

A majority of Board members voted to authorize a CRB investigation.

CRB2018-0114 EF FI FA H CRB

A majority of Board members voted to authorize a CRB investigation.

CRB2018-0124 H CRB

A majority of Board members voted to authorize a CRB investigation.

CRB2018-0125 EF No vote

Board members chose not to vote on this complaint, as the officer had resigned. Board members noted that the complainant should be complimented for coming forward. Amy Cruice asked if the Board could sustain the complaint without an investigation, and if they should decline to vote. Amy Cruice stated that for purposes of data, and for the sake of the complainant, it could be important to come to a finding, and that they should establish a procedure for cases such as these. Mel Currie

noted that they should address these issues case by case, and that he didn't want to establish a firm policy. Betty Robinson noted that it might be worth monitoring what does happen with the officer in this case, so that the Board could communicate with the complainant. Special Assistant Muth advised that they could issue a letter stating the Board's opinion and reasoning, noting that they would not investigate because officer has resigned, that they were expecting that the state's attorney would charge the officer, and thanking the complainant for coming forward. Supervisor Riggins noted that generally speaking, the Board would have the opportunity to review any investigation conducted, and in this case they would be able to review the IAD investigation.

CRB2018-0127 EF CRB

A majority of Board members voted to authorize a CRB investigation.

CRB2018-0132 EF, H, FA CRB

A majority of Board members voted to authorize a CRB investigation.

CRB2018-0138 AL H CRB

A majority of Board members voted to authorize a CRB investigation.

CRB2018-0139 FA FI CRB

A majority of Board members voted to authorize a CRB investigation.

V. Completed Investigations

CRB2017-0181 16-0670 EF NS

Bridal Pearson noted that he sustained excessive force because of the evidence in the medical records, which was consistent with the complainant's narrative. Mel Currie did not sustain because he felt the complainant's narrative was inconsistent, and did not believe the officer used excessive force. He stated he believed any injury may have been accidental as the officer attempted to get him into the backseat of the police car. Fred Jackson did not sustain because he felt the officer had good cause to stop him, and because the complainant admitted to being diabetic and having leg swelling, noting that the doctor could not confirm leg swelling. Betty Robinson noted that the complainant's left leg was swollen, but the officer was putting him in the right side of the car, so it would not have hit his left leg. Marcus Nole felt that this was speculation, and felt that there were discrepancies between complainant's and officer's stories. He noted that the court case was thrown out because there was no sobriety test. Fred Jackson stated that he did not believe the complainant was deliberately injury. Mel Currie stated that he would not be able to sustain based on the evidence. Betty Robinson noted that there was another discrepancy in the IAD report with regards to what time the medic was called. She noted

that these and other discrepancies left her concerned about IAD's reporting. Marcus Nole stated that it was the officer's responsibility to secure the complainant safely. Mel Currie stated that they were not charged with reviewing those facts, only whether the force used was excessive. **A majority of Board members voted not to sustain the allegations.**

VI. Public Comment

Roland Patterson wanted to commend chairman on conduct of the meeting. He stated that in 2014, Doc Cheatham had founded the Citizen's Police Review Board Coalition. He noted that they had sent a letter to the Solicitor's office with notice of intent to sue, and read the letter. The letter stated his intention to file a petition for injunction against the City of Baltimore, and asked the City Solicitor to withdraw from representation of the CRB, as he cannot represent them without adversely affecting their interests. He noted that they were in negotiations with A Dwight Petit about representation, and that they are distressed by what they believe to be a patent situation. He clarified that they had filed a notice of intent to sue, but had not yet retained counsel. Mr. Patterson also noted that with respect to the high profile case, the Board might consider in the future authorizing the investigation and taking no action after the investigation. He noted that they could review the video, and that could conclude the investigation, and that way they would not be on record as having taken no position.

VII. Old Business

There was no old business.

VIII. New Business

Special Assistant Muth noted that there was an OPR Meeting scheduled for Monday, September 24th at 11AM, and Board members were invited to attend. Amy Cruice spoke about the ACLU Election Protection Campaign, and noted that she had brochures and information for anyone who wanted them.

IX. Adjournment

There being no further business, the meeting was adjourned at 6:48.

Respectfully submitted,

Jill Muth