

COMMUNITY OVERSIGHT TASK FORCE
PUBLIC SESSION MINUTES
April 13, 2018

Present at the meeting with Community Oversight Task Force (COTF) members: Marvin McKenstry, Ray Kelly, Daniel Levine, Jeff Anderson, Andrew Reinel, Ralph Hughes, Danielle Kushner

Also present were: Jesmond Riggins, Nadirah Smith, Colby Sangree, Puneet Cheena (Department Of Justice), Earl Saunders (Department Of Justice), Susan Hutson, Valerie D. Bouldin, Greg Lawson, Donna Brown, Diana Morris (Open Society Institute), Jackie DeBarge (Power Inside), Ashley Smith (Power Inside), Jesmond Riggins (Office of Civil Rights, Civilian Review Board)

I. Welcome/Introduction

Meeting called to order at 6:01p.m. by Chair Marvin McKenstry and offered a personal testimony about the importance of COTF and the changes that need to happen in our City.

II. Adoption of 4 April Minutes

Edits to minutes to reflect that Colby is not a COTF member and to remove titles.

Jeff Anderson moved to accept the minutes as adopted. Ray Kelly second the motion. Unanimously accepted as amended.

Monday, April 30th – Public COTF Meeting at 6p.m. at Creative Alliance

III. Presentation by New Orleans experts

There was a discussion with the New Orleans experts about their experience with the consent decree, independent police monitor process, and the community engagement process they engaged in. They discussed some of the challenges with the political process/system.

Susan Hutson, Independent Police Monitor for the City of New Orleans

- A city entity but separate from the political body. Reports to Ethics Committee and not the City Council or Mayor. Job is to look at accountability system, policies and procedures, and how police serve the public.
- Federal court is not a democracy. Community-led policing is a heavy lift.
- PCAB – Police Community Advisory Board
 - 7 people per district x 8 districts
 - It took some time to cultivate/develop this accountability group
 - Have a 2 year term
- Funding and authority cannot be shut down unless voters vote them out.
 - .16% of the city's budget
- The more distance between the politicians, the better.
- The Ethics Review Board hires the Independent Police Monitor and not the City Council or the Mayor. They are Civilians who are nominated by the Universities and the Mayor recommends who they should be.
- The NOPD pushed back against the office in the first place.

Ursala Price, Deputy Independent Monitor

- There is a patronage culture
- Helped to get the Independent Police Monitor office established.
- Community organizers are great at designing a process.
- There was a process for the mediation program that included an open application process; information to a curated group of people (criteria was: demonstrable constituency, commitment, and demographic diversity);

- The Mayor's Office wrote the regulations for how they govern the PECAP and said things like they couldn't fundraise, they couldn't hire staff, etc.
- Democracy works best in small units.
- It's important that COTF figure out what the power structure wants (Mayor and BPD) and what motivates them and then give it to them. Some people are motivated by fear. Some people are motivated by getting credit.

Greg Lawson, Deputy Director of PCAB

- Created in 2010 to ensure that residents had a voice in the decision-making process for police accountability.
- The consent decree mandated community policing strategies.
- Developed a Police Community Advisory Board. Residents make recommendations about community policing strategies.
- Five years into the consent decree process. The consent decree process began in 2013. A lot of patience is needed in this process. 500 paragraphs; 100+ pages. The issues were corrupt police department and civil rights violations.
- The Police Chief or Crime Commissioner is important to this process. New Police Chief, Michael Harrison, in 2014 and has been a great supporter of the process.
- The Consent Decree will be in effect until 2020. The City of New Orleans would like to be out of the consent decree by next month – May 2019.
- Will be under a new administration in 20 days.

Valerie Bouldin, Community Liaison of New Orleans PCAB

- Neighborhood Engagement capacity building background
- Charged with implementing the program
- Hold meetings in community

Review of Baltimore COTF Preliminary Recommendations

Ray Kelly explained the purpose of the Public Workshops and the purpose of reviewing the recommendation for the COTF entities.

1. **Baltimore COTF Recommendation #1** – COPA is intended to be an independent police oversight agency. We've had a CRB (Civilian Review Board) since 2001. They don't have much teeth/power to enforce a lot and have become a "paper tiger". The thought is that the CRB as an entity is beyond reputational repair. The CRB have very little power over very little amounts of complaints. The Police have their own investigation process and make their own decisions. What Baltimore currently has is a duplicative process. The problem is the charter and legal structure and not the members of the CRB.
 - a. Susan emphasized that whatever the community standard supports the independent monitor will also. Suggested the need to fight tooth and nail for independence - legal independence, voice independence, budget independence, and access independence is a big fight for the New Orleans Police Monitor. They are currently fighting for subpoena power; the City Council will need to back it and help legislate. Originally, the office was under the Office of Inspector General that did have subpoena power.
 - b. Perhaps there is a COPA staff person that is hired to train to facilitate.
2. **Baltimore COTF Recommendation #2** – PAC to govern COPA and to be established by City Council Ordinance no later than April 19, 2019.
 - a. Valerie recommends that COTF considers the public access/availability of the application for the PAC. It should be distributed widely and be available to everyone in the City. Be mindful of the political games regarding the selection of 2 members from each police district. Have the rubric and metrics of how folk will be selected very clear and early on in the process.
 - b. Greg suggested that the Mayor appointing the PAC may be a problem. In New Orleans, the Mayor sits on the PCAB. They had to add some teeth and ensure that it reflected the community/board.

There was also a need to be independent from the Neighborhood Associations. They have gotten to a point of weeding out people that weren't helpful.

- c. Valerie suggested that it took a while to get the right people on PCAB. Residents come with their passions and ulterior motives. The challenge is that you want the voice to be heard and you don't want to silence any voice. While thinking about dissolving the CRB, try to preserve the relationships because they are very important. It's important to clarify with the residents what you can and can't do. Residents wanted to police the police. It's important to set realistic expectations. Think of the needs and challenges and solutions that can carry over from various districts.
 - d. Valerie suggested that the application is one double-sided page and very simple and accessible to people who don't have "bought" knowledge. They had to consider whether or not to accept members who have filed a suit against the City or will/may. The youth component – is the person of age to participate in the conversation. There was a debate between the 17 year old and 18 year old. How do you choose that 1 youth in the entire City of Baltimore; consider the school they attend.
 - e. Greg suggested that at one point there was a political vetting process. The power was taken from NOPD and the Mayor's Office. Now it is a community-led vetting process.
 - f. Ursala is suggested that we consider power dynamics. Having just one youth on the PAC is not fair. One youth in a room with all of these adults. And just one formerly incarcerated individual may not be fair either and should be apart of an organized group. It matters less about how a group is composed and more about how the group is facilitated. Balancing who has power and who has a voice is a little more important to consider. It's all about how you prepare people to participate in the group and then how you move the group forward. With 30 members, you may only have 1 or 2 people that speak.
3. **Baltimore COTF Recommendation #3** – We are on our 4th Police Commissioner within the last 8 years. In Baltimore, the Mayor is in complete control of the budget and hires/fires the Commissioner.
 - a. Susan suggested that we give the Mayor some metrics to consider when evaluating the police.
 - b. Susan suggested that we not back down on the COPA's ability to review and approve policies and procedures.
 4. **Baltimore COTF Recommendation #4** – CRB currently focuses on 4 areas; whereas COPA will focus on all areas of accountability. If it's not a criminal complaint, it should come through this office. Baltimore's CRB went 17 years before any of their recommendations was adopted. BPD's budget is 57% of the entire City's budget.
 - a. Susan likes the idea of a computerized tracking process for complaint investigations that are transparent and user-friendly.
 - b. Susan suggested that the LAPD had a process where the Police Commission and the Police Department had to fight these things out in a public setting. They had debates in the public. The letter and making it public is cool. But if there isn't a public meeting to address it, the politicians can smooth it over.
 - c. Susan suggested that in New Orleans, their political powers want to remove their ability to do periodic audits.
 - d. Susan suggested that the BPD will fight against COPA's push for community input into police priority setting and budgeting.
 - e. Ursala suggested that the Andres Foundation is open to funding a community organization to fund truth and reconciliation.

IV. Public Workshops

Workshop Breakout #1 - 20 minutes to review the COTF Preliminary Recommendations #1 & 2.

Workshop Breakout #2 – 15 minutes to review the COTF Preliminary Recommendation #3

Workshop Breakout #3 – 20 minutes COTF Preliminary Recommendation #4

We won't be workshopping the COTF Preliminary Recommendations #5-7, but will take 5 minutes to do a quick overview.

V. **Open Discussion**

Judge Bredar suggested that we need capacity but also the ability to measure integrity.

The Chair opened the floor to feedback from the public on the recommendations and the plan for the community workshops

Department of Justice attendees (Puneet and Earl) - There is a role that doesn't allow them to speak on the COTF Recommendations. They are just here to listen and take notes. Ray suggested that we have a strong DOJ Support Team. Suggested that they are trying to make the consent decree process transparent and there is a real desire to get input from the community. They are looking for ways to make the process easier and help people participate. The consent decree requires community feedback. As the provisions come into play, the DOJ would love to consider ways to make it work. They noted that it is encouraging to see the collaboration happening here in Baltimore with folk in New Orleans who have been through the process. Continue to reach out to folk in other cities.

Marvin McKenstry thought that the court hearing today was great. To hear Judge Bredar frankness and sternness was very encouraging to hear. It was encouraging to hear reference made, multiple times, to the Civilian Oversight TaskForce. The Judge affirmed that we are connecting and exploring relationships with the right people from New Orleans. We have the right judge and the experts we invite into this process are stellar.

Denise Duval agreed that the hearing was encouraging from a COTF perspective. Solicitor Davis said that the FOP has them in a "chokehold". COTF is constantly asking about how will the recommendations be enforced and implemented as part of the consent decree. We have heard different things about the perspective of the Judge. The judge appears to be open to our recommendations and meeting with us and integrating them as part of the consent decree. There may be a possibility to get amicus status so that we can really push the recommendations more.

Danielle Kushner reflected that one of the reasons why we are able to bring people from other cities and travel to other cities is that someone on this COTF had the foresight that we would need money to do this work. And we are thankful that the Open Society Institute has offered funding to do this work.

Greg Lawson commends the Baltimore COTF as the braintrust of how we decision-making and accountability will be manifested.

Ursala Price offers gratitude for including her in the conversation.

Meeting was adjourned 8:06p.m.