

COMMUNITY OVERSIGHT TASK FORCE

PUBLIC SESSION MINUTES

July 19, 2017

Present at the meeting were Community Oversight Task Force (COTF) members Jeff Anderson, Daniel H. Levine, Denise Duval, Andrew Reinel, Marvin McKenstry, Ralph M. Hughes, Edward Jackson, Valencia Johnson, and Danielle Kushner.

Also present were:

Madison Whitney, National NAACP
Catandra Brown, National NAACP
Shantay Guy, Baltimore Community Mediation Center
Keesha Ha, Greenmount WCC
Shonte Eldridge, Mayor's Office of Strategy and Transformation
Naomi Shay, Mayor's Office
Jesmond Riggins, Civilian Review Board
Kim Trueheart
Evangula Brown, Civilian Review Board
Shaun Clark, Civilian Review Board
John Wesley, Office of Civil Rights and Wage Enforcement
Jill Muth, Civilian Review Board

I. Welcome

Shonte Eldridge welcomed everyone to the meeting, gave task force members an overview of the agenda and materials provided for them, and of the agenda for the evening.

II. Election of Officers

Ms. Eldridge asked for nominations or volunteers for the position of COTF Chair, and Valencia Johnson volunteered. She was unanimously voted in as Chair. Ms. Eldridge then asked for nominations or volunteers for the position of Vice-Chair, and Marvin McKenstry volunteered, and was unanimously voted in as Vice-Chair. Ms. Eldridge then asked for volunteers for the position of Secretary, and Daniel Levine volunteered, and was unanimously voted in.

III. Review of Materials and Resources

Ms. Eldridge reviewed materials provided in binders to the COTF members:

- A "Community Oversight Task Force Introduction," consisting of a brief discussion of the Consent Decree overall, along with the section from the Decree establishing the COTF. Ms. Eldridge emphasized the need to understand and remain within the COTF's mandate to review and make recommendations regarding community oversight of the police and to avoid "scope creep." She also clarified that the 11 months provided for the COTF to complete its work and issue a final report were counted from the effective date of the Decree (7 April 2017), and not from the date on which the COTF members were appointed, or it began its work. Given the need for a period of public input on the draft final report, this meant that a complete draft would be required by early February 2018.

- "Pathways to Strengthening Civilian Oversight of the Baltimore Police," a report prepared by the Open Society Institute (OSI) in cooperation with the National Association for Civilian Oversight of Law Enforcement (NACOLE). Ms. Eldridge added that OSI had offered to provide research and training support to the COTF.

- A copy of the statute (PLL §16-40) governing the Civilian Review Board.
- A copy of the minutes from the 29 June 2017 Civilian Review Board Meeting.

In general, Ms. Eldridge explained, while the independence of the COTF meant that it would not be staffed by the Mayor's office, Naomi Shay could serve as a point of contact for requesting specific resources that might be needed by the COTF.

IV. Timing of the COTF Final Report

The relatively short timeline to completion of the COTF report was of concern to several members. Ms. Eldridge informed the COTF that the timeline was set out in the Decree, which was a legally binding document, and could not be changed without the consent both of the Mayor's office and the Department of Justice (DoJ). Some members were curious whether such a deadline had ever been extended by the DoJ, and Ms. Eldridge replied that, as most consent decrees, did not include a body like the COTF, she was not aware of any precedent, but that the question could be asked of representatives from the DoJ. DoJ representatives were not able to make the current COTF meeting, but they could be invited to come at a later date and answer questions about the timeline, as well as any others. Ms. Eldridge suggested that COTF members could develop a list of questions to be submitted to the DoJ in advance so that they could come prepared with answers.

V. Police Ride-Alongs

COTF members asked about arranging police ride-alongs, and were informed that those could be arranged. The COTF mandate does not explicitly require any evaluation of police behavior during ride-alongs, but it was agreed they could be useful for gaining context and the police perspective. COTF members were assured that ride-alongs could be arranged in any district desired, since some members were concerned that being seen in their own district with police could compromise their reputation or safety.

VI. COTF Service Hours

Ms. Eldridge clarified that the 10 hours/month standard for the amount of time members would be expected to commit to the COTF was only a guideline. It was remarked by several members that, without dedicated staff and with effectively seven months left to complete the COTF's work, more time per month was likely necessary.

VII. Points of Contact

Ms. Eldridge clarified that the City Solicitor's office was the chief point of contact in the city for the Consent Decree, but that the soon-to-be-appointed Monitor would also have oversight duties and could be a point of contact for the COTF.

VIII. Report from the Civilian Review Board

Jesmond Riggins, from the Civilian Review Board, read a letter of welcome from Jill Carter, Director of the Board (see attached). He then proceeded to give the COTF background on the Civilian Review Board. He noted that the enabling statute had recently been revised, permitting complaints to be filed without notarization, and extending the deadline for filing complaints of excessive use of force from 90 days to one year. Mr. Riggins mentioned that, after having lost quorum due to resignations, the Civilian Review Board was now functioning with five members of an authorized nine, each representing a different police district (currently, seats for the Southern, Eastern, Western, and Northeastern districts are vacant). The board's staff of five –

including two full-time investigators and one part-time investigator – was also relatively new, with most members having less than two years of experience. Mr. Riggins clarified that the Civilian Review Board could only review complaints of abusive language, false arrest, false imprisonment, harassment, or excessive force under its current statute; investigation of all other complaints was reserved for the police department’s Internal Affairs Division (IAD). To allow for a more “nuanced” discussion, Mr. Riggins urged members of the COTF to read both the Board’s statute and the Law Enforcement Officers’ Bill of Rights prior to the next meeting at which Civilian Review Board staff would be present to answer questions.

Dr. Johnson asked if the Board could provide data on its backlog and caseload, a request supported by other members. Mr. Riggins explained that that data was not available in a form that was ready to hand, and that the Board was working on a self-assessment report that he expected to be ready by September or October. COTF members requested permission to see drafts of the report as they were completed, so as not to delay the COTF’s work.

Marvin McKenstry asked if there were any particular challenges to filling seats on the Board. Mr. Riggins explained that the challenges would be detailed in the forthcoming report, and that it was a “process” to become a member, involving vetting. John Wesley added that names for the vacancies had been submitted and were awaiting confirmation. Any further questions about challenges would be more appropriately answered, Mr. Riggins explained, by Director Carter.

Danielle Kushner emphasized that since the COTF was charged in large part with reviewing the work of the Civilian Review Board, and many in the community perceived the Board to be ineffective, it was urgent that more information on the Board be available before September, and suggested that the capacities OSI had offered the COTF might be used to assist the board. Mr. McKenstry expressed frustration that the Board had known of the short timeline for COTF work and had not started on its self-analysis earlier; to which Mr. Riggins replied that the COTF had devoted all available resources, consistent with the fulfillment of its duties to investigate and review complaints.

Edward Jackson and Ralph Hughes discussed the history of the Board statute, and pointed out that both of them had been involved with the Board at its inception in 1999. Mr. Jackson explained that the statute had been drafted in significant part by the police department, and that it had been designed to prevent meaningful oversight of the police. Sen. Hughes pointed out that the city administration and the police had both been against the reconstitution of a functioning Board in 1999, and so the existing statute was the necessary result of compromises made to have a Board at all.

Denise Duval asked if the Civilian Review Board’s report would include recommendations for changes, and if the Board agreed with the suggestions in the OSI report. Mr. Riggins replied that he had not yet seen the OSI report, and so could not comment on it.

Ms. Duval and Mr. Jackson both pointed out that the COTF mandate included recommending needed changes to statutes, and so the COTF did not necessarily need to be bound by existing legal limitations on the Board.

Andrew Reidel asked for an explanation of the term “simultaneous investigation.” Mr. Riggins explained that the Board could either choose to review an IAD investigation without undertaking its own, or carry out its own investigation – a simultaneous investigation – alongside IAD’s and then review both in making a determination.

Mr. Jackson pointed out, and Mr. Riggins confirmed, that the Civilian Review Board can make disciplinary recommendations, but has no disciplinary authority.

Mr. Jackson asked if members of the Board were provided training on the 4th and 5th

Amendments to the US Constitution, given their centrality to assessing the appropriateness of police conduct. Mr. Riggins replied that they did not receive any such training at the moment, but the Board had requested that its investigators be permitted to participate in police department trainings, which should include such material. Mr. Jackson expressed skepticism regarding the quality of police training on the 4th Amendment.

After a brief discussion, the COTF decided that while members did need representatives of the Board to be present at future meetings, the next meeting should focus on planning and organizing the COTF's work.

IX. Timing of the Next COTF Meeting

Jeff Anderson expressed a desire to hold the next meeting on 26 July, one week from the current one. Since that would be sooner than the ten days' notice generally required under the Open Meetings Act, Ms. Eldridge said that she would see if it would be permissible. Mr. McKenstry expressed the opinion that the shortened timeline was new knowledge for many COTF members, and so should create an "emergency" exception to the notification requirement.

X. Agenda for Next Meeting

Mr. Anderson and Ms. Duval expressed an interest in identifying areas of research/action for the COTF at the next meeting and deciding on sub-committees that could take responsibility for those areas. Daniel Levine made a preliminary proposal that one of those sub-committees should focus on public input and engagement. Dr. Johnson also suggested that members could begin circulating proposed questions for the Department of Justice via email, and a full discussion of which questions should be submitted could be had at the next meeting. Dr. Johnson committed to providing a draft agenda for input by COTF members, based on this discussion.

The following proposals were unanimously approved by voice vote:

- The next meeting, if permissible under the Open Meetings Act, would take place on Thursday, 27 July, from 5:00-7:00PM, at 1510 W. Lafayette St.

- Meetings would be held every Wednesday in August (i.e., 2 August, 9 August, 16 August, 23 August, and 30 August), from 5:00-7:00PM, at 1510 W. Lafayette St.

The meeting was adjourned at 7:03 PM.