

COMMUNITY OVERSIGHT TASK FORCE

PUBLIC SESSION MINUTES

August 9, 2017

Present at the meeting were Community Oversight Task Force (COTF) members Marvin McKenstry (chair), Ed Jackson (vice-chair), Daniel H. Levine (secretary), Jeff Anderson, Ralph Hughes, Danielle Kushner, and Andrew Reinel. Denise Duval joined the meeting by phone.

Also present were:

Elizabeth Alex, CASA de Maryland
Karis Haslam
Eva Hellerbach
Hilary Hellerbach
Philip Merrick
Sheridan Merrick
Jill Muth, Office of Civil Rights and Wage Enforcement
Ty Toran
John Milton Wesley, Office of Civil Rights and Wage Enforcement

Summary of motions adopted:

- Minutes from the 27 July 2017 meeting adopted without revision.
- Sub-committee chairs charged with developing a joint list of questions for the Dept. of Justice by the 30 August 2017 meeting.

I. Adoption of 27 July 2017 minutes

The meeting was called to order at 5:02PM. Given that Elizabeth Alex of CASA de Maryland, who was scheduled to make a few remarks on behalf of the host site, was slightly delayed, after brief discussion the Community Oversight Task Force (COTF) members decided to discuss the adoption of the previous session's minutes. Marvin McKenstry moved to adopt without revision; Danielle Kushner seconded; the motion passed unanimously.

II. Welcome from CASA de Maryland

Andrew Reinel introduced Ms. Alex, CASA's Senior Director of Community Organizing. Ms. Alex explained that CASA is a regional immigrant rights center, that provides both direct services (including job placement and financial literacy training) to and community organizing and advocacy on behalf of the Latinx and immigrant community throughout Maryland, Pennsylvania, and Virginia. She also explained that over the past five years, CASA had become increasingly involved with policing issues, since their members had become increasingly aware of how both immigrant and African-American communities in Baltimore faced difficulties in their relationships with police. CASA is part of the Campaign for Justice, Safety, and Jobs and was involved in the consent decree process. Ms. Alex commended the COTF for holding meetings in conjunction with community organizations around the city to allow citizens from different backgrounds and with different perspectives to attend.

III. Sub-committee reports

A. City Institutions Research

Mr. Reinel reported that the City Institutions Research sub-committee had not formally met since the previous COTF meeting. Ed Jackson, the sub-committee chair, had sent members some documents pertaining to the CRB and the Law Enforcement Officers' Bill of Rights (LEOBOR),

to aid members in determining what the precise focus of the sub-committee should be.

B. Comparative Research

Jeff Anderson reported that the Comparative Research sub-committee had been conferring primarily by phone and over email, and had identified Seattle and Detroit as cities to look to initially for lessons for Baltimore. Seattle, Dr. Anderson explained, had a “very comprehensive” civilian review system, with a broader mandate for its civilian review board (CRB). Whereas Baltimore’s CRB is restricted to particular categories of complaints, Seattle’s can handle any complaint, and all complaints come directly to the CRB rather than going through the police department. Seattle provides a variety of ways for citizens to contact the CRB (including both phone and email) as well as online tracking of cases. In Seattle, while the Chief of Police retains final say on whether any disciplinary recommendations of the CRB are followed, if they are *not*, the chief must explain why in a public letter to the Mayor and City Council.

Detroit’s city charter mandates that the CRB be headed by a civilian, though non-civilians can conduct investigations. Detroit’s system is also unusual in that the CRB is mandated to look not only at individual complaints, but to watch for patterns in reporting. If, for example, the CRB notes patterns in the kind, number, or circumstances of complaints about a particular officer, or in a particular neighborhood, they are required to publicly report their findings.

Both Detroit and Seattle have formal follow-ups for all complaints.

Denise Duval reported that she had had a productive meeting with members of the National Association for Civilian Oversight of Law Enforcement (NACOLE) in Boston, but it was decided that it would be better to allow her to make a full presentation regarding that meeting after her return to Baltimore, at the 15 August meeting.

C. Community Engagement

Dr. Kushner reported that her sub-committee met on 2 August, and focused on defining four core tasks for the sub-committee:

First, to collect information from the community. This includes discovering to what extent people currently understand the existing oversight structures, learning about the experiences people have had with the Baltimore Police Department (BPD), getting citizen’s evaluations of the police, hearing what people think is needed to strengthen oversight, gathering views about possible alternative oversight structures, and canvassing for ideas about how to increase community utilization of police oversight bodies.

Second, to distribute information to the community. Important aspects of this task are to raise awareness of existing oversight institutions and of ongoing reform efforts on police oversight.

Third, to engage the community more deeply in the oversight of law enforcement, by considering methods and venues for community involvement that could be included in COTF recommendations.

Fourth, to advocate, on the basis of information gathered in the sub-committee’s work, for recommendations that will benefit marginalized communities.

At the sub-committee meeting, individual tasks serving those four core goals had been discussed. One was to take stock of what data already existed on relevant public opinion. Daniel H. Levine reported that he had reached out to several contacts, that had led to leads on who might have such research, but as yet had nothing definitive.

A second was to determine which organizations and institutions could be partnered with to recruit individuals for more in-depth qualitative interviews, especially including those who had used the CRB process, and to work on crafting questions for shaping interviews, public forums, and other forms of qualitative information-gathering. Mr. McKenstry reported that he had been tasked with starting to develop a list of potential partner organizations, and that that work was ongoing.

IV. Future Meeting Locations

Mr. McKenstry expressed his satisfaction with the plan to take the “show on the road” and have the COTF meet in different locations around the city. For 16 August, the COTF had been invited to meet at the No Boundaries Coalition’s space at St. Peter Claver church (1526 N. Fremont). The Coalition is a grassroots organization that has worked on (among other issues) police-community relations, including drafting their own report before the Dept. of Justice report was written – Mr. McKenstry said that he would ensure that copies were available for COTF members at the 16 August meeting.

Mr. McKenstry asked members of the COTF to begin submitting possible locations for future meetings. He suggested Morgan State University as a possibility, and said that the COTF could meet at his office (1510 W. Lafayette) whenever another venue was not available.

There was some discussion of whether to change to meeting more regularly at a single location. Ralph Moore suggested that this might give some more stability to the meetings, while Dr. Anderson mentioned that it was beneficial for COTF members to travel through the city and see new neighborhoods, and Dr. Kushner pointed out that it was an opportunity not only to be accessible to more people but to build organizational partnerships. Mr. Reinel opined that it was good to move around, but that it would help to have venues planned several weeks in advance. After some discussion, it was decided that members should reach out to organizations that might have space, learn available dates, and let Mr. McKenstry know when they might be used.

V. Meetings with Other Organizations

Mr. McKenstry noted that the COTF has been talking about setting a meeting with the Dept. of Justice since its inception, but that it was important to invite them for a meeting when the COTF was well-prepared to make the best use of that time.

Mr. Reinel said that he would make meeting more extensively with the CRB a higher priority than meeting with the Dept. of Justice. Dr. Kushner suggested that the City Institutions Research sub-committee might be best-suited for determining when to meet with the CRB, and what questions should be asked.

Dr. Levine asked whether the COTF would be meeting only with community organizations, or also with the police department. Mr. Jackson responded that he could assist with identifying representatives of the police to speak with, and that getting at least some police buy-in would be important, as the COTF was likely to make recommendations that changed the status quo. Mr. Jackson also pointed out that COTF recommendations might touch on legislative issues, such as the Law Enforcement Officers’ Bill of Rights, which would both be difficult to change and were often imperfectly understood by members of the community. Police, Mr. Jackson continued, needed to respect civilians’ rights more scrupulously, including protections against unlawful search and seizure enshrined in the fourth amendment to the Constitution, and also police themselves needed to be assured of due process when accused of misconduct. Understanding why the Law Enforcement Officers’ Bill of Rights was created, and why organizations like the Fraternal Order of Police act as they do, would be critical to any discussion of how to reform or replace police institutions, Mr. Jackson concluded.

Conversation then returned to the issue of how to approach the Dept. of Justice. After some discussion of how best to craft questions, a consensus began to emerge that sub-committees should craft questions relevant to their areas of focus. Dr. Levine moved that sub-committee chairs be charged with crafting a joint list of questions for the Dept. of Justice in time for the 30 August meeting. The motion was seconded by Mr. Jackson, and passed unanimously.

VI. Sub-committee breakout sessions

At this point, the sub-committees went into breakout sessions, with members of the public in attendance invited to sit in on whichever sub-committee meeting interested them.

A. *City Institutions Research*

Mr. Jackson began by educating the sub-committee on the intricate implications of the Law Enforcement Officers' Bill of Rights. One thing that he stressed was that, as far as the Internal Review Board is concerned, there is hesitation from the Fraternal Order of Police to allow civilians on that board because citizens are not experts and do not know what it is like "in the field;" comparable, in their eyes, to how an average citizen wouldn't be allowed on a medical board because they are not doctors. They are also concerned about citizens with intentions of retaliation getting appointed to the board.

The sub-committee set itself several next steps for research: Can the sub-committee look to other cities or jurisdictions where there are citizens on an internal review board (or any board with the ultimate power to discipline police officers, regardless of what it is called or where it is housed) and see how that plays out there? Is there evidence to suggest that these concerns are legitimate or illegitimate? And ultimately, what matters the most is: does having civilians on such boards lead to a better-functioning civilian oversight process? If the answer to the last question is yes, then the sub-committee felt that the COTF would have a duty to include that in its final recommendations.

Are there examples in other fields or industries (medicine, business, etc.) where "non-expert" citizens are on a board with ultimate decision-making power for the sake of external perspective and/or balance of power?

There was some discussion of whether police officers could appeal to the courts if a disciplinary decision did not go in their favor, hoping for a more favorable result because courts are likely to give an officer's report more credibility than a non-police officer. If there is research that could demonstrate that this tactic worked to evade discipline, that would be valuable to include in the COTF report to make the case that this tactic should not be allowed.

B. *External and Comparative Research*

Ms. Duval gave a summary of her meeting with Brian Corr of NACOLE in Cambridge, MA on 7 August. Dr. Anderson gave an update on his research on the Seattle model. The sub-committee agreed to research Detroit, Denver and New Orleans. The sub-committee also set up a meeting for Tuesday, 15 August, at 2PM at City Cafe in Mt. Vernon (1001 Cathedral).

C. *Community Engagement*

Dr. Kushner explained that there were three "levels" of information that the community engagement sub-committee should seek out.

First, broad public opinion surveys both on general attitudes towards law enforcement and on what kinds of interactions civilians had had with law enforcement or oversight bodies. There are,

she explained, existing surveys on views of police, but less so regarding the CRB.

Second, in-depth qualitative interviews with key individuals. In particular, it would be valuable to conduct interviews with individuals who had gone through the CRB process. In response to a question from Mr. McKenstry, Dr. Kushner clarified that these would be semi-structured interviews (that is, having some set questions and also allowing time and flexibility for the interviewer and interview partner to expand the conversation more freely).

Third, public forums aimed at gathering richer qualitative information than possible with a survey, but permitting more participation than individual interviews. Dr. Levine suggested that the sub-committee could look at public forums on the consent decree monitor selection being conducted by the Baltimore Community Mediation Center as examples of facilitated public meetings allowing for meaningful large-group discussions.

After some discussion, the sub-committee settled on a tentative breakdown of public consultations, to be refined and ultimately presented to the full COTF for discussion. The tentative plan would include nine public forums, one held in each police district, and permitting around 50-60 participants. In addition, five focus groups of 5-10 participants would be held, each focusing on a sub-population affected in a particular way by police-community relations, but not geographically defined: youth; lesbian, gay, bisexual, transgender, queer, and other individuals of diverse sexual and gender identities (LGBTQ+); incarcerated individuals; immigrants; and, police themselves. Police would be permitted at other public consultations if they were also members of the relevant populations (e.g., a police officer living in the Western district could potentially attend that district's forum), but would be asked to do so as citizens rather than "as" police, and to come out of uniform.

VII. Next Meeting's Agenda

It was generally agreed that sub-committees should report out again at the next meeting. Mr. Reinel pointed out that, while the COTF had agreed to meet on Wednesdays in August, his and others' schedules might change with the school year starting again, and so meeting dates for September should be finalized.

Mr. McKenstry reported that Jill Carter, Director of the Office of Civil Rights and Wage Enforcement (which includes the CRB), had reached out to him to set a meeting, and he was trying to schedule one that also involved Mr. Jackson. If the meeting were scheduled before the next meeting, he would report out on it to the full COTF. Mr. McKenstry also informed the COTF that Director Carter had requested contact information for individual members of the COTF. There was some concern expressed by members regarding how that information was to be used, and so Mr. McKenstry assured the COTF that he would clarify the reason for requesting the information before sharing any with Director Carter or her office.

Mr. McKenstry asked if COTF members thought that the breakout sessions were worthwhile, and consensus was that they were, and should be continued at the next meeting.

Dr. Anderson requested that the COTF discuss deadlines for preliminary reports from sub-committees on their work.

Mr. McKenstry pointed out that, since the meeting was being hosted by the No Boundaries Coalition, the agenda should include time for a representative to introduce the organization.

The meeting was adjourned at 6:59 PM.