

COMMUNITY OVERSIGHT TASK FORCE

PUBLIC SESSION MINUTES

August 16, 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, Denise Duval, Ralph Hughes, Valencia Johnson, Danielle Kushner, and Andrew Reinel.

Also present were:

- Ray P. Bomberger, Sandtown-Winchester neighborhood
- Marlene Brown, Sandtown-Winchester neighborhood
- Susan Burke, Central West Baltimore neighborhood
- Keesha Ha, Greenmount/Barclay neighborhood
- Ray Kelly, No Boundaries Coalition
- Sharon V. Pendergrass, Sandtown-Winchester neighborhood
- Zoe Renfro, Greenmount West neighborhood

Summary of motions adopted:

- Minutes from the 9 August 2017 meeting adopted without revision.
- Meetings will become biweekly in September, on the 1st and 3rd Thursday (7 and 21 September)
- 30 August 2017 meeting cancelled¹

1. **Welcome by the No Boundaries Coalition**

The meeting was called to order at 5:09PM. It opened with an introduction to the work of the No Boundaries Coalition, the meeting's host organization, by Ray Kelly, the President of the Coalition. Mr. Kelly explained that No Boundaries is a resident-led advocacy group primarily focused on health (including food access), public safety, and get out the vote efforts. The Coalition promotes engagement on issues and education, but does not support particular candidates.

After the death of Freddie Gray in police custody in 2015 and the ensuing protests, No Boundaries was one of few organizations already working with the Western District police and was well-positioned to work with the Department of Justice. By the time the Department of Justice began its investigation of the Baltimore police, the Coalition had already begun its own investigation, which would ultimately include interviews with dozens of individuals who believed they had witnessed or experienced police misconduct (many more had been contacted but were unwilling or unable to give formal testimony for the report). A report on the investigation can be found at: www.noboundariescoalition.com/commissionreport/. No Boundaries also held 22 events to allow residents to engage with the Department of Justice investigators, and met with the United Nation's Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association. The No Boundaries Coalition ultimately made 16 formal recommendations to the Department of Justice investigators, 12 of which were included in the Consent Decree. No Boundaries has also been involved with getting citizen input on the Consent Decree monitor selection process.

The No Boundaries Coalition's work, Mr. Kelly explained, extends both before and beyond the current Consent Decree and Department of Justice investigation. Its legislative work on policing began five years ago with advocacy to strengthen the Civilian Review Board (CRB) that ran into challenges around the Baltimore City Charter and Law Enforcement Officers' Bill of Rights

¹ Note: After this motion was adopted, the 23 August 2017 meeting needed to be cancelled. Members of the COTF decided via email to go forward with the 30 August 2017 meeting instead.

(LEOBOR). In the 2017 legislative session, the Coalition advocated for bills that would have placed the Baltimore City Police Department (BCPD) under the control of the City rather than the State of Maryland (HB1504), and that would have created a Community Police Steering Committee (HB1465).

II. Adoption of 9 August 2017 minutes

Marvin McKenstry moved that the minutes from 9 August be adopted without revision. Denise Duval seconded, and the motion passed unanimously.

III. Meeting with the National Association for Civilian Oversight of Law Enforcement

On 7 August, Ms. Duval had met in Boston with Brian Corr, the president of the National Association for Civilian Oversight of Law Enforcement (NACOLE) in Boston, on behalf of the Community Oversight Task Force (COTF). Ms. Duval gave a summary of main points from her discussion with Mr. Corr to the Task Force.

NACOLE provides support to cities nationwide on civilian oversight of police, and Mr. Corr provided an overview of national trends and practices in police oversight, as well as suggestions regarding cities that the COTF might look to for interesting programs and best practices, even if they needed to be adapted for Baltimore's particular context. These included Seattle, New Orleans, Ontario, and Washington, DC. Even in cities facing similar challenges to Baltimore, best practices can reduce police misconduct complaints; for instance, Mr. Corr also directs the civilian oversight board in Cambridge, MA; in Cambridge, strong relationships between police and community have led to effective civilian oversight of the police even though Cambridge also has a strong police union. Mr. Corr invited members of the COTF to attend the NACOLE conference this September in Spokane, and Ms. Duval indicated that she was discussing possible funding with the Open Society Institute-Baltimore (OSI) for some members of the COTF to attend.

One of the main points Mr. Corr made was the need for civilian oversight structures to be proactive about police practices, rather than just reactive in response to particular complaints. Building trust between citizens and police happens over time, and when trust is built, it leads to fewer instances of misconduct. Some civilian oversight structures combine investigations of complaints with "auditing oversight," which involves looking at trends in types of complaints, geographic areas where complaints are concentrated, or even particular officers or groups of officers, to determine where preventative interventions might be warranted. Seattle has a 311-style system where citizens can submit concerns about police conduct online, which can then be tracked (and analyzed by the civilian oversight body). Daniel Levine asked if there were any cities in which the public could be involved in "auditing oversight," and Ms. Duval replied that in New Orleans, the independent police monitor (part of their civilian oversight system) is required to hold public meetings four times per year in each district, to get community input on relations with the police – and in New Orleans, the monitor is the one responsible for collecting and analyzing statistical trends. In Denver, Jeff Anderson noted, citizens are even permitted/encouraged to report instances of good police behavior so that those can be tracked.

Another feature of best practices in civilian oversight, according to Mr. Corr, is transparency and communication with the community. Ms. Duval pointed out that communication with the public about complaints was very limited in Baltimore compared to that in other cities. Dr. Anderson noted that while every city the Comparative Research subcommittee had looked at gave the final decision about how to discipline (or not) police officers to the police department, in Seattle (for example) if the Chief of Police chose not to implement the recommendations of the civilian review board, he or she must file a public letter with the Mayor and City Council explaining why not.

One more distinction between systems of civilian oversight, Dr. Anderson explained, is between “civilian review” and “community review.” Civilian review is conducted by individuals who are not police, but are professionals and formal employees of the government or another designated organization. In community review, the oversight body is led by volunteers, who may be assisted by a professional staff. Dr. Anderson was not aware of any system in which non-professional volunteers actually conducted the investigations.

Valencia Johnson asked how NACOLE had identified which other cities to suggest that the COTF look at, and whether they were really comparable to Baltimore – for example, other cities with similarly high crime rates, and not just ones with relatively low rates like Seattle. Dr. Johnson also expressed concern that the COTF be careful to be getting accurate crime statistics when deciding which cities to look to as relevantly similar to Baltimore. Dr. Anderson pointed out that Seattle used to have much worse crime and police misconduct, and had even been under a Consent Decree of its own, but had significantly improved, and so it might be more comparable to Baltimore than it at first appeared. Ms. Duval explained that, across cities of many sizes and types, those that devoted more resources and staff to civilian oversight tended to have better outcomes.

Ralph Hughes pointed out that the Comparative Research subcommittee had only looked at a few other cities so far, though even among those few there were several different models. One thing that is unique to Baltimore, of the cities the subcommittee had examined thus far, according to Sen. Hughes, is that the City police department is controlled by the State. Elsewhere, the fact that the police department is controlled by the city gives more freedom for reform.

Mr. McKenstry asked who, in Baltimore, would have access to all complaints filed against members of the BCPD. Ed Jackson replied that the Mayor’s new crime office should have all complaints, but Mr. McKenstry explained that he was interested in finding historical complaints. Ms. Duval pointed out that, by law, all complaints should be forwarded by the police department to the Office of Civil Rights and Wage Enforcement (of which the CRB is a part), but that that did not always occur. Col. Jackson explained that, since all complaints must be sworn to, the Office of the Commissioner and the Chief of Internal Affairs in the BCPD should have information on all complaints that had been filed.

Col. Jackson then went on to argue that while he liked the idea of taking proactive measures to avoid police misconduct – one thing that that could help with, he noted, was in identifying officers who might be struggling with post-traumatic stress disorder (PTSD) or other mental challenges – recommending such oversight would likely mean that the COTF would need to recommend changes in LEOBOR. Col. Jackson endorsed the view that the COTF should recommend such changes, and should go through LEOBOR carefully to analyze which changes would be needed to provide better oversight while also protecting the legitimate rights of officers charged with misconduct. In addition, Col. Jackson explained, it might be necessary to make more transparent to citizens why officers charged with misconduct were granted certain protections – for example, that because of the right that all citizens enjoy against self-incrimination, the police department can only compel an officer to give a statement about alleged misconduct once the State’s Attorney has declined to file criminal charges regarding the incident.

Valencia Johnson asked whether the COTF should also be looking at the role of courts in the oversight process. Dr. Anderson pointed out that while complaints of misconduct could lead to criminal charges, most did not. Col. Jackson was of the opinion that where allegations of misconduct lead to criminal charges, that would be beyond the scope of civilian/community oversight.

IV. Subcommittee reports

The discussion of the NACOLE meeting constituted the report of the Comparative Research subcommittee.

The City Institutions subcommittee was still working on a report.

Danielle Kushner explained that the Community Engagement subcommittee had determined three “tiers” of information to be collected from the community: public opinion survey data (which Dr. Kushner has been collecting), public forums, and in-depth interviews and focus groups. The first, the subcommittee hopes to glean primarily from existing sources. For the latter two, the subcommittee is planning nine large public forums (one in each police district) and four focus groups with members of groups particularly affected by police misconduct: youth, incarcerated citizens, immigrants, and members of the LGBTQ community. Dr. Kushner mentioned that the subcommittee also saw itself as having a mandate to determine how the community could be involved in ongoing oversight, but that the primary task for now was information-gathering.

Mr. McKenstry asked members of the COTF to let him know if they had any contact with organizations that served any of the target communities for focus groups, to help identify participants in focus groups.

Col. Jackson asked if there were likely to be ethical issues with the research that would require clearance from an Institutional Review Board (IRB). After brief discussion, Dr. Kushner said that the easiest approach would be to identify a partner institution to “house” the research, and then seek ethical review from their IRB.

Dr. Johnson asked if surveys would be conducted online. Mr. McKenstry explained that the subcommittee had discussed online engagement, but decided that the volume of responses and the difficulty of authenticating the identity of respondents (for example, ensuring that the COTF knew which responses genuinely came from Baltimore citizens) meant that the subcommittee had decided it would be better to focus on more direct community engagement, like the forums. Dr. Johnson suggested that one approach would be to have an online survey, but to only give the link to specific people, rather than making it publicly available. Dr. Kushner also said that the kind of qualitative information that was unlikely to exist in already-published surveys might be better collected in settings like focus groups.

Dr. Levine explained three models for public forums that the COTF could pursue: First, a “standard” public forum, where as many people as feasible for the space could attend, and each person could speak for a short time, with who could speak determined for example by first-come first-served sign-ups, or by random selection. This model would maximize the number of people who could attend, but provided for relatively limited engagement. Second, a facilitated discussion, where trained facilitators would work closely with small groups in the forum to help them express their views in detail and deliberate about what was important to them. This would allow for deep engagement, but the number of participants would be limited by the number of facilitators that could be made available (by partnering, for example, with an organization like the Baltimore Community Mediation Center (BCMC), or The Community Conferencing Center). Third, a lightly facilitated large group forum, a model that BCMC had recently piloted for public discussions of the Consent Decree Monitor candidates. In this model, people have a short time to ask questions or make statements, as in most public forums, but facilitators do some interpretive work to make sure that they feel that what is most important to them is being heard and clearly understood.

V. Subcommittee breakout sessions

As the COTF prepared to break out into subcommittees, Mr. McKenstry invited members of the public in attendance to follow whichever subcommittee they were most interested in, and pointed

out that, given the smaller numbers, the subcommittee breakouts often allowed for informal interaction and input with members of the COTF.

A. City Institutions

The Baltimore City Institutions subcommittee discussed the importance of LEOBOR, the CRB, and the Police Department's role as it relates to the Consent Decree. The subcommittee was joined by Pastor Ray Bomberger, and Marlene Brown. The subcommittee members introduced themselves to the pastor and Ms. Brown.

Andrew Reinel suggested some directions that the subcommittee should focus on to reach our goals. Col. Jackson gave some background on LEOBOR and the hurdles to modifying a legal document that has been in existence for years. Dr. Johnson said that she had ideas to assist the subcommittee in meeting its goals, which would be forthcoming.

B. Comparative Research

The subcommittee on comparative research discussed several topics in its breakout session: the need for further research on different cities, including the need to read first-year reports from other COTFs around the country; the NACOLE conference and a proposal and budget to OSI for COTF members to attend, and a timeline/plan to get the work of subcommittee done.

C. Community Engagement

Dr. Kushner pointed out that the subcommittee had not yet talked much about engaging the community in oversight, but that it was part of the subcommittee's ultimate mandate. Dr. Kushner discussed some sources of survey data on perceptions of police she had collected, including the 2009 Baltimore City Citizen survey (<http://finance.baltimorecity.gov/sites/default/files/citizensurvey.pdf>), though she said she was not sure if there was a more up-to-date version. Dr. Levine said that he had seen a survey that seemed to be labeled both the "citizen" survey and "community" survey in different years (<https://bbmr.baltimorecity.gov/citizen-survey>), and so an updated version might be available under a slightly different name. Mr. Kelly offered to connect the subcommittee with some additional researchers known to him.

Mr. McKenstry informed the subcommittee that he had a group of young people he worked with through the Youth Opportunity program working with him on designing an engagement strategy for the many community organizations in Baltimore City. He emphasized the importance of working with organizations to ensure that the voices of communities that had often been left out of conversations could be heard. Mr. Kelly argued that it would be important not only for the COTF to learn from members of the community in general and specific sub-populations, but to make clear how the information gathered would be shared back with members of the community.

Sharon Pendergrass argued that, especially for young people, it might be helpful to have not only face-to-face engagement, but an electronic way to complete surveys and respond to other questions. Mr. McKenstry said that the subcommittee's main concerns about electronic surveys were about control, volume, and authentication. Ms. Pendergrass pointed out that an electronic option could be given during a face-to-face encounter, such as handing a person an iPad to complete a survey on. Dr. Levine mentioned that he had seen some integration of electronic interaction into academic talks, such as allowing members of the audience to text questions to a speaker.

Dr. Kushner emphasized the need to develop a good list of questions to ask in forums and focus groups. Mr. McKenstry suggested meeting with individuals from the University of Baltimore to

discuss questions. Mr. Kelly offered to share questions used during the No Boundaries Coalition's research.

VI. Future Meetings

Mr. McKenstry informed the COTF that BCMC had offered to host the 23 August meeting at their office, 3333 Greenmount Ave, and that he was working on securing a location in Pigtown/South Baltimore.

There was some discussion of whether, as more work was being done in subcommittee, the committee should move to biweekly, rather than weekly meetings – with subcommittees meeting in the alternate weeks. Col. Jackson moved that the committee begin meeting biweekly in September. Dr. Kushner seconded the motion, and it carried with one vote against, from Dr. Johnson. It was decided that, specifically, the COTF would begin meeting on the 1st and 3rd Thursday of each month beginning with 7 and 21 September.

Sen. Hughes moved to cancel the 30 August meeting, seconded by Dr. Kushner. The motion carried with five in favor (Ms. Duval, Sen. Hughes, Col. Jackson, Dr. Kushner, and Mr. McKenstry), two opposed (Dr. Anderson and Dr. Johnson), and two abstentions (Dr. Levine and Andrew Reinel).

VII. General Discussion

Col. Jackson informed the COTF that he had joined a consortium of retired police officials who engaged in public dialogue and education about police reform, but that he was clear that when he spoke as a member of that group, he was giving his personal views, not the positions of the COTF.

Mr. McKenstry recommended that COTF members read the City's new crime plan, as it resonated with some of the approaches the COTF was considering.

The meeting was adjourned at 7:07 PM.