

COMMUNITY OVERSIGHT TASK FORCE

PUBLIC SESSION MINUTES

September 7, 2017

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

Also present were:

Tara Huffman, Open Society Institute (OSI) – Baltimore

Summary of motions passed:

- 16 August 2017 minutes adopted without revision
- Community engagement subcommittee authorized to plan and implement public forums, focus groups, and interviews on behalf of the COTF

I. Welcome

Marvin McKenstry welcomed everyone to the meeting. He reflected upon the fact that he had eulogized a friend earlier in the day, and was going to the funeral of a woman who had been like a mother to him the next day, reminding him that all the things that COTF members might be dealing with in their lives outside the task force could be overwhelming. He spoke of how he appreciated the continued commitment of the Task Force members to the work, even now that the initial burst of media interest had subsided, and encouraged members to keep in mind the importance of their work while also remembering to take care of themselves.

II. Adoption of 16 August 2017 minutes

Ralph Hughes moved that the minutes be adopted without revision; Jeff Anderson seconded. The motion passed unanimously.

III. Subcommittee reports

A. City Institutions Subcommittee

Ed Jackson (the subcommittee chair) informed the COTF that he, Dr. Anderson, and Valencia Johnson, were working on a timeline for subcommittee work, and expected to have one completed by November.

Col. Jackson also thanked Denise Duval for working with OSI-Baltimore to secure funding to allow two representatives from the COTF to attend the annual conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE) in Spokane, WA, in the coming week, and to bring back reports on the discussions there to the full Task Force.

Col. Jackson reported that he was also speaking informally with former colleagues in the Baltimore Police Department (BPD), and that many of them were afraid of what the COTF report might mean for them. Many members of the BPD, he reported, were concerned that the COTF would recommend a complete overhaul of the Department, and did not realize that the Task Force was focused on the Civilian Review Board (CRB) and oversight.

Col. Jackson further noted that, while the Law Enforcement Officers' Bill of Rights (LEOBR) constrained the actions that could be taken, it was very unlikely to be changed. Thus, he argued, the COTF would need to be creative in finding ways to strengthen the CRB without requiring

changes to LEOBR. He hoped to find out something in Spokane about how that city approached reform in their legislative context. Mr. McKenstry replied that if a state-level issue, such as LEOBR, or state control of the BPD, was something that needed to be reformed to ensure effective oversight, the Task Force could and should recommend it. Col. Jackson concurred that the COTF could make recommendations, even if they were judged unlikely to be implemented. Sen. Hughes also agreed that the Task Force could make recommendations about what could be done, even if it were politically unlikely. Mr. McKenstry pointed out that any recommendations the Task Force made would still be part of the historical record, and that any political actors who chose not to implement them would have to ask themselves if they wanted to have it publicly known that they had rejected certain recommendations. Daniel Levine argued that it might be worthwhile to also have recommendations that could improve oversight in the absence of legislative change, even if the Task Force decided that, ideally, legislative change were required. Col. Jackson concurred, especially since changes to LEOBR in particular would require contention not only with legislators but with the Fraternal Order of Police (FOP).

B. Comparative Institutions

Ms. Duval noted that her subcommittee's major accomplishment since the previous meeting was arranging for OSI-Baltimore to support sending representatives of the COTF to the NACOLE conference, requiring significant work on the part of subcommittee members, NACOLE staff, and OSI personnel. On behalf of the COTF, Col. Jackson and Ray Kelly of the No Boundaries Coalition would be attending the conference. In addition to any materials that Col. Jackson and Mr. Kelly were able to obtain at the conference, Mr. McKenstry asked if NACOLE could send materials from the conference to the COTF. Ms. Duval replied that they could, and that some sessions from the conference would also be streamed on the internet. Ms. Duval also pointed out that OSI had said they could fund bringing speakers to Baltimore to meet with the COTF, so that Col. Jackson should make note if he met anyone at the conference who would be a good candidate.

Dr. Anderson said that one of the challenges to drawing lessons from comparative research was that there were so many unique systems of civilian oversight. While certain common themes emerged from the research, there were not simply a limited set of best-practices models to choose from.

Mr. McKenstry said that the COTF should be looking for opportunities to attend other training and information events besides NACOLE.

Danielle Kushner said that she was interested in OSI's offer to support a research consultant. Col. Jackson expressed surprise that other academic institutions were not currently more involved with BPD reform efforts. He specifically mentioned the possibility of reaching out to Prof. Raymond Winbush at Morgan State University, who had been engaged in police research in the past. Mr. McKenstry also suggested reaching out to Prof. Philip Leaf at Johns Hopkins University, who might be willing to help with research support. Col. Jackson pointed out that Prof. Leaf had a reputation for actively engaging with community partners. Mr. McKenstry and Col. Jackson discussed other possible partners, including academics at Coppin State; Sen. Hughes pointed out that Prof. Kenneth Morgan had recently retired from Coppin and might be a good contact.

Mr. McKenstry suggested that some of the OSI support should be used for site visits to other cities. Ms. Duval suggested Camden, NJ. Mr. McKenstry said that it was difficult to discuss details of how to use the OSI support most effectively in the full Task Force meeting, and so asked that each sub-committee come up with several ideas about how OSI's support could be used.

Mr. McKenstry mentioned that he had visited Chicago with Andre Davis, who had recently been

named Baltimore's new City Solicitor, while both Chicago's and Baltimore's consent decrees were still pending. There, he met with a number of police officials involved in reform processes and consent decrees. The superintendent of police for New Orleans, LA, gave some ideas on how to make the process easier on police officers, for example. Mr. McKenstry opined that it would be beneficial for Mr. Davis to come to speak with the COTF.

Col. Jackson argued that crime is a manifestation of social problems (as the 1968 Kerner Commission report had argued), and that he had sympathy for police, who were expected to address the outcomes of complex social problems with limited training or ability to get to their roots. He argued that the City really needed to come together and discuss underlying issues – he referenced the Mayor's recently announced plan to make community college free to city residents as a step in the right direction – as part of police and public safety reform. Mr. McKenstry concurred, saying that the COTF had an opportunity to force an honest conversation about such issues, and suggested bringing poverty experts to speak to the committee as well. Dr. Levine asked if there were cities that linked their auditing oversight structures to broader social problems, to which Ms. Duval and Dr. Anderson replied that there were.

Ms. Duval said that, in particular, some oversight models included oversight of police training – which could include training on subjects such as poverty and institutional racism. She also argued that the “cutting edge” of training was trauma-informed training: both to inform officers about how trauma might affect the populations they served, and to take into account the trauma that officers themselves might undergo.

While Dr. Anderson pointed out that public involvement in training, trauma, and auditing oversight was not central to the model in other jurisdictions (though it might be present), Dr. Kushner argued that it might need to be central to the COTF's recommendations for Baltimore.

C. Community Engagement

Dr. Kushner reported that her sub-committee was currently focused on how to find out what community members' experience with police oversight had been, what their ideas about reform might be, and how much they knew about existing structures for oversight and redress.

The sub-committee has developed a tentative list of questions to use for public forums and focus groups. Since the nine police districts vary with respect to racial and socioeconomic makeup, one forum for each is planned. All the forums would be announced in advance so that all COTF members could attend and be in compliance with the Open Meetings Act. In addition, the sub-committee is planning focus groups with members of the LGBT+ community, youth, immigrants, and incarcerated citizens. The sub-committee has also discussed the possibility of focus groups with the elderly and police officers.

After some discussion of the details, the following motion was put to a vote: “The Community Oversight Task Force will adopt at least nine public forums and several focus groups and interviews to learn the public's ideas about community oversight.” The motion was introduced by Dr. Kushner and seconded by Dr. Anderson, and passed unanimously.

Mr. McKenstry said that he had begun outreach efforts for the forums, in part by reaching out to police districts to discuss their community contacts.

Dr. Levine discussed some ideas for how the forums could be structured – combining breaking the full forum down into small discussion groups to talk about particular prompts with full-group discussion sessions where facilitators would help ensure a lively and productive discussion. He mentioned that the organization for which he worked, the Baltimore Community Mediation Center (BCMC), had facilitated similar meetings, and would likely be willing to support such a project – and that there were other organizations in the city with similar expertise, such as

Community Conferencing. Ms. Duval pointed out that, while OSI might be willing to fund the forums, getting funding could be a slow process and so would need to begin soon. Dr. Levine pointed out that, if there was any question of BCMC receiving funds for facilitation, he should recuse himself from the discussion, and Mr. McKenstry said that he would reach out to potential facilitators to avoid conflicts of interest. Valencia Johnson concurred that care needed to be exercised if money was being spent.

Ms. Duval pointed out that, in addition to general community engagement, there were specific organizations and groups that might feel disenfranchised if not specifically contacted for input – for example, she said that few people consulted with the juvenile justice system about police oversight. Mr. McKenstry agreed, citing the Leaders of a Beautiful Struggle as another group that had been deeply engaged in police reform conversations.

IV. OSI Support

On behalf of the COTF, Ms. Duval thanked Tara Huffman for OSI's support. Ms. Huffman reiterated that OSI would be willing to consider supporting the Task Force in other ways besides those suggested in her letter. In response to a question from Dr. Anderson, she also clarified that the writer discussed at previous meetings would be the same position contemplated as a "research consultant," and she told Ms. Duval that OSI could help identify a consultant. Dr. Kushner asked that curricula vitae for candidates be passed on to the Task Force. In response to a question from Dr. Kushner, she said that support for advertising/outreach for forums would be a possibility.

Sen. Hughes said that he had thought the Task Force would receive more direct support from the City at the outset, though the general consensus was that the City's relatively hands-off approach to COTF activities likely represented a concern to preserve the Task Force's independence. Despite this, Sen. Hughes pointed out, in the public consciousness the COTF was likely to continue being associated with the City.

Dr. Kushner asked if OSI had a databank of survey data, and Ms. Huffman replied they did not. Mr. McKenstry asked that OSI put the Task Force in contact with relevant grantees, though additional discussion was needed to determine the best grantees for the COTF to meet with.

V. Invitation to City Solicitor Andre Davis

Ms. Duval expressed approval of Andre Davis' appointment as the new City Solicitor, and suggested that he might be able to facilitate increased City support – though concerns were raised by several Task Force members to preserve independence.

Dr. Anderson asked if Judge Davis could be invited to a future meeting. Ms. Huffman said that OSI could likely help bring him to a meeting, as he is on their board as well. Dr. Johnson raised a concern regarding whether the COTF had the authority to invite him, and Mr. McKenstry replied that it was his understanding that the COTF had the power to invite whoever members thought would be useful to meet with.

Col. Jackson pointed out that Judge Davis might also have access to additional relevant data, and Ms. Duval that Judge Davis would be part of overseeing all consent decree implementation and so could help give context to the COTF's piece of the work. Mr. McKenstry said that he would reach out to invite Judge Davis and, if he could not come to the COTF at a regularly-scheduled meeting, that the Task Force could discuss sending members to meet with him at his convenience.

VI. Invitation to Jill Carter

Dr. Johnson argued that, given the COTF's tight time-frame, Jill Carter (the head of the Office of Civil Rights and Wage Enforcement, which includes the CRB) should be invited to meet with the COTF as soon as feasible. Mr. McKenstry said that Del. Carter had requested a meeting with him, but he was still waiting for a reply to arrange a time. He further said that individual sub-committees could try to meet with Del. Carter or other CRB personnel, depending on their specific needs.

VII. Future Meetings

Though there was some discussion of changing the meeting time to accommodate some member's schedules, no consensus was found on a new meeting time, and so for the time being it was decided to leave the meetings scheduled for 5-7PM, and that the meetings in October should continue to be on the first and third Thursdays. Mr. McKenstry invited suggestions for future meeting locations but offered his offices at 1510 W. Lafayette as a default option.

The meeting was adjourned at 7:03PM