

COMMUNITY OVERSIGHT TASK FORCE

PUBLIC SESSION MINUTES

October 19, 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, Valencia Johnson, and Andrew Reinel.

Also present were:

Maricruz Abarca

Kaneshia Afi
Idowu Akingbasote
Victor Andkuiuru
Marc Anthony Caballes
Tokoni Appo-Obianime
Malik Asante
James Avoseh
Tori Baker
Caroline Begusa
Tyrone Bowers
Shemiah Branch
Melvin Brooks
Sadia Brooks
Lorraine Brown
Christina Carter
Maria Cervantes
Kebbeh Cockrell
Roger Cockrell
Dejhonae Connady
Sonsyrae Decker
Qamara Dubois
Kemi Elusakin
Chavonne Epps
Fatimah Labsiri
Barbara Fowel
Jolynn Frendo
Ciera Gaskins
Rupendra GC
Roshan Ghimite
LaTonya Gibson
Justin Gladden
Aleshia Gross
Janna Guring
Keesha Ha
Adrienne Hicksom
Salita High
Norman James
Richard Jinya

De'Sha Johnson
Tricia Kelly
Aysylu Khaliullina
Kevin King
Olamide Kouf
Kriti Lama
Victoria Lee
Crystal Lucas
Darrin Mabney
Abolom Magagi
Adeleke Mariam
Lucyll Marie Duverte
Marie-Rose Mayifuila
David McClain
Jalah McCoy
Olaiya Mikhail
Madhur Milan Paudel
Matthew Mohip
Donya Moses
Kellee Myers
Ferdinand Nbitiye
George Nelson
Munachiso Onwubiko
Emmanuel Oyelere
Dil Patel
Tamara Payne
Newubari Peter Nkoroken
Ben Pietros
Naesea Price
Deloris Richardson
Lashawnda Richardson
Earle Robinson
Boyd Servio-Mariano
Sudesh Sharma
Denika Shaw
Jun Shen
Amanda Simpson
La-Tricia Taylor
Tefay Tefere

Mamish Thapa
Manish Thapel
Adama Thiam
Roosevelt Turmon III
Latarsha Tyler
Nyle Tyson

Jahon Vance
Patricia Walker
Brandy Watford
Breonna Webster
Jawan Willis
Jessica Wise

Summary of motions passed:

- 5 October 2017 minutes adopted without revision

I. Welcome

Before the meeting was formally called to order, Ed Jackson took the podium to introduce the COTF and let the audience know that the COTF would conduct its formal business and then accept questions. He explained that the core vision of the Task Force was to ensure that the police belonged to the community.

Marvin McKenstry called the meeting to order at 5:14PM. The members of the task force present introduced themselves individually.

II. Adoption of 5 October 2017 minutes

Jeff Anderson proposed that the 5 October minutes be adopted without revision. Denise Duval seconded, and the motion passed unanimously.

III. Report on Meeting with Jill Carter, Director of the Office of Civil Rights

Mr. McKenstry contextualized the meeting with Director Carter by pointing out that Civilian Review Board (CRB) reform was central to the work of the COTF, though the mandate extended to ensuring that all community oversight processes and structures functioned in a real, effective, efficient, and accessible manner.

Mr. McKenstry had met with Director Carter along with Col. Jackson, and had overall tried to convey an attitude that the COTF was there to help the CRB in its functions. He also mentioned that, in addition to giving the COTF a summary of the meeting during this meeting, he would be preparing a formal brief (which would be made public).

Col. Jackson said that he had emphasized the importance of community engagement. The police department, he said, can be very closed, and is often a mystery to the public. The CRB, if strengthened, and with more community involvement, could be the “eyes and ears” of citizens at large, and augment the police department’s own internal investigations. He gave the audience a summary of the CRB’s current structure and powers. He also pointed out that one of the obstacles to reform that the COTF needed to address was the powerful role of the Fraternal Order of Police (FOP). He said that successful reform required students to be involved in the political process as well.

Mr. McKenstry said that they highlighted the importance of processes and procedures. He enumerated several problems that he and Col. Jackson raised with Director Carter: the lack of accessibility in the complaints process (though the requirement that all complaints be notarized had recently been dropped), the fact that many members of the community were unaware of their rights and procedures for redress, the obstacles to investigations created by the protections afforded police

by the Law Enforcement Officers' Bill of Rights (LEOBR), and the lack of authority behind CRB decisions. In addition, the CRB is underfunded (by contrast, Chicago's civilian oversight structures must be funded at at least one percent of the police budget), and five of the nine members (each representing one of the nine police districts) it should have at full capacity were still being vetted. He suggested that, given the apparent difficulties with filling CRB seats, that individuals who lived outside the district but worked within it should be eligible to fill seats if there were no competing candidates. Not having a fully funded, accessible CRB, Mr. McKenstry argued, sent a message to citizens that their views and concerns did not matter to the City leadership.

Mr. McKenstry announced that the 2 November meeting would be held at the CRB offices to give the rest of the COTF an opportunity to engage with CRB members and staff.

IV. Sub-committee reports

A. Comparative Institutions sub-committee

Ms. Duval, the sub-committee chair, gave an overview of the sub-committee's mandate, which is to look at best practices from around the nation (and, to a lesser extent, the world) to see what approaches could and should be adapted for or adopted in Baltimore. She mentioned that participating in the National Association for the Civilian Oversight of Law Enforcement (NACOLE) conference had been very beneficial to the sub-committee's work, and encouraged audience members interested in comparative research to visit their website.

Ms. Duval said that the sub-committee was primarily engaged in research, looking at cities like Seattle, Oakland, Camden, New Orleans, and Spokane that might have lessons for Baltimore. She pointed out that the sub-committee could make use of student research assistants, and was putting together a spreadsheet of best practices from other cities – many of which had patterns of constitutional violations relevantly similar to Baltimore's. In addition to desk research, she said that the committee was able, with support from the Open Society Institute – Baltimore (OSI) to fund research trips by members of the COTF as well as potentially bring individuals from other cities to Baltimore to brief the Task Force.

Ralph Hughes, as an example of best practices from elsewhere, pointed out that some cities have a process to train citizens for service on the CRB, something that Baltimore currently lacks. Some cities also have boards with the power to subpoena individuals, unlike Baltimore, he said.

B. City Institutions sub-committee

Col. Jackson, the sub-committee chair, gave an overview of the sub-committee's mandate to examine existing Baltimore institutions. The sub-committee, he reported, was currently looking at: Baltimore Police Department (BPD) systems for community engagement, and gauging officer engagement.

Col. Jackson also pointed out the importance for citizens and police to understand the relevant laws and constitutional provisions, so that both sides can act appropriately and understand what is and is not a violation of rights. The sub-committee, he reported, was also looking at the ways that the BPD interacts with other institutions, like courts and prisons, to ensure that the justice system as a whole is functioning well.

Valencia Johnson added that the sub-committee was examining a variety of policies, including LEOBR, and observing CRB meetings (as Andrew Reinel had done the previous month). She said

that the sub-committee was asking many questions of the CRB and BPD, and thoroughly examining everything it could, and so the process was likely to take time.

Mr. Reinel stressed the importance of analyzing the work of the BPD as well as the CRB – the BPD’s internal affairs division (IAD), for example, does make binding determinations regarding police misconduct, and so its proper functioning is an important element of police accountability. He added that he was particularly interested in the history of Baltimore’s CRB, and understanding why certain decisions about its structure and powers had been made.

C. Community Engagement sub-committee

Daniel Levine introduced the work of the community engagement sub-committee on behalf of Danielle Kushner, who could not be present. He explained that the sub-committee was charged both with conducting community engagement exercises, and also further on with recommending long-term community engagement policies.

On the former, Dr. Levine explained that the sub-committee was currently working on organizing community forums in each of the nine police districts, as well as focus groups with sub-populations differentially affected by police conduct (including youth, members of the LGBTQ+ community, incarcerated individuals, and police themselves), and interviews with community organizations actively involved with police reform. Two current tasks being undertaken, he said, was designing forums for high-quality engagement as well as accessibility, and reaching out to the police districts to better understand how they conducted outreach in their areas of operations.

V. The Necessity of Community Engagement

Mr. McKenstry made the point that, just as members of the COTF were just community members who cared enough about police reform to devote time to the Task Force, it was vital to the success of reform efforts that the community as a whole become and/or remain engaged. Enforcement of the consent decree would have to come from the people of Baltimore – without their support, it, and the COTF recommendations, would be mere paper.

VI. Upcoming Meetings

Mr. McKenstry noted that the 2 November meeting at the CRB office was open to the public. He noted that a location had not been selected for the 16 November meeting, and that the Task Force was trying to meet in different locations to remain accessible, and solicited suggestions for venues.

Dr. Anderson asked if the COTF would be meeting on 30 November, since it would be two weeks since the 16 November meeting. The question of whether the COTF should meet twice per month or once every two weeks was not resolved.

VII. Question and Answer Period

Mr. McKenstry opened the floor to audience questions, and turned over the task of moderating them to [PROF]. All COTF members were careful to specify that their answers were, where applicable, their own views, and not consensus views of the COTF.

Q: What recommendations to improve training will you make, and how will those recommendations be linked to Baltimore City Community College’s (BCCC) criminal justice program?

Dr. Johnson said that the focus should be on training police to deal appropriately with citizens – including courses on community oversight and community relations. A partnership between the BPD and BCCC could allow police to attend courses, she said, and in general she said she would like to see BPD officers have more opportunities for training beyond the police academy.

Mr. McKenstry concurred that he would like to see BCCC and other Baltimore-based educational institutions involved in training, both as external partners and in the development of academy training materials. Baltimore-based educators, he argued, would generally be better able to develop training for Baltimore police than outside vendors. In particular, he said, training developed from the outside might miss important cultural considerations in police-community relations modules. Citizens educated at institutions like BCCC, he added, should feel an obligation to bring that knowledge back to their communities, and use it in part to become involved in the civic life of the city.

Col. Jackson added that he would recommend greater community education on police and constitutional issues, including allowing citizens to take training developed for the police, and bring the knowledge they gained back to their communities.

Dr. Levine pointed out that community oversight and security sector reform (SSR), whether by the citizens at large or even by legislatures, required detailed knowledge of the policies, procedures, and history of the institutions being overseen. This was, he opined, one of the key lessons of international SSR initiatives, such as in conflict-affected areas. Much knowledge about police and other security forces was developed by academic researchers and think-tanks, and so local colleges and universities could play a critical role in the development of specialized knowledge about policing and violence in Baltimore that could be drawn upon for oversight.

Mr. Reinel emphasized the need to recruit more BPD officers from the city. In particular, he pointed out that Baltimore has significant populations that do not speak English as their native language, but that when the BPD recruited bilingual officers, they tended to do so from outside the city, such as from New York and New Jersey – despite the presence of qualified bilingual individuals in the city who would also bring local knowledge. Mr. Reinel also pointed out that many individuals in Baltimore were unaware of the CRB, and that local colleges could play a role in educating residents about city institutions.

Dr. Johnson added that there was a need to attend to the mental health needs of police. For instance, many police joined the force after military careers, and might need help leaving the military mindset for a policing approach. Many officers also suffer from post-traumatic stress disorder (PTSD), and other challenges, making it necessary to build understanding of the psychological pressures on police.

Q: How can the issue of adequate and equitable pay for officers be addressed, particularly as a way to ensure that high-quality local candidates can be recruited?

Col. Jackson argued that there is a long-term trend for the BPD to recruit from outside the city, and not only because the pay could not attract local candidates; in his view, part of the problem is that there is an unwillingness for the government to address the social problems that lead to crime (such as poverty, family structure, and poor education) and as a result police are used as an “occupying” force to control the population, rather than as partners in addressing social ills. Individuals who are not members of the community are more effective in this role. Some of the social drivers of crime are well-understood – for example, he said that middle school test scores were used as a factor in predicting future needs for prisons – and so the core need was to elect public officials who were

willing to honestly address these things, and not simply tell people what they wanted to hear. He said that he himself was well into his police career before he realized the problematic role police played, and so knew that it was easy for people to demonize police rather than holding the politicians who shaped their role responsible. But, Col. Jackson added, policing was an honorable profession if done in accord with the constitution.

Col. Jackson acknowledged that he had gone beyond the initial question, and added that on the question of recruiting locally specifically, one issue was that applicants needed to be better prepared. He alluded to the fact that applicants from outside Baltimore were often coached on how to respond to questions during the application process.

Mr. McKenstry added that, in his experience, while pay could be a factor, other elements of the BPD recruiting process tended to be bigger problems for local applicants. In particular, the fact that association with individuals involved in crime in Baltimore is used to disqualify applicants hurt local applicants more than outsiders.

Dr. Johnson also noted that the BPD needed to examine applicants' finances, to see if they were likely to be susceptible to bribes. And she reiterated the need to prepare applicants – for example, to impress on them that writing in applications needed to be proof-read, clear, and professional.

Q: Is the COTF examining issues around the selection and retention of police commissioners? What about diversity in recruits?

Dr. Johnson agreed that she would like to see more diversity in recruits, and commissioners, and that it would likely lead to closer relations between the BPD and City residents.

Col. Jackson agreed that retention of commissioners was important, and that transient leaders led to instability in professional and cultural norms within the BPD. He opined that the commissioner, as a political appointee, is often selected to be someone the Mayor thinks that she or he can control – and that outsiders (to the City and the department) who don't know Baltimore or the BPD as well are often seen as more easily manipulated.

He reiterated his earlier point that it is key for residents to hold the politicians accountable for favoring home-grown candidates for Commissioner, and also to push for greater diversity in the BPD generally. At the NACOLE conference, he said, he learned that the community dictates how the police force looks, and in Baltimore policing is often against the community, rather than for it.

Dr. Anderson added that Commissioner retention was part of the research. For example, he said, in Chicago the CRB has a hand in nominating the police chief.

Q: Recently, a young man was killed by police after walking into a convenience store with a shotgun. Years ago, I knew a young man who was killed by police after doing nothing wrong. How is the COTF addressing the role that poor morality, beyond just lack of training, plays in police use of force?

Mr. McKenstry said that he had also known, and given support through his center to, the young man recently killed at the convenience store, and that the situation in that case had been complicated. Having a personal connection to and knowledge of, people killed by police, gave him a different perspective on things. In general, however, he said that the COTF is looking at ideas for changing police culture, which could include encouraging individual moral shifts in police officers.

Dr. Levine argued that, while individual morality is important, structural constraints can often dominate individual morality in decision-making. If, for instance, as Col. Jackson argued, the police are structured as an occupying, repressive force, then even individual police with strong moral character can be forced into destructive and repressive actions, or take actions that are individually without malice but have the effect of increasing or perpetuating oppression. Conversely, if there are strong and effective structures of accountability and progressive policies in place, even police officers who may be of poor character will find their opportunities for corruption and abuse limited, and if they do abuse their power, will be swiftly sanctioned or removed.

Col. Jackson also noted that the convenience store case was complicated, and it was not clear to him whether the use of force was unjustified in that case – he said that he wanted to make clear that the COTF was not trying to take sides on individual cases, and that not every police use of force was unwarranted or unjust; not every case was similar to the Freddie Gray case.

Q: The power to implement changes is critical. How does the COTF plan to build the power to see its recommendations implemented? And what is likely to be the biggest obstacle to implementation?

Ms. Duval argued that the single biggest obstacle to implementation was political will. Under the current federal administration, for one thing, there was likely to be little will to force the City or state to implement the consent decree, and so the COTF needed to use what leverage the consent decree did give to get political systems to act. She echoed other Task Force members' comments by saying that the true power of the COTF would be in channeling the voice of the community, and mobilizing the community to push for its recommendations to be implemented.

Sen. Hughes concurred, adding that it is a mistake to think of true power as residing in the organs of government, rather than with the people. In his legislative career, he had seen both that politicians and elites get what they want when the public is silent, but when the public makes its voice heard, political actors must listen. In particular, if the COTF recommended changes to LEOBR, they would face fierce resistance, and would need clear public support.

Q: Not everyone is familiar with the consent decree – could you please explain what it is about?

Ms. Duval gave a brief overview of the Department of Justice investigation that led to the consent decree, and its main provisions for addressing constitutional defects in policing in Baltimore. She and Mr. McKenstry both urged audience members to take the time to read both the Justice report and the consent decree.

Col. Jackson added that the Mayor, the police commissioner, and many members of the BPD deserved credit for the consent decree's existence. Though the federal government had initiated the process with the Department of Justice investigation, once Trump was elected the federal government was no longer as interested in pursuing it, but the Mayor and police pushed for it to be concluded.

Q: The protests in the wake of Freddie Gray's death showed the power of the people. The BPD knows when people are upset, and we also need to attend to the needs of police – everyone needs to be part of the healing.

Dr. Johnson agreed that the death of Freddie Gray was a terrible tragedy, and added that part of the response needed to be to hold elected officials accountable for making changes that would make similar things less likely in the future.

The questioner responded that the city needed a collaborative movement, and that she appreciated the fact that the COTF was holding meetings in different locations. She noted that people's concerns needed to be heard, alluding especially to concerns that people had that police would sometimes misrepresent people in ways that threatened their housing security.

The meeting was formally adjourned at 7:00PM, but several members of the COTF remained behind to answer questions informally. The following reflects notes taken during those discussions.

Q: Will the COTF be making recommendations that address social issues?

Mr. McKenstry replied that the COTF hoped to make recommendations that were rooted in the realities of Baltimore, but that its mandate was focused on civilian oversight. Some of the broad social issues discussed in the meeting were beyond the mandate, important as they were to police-community relations.

Q: Will the COTF be making recommendations regarding correctional facilities?

After some discussion, the COTF replied that such reforms were likely beyond the mandate of the Task Force.