

# COMMUNITY OVERSIGHT TASK FORCE

## PUBLIC SESSION MINUTES

December 20, 2017

Present at the meeting were Community Oversight Task Force (COTF) members Ed Jackson (co-chair), Daniel Levine (secretary), Jeff Anderson, Denise Duval, Ralph Hughes, Ray Kelly, Danielle Kushner and Andrew Reinel.

Also present were:

- John Milton Wesley, Office of Civil Rights
- Leslie Parker-Blyther, Civilian Review Board
- Jesmond Riggins, Civilian Review Board
- Bridal Pearson, Civilian Review Board
- Marcus Nole, Civilian Review Board
- Betty Robinson, Civilian Review Board
- Ebony Harvin, Civilian Review Board
- Jill Carter, Civilian Review Board
- Mel Currie, Civilian Review Board
- Jill Muth, Civilian Review Board
- Blair Thompson, Civilian Review Board
- George Buntin, Civilian Review Board
- Shaun Clark, Civilian Review Board

### I. Welcome

Jill Carter welcomed all members of the COTF and Civilian Review Board (CRB) and thanked them for agreeing to meet so close to the holidays. She expressed her hope that the meeting would be the first in a series between the COTF and CRB, and that the Board – whose members had just been appointed in November – was anxious to get down to work.

Director Carter said that the actions of police after the death of Detective Sean Suiter in the Harlem Park neighborhood demonstrated the need for greater civilian oversight. She also argued that the CRB urgently needed a mandate to go beyond the five categories of alleged police misconduct it was currently able to investigate, so that it could more thoroughly exercise oversight of the police.

Director Carter's remarks were followed by a round of introductions.

Marvin McKenstry agreed that the COTF and CRB need to work closely together. He also briefly addressed a recent critical article on the COTF in the *Baltimore Sun*, indicating that anyone who wanted to know what the COTF had been doing with its time could consult the minutes on the website. He noted that the COTF's aim was to impact all issues raised in the consent decree by improving oversight – without good oversight, any other changes could be moot. Mr. McKenstry also said that the COTF had been meeting with various stakeholders, and had been preparing the ground for a meeting with police representatives.

Bridal Pearson noted that, in other states, the processes involved in police oversight can be siloed, but the CRB, the COTF, and the consent decree monitor are interdependent, and their different roles serve a common purpose.

## **II. Time Constraints**

Mr. Pearson urged all assembled to operate from a sense of urgency.

Mr. McKenstry responded that it was important to the COTF to get its recommendations correct, and noted that the COTF had already had conversations about an extension to its mandate, which had been proposed by the City Solicitor. The extension would be for logistical purposes, and he reiterated the COTF's commitment to Baltimore.

## **III. CRB Report**

Mr. McKenstry noted that the COTF had received a comprehensive report from the CRB at a previous meeting, which also contained a number of proposals for COTF recommendations. He expressed the COTF's hope that the current meeting would be an opportunity to hear more from the members about their experiences as members of the board, as well as with being appointed.

## **IV. COTF Attendance at CRB Meetings**

Leslie Park-Blyther suggested that if all members of the COTF took an opportunity to observe CRB meetings.

Mr. McKenstry said that the COTF and the CRB had discussed occasionally combining meetings in the future.

## **V. COTF Research**

Mr. McKenstry noted that the COTF's community engagement sub-committee was planning to hold forums in each of the 9 police districts.

Mr. McKenstry further noted that the COTF had, until this point, been engaged in research. The research allowed the Task Force to better understand its role, the scope of the consent decree provisions (and where it placed constraints – intentional or unintentional) on action. He explained that some aspects of the consent decree reflected a sense of what was possible, and not necessarily what Baltimore needed. However, he said, the COTF was committed to challenging other actors where needed and making recommendations that were as strong as necessary to empower civilian oversight. Mel Currie concurred regarding limitations of the decree; he noted that Department of Justice members who had met with his community association before the decree was completed told him that they had limitations regarding state law and collective bargaining agreements.

Denise Duval expanded upon the current COTF research, noting that members had so far been researching current local obstacles to oversight (including meetings with the CRB to learn about challenges they faced), looking at nationwide models for effective oversight, planning community engagement meetings, and meeting with activists and other groups to get their input. She also noted that the COTF had limited material support from the city, and would be able to conduct more field research once funds from the Open Society Institute – Baltimore (OSI) were disbursed.

## **VI. Technology**

Ms. Park-Blyther argued that the technology used for police complaints was insufficient. She noted that once a complaint is filed at a police station, it could take up to three weeks to reach the CRB, since communication was done by physical mail and email. Instead, she argued, the system should

be set up to automatically send reports to both the CRB and police, regardless of where or how the complaint was filed. Jesmond Riggins said that these delays can impact investigations, and that it would be better if the CRB had direct access to the same data available to police. Jill Carter noted that the Commissioner and the head of the Internal Affairs Department had agreed in principle to technology upgrades that would allow more information sharing, but there were concerns raised about security.

Jeff Anderson noted that technology issues were solvable, and that many other cities had improvements on Baltimore's system.

## **VII. Obstacles Involved in Filing and Responding to Complaints**

There was some discussion about whether it was critical to take filing complaints out of of police stations, though the consensus that emerged was that the important elements were to ensure that civilians had multiple ways and locations to file complaints, and that complaints be simultaneously reported to the police department and the CRB, wherever and however filed. In addition, Mr. Pearson noted, the BPD currently has the discretion to determine whether or not a complaint falls under one of the categories subject to CRB review.

Mr. Riggins noted that, under the current statute, the Baltimore Police Department (BPD) can accept unsigned complaints, for example, over the phone, but the CRB cannot. Currently, Jill Muth said, about 80% of complaints are filed with the BPD, and 20% with the CRB. A public education campaign might encourage more people to file directly with the CRB. There was consensus that effective oversight would require more

Mr. McKenstry noted some additional challenges that face some people in filing complaints, including literacy, and the fact that there is no one to advocate for civilians who are making complaints, or to help them navigate the process.

George Buntin argued that effective oversight required the BPD to be more responsive to CRB needs; even if BPD procedures could not be directly influenced, obstacles that BPD conduct posed to the CRB's job could become better-known and understood by the public. He expressed special frustration that the BPD was not required to respect CRB recommendations. Mr. Buntin said that the BPD often rejected civilian oversight on the theory that only police could understand the situations police found themselves in. He opined that, to the contrary, only civilians could exercise effective oversight.

There was general consensus that civilians needed to be given multiple options for filing complaints, as even if the culture of policing did shift over time, there would still be many who felt uncomfortable filing complaints with police, or in police stations.

## **VIII. Scope of COTF Recommendations**

Ms. Duval argued that the COTF was one of the only unencumbered representatives of the community's voices among the entities defined by the consent decree, since the monitor's advocacy role was limited and the City and BPD shared interests and a legal department. There was some discussion of whether the judge or other entities could demand revisions to or limitations on the COTF report; however, it was explained that while there is provision for a public comment period and other entities certainly had a hand in implementation of the COTF recommendations, no one could directly limit the scope or strength of the recommendations the COTF included in its report. Part of the reason, as pointed out by Andrew Reinel, that the COTF would be requesting a short

timeline extension would be to ensure that the recommendations were strong, and a strategy for advocating their implementation was in place. Mr. McKenstry noted that, in particular, current thinking on the COTF had been influenced by the recommendations in the CRB report.

## **IX. Body Cameras**

Ms. Parker-Blyther raised the issue of police body cameras, noting that protocols both for when they were used and when footage should be shared with the CRB or other oversight actors were unclear. Shaun Clark said that lack of access to body camera footage had negatively impacted some of his investigations. There were also issues raised about the compatibility between BPD and CRB technology, which could raise barriers to using body camera footage even when it was shared. Technological solutions could also help ensure compliance – for example, if all body camera footage were constantly backed up, as Dr. Kushner pointed out, police could not delay sharing it by claiming that it had been lost.

It was agreed that body cameras and timely sharing of their footage should be considered in the COTF recommendations, either on their own or as part of broader recommendations regarding technology, including technology for the Office of Civil Rights and CRB (and that this recommendation would be connected to recommendations regarding CRB funding). Ms. Duval noted that the monitor had also raised concerns about the state of current technology.

## **X. BPD Representation on the CRB**

Ms. Parker-Blythe said that the BPD's representative to the CRB often seemed disengaged from the process, and would answer questions as asked but was not often an active participant. Director Carter pointed out that this was not an issue with any particular individual, but reflected an attitude of the department, and was connected to the inability of the CRB to hold the BPD accountable.

Betty Robinson connected this attitude to over-reliance on police power, which could lead to an attitude among police that civilians are not competent to judge police; and, she noted that other cities had begun to remove some tasks given to police to other agencies or actors.

Mr. McKenstry noted that the COTF had a police historian in the person of Ed Jackson, and had discussed issues of policing that went beyond the particular context of Baltimore in its search for best practices and solutions. He noted that the OSI funds would allow for the COTF to visit other bodies like the CRB around the country to learn from them.

## **XI. Future Joint Meetings**

There was general agreement that the COTF and CRB should meet again as full bodies, and that some members of the COTF should meet with CRB staff specifically to discuss technical details of their operations.

*The meeting was adjourned at 8:00PM*