COMMUNITY OVERSIGHT TASK FORCE

PUBLIC SESSION MINUTES
July 27, 2017

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

Also present were:

 Shantay Guy, Baltimore Community Mediation Center
 Tara Huffman, Open Society Institute-Baltimore

Summary of motions adopted:
- Valencia Johnson steps down as Chair
- Marvin McKenstry becomes new Chair
- Ed Jackson elected new Vice-Chair
- Robert's Rules of Order adopted to cover procedural matters not already determined by the Consent Decree or Open Meetings Act
- Minutes from 19 July 2017 approved
- Three subcommittees created:
    o Baltimore City Institutions Research (chaired by Ed Jackson, joined by Valencia Johnson and Andrew Reinel)
    o External and Comparative Research (chaired by Denise Duval, joined by Jeff Anderson and Ralph Hughes)
    o Community Engagement (chaired by Danielle Kushner, joined by Daniel Levine and Marvin McKenstry)

I. Welcome

Marvin McKenstry welcomed everyone to the meeting.

II. Officer Change

Following the previous meeting, via email, Valencia Johnson had expressed her intention to step down as chair of the Community Oversight Task Force (COTF). All COTF members expressed appreciation for her service as Chair, and Mr. McKenstry noted that her stepping down reduced the gender diversity of the COTF officers. Densie Duval moved that the COTF accept Dr. Johnson's resignation as chair and that Mr. McKenstry (formerly the vice-chair) be formally approved as chair; the motion was seconded by Ed Jackson, and passed unanimously.

Ms. Duval then moved that Ed Jackson be elected as the new vice-chair; the motion was seconded by Dr. Johnson, and passed unanimously.

III. COTF Procedures

Mr. McKenstry pointed out that the most difficult task for the COTF was likely to be functioning as a cohesive unit focused on the forward movement of Baltimore City. He expressed admiration for the talent of everyone on the COTF and appreciation of their contributions, and concern that the COTF did not always have clear operating protocols.

Daniel Levine suggested that the COTF could formally adopt Robert's Rules of Order to govern COTF procedures. Dr. Johnson raised the concern that Robert's Rules might conflict with some procedures required by the COTF's mandate in the Consent Decree, the COTF's charge from the

City, or the Open Meetings Act. Dr. Levine amended his motion to: "The COTF shall adopt Robert's Rules of Order for any procedures not already covered by the Consent Decree or the Open Meetings Act." The motion was seconded by Jeff Anderson, and passed unanimously.

IV.   Adoption of Minutes

Ms. Duval moved that the COTF adopt the minutes of the 19 July meeting as submitted; the motion was seconded by Dr. Anderson and passed unanimously.

V. Outline of Work

Dr. Anderson circulated copies of a proposed outline/timeline of work (see appendix). Mr. McKenstry called the outline "outstanding" and expressed hope that it would guide the work of the COTF as the work progressed. Dr. Anderson explained that he constructed the outline by going through the COTF's mandate in the Consent Decree and listing all items that the COTF was required to cover in its final report, as well as questions that the report was intended to answer. He pointed out that the outline was not intended to exclude the COTF's seeking additional information – for example, in addition to posing questions to the Civilian Review Board (CRB), the COTF could also interview representatives from the US Department of Justice, the National Association for Civilian Oversight of Law Enforcement (NACOLE), the Open Society Institute, and others.

VI.   Meeting with Open Society Institute-Baltimore (OSI)

Since the last meeting, Ms. Duval had been asked by Dr. Johnson to reach out to OSI. Ms. Duval reported that OSI was connected to important national centers of research and advocacy around civilian oversight, including NACOLE. Ms. Duval recommended that all COTF members review the information available via the NACOLE website.

In October 2016, Ms. Duval explained, Tara Huffman of OSI had brought together over 150 stakeholders and analysts from Baltimore and beyond for a series of panel discussions on civilian oversight of police. Ms. Duval said that OSI thought the COTF might particularly benefit from looking at best practices from Philadelphia and Seattle, which are similar in relevant ways to Baltimore. OSI would be able to offer several forms of support to the COTF: they could help convene stakeholders and community groups in Baltimore (including bringing in groups from outside the city), they might be able to support limited travel of COTF members to other sites, and they could share what they had learned from community partners, such as the Baltimore Action Legal Team, in their work on the Consent Decree. Ms. Duval pointed out that the COTF could also contact the Department of Justice to obtain written comments that had been submitted during the Consent Decree process, and said that OSI could facilitate that contact. Finally, OSI could help the COTF hire a writer to help with the drafting of the Task Force's final report. Several COTF members expressed support for that idea, so long as final control and ownership of the text would remain with the COTF.

VII.   Subcommittees

Mr. Jackson emphasized the need for the COTF to organize its work in such a way as to maintain focus on the goal of strengthening civilian oversight and closing the gap between the police and the community. After brief discussion, the consensus was that the questions Dr. Anderson had included in his outline would serve as a good guide to research, and that the focus of committees could be refined as they learned more and reported back to the full COTF. Andrew Reinel argued that any research must examine not only procedures as written, but also take steps to determine if official procedures were being followed. Dr. Johnson suggested that the COTF develop procedures to protect the confidentiality of any interviewees within City agencies, especially (as several members reiterated later) if there was a chance that the COTF might recommend changes

that could embarrass individuals associated with the CRB, or imperil their jobs.

Mr. Jackson and Ms. Duval both expressed the opinion that the Baltimore CRB was weak compared to that in other cities (for example, in its lack of subpoena power), in part because of political compromises made during its creation, and so neither subcommittees nor the COTF should feel bound to restrict its recommendations to reforms within the existing framework, but should consider whether the framework of civilian oversight in Baltimore needed to be overhauled more radically. This reinforced the need to look at procedures as followed and take into account, for example, the fact that data did not seem to be being collected in accord with CRB procedures. Mr. Jackson and Mr. Reinel also pointed out that examining the impact and operations of the Trial Board and the Law Enforcement Officers' Bill of Rights had on the quality of civilian oversight in Baltimore. Ralph Hughes opined that any recommendations to change the Law Enforcement Officers' Bill of Rights were likely to encounter insuperable opposition from law enforcement beyond Baltimore; Mr. Jackson and Mr. Reinel replied that the COTF should include all recommendations the members thought were warranted, even if their adoption would face serious challenges. Ms. Duval added that, in other cities, COTF-like organs had made broad recommendations, including that the community oversight body persist past its initial mandate in the Consent Decree to continue advocating for the adoption of its recommendations.

Dr. Levine argued for the creation of a community engagement subcommittee, for two reasons. First, that community input was part of the COTF mandate; second, that COTF recommendations would most likely need community support and advocacy to be implemented. Dr. Johnson suggested that the COTF should also have a community education function.

Dr. Johnson asked if it would be necessary for subcommittees to clear their work with the Chair before meeting with members or staff of the CRB, or other interviewees. Mr. McKenstry replied that subcommittees would not need to seek permission from the Chair for their research work, but would be expected to report back to the full COTF on their work regularly, in a brief update period that would be a regular feature of future meetings. Ms. Duval added that subcommittees should make their meetings known to the full COTF, and welcome other interested members, so long as no more than four COTF members were at any subcommittee meeting (to avoid violations of the Open Meetings Act). More significant events orchestrated by subcommittees, such as community forums, could be announced far enough in advance to permit full attendance without violation of the Act.

After some discussion of the precise breakdown of the work, Dr. Levine (seconded by Dr. Anderson) to establish three committees based on a schema devised by Danielle Kushner:

1. Baltimore City Institutions Research
2. External and Comparative Research
3. Community Engagement

The motion passed unanimously, and: Mr. Jackson was elected as chair of the City Research subcommittee, Ms. Duval as chair of the External Research subcommittee, and Dr. Kushner as chair of the Community Engagement subcommittee. All nominations were approved unanimously. Other members were assigned to subcommittees by volunteering and open discussion: Mr. Reinel and Dr. Johnson joined the City Research subcommittee, Dr. Anderson and Sen. Hughes joined the External Research subcommittee, and Dr. Levine and Mr. McKenstry joined the Community Engagement subcommittee. There was some discussion of refining the mandate of each subcommittee further, but the general consensus was that subcommittees could discuss refining their own mandates and present their proposals to the COTF for approval, if necessary.

VIII. Questions for the Department of Justice

There was some discussion of questions to be asked of the Department of Justice, that evolved into a discussion of how to prepare and plan for COTF meetings with any major institutional actors the Task Force might want to query. The discussion was not conclusive, but it was suggested that the research questions in Dr. Anderson's outline would provide a good initial guide, and that the COTF should begin determining with whom the full Task Force might need to meet. Mr. McKenstry suggested that engagement strategies could be developed by the appropriate subcommittees.

IX. Next Meeting's Agenda

Dr. Anderson proposed that during the second half of the next meeting, subcommittees could meet in breakout sessions (that would remain open to any interested members of the public in attendance).

During the hour before the subcommittee sessions, the following items of discussion were proposed: Mr. McKenstry proposed that there be time for report-backs from subcommittees on any work they had already done in the intervening week. Dr. Anderson suggested a discussion of which organizations the COTF would like to meet with, and of locations around the city where the COTF could meet, to maximize its accessibility to the community.

Shantay Guy spoke up, suggesting an open comment period be added to the agenda. Mr. McKenstry and Dr. Levine discussed whether it would be possible to include an open comment period, and agreed to seek further legal clarification from the Mayor's Office. In general, Dr. Kushner pointed out, the Community Engagement subcommittee could discuss avenues for community input and make concrete proposals to the COTF.

The meeting was adjourned at 6:57 PM.

<div align="center">Working Outline
Community Oversight Task Force Report</div>

I. Review of current civilian oversight system in Baltimore
II. Review of civilian oversight models in other jurisdictions
III. Recommended improvements for Baltimore's system
   A. Efficacy
      1. Complaint intake
      2. Investigations
      3. Resources
      4. Coordination with BPD
      5. Independence from BPD
      6. Authority to recommend discipline
      7. Necessary legislation for implementation
   B. Impediments
      1. Complaint process
      2. Accountability for police misconduct
   C. Community access to promote public trust
      1. To information on CRB processes and procedures
      2. Complaint investigation activities
      3. Discipline recommendations
      4. Outcomes from complaints
      5. Necessary legislation for implementation
IV. Community policing strategies
   A. Cooperation between BPD and the communities it serves
   B. Community perspectives on BPD policies, procedures, and practices
   C. Civilian-Police communication structures
   D. Civilian-Police oversight structures

Timeline

August 2017
Primary Tasks:
       Data Collection
       Organization

1. Collect data from the CRB in Baltimore and from other jurisdictions that have successful community oversight systems focused on the following questions:
       -What is the complaint intake process?
       -What is the investigation process?
       -What are the impediments to the complaint process?
       -What resources are available?
       -How does the organization coordinate with the police department?
       -How does the organization maintain independence from the police department?
       -What kind of authority does the organization have in recommending discipline?
       -What are the impediments to accountability for police misconduct?
       -What items are legislatively mandated and/or prohibited?
       -How can the community access information on the complaint processes and procedures?
       -How can citizens track complaint investigation activities?
       -How are complainants informed of discipline recommendations/complaint outcomes?

2. Invite input on organization and data collection from NAOCLE, Open Society Institute, Justice Department, etc.

September 2017
Primary Tasks:
       Data Aggregation
       Community Listening Process Development

1. In early September, members and subcommittees report back on their findings to the task force. The task force will begin developing initial concepts of recommendations based on the findings.

2. During mid-September, the task force will develop community listening processes and strategies (Surveys? Neighborhood meetings? Panel discussions with Community Organizations?) to address the following general questions in light of the research findings:

       -What does cooperation between BPD and the communities look like to you?
       -How can the BPD better understand your perspectives on policies, procedures, and
        practices?
       -What ways would be helpful for you to express your concerns about policing?
       -What kinds of civilian oversight do you think would be most helpful?

October 2017
Primary Tasks:
      Community Listening

Based on the work done in September, the task force will engage in community listening throughout the month of October.

November 2017
Primary Tasks:
      Envision and begin to codify a plan for Baltimore the incorporates best practices and community input.

December 2017
Primary Tasks:
      Create a rough draft of the final report.

January 2018
Primary Tasks:
      Create a publication-ready draft of the report for community review and input.