

**POLICE ACCOUNTABILITY BOARD FOR BALTIMORE
REGULAR MEETING AGENDA**

September 11, 2023

Zoom

6:00-8:00 pm

I. Welcome

II. Roll Call

Present

Joshua Harris
Mansur Abdul-Malik
Marc Broady
Dr. Janetta Gilmore
Megan Kenny
Stephanie Lee
Harold Madison
Dr. Doris Minor Terrell
Maraizu Onyenaka
Jamal Turner
Avi Wolasky
Jesmond Riggins

Absent

Ambassador Peter Bodde
Antoine Burton
Bryan Upshur
Lisa Nguyen

OECR Staff

Deputy Director Caylin Young
Lisa Kelly
Chief Mariel Shutinya
Jumel Howard
Samuela Ansah

III. Review and Approval of Agenda

Member Terrell motioned to adopt, seconded, Motion adopted, Agenda approved.

IV. Review and Approval of Minutes

Member Turner motioned to adopt; seconded; no discussion; motion adopted, August minutes approved.

V. Staff Updates

Mariel announced vacancy for youth position on the Police Accountability Board; application will be sent to members and posted on the OECR website.

Trial board applications for members to choose a civilian member for the Statewide trial board will be sent to members.

Baltimore Police Department invites PAB members to in-service trainings; OECR staff will go and report; Member Gilmore attended Public Order Forces training and reported it is the new norm handling crowd control; Member Gilmore attended the Insight Policing training and reported it had good materials but missed opportunities to update content; approved of exam.

Johns Hopkins University Police Department will release draft policies soon for 60-day open comment period for members to provide feedback; OECR staff will send them when they are available.

Office of Equity and Civil Rights 'Civil Rights Week' October 27th-Nov 4th. November 1st will be dedicated for police accountability in collaboration with Mayor's Office of Neighborhood Safety and Engagement; invitations will be extended to members.

Chair asked how notifications of PAB meetings are announced to the general public.

Chief Mariel answered information is always online and members of the public who are on the email list receive calendar invites of the meetings; staff can create an email list and social media as well.

Chair asked if anyone was hired for community engagement.

OECR staff member Jumel Howard introduced himself as the Community Outreach Coordinator.

Chair clarified if members of the public on the calendar invites are receiving updates from the Office of Equity and Civil Rights regarding the Police Accountability Board meetings.

Chief Mariel confirmed members of the public who requested to be on the calendar invite are receiving updates from OECR and staff will create an email list.

Member Riggins suggested to Staff member Jumel Howard if reaching out to Consent Decree Monitor might be useful to build email list to engage with community.

Chair mentioned Consent Decree Monitoring Unit will be present at the next PAB meeting.

VI. Public Information Request Presentation

Ms. Teresa Epps Cummings from City's Law Department presented on the Maryland Public Information Act

Members will receive a copy of presentation from OECR staff

Member Riggins asked how long records are kept by city custodians.

Ms. Cummings responded it depends by each agency; each agency should have a record retention policy

Member Riggins asked specifically for the Office of Equity and Civil Rights

Chief Mariel answered records are kept for 3 years in office; older records will get archived.

Member Riggins asked about emails that contain case information, how and when are they accessed/archived both physically and electronically.

Ms. Cummings answered emails are stored electronically and are accessed electronically.

Chair Harris asked would there be a reason an MPIA request would go unanswered.

Ms. Cummings answered every request receives a response.

Chair Harris asked if there has been a situation where an MPIA request has been unanswered.

Ms. Cummings responded occasionally press request may take too long and ends up in the press or an email goes to an individual that is no longer employed with the City.

VII. State's Attorney's Office Presentation

Tabled as representative from State's Attorney's Office was not present.

VII. New Business

- Brooklyn Homes After-Action Review
 - Chair Harris opened the floor for discussion on the Brooklyn Homes After-Action Review
 - Chief Mariel reported no complaints from the public; Acting Commissioner Worley stated there are internal complaints coming in involving members of the public the ACC and PAB will receive.
 - There will be a city council hearing on Brooklyn Homes on Wednesday September 13th at 1 PM
 - Chair Harris stated the after action of the release of the

- report was concerning, who will ultimately take responsibility for the tragedy
- Member Turner inquired how much was reported on interactions with the public and feedback from the public regarding action taken by city agencies after the tragedy. City agencies have good intentions but poor delivery/impact; recounted a victim of Brooklyn homes experience being retraumatized after being taken back to the scene of the tragedy.
 - Chair Harris agreed and suggested a dedicated family victim service from Baltimore Police Department.
 - Member Kenny shared relating to Chair Harris' comments on accountability, individuals who are suspects, particularly minors are often publicized but officers in the After-Action Report are unnamed and shielded.
 - Chair Harris agreed sharing names is a good policy recommendation
 - Chair Harris asked if there is any action the PAB should take in relation to the After Action Report
 - None

VIII. Old Business

- Elections
 - Chair Harris asked if there any additional nominations for Vice Chair, Secretary and Treasurer
 - Any nominations for Secretary?
 - Member Turner nominated Member Lee for Secretary
 - Member Lee accepted the nomination for Secretary
 - Chief Mariel noted nominations had taken place offline and announced Member Turner and Member Gilmore had been nominated and accepted nominations for Vice Chair and Member Lee had been nominated and accepted nomination for Secretary
 - Chair Harris nominated Member Kenny for Secretary
 - Member Kenny declined nomination.
 - Chair Harris formally asked for nominations for Treasurer.
 - None
 - Chair Harris formally asked for nominations for Vice Chair
 - Member Lee nominated Member Gilmore who accepted
 - Member Kenny nominated Member Turner who accepted
 - Chair Harris sets a motion to elect Member Lee as

Secretary

- Member Brody moved the motion, seconded by Member Kenny
- Motion carries: Member Lee is Secretary of PAB
- Chair Harris asked members if there is a preference for voting publicly or privately.
 - Deputy Director Young noted voting should be public as this is a public board.
- Member Abdul-Malik asked if nominees would speak as to why they should be Vice Chair
 - Member Gilmore speaks on nomination to Vice Chair
 - Member Turner speaks on nomination to Vice Chair
 - Member Minor-Terrell asked if it is possible to vote in private to respect the rights of the Board members.
 - Deputy Director Young reiterated voting should be public in the interest of transparency and members can abstain if they do not want votes public.
 - Chair Harris noted election for Chair was private votes and Board members are under the impression their votes are private.
 - Deputy Director Young will inquire about previous votes for recordkeeping.
 - Member Riggins clarified between election of a Vice Chair being public versus votes of those officials being public. Member Riggins clarified Deputy Director Young is stating votes for those officials should be public. Deputy Director Young affirmed that is correct.
 - Member Brody suggested votes can be sent to the Chair directly for those who prefer privacy.
 - Deputy Director Young stated that would not be appropriate as voting should be public in case that information is requested.
 - Chair Harris is not sure if it is mandated for votes to be public, meeting minutes documents Board actions and action would reflect the action of electing a Vice Chair.
 - Deputy Director Young states the Police Accountability Board is an independent board and can do as they wish, but advises votes to be public
 - Chief Mariel reminds Board they can delay elections until the next meeting to receive

- an opinion
 - Chair Harris entertains a motion to move forward with the election of Vice Chair if majority of members agree
 - Member Broady motioned to move forward with election of Vice Chair, Member Turner seconds the motion
 - Member Madison abstains from voting to move forward with the election of Vice Chair
 - Members voted to move forward with the Election of Vice Chair
 - Motion carries to move forward with election of Vice Chair
 - Members cast their vote in the chat to vote for a Vice Chair
 - Member Madison abstains
 - Chair Harris abstains
 - Member Turner wins the election of Vice Chair 6-3 with 2 abstentions
 - Member Gilmore motion to elect Member Turner as Vice Chair
 - Motion seconded by Member Broady and carries
 - Member Turner elected as Vice Chair
- Committee Formation and Scheduling
 - Bylaws Committee Chair Marc Broady, Jesmond Riggins, Bryan Upshur, Peter Bodde
 - Data & Research Committee Chair Megan Kenny, Avi Wolasky, Dr. Janetta Gilmore, Ps. Antoine Burton
 - Community & Organizational Engagement Chair Mansur Abdul Malik, Lisa Nguyen, Harold Madison, Maraizu Onyenaka, Stephanie Lee
 - Appointments Committee Chair Doris Minor Terrell, Marc Broady, Megan Kenny
 - Police Effectiveness Committee Chair Dr. Janetta Gilmore, Jamal Turner, Mansur Abdul Malik, Maraizu Onyenaka, Doris Minor Terrell
 - Policy Advice Chair Jesmond Riggins, Megan Kenny, Dr. Gilmore, Mansur Abdul Malik, Jamal Turner, Peter Bodde
- Quarterly Meeting Scheduling
 - Chair Harris asked OECR staff to create a quarterly meeting schedule for law enforcement agencies to attend PAB meetings
 - Chief Mariel presented on the invitation schedule
 - Chair Harris requested for Baltimore U.S. Marshalls be added to the invitation schedule as they operate frequently in the City.
- Vice Chair Turner takes over the meeting
- Policy Feedback

- Chief Mariel spoke on a comprehensive method to communicate policy recommendations to law enforcement agencies as mandated by enabling legislation
 - Chair Harris resumes leading the meeting
- Member Riggins asked who on staff will assist members with their policy work
 - Chief Mariel answered currently Samuela and Chief Mariel will be assisting the Board with policy related assignment however the OECR is also searching for a fulltime policy position dedicated to the PAB. OECR also has two full-time policy positions that can also assist.
- Member Riggins presents SharePoint as a centralization point for policy feedback and committees
 - Mariel noted trainings on utilizing SharePoint will be shared with the Board members
- Member Kenny seconded Member Riggins point; has begun some data analysis that is in the SharePoint members have access to
- Agency Engagement
 - Quarterly Meeting Schedule was discussed earlier in the meeting
- Bylaws
 - Chair Harris asked if feedback on bylaws was received; Chief Mariel received feedback on Bylaws from the City's Law Department and will be shared with members
 - Deputy Director Young noted changes on committee structure and pushback from Law Dept comes from items in Bylaws that are beyond the scope mandated by the City Council
 - Chair Harris asked if comments came from Law Dept or OECR and if there will be delineation between the comments from the agencies
 - Deputy Director Young noted comments OECR are advisory unless they conflict with the law
- Board Members Stipend
 - Chair Harris announced legislation may allow for Board members to be compensated
 - DD Young advised decision on compensation would be a decision for the Board of Estimates and City Council and recommends compensation should be discussed with OECR staff and respective City Council representatives
 - Member Lee asked what will members be compensated for such as registration to conferences or mileage.
 - DD Young advised there is allowance for reasonable expenses such as mileage
 - Chief Mariel noted reasonable reimbursements such as parking, mileage is allowed; boards and committees for the City are typically not compensated as they operate in a volunteer capacity. Compensation is an appropriation item that would be subject to approval by Mayor and City

- Council and Board of Estimates as well as budget of OECR
 - Chair Harris asked if there is a form for reasonable reimbursement
 - Chief Shutinya agreed to have staff create a reimbursement form
 - Deputy Director Young recommended the fiscal staff position in OECR present to the Board on the reasonable reimbursement process
 - Vice Chair Turner asked if expenses from previous months are still submissible for reimbursements
 - DD Young noted parameters are in place that govern the timeline for reimbursements, but as the Board has not been briefed on them, all reasonable expenses to this date are eligible for reimbursement
- Independent Counsel
 - Chair Harris noted there may be times when there is a difference between the Board's position and the position of the City's Law Department where independent counsel for the Board may be appropriate. The Board may want to consider a searching for a pro-bono independent legal counsel through a Request for Proposal
 - Member Broady agrees independent counsel will be wise
 - Member Abdul-Malik asked if the independent counsel would have to be pro-bono due to appropriation restrictions
 - Chair Harris expressed that would be one of the reasons an independent counsel is needed
 - Deputy Director Young is working on a memo to the City administration to recommend an independent counsel for this body. Office of Equity and Civil Rights is considering an addition in appropriation for independent counsel for the PAB in the next Ordinance of Estimates who would be an OECR staff member with a solicitor's letter that allows them to opine on matters independently of the City's Law Department.
 - Chair Harris noted member's concerns of having City employee's as independent counsel to the Board
 - DD Young reiterates these are ideas and plans OECR is considering allowing the Board independent counsel who can be compensated. The Board might consider a legal counsel who is under contract to receive compensation with a solicitor's letter from the City's Law Department to maintain independence and not a City employee
 - Member Abdul-Malik asked who would control the termination of an independent counsel
 - Deputy Director Young noted if the legal counsel is under a request for proposal that would require a larger conversation with City administration in consultation with the Board. If the legal counsel was staffed in OECR, that decision would come from the Director of OECR that can

- include members of the Board
- Member Wolasky offered his legal services as a new law school graduate
- Member Abdul-Malik asked what are the next steps
- Chair Harris notes board can submit a request for proposal for a pro-bono attorney in the meantime
- Member Abdul-Malik asked what the request for proposal process is like
- Chair Harris answered the request for proposal be created by the Appointments committee or Policy Advice committee
- Member Kenny asked if partnering with law schools/clinics would be feasible
- Member Gilmore recommended Deputy Director Young's option based on available resources and neutrality
- Member Malik-Abdul disagrees with Member Gilmore's position based on the inherent conflict of interest as a City employee
- Chair Harris recounts his experience working on legislative issues in the City and with the City's Law Department
- Member Gilmore doesn't degree, shares her opinion based on professional experience
- Member Riggins recounts the Civilian Review Board sued Baltimore Police Department based on conflict when City Law Department didn't act on behalf of Civilian Review Board and the Board move forward with that in mind
- Deputy Director Young recommends Board members review the statute that governs the Police Accountability Board. DD Young agrees there are instances of conflict of interest and advocates for independent counsel for this Board. The enabling legislation allows the Board to hire independent counsel in consultation with the Director of OECR. Board members may lobby their City Council representatives if they wish to make changes to the language of the enabling legislation.
- Chair Harris noted he's been asking about staffing for this Board as there has been no consultation with Board members on positions that are being hired for the Board
- Deputy Director Young believes discussion related to employment for the Board can be implemented
- Member Malik asked for clarification on Deputy Director Young's comments on staffing and budgets
- DD Young clarified the Board may seek pro-bono counsel
- Chair entertains motion to solicit pro bono counsel to interpret legislation that governs the Police Accountability Board
 - Member Broady motions to seek counsel; seconded by Member Abdul-Malik
 - Member Gilmore and Member Lee oppose
 - Motion passes; Chair Harris will work with Appointments Committee to create an Request for

- Proposal to solicit pro bono counsel
- Chair Harris opens the floor for discussion on new items
 - Member Brody mentions a holiday party
 - Vice Chair Turner seconds a holiday party
 - Chair Harris agrees but notes COVID and busyness of holidays; suggests Vice Chair Turner find suitable dates for a gathering or during a scheduled PAB meeting. Chair Harris is also seeking to have the October PAB meeting in person
 - Vice Chair Turner will create and share a Doodle for potential holiday party date
 - Member Abdul noted annual report will be due soon; there should be a timeline to complete the annual report to meet legal requirement
 - Chair Harris believes Policy Advice Committee will take the lead on the report
 - Mariel noted legislation is due December 31 to Mayor and City Council
 - Chair Harris asked for last year's report

IX. Public Comment

No public comment

X. Adjournment

Vice Chair Turner motions to adjourn meeting, Member Kenny seconds motion; meeting is adjourned.