

Civilian Review and Accountability Board
Meeting Summary
Wednesday, July 5th, 2023

Members Present: Turney Berry, Vice-Chair; Marianna Michaels; Scott Dickens; Antonio Taylor; Stachelle Bussey; and Barbara Haigler.

Staff: Edward Harness; Ambra Hunter; Kattie Snow; Tracy Carter; and Dr. Thomas Whetstone.

I. Welcome and call to order

Turney Berry, Vice-Chair, called the meeting to order and welcomed those in attendance.

II. Approval of the Agenda

Member Antonio Taylor made a motion to approve the July 5th Agenda. Member Scott Dickens seconded the motion. Unanimously passed.

III. Review and Approval of Minutes from May 24, 2023

Member Scott Dickens made a motion to accept, Member Barbara Haigler seconded the motion. Unanimously passed.

IV. Public Comment

None

V. Discussion and Possible Action:

a. LMPD SOP – 2.10.1.1 Retaliation for Filing a Civilian Complaint (IG Harness)

Vice-Chair Berry gave the floor to IG Harness who explained it has been well past the 45 days request to respond and asked the board for input on next steps. Vice-Chair Berry asked if there were potentials we could consider, IG Harness said we should send a letter to Metro Council and the Mayor's office regarding the lack of response from LMPD. Member Dickens wants to know if there is a line of communication with the department to check in and make sure they are not in the process of responding before we resort to escalating. IG Harness said he could certainly reach out to the Interim Chief to check if Major Kaplan was intending to respond. Member Antonio Taylor asked when we had originally submitted the request, IG Harness responded that it was in April. Member Barbara Haigler said she thought they already had sufficient time to respond and that the board should consider that IG Harness be allowed to reach out to Metro Council and The Mayor's Office if LMPD has not responded by Friday, July 7th. Member Taylor stated board members might also reach out personally to Metro Council Member McCraney. Vice-Chair Berry seconded Member Haigler's suggestion which was unanimously passed.

b. Grievance – River City FOP Lodge 614 v. OIG

Vice-Chair Berry gave the floor to IG Harness who explained that we

believe we are in compliance with the collective bargaining agreement because we attached a copy of the complaint which is the language specifically in the CBA. The FOP disagrees and asks the Interim Chief to suspend all interviews until this matter is resolved. IG Harness responded to the grievance that the grievance is not timely nor can the lodge file a grievance for a non-grieving member. The Chief responded that she would like to find a time that all parties can meet to resolve the matter. IG Harness responded in the affirmative but has not received a response. Requesting that board issue a letter to the Chief and Metro council urging that this matter be resolved so investigations can continue. Vice-Chair Berry clarified that the board take the position that a complaint is enough grounds to justify a preliminary investigation and that LMPD is reacting this way because they are afraid that the OIG and CR&AB want the process to be adversarial. IG Harness said he agreed that it put an unnecessary burden on a citizen complainant and that we are a neutral party following the facts. Member Michaels said she thought a letter to the Interim Chief is appropriate since there has not been a response. Vice-Chair Berry asked for a vote on sending letters to which the board unanimously voted in favor.

VI. Investigation Recommendations

- a. 11-IG-2023** – Date of incident is 9/19/2017. Received in office 3/15/2023. Complainant alleges that LMPD kicked in her door and tased her son. Based on the preliminary investigations, the allegations were true, but were within protocol based on the belief that there was an immediate threat. Member Taylor asked for more information. Domestic violence, scream, denial of entry. It was reviewed by LMPD and our office agreed with their findings. IG Harness does not recommend a formal investigation as the preliminary investigation could not minimally substantiate the claim. Board unanimously agreed that an investigation not take place.
- b. 14-IG-2023** – Date of incident, 11/25/2023. Received in office 3/21/2023. Complaint alleges LMPD failed to complete a full investigation into her son's homicide. Preliminary investigation showed LMPD completed an investigation and forwarded the case to the prosecutor who declined to press charges under the Stand Your Ground laws. IG Harness does not recommend a formal investigation. Board unanimously agreed that an investigation not take place.
- c. 20-IG-2023** – Date of incident, 3/1/2023. Received in office 4/19/2023. Complaint mentions no actual allegations against LMPD and declined to show for any interviews. IG Harness did not recommend a formal investigation. Board unanimously agreed that an investigation not take place.
- d. 30-IG-2023** – Date of incident 7/20/2020. Received in office 5/4/2023. Complaint alleges that LMPD did not respond, preliminary investigation showed that LMPD did respond and further the complaint did not contain any allegations that fell within our jurisdiction. IG Harness did not recommend a formal investigation. Board unanimously agreed that an investigation not take place.

- e. **32-IG-2023** – Date of incident 6/18/2022. Received in office 5/9/2023. Complainant alleges that LMPD failed to properly secure his vehicle after a crash. Preliminary investigation showed that there was no policy violation and that the matter was one of a misunderstanding between LMPD and the complainant’s insurance. The complainant Risk Management. IG Harness did not recommend a formal investigation. Board unanimously agreed that an investigation not take place.
- f. **33-IG-2023** – Date of incident 5/8/2023. Received in office 5/10/2023. 3rd Party complaint alleging excessive force. Preliminary investigation showed that the incident was within policy. IG Harness did not recommend a formal investigation under. Board unanimously agreed that an investigation not take place.
- g. **36-IG-2023** – Date of incident 5/19/2023. Received in office 5/19/2023. Complaint against code enforcement and not LMPD, case is outside of our jurisdiction. IG Harness did not recommend a formal investigation under. Board unanimously agreed that an investigation not take place.
- h. **38-IG-2023** – Date of incident 8/16/2021. Received in office 6/1/2023. Unable to identify any party involved in the matter and that the complaint was too abstract. IG Harness did not recommend a formal investigation under. Board unanimously agreed that an investigation not take place.
- i. **39-IG-2023** – Date of incident 6/10/2023. Received in office 6/12/2023. Complainant is filing on behalf of son due to excessive use of force. IG Harness did recommend a formal investigation under 4. Dickens wanted to know how there was enough information for an incident that was so recent. IG Harness responded that it was access to the body camera footage. Board unanimously agreed that an investigation take place under SS36.83.A.4 Excessive use of Force.

VII. Other Business:

- a. **Community Policing Councils** – First meeting was in the 1st division, then 8th, next is 2nd. We did reach out to LMPD to cooperate and as recently as the morning of the first meeting, IG Harness met with Col. Humphrey and all division commanders to introduce the concept and agendas, and our expectations for their participation. The department affirmatively is refusing to participate. Member Dickens asked if it was influence from the FOP or Command, IG harness said he was unsure. One of the Command responses was that it was duplicative of the citizens advisory boards, to which IG Harness asked for more information about the boards but was only given the meeting dates, not the time, locations, agendas, or any other information. IG Harness requested collaboration to ensure that our program did not overlap their but was denied. Our meetings are open to the public and do not require participation in the Citizen’s Police Academy. Dickens, they need the public trust. Taylor, did they know. Michaels wanted to know if IG Harness thought it would be productive to ask if there was a format in which LMPD would be willing to participate. IG Harness said he did not think that there was. Taylor wanted to know if the Mayor’s Office was aware of LMPD’s refusal to participate because they should be, IG Harness said he was not sure. Vice-

Chair said that it should be included as part of our community engagement report. Member Taylor thought we should be more proactive in our statement. Members Dickens and Haigler thought it would be best to let the community see it firsthand and not go to Metro Council because it could make things more difficult. Vice-Chair Berry suggested reaching out to the chief and asking them to reconsider in the future. IG Harness said he would continue to report back to the board. Vice-Chair Berry said we should wait until the next meeting to act based off what, if anything, changes.

- b. PrideFest Report** – IG Harness reported that we had a booth at Pride and had over 300 members of the community engaged with us. We also participated in the Mayor’s Night Out and will be participating in the National Night Out and the next Pride festival in September.

VIII. Adjourment- *Next Regularly scheduled Civilian Review & Accountability Board meeting will be at the virtual on July 26th, 2023, at 3:00 p.m.*

DRAFT