

Civilian Review and Accountability Board

Meeting Summary

Wednesday, January 25th, 2023

Members Present: Kellie Watson, Chair; Turney Berry, Vice Chair; Jennifer Green; Barbara Haigler; Marianna Michaels; Denise Sears; and Antonio Taylor.

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

I. Welcome and Call to Order

Kellie Watson, Chair, called the meeting to order and welcomed those in attendance.

II. Approval of the Agenda

Turney Berry made a motion to approve the January Agenda. Marianna Michaels seconded the motion. Unanimously passed.

III. Review and Approval of Minutes from December 28th, 2022

Barbara Haigler made a motion to accept the December 28th, 2022 minutes, Turney Berry seconded the motion.

IV. Public Comment

- a. None

V. Discussion and Possible Action

- a. Ordinance Amendments (Chair Watson, IG Harness) - Chair Watson opened the floor to IG Harness
 - a. OIG's Recommendations – Includes proposals from the OIG and LMG legal counsel. IG Harness talked about creating a shield to protect budget from politics. Denise Sears wanted to clarify that we were looking at amendments and not the ordinance in its entirety. Chair Watson wanted to know if it had been discussed with OMB, IG Harness said it had not yet. Antonio Taylor questioned how the change of administration affects the board and OIG. IG Harness replied that we have a meeting tomorrow, 1/26/2023, with Mayor Greenburg. IG Harness has proposed additional training for investigators. City counsel proposed informing employees of Garrity rights prior to conducting an interview, IG Harness thinks it is procedural and not necessary unless it is standard practice. Chair Watson

concurrent. IG Harness would like to remove the term “excessive” from excessive force. He would also like to broaden 3. Abuse of Police Authority. IG Harness believes it should be at the discretion of the complainant whether complaints not investigated by the OIG by vote of the CR&AB be forwarded to PSU. He would also like to receive complaints from PSU. Legal counsel proposed that if there is a criminal conduct by LMPD it be immediately forwarded. Chair Watson wants to know why the administrative part of the investigation would need to be passed over to PSU as well. IG Harness responded that in his experience, this is how the DOJ wants it done. IG Harness and Chair Watson think that it be required that the complaint not just be forwarded but that there be some mechanism that adds language that compels them to investigate. Turney Berry said this was not the appropriate ordinance to compel PSU as this was an ordinance for OIG and CR&AB. Marianna Michaels wanted to know if PSU declined to investigate could it be sent back to the OIG. IG Harness thinks that if there is a suspicion of criminal activity, PSU would have a duty to investigate. Jennifer Green was concerned that they could dismiss the administrative aspects of an investigation and only focus on the criminal. IG Harness said that after their investigation closed, nothing would preclude the OIG from an administrative investigation at that point. Denise Sears is concerned that the ordinance does not have next steps when it is sent back to the OIG for review but that if the criminal aspect was closed, the OIG would be able to resume an administrative investigation and wanted to include language that reflects that the CR&AB could vote to pick it back up. IG Harness feels like the ordinance should specify that if the Chief does not concur with the recommendations that a written explanation be provided to the OIG and CR&AB within 45 days the reason for the non-concurrence. IG Harness wants to strike the authority to make recommendations to agencies outside LMG to clarify that our investigations aren’t criminal. Chair Watson was concerned that if there were criminal activity that was passed on to PSU and they declined, where would we be able to report? IG Harness said it is included in the language “or other appropriate body.” Denise Sears is concerned with the part of the ordinance that establishes the OIG’s ability to examine and review operations without a vote, IG Harness clarified that they were not complaints, rather practices. Denise Sears wanted to know how common administrative investigations involved possible criminal conduct, IG Harness responded that it was uncommon in his experience.

- b. River City FOP's Recommendations – IG Harness invited RC FOP to participate in the amendment proposal process. Antonio Taylor wants to know what RC FOP's recommendations concern him the most. IG Harness responded that they want to limit the initial investigation. We don't want to be in a position that we have to notify the subject of a complaint within 3 days as we don't have subpoena power nor is that how PSU conducts investigations. And that the limit on investigations be completed within 90 days or be terminated. Denise Sears wanted to know how long PSU took, IG Harness said practically they could take as long as they wanted as they have the ability to make extensions but that we want to stay within the police officers bill of rights and conclude investigations within 180 days.
- b. LMPD SOP 8.47 *Interactions with Transgender, Intersex and Gender Non-Conforming Individuals* – Policy Recommendation (IG Harness) – Chair Watson opened the floor for IG Harness. IG Harness was happy to report that Dr. Whetstone met with a representative to move forward with the policy recommendations and that the policy changes have been adopted.
- c. OIG Annual Report – Chair Watson opened the floor for IG Harness who thanks Dr. Whetstone and Ambra Hunter for their hard work on writing the report. He said it would be submitted to the mayor and metro council next Tuesday.

VI. OIG Investigations

- a. **19-IG-2022** – Date of Incident, 09/14/2022. Received in office, 11/7/2022. Involved retaliation against a complainant for filing reports with LMPD. IG Harness recommended a formal investigation as it satisfies the requirements of the ordinance, ss 3. Abuse of authority. Board unanimously agreed that a full investigation take place.
- b. **22-IG-2022** – Date of Incident, 12/11/2022. Received in office, 12/12/2022. Involved LMPD Officer directed a racial slur at the complainant as the complaint observed police action. IG Harness recommended a formal investigation as it satisfies the requirements of the ordinance, ss 5. Discrimination in the provision of police services. Board unanimously agreed that a full investigation take place.

VII. Other Business

- a. Reminder that board elections are in March.

VIII. Adjournment

Members agreed to continue discussion at the next meeting and were reminded that it is scheduled for February 22nd, 2022, at 3:00 and will be held virtually.