

**CIVILIAN POLICE REVIEW BOARD MEETING MINUTES
DURHAM, NORTH CAROLINA
MARCH 29, 2023
7:00 p.m.**

MEMBERS PRESENT: Vice Chair Melissa Rasberry and Board Members: Norman Blake, Cassandra Johnson, DeWarren Langley, Elizabeth Leitzbach and Kendra Pressley.

ABSENT: Chair Donald Salmon (resigned) and Board Member Shanika Baughman

ALSO PRESENT: Chief of Staff Karmisha Wallace (City Manager’s Staff Liaison), Assistant City Attorney Anne Marie Tosco (Counsel to the Board) and Assistant City Clerk Javon Pratt (Secretary to the Board).

The Board, City Manager’s Staff Liaison, Counsel to the Board and Secretary to the Board received a resignation email from Chair Donald Salmon.

Vice Chair Rasberry was promoted to Chair by default.

Chair Rasberry called the meeting to order at 7:07 p.m.

The Secretary of the Board performed roll call.

Subject: Action on Agenda

- Board Member Langley stated to amend the agenda adding “Election of Vice Chair” under New Business.

MOTION to approve the agenda with the addition of “Election of Vice Chair”.
(Langley/Johnson at 7:10 p.m. 5/0)

Subject: Action on Minutes

- Board Member Pressley proposed an idea to have the draft minutes stored on the Civilian Police Review Board SharePoint site.
- Chief of Staff Wallace mentioned approved minutes are posted on the City’s website.
- Assistant City Attorney Tosco stated it was appropriate to approve minutes if board members were not in attendance at the meeting where the minutes were taken.
- Chair Rasberry opened the discussion for the May 18, 2022 minutes.
- Board Member Langley stated the Board had not received or voted on closed session minutes in the past. He asked if this was the procedure moving forward.
- Assistant City Attorney Tosco noted the question to research and provide recommendations at the next meeting.

MOTION to approve the May 18, 2022 minutes as presented. (Langley/Leitzbach at 9:23 p.m. 6/0)

- Chair Rasberry opened the discussion for the October 12, 2022 minutes.
- Board Member Langley stated on page 3 under “Election of Chair and Vice Chair”, the fifth bullet point should state “Vice Chair Johnson”. He also mentioned under “FY 2022-2023 Schedule”, the fourth bullet should state “He mentioned the Board was precluded from discussing information outside of the meeting.”

MOTION to approve the October 12, 2022 minutes with the modifications mentioned.
(Langley/Blake at 9:19 p.m. 6/0)

Public Comments

- Chair Rasberry opened the floor for public comments.
- No comments made.
- Chair Rasberry closed the floor for public comments.

Subject: Old Business

a. FY 2021-2022 Annual Report

- Board Member Langley stated he sent out the annual report to the Board for FY 2021-2022 and mentioned the Internal Affairs Unit response to the recommendations submitted for the Kathye Evans investigative file was not included.
- Board Member Langley recommended approval with the inclusion of the response from the Internal Affairs Unit for the recommendations submitted based on the investigative file for Kathye Evan’s complaint.
- Board Member Johnson recommended to approve the FY 2021-2022 annual report at a later meeting date.
- All board members agreed.
- Chair Rasberry emphasized to the Board to review and send all revisions to Board Member Langley prior to the next scheduled meeting.

Subject: New Business

a. Community/Police Relations Forum

- Board Member Leitzbach asked how much notice was needed for the Community/Police Relations Forum.
- Chair Rasberry welcomed Board Member Blake to the meeting who had Zoom connection issues.
- Chair Rasberry questioned if there was a specific time period to notify the public for meetings.
- Chief of Staff Wallace mentioned the Board’s work was documented over a fiscal year beginning July 1 and ending June 30.

- Assistant City Clerk Pratt asked if the Board meetings were required to be noticed 48 hours prior to the meeting time.
- Chief of Staff Wallace answered yes. She stated the expectations of the Board adheres to the same state guidelines as City Council appointed boards.
- Assistant City Attorney Tosco introduced herself to the Board.
- Assistant City Attorney Tosco mentioned that in section 3.1 of the Procedure Manual it stated that meeting dates were established by the Chair, with at least two weeks' notice given to the members and the Secretary, unless the meeting was considered a special meeting which required at least 48 hours' notice.
- Chair Rasberry proposed May 17, 2023 as the Community/Police Relations Forum date.
- Chair Rasberry asked the Board if they preferred the forum to be held in-person or virtual.
- Board Member Johnson responded in-person.
- Board Member Langley mentioned past meetings were held in City Hall.
- Board Member Langley suggested the meeting to begin at 6:00 p.m.
- The Board agreed.

a. Community/Civic/Neighborhood Presentations

- Board Member Pressley questioned how to receive notifications from the public to the entire Board about participation at events. She also stated advanced notice to receive invitations to events needed to be communicated.
- Board Member Pressley proposed having a common email for the Board to receive invitations.
- Chair Rasberry asked if the presentations were events that the Board was invited to or was it intended for smaller groups or meetings the Board attended.
- Board Member Langley responded that in the past, the beginning of the fiscal year, he reached out to different community organizations asking if they were interested in a presentation from the Board.
- Board Member Johnson mentioned that most events were planned in advance.
- Board Member Leitzbach stated that the public was not aware of the Board or the actions of the Board.
- Board Member Langley stated that some invitations and notifications to participate for events were received late.
- Chair Rasberry asked the Board to identify organizations to partner with that were important in the communities, and to research meeting information provided by the organizations.
- Board Member Johnson noted to attend events as a group rather than members attending individually.

b. Proposed Review Process and Timeline

- Board Member Johnson mentioned a schedule had been discussed at a past meeting.
- Board Member Pressley recommended a set monthly schedule that was adjustable if needed.
- Board Member Langley and Board Member Leitzbach agreed.
- Chair Rasberry questioned if appeal hearings were separate from required regular business meetings.
- Chief of Staff Wallace responded appeal hearings were separate from regular business meetings.
- Chair Rasberry stated the Board aimed to have the appeal hearing within two months of the initial review meeting.
- Board Member Pressley suggested to conduct appeal hearings sooner than two months after the review of materials.
- Chief of Staff Wallace asked if complainants received an auto-reply when request for appeal hearings were submitted electronically.
- Assistant City Clerk Pratt responded no.
- Chief of Staff Wallace questioned the acknowledgement to the complainant when the request was received and the communication about the next steps within the process.
- Chief of Staff Wallace mentioned complainants had the option to submit their request in-person or electronically through website.
- Chair Rasberry noted that request for appeal hearings were sent to the entire Board and the materials needed to be reviewed at least 24 hours prior to the review meeting.
- Chief of Staff Wallace stated that the turnaround time for Professional Standards Division to load the materials into the SharePoint site needed to be included within the proposed review process.
- Chair Rasberry requested to have the City Clerk's Office forward the request for appeal hearing submission to the Professional Standards Division.

c. Schedule of Meetings

- Board Member Johnson asked if the Board was going to hold a regular business meeting the same date as the Community/Police Relations Forum in May.
- Chair Rasberry responded yes.
- Board Member Langley recommended the meetings to begin at 6:00 p.m.
- Board Member Langley mentioned complainants were not present when the Board considered to grant an appeal hearing.
- Chair Rasberry asked when the start times were for past appeal hearings.
- Board Member Johnson responded typically 5:30 p.m. She also mentioned 5:30 p.m. was posted on the website.

- Assistant City Clerk Pratt stated the last appeal hearing was held in-person at 5:30 p.m.
- Chair Rasberry proposed meetings to be held on the third Wednesday at 6:00 p.m. for April, May and June 2023.
- Board Member Leitzbach asked if this proposal was for virtual meetings, in-person meetings or both.
- Assistant City Attorney Tosco stated the appeal hearings must be held in-person because they were quasi-judicial in nature. She also mentioned regular business meetings were optional.
- Assistant City Attorney Tosco noted if the Board decided to meet at a different location other than City Hall, five Board members had to vote yes and needed City Council approval to amend to the rules of procedures.
- Board Member Leitzbach recommended having in-person appeal hearings and virtual regular business meetings.
- Board Member Johnson preferred all in-person appeal hearings and regular business meetings.
- Board Member Pressley preferred hybrid meetings.
- Board Member Blake preferred all in-person meetings.
- Board Member Langley recommended virtual meetings with the exception of appeal hearings.
- Chair Rasberry stated meetings would be held in-person on April 19, 2023, May 17, 2023 and June 21, 2023 at 6:00 p.m.

d. Request for Appeal Hearings

- Chair Rasberry mentioned discussion for the pending request for appeal hearings were on the agenda for the April 19 meeting.
- Board Member Langley suggested to not have discussion of three requests for appeal hearings during one meeting.
- Chief of Staff Wallace noted the case materials for the pending appeal hearings were loaded to the SharePoint site.
- Chair Rasberry stated to prepare to discuss all three pending requests at the April meeting. She mentioned if any request that was not discussed, was deferred to the next meeting.

e. Election of Vice Chair

- Chair Rasberry stated the Vice Chair election was until the remainder of the current term.
- Chief of Staff Wallace stated the Chair and Vice Chair terms expired the first meeting that took place on or after July 1.
- Chair Rasberry opened nominations for Vice Chair.

- Board Member Johnson nominated herself.
- Chair Rasberry closed nominations for Vice Chair.

MOTION to elect Board Member Johnson as Vice Chair (5/1 at 8:58 p.m.)

Subject: Announcements

- Board Member Langley shared an article in The Herald-Sun in reference to residents in McDougald Terrace concerned about the actions of the community police unit. He urged the Board to be attentive to issues in the media and conversations among residents.
- Chief of Staff Wallace mentioned she had not received any contact with Board Member Baughman since she was appointed to the Board.
- The Board agreed to wait and see if Board Member Baughman will attend the next meeting.
- Chair Rasberry stated she made note of Board Member Pressley's request to have a common email address for the Board.
- Board Member Pressley expressed her thoughts on draft minutes posted on the SharePoint site.

With no further business to come before the Board, Chair Rasberry adjourned the meeting at 9:24 p.m.

Respectfully submitted,

Javon Pratt
Assistant City Clerk
Office of the City Clerk