

**CIVILIAN POLICE REVIEW BOARD MEETING MINUTES
DURHAM, NORTH CAROLINA
MAY 17, 2023
6:00 p.m.**

The Civilian Police Review Board held an in-person meeting on the above date and time in the Committee Room of City Hall, 101 City Hall Plaza in Durham, North Carolina.

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

ABSENT: Board Member Shanika Baughman.

CITY STAFF 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 resignation of Board Member Leitzbach was received by email prior to the start of the meeting.

Chair Rasberry called the meeting to order at 6:16 p.m.

The Secretary of the Board performed roll call.

Subject: Action on Agenda

- Board Member Langley stated to amend the agenda by adding “Amendments to the Procedure Manual” under “Old Business”.
- Vice Chair Johnson stated to amend the agenda by adding “Removal of Board Member Baughman” under “New Business”.

MOTION to approve the agenda as amended. (Langley/Pressley at 6:18 p.m. 5/0)

Subject: Action on Minutes

- a. Meeting on April 19, 2023

MOTION to approve the April 19, 2023 minutes as presented. (Langley/Pressley at 6:19 p.m. 5/0)

- b. Closed Session on April 19, 2023

MOTION to approve the April 19, 2023 closed session minutes as presented. (Pressley/Langley at 6:20 p.m. 5/0)

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. Community/Police Relations Forum

- Chair Rasberry thanked Vice Chair Johnson for assisting with preparing the presentation for the Community/Police Relations Forum.
- Chair Rasberry noted to continue to inform the community of future forums.

b. Community/Civic Neighborhood Presentations

- Chair Rasberry reported that she sent information to Durham CAN about providing a presentation and will communicate with the Board once a response is received.

c. Amendments to the Procedure Manual

- Chair Rasberry explained the process of amending the Procedure Manual.
- Chair Rasberry mentioned amendments recommended by the Board were presented to the City Manager and then submitted to City Council for consideration.
- Chair Rasberry opened the floor to discuss the interest of the Board, specifically, Section 4.2 Jurisdiction.
- Board Member Langley recommended to make a recommendation to the City Manager to include performance of duty as a jurisdiction for the Board.
- Assistant City Attorney Tosco mentioned there were many comprehensive disciplinary classifications. She also stated it would be beneficial to hear from Professional Standards Division further about the different classifications and how complaints were classified before making recommendations to the City Manager and City Council.
- Chair Rasberry asked if there were any legal reasons why the Board had to specify why a complainant who wasn't satisfied had to request an appeal hearing to the Board.
- Assistant City Attorney Tosco responded there weren't any legal reasons, but there may be policy reasons.
- Chair Rasberry questioned why there were three specific classifications of jurisdiction for the Board.

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- Chief of Staff Wallace explained the history behind the Civilian Police Review Board and mentioned a specific incident in 1998 that involved the Durham Police Department and members of the community that involved excessive force.
- Vice Chair Johnson mentioned her interest in speaking with Professional Standards Division about the classifications before making a determination.
- Board Member Langley asked how complaints classified by Professional Standards Division impacted the Board.
- Assistant City Attorney Tosco stated it mattered how Professional Standards Division classified a complaint when it was received as to whether or not the Board can hear the complaint about the investigation.
- Board Member Langley noted the purpose of the Board was to review investigations where the complainant was not satisfied with how the investigation was conducted.
- Chair Rasberry stated depending on what the investigation was classified it could have an impact whether the Board feels the investigation was completed thoroughly.
- Assistant City Attorney Tosco advised the recommendation to be broad enough to cover everything the Board recommended, but concise enough not to capture anything it was not intended to cover.
- Board Member Langley asked if a member of the police department filed a complaint against another member of the police department, was it investigated by Professional Standards Division.
- Assistant City Attorney Tosco responded yes.
- Board Member Langley questioned the process of when a member of the police department was not satisfied with the investigation.
- Assistant City Attorney noted the classification of performance of duty was going to capture many investigations.
- Board Member Blake questioned if the Board was going to ask for jurisdiction of performance of duty.
- Board Member Pressley stated to receive a more defined definition and examples of unethical conduct and conduct unbecoming.
- Chair Rasberry noted she was not prepared to create an amendment to the Procedure Manual without gathering more information.
- Board Member Langley mentioned typically when the Board considered amendments in the past, it was always prompted by an event or catalyst.
- Board Member Langley stated he did not agree with the Board looking at a catchall for making an amendment.

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- Chief of Staff Wallace stated the three jurisdictions of the Board were the main areas that were identified that could breach trust between community members and police at the time of the 1998 incident.
- Board Member Pressley asked where the recommendations of the Board and results of the recommendations were documented.
- Chief of Staff Wallace responded all the recommendations and results were located on the City Manager's Office webpage within police accountability.

MOTION to make a recommendation to the City Manager to amend the Procedure Manual to expand the jurisdiction of the Civilian Police Review Board to include performance of duty.
(Langley/Blake at 7:03 p.m. 2/3)

- Chief of Staff Wallace asked if the request of the Board for Professional Standards Division was to meet in-person or to provide information in writing.
- Vice Chair Johnson responded either or.
- Chair Rasberry requested to have Professional Standards Division meet in-person and receive information in writing.
- Board Member Pressley requested to have Professional Standards Division meet in-person and receive information in writing.
- Chief of Staff Wallace stated in order for Professional Standards Division to provide information in writing the needed to respond to something. She asked the Board what they wanted Professional Standards Division to respond to.
- Chair Rasberry answered what were the classifications and how complaints were classified.
- Vice Chair Johnson added to define and include examples of conduct unbecoming.
- Chief of Staff Wallace mentioned when a complaint was investigated, the police department followed the guidelines of general orders and City policies.

Subject: New Business

a. Request for Appeal Hearing on June 21, 2023

- Chair Rasberry stated the appeal hearing would be held on June 21, 2023 at 6:00 p.m.
- Chief of Staff Wallace stated she was going to communicate with the complainant to confirm the date and time.
- Chair Rasberry mentioned to the Board to be prepared and review all the materials shared for this case.
- Chief of Staff Wallace recommended to discuss the flow of the appeal hearing.
- Chief of Staff Wallace asked how much time was allotted for each party.

- Vice Chair Johnson stated in the past, 30 minutes was allotted to each party.
- Chair Rasberry discussed the flow of the appeal hearing from a past agenda.
- Chief of Staff Wallace asked the Board if they wanted food provided by the City Manager's Office prior to the start of the meeting.
- The Board answered yes and agreed to arrive at City Hall at 5:15 p.m. to eat before the meeting.

b. Removal of Board Member Baughman

- Vice Chair Johnson stated Board Member Baughman failed to meet the standard of attending at least 75% of the yearly (July 1 – June 30) meetings and hearings of the Board as stated in the Procedure Manual, Section 2.1 Attendance.
- Chair Rasberry asked Assistant City Clerk Pratt to identify the meetings Board Member Baughman was not present.
- Assistant City Clerk Pratt provided the attendance report of Board meetings for Board Member Baughman for the following meeting dates:
 - October 12, 2022 - attended
 - March 29, 2023 - absent
 - April 19, 2023 - absent
 - May 17, 2023 - absent
- Board Member Langley asked the process of removal of a Board member.
- Chair Rasberry explained Section 2.1 Attendance within the Procedure Manual.
- Chair Rasberry mentioned she had not received any communication from Board Member Baughman since becoming Chair of the Board.
- Chief of Staff Wallace added she reached out to Board Member Baughman by phone and email and had not received a response.
- Chair Rasberry stated to send a letter to notify the City Manager of the removal of Board Member Baughman.

Subject: Announcements

- Board Member Langley shared that he was appointed by the Durham County Sheriff to serve on the Community Advisory Board.

With no further business to come before the Board, Chair Rasberry adjourned the meeting at 7:24 p.m.

Respectfully submitted,

Javon Pratt
Assistant City Clerk
Office of the City Clerk