

**DURHAM, NORTH CAROLINA  
WEDNESDAY, MARCH 17, 2021  
5:30 p.m.**

The Civilian Police Review Board held a virtual meeting on the above date with the following members present: Chair DeWarren Langley and Vice Chair Cassandra Johnson and Board Members: Dr. Celia Bradshaw, Kelli Dugan, Myra Griffin, Kendra Pressley, Donald Salmon, Jr., David Smith and Jeffrey Thomas. Absent: None.

City Staff Present: Assistant to the City Manager Karmisha Wallace, Assistant City Attorney Anna Davis and Assistant City Clerk Tonette Amos (Secretary to the Board).

Chair Langley called the meeting to order at 5:32 p.m.

The Secretary to the Board performed roll call.

**Subject: Action on Agenda**

The regular agenda was adopted as printed. (Salmon/Smith at 5:33 p.m. 9/0)

**Subject: Approval of Minutes: November 20, 2019, September 30, 2020 and October 14, 2020**

The December 2, 2020 minutes were approved with two modifications. (Smith/Thomas at 5:36 p.m. 9/0)

**Public Comments**

Chair Langley opened the floor for public comments.

No one spoke.

Chair Langley closed the floor for public comments.

**Subject: Closed Session – Discussion and Determination of Request for Appeal Hearing for Ashley Harris**

Motion by Board Member Salmon, seconded by Board Member Griffin to adjourn into closed session to conduct an appeal hearing concerning complainant Ashley Harris was approved at 5:38 p.m. (9/0)

The Board returned to open session at 6:57 p.m. (Salmon/Thomas – 9/0)

**Subject: Announcements of Board's Determination Regarding request for Appeal Hearings**

Pursuant to Civilian Police Review Board Procedures Manual, Section 4.5 Appeals Procedures, Chair Langley announced in public session the votes regarding whether to hold a hearing for Ashley Harris. He stated that the Board voted 9/0 (unanimous) to grant a hearing regarding Ashley Harris's complaint.

**Old Business – Various Items**

Chair Langley introduced the following items regarding old business:

**Modification to Durham Civilian Police Review Board Request for Appeal Hearing Form**

Motion by Board member Thomas, seconded by Board member Salmon to adopt a modification to the Durham Civilian Police Review Board (CPRB) Request for Appeal Hearing Form to inform the complainant that the CPRB may not hear any appeal in which a lawsuit has been filed in any court of competent jurisdiction regarding the subject matter of the appeal before the Board should be printed in bold on the form was approved at 7:04 p.m. (Thomas/Salmon 9/0)

Attorney Anna Davis advised the Board that the City is expecting a lawsuit to be filed on the Ashley Harris case. Attorney Davis would communicate to Karmisha Wallace if one was filed, so Ms. Wallace could notify the Board.

**Response to Recommendations for Request for Appeal Hearing – Mikayla Mann**

Board member Bradshaw expressed concern regarding recommendations on items 3 and 4 regarding sensitivity training. She stated that the police department is already providing sensitivity training, so the recommendation is not relevant. No specific recommendation was offered.

Chair Langley informed the Board that the case could not be discussed in open session and any recommendation(s) could be revisited at another meeting.

**Production of Investigative Files for Request for Appeal Hearing**

The floor was opened for any concerns regarding production of investigative files.

Karmisha Wallace stated that a commitment to identify the most efficient way for the Board to receive materials between Interim City Manager Page and City Attorney Rehberg was discussed at a recent meeting between the two. The Technology Solutions department recommended using One Drive. Ms. Wallace explained the security measure and the concern about flash drive. City trying to make documents accessible to everyone, but need to be efficient. Paper may be eliminated. Information will be provided in a safe and digital platform. No timeline was available.

Board member Dugan prefers to receive transcripts on paper as well as in digital format.

Chair Langley recommended that the City Manager's Office should inquire about how the member wants to receive files at the initial interview for appointment to the board.

It was stated that the City Clerk's Office process will not change.

Ms. Wallace provided an update on the status on production files. A tool or platform on what departments' responsibilities are has not been determined.

A discussion of time constraints for professional standards to provide material was held, but no action taken.

Board member Griffin read General Statute 160-168(b)(11) regarding what is a public record regarding a public employee.

An official public record request was made by the Board moving forward to include as part of the investigative reports prior complaint history of officers involved in a particular case. Attorney Davis agreed that she would be responsible for this task and the City Attorney's Office will advise of any disputes.

Prior criminal history of complainants and/or individuals interviewed is included in case files was noted by Board member Pressley.

### **New Business – Various Items**

Chair Langley introduced the following items regarding new business:

- **Process for Sending Notice of Receipt of Request for Appeal Hearing Letter**

The Board held a discussion on the subject matter including a time limit on receiving an investigative file.

Motion by Chair Langley, seconded by Board member Salmon that the Chair will send a letter to the complainant providing notice of the date the Request for Appeal Hearing will be considered by the Board was approved at 7:57 p.m. (9/0).

The Secretary to the Board confirmed that she will email (if one is provided) the complainant a confirmation of receipt of their request.

- **Professional Standards Quarterly Report (July 1-September 30, 2020) & Professional Standards Quarterly Report (October 1 – December 31, 2020)**

No questions/comments were made and no action was taken.

**Subject: Announcements and Determination of Next Meeting Date**

Attorney Anna Davis announced that a former complainant Jaffer (Dec. 2, 2020) filed a lawsuit with the Office of Administrative Hearings against Chair Langley and the Civilian Police Review Board. This is not the proper process for filing a lawsuit. She stated that the Attorney's office will respond on behalf of the Board if a lawsuit is filed.

Chair Langley announced that he received information from the City Clerk's Office but had not reviewed the information.

Chair Langley will send Ms. Wallace a letter to forward to Ms. Harris regarding the outcome of her hearing. A hearing date will be determined based on availability from various individuals.

Board member Pressley received a promotion.

Chair Langley received the Duke Energy Citizenship Service Award in December 2020.

Chair Langley will send a congratulatory letter to newly appointed City Manager Wanda S. Page. The letter will also include an invite to a future meeting for formal introductions and to discuss the purpose and responsibilities of the Board.

Karmisha Wallace announced that the following Board member terms will expire on June 30, 2022: Dugan, Griffin, Pressley, Smith and Thomas. Ms. Wallace will also have a discussion with the City Manager the following day regarding the role of the Board.

At the request of the Board, the Secretary to the Board will email and mail case files to board members.

The Community Police Relations Forum will be held virtually and is scheduled April 28, 2021 at 6:00 p.m.

Next regular meeting: Wednesday, June 9, 2021 at 5:30 p.m.

With no further business to come before the Board, Chair Langley adjourned the meeting at 8:07 p.m.

Respectfully Submitted,

Tonette Amos  
Secretary to the Board  
Office of the City Clerk