1	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
2	NORTHERN DIVISION
3	UNITED STATES OF AMERICA,) Plaintiff,)
4	vs.)Civil Action No.)JKB-17-099
5	BALTIMORE CITY POLICE DEPARTMENT,) ET AL.
6	Defendants.
7	/ Thursday, January 20, 2022
8	Transcript of Proceedings via Zoom Hearing
9	BEFORE: THE HONORABLE JAMES K. BREDAR, CHIEF JUDGE
10	FOR THE PLAINTIFF DEPARTMENT OF JUSTICE: Timothy Mygatt, Esquire
11	Nicole Porter, Esquire Curtis Harris, Esquire
12	Beatriz Aguirre, Esquire
13	FOR THE DEFENDANT BALTIMORE POLICE DEPARTMENT: James L. Shea, City Solicitor
14	Lisa Walden, Chief, Police Legal Affairs Practice Group Shannon Sullivan, Director
15	Commissioner Michael Harrison
16	Deputy Commissioner James Nadeau Deputy Commissioner James Gillis Deputy Commissioner Michael Sulliver
17	Deputy Commissioner Michael Sullivan Chief of Staff Eric Melancon
18	MONITORING TEAM:
19	Charles Ramsey, Chief Monitor Seth Rosenthal, Deputy Monitor
20	Hassan Aden, Deputy Monitor
21	ALSO PRESENT: Michael R. Bromwich, Senior Counsel, Steptoe & Johnson
22	
23	Reported by:
24	Ronda J. Thomas, RMR, CRR
25	U.S. District Court 101 W. Lombard Street - 4th Floor Baltimore, Maryland 21201
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1	PROCEEDINGS
2	THE COURT: Good afternoon. The clerk will call the
3	case.
4	THE CLERK: Calling the case of United States of
5	America versus Baltimore Police Department, et al., Case Number
6	JKB-17-CV-00099. This matter comes before the Court for the
7	purposes of a quarterly hearing, quarterly consent hearing.
8	Counsel for the record, starting with the Plaintiff.
9	THE COURT: We'll take appearances first from the
10	Department of Justice.
11	Not picking up anyone from the Department of Justice.
12	Let's see.
13	MR. MYGATT: I was on mute.
14	THE COURT: Okay. Mr. Mygatt, you've just unmuted so
15	good afternoon.
16	MR. MYGATT: Good afternoon, Your Honor. Tim Mygatt
17	on behalf of the United States.
18	THE COURT: Thank you. And looks like we have
19	Ms. Porter here.
20	MS. PORTER: Yes, Your Honor. Nicole Porter on behalf
21	of the United States.
22	THE COURT: Thank you.
23	Mr. Harris?
24	MR. HARRIS: Good afternoon, Your Honor. Curtis
25	Harris for the United States.

1 THE COURT: Nice to see you. 2 Do we have any other lawyers from the Department of 3 Justice? Mr. Mygatt, is this your team today? MR. MYGATT: This is our team today, Your Honor. 4 5 THE COURT: Very good. Let's go over to the 6 Defendants and begin with the City. 7 Hello. Mr. Shea. 8 MR. SHEA: Hello, Your Honor. Jim Shea, Baltimore 9 City Solicitor, and with me today is Lisa Walden, Chief 10 Solicitor in the Law Department. 11 **THE COURT:** Thank you. Nice to see you, Mr. Shea. 12 Good afternoon to you as well, Ms. Walden. 13 MS. WALDEN: Good afternoon, Your Honor. 14 **THE COURT:** And on behalf of the Police Department, 15 who do we have here? The Commissioner. 16 Good afternoon, Commissioner Harrison. 17 COMMISSIONER HARRISON: Good afternoon, Your Honor. 18 **THE COURT:** Who joined you from the Police Department 19 today? 20 **COMMISSIONER HARRISON:** You have to forgive me, I'm 21 just coming on from a press conference. Just logging on. 22 Deputy Commissioner Nadeau, Deputy Commissioner Gillis, 23 Director Sullivan, Deputy Commissioner Sullivan, and I'll let Deputy Commissioner Sullivan introduce the rest of the team. 24 Ι 25 see a few people.

THE COURT: Okay. DC Sullivan, who else is with us 1 2 today? Can we unmute Mr. Sullivan. You're unmuted, DC 3 Sullivan. Go ahead. 4 **DEPUTY SULLIVAN:** That's the key members that we 5 expect to testify today. We have other members that they're 6 7 just observing. THE COURT: Very good. Thank you. 8 9 Let's turn now to the Monitoring Team. Our monitor, 10 Mr. Thompson, is unable to join us today, had an unavoidable 11 conflict, but our Chief Deputy Monitor Chuck Ramsey is here 12 leading the Monitoring Team today. 13 Mr. Ramsey, good afternoon. 14 MR. RAMSEY: Good afternoon, Your Honor. With me 15 today representing the Monitoring Team is Seth Rosenenthal and 16 Hassan Aden. 17 THE COURT: Very good. Nice to see you, Mr. Ramsey, as well as the other members of our Monitoring Team. 18 19 I note also Mr. Michael Bromwich appears and is 20 present, and we will be hearing from him in just a little bit. 21 I have a statement before we begin with the 22 presentations from the parties. I'll turn to that now. 23 We are convened today to conduct a guarterly review 24 hearing in relation to the Consent Decree entered in this case as an Order of the Court on April the 7th of 2017. 25

The Court conducts monthly subject matter conferences with the parties and then it convenes more formal quarterly proceedings in public, of which this is one, all to assess the progress of the Baltimore Police Department and the City of Baltimore on the road to compliance with the Consent Decree.

Now, during these conferences and hearings the parties and the Monitoring Team report to the Court detailing their progress and difficulties as the Defendants move toward meeting their substantial obligations under the Decree.

Ordinarily, these hearings begin with the Court making the statement in which it summarizes its sense of the progress made during the preceding quarter. The Court then sets out the questions and concerns that require specific attention and then the parties respond.

Today, the Court will make a statement, and then we will turn to the City and hear a presentation from Michael Bromwich, an expert the City retained to study and report on the origins of the GTTF incident, policing scandal uncovered in 2017 and which rocked the community's faith in the integrity of the Baltimore Police Department.

Before I begin my statement, let me first pause and
acknowledge that since we were last convened the Baltimore
Police Department has suffered a grievous loss with the violent
death of Officer Keona Holley.

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Officer Holley represented the very best of this

1 Department. She well represented what and who this Department aspires to become under the Consent Decree. The Court extends 2 3 its condolences to the Police Department and to Officer Holley's family. 4

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Last, the Court takes this officer's death as one more indicator that Baltimore confronts deeply serious issues in the 7 crime and policing context. It's an extremely painful reminder that those of us who labor in this space continue to have our 8 9 work cut out for us. Let us return to it.

10 Four years ago I began to push the City and the Police 11 Department to commission an intensive postmortem investigation 12 of the causes and circumstances that gave rise to the so-called 13 GTTF scandal in the Police Department. A scandal that resulted 14 in the prosecution and conviction of multiple Baltimore police 15 sergeants, detectives, and officers on federal racketeering 16 charges. After much prodding, and only after Commissioner 17 Michael Harrison took charge of the Department in 2019, the BPD 18 and the City engaged Michael Bromwich and the Washington D.C. 19 law firm of Steptoe & Johnson to conduct the study that I had 20 asked for.

21 A few days ago Mr. Bromwich released his comprehensive 22 500-page report, and he and the City have now made that report 23 public.

24 I asked the City to bring Mr. Bromwich to today's 25 hearing to present to the Court a summary of the investigation

he conducted, together with his findings, and his
 recommendations. Mr. Bromwich is here virtually, and we will
 hear from him shortly.

I look forward to a lively dialogue with him and then to a discussion with the parties and their representatives, as well as the Court's Monitoring Team, on the specific issues taken up in the report, and, more generally, on the topic of overall integrity in the police department.

9 Informed by the history revealed by Mr. Bromwich, I 10 hope we can focus on where the Department is today in 11 confronting the bad elements of its past and then, most 12 important, on how to continue to make progress on the integrity 13 front.

Sitting in this case, as I have for the last
five-years, and now after spending a week reading through
Mr. Bromwich's comprehensive report, it's clear to me that City
leaders and police commissioners have known for years about a
serious integrity problem in the Baltimore Police Department.

Prior commissioners have been embarrassed by multiple
scandals, King and Murray, Majestic Towing, Daniel Redd,
Kendell Richburg just to name a few.

22 Prior commissioners have resolved to root out
23 corruption and purge the Department of its dishonest officers.
24 Why did these prior anticorruption efforts not succeed? Why
25 did they never really get to the origins and root causes of the

1 problem?

Well, first, it takes a strong stomach to attack police corruption, to do it with vigor, and tenacity, and not give up until you've eradicated it. It takes an iron will to pursue it until you stamp it out. Perhaps the City and police leadership weren't sufficiently possessed of those strengths.

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There's more to it, though.

Baltimore's prior failure to confront, ferret out and
crush police corruption should not be attributed solely to
leaders' lack of will. That's too simplistic. There's another
reason and it is at least as important as any lack of will in
explaining this failure.

13 Another policing imperative has consistently gotten in 14 the way of anticorruption impulses that competing imperative, 15 that imperative that caused previous anticorruption initiatives 16 to die on the vine has been, and until recently still was, the 17 urgent need to confront and suppress incessant violent crime: 18 The shootings and cuttings that go on night after night, 19 scarring our neighborhoods and, in recent years, leaving 300 or 20 more victims dying in the streets.

This imperative to slow the shootings and the murders have repeatedly displaced any priority otherwise given to stopping overly aggressive and dishonest police work, particularly if the misbehaving officers were seizing guns and drugs in significant numbers and quantities.

In some academic disciplines, particularly fields of social science that rely on calculus, it's been said that you can only maximum one variable, i.e., that there can only be a single number one priority in any undertaking.

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Now, I don't know if this proposition is true, and 5 with modern computers I actually doubt that it is, but in the 6 7 governance of this police agency, before 2019, where not only have there not been modern computers but also have there been a 8 9 complete lack of modern police management methods, seemingly, 10 only one issue could be the most important issue at any given 11 moment. Only one policy objective could have first claim on 12 the limited supply of available resources.

In Baltimore, when prior commissioners chose their number one priority, not surprisingly, they picked the suppression of gun and drug crimes. And, they made that suppression the priority above and ahead of the simultaneous need to root out and solve internal corruption problems. For 30 years the mantra has been singular and the same, bring down the number of homicides.

If an officer or an entire unit was emitting clear signals of misbehavior, troubling signs and symptoms that they were cutting corners, and likely violating Department rules, state statutes, and maybe even the United States Constitution, their misbehavior was nonetheless ignored or minimized, provided that the same officer or unit was otherwise producing

1 in the crime fight.

2 If they were seizing guns, if they were interdicting 3 significant weight in the drug war, if they were making the Department look good, or at least less ineffective to the 4 politicians who were feeling the heat to get the gun violence 5 and open-air drug trafficking under control, if they were 6 7 getting positive press because their methods and tactics served the short-term objective of seizing guns and drugs, well, then 8 9 the corruption and misconduct concerns could -- could wait for 10 another day. Could be the subject of a slipshod and 11 superficial investigation by an Internal Affairs Bureau in 12 which no one had any real competence, or they could hopefully 13 just go away. Sweep it under the rug.

14 Cleaning up corruption in the Baltimore Police 15 Department historically has never been a top priority. The 16 squeaky wheel gets the grease, and in this City, for the last 17 30 years, at least, the squeaky wheel has been the shootings, 18 the homicides, the guns, the drugs.

19 Commissioners that make progress on those fronts kept 20 the support of the elected officials, and they kept their jobs. 21 In a few minutes we will hear the sordid details of this story 22 from Mr. Bromwich.

After he gets through recounting the awful history that he's unearthed, I think Mr. Bromwich would also tell us that he now sees the first signs of change, real change, and a

genuine effort to reform the accountability and integrity
 elements of this Police Department, and that these badly
 overdue reforms come as the consequence of the Consent Decree
 overseen by this Court.

5 The changes are also the product of the commitment of 6 the City's current Mayor and current Police Commissioner to 7 comply with the Consent Decree and achieve reform and most 8 especially when it comes to police integrity.

9 Every day these officials, this Mayor, this 10 Commissioner, are facing the same pressure their recent 11 predecessors have felt, to do something about the shootings and 12 the murders. Of course that violence is appalling. It's 13 beyond the pale. Children murdered in the streets. A police 14 officer assassinated while diligently minding her post in South 15 Baltimore. Now, last night, one of the Safe Streets violence 16 interrupters, according to news reports that I read this 17 morning, murdered.

Some voices urge the Mayor and the Commissioner to postpone or push aside reform initiatives and to devote every ounce of energy and every dollar's worth of resources to stopping the violence. That seems to be a reasonable demand until you consider where such blinkard prioritization has taken the City previously.

It turns out that a crime strategy that emphasizes the seizure of firearms and the suppression of violence, above all

else, including ethical policing, doesn't get you a long-term 1 2 reduction in shootings and murders. It gets you King and 3 It gets you a culture where sleazy and illegal Murray. 4 policing tactics are broadly tolerated. It gets you GTTF. It 5 gets you a completely broken relationship between police and 6 community. It gets you a community that is suffering horribly with violent crime but which at the same time has little trust 7 and confidence in the police. 8

9 It gets you the state of affairs that confronted the 10 Department of Justice, exhausted city leaders, and indeed this 11 Court when the Decree was signed in 2017.

Under the Consent Decree the police is changing. Most relevant to today's topic, the department's public integrity, Public Integrity Bureau, that bureau's leadership, resources, and commitment to the mission of accountability, all of this bears no resemblance to the department's former lethargic Internal Affairs operation.

In the face of the current surge in violent crime,
City leaders are motivated and moving to slow the killings, as
of course they must be. But as they do so, they do not have
the option of postponing or pushing aside the current reform
initiative, the Consent Decree, and this Court won't permit it.

Accordingly, this Mayor and this Commissioner are compelled to think more long-term, to think more creatively, more proactively, more holistically as they conceive and

execute their crime plan. Their plan must align with, or at least not contravene, the dictates of the Decree, not that they would want to, but they don't have the option of returning to a zero-tolerance or warrior model of policing.

Their strategy must stay within the guardrails established by the department's rules, the laws of Maryland, the strictures of the U.S. Constitution, and of the greatest importance to this Court, the limits and directives imposed by the Decree.

Detective units that seize guns but can't credibly explain how they did so lawfully can't operate in this Department currently governed by a Consent Decree, and, going forward, policed by a soon fully-functioning Public Integrity Bureau. Officers who seize drugs and then reward themselves with unearned overtime pay, while they are vacationing out of state, or out of the country, no longer pass muster. They will be caught by new and better internal controls.

Life under the Consent Decree is teaching the Department and the City that when it comes to effective law enforcement and constitutional law enforcement, you can't get one without the other. How many times have we said it over these last five years?

As a matter of law, the public is entitled to rule-bound constitutional policing. As a matter of practicality, if the community doesn't trust the police, they

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won't assist in the investigation and the solving of crimes. Without community assistance and support, the police will fail.

Accordingly, without constitutional policing, there will never be effective policing. The new Baltimore Police Department is now teaching and learning that fundamental truth, that without constitutional policing there will never be effective policing.

The Police Department is teaching and learning that police officers must be honest, that police officers must adhere to the rules, that police officers must respect the Fourth, Fifth and Sixth Amendment rights of the residents of this City, that police officers must treat with respect the citizens they've sworn to protect, and they must be courteous, and they must be polite, and they must not steal from them.

5 Obey the law yourself and the community will come to 6 trust you and turn to you when crimes occur, and they will be 7 more broadly -- and they will more broadly cooperate with you 8 as you perform your investigative and enforcement duties.

It is increasingly apparent that this agency increasingly believes and teaches that with exemplary conduct over a lengthy period Baltimore police officers will earn back the community's confidence.

Sadly, even a completely reformed Baltimore Police Department is not going to end the epidemic of violence in this city. Expert ethical policing is but one component of the

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multifaceted strategy that will be required to reduce the
 shootings and the killings.

But, a reformed police department that begins to enjoy 3 the community's trust and support can only help the crime 4 fight, and entirely separate from the eternal battle against 5 There is great inherent value in the restoration of 6 crime. 7 constitutional policing, both in terms of improved quality of life for city residents, and in the more abstract sense that in 8 9 a civilized society those who enforce the law must also be seen 10 to obey the law.

11 Why did we ask for and focus on Mr. Bromwich's report now when the reform efforts are already well along? What's the 12 13 value in wading into the GTTF swamp yet again? Can there be 14 any benefit to dragging the City through this muck one more 15 time? Yes, sadly, but yes. It's necessary. Because until 16 now, until the Bromwich report, the City has never fully 17 reckoned with the true conditions in the Department before the 18 Consent Decree. Without that full explication, and without a 19 full reckoning, there's every danger that Baltimore will fall 20 right back into the bad habit of ignoring corruption and 21 sacrificing internal integrity in service of future strategy to crack down on and solve violent crime. Maybe not while this 22 23 Consent Decree remains in force, maybe not under this Mayor or 24 under this Commissioner, who have so firmly embraced reform, 25 but I suspect sociologists would say that ignoring corruption

and this behavior in order to score some quick wins against the 1 2 shooters is a clearly established, learned pattern of dysfunctional behavior in the governance of this City. Lessons 3 4 deeply learned during court supervision under the Consent Decree supported by the evidence, made plain by this Bromwich 5 report, will hopefully permanently break this constitutional 6 7 behavioral cycle that has previously left Baltimore with both 8 high crime and a corrupt Police Department.

9 George Santayana said, "Those who cannot remember the 10 past are condemned to repeating it." Winston Churchill put a 11 finer point on it saying "Those who fail to learn from history 12 are doomed to repeat it."

Baltimore needs to learn and know its history. That's
why the Bromwich report remains timely and should be taken on
board by all.

Now, before I close, I reiterate this: It is no
longer 2017. Recovery in this Police Department is underway.
It's well underway. It started hesitantly and with only
minimal progress in the early years under the Decree, 2017,
2018, start of 2019, but since the summer and fall of 2019, the
recovery of this Police Department has gathered steam.

In recent quarterly hearings significant progress has been demonstrated. There's still a long road ahead, but the Court's convinced that the Department is now headed in the right direction, and the Department's navigation on its

continuing journey will now be aided by Mr. Bromwich's look back to recent history which only confirms that we cannot go back.

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In a moment I'll call on Mr. Shea to introduce 4 Mr. Bromwich. After we've heard from Mr. Bromwich, and after 5 the Court and the parties have discussed the substance and 6 implications of his report, we'll move to one other subject 7 that's on the docket for this guarter: Staffing. We'll deal 8 9 with that briefly. And on that latter topic we will proceed in 10 the normal fashion, hearing first from the City, the Police 11 Department, and then from the Department of Justice, and 12 finally from the Monitoring Team.

13 I do note that the topics of community policing and 14 interactions with persons with behavioral health disabilities 15 or in crisis were originally on our agenda for today. Given 16 the intensive focus on integrity issues that will dominate 17 today's hearing, I decided that community policing and 18 behavioral health, themselves critical and complex topics, 19 should be put over until future quarterly hearings. We will 20 cover them later this year.

So now I would like to turn to Mr. Shea for that introduction of Mr. Bromwich. After we've heard from Mr. Bromwich, we'll come back to you, Mr. Shea and Ms. Walden, and perhaps the Commissioner, and others who may wish to respond to Mr. Bromwich's presentation or to take us further

down the road that I'm describing, which is not just about the 1 past but also about where we're headed with the integrity issue despite, and perhaps partially as a product of, this very problematic past that we're about to hear about.

After we have heard from the City, I will turn to the 5 Department of Justice. I'm very interested in hearing their 6 7 input in response to the Bromwich report and their thoughts about what the City has to say in regard to it all. 8

9 Then, before we leave the topic of integrity, we'll 10 come back to our Chief Deputy Monitor Ramsey for his views, his 11 report, and those views of other members of the Monitoring Team 12 who are present. After that, we'll move on to staffing and 13 cover that topic as well.

14 So, Mr. Shea, we're ready to turn to the City and your 15 introduction of Mr. Bromwich and then we'll come back to you 16 and hear more from the City in a little bit.

Mr. Shea.

MR. SHEA: Thank you, Your Honor. May it please the 18 19 Court, Michael Bromwich was retained by the City and the 20 Baltimore Police Department to do an independent investigation 21 of the Gun Task Force -- Gun Trace Task Force, GTTF as it's 22 commonly called, to investigate what happened and make 23 recommendation based on his findings. Today he is here to 24 present that report.

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Let me briefly give you a biographical sketch of

Mr. Bromwich. In 1976 graduated from Harvard College with the
 highest honors. He obtained a Master's from the John F.
 Kennedy School of Government and then Harvard Law School from
 which he graduated in 1980.

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His experience over his long career has included serving as an Assistant United States Attorney in the Southern District of New York. He served in the Office of Independent Counsel for the Iran-Contra matter. For five-years he was the Inspector General of the Department of Justice.

10 In private practice he has served as an independent 11 monitor for the Police Department of the District of Columbia 12 and later served as independent investigator of the Houston 13 Police Department's crime lab where he found a fabrication of 14 forensic analysis, of making a false statement by police 15 officers, and other misconduct. Based on those findings, he 16 was able to provide recommendations for new procedures and 17 standards for the crime lab.

He also has served as independent monitor for major
corporations, including Apple, where he examined antitrust
issues, and Walmart, where he investigated ethical violations.

More recently, President Obama appointed him as Director of the Bureau of Ocean Energy Management Regulation and Enforcement where he served from 2010 to 2011 in charge of regulating offshore drilling in the wake of the Deepwater Horizon oil spill.

In October of 2019, the City and the Police Department retained Mr. Bromwich for this investigation. He was requested to conduct an independent investigation, unfettered in scope, and with the full corporation of the Police Department and the City. I believe he has experienced both, but we will wait to hear from him on that.

His report is a careful and exhaustive study of the
Gun Trace Task Force, its origins, its causes, and its
consequences.

Mr. Bromwich.

11 **THE COURT:** Good afternoon, Mr. Bromwich. I look 12 forward to hearing from you. A word of caution at the outset. 13 I regret the circumstance that I have a jury out deliberating. 14 There is an outside possibility that there will be a jury 15 communication during the time you're speaking, perhaps when 16 others are speaking. If that happens, I may have to ask you to 17 pause for a few minutes while I deal with that. I apologize in advance if that occurs and it has the consequence of breaking 18 19 up your flow. On the other hand, after hearing that résumé, I 20 don't think there's going to be much that interferes with your 21 ability to advocate and make your points.

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Please proceed.

23 MR. BROMWICH: Thank you very much. And may it please
24 the Court, I want to thank Mr. Shea for that fine introduction.
25 Let me first address the way that we conducted the

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investigation in terms of its independence and objectivity that have been mentioned by Mr. Shea. We were promised that at the outset by Commissioner Harrison and Solicitor Andre Davis and the Police Department and the City were 100 percent true to that pledge.

They were, mostly through Ms. Walden, completely and 6 7 always responsive to our requests. There was not a moment of 8 hesitation in trying to get for us what we requested. And. 9 most importantly, there was not one moment in which anybody in 10 the Police Department or the City tried in any way to affect 11 what we were doing, how we were doing it, how long it was 12 taking us, or anything about the final report that would be 13 delivered last week. And so I very much appreciate it. We 14 could not have done this without the City and the Police 15 Department living up to their representations.

And I hope the people of Baltimore recognize this for what it is. That it is a completely independent, objective report based on our own investigative agenda, and the way we conducted the investigation. There's no fingerprints of anyone, not the City, not the Police Department, not the Department of Justice, and not even this Court.

22 So let me begin by talking about the way that the 23 first information about the Gun Trace Task Force came to the 24 attention of the public.

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It was on March 1st, 2017, when seven members of the

GTTF were arrested, that was a culmination of a lengthy investigation by the U.S. Attorney's Office for the District of Maryland and the FBI, which began not as a result of any Internal Affairs investigation by the Baltimore Police Department, but instead as a county narcotics investigation jointly conducted by two Maryland counties.

When they developed evidence of drug dealing by one of the police officers, they referred the evidence they had to the FBI and the FBI then began its investigation, initially focused only on Momodu Gondo and only based on the evidence of his drug dealing. He was dealing drugs as part of the so-called Shropshire drug organization, which included one of his best childhood friends, a man named Glen Wells.

14 The FBI applied for permission to conduct electronic 15 surveillance on Gondo's phone. It got that permission and for 16 a couple of months it got some productive information, some 17 evidence from the phone tap.

18 Then it went to a bug of Gondo's car in about August 19 of 2006 and that produced a substantial amount of evidence that 20 ultimately led to the charges.

The evidence that was collected included crimes not only by Gondo but of his sergeant, Wayne Jenkins, and other members of the Gun Trace Task Force.

The reaction in the community, among BPD leadership, and its rank-and-file at the time of the arrests of March 1st

2017, was absolute horror at both the number of crimes, the length of time over which they were committed, and the brazenness of the crimes.

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The charges included racketeering, racketeering 4 conspiracy, Hobbs Act robbery and extortion, and unbelievable overtime fraud, which included as you mentioned, Judge Bredar, putting in for overtime at times where the Defendants were out of town and indeed out of the country. 8

9 But the legal categories and labels really understated the egregious nature of the crimes. There were thefts of drugs 10 11 and money, but there were home invasions, there were false 12 affidavits and police reports over and over again.

13 As time went on in the months immediately following 14 those arrests in 2017, several of the GTTF members pled guilty 15 to racketeering charges and agreed to cooperate with the U.S. 16 Attorney's Office and the FBI. Gondo, Hendrix, Rayam and Ward, 17 four of the essential figures in the investigation all pled 18 quilty to a single count of racketeering and agreed to 19 cooperate with the Government.

20 As part of that cooperation, they agreed to be 21 debriefed in detail and to provide information of the crimes 22 that they had committed and that they knew others had committed 23 going back many years. Their cooperation, particularly that of 24 Gondo and Rayam, led in October to the indictment of another 25 sergeant previously with the GTTF, Thomas Allers, and a couple

of months later to his plea of guilty to racketeering.

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Sometime after that Wayne Jenkins, who was in some ways the central figure of the investigation, pleaded guilty, but not with a cooperation agreement because the prosecution and the investigative agents found that he was simply He was dishonest. He was duplicitous, and he was unreliable. manipulative. So he pled quilty not only to racketeering charges and robbery charges but to charges in connection with 9 his having planted a gun on a suspect several years earlier.

10 As time went on in January of 2018, the two remaining 11 Defendants in the case, Daniel Hersl and Marcus Taylor, were 12 tried. Witnesses against them included a number of victims of 13 their crimes, but it also included the testimony of Gondo, 14 Hendrix, Rayam and Ward that talked at length in their 15 testimony about the corrupt acts that they had done in 16 conjunction with Hersl and with Taylor. Hersl and Taylor were 17 convicted, and they were subsequently sentenced.

18 As you have mentioned, Judge Bredar, you pushed from 19 early on, from early 2018, for BPD and the City to commission 20 an independent investigation. And my understanding is that 21 Commissioner Harrison and Deputy Commissioner Nadeau personally 22 pushed for that because they believed that it was necessary in 23 order for the Department to move forward to satisfy the 24 conditions of the Consent Decree, but, most importantly, to 25 prove to the community that they were capable of telling the

truth about themselves. 1

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We were retained as you mentioned, Your Honor, in late October of 2019. And as I said a few minutes ago, we were 4 promised, and we got, full independence and non-interference with our investigation.

So in seeking to define the scope of our 6 7 investigation, it quickly became clear that we needed to answer 8 two questions: The first question is what motivated these 9 officers to engage in these staggering acts of corruption over 10 Things about them individually. The second question is time? 11 what weaknesses within the Police Department allowed them to 12 get away with it, allowed it to happen, and to continue for 13 such a long period of time?

14 We knew we needed to go back at least to the creation 15 of the Gun Trace Task Force which happened in 2007, but what 16 quickly became clear was that the Gun Trace Task Force wasn't 17 created without a context and a background and that, in fact, 18 it was an outgrowth of some of the strategic initiatives that 19 were brought to Baltimore going as far back as 1999.

20 In 1999, Martin O'Malley was elected mayor and years 21 before he had become very interested in the sharp drop in crime 22 in New York City using a number of strategies and techniques 23 developed by then Superintendent William Bratton.

24 O'Malley, when he was actually chair of a legislative 25 subcommittee, took a delegation up to New York, observed what

New York was doing, and decided that's what he wanted Baltimore to do -- for the best of motives -- to do something about the out-of-control crime that existed in Baltimore, particularly drug-related, but also obviously violence-related as well.

5 So what we wanted to do is to understand how the 6 strategy and the tactics brought to Baltimore by O'Malley 7 starting in 1999 related in any way to corruption.

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8 So how do we go about answering the first question? We wanted to understand the motivations and the contributing 9 10 causes to the corruption of the individual officers. And so 11 what better way to do that than to try to talk to them, 12 personally, individually, so that they can explain to us what caused them to go bad? What caused them from the point where 13 14 they presumably entered the Police Department intending to 15 uphold their oath, intending to protect the public, what caused 16 them to go in a completely different direction?

17 So we wrote letters, two sets of letters, to all of 18 the GTTF members. We got responses from Tom Allers, which we 19 reprinted in our report, which basically said "I'm not 20 interesting in talking to you."

We got -- I got a phone call from Jemell Rayam, it was a 13-minute call, a few days after he got the initial letter. And what he said on multiple occasions during the 13-minute call was "What's in it for me?" "What's in it for me?" "What's in it for me?"

And we could tell him honestly that we didn't know 1 2 there was anything in it for him other than living up to the sense of regret that he said he felt at the time of his 4 sentencing. The apologies that he and other GTTF members gave. They were sorry. They apologized to the City, to the Police Department, to their family.

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7 And we emphasized in the letters, and I emphasized with Mr. Rayam on the phone, here's one way that you can show 8 9 you really are sorry. Tell people why you did what you did. 10 What were the steps that you took? What factors existed in 11 your personal life, whether there were financial pressures or 12 substance abuse issues? What caused you to do what you did? 13 We got nowhere with Mr. Rayam.

14 We then got communications from Wayne Jenkins who 15 pretended for a long period of time that he was interested in 16 talking to us, but then he introduced somebody who was a former 17 cellmate who then tried to act as his agent, and that gentleman 18 made it clear that he would only allow Mr. Jenkins to 19 participate in an interview if a filmmaker was there and it was 20 recorded. We said "No, no." That was a long-playing drama. 21 Lasted close to a year. It looked in or 2020 -- early 2021 we 22 would be able to interview Mr. Jenkins. We did talk to him for 23 about half an hour. It was supposed to be a preliminary 24 discussion to a full-ranging interview, but he cancelled. 25 The only defendant, and he was not a member of the

GTTF, who cooperated with us was a man named Victor Rivera, who 1 2 was part of the second generation of corrupt officers who were prosecuted and only had a tangential relationship with GTTF. 3 4 The relationship was with Keith Gladstone, who had been a mentor of Jenkins who had been involved in planting a gun in 5 2014 that framed an innocent suspect. And it was through 6 information derived from Jenkins that the Government went to 7 8 Gladstone and Gladstone clearly provided information on the 9 other Defendants and one of those other Defendants was Victor 10 Rivera.

Rivera sat through multiple interviews with us and was extremely candid about how he began his life of crime in the Police Department back in the late '90s, and continued to cooperate with us and has actually made a training film, which we turned over to the Police Department, which I think they are using to demonstrate the individual costs to the officer of engaging in corruption.

18 So other than Mr. Rivera, we didn't have the 19 cooperation of a GTTF Defendant. So we had to rely on 20 alternative methods for building biographies of them. And we 21 relied heavily on BPD's internal records, including Internal 22 Affairs' files, the records of plea and sentencing hearings 23 before this Court, and also interviewing numerous work 24 colleagues, supervisors, and others who worked with them and 25 got to know them pretty well.

And the construction of those biographies, you can see 1 the fruits of that in Chapter 10 of our report where we have longer than thumbnail descriptions, really biographies of these individuals from early in their lives up through the time that 4 they were arrested.

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We spent most of our time trying to answer the second 6 question: What were the organizational and structural 7 8 weaknesses that allowed this kind of blatant corruption to take 9 root and to flourish within the Baltimore Police Department and 10 the City?

As I said before, we quickly realized that that 11 12 required a broad historical look at the Police Department.

13 Now, it was absolutely clear that corruption predated 14 1999 which had originally been our starting point. Indeed. 15 Mr. Rivera told us that his thefts began in 1997, 1998, when he 16 stole, along with a gentleman named William Knoerlein who was a 17 colleague of his, on 10 to 12 different occasions. Almost 18 always during residential search warrants when there was an 19 implicit agreement. "I see this money, if you take it I won't 20 tell, and we'll split it after we leave the premises."

21 But the corruption that predated 1999 was not just 22 thefts of that kind. It was also the excessive use of force. 23 Rivera and others told us that if a civilian ran from the 24 police they not only would catch him they would beat him up, 25 sometimes severely, as a cost of running away. They would

frequently send their victims to the hospital and that was not
 unintentional on their part.

Then as we found out, it's been a long and sordid tradition within the Baltimore Police Department to lie in court papers, to lie in official police reports in order to make a law enforcement action stand up so that there was adequate probable cause, even when there wasn't, for an arrest, the search of a residence or some other purpose.

9 But trying to get an answer to that second question 10 really took the bulk of our time and was the vast majority of 11 160 interviews that we did over time.

12 So the context as we look carefully at the history 13 starting in 1999, the context, as you said, Your Honor, was an 14 unacceptably high level of homicides and of other serious 15 crimes, including drug dealing in Baltimore. As I said, Martin 16 O'Malley was very much attracted, for all the right reasons, to 17 the strategy and tactics of zero-tolerance and quality-of-life 18 enforcement.

And what O'Malley did is he brought in, initially as his deputy commissioner and then as his commissioner, Ed Norris who was an up-and-coming executive in the New York Police Department, who got high marks from his superiors in NYPD, and who was intimately familiar with ComStat, the computer accountability tool that New York had launched in the mid '90s and had begun to be picked up by other police departments

1 around the country.

ComStat was brought to Baltimore with Ed Norris and Jack Maple, who was one of the inventors of ComStat, trained others in the Baltimore Police Department in how to use it as an accountability tool.

What members of the command staff took the importation of ComStat to be was a demand for more productivity and that's the way they treated it from that point forward.

One of the other things that Ed Norris did was to create a couple of elite rapid response squads that reported only to him and which he gave assignments to. Although we didn't develop any evidence of corruption on the part of those squads, they were viewed as arrogant and largely unaccountable which -- and they have a a lot of discretion in how they will carry out the missions that Commissioner Norris gave them.

Now, neither O'Malley nor Norris was blind to the existence of corruption in the Baltimore Police Department. One of the themes of O'Malley's 1999 campaign was "We need to police the police." That was his phrase. He also commissioned a full-scale review of the police department right at the beginning. And he hired Jack Maple and a consultant named John Linder to do an extensive review of the Police Department.

One of the pieces of their review included a survey of BPD members and one of the areas of questioning was: What do you believe is the extent of corruption in this Police

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1 Department? And the answers were shocking.

Approximately 25 percent of the officer's surveyed said that they believe at least 25 percent of their colleagues were stealing drugs or money or both from citizens with whom they came in contact.

Most of the people interviewed during this investigation who were on the force at the time did not remember that survey at all and yet the statistics of that survey are arresting to put it mildly. And almost one in four of every police officer believed that at least one in four of their colleagues was stealing money or drugs or both.

And if you added to that if the question had instead been framed as not only stealing guns and drugs from suspects but lying on official police records or lying in affidavits, there is no doubt that the numbers would have been far higher than that.

It was clear to Norris and to O'Malley that Internal Affairs was in completely disarray at that time. There was a huge backlog. There was a history of racial inequities. Black officers being treated worse than white officers that engaged in the same misconduct.

In addition, there was a very poor relationship between the Police Department's Internal Affairs office and the State's Attorney's Office and that impaired the views of the criminal sanction as a meaningful sanction in the face of

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police misconduct.

We talk in the report about the Sewell case which was -- it was attempted to be made by the Police Department as part of an integrity sting -- but the case became so fouled up by the actions of the Police Department that not only did the State's Attorney's Office decline to bring a prosecution but ultimately an administrative case couldn't be sustained.

8 And what Norris had done was to launch a fairly 9 extensive integrity sting program, both random and targeted 10 stings. And what happened in the Sewell case I think really 11 affected people's views as to how successful that could really 12 be.

Norris was the Commissioner from 2000 until the end of 2002. He left to join the Maryland State Police as its superintendent and of course subsequently was prosecuted and convicted for having raided a rainy day fund at the Police Department and used it for his own personal purposes.

8 Norris left and O'Malley was not satisfied with moving 9 in somebody from the Police Department itself. He instead 0 turned back to New York for the purposes of acquiring Norris' 1 successor.

THE COURT: Do you think that Norris' anticorruption initiatives, those stings and so forth he was conducting, you referenced the Sewell case, how high of a priority was that operation in that phase of, you know, of the police

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administration in the City? Was that an all-out effort? Did it fail only because of conditions and circumstances outside of the Police Department or beyond the Commissioner's control? Or was this ultimately institutionally no more than a half-hearted effort.

6 MR. BROMWICH: It's a great question, Your Honor. Ι 7 think at the outset, and during Norris' tenure, it was a full-blown, sincere effort. Not only were there a lot of 8 integrity stings conducted, I think in 2001 the number was 9 10 something like a hundred which was a vast increase over the 11 numbers that had been under the prior Commissioner Tom Frazier. 12 And Norris in fact had created a separate audiovisual unit 13 within Internal Affairs that would work with the detectives 14 involved in the stings to make sure that adequate audio and 15 video was captured.

16 So I think it was a full-blown effort. There were 17 probably certainly fewer results than I would have hoped for.

Now, you don't know whether it served as a deterrent and the word was out that Norris is serious about these stings, they're all over the place so we need to be a little bit more careful. There's no way for us to really know that. But there were not that many successes in terms of detecting misconduct or leading to criminal prosecutions.

24 My strong sense is Kevin Clark came in in early 2003 25 and was not as interested in or enamored of integrity stings

1 and the number, I think, began to trail off.

And it went through ups and downs over the years to the point that if you move ahead a decade or so they had almost entirely vanished. And so I think you could say at the end of Fred Bealefeld's tenure, and certainly under Anthony Batts, the number of integrity stings is very small.

7 **THE COURT:** So I suppose one lesson we take from this 8 is that it's not enough for a commissioner to launch an 9 aggressive anticorruption program, fund audiovisual recording 10 capability, have a hundred sting operations and so forth, but 11 there must be start to finish follow through involving the full 12 investigative capability of the Department and then very much 13 follow up with the prosecutorial authorities to bring the cases 14 to an appropriate conclusion, that is if the officer is guilty, 15 then consequences.

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MR. BROMWICH: Exactly.

THE COURT: Somewhere on that road it foundered.

MR. BROMWICH: Yes. And I think there were early signs of it foundering because of a very poor relationship between the State's Attorney's Office and BPD. Mayor O'Malley, and to a less extent Commissioner Norris, made no secret of the fact that they believed that the State's Attorney's Office was insufficiently aggressive.

And, in fact, in the Sewell case there was open, withering criticism by O'Malley of Patricia Jessamy, who was

then the State's Attorney, for not pursuing the prosecution.
 In fact, it was one of the rare times that Mr. O'Malley had to
 apologize because he condemned Mrs. Jessamy in very, very
 strong terms.

5 So you're absolutely right. There has to be smooth communication and coordination between the Police Department 6 7 and the State's Attorney's Office. And there has to be a 8 well-functioning administrative apparatus within the Baltimore 9 Police Department so that in those cases where prosecution is 10 declined, that will inevitably be in a substantial number of 11 cases because of lack of sufficient evidence to convict beyond 12 a reasonable doubt, other maybe investigative problems, that at 13 least there will be the swift and certain computation of 14 punishment within the Police Department and that did not exist 15 at this time, any time during the 2000s, and indeed at any time 16 2010 up through 2017.

17 **THE COURT:** Just to put a finer point on it, though, there is a very substantial effort under way right now as 18 19 you're aware, and as my opening comments made clear, to beef up 20 the Public Integrity Bureau, which is how the Department refers to Internal Affairs, and turn it into a well-functioning, fully 21 22 professional, fully resourced, fully enfranchised element 23 within the Police Department. And I've been persuaded of the sincerity of this effort and, frankly, the capability of the 24 25 leadership of that bureau.

But, if they don't cultivate and achieve the, you know, high-quality relationship with their prosecutorial partners or if they just internally don't fully develop their capability to bring these cases all the way through to a conclusion then this effort also could fall short.

MR. BROMWICH: I think that's right. I think there's nothing more important than strengthening the Internal Affairs or the Public Integrity Bureau capability and to ensure a good relationship with the State's Attorney's Office.

We conducted a number of interviews, as I'm sure you know from reading the report, of people who are in positions in PIB, the Police Department, and the State's Attorney's Office. Our sense from those interviews is the relationship is as good as or better than it's ever been over the last year, year and a half. So that is a hopeful sign.

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THE COURT: Thanks. Please continue.

MR. BROMWICH: So in looking for a replacement for Norris, O'Malley said that what changed his mind from going with an internal candidate was a conversation he had with a police officer asking what his reaction was to Norris leaving. And the response from the officer was, "I'm actually sort of happy about it because now we can go back and do the things the way we used to do them."

And O'Malley took that as a sign that he needed to bring in another outsider and specifically needed to bring in

another outsider from New York who is schooled in ComStat and
 would use it as the principal accountability tool within the
 Police Department.

Now, Clark comes to Baltimore in early 2003. He's
there for two full years before he is forced out because of a
domestic incident that caused him to lose the confidence of
Mayor O'Malley.

8 But what Clark brings to Baltimore is a buy-and-bust 9 strategy, a strategy to focus on low-level drug dealers. To do 10 really a volume law enforcement business without a larger 11 strategy to try to disrupt more significant and sophisticated 12 drug organizations.

13 It was strongly opposed by elements in the Police 14 Department even at the time. Because they were concerned that 15 it would not have much impact because you weren't going after 16 the big dealers and the major organizations, and that it would 17 also have an adverse effect on community relations because you 18 were arresting lots of people for relatively trivial drug 19 crimes, frequently nonviolent drug crimes.

Some members of the Department who are originally reasonably enthusiastic about the buy-and-bust strategy ultimately became disaffected with it because they saw the damage it was doing to community relations and the lack of real progress in curbing serious crime.

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One of the things that Clark did was to create

something he called the Organized Crime Division which was
 actually the forerunner of the Violent Crime Impact Division
 which is much better known as the organizational name and that
 was created in later years.

5 One of the problems with the Organized Crime Division 6 was that it was staffed in part with very inexperienced members of the Department who had been inadequately trained and yet a 7 8 large percentage of the members in the Organized Crime Division were plainclothes. They had a lot of discretion, and it was 9 10 really a formula for creating problems to have so many of the 11 members of the Organized Crime Division who had less experience 12 and were inadequately trained.

In addition, Clark grew those plainclothes units at the expense of patrol so that the plainclothes units are a much larger percentage of the entire Police Department staff than it had been previously. Clark was, as I said, forced out. He was fired in late 2004.

And one of the things that this Court has focused on was a very true event which is instability at the top. The Police Department had had four commissioners in five-years: Tom Frazier, who resigned shortly before O'Malley was elected. Ron Daniel, who was O'Malley's first police commissioner who lasted 57 days. Ed Norris, who lasted three years. And Kevin Clark, who lasted for two.

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The person who replaced Clark was Leonard Hamm, who

1 was a longtime veteran of the Police Department, had served in 2 it for well over 20 years before leaving several years earlier. 3 Had gone on to number of different jobs in the city and then 4 had been brought back as deputy commissioner in the fall of 5 2004 when it appeared that Clark was not going to last much 6 longer.

7 Hamm was really viewed as a caretaker and not someone who created strategy for the Department. That job really fell 8 9 to Marcus Brown who was a longtime ally of O'Malley's and who 10 was perceived in the Department as a proxy for O'Malley, which 11 really perpetuated what many people in the Police Department 12 knew all along which was that O'Malley was micromanaging the 13 Police Department and not really allowing the Commissioner to 14 run his own department.

15 So Mayor O'Malley runs for Governor. He is elected in 16 November of 2006, and Sheila Dixon, who was the City Council 17 President, becomes acting mayor in early 2007. And within 18 months she determined that Hamm was not the right person for 19 the job. And she turned to a veteran of BPD, Fred Bealefeld, 20 who at the time was deputy commissioner.

And Dixon and Bealefeld and others started fairly swiftly to change the strategy from zero-tolerance and quality-of-life enforcing to focusing instead on targeting violent offenders. In other words, they turned away from purely numbers-driven policing, and they wanted to focus

intensively on violent criminals and on guns.

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And Dixon made it clear to Bealefeld, you heard that from both of them, that she was not going to micromanage the Police Department. She trusted him to run it. She would help in creating the broad strategic outlines of the policy because she was the Mayor, but she would not interfere in the daily operations of the Department in a way that had existed previously.

9 So that's really the context for the creation of the 10 Gun Trace Task Force. O'Malley is gone, Dixon is in, Bealefeld 11 is in, and there's a change in strategy that's focusing on 12 violent criminals and so that's the background.

13 Now, the idea for the Gun Trace Task Force was 14 Commissioner Bealefeld and Sheryl Goldstein, head of the Office 15 on Criminal Justice. And as they conceived it, the purpose of 16 the unit was to gather intelligence for gun trafficking 17 investigations, to work with gun dealers, pawn shops, and 18 others to identify straw purchasers and make criminal cases 19 against them, and to work with partners in state and federal offices to make cases, to make criminal cases against people 20 21 involved in the gun trade.

Because what Bealefeld and Goldstein and others had recognized was that a huge percentage of the guns used in crimes in Baltimore not only came in from outside of the city, but came from outside of the state. And so they thought it was

a very important venture to try to figure out where those guns came from and to make cases against those who are illegally importing them into Baltimore that were being used as crimes.

As Bealefeld and Goldstein perceived, this was going to be a multiagency approach, and not limited to BPD, and its mission was clearly to be an analytic investigative unit not a street enforcement unit.

In fact, a number of original members of the unit, Ryan Guinn, Geiselman and others, asked Bealefeld, "Are we going to be doing street enforcement?" And he told them "No," they were not, this was a unit created to do something very different from street enforcement, to be a real analytic and investigative unit not enforcement, not an enforcement unit.

Now, unfortunately, there were problems from the very beginning in the GTTF. Even though the GTTF was featured in the 2007 BPD annual report as this important new initiative, but there was a slow start because of very mundane logistical issues. There was not enough office space. There were -- the Baltimore County Police Department, which was one of the two partners in the Gun Trace Task Force, failed to assign a sergeant for some period of time. But the two partners that Bealefeld had enlisted were the Maryland State Police and the Baltimore County Police Department.

One of the early problems with the Gun Trace Task Force was the leadership issue. Rick Willard was the first

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sergeant of the GTTF but he was, within a year or so, suspended for domestic incident. And there was a full six-month gap in 2 the leadership of the GTTF. There was that gap until Kevin A. Jones was selected to be the GTTF new sergeant in the second half of 2009. It was August of 2009.

Now, Jones came from an operations and enforcement background and got very little instruction or direction at the outset of what the GTTF was supposed to be. And because of his background in operations and enforcement, he began morphing the GTTF into something very different from the way it was designed. Away from it being an analytic and investigative unit that investigated straw purchasers and did the other things that were the original GTTF mission statement but instead to be a street enforcement unit.

We've reproduced in the report some emails and correspondence where Jones is trying to get clarity about what people higher up in the chain of command want him to do with the GTTF. And he got mixed signals for a period of time. And so he went in the direction that his instincts took him which is to do street operations and street enforcement.

Within less than a year of Jones becoming sergeant of the GTTF, he recruited two people who he had supervised previously in one of the districts, Momodu Gondo and Jemell Rayam, of course who were the people who were arrested in March of 2007.

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One of the odd things about the recruitment of Rayam is that he had a very significant Internal Affairs case hanging over his head, which we discuss in great detail in the report, and which stemmed from an incident in 2009 in which he and two other officers were involved in an operation which \$11,000 was stolen from someone they pulled over in a traffic stop, and we'll talk a little bit more about that later.

8 Over time the agency partners in the GTTF, the 9 Maryland State Police, and the Baltimore County police 10 departed -- in the Maryland State Police's case, we interviewed 11 a number of people who were delegated by the Maryland State 12 Police to the GTTF. And in those interviews we were told that 13 it was a fairly amicable parting. There was no specific 14 dissatisfaction with the way that the BPD members of the GTTF 15 were conducting themselves but essentially they had a better 16 offer. They were invited by ATF, the federal agency, to work 17 with them, and it gave them more of what they wanted than the 18 GTTF was giving them.

19 The story with Baltimore County was completely and 20 utterly different. It was not amicable in the slightest. 21 There was a long-simmering dissatisfaction on the part of 22 Baltimore County officials really from the time that Kevin 23 Jones became the sergeant.

They claimed that in multiple cases where they were working with the BPD members of the task force that those

people would violate the terms of the agreement, which had been incorporated into different Memoranda of Understanding, which is that they will get to review search warrants that had been authorized by Baltimore City judges for Baltimore County residences, and then they would be alerted in a timely way to the execution of search warrants on Baltimore County residences.

And over and over and over again BPD violated the 9 terms of that understanding. They would not -- in some cases 10 they refused to show the search warrants to Baltimore County 11 officials. And in many, many instances they either didn't 12 notify Baltimore County personnel at all or called them and 13 said "We're at the door of this residence and we intend to go 14 in," without Baltimore County personnel being deployed.

Baltimore County officials were very upset about this. They complained at high levels within the Police Department that this was not acceptable and that they were going to withdraw from the GTTF if things didn't change. Things didn't change.

There was a specific incident in March of 2011 in which, again, there was no review of the search warrant. There was the beginning of a search without notifying Baltimore County personnel. And higher-level officials in Baltimore County said they had had it, they withdrew their sergeant from the GTTF, and from that point forward, from March of 2011, the

Task Force was not really a task force anymore. It was a
 Baltimore Police Department wholly-owned operation.

And by that time the GTTF had become really just another street enforcement unit within the Violent Impact Division which was renamed and refashioned and re-branded version of the Organized Crime Division which Kevin Clark created.

Bealefeld was the commissioner for five-years, the longest
tenure of any commissioner in a very long time. He resigned.
He was undercut by members of Mayor Stephanie Rawlings-Blake
staff, which she acknowledged to us and regretted because she
knew he was a successful commissioner.

13 With Bealefeld's departure, the GTTF members' original 14 sponsor, the person who created it, its architect, was gone. 15 But in any event, Bealefeld had become very far removed from 16 the Gun Trace Task Force. He had created it. It was his idea 17 but because of his manifold responsibilities within the Police 18 Department, he really couldn't oversee it in any meaningful way 19 and certain executives under him, most notably Tony Barksdale, 20 didn't believe in the Gun Trace Task Force, so he didn't spend 21 any significant amount of time trying to supervise it or making 22 sure it was acting in a way that was consistent with its 23 original mission.

24 So Bealefeld resigned effective in July of 2012, and he 25 was replaced on an interim basis by Tony Barksdale, who was one

of the Bealefeld's deputy commissioners and who was very much involved in operational matters of the Police Department for Bealefeld's entire tenure.

Mayor Rawlings-Blake had a choice, was she going to go with continuity in the form of Barksdale, although he's a very different person than Bealefeld, or was she going to go with somebody from the outside. And she decided to go with somebody from the outside, Anthony Batts, who had been the Chief of Police in Long Beach, California, and in Oakland, California.

Now, Batts heard early on that there were some problems
with VCID which had again been renamed as VCIS, the Violent
Crime Impact Section. It's a continuing feature of BPD, a
re-branding without any specific change in function.

14 So what he inherited was the Violent Impact Section or 15 VCIS. And he heard some complaints about overaggressiveness 16 and complaints about some corruption. And so he decides what 17 he needs to do among other things is to shrink the size of it. 18 It's just too large. It has too many people in plainclothes. 19 And so he does shrink it, but there is still a very substantial 20 component in the Police Department, that is the Special 21 Enforcement Section.

Now we asked Batts what he knew about the GTTF when he
came in. He claims he knew who they were and what they did.
We found no evidence that he actually did.

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He had a consultant's report that he commissioned, he and

O'Malley commissioned, O'Malley was then the Governor of 1 2 Marvland. O'Malley encouraged Batts to do a stem-to-stern review of Baltimore Police Department. They split the cost of 3 it, although Batts got final editorial control, and a review 4 was done and was completed at the end of 2013. 5

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One of the ways you know that Batts didn't know what the GTTF did was because the consultant's report said -- assumed 7 8 that GTTF was doing what its original mission papers said it was doing, that is, doing analytic work, doing investigations 9 10 of straw purchasers and so on. When, in fact, they had become a street enforcement unit. So Batts didn't really know what it 11 12 was doing.

13 One of the things I want to talk about in the context of 14 Batts, but it's obviously a long-term enduring issue which was 15 really the perpetual struggle to improve and reform Internal 16 Affairs.

17 Over the course of the entire period that we reviewed, there had been multiple efforts to reform Internal Affairs by 18 19 whatever name it went at any particular time, but none of them 20 was ever successful. Now, the main problems were the same: Quality of personnel, number of personnel, the lack of 21 22 investigative training, operational security and leaks, its 23 reputation within the Police Department, its poor relationship 24 with the State's Attorney's Office. The declination process 25 was completely broken, and a deeply-flawed trial board system

1 that adjudicated allegations of misconduct.

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And there are specific Internal Affairs failures, and we document those, particularly talking about the Rayam case which I mentioned before, and in the case of Daniel Hersl who in the IA appendix you can see was the subject of scores of complaints, primarily excessive use of force, but also thefts, a number of thefts. And it is a sad commentary on the ineffectiveness of Internal Affairs during those years and Hersl was on the Police Department as of March 1st, 2017.

10 Now, Batts knew he had to do something about Internal
11 Affairs so he brought in an outsider, he brought in Jerry
12 Rodriguez, who was a captain in the LA Police Department.

Rodriguez said that he was originally encouraged that he would have the authority to really make the kinds of whole-scale reforms in Internal Affairs that he thought was necessary. But he found over time that he just didn't have enough support from Batts. Batts was not fully committed to using his capital within the organization to make the reforms that Rodriguez thought were necessary.

Now, two cases arose during the tenure -- during the time that Rodriguez was there which was basically early 2013 until April of 2015. One was the Walter Price case which involved a case in which Wayne Jenkins had allegations against him for improper supervision and illegal detention in connection with a stop of someone who was suspected of dealing drugs.

The evidence was strong that there was insufficient evidence to stop the motorist. There was strong evidence that Jenkins had planted the evidence that he seized, although the Internal Affairs investigator rightly thought there wasn't enough evidence to prove him guilty, it was a strong suspicion. And knowing what we know now it's almost certain the fact that he did.

8 But the failure to supervise someone else in his unit in 9 connection with the stop and the involuntary detention resulted 10 in a very substantial set of sanctions that were proposed with 11 respect to Jenkins, which was a demotion, demotion from 12 sergeant to detective or officer, a substantial number of days 13 on leave, and a letter of reprimand.

When those set of sanctions went to Rodriguez, who was the deputy commissioner, he had already identified Jenkins as someone who needed to be watched who was a cowboy. And he actually increased the sanction but, ultimately, nothing happened.

What happened was the case was delayed over the time period of many months and then Freddie Gray happened, and the case continued to languish, and in the end all Jenkins got for what started out as a demotion, suspension, and letter of reprimand case was nonpunitive counseling. And Jenkins had become so accustomed to getting off with no punishment at all that even with that nonexistent punishment, the letter, he

complained, and wrote a letter to his supervisor saying that it
 was completely improper that the way that IA had investigated
 him.

4 **THE COURT:** If you take the Jenkins case then is that an example of a lack of will on the part of leadership? 5 Is it an example of it not being politically feasible to make 6 7 anticorruption a top priority in the Department? Is it merely 8 an example of just administrative and organizational 9 incompetence that the leadership was just simply incapable of 10 putting in place systems that would ultimately deliver on the 11 critical mission of policing the officers in the Department?

MR. BROMWICH: I think it's really the first two and less so the third. We know that Darryl DeSousa intervened in the case. DeSousa, as you know, later became commissioner was known as a light touch with respect to discipline, and he's ultimately the one that decided to reduce the penalty.

17 So Jenkins concluded from that, as he concluded from 18 his other brushes with Internal Affairs, that it was a paper 19 tiger, and that he was going to be protected by people who were 20 pleased with his performance based on the stats that he was 21 accumulating and that not a hair on his head would be hurt no 22 matter what he did.

23 So there was a sense on his part that he displayed to 24 those around him that he was invincible, that he couldn't be 25 touched, and there was something to that.

And the next case I want to discuss very briefly is the Demetric Simon case, that's the 2014 case in which Jenkins literally drives his car into a suspect, rams his car into the individual. They come to rest with the front wheel spinning over the suspect's head. And there is no evidence that this gentleman Demetric Simon had a gun or had drugs or anything else.

8 So what happened is Jenkins calls his friend Keith 9 Gladstone and says that he needs a gun to plant at the scene of 10 the accident to justify what Jenkins had done. And that sets 11 into motion a series of events that ultimately led to criminal 12 charges against Gladstone and Carmine Vignola and Robert 13 Hankard, a case that is still pending in court.

But what I wanted to focus on less that than the fact that this case and the way that Jenkins used his car was reviewed by the Use-Of-Force Review Board who incredibly viewed this as a justifiable use of force, the use of his vehicle to ram an individual. But it's important to note how the Use-Of-Force Review Board reviewed the case.

We reviewed the transcript -- and the meeting lasted 21 21 minutes, something that should have lasted a lot more than 22 that -- and the members of the Use-Of-Force Review Board 23 included some of Jenkins' sponsors and patrons and supporters 24 in the Department, Dean Palmere and Sean Miller. Those were 25 people who believed in him, believed in his ability to produce,

and protected him at almost every turn. And this is
 substantial evidence of the lengths to which they were willing
 to protect him. That is, they participated in really which was
 a very superficial review of the use of force. And that's the
 Demetric Simon case.

And that, as I just said, is really the example of the
power of productive officers, Jenkins, Gladstone and some
others to wield their power in the Department and immunize
themselves from any reasonable sanctions.

10 Now, Jenkins was known for his reckless driving. We 11 couldn't even count up the number of vehicle accidents and 12 vehicle accidents not only endanger him, they endanger his 13 colleagues, but most importantly they endanger people in 14 Baltimore. And there was, frequently, no valid reason for the 15 vehicle chases that Jenkins was involved in and certainly no 16 justification for the incredibly high speed with which he 17 drove. But again, another example of the power that Jenkins 18 and Gladstone wielded in the Department.

19 They were supervised by a lieutenant by the name of 20 Daryl Murphy. And Murphy decided -- it was part of a larger 21 program -- that he wanted his sergeants to meet regularly with 22 a prosecutor from the State's Attorney's Office so that that 23 prosecutor could review and supervise the legal and factual 24 basis for the investigations they were doing and the cases that 25 they were making.

And Jenkins and Gladstone did not want a lawyer looking over their shoulders and they told Murphy that they didn't want that to happen and Murphy said, "Well, I want it to continue. I think it's something that is good and positive and productive and helpful."

And Jenkins and Gladstone thought otherwise. They went to Sean Miller, who was Murphy's superior, and lo and behold the meetings with the assistant state's attorney were cancelled.

10 Murphy felt so undermined by Jenkins and Gladstone 11 going to Miller and having his decision overruled that he asked 12 for a transfer and left the position as the lieutenant over 13 Jenkins and Gladstone.

14 So, again, another example of the subversion of the 15 supervisions, the subversion of the chain of command in the 16 interest of deference to productive officers.

Now we move to 2015 and 2016 which is the period during which the federal investigation takes place. And there had been, as the debriefings of these Defendants proved, prior thefts and other forms of corruption prior to 2015 but it was really taken to a new level after the events involving the death of Freddie Gray and the events that followed starting in April of 2015.

Jenkins was enthusiastically praised for his actions,
his bravery, during those events and pointed to as a role

He went to defend and protect a number of officers who 1 model. 2 were under siege at one point during the uprising. And he was pointed to in meetings as somebody to be emulated. 3

4 Now, supervisors found him impossible to manage, in part because of his ties to higher-level managers, namely Miller and Palmere.

One example of those ties and special privileges they gave him was he was assigned a vehicle of his own, a Chevy Impala that he asked for and was authorized by Deputy Commissioner Palmere. And Jenkins put on that car a push bumper that really its main use is to ram into other vehicles to do what's called "pitting" of vehicles, which is not an authorized practice in the Baltimore Police Department, and yet that was known about by people up the chain of command, that he not only had the car but he had the push bumper and nothing was done to stop it.

The other thing that Jenkins did was to claim that he was acting at the behest of Miller and Palmere.

He would be asked by his lieutenant, you know, "You were supposed to be off on Sunday, why did you come in?" "Oh, I was told by Palmere to come in and do X, Y and Z." "I was told by Miller to come in and do X. Y and Z."

On the few occasions where the lieutenants who were supposed to be the direct supervisors of Jenkins checked with 25 Miller, Miller said, "Yeah, Palmere called him in," or "Yeah, I

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called him in, I should have told you. I didn't tell you."

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So that also served to undermine people who were supposed to be supervising Jenkins and others.

4 In June of 2016 Tom Allers, who had been the sergeant 5 over the GTTF for three years, got wind, he thought, that a federal investigation was underway. He was right. And he had 6 close ties to Palmere. He once worked as a staffer for 7 8 Palmere, and he arranged for Palmere to arrange for his own, that is Allers' own, transfer to the DEA task force, even 9 10 though that task force hadn't had a sergeant from BPD in a 11 couple of years. So clearly not an important position. And 12 Allers' lieutenant, Chris Oree and Marjorie German, talked 13 amongst themselves -- isn't that interesting when you have 14 connections like that you can get put in a soft-landing spot 15 like that which doesn't require anything and gets you out of 16 harm's way.

Palmere and Miller desperately wanted Jenkins to come in and run the Gun Trace Task Force. Jenkins said, "I'm not going unless I'm allowed to bring my crew with me." His crew was Hendricks and Taylor and Ward. He made that a condition of accepting the transfer to the GTTF. An enormous amount of power for a sergeant in the police department to wield.

But to demonstrate the power he did wield, Palmere and Miller agreed. And so Jenkins, in June of '16, together with Hendricks and Taylor and Ward, moved to the GTTF and joins

Gondo and Rayam and Hersl who are already committing crimes of 1 2 their own.

Now, I'm not going to go into enumerating all the 3 4 various crimes that were committed by that newly constituted GTTF starting in June of 2016, nor, you know, go into detail about the crimes that were committed. Those are laid out in 7 great detail in the report.

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So unless somebody wants me to do something else, what 8 9 I would propose moving to is first our findings and then our 10 recommendations.

11 **THE COURT:** Please do. There's so much packed into 12 this report. There's so much material, but we don't have 13 unlimited time this afternoon. So I will suppress the impulse 14 to try to tease out even more detail on some of what you've 15 already covered and instead ask you to move to these next 16 items.

17 **MR. BROMWICH:** So the first set of findings relates to inadequate supervision which was pervasive during the period we 18 19 looked at. There was a lack of rigorous supervision in 20 plainclothes units generally. Not just the GTTF, not just the 21 Special Enforcement Section units that Jenkins and Gladstone 22 headed, but more generally. There's also a lack of leadership 23 training. Teaching people, men and women, how to lead a group 24 of officers and do it in the right way and the ethical way. 25

There was inadequate management of officers and squads

that were especially productive. It was hands off, they're 1 2 producing, we don't need to worry too much about it. In general there was inadequate field level 3 supervision of personnel. Frequently sergeants and people 4 above sergeants were at their desks for too high percentage of 5 time and not out on the streets watching what their folks were 6 7 doina. And then of course you have the added complication of 8 9 corrupt frontline supervisors which makes it very difficult for 10 the Department to function honestly and ethically. 11 You had three sergeants, Allers, Gladstone and Jenkins 12 who are corrupt as the day is long and lieutenants above them, 13 in part because they had lots of responsibilities, in part 14 because these guys couldn't be controlled, could not adequately 15 be supervised. 16 The next set of findings relates to excessive reliance on numerical metrics and that really began at the beginning of 17 18 this century. ComStat, which when it works well and is a 19 balanced accountability tool, can be a significant management 20 tool and a positive management tool. But in Baltimore it 21 fairly quickly became score keeping rather than a meaningful 22 accountability tool. 23 The fortunes of supervisors, hire-ups, staff members

24 were viewed as determined by the numbers. Number of guns
25 seized, volume of drugs seized, and so forth.

Greater productivity on the part of individuals on the 1 squad led ineluctably to less supervision and that's what happened particularly among plainclothes units.

There was an emphasis over time on arrests and seizures, whether it's drugs or guns, and not on convictions. And there was no performance evaluations of the police officers or their supervisors based on whether arrests actually went all the way through the process and resulted in convictions.

What this --

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THE COURT: Was that evaluation on the grounds of 10 11 whether or not an arrest itself was lawful, regardless of 12 whether it went all the way through. That, to me, seems to be 13 another deficiency.

14 Absolutely. This reliance on numbers MR. BROMWICH: 15 really led to the widespread coddling, promoting, and 16 protecting productive members measured by these metrics, 17 officers like Jenkins, officers like Gladstone. And what 18 really took hold, it's clear, was an ends justifies the means 19 mentality. You get us the numbers, we don't really care, and 20 we certainly won't carefully examine how you got them because 21 you're putting the numbers that we want up on the scoreboard.

22 The next set of findings relates to really a global 23 failure of the accountability system within the Department. 24 There simply was no swift and consistent justice within the 25 Department which undermined the confidence of everyone

involved: Civilians who made complaints, other officers on the 1 2 rare occasions they would make complaints, colleagues of officers who engaged in misconduct and saw nothing happen to 3 4 them. It really undermined the confidence of everyone that misconduct would be met with severe consequences. 5

There has been over time -- we're not talking about 7 currently -- has been over time insufficient talent, insufficient resources, and inadequate leadership in Internal 8 9 Affairs by whatever name it went at the time.

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10 There was cynicism, and I think a lot of cynicism continues about the Internal Affairs function throughout the 11 12 Baltimore Police Department. It was telling when we asked a 13 number of clearly very accomplished officers, including those 14 that had risen up the chain of command to lieutenant and 15 higher, we asked them "Had you ever considered going into 16 Internal Affairs?" Their answer was really sort of a scoffing 17 at us and say "No, why would anybody with a good reputation in 18 the Department go there?"

19 I thought that was telling and very unfortunate and 20 that's something that has to change.

21 **THE COURT:** I will just be -- we're going to get to 22 the responses in a moment -- but that's such a desperately 23 critical point that I have to speak up at this moment because I've been watching this like a hawk. I think that is changing, 24 25 and I don't know if your data collection can confirm that at

all, but I'll be interested in hearing from others in this
hearing on that very question because it's an extremely
important point that this function within a department be
viewed as legitimate and at the core of what makes the police
department functional, legitimate, capable, all of these
things.

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Sorry to interrupt.

MR. BROMWICH: Not at all.

9 THE COURT: I think this is one of the very, very 10 sensitive and critically important elements of our discussion 11 this afternoon.

MR. BROMWICH: I couldn't agree with you more. Ithink that's absolutely right.

The next part of the failure of the accountability system was the really colossal failure of the Trial Board system within the Department, including, but not limited to, the verdicts that were completely inconsistent with evidence presented.

We actually sat in on only one Trial Board during the course of our investigation. Of course they were suspended for a substantial period of time because of COVID, but the one that we sat in on was telling.

It involved two sergeants who were accused of lying during an investigation. I didn't sit in on it, but two of our lawyers did, and they thought that there was overwhelming

evidence of guilt on the part of both sergeants who were
 married to each other. And the Trial Board came back with a
 verdict of not guilty.

And I know Commissioner Harrison knows all about this and Deputy Commissioner Nadeau knows all about it as well.

6 And it was a stark example of members of the Trial 7 Board either not understanding the level of proof that was 8 required, that is preponderance of the evidence, not beyond a 9 reasonable doubt, or, more disturbingly, a commitment not to 10 apply the standard that they understood because for one reason 11 or another they like the individuals involved.

So that's a very small sample size, obviously one; but I can't tell you how many people that we interviewed during the investigation who had experience with Trial Boards and thought that they were completely unreliable as a barometer of whether someone was guilty or not.

People felt that it was more important not what you did, but who you knew and was somebody high up in the organization willing to intervene in some fashion with the Trial Board.

Now, we looked hard for specific instances of that and couldn't find them but there is a strong belief on the part of many members of the Police Department, current and past, that that has driven many of the results of the Trial Board.

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And then there's, you know, the overall failure of the

system. It's clear to us in our investigation that Wayne
 Jenkins, Daniel Hersl, Jemell Rayam, Robert Hankard should not
 have been with the Police Department anymore at the time they
 committed their crimes. Their misconduct either in one
 incident or multiple incidents was so egregious that the Police
 Department should have parted company with them and did not.

And in fact the only significant punishment, and it wasn't even a punishment, was Rayam's suspension while his case was pending and that's the case in which he was ultimately exonerated.

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11 But those four individuals at least should not have 12 been with the Police Department anymore in 2017.

So I'd like to move next to our recommendations. I'll go through those quickly. We divided them into several categories.

16 First is hiring -- and let me just say that our goal 17 in developing these recommendations was not to deluge the 18 Police Department with scores of vague recommendations that if 19 I were a manager I wouldn't know how to implement. That happens all too often. It actually happened in the 20 21 consultant's report that Batts commissioned in 2012 and 2013. 22 There was something like 160 recommendations and 40 something 23 something else. And as we say in the report, there is no way 24 that any organization, any law enforcement organization, 25 particularly one as resource-challenged as the Baltimore Police

Department has been, to be able to effectively implement that
 many recommendations.

So what we tried to do was come up with a reasonable number of recommendations that we believe were doable and doable in the near future as long as the Department was committed to them.

So let me start with hiring. The first one is, and this is an obvious one, but the Department has to establish processes for background investigations that are followed in every case. Standards can't be lowered just because there's an urgent need, as there is in BPD, as with many other police departments in the country right now to bring people on board to compensate for attrition.

14 I see my friend Chuck Ramsey here, he knows what 15 happened in Washington D.C. in the late '80s when they did 16 exactly that, and Chief Ramsey had to live with the 17 consequences about a decade later when many of those people 18 should never have been in the Police Department because they 19 didn't come up to the standards that the Police Department and 20 the public have the right to expect. So there shouldn't be any 21 shortcuts under any circumstances in hiring.

We believe -- and I know the Department has a different view of this -- we believe that it would be better if the responsibility for conducting background investigations was brought in-house.

I find it difficult to believe that a contractor that 1 gets paid by -- as piece work by the background investigation 2 will do the kind of follow-up that may be called for and that 3 would have been called for in the case of many of the 4 prosecuted defendants whose background we looked at. 5 6 I just think that the Department, and its people, 7 whether those are current officers or former officers who were 8 brought back, care more about what happens in the Department 9 than any outside contractor can ever be. 10 Now, I know the Department thinks it's got a good 11 contractor, it's done quality control, but I think we part 12 company on that issue. 13 Third, we recommended that the integrity testing 14 components of background screening be enhanced. Both the 15 integrity testing the polygraph, the psychological examination 16 and other things --17 **THE COURT:** There's a basic practical problem with 18 your recommendation on the outsourcing and you touched on it. The Department is -- despite its best efforts with recruiting, 19 20 lost a net 100 sworn officers this past year. MR. BROMWICH: 21 Right. 22 **THE COURT:** The year before that they barely held 23 The year before that they lost a significant number of even. officers. You referenced the fact that this is endemic in the 24 profession at the moment, and it is, every department, 25 Ronda J. Thomas, RMR, CRR - Federal Official Reporter

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including this one, is forced to civilianize every function
 that can reasonably be done by civilians or by competent
 outside contractors to maximize the number of officers who are
 available to respond to calls for service which is something
 that civilians can't do.

50 I hear that point, but it's sort of moot until 7 another fundamental problem that we are wrestling with on a 8 weekly basis is solved.

9 MR. BROMWICH: Right. No, I understand that. I think 10 that recommendation -- I'm aware of the realities that you just 11 described and they're absolutely -- you can't wish them away. 12 That one is really more aspirational.

We had conferences with Major Jones and Ms. Bastfield, and we understand why they've done it. We just think it would be better, if the resources were available and the crisis that currently exists in recruitment didn't exist, that that would be a better system. But I take your point, and I agree, that it can't be done right now. I accept that.

So the one that I was just about finished talking
about was enhancing the integrity testing components of the
background investigations process, including the polygraph, the
psychological examination and so forth.

I want to move to training then and go quickly throughour recommendations for training.

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As you know, Judge, we found that there has been

widespread cheating in the Academy over time, none that we know 1 2 about recently, but this goes back decades. And the Academy needs to have an absolute zero-tolerance for cheating, 3 certainly by instructors and trainers but also by recruits. If 4 you're caught cheating in any way on anything and you're out, 5 and that has to be the absolute policy and practice for the 6 7 Department. I was glad to see Commissioner Harrison's response that he fully agrees with that. 8

9 The second is we think that it's a good idea for there 10 to be an anonymous reporting mechanism to be created at the 11 Academy. So that recruits if they see behavior that they think 12 is -- really makes somebody's ability to serve unrealistic because they are violating the law, they are violating BPD 13 14 policies already, they have anger management issues, or impulse 15 control issues that may be more obvious to their fellow 16 recruits than they may be to the trainers, that there be a 17 mechanism for people to file anonymous complaints. And we 18 emphasize it should never be used to share gossip or to cut 19 down a rival or anything like that.

But when we sort of test drove this recommendation among scores of current and former BPD members, they were generally very positive about it. They think it would be a good thing and that the obvious potential drawbacks were substantially outweighed by the benefits. So I was gratified to see Commissioner Harrison has agreed with that and is going

to implement that recommendation.

The next is for the Department to starkly confront the ugly periods of its past by giving detailed presentations on its historical corruption scandals, including this one, the consequences of it, the lessons learned and so forth. As you know from reading our report that has not been done historically, at all.

8 We asked any number of witnesses whether they had ever 9 seen any lessons learned or after-action report on King and 10 Murray, on Majestic Towing, on Daniel Redd, on Kendall Richburg 11 and the answer was "No, no, no," and "No."

And I have seen that in some of the recent training 12 13 materials there is some attention given to the corruption 14 scandals, including this one. I think it needs to be done a 15 lot more robustly -- detailed examinations, detailed 16 explorations of what happened. And I'm happy to work with 17 Commissioner Harrison and members of the training Academy to 18 make suggestions on how that can be done, but I think it's very 19 important.

What I think should go along with that is as part of the curriculum to have the firsthand experiences of both perpetrators of corruption, that is corrupt cops themselves, and the victims of their corruption give testimonials of what happened and why it happened.

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I hope and think that Mr. Rivera's interview that we

did for BPD showed how somebody like him, at a very young age, 1 2 was drawn into corruption by a more senior officer who he really admired and who desperately wanted to be accepted as one 3 4 of the guys, as one of the cool guys, as someone who was in the It wasn't, according to him, more complicated than 5 in-crowd. And all of a sudden he committed acts that he knew were 6 that. wrong and that, in part among other things, drove him to 7 8 alcoholism and other really unfortunate things in his personal 9 life.

10 So I think that needs to be done, needs to be used. 11 Others, you know, maybe other GTTF members who were unwilling 12 to talk to us maybe they'd be willing to talk to the Department 13 when they come back. That they give testimonials and make it 14 very concrete and very specific why they did what they did and 15 the costs that they've paid for it.

16 We think it's also really important to have victims of 17 corruption come in and give testimonials. Some of the 18 witnesses for example at the GTTF trial were very compelling in 19 the stories that they told and the way that they were 20 victimized by the corrupt officers and how it felt when their 21 stories were not believed by Internal Affairs or other people. 22 I think it's very important for police officers, recruits, and 23 others, to see what it looks like, what it feels like from the 24 victims' perspective and that as far as I know has not been 25 done but, again, Commissioner Harrison is committed to trying

to do that.

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2 To deal with really the epidemic over time of false 3 statements and exaggerations in police reports, in applications 4 for search warrants and so forth, to emphasize in training, particularly recruit training, the need for truthfulness in all 5 written submissions. It sounds so obvious but it's so clear 6 7 that it's not observed by so many people and that it's not a 8 value that's been sufficiently enshrined in the Police 9 Department's training curriculum or in its practice. It's absolutely essential that that be focused on to a far greater 10 11 extent than it has in the past.

And then last, but not least, I think the Department needs to maintain and expand its EPIC training program. I had heard about EPIC. I had heard about what Commissioner Harrison had done in New Orleans. I hadn't seen it before. And so I was eager to see it when they got it up and running in Baltimore, and I think it's tremendous.

I think we both listened in and watched one session and then I spent two lengthy sessions with the facilitators, two groups of facilitators of the EPIC training. And they are such true believers in the program and that comes through in the way they facilitate the training.

I think this is a gem that needs to be polished and continue to be used and expanded and incorporated as much as possible in all kinds of training in the Department.

And it is one of those things that you referred to at 1 2 the outset, Judge Bredar, which gives me hope for the Department that it is changed and that it's improving. 3 I think 4 it's a model training program. I was very, very impressed by 5 it.

I want to turn next to supervision which is so important and which was such a fundamental failure when we examined both the Department over 20 years and these officers 9 in particular.

10 Our first recommendation in that area is to assign a 11 mentor to each new officer and a mentor will be in that role 12 for the first five years of an officer's career. I think if 13 those mentors are carefully selected they can be invaluable 14 guides to new officers about how to do things and how not to do 15 It can't be any kind of a subversion of the chain of things. 16 command, they report to who they report to, but this is a 17 senior advisor that they have in the Department that may help 18 them to deal with challenging situations or with temptations or 19 with colleagues of theirs that are trying to convince them to 20 do the wrong thing.

21 I just think having a senior person to confide in, to 22 talk to, who can provide advice to you is something that any 23 organization can use, but I think it would be very valuable for 24 the Baltimore Police Department.

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Next recommendation is that one of the things that we

found is that when somebody, say for example Kevin Jones, comes 1 2 into the GTTF, he had no earthly idea of what it did and what its mission was. And we found that to be not an unusual 3 4 occurrence where a supervisor would come in, into a unit with a very specific mandate, and not to spend any time talking to his 5 or her predecessor about what the expectations were for the 6 7 squad or the unit, and information about the personnel in the 8 Department, who's good, who's not so good, who needs more oversight than somebody else. To get a meaningful debriefing 9 10 on what the unit has been doing, what's worked and what hasn't 11 worked, who works and who doesn't work. I think that can be 12 valuable. I know that may be difficult just as a matter of 13 time in the Department.

But I think it's so crucial that people start their new job -- their new supervisory jobs with some information, some useful information about what they're stepping into, and who it is that they're going to be supervising. I think that's really, really important.

What I would also recommend is it possible -- and I know this is a resource and manpower issue -- is the ability of new supervisors to spend some time shadowing the person that they're coming after in a particular unit or particular squad so that they can drive around with them. See what they're doing, make some preliminary evaluations, check the preliminary evaluations with the person who's been in the job for a while.

I think that would make far more robust the supervision that's currently existed in a Department where people start from a blank slate and know nothing and have to learn as they go in a way that I think it's costly to the Department.

The next is making sure that the Department does not fall into situations where the chain of command is violated as it was with Jenkins, in particular, and Gladstone.

Jenkins had special relationships with people levels above him in the chain of command going up to the deputy commissioner level and he used those very deftly to avoid supervision by the people directly above him in the chain of command.

It is vitally important for the integrity of the organization for the chain of command to be observed scrupulously and consistently and not to allow exceptions as happened under Norris with his rapid response units and happened to a substantial extent with Jenkins and with Gladstone.

Next we think there needs to be intensive screening of plainclothes members. These are squads that inevitably have more discretion than members of the Department in patrol and, frankly, are the units that have gotten into more trouble and have engaged in more corruption on a percentage basis than any other unit in the Department. So there needs to be careful screening including polygraphs, consent to conduct financial

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audits, and other means to screen and continue to monitor
 personnel that are in plainclothes units.

Then the last one in supervision is the notification 3 4 of pending serious Internal Affairs investigations to 5 supervisors. So to take a concrete example, Rayam was acquitted in 2012 on a technical legal argument. He was 6 7 quilty. The facts showed he was guilty and yet Kevin Jones was never told that; he didn't know that Rayam both was a 8 9 participant in stealing money and then have lied repeatedly to the Internal Affairs investigators. That's somebody who never 10 11 should have been in a position of making an arrest or doing 12 anything where they would have had to have submitted anything 13 to a court or testified in court. And yet because of the lack of notification of Kevin Jones about Rayam, he acted like any 14 15 other officer who had never been shown to be guilty as a matter 16 of fact.

17 And so I know that creates some security issues. 18 Internal Affairs, the Public Integrity Bureau, is justifiably 19 worried about information about pending investigations getting out, but some sort of solution needs to be found so that 20 21 supervisors who are supervising people who are -- who have been 22 alleged to have engaged in such serious misconduct know about 23 that and can make decisions, supervisory decisions, 24 accordingly.

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The next set of recommendations is oversight and

accountability. I'll go through those quickly. 1 One is to 2 intensify the already existing recruitment efforts in Internal Affairs to get more and higher-guality investigators.

Second to make sure there is a more accurate tracking of complaints than there has been historically and to get more detail in the system than has historically been appropriated in the system.

Third, that there needs to be very close oversight over top-performing units. More oversight is needed over top-performing units than for underperforming units. It needs to be explained why top-performing units are doing so much better than anyone else. It may well be that they're better than anyone else, in which case they shouldn't mind the scrutiny and the greater oversight. But a number of people, a number of senior people in the Department who we interviewed, current and former, strongly believed that this is the case, there needs to be tighter and closer oversight over units that are producing than are units that are not.

The next is to focus on continuing basis on quality over quantity. ComStat has some very significant advantages and values particularly in the way that Commissioner Harrison and his colleagues have revised it and modified it over time, but quantity is never enough, especially if these are arrests that don't amount to anything. And as you pointed out, Judge 25 Bredar, maybe arrests that shouldn't have happened to begin

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with because they are based on insufficient evidence or 1 violations of constitutional rights.

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3 Next, we think it's important over time, we understand 4 the current resources and constraints, to rebuild the capacity 5 of the Department to perform integrity stings. I think almost everybody who's in senior positions in law enforcements think 6 7 this can be a valuable tool if it's used wisely and 8 selectively. And the Department did use it for some period of 9 time. The ability to use them vanished over time, but I think, 10 and I think Commissioner Harrison and his team agree with this, 11 when it has the resources to it and once it's built up the 12 Public Integrity Bureau, the manpower that it needs to do that, 13 it makes sense to try to rebuild the capacity to do integrity 14 stings.

15 Another recommendation is to do targeted training to 16 sharpen reviewing and writing skills of people throughout the 17 Department but particularly in the Public Integrity Bureau. 18 Writing and writing clearly, accurately, concisely, truthfully 19 is most important and yet it has never been stressed adequately in the Department. So it is an area that needs to be focued 20 21 on.

22 The next recommendation is periodic training for Trial 23 I shared with you the anecdote of the case that Board members. 24 we reviewed. There are scores of cases in which verdicts 25 contrary to the weight of the evidence have been returned by

Trial Board members which is, as I discussed before, shakes confidence in the system when there are no consequences to officers who have violated BPD rules or violated the law.

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And finally, it's important for the integrity of the Trial Board process to fully vet participants in that process for conflicts of interest. Trial Board members who know the officer who has been accused, who know witnesses in the case. But in another respect as well we know that lawyers for the FOP not only represent them in trial boards, they do other kinds of legal work for them, they handle divorces, they handle child 11 custody matters.

So I think it's important for BPD to know whether 12 13 members of the Trial Board feels a sense of obligation to any 14 of the lawyers that are representing any of the accused 15 In your courtroom, Judge, you know, if you had that officers. 16 kind of a relationship with the accused, you'd have to disclose 17 I think members of the Trial Board should have to do the it. 18 same.

19 That brings me to the last set of the recommendations 20 which are miscellaneous that didn't fit neatly into any other category. The first one is to conduct detailed exit interviews 21 22 of departing personnel, particularly sworn personnel. It's the 23 best practice in every kind of organization and it should be the best practice in law enforcement agencies. There's a 24 25 tremendous amount of institutional knowledge that is lost when

officers, particularly senior people in the Department, leave 1 without depositing some of that knowledge with people who are still in the Department. They have a reservoir of information 4 that they have acquired over years and sometimes decades in a Department and to allow them to walk out the door without sharing their perspective, without sharing their views on what 7 works and what doesn't work is just a missed opportunity.

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8 I was glad to see that starting in 2018, apparently 9 for the first time, that exit interviews began to be done, but 10 it's currently conducted by a young, non-officer. I think it 11 needs to be ratcheted up. And it needs to -- experienced law 12 enforcement personnel need to do the exiting interviews for 13 departing law enforcement personnel both for comfort, for the 14 person giving the exit interview that he or she is talking to 15 someone who will understand their perspective and will 16 understand the issues that that person is raising. I just 17 think it's something that's very important for the Department 18 to do, and I strongly recommend it.

19 Next, it's really important for incoming BPD 20 commissioners to get the same kind of intelligence from their predecessors. That's been done very unevenly in the past. 21

22 Some new commissioners coming in have talked widely to 23 people who have preceded them in the commission's position, others have not done it at all. And, you know, you ought to be 24 25 able to take advantage of the opportunity to learn from

1 somebody who has had the job for a long time.

THE COURT: First of all, you need some kind of history of normal transition from one commissioner to the next.

When commissioners are leaving the Department because they've got some significant domestic violence issue or they're on their way to federal prison, respectfully, it's hard to expect there to be this sort of normal, you know, handoff that might be occurring in, you know, some corporation when one executive vice president is taking over from another.

10 And I apologize for my cynicism, but it's borne of 11 five years of living with the difficult history of this 12 organization.

MR. BROMWICH: I completely understand your
perspective. But the one that comes to mind is Fred Bealefeld
who was, by most measures, a successful commissioner.

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THE COURT: He was.

MR. BROMWICH: He was not ever found to have engaged in misconduct and he was there for five-years and he's still around. So the failure of some commissioners to reach out to him and get his perspective I think is a lost opportunity, but I take your point. And I think that Commissioner Harrison when he leaves in 20 years (laughter), I think it will make sense for people to try to talk to him.

The next miscellaneous recommendation, the second one to the last, is to minimize City Hall interference in the

operations of the Police Department. There should be
 absolutely zero involvement in either investigative or
 personnel matters. There should be no micromanagement of the
 Department operationally on a day-to-day basis.

The mayor is responsible for choosing and working with 5 the commissioner but -- and they will talk on many occasions 6 about many different issues, but micromanagement is a terrible 7 thing for the commissioner, but for the Department as a whole 8 9 because if it's seen that the commissioner is not actually the 10 commissioner, he's not actually heading the Department, he's a 11 proxy for the mayor, that reduces the confidence that the 12 rank-and-file have in that person and that's really 13 unacceptable.

And then finally, and this is one that we submitted after the game had closed, is if there is another corruption scandal and unfortunately there will be, hopefully not of the dimensions of the Gun Trace Task Force, there needs to be a prompt, independent review of any such future corruption episode.

Just think, Your Honor, if something like this had been commissioned in 2017, or even starting in 2018, you and others would have had the results of this investigation two years ago and it would have been very valuable for Commissioner Harrison and his staff to have the results of it. The reason it wasn't done -- the reasons are unclear to me this day.

There was inadequate communication between the U.S. 1 Attorney's Office and the FBI on the one hand, and the Police Department and the City on the other, such that the Police 4 Department apparently believed that the Justice Department didn't want such a review to take place. For their part, the U.S. Attorney's Office and the FBI said they never said any 7 such thing and they would not have opposed it.

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8 As I said in my letter to Commissioner Harrison 9 earlier this week, a tremendous amount of the work that we did could have been done without even remotely closely compromising 10 11 the criminal investigation. Of the 140 plus interviews that --12 140 plus witnesses that we interviewed, I would guess that 120 13 could have been interviewed without any concern on the part of 14 U.S. Attorney's Office or the FBI.

15 So I think that it is in the best interest of the 16 Department to work with its prosecutorial partner, whether it's 17 the State's Attorney Office, or more likely the U.S. Attorney's 18 Office, to make sure an independent review of this type is 19 launched promptly rather than two and a half years later.

20 Let me finally talk about some of the very positive 21 developments in the Department that, Judge Bredar, you adverted 22 to at the beginning.

23 Number one, it's the Consent Decree process itself, 24 which I think is extraordinarily valuable as a reform tool. 25 I've been involved in such things going back with Chief Ramsey

to 2002, and I saw how the Police Department in Washington D.C. improved immeasurably over the course of the years that there was a monitorship. And I've seen what happens in other cities, LA, and many other cities that have been under Consent Decrees. It's a process that works. It's not an immediate silver bullet. It takes time and patience and commitment, but it works.

8 And so I know Commissioner Harrison would not have 9 taken this job, he told me and I'm sure he's told others, but 10 for the facts of the constraints of the Consent Decree which he 11 knew meant that the City had fully committed to the reform 12 process.

The second positive development is the widespread use and oversight over the use of body-worn cameras. Body-worn cameras are a tremendously helpful innovation and its role in preventing or detecting corruption I think has been understated.

18 I think officers know that when they engage in most 19 transactions with people in the course of their duties they 20 have to turn their camera on, and I think knowing that they're 21 going to not do certain things that they otherwise might be 22 tempted to do. And maybe you can, quote, "fail," unquote, to 23 turn on your camera once, maybe even twice, but pretty soon 24 it's a pattern and executives in the Police Department know 25 that something right is not going on.

So I think that the fact that there not only is the 1 2 universal distribution of body-worn cameras to police personnel, sworn personnel in the Department, but a very 3 4 detailed and multilayered audit program of body-worn camera footage, some random, some targeted, as well as a parallel 5 companion effort by a State's Attorney's Office I think is an 6 7 incredibly important anticorruption tool, and I'm glad to see that it's developed so far. 8

Just to put things in sort of temporal context.
Body-worn cameras had just begun to be rolled out in 2016.
And, in fact, most of the GTTF officers -- I know Jenkins
didn't have one and I think only some of the officers in the
GTTF had them. But now it's completely different. Everyone
has them. The rules on operating them are clear, and I think
it's an extraordinarily positive development.

16 The third is the reform of the Law Enforcement Officer 17 Bill of Rights which has been an obstacle to swift and 18 consistent punishment of officers who engage in misconduct over 19 the years. There has been wide -- it's been repealed and there 20 are new procedures that have been put into place that will be implemented over time, over some period of time in the future, 21 22 but I think the reform of LEOBR was long overdue. I'm glad to 23 see that it's done.

Then, finally, I come back to EPIC training and
related efforts. I think it's extraordinarily important. It

really sets a new tone for the Department. The whole concept of peer intervention is an extremely invaluable idea that's now been planted in the Department and I think will become a continuing theme in the way the Department operates.

So let me close by saying that when the Court urged the City and the Police Department to authorize an investigation, and when the City authorized it and hired us, they knew they weren't going to be getting a positive enough report. But as you said in your introductory remarks, Your Honor, and as we said in our report, progress in the future requires honesty about the past and, unfortunately, our review found that in the crime fight, which was the priority as you mentioned, proper supervision, accountability, and integrity were casualties that were left in the road along the way.

The honest reckoning with the past that I hope our report represents should boost confidence and aid in the critical process of rebuilding trust with the community.

I think that people who read this report, people in the community who have been skeptical and cynical about the willingness of the Police Department and the City to really show all its warts will be convinced that we've shown them here. And that, I think, is an important step in rebuilding the trust. That is certainly our hope.

4 So I want to repeat my appreciation to you, Judge 5 Bredar, and to the City and to Commissioner Harrison and his

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colleagues for trusting us with this important assignment, and I truly hope that it is valuable as the Department and the City and the Court move forward.

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THE COURT: Thank you, Mr. Bromwich, for that very 4 thorough, comprehensive presentation. We'll take a 10-minute 5 recess at this point. On my computer it's 3:24, just turned 6 7 So let's try to be back on screen at 3:34 when I will 3:24. turn to Mr. Shea and Ms. Walden first and let the City and the 8 9 Police Department together decide what presentation, reaction, 10 they want to present following Mr. Bromwich. Then when they 11 have completed their presentation we'll move to the Department 12 of Justice, see what their reaction and thoughts are at this 13 point. And then we'll turn to Chief Ramsey and my colleagues 14 on the Court's Monitoring Team for their reactions.

15 The history is difficult. It's troubling. It's a 16 source of learning, I believe, for the Department and for the 17 City and accordingly it must be studied, it must be reckoned 18 with, but to complete the picture we must also be careful to 19 recount where we are now and what has happened in the last two, 20 two and a half years in particular as the City and the 21 Department, at least in the Court's judgment, started to firmly 22 come to terms with the way things were and started to make 23 changes.

I think some of the presentations we hear in the rest of today's hearing should not only embrace the past, which is

so terribly important for all the reasons we indicated, but 1 2 also tell us about the present and the reasonable projections for the future with respect to this very difficult issue. 3 4 All right. So I've burned up another bit of time. Let's be back on camera at 3:35. We'll be in recess until 5 6 then. Thank you. THE CLERK: This Court stands in recess. 7 8 (Whereupon, a recess was taken from 3:26 p.m. to 3:37 9 p.m.) 10 **THE COURT:** We're back on the record in our quarterly 11 review hearing and in a moment I will turn to the City as I Time is a little bit short this afternoon so I am 12 indicated. 13 going to ask the presenters to bear that in mind and it would 14 be very helpful, Mr. Shea, if you, Ms. Walden, and the police 15 representatives could wind up your presentation by, say, 10 or 16 at the latest 15 minutes past 4:00 so that we would have time 17 to go over to the Department of Justice for, say, up to 15 18 minutes, and then I'd like to leave half an hour for the 19 Monitoring Team to come in on the various issues that are 20 presented this afternoon.

It's occurring to me that we may not get to the staffing issue other than the most basic coverage of it. Perhaps I'll hear from Mr. Gillis, Mr. Melancon, whomever, on what the sort of perspective is at this point. I obviously have seen the numbers which are grim, despite what I do believe

are very good efforts on the part of the Department. But we'll 1 2 turn to that at the very end but only very briefly. With all of that in mind, I'll call on you, Mr. Shea, 3 the City's Solicitor, to speak for the City this afternoon. 4 Good afternoon. 5 MR. SHEA: Good afternoon, Your Honor. 6 I have a 7 couple very brief comments, but I'm going to begin by deferring 8 to the Police Commissioner who I believe should go first. 9 **THE COURT:** Very good. Commissioner Harrison, we'll 10 hear from you. 11 **COMMISSIONER HARRISON:** Thank you so much, Your Honor, 12 for the opportunity to provide our agency response to the 13 board. 14 We are extremely anxious to provide our views on 15 what's already been done and how to proceed forward but first I 16 absolutely have to say a very special thank you to Mr. Bromwich 17 for this exhaustive body of work. We were only on break 10 18 minutes and the message has already gotten to my wife calling 19 me and asking why I committed to 20 more years without 20 conferring with her (laughter), so I have to thank Mr. Bromwich 21 for that and now I've got to go home and undo that. So thank 22 you very much. 23 We've all been working on these issues when I first 24 arrived. We immediately recognized that the misconduct and the

criminal acts from the members described in the GTTF report

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were only possible because of large-scale systemic problems within the agency. It was not just isolated acts of misconduct but rather whole-scale organizational culture that led to this horrible stain. That's why we are all here to fix these issues. That's why we have a Consent Decree which is a path forward on reform.

7 When we reviewed the recommendations from
8 Mr. Bromwich, we learned that we were not only in agreement
9 with all of the recommendations, but we were either already
10 implementing or currently on a path to implementing most of
11 them.

12 Culture change in the agency is necessary to prevent 13 corruption. We are ensuring now the Department is being 14 managed with the right systems of accountability and not 15 creating reverse incentives that ultimately led to another 16 GTTF.

17 So I don't have any further comments, but I want to 18 now turn it over to Ms. Lisa Walden who will speak to our 19 Department's opinions to the report's recommendations and then 20 I'm certain we'll hear from the DOJ and the monitors.

21 22 THE COURT: Thank you, Commissioner.

Ms. Walden.

MS. WALDEN: Thank you, Your Honor. I believe
Solicitor Shea has a few comments before we launch into our
regularly-scheduled selection.

THE COURT: Very good. Mr. Shea. MR. SHEA: Yes, Your Honor. Very briefly, I think that Mr. Bromwich's report for which we are all grateful

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4 illustrates in technicolor the importance of the Consent Decree5 and the Consent Decree process.

I, for one, hope that people don't listen to the 6 7 assessment of blame on those most responsible as an exoneration of the rest of us. Instead, I hope people listen to this and 8 9 all its detail for ways in which each of us can help to rectify 10 the situation. It was team effort, as these things always are, 11 to create the problems that are there and it will take the full 12 team to rectify them. So we pledge from the City, and I 13 sincerely believe the Police Department is doing everything in 14 its power to rectify things.

We certainly agree with the responses to the various recommendations. I will comment only on one and that is the second to the last one in which Mr. Bromwich rightfully issues a prohibition on micromanagement, which we hardly agree with, and particularly in the areas of investigations and personnel.

The Mayor and the Police Commissioner have, I believe, forged a very productive relationship that has been, among other things, successful in reforms both in promotions and command decisions as well as investigations.

The Mayor of course is responsible for the citizens ofBaltimore and public safety is his highest priority. It is his

obligation to ensure that policing in the City is both
effective and constitutional. A continued clear communication
between the Mayor and the Police Commissioner is key to
maintaining that productive relationship. We expect to have
continuing frank and candid discussions all with the same
purpose of being effective and safe, fair policing.

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With that, I'll turn it over to Ms. Walden.

8 THE COURT: Let me just respond to one point, 9 Mr. Shea, and that is that Mr. Bromwich's report, plus other 10 data that's before the Court in the course of overseeing the 11 Consent Decree, suggests that at least before the Consent 12 Decree went into effect there's a very troubling history in 13 Baltimore of elected officials, senior officials in the City, 14 for lack of a better word, meddling with the chain of command 15 inside the Police Department.

And an organization like the Police Department, which has very specific, important responsibilities related to public safety, you know, has to -- if it's going to function well has to be able to operate as -- to some extent as a paramilitary organization. The commanders have to truly be in command, make the decisions, and then the subordinates have to follow that leadership and carry out the directives.

But the data before the Court suggests that in the
Baltimore Police Department the chain of command, in many
instances, just didn't really exist. Some of that was because

of internal problems within the Department itself, but a lot of
 it was abetted or even facilitated by the civilian leadership
 of the City that with abandon would meddle in the daily
 operations of the Department.

5 So I am happy to report that during the time that the 6 Decree has been in force, and particularly since Commissioner 7 Harrison has been on board, I haven't seen any evidence of that 8 sort of mischief. And I'm going to be interested to hear from 9 Commissioner Harrison about the steps that he's taken to ensure 10 that that sort of meddling and mischief isn't possible in ways 11 that he has newly structured the Department.

But I think that's another sad, bad, difficult legacy of the interface between this Department and some in City Hall prior, for certain, to this Mayor's tenure.

MR. SHEA: I think that's all very clear, Your Honor. **THE COURT:** Ms. Walden.

MS. WALDEN: Thank you, Your Honor. With the Court's permission, Director Shannon Sullivan will share her screen to make the slideshow available to everyone to watch.

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THE COURT: Very good.

MS. WALDEN: While she gets that up, we're going to start today with the quick overview of what we're going to cover.

At first we had intended to discuss in detail each of the recommendations in Mr. Bromwich's report and, you know, the

plans for the Department to implement those recommendations and discuss the progress that has already been achieved in that direction. In light of the depth to which we've already covered some of those issues we may not go into -- for the avoidance of reputation of course -- we may not go into the same detail we'd initially intended, but we will add a few highlights.

Following that, with the Court's permission, Deputy
Commission Bryan Nadeau will be addressing the specific work
that has been accomplished and is currently underway within the
Public Integrity Bureau. Then finally, Your Honor, with your
permission, Deputy Commissioner Gillis, will provide us a
general update

14 THE COURT: Okay. It's a tall order. Let's see what 15 we can get accomplished in 30 minutes. I want to make sure 16 that all of the stakeholders have a chance to be heard. We 17 took a lot of time and allocated to Mr. Bromwich this 18 afternoon. That was very appropriate. But the consequence to 19 that is less time than normal. So let's roll.

20 MS. WALDEN: Yes, Your Honor. Assuming in that 21 30-minute window you're expecting to hear from Deputy 22 Commissioner Nadeau as well?

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THE COURT: Yes, if possible.

MS. WALDEN: Well, Your Honor, as Mr. Bromwich noteshis recommendations come of course in the context of the

Consent Decree which already demands reforms to BPD's processes 1 2 for hiring, training, supervision and accountability among other areas. 3

These recommendations therefore supplement the 4 requirements of the Consent Decree with an eye toward reducing BPD's vulnerability for corruption.

As we'll discuss, BPD broadly agrees that the implementation of Mr. Bromwich's recommendations will reduce the risk of future corruption, support the reforms required by the Consent Decree and make BPD just a better law enforcement agency.

12 There was no recommendation in Mr. Bromwich's report 13 with which BPD did not agree.

14 **THE COURT:** I think that bears reporting. There 15 wasn't a single recommendation that comes out of the Bromwich 16 report that this police administration doesn't essentially 17 agree with.

18 MS. WALDEN: That's correct, Your Honor. There 19 certainly were some instances wherein, as Mr. Bromwich 20 acknowledged during his presentation, we have some operational 21 challenges with capacity to implement some of these things 22 immediately. But in principle the recommendations are sound 23 and the Commissioner and his leadership team do agree with 24 them.

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THE COURT: Good.

MS. WALDEN: To that end, you know, we've talked at great length already and I don't want to belabor each one of these recommendations. I think as to number one, Your Honor, of course this is a great example of how the recommendations from the Bromwich report really square up and supplement the Consent Decree.

7 As Your Honor will recall, BPD's recruitment section developed its very first standard operating procedure in 8 9 collaboration with the Monitoring Team and Department of 10 Justice. Subsequent to that development not only do BPD's 11 standards and practices now effectively select qualified 12 candidates to receive an offer of employment but those 13 standards have become model for other jurisdictions around the 14 country who are seeking to improve how police applicants are 15 screened and vetted.

16 As to number two, this again was discussed fairly 17 extensively, it should be added that BPD is exploring the 18 creation of a new civilian investigator classification and 19 provide additional support to the applicant investigation This would somewhat circumvent the concerns that we 20 section. 21 have with staffing capacity to bring this function in-house. 22 But, if successful, these positions would free-up sworn members 23 to do more field investigation while the civilians do more of 24 the work that can be done in-house.

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BPD, again, agrees with the recommendation to enhance

integrity testing and is going to be collaborating with the 1 2 defenders to determine how their processes and services can be Make sure that they're screening candidates for 3 enhanced. 4 traits that may make a candidate more susceptible to corruption or otherwise unsuited to law enforcement work. Consistent with 5 that recommendation, BPD is also enhancing its marketing 6 7 efforts for officers to ensure that its messaging is appealing 8 to applicants who view policing through the guardian mindset. 9 These attitudinal and personality traits can then be screened 10 at the polygraph and psychological stages to improve and ensure 11 that the applicant exhibits the appropriate traits to be 12 qualified as a law enforcement officer.

13 With regard to training, certainly the Department 14 couldn't be in greater agreement. There should be 15 zero-tolerance for cheating. Honesty is a cardinal virtue for 16 any law enforcement member. Any intentional misrepresentation 17 of facts, false reports or false statements is grounds for 18 termination as with any law enforcement agency. That of course applies across multiple of the recommendations. And that means 19 that any instructor found to have falsified an Academy record 20 21 or to have improperly assisted a recruit can be referred to 22 Internal Affairs for disciplinary action, including 23 termination.

24 We're not aware of any indications that Academy 25 personnel have participated in any type of cheating during

Commissioner Harrison's tenure but it certainly would not be 1 2 tolerated.

3 Again, the Department agrees that it would be valuable 4 to establish an anonymous reporting mechanism for recruits. That's something that will be looked into and proceed with implementation during the upcoming year.

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7 BPD also agrees that there should be incorporated into 8 recruitment and service training detailed presentations about 9 historical scandals, like the one that we're here discussing 10 today, as well as other similar important events in the Police 11 Department, including the in-custody death of Freddie Gray and 12 the events at Harlem Park. That is part of a module that has 13 been developed entitled "How We Got Here." So that is underway 14 and will be supplemented.

Likewise, the accounts -- firsthand account of members 15 16 who have been engaged in corruption, Mr. Bromwich helpfully 17 mentioned that a testimonial of former Officer Rivera there has 18 been incorporated in the instruction for trainees and will be 19 included in in-training this year as well.

20 The Department does not today have in its possession 21 media representing that firsthand experience of the victims of 22 this corruption, but we'll be seeking that out because it will 23 be a valuable addition to the training.

24 Again, there are no more fundamental obviously true 25 recommendations as number eight that, you know, the critical

importance of being truthful in any capacity as a law
 enforcement officer cannot be overstated. This is cardinal
 aspect of performing in the function of a law enforcement
 officer so of course BPD is in absolute agreement with this
 recommendation.

And BPD of course also agrees that ethical policing is 6 7 courageous has been such an important development in the way 8 training is delivered at this point in history in BPD. It's 9 one of the proudest achievements during the last few years. 10 And as Mr. Bromwich's report states, the program has been 11 welcomed and well received by BPD members achieving greater 12 than 90 percent positive survey ratings from those that 13 completed the course. Frank focusing on the importance of pure 14 intervention to prevent bad acts from occurring in the first 15 place, training is fundamentally changing how the officers 16 think about supporting one another on the job.

Again, mentorship program is not something that the BPD has historically had, but agrees it could be valuable and we'll be evaluating how to create one as we go forward this year.

BPD also agrees that it would be very valuable to transfer information more effectively from one department supervisor to their successor. Mr. Bromwich noted there are some technical challenges there, particularly when a supervisor is leaving the unit because of separation from the agency, but

1 regardless of those logistical challenges the overall mission 2 and purpose of every squad, unit, section, division and bureau 3 should be formally understood by the command staff and leaders 4 who are expected to be responsible for it. So that will be a 5 subject of further follow-up.

Again, with number 12 the Department is in absolute
agreement. To quote Mr. Bromwich, "Close and careful
supervision is critical to ensuring the BPD members are
effective and behave lawful. That cannot occur if special
relationships are created between lower-level members and
upper-level commanders that supplant and undermine the chain of
command."

It's vital that every -- every supervisor be
performing work that's appropriate to their level. Commanders
should not be doing the work of sergeants and likewise. When
there is a habit of going outside the chain of authority it can
lead to confusion of priorities or improper actions and it
undermines the commander who's truly responsible for those
actions.

Again, BPD agrees with more thorough screening of members of plainclothes units. This is an area where there will be further exploration of how polygraph evaluations can be added to the final selection stages for a member being considered for a plainclothes unit.

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And further, BPD agrees that supervisors should be

1 made aware when somebody under their command is subject to a 2 serious misconduct allegation. The exception there of course 3 would be in cases where the supervisor or manager themselves 4 are also subject to investigation for serious misconduct or may 5 be linked to suspected activity, the same activity being 6 investigated. There would be potential limitations but in 7 principle we certainly agree with the recommendation.

8 Not surprisingly misconduct is the area that received 9 the most recommendations in the report. There will be a little 10 further discussion about this when Deputy Commissioner Nadeau 11 discusses this section as well. But BPD agrees certainly that 12 it's critical to attract more topflight investigators to the 13 Internal Affairs function.

14 As Your Honor is aware, the reputation held by PIB has 15 been significantly improved since the start of Commissioner 16 Harrison's administration. Over the last two years BPD has 17 successfully doubled the number of investigators assigned to 18 PIB, largely as a result of significant efforts made by Deputy 19 Commissioner Nadeau and the leadership in PIB to recruit the 20 most highly-qualified candidates and enhance their skill sets 21 with additional training on investigative processes. And with 22 more recent vacancies in PIB they have received a robust level 23 of interest from members who are seeking to gain that 24 experience.

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Likewise, the promotional policies as to sergeants and

lieutenants and also as to members of the command staff has 1 2 been modified to take specific account of a member and applicant's prior tenure in PIB and work in that function. 3 4 As to number 16, the Department is in agreement and is in the process of assigning a civilian analyst to help complete 5 6 this task and many other analytic tasks that will improve the process for intake and analysis. 7 8 BPD also agrees with recommendation 17 and is 9 implementing that practice today continuing to make enhancements to achieving those goals. 10 11 As Your Honor is aware, there are many, many audits 12 and assessments required under the Consent Decree. The 13 performance standard section already has initiated a systematic 14 review of many BPD arrests, including those that 15 disproportionately tend to be made by units focused on gun and 16 drug enforcement such as the District Action Teams and Mobile 17 Metro Units. Those include the use-of-force assessment, audits 18 and inspections with their continuous review of transportation 19 of persons in custody and other police-assisted interactions, 20 to include arrests resulting in the arrestee being released on 21 charges.

The body-worn camera units work in auditing body-worn camera adherence. The Performance Review Board and the ways in which that has been modified and strengthened to be more timely and effective.

And of course in addition to testing BPD's compliance, 1 one of the purposes of the Consent Decree is outcome assessment process -- is to build BPD's internal capacity for doing the assessments themselves. By doing -- building that skill set, BPD will become increasingly more self-evaluative and self-correcting not only in those measures for which the Consent Decree requires monitoring but also the performance metrics like those identified in the recommendation that 9 support better management of the agency.

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10 As to recommendation 18 there are, as you're aware, 11 ongoing audits and inspections; and in addition there are 12 technological changes that are being implemented that may 13 support further progress towards this goal.

14 With the implementation of new case management 15 software in the coming year, the Department will become more 16 able to track the status of cases by officer and squad all the 17 way to referral to the State's Attorney's Office, and enhancing 18 that tracking system will also enable BPD to be more attentive 19 to the final outcomes in court so that it can fully comply with 20 the recommendation.

21 Again, number 19 is one of those instances where the 22 Department agrees in principle with the recommendation but is 23 limited by some of its staffing capacity at this moment. When 24 staffing improves to such a level that we're able to implement 25 this recommendation, there will be an effort additionally

applied to making the integrity testing process a bit more
 effective.

In the past, officers were quickly able to detect that when they found drugs or found cash that was an integrity test and they followed all the protocols. So BPD does plan to develop a new process once sufficient resources with the Department can be achieved and a realistic process can be implemented.

9 BPD also agrees with Recommendation 20 concerning 10 enhancements to the training available to Internal Affairs 11 investigators. Last year, as Your Honor is aware, the 12 Department hired a subject-matter expert to conduct a 32-hour 13 program which was approved by the Department of Justice and 14 Monitoring Team which is sort of a basic course, previously had 15 not existed, to bring new Internal and existing Internal 16 Affairs investigators up to a sort of basic skills level. That 17 will be supplemented going into the future with some of BPD's 18 affiliations with the Maryland Police Training Commission and 19 also the Maryland Internal Affairs Leadership Group, so we do 20 anticipate further training as the year rolls on.

BPD also agrees with Recommendation 21 and is working towards implementation of that goal as well. There has been, again, outside contractors retained to give 20-hour block of training for all departmental members and outside civilians to serve on trial boards which is also supplemented by follow-up

training conducted by the Law Department Legal Affairs practice for this past year.

We're certainly in agreement with Recommendation 22, and we'll be revaluating the objectivity statement that is already required to ensure that it's comprehensive about all the potential conflicts to have an effective trial board.

THE COURT: So the outside expert, Mr. Bromwich, is particularly critical of what's going on with the trial boards. He acknowledged that he and his team only witnessed one case but the procedure in that case, the outcome of that case, apparently was quite shocking to his team.

And you know, that's, I think, some cause for significant concern on the part of the Department about what's going on there. I recognize how many constraints the process is under. There's a Collective Agreement, there are negotiated procedures, procedural rights and so forth. But, you know, this process is about shining a light in all the corners, including those that are hard to see and in other circumstances might evade examinations.

I heard Mr. Bromwich on that issue, in particular, and I don't reach any judgments with respect to it. I just highlight it as a matter that is now on the Court's radar screen as a specific point of focus. Those boards need to absolutely afford due process procedurally and substantively, but they're administrative in nature, and the accused officer

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has rights and interests, so do the people who are sitting. I'll stop there.

Ms. Walden.

MS. WALDEN: Absolutely, Your Honor. And just for your awareness it should be noted that in the aftermath of the specific Trial Board that Mr. Bromwich mentioned, there was internal evaluation of how that result could have been reached and in fact the Trial Board's process was suspended for a brief period of time to permit the additional training to the Trial Board members to eliminate the possibility that perhaps they just did not correctly understand the relevant standard of evidence and what their role was in that process.

So we are hopeful that that is -- that training has been effective. But of course, you know, something to continue to follow and ensure we're getting the results that we should be expecting.

7 THE COURT: I don't have a factual basis to make the 8 following statement in definitive terms so I'll make it just as 9 an observation but, you know, there's a -- you listen to 0 Mr. Bromwich and, frankly, the other anecdotes from what goes 1 on in that process and from time to time there's a whiff of 2 what trial lawyers and judges would call jury nullification in 3 the air, which is, yeah, those may be the rules, but we're the 4 ones deciding, and this is our answer tied to the rules and 5 standards or not.

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MS. WALDEN: Your Honor is right. Training is important to be sure that, you know, there's not an explanation for an outcome that is inconsistent with the evidence that relates to insufficient training of people who are making that determination.

50 the purpose of course is to ensure that should such 7 an event occur again, you know that that could not be the 8 result of a failure to understand the evidentiary standard.

9 **THE COURT:** All right. I'm going to try to not be the 10 cause of you running overtime, Ms. Walden.

MS. WALDEN: Thank you, Your Honor. I hesitate to go into great detail into the rest of the recommendations. Again, the Department is in agreement with them.

14 The only one that I would highlight because we have 15 not previously responded to it is Number 26, wherein 16 Mr. Bromwich recommends that, you know, there be an independent 17 outside investigator selected promptly at the outset of any 18 such case that might arise.

BPD agrees that earlier engagement would have
permitted Mr. Bromwich greater access to the evidence relevant
for his investigation because and it's obviously impossible to
predict what scenarios may arise in the future, but the
Department recognizes the value of a robust and independent
investigation addressing those situations.

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THE COURT: I had to bang away for almost two years

and in the end just wait for a more sympathetic City 1 administration and police commissioner before this thing was ever even launched. So you know how the Court feels about that issue.

MS. WALDEN: Yes, Your Honor, I do. And just to be clear that the Department has been very proactive on this recommendation, Commissioner Harrison, in response to the recommendation, has already coordinated with the City's Inspector General and that she is agreeable to making her office available to assist at the Commissioner's request should any future instance of possible corruption come to light.

And if you spend any time around here, you will soon here Commissioner Harrison say at some point "Although we can't control everything that may happen, we can control what we do when we find out about it." So the Commissioner is very committed to making sure we have the appropriate resources to address a situation when it arises in the future.

With that, Your Honor, if you have questions particular to the recommendations in Mr. Bromwich's report I'll be glad to take those, otherwise, I would turn it over to Deputy Commissioner Nadeau to provide an update on the goings on.

THE COURT: No, as Mr. Nadeau is perhaps painfully aware, I'm always interested in hearing from him on the latest updates from PIB. It's such a critical aspect of this overall

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1	reform effort but now, particularly, in the wake of
2	Mr. Bromwich's very comprehensive report Mr. Nadeau needs to be
3	heard from.
4	MS. WALDEN: Yes, Your Honor.
5	DEPUTY NADEAU: Good afternoon, Your Honor. It's
6	always a pleasure.
7	THE COURT: Good afternoon.
8	DEPUTY NADEAU: It is no accident based on what we
9	heard today the misconduct section of the Decree is the largest
10	section, it addresses staffing, training, complaint intake,
11	administrative, criminal misconduct investigations,
12	disciplinary charges, disciplinary hearings and an imposition
13	of discipline, complaint tracking and transparency measures, et
14	cetera.
15	As we look at the slide, these are the changes that
16	have taken place since the Commissioner and I have come to the
17	BPD to make the PIB process far more efficient.
18	One, we've gone to completely electronic case files.
19	It makes it much more faster for the detectives to put their
20	complaint in, much more faster for the investigators to do the
21	investigations, and the walk-through for the process to be
22	approved.
23	In addition to electronic case files, we also
24	overhauled the entire system and upgraded it to allow for
25	greater efficiency.
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More individuals are now applying for PIB positions which I think is phenomenal. When we first got here we had three people applying. Now we have upwards of 28 people applying for each position.

A high percent of the detectives have received specialized training, and they will receive additional training as we move forward, and the PIB manual puts all of the relevant PIB SOPs and the information for the facility to report all in once place.

And of course we moved EODS, which is the Equal Opportunity Diversity Section, here under the PIB umbrella, and we hired a new civilian deputy director who was hired to run that.

The next slide we talked about the changes in the number of detectives at PIB. Under the Commissioner's leadership he has allowed us to pull over an additional 18 detectives and actually it is more than that because currently eight PIB investigators have been promoted to sergeants in the past two years so overall it's been approximately 24 additional people that have come over here. That's a 40 percent increase just in the past little over a year from October 2020 to October of 2021, so we currently have 35 detectives here.

On the next slide we talk about some of the changes.
We talked about the electronic case management system which is
running much more efficiently.

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We've also worked out an issue at CRB where they have duplicate case files. They now have the entire main case file to make it easier for them to do their work.

Also under bullet two, we are dealing with DOJ and Monitoring Team. They have access to the PIB case files as well so they can do their review.

Case reviews provided a qualitative assessment on the areas that PIB is improving in, which is important. In moving forward, multi sessions will focus on cases that are open and closed after the specialized training that all members got back in April of 2020.

Also, we'll talk about civilians on a trial board. BPD was the first agency in the State of Maryland to put civilians on a trial board. We did that in the beginning in December of 2020. So we run them. We've had civilians be trained. They had a 20-hour in-service training class and 20-hour ride-along program and their first Trial Board was 12/3 of 2020.

In addition, Mr. Bromwich talks about the one case
file of the one trial board that he watched, as Ms. Walden said
I suspended all Trial Board after that and a new selection of
individuals were selected, and they were trained, they went
through a one-day training program. And, in addition to that,
we've had a second one-day training program to refresh them.
So once a year they get a refresher. And the civilians have

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also gone through two trainings. Theirs is a little bit longer 1 2 because learning the BPD terminology takes a little bit longer. But all of these folks have been trained, and we see a 3 4 markable increase in the amount of guilty findings that we're 5 getting from the Trial Board. So I think that's vitally 6 important. 7 **THE COURT:** So, you know, do all trial boards now have civilian members? 8 9 **DEPUTY NADEAU:** That is correct. 10 THE COURT: So they're trial boards of five? 11 **DEPUTY NADEAU:** That is correct. 12 THE COURT: Thank you. 13 **DEPUTY NADEAU:** The expungement protocol has been BPD 14 collaborated with the DOJ and the Monitoring Team and we 15 developed the expungement protocol which we're using to make 16 sure that we comply with all Brady requests and other legal 17 requirements from other entities. 18 The complaint web form has been updated to an online 19 complaint web form to better gather relevant information from 20 the complainant. We still don't require it. You can still do 21 a complaint anonymously but the complaint form asks for more 22 information such as date of occurrence, time, et cetera, so we 23 can sort of pin down the location so if we can't make contact 24 we can have more information to go by. 25 BPD has also hired an additional assistant solicitor.

1 We now have four that are assigned here. The purpose of the solicitor -- assistant solicitors are to write charging 2 3 documents and new Trial Board process so that we can stay up-to-date on those. 4

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And we also are doing a lot of things electronically, noticing, serving the public and also noticing members and using electronic format so we don't have to bring members off 8 the street to bring them in here just to serve them notice of the finality of their case. We can actually do that through 9 10 electronic format now and keep them back on the street where 11 they should be.

12 On the next slide we talk about the complaint card and 13 the complaint form. So we're looking at improved ways for 14 citizens to make complaints and after a success pilot in this 15 program in two districts we are now launching this out to the 16 rest of the agencies.

17 In the beginning of next week there will be an 18 e-learning for all officers to take. Supervisors are expected to have these unified complaint forms readily available. We're 19 20 working with all the property officers to make sure they're in 21 the districts and offiers are expected to have the complaint 22 card on their person or in their patrol vehicles at all times. 23 The officer will provide the individual a card if the 24 complaintant does not wish to stay on scene for the supervisor 25 to arrive or if they decide to go to get some additional police

action they'll have those to hand out immediately as they move 1 2 We've also coordinated with the CRB to do that as forward. well.

On the next slide we sort of talk about these public 4 sessions that we've been doing. So in September we began 5 6 implementing a transparency initiative plan that addresses 7 several Consent Decree paragraphs. We collaborated with DOJ 8 Monitoring Team over the course of several months to ensure 9 that we complied with them.

10 The first initiative builds on existing BPD outreach 11 efforts through public information sessions about 12 integrity-related issues. Each public information session will 13 have a theme. The scheduling and thematic topics are flexible 14 in order to respond to community demands and BPD operational 15 changes.

16 The first one we had on December 7 is being repeated 17 in Spanish format on February 8. We had about 70 people log 18 into the first one. Very good interaction with the public and 19 I think they certainly enjoy hearing from us and asking a lot 20 of questions.

21 The second initiative focuses on resources available 22 to the public, including physical resources, pamphlets, 23 brochures, et cetera, and any electronic resources that we have 24 online.

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Then the third and final one will focus on increasing

transparency surrounding outcomes of misconduct investigations 1 which comply with Paragraph 404.

3 These are the ones we talked to you about before, the 4 reports that go out. This, again, is for transparency purposes to send out to the public to show them what we're doing. The reports are published and they can be found on BPD website under the transparency tab and this meets the requirement in the Consent Decree.

Next report talks about major trends, key point, data points, et cetera; and the next report, guarter one and two of 2021, will probably go out in the next couple of weeks. We just got the final back from DOJ. And then quarter three and four we'll put together and that should go out most likely by June of this year.

Next slide just quickly talks about sort of shows the decline in state custody cases. The light blue shows that we are down to about 198 days to complete cases, and the gold one shows how many cases were completed within 90 days which is a requirement of the Consent Decree. So we hope to, with the increase in staff and efficiency, we hope to continue in that direction.

The next slide shows the data complaints that have 23 been received by the PIB. You'll notice in 2020 we had a 24 reduction, some of that may be COVID related, but what's key is 25 in 2021 you see internal which is the yellowish gold color has

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1 increased. Most of that is based on some self-audit that the 2 Department is doing on ourselves and finding what may be 3 possible violations that are coming here and that's being done 4 by the performance standard section of BPD. So we see that as 5 a good thing. Causing us more work, of course, but we want to 6 make sure that we look at those and if there's any training 7 that needs to be done we can certainly do that.

8 THE COURT: The point of that is that the uptick of 9 the majority, the great majority, the uptick in PIB complaints 10 from 2021 are because the Department itself believes that it is 11 detecting misconduct, more misconduct.

In other words, that's not to say that there is more misconduct, but the Department is doing a better job of detecting that which is there. It's not that the public is making that many more complaints. They're making a few more, but it's more the Department is finding them on its own which is, as you proffer, a sign of increasing health in the Department.

19 **DEPUTY NADEAU:** Correct, Your Honor. By determining 20 those a lot of those are training issues we can handle very 21 quickly which is good. The increase in the external, which is 22 the public has gone up only -- of course any increase is not 23 good -- only 89 from 2020 to 2021 and certainly we have many 24 more interactions with the public than that. So that's a good 25 sign that the officers -- we're not getting as many complaints

1	by the public, but internally we're getting complaints because
2	we're doing self inspection of ourselves which is, as you point
3	out, is positive for us.
4	THE COURT: Very good.
5	DEPUTY NADEAU: That's the last slide I have, Your
6	Honor. Unless you have any specific questions I'd be more than
7	happy to answer.
8	THE COURT: No. Thank you, DC Nadeau.
9	Ms. Walden, anything else from the City?
10	MS. WALDEN: Your Honor, we just have the staffing
11	update and I believe you wanted to hear from the Department of
12	Justice Monitoring Team on the misconduct issues.
13	THE COURT: Right. So we'll put staffing aside for
14	the moment, and I want to turn to Mr. Mygatt, on behalf of the
15	Plaintiff the Department of Justice, for their presentation
16	today on our core topic, the presentation by Mr. Bromwich, the
17	reaction by the City and the Police Department, the context for
18	all of this, where we were in 2010, 2017, where we are in 2022.
19	I think that's all that's on the table.
20	Mr. Mygatt, good afternoon.
21	MR. MYGATT: Good afternoon, Your Honor. We're glad
22	to be here today to discuss the Gun Trace Task Force Report
23	from Mr. Bromwich and the Baltimore Police Department's
24	progress in complying with the Consent Decree. I'm going to
25	start with some overall comments and then I'm going to turn it

over to Ms. Porter to discuss some of the specifics of 1 Mr. Bromwich's recommendations.

First of all, I just want to start off by saying we applaud the City for conducting an independent investigation of the origins, evolution, corruption of the Gun Trace Task Force.

The GTTF scandal severely eroded public trust and 6 7 damaged the relationship with the Department and community. Ιt 8 serves as a jarring reminder -- the report serves as a jarring 9 reminder of the challenges BPD faces in reestablishing 10 legitimacy in certain Baltimore neighborhoods.

11 Although the City was not required under the Consent 12 Decree to conduct the investigation, the GTTF scandal as the 13 Court knows has been a continuing source of concern for the 14 parties, the Monitoring Team and the Court itself, as you 15 raised many times.

16 The investigation from our point of view was an 17 essential step in uncovering the root causes of its conduct and 18 determining remedies to keep such misconduct from occurring 19 again.

20 As the Court noted earlier, the City could not get 21 past this scandal until it fully understood how and why it 22 It is significant that the City took the occurred. 23 responsibility to commission this investigation and commit to 24 fully understand the depths of the GTTF corruption.

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We also really appreciate the City and BPD's

willingness to take full responsibility for this misconduct and the conditions that allowed it to take place. I appreciate it, Solicitor's Shea's comments where he said that we're not running or hiding from this, that kind of admission is a critical first step in beginning to start down the path of accountability and the path towards constitutional policing.

I want to echo something you said earlier, Your Honor.
This is something the DOJ firmly believes, effective policing
and constitutional policing go hand-in-hand. They are
inseparable. Unconstitutional policing only erodes the rule of
law and fosters an environment in which lawbreaking people
become commonplace.

13 When police officers break the rules and get away with 14 it, this communicates to the community, and particularly those 15 that interact with police regularly, that there are no rules, 16 there is no rule of law, there is no right and wrong, there's 17 just power. You are powerful, you make the rules, and you 18 break the rules. It engenders lawlessness. It reinforces 19 those that experience this violation of rights that there's no real reason to embrace the rules but instead seek power by any 20 21 means necessary. This power seeking forms the very basis for 22 the cycle of violence we're all working so hard to break.

Our law enforcement agencies must communicate respect
for the rule of law in every action they take. This is why
this report is so significant. It signals that breaking the

law will not be tolerated, and it requires respect for the rule of law from those who enforce the law.

The law review of Mr. Bromwich's report was a thorough examination of the causes of the GTTF scandal and it provides important recommendations to remedy those causes.

In many ways the report builds on the findings he made in 2016 and the reforms embodied in the Consent Decree.

Even Mr. Bromwich who made this report himself saying "We have found nothing during our investigation that in any way detracts from the overall findings of the DOJ report nor the remedies embodied in the Consent Decree. Our recommendation is this should be a supplement to those reports."

Specifically the 500-page report recommended a number of further reforms: Hiring, training, supervision and accountability practices, beyond those specifically required by the Consent Decree.

We stand ready to work with BPD as it acts upon the recommendations in this report, which we believe to be readily incorporated into the processes of the parties that the Monitoring Team already have in place under the Consent Decree.

We also stand ready to provide technical assistance to repeat epidemic BPD prevent further scandals in the future. As you said in your openings remarks, Your Honor, BPD is not in the place it was in 2017, when much of this misconduct took place and even before that.

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1 Although there is still a great deal of work to do, BPD has made significant progress on the Consent Decree to put systems in place to prevent this type of misconduct from occurring and to ferret it out when it does occur.

This progress is attributed to leadership in BPD, in the City, to officers who are committed to doing their jobs constitutionally and effectively, and to community members who invested in their police department and communities to improve public safety. We will discuss this progress in more detail and have been discussing it already this afternoon.

BPD and the City and the Baltimore community should be proud of the progress that they have made so far, but this report emphasizes how critical this work remains. BPD and the City must never become complacent to the risks of this type of misconduct, of the damage it does to the relationship to the community and the harm it does to the victims which is violation of rights.

We look forward to working with the City, BPD, the Court, and its Monitoring Team, and the Baltimore community to continue to proceed down the path of reform.

Unless you have any particular specific questions for me though, Your Honor, I'll turn it over to Ms. Porter to discuss some of Mr. Bromwich's recommendations.

THE COURT: Those are good observations, Mr. Mygatt, particularly the more subtle ones about what you get with

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lawlessness and how you end up with only raw-powered matter. think that is right on target.

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Ms. Porter.

MS. PORTER: Thank you, Your Honor. A Consent Decree, coupled with the report, proposes an opportunity, even a 6 requirement, for the Department to get it right. We know that 7 the Police Department can police with integrity. We're seeing proof that the policy (inaudible), but we don't want history to 8 9 repeat itself again.

10 As the Department has stated and also others here, a 11 number of recommendations are already being addressed under the 12 Consent Decree. Mr. Bromwich has already talked about the 13 recommendations at length so we don't want to belabor the 14 point, but we do want to highlight a few recommendations that 15 we think are particularly crucial --

16 **THE COURT:** As you do that, Ms. Porter, I'm going to 17 ask you if it's possible to move a little bit closer to your 18 microphone. I'm at least experiencing you're cutting in and 19 out, and I want to hear every word that you have to say.

20 **MS. PORTER:** Sure. Not a problem, Your Honor. 21 Hopefully is this better?

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THE COURT: So far.

23 **MS. PORTER:** But we do want to highlight a few 24 recommendations that we think are particularly crucial to 25 acknowledging this painful chapter of BPD history, addressing

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the systemic weaknesses that have allowed this misconduct to take root and flourish and further develop a picture of trustworthiness and accountability in the Department. The first recommendation that we're going to talk about involves BPD including into its training information on past corruption scandals and the firsthand experiences of those who are victimized. We agree with Mr. Bromwich that the Department should develop the internal capacity to study and draw lessons from significant incidents of corruption and misconduct. And also incorporate those findings, those conclusions, those lessons learned, into training provided by BPD members.

As the Department has stated, it's incorporated presentations from previous departmental scandals in its in-service community policing training and also its recruiting ethics training. The Department's four-day training for supervisors, which is currently developing, will include a video of former Officer Victor Rivera that explains how he started down the road that led to his corrupt conduct. And I think Mr. Bromwich talked about this as well as BPD.

Consistent with Mr. Bromwich's recommendation about including information on past corruption scandals into training, we also think that they should incorporate into training expansions of those community members who are directly harmed or impacted by these scandals. That was a

1 recommendation by Mr. Bromwich as well.

It's important that these victims' voices are heard. This could be done through video footage or by bringing community members into the training to tell their story.

As Mr. Bromwich correctly noted in his report that this is frequently the untold part of the story about corruption and it deserves to be told.

Additionally, Your Honor, we also think it's key that the Department develop and deliver training that emphasizes the importance of providing truthful information in its reports. This is another one of the report's recommendations in something that was discussed by Mr. Bromwich during his presentation and also by BPD.

Mr. Bromwich urged the Department in its report to develop training that confronts law enforcement's history of lying as a way to justify and support police practices. We agree that the Department should address this history in its training.

And consistent with the Consent Decree's accountability, the Department must also conduct comprehensive investigations of integrity violations and develop clear termination penalties for those officers who have been found to be untruthful.

THE COURT: You know, training with respect to
dishonesty is of course important and I think it's important to

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recount what the history has been and how officers have 1 stretched and twisted facts and so forth and manufactured 2 probable cause when it wasn't really there and been counseled 3 4 by older officers to sometimes lie, and I suppose training on all of that is useful to sort of provide a context. But. really, training people that you're not supposed to lie, I mean 6 7 it's the golden rule. Everybody knows it.

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8 So it's a training issue but it's mostly an 9 enforcement issue. It's mostly about, you know -- these are 10 terms that I didn't think I'd be uttering with any frequency 11 based on recent history, but maybe this is an area where the 12 concept is zero-tolerance makes some sense and a department establishes a culture of zero-tolerance for dishonesty on a 13 14 mass of issues, of course, but on minor things as well. 15 Cheating on your overtime, a little change in a report here and 16 there to sort of fix the facts up a little bit. 17 Zero-tolerance. Starting in the Police Academy. Pounding that 18 in from day one that, you know, there's one capital offense 19 around here, lying.

20 **MS. PORTER:** We agree with that, Your Honor, and that 21 there should be clear termination penalties for people who are 22 untruthful or are lying. We definitely agree with your 23 position on that, Your Honor.

We'll continue to ensure that there is enforcement, 24 25 that there's not only training with respect to these issues,

but there's also enforcement and accountability to hold those officers responsible who are untruthful through our reviews of PIB investigations and also through the development of the disciplinary matrix that the parties have been working on.

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5 Another important recommendation that Mr. Bromwich made pertained to having senior command staff respect formal 6 7 chain of command. So I won't talk about this particular 8 recommendation at length because we've all talked about it. 9 I've heard you, Judge Bredar, talk about it; Mr. Bromwich 10 talked about it; the City talked about it. But this is really an important concept. And these particular types of actions 11 12 where officers or command officers are not respecting the 13 formal chain of command sends a signal that certain officers 14 are favored and departmental policies don't apply to them 15 because they don't have to follow the chain of command. 16 They're not held to the same rules and standards as everyone 17 else.

So we recommend that BPD consider whether additional reenforcement of the chain of command be built in the ongoing supervisor training that's being required. And we'll evaluate these issues in our review of the training board for it as well.

We have two more recommendations, Your Honor, that we want to talk about and then we will talk very briefly about integrity issues.

Consistent with Mr. Bromwich's recommendation, we also 1 2 think it's crucial that the Department carefully screen members of plainclothes units and streamline those units that focus on 3 seizing guns and drugs. Although acknowledging that the size 4 of the plainclothes units has decreased over the years, given 5 the tendency of plainclothes units to wax and wane as a tool 6 7 for combating gun and drug crimes, Mr. Bromwich recommends that 8 as a matter of policy the Department establishes standard for joining and remaining in plainclothes units. He suggested 9 10 those standards include in-person reviews and reviews of 11 Internal Affairs, and we agree with those.

Now, the last recommendation that we would like to talk about is the recommendation that BPD focus on quality over quantity in assessing the value of the cases investigated by BPD members.

16 As Mr. Bromwich stated in his report, BPD management 17 should consistently stress to all members that it attaches the 18 highest value to strong cases that lead to criminal 19 convictions, not cases based on weak evidence that are not 20 pursued past the point of arrest. He stated in this report 21 that this message needs to be conveyed directly and on a 22 continuing basis by every level of management. We agree with 23 Focusing on case numbers harkens back to the this. 24 zero-tolerance approach used by the years past. The 25 Department's focus on stops, searches and arrest numbers in the

past led to repeated violations of constitutional and statutory rights which further eroded the community's trust.

Over the last few years, the Department has shifted to a qualitative approach to enforcement that recognizes how aggressive policing impacts community relationships and this work must continue. Such an approach is consistent with BPD's mandate under the Consent Decree to conduct stops, searches and arrests fairly and respectfully and to also work proactively to address quality of life issues in a manner that minimizes stops, citations, searches and arrests.

In addition to conveying this message at its weekly ComStat meetings and analysis of RWOC data, the Department must continue to deliver this message during in-training and particularly its supervisor training.

In a letter to Mr. Bromwich the Department positively responded to the report's recommendations and stated that it intended to use the report as a tool for internal evaluation for departmental improvement. The Department, too, has also noted a number of areas where it has already made progress in implementing those recommendations.

We agree that the processes required under the Consent Decree have begun to address some of those issues.

3 Mr. Bromwich's report demonstrates that more work remains, but
4 we're confident based on what we heard today that the
5 Department will use the report and its recommendations as a

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foundation upon which to continue to build an improved culture of accountability and the integrity within the BPD.

So, Your Honor, those are my comments with respect to to the recommendations. If you will allow me two or three more minutes, I will speak very briefly about integrity?

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THE COURT: Yes, ma'am.

MS. PORTER: Thank you. With respect to integrity, Your Honor, clearly from what we've heard today from the 8 9 Department, PIB has made a number of strides, but the Gun Trace 10 Task Force report highlights an area that we've discussed on a number of occasions and that's staffing of the Public Integrity 11 12 Board.

In order to address the backlog of the conduct of 13 14 complaints and the quality of misconduct investigations, the 15 Department has been faced with the difficult task of both 16 increasing the number of PIB investigators and also attracting 17 highly-gualified candidates. To its credit, over the past two 18 years, the Department has steadily increased the size of PIB 19 staff with the number of misconduct investigators growing, as 20 DC Nadeau, noted from 17 in January of 2020 to 35 as of October 21 2021.

22 As we have noted in the past, this growth is 23 promising, however, it is still short of the targets embraced 24 in the staffing plan of 56 investigators.

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Mr. Bromwich made really important findings on this

subject. In his report he concluded that PIB staffing
 challenges are not just a part of the department's historical
 problems, but are continuing and present an obstacle to further
 improvement the quality and timeliness of misconduct
 investigations.

In his report he noted that there was a consensus among PIB supervisors that the quality of applicants continues to be low and that BPD needs to develop a set of incentives that will make investigator positions more attractive.

He also notes in his report that PIB supervisors wanted command staff members to encourage their qualified personnel to apply to work in PIB rather than discourage them from doing it. This indicates that the Department has more work to do, but we're pleased to hear today that BPD will intensify its efforts to recruit highly-qualified personnel.

In order to meet key Consent Decree benchmarks in the area of integrity, it's crucial that BPD resolve these staffing shortages. Adequate staffing would help to alleviate the ongoing backlog of cases.

And, Your Honor, we understand that staffing has consistently been a challenge for the Department, like other departments across the country, and that these numbers won't improve overnight. However, timely completion of the conduct investigations are critical to a robust and well-functioning accountability system and addressing these deficiencies will do

much to improve officer morale and public confidence and the
 Department's ability to hold itself accountable. And that
 concludes DOJ's comments, Your Honor.

THE COURT: Thank you, Ms. Porter. Before I turn to the Monitoring Team for their overall response, I want to go back to DC Nadeau one last time, and I'll make a couple of observations and we'll see what the deputy has to say about them.

9 The number of detectives has been increased and in a 10 two-year period from 17 to 35. That's occurred in a climate 11 where the overall sworn staffing of the Department has declined 12 and most bureaus districts and other elements of the Department 13 are having to deal with shrinking number of officers and 14 detectives that are assigned to them. That's one -- that's a 15 headwind that's blowing against the entire Department and PIB 16 feels that as well.

But there's also intention between the suggestion from Mr. Bromwich, and which DOJ is endorsing now, that it remains difficult to attract and put in place the most capable, the most talented of investigators, that that problem exists on one hand, and yet there is also this pressure that comes from the staffing plan which is to get up to 56 detectives.

23 Mr. Bromwich alluded to Chief Ramsey's experience in 24 Washington, D.C. that I'm familiar with from the 1990s, from 25 reading and from academic work that, you know, you try to solve

a problem in policing too guickly, too dramatically, you're actually just going to create a larger problem for yourself later.

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PIB can only grow so quickly, and if they exceed the 4 speed limit the consequence of that is going to be mistakes, less qualified investigators, cases that don't hold up, and a 6 7 degradation of the very thing that is more important than 8 anything else right now and that is the effort to grow 9 credibility of the Public Integrity Bureau.

10 So DC Nadeau, you may have comments beyond mine, but I 11 recognize the vice you're in.

12 **DEPUTY NADEAU:** Thank you, Your Honor. So, yes, we 13 have grown, and we have grown at a rate that has been what I 14 would say is the appropriate rate for bringing people into this 15 venue. Most of the people that transfer here come with little 16 detective type experience and so they have to be trained. 0nce 17 in a while we do get a couple that come who are already 18 detectives and know how to do investigations but not 19 necessarily Internal Affair investigations. So we do have to 20 grow at a smaller rate.

21 I talked to the commissioner about this. Could we 22 easily transfer 15 people here? It would be easy. We could do 23 it, but would that slow down the system? I think it would. Ι 24 think it would slow down the system because they have to have 25 their hand held, you know, daily as they learn and progress in

their process and that would slow down those other
 investigators from doing their cases.

So we have made a commitment with the Commissioner that every time we have a new class come off the FTO program they'll be able to move additional folks here.

One thing that sort of hampered them a little bit is the fact that we had, as I said before, eight detectives promoted to sergeants, right, which is a good thing. People coming from the PIB world going out into the field supervising people that have the integrity-based knowledge, which is good, and we've had two of our sergeants become detectives. We had to certainly backfill that as well.

I would say in the two and a half years I've been here almost we have almost, on the detective side, you know, for the most part 75 percent of the people here are new because of the increase and then of course the other ones being promoted.

It is a challenge for us, but I think we're on a good path to get to the 48 that the staffing plan accounts for. I will say under the new statute that goes into effect July 2020, we are able to incorporate civilians into that process. Will we do that? It's in discussion whether or not we will or not. But we have to have people that have experience in the law enforcement realm to make these cases move forward.

So it's a plan. We are working on it. I feel
comfortable with the rate that we're increasing. Do we always

want to have more? We do. But, you know, as a deputy I can
 look across the agency as well and see the problems that the
 other units have and as you so clearly mentioned, you know,
 it's a process that we all have to work together on.

5 THE COURT: All right. Let's move along and let me 6 turn it over to our Chief Deputy Monitor, Chuck Ramsey, who is 7 here. As I indicated, Mr. Thompson is unable to be with us 8 this afternoon.

9 Chief Ramsey, we covered a lot of ground today 10 starting with Mr. Bromwich but now also the responses of the 11 parties. I'm interested in your observations and those of the 12 Monitoring Team members who hold the relevant portfolios. 13 Please proceed.

MR. RAMSEY: Thank you, Your Honor. For the sake of time, I'll turn things over to Deputy Monitor Seth Rosenthal and then to Deputy Monitor Hassan Aden and I'll hold my comments until they finish. We do have a couple of areas we want to cover: Stop searches and arrests, accountability, supervision and staffing.

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So with that, Seth.

21 MR. ROSENTHAL: Thank you, Chief Ramsey. Good
22 afternoon, Your Honor.

I want to talk very briefly about the relationship
between Mr. Bromwich's report and the stop searches and arrest
area in the Consent Decree. One of the key takeaways from

Mr. Bromwich's support is that systemic failures in 1 2 supervision, Internal Affairs, and discipline fed not only the culture of venal self-enriching corruption found among Gun 3 Trace Task Force members and other plainclothes officers, but 4 also a more common, more casual, as Mr. Bromwich found, a more 5 widespread form of corruption. Lying. Lying about facts to 6 7 justify stop searches and arrests. Manufacturing facts to 8 support reasonable suspicion for stops or what was pat-downs. 9 Manufacturing evidence to justify arrests and to make charges 10 stick. More casual, more common culture of corruption. It's 11 part of what led down the slippery slope to the more venal 12 culture of corruption that we saw with the Gun Trace Task 13 Force.

Mr. Bromwich calls this an ends justifies the means mentality for stops searches and arrests because in the end the officers thought what's a little lie if we're actually getting the bad guys or people we think are the bad guys. And that's a mentality that led routinely, and not just episodically as Mr. Bromwich found, to violations of the Fourth Amendment.

And, candidly, you know, it is one of the primary reasons, maybe the primary reason that we are all gathered here today, you know, the pattern and practice of Fourth Amendment violations that the Justice Department found in its investigation.

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I will say this, something that Ms. Porter said,

Mr. Bromwich's report does provide powerful corroboration for 1 the Justice Department's findings regarding a pattern of 2 practice of Fourth Amendment violations, stop searches and 3 4 arrests. And more important for our purposes here today, it 5 provides powerful support for the Consent Decree provisions regarding stop searches and arrests. 6

For the same reason that it provides powerful support 8 for those provisions of the Consent Decree, it also underscores why as we head into our assessment's work in earnest this is one of the areas, if not the primary area, that inspires the 11 most trepidation among us.

12 Your Honor observed, Mr. Bromwich observed, others 13 have observed today that it's hard and it takes time to unlearn 14 ways of doing business that have been learned and engrained 15 over decades, and if officers have been exposed to and been 16 part of this more casual, more common form of corruption 17 regarding manufacturing evidence to support stop, searches and 18 arrests, it's going to take some time to unlearn those habits.

19 And, you know, there is at least, you know, anecdotal 20 evidence that we've come across in our four years of work to suggest that it's going to take time and just as a for 21 22 instance, you know, we've been engaged for the last several 23 months in comprehensive assessment of uses of force over the course -- over the course of years 2018, 2019 and 2020. 24

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And I will say as one of the members of our team that

is doing those reviews, along with Chief Ramsey, along with 1 2 Chief Aden, and other members of our team, you know, we are finding anecdotal evidence of arrests, pat-downs, searches that 4 are simply not just by the evidence. And then we look at the reports, you know, the reports either omit key facts or include 6 facts that just aren't there.

7 And I want to emphasize that that is anecdotal and 8 anecdotal only, but it does suggest to us, you know, that this 9 may take time. And we do have some concern going into our 10 analysis, our assessments of stop searches and arrests, that we 11 may not find the progress that we hope to find.

12 However, there is reason for optimism to 13 counterbalance those reasons for pessimism, Mr. Bromwich 14 pointed out one of them, and that is the adoption of the use of 15 the body-worn cameras which as he's said is an antidote to the 16 kind of casual corruption, particularly in the areas of stop 17 searches and arrests that I was just talking about.

18 The second is training. The Department completed 19 training, Department-wide training on stop, searches and 20 arrests in the beginning of last year. Also delivered 21 e-learning to supervisors on review of stop, searches and 22 arrests last year. And we were very appreciative and commended 23 the training that was done there. It was also guite well 24 received by officers.

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And one of the things that we observed when we were

sitting in on the training is instructors basically telling officers, look, to the extent that the anyone is accustomed to doing business here in a certain way, that's stopping. And we are in fact now required by Consent Decree and by policy, not to mention the Constitution, to do things on the street in a certain way.

And instructors were very forceful about that and I think the message -- we think the message was received.

Third, this past summer the Department rolled out and implemented a cross patrol electronic field-based reporting and a record management system that we think is going to help with the analysis of stop, searches and arrests.

It is amazing to many that up until last summer the Department didn't really begin to take a look at trends in stops and searches and arrests to see what hit rates were. The percentage of time that stops were leading to arrests or to citations. The percentage of time that searches or weapons pat-downs were producing evidence of guns or drugs or other contraband.

This is something that the advent and the adoption of electronic field-based reporting in the new record management system will make possible and the Monitoring Team and the Justice Department are working with and will continue to work with the Department to make sure that this new system captures all of the data that it needs to capture so these kinds of

analyses can be done and so corrective action can be taken.

Finally, Your Honor, another thing that gives us hope is, and Ms. Porter mentioned this, the analysis the performance standard section has been doing on releases without a charge. That is people who are arrested taken down to Central Booking and the duty prosecutor for the State's Attorney's Office says there's not enough here to keep this person so we're not going to charge them.

9 It was the Justice Department and Police Department's 10 view when they wrote the Consent Decree that these release-without-charge or RWOC arrests could serve as a proxy 11 for no probable cause arrest. They are something of a proxy as 12 13 we've learned. They're not a perfect proxy. But the bottom 14 line is over the course of the past year and a half, ever since 15 the Performance Standards Section has been looking at these 16 requests, number one, the number of RWOC arrests across the 17 City has declined precipitously which is a good sign.

Second, in the last two quarters the Performance
Standards analyzed there were no, zero, RWOC arrests that they
determined to have lacked probable cause. Prosecutors may have
declined to charge for other reasons but not for lack of
probable cause. These are all positive trends, Your Honor,
they do give us reason for optimism as we launch into your
assessment which on arrests will begin very shortly.

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In fact, we're having a meeting tomorrow to finalize

the methodology for our arrest assessment. We'll be taking a look at arrests from 2019, 2020 and 2021 statistically significant sample of arrests so that we can look at whether arrests are in fact being made with probable cause and whether they're being adequately documented. That review will begin momentarily, and we hope to have something to report to the Court and to the community within the next six months.

8 With respect to our analysis, our assessment on stops and searches and weapons pat-downs, that's going to take a 9 10 little longer because as I mentioned before we have to continue 11 to work with the BPD and the Justice Department to be sure that 12 the new record management system is capturing the data and that 13 officers are reporting the data sufficient to allow us to 14 conduct that analysis. But we are hoping to begin that 15 analysis later this year.

16 Finally, I just want to turn to one of the 17 recommendations that Mr. Bromwich made, and Ms. Porter alluded 18 to it earlier, and that is keeping track of successful 19 prosecutions, the rate at which arrests lead to convictions. 20 And even more granularly, Your Honor, we'd like to know, and I 21 think the Department would like to know, what -- what number of 22 cases, what percentage of cases are being dismissed or dropped 23 because of Fourth Amendment problems because there was no 24 probable cause for arrest or charge or because a prosecutor 25 thought that maybe there was a problem with the search or a

problem with the stop or a problem with the weapons pat-down that ultimately compromised and corrupted the prosecution.

We do think that this is something that can and should 3 4 be tracked. It may and probably will require collaboration with the State's Attorney's Office, but that kind of 5 6 collaboration is already ongoing in the RWOC arrest. We don't see any reason why it couldn't be in the prosecution arena as 7 8 well, or the arrest arena and the prosecution arena as well, 9 and it may also benefit from the participation of the Public 10 Defender here in Baltimore.

Look, we know that that is not a requirement of the Consent Decree, but we think keeping track of data in that way will help propel the Department towards compliance in this critical area of stop, searches and arrests.

15 THE COURT: You've got a tough assignment ahead of you 16 in terms of designing the mechanism by which all of this is 17 going to be gauged, how we are going to assess compliance? 18 Time is very short. And I have a jury now that has a note, 19 plus we're after 5:00 p.m.

20 Mr. Aden, it's tough to come at the end of a long 21 program. Please be as concise as you can be and saving a 22 little bit of time for Chief Ramsey, but I'm sorry the 23 competing responsibilities this afternoon make it necessary for 24 us to now wind up as expeditiously as we can.

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Please proceed.

Understood, Your Honor. In reading through 1 MR. ADEN: the report by Mr. Bromwich, ComStat feature was very -- it was a highlight in terms of some of the background for some of these folks that were involved in GTTF and other units to sort 4 of blur the lines, you know, and sort of accomplish tasks at I sort of start off with that to then just leave it all costs. to BPD to do and their ComStat to do. 7

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I attend a lot of ComStat in a lot of different 8 9 departments. I also participate in some national research 10 around ComStat which BPD is a part of, and as a result of all 11 of these things, and Commissioner Harrison and his senior 12 leadership's vision, I can confirm to the Court that the modern 13 ComStat that BPD participates in now it does have a strong 14 focus on crime reduction as well as constitutional policing and 15 the infrastructure to accomplish both. It's a perfect blend of 16 assessing operational and administrative functions. Each 17 district to accomplish the task around effectively fighting 18 crime, community caretaking and even officer wellness. I mean, 19 they get down into how many cruisers are operational for 20 officers to be able to go out into the street and actually 21 patrol.

22 So it is -- it is completely transformed from the days 23 of simply hammering and demoting commanders because of crime 24 numbers. And I urge anyone who wants to observe, to observe. It is a work of art. Yet, it goes right at the crime fight 25

1 with everything I just discussed.

THE COURT: Ms. Sullivan, get me another crime stat visit. That hasn't happened now for probably two years. Set that up. Go ahead, Mr. Aden.

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MS. SULLIVAN: No problem.

6 **MR. ADEN:** Sort of continuing through. I want to get 7 at staffing. We talked about it ad nauseum even at our 8 PIB-centric court hearing, court session. But we on the 9 Monitoring Team are very comfortable with the way that it is 10 progressing and bringing people in. We fully understand the 11 competitive nature of every single body that becomes available 12 within the BPD. Just with the tremendous crime fight, also 13 just with responsible growth and training that need to happen 14 with these folks.

15 DC Nadeau stated that, you know, a lot of people are 16 getting promoted out of there and that's something that we're 17 watching. And that's something that's excellent because these 18 folks are going back out into the field. Some of them have 19 already started returning back in with a higher rank. Coming 20 back to the community. So slowly that culture is changing. 21 We're not alarmed about the number which is 36 today, growing 22 to 48 responsibly and in accordance with all the other needs of 23 the BPD.

Then as far as staffing goes, this is my last point. It wasn't covered or I may have missed it, but in December the

BPD held its first staffing stat, which is like ComStat, but it looks like the intent of these issues is or these meetings is to identify issues affecting the hiring and retention sworn and civilian members and to work on solutions around that. And the Monitoring Team attended the first meeting. We'll be in attendance with all of the other meetings.

7 But I think that's really impressive because you can 8 know the numbers of people going into the organization and 9 people coming out of the organization but if you don't 10 understand what's causing this or what maybe some of the 11 stovepipes are within the process then you're running blind and 12 hoping for numbers. So this is a significant development that 13 we have noted, that we think is going to really help the 14 community.

15 THE COURT: We desperately need something. We're not 16 going to have time to get into it tonight. I don't think 17 there's actually a whole lot more to be said. The Department 18 knows exactly where the Court stands with respect to this 19 issue, which is all stops have got to be pulled out. It's the 20 one thing that really threatens us in terms of our ability to 21 get this work done.

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Thank you, Mr. Aden.

MR. ADEN: Thank you, Your Honor.

THE COURT: Chief Ramsey, you're going to have the

last substantive word.

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2 **CHIEF RAMSEY:** Very quickly, sir. First of all, let me commend both the City and the Department for agreeing to 3 4 this study and to you, sir, for pushing for it. This is going to have -- in fact there are lessons learned that go way beyond 5 6 Baltimore to other departments around the country, especially 7 in today's climate. And it was mentioned in both your remarks 8 as well as Mr. Bromwich, in times of rising violent crime there is tendency for community members, for elected officials, and 9 10 for police departments to kind of throw away the rulebook, if 11 you will, and engage in policing that is not in line with 12 constitutional policing and certainly the Consent Decree that exists and that has to be resisted at all costs. We simply 13 14 can't slide backwards.

15 The other thing that I'd just like to mention very 16 quickly, even though staffing is an issue, you can't cut 17 corners and you can't reduce your standards.

18 Mr. Bromwich mentioned Washington, D.C. back in 1989 19 and 1990 at the height of the crack epidemic the White House 20 actually ordered the Department to hire 1,000 additional police 21 officers, and as a result of that they hurried through the 22 process, and I spent a good part of my nine years as police 23 chief there firing many of the members that were hired in the 24 1989, 1990 class that never should have been hired to begin 25 with. So you pay now or you pay later.

Look, you have to really screen individuals coming 1 into the Department, otherwise you're just going to cause a much larger problem further down the road.

I know you're pressed for time, Your Honor, so I don't want to say anything more than that unless you would like me But this has been very enlightening, and I want to also to. commend Mr. Bromwich. I'm not surprised that he did such a 8 comprehensive job. I had the opportunity to work with him when he served as the Monitor in Washington, D.C. so I'm very familiar with the quality of his work.

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THE COURT: Thank you for that, Chief Ramsey.

12 Returning then to you, Mr. Bromwich. You know, the 13 record should be clear, you are not the Court's contractor. 14 You were engaged by the City to do this work. Now, of course 15 the Court's fingerprints are all over the initiative, and I 16 don't hide for a second from the fact that I pushed the City 17 and pushed the Police Department to get a study like this commissioned and completed. I have heard today that the party 18 19 that contracted with you is pleased with your report. My view 20 is that they certainly should be. It was thorough. It was 21 comprehensive. It was undespairing but that's what was needed.

22 And I do think that it will now be a very useful 23 record of a very difficult time in this department that will be 24 there as a resource for those who will be fighting the battle, 25 frankly, long after this Consent Decree has been completed,

after I have left the bench, after many of us are gone. It will be the record of what happened in a particularly dark period in history of this Police Department.

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I am encouraged by the observation of Chief Ramsev 4 that the report has a utility that will extend beyond Baltimore 5 6 and surely this is not the only large city police department 7 that has struggled with the issues that you identified in your It is a tool that is available for others to study and 8 report. to learn from. I don't doubt that the Department of Justice, 9 given their interests in this issue that extend way beyond 10 Baltimore, will make use of it for that purpose as well. 11

12 So you have, at least from the Court's perspective, 13 performed on the assignment that you were given, and you've 14 done an exemplary job, and I think that this process is going 15 to benefit from it.

16 I'm going to end with the observation that I made in 17 the middle of my comments: People and institutions that don't 18 know their history, that aren't prepared to learn from their 19 history, are doomed to repeat it. The problem of crime is not 20 going away. Hopefully this City does not have to experience 300 plus homicides per year for the indefinite future, but 21 22 there are always going to be a large concentration of people 23 who live in Baltimore and where there are large concentrations 24 of people, statistically, there's a certain amount of crime. 25 Always has been and there always will be. Does it have to be

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1 at the level that we're experiencing now? I hope to God no.
2 But it won't always be here and as a consequence there's always
3 going to be a need for policing. And the challenge is not to
4 get to a point where we don't have police departments anymore
5 or that police departments don't perform their public safety
6 function as they have historically, that's not the target,
7 that's not the goal, that's not the objective.

8 The objective is to get our police departments, at 9 least the one that I have oversight responsibility for, back on 10 track, back within the guardrails, complying with their own 11 rules, complying with the laws of the state, complying with the 12 United States Constitution. And the preparation of this 13 report, the hopefully wide circulation of it and reading of it, 14 taking to heart the lessons that it imparts will only assist 15 that goal.

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So thank you for your good work.

Mr. Shea, anything else on behalf of the City? MR. SHEA: No, Your Honor.

19 THE COURT: Mr. Mygatt, anything else on the behalf of 20 the Department of Justice?

MR. MYGATT: No, Your Honor.

THE COURT: Thank you. And last of all, Mr. Ramsey, is there anything else we need to cover from the perspective of the Monitoring Team?

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CHIEF RAMSEY: No, Your Honor. Thank you.

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1	THE COURT: Thank you. Good evening, everyone. We're	e
2	adjourned and off the record.	
3	(Meeting adjourned at 5:15 p.m.)	
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CERTIFICATE	OF	OFFICIAL	REPORTER
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I, Ronda J. Thomas, Registered Merit Reporter, Certified Realtime Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States. Dated this 6th day of February 2022. Ronda Q. Thomas Ronda J. Thomas, RMR, CRR Federal Official Reporter Ronda J. Thomas, RMR, CRR - Federal Official Reporter

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<pre>improperly [1] 95/21 improve [7] 48/15 94/14 95/10 100/6 119/8 128/23 129/1 improved [5] 15/7 82/2 99/15 111/13 127/1 improvement [2] 126/18 128/4 improves [1] 101/24</pre>	<pre>indications [1] 95/24 indicator [1] 6/6 indictment [1] 23/24 individual [5] 26/10 28/16 52/4 52/18 111/23 individually [2] 25/10 26/12</pre>	<pre>insufficiently [1] 35/23 intake [2] 100/7 107/10 integrity [46] 5/19 7/8 7/12 7/18 11/1 11/8 12/13 12/14 13/13 15/21 17/16 18/2 18/9 33/4 33/9 34/9 34/25 35/6 36/20 37/8 65/13 65/15 66/20</pre>
<pre>improperly [1] 95/21 improve [7] 48/15 94/14 95/10 100/6 119/8 128/23 129/1 improved [5] 15/7 82/2 99/15 111/13 127/1 improvement [2] 126/18 128/4 improves [1] 101/24 improving [2] 71/3 109/8</pre>	indications [1] 95/24 indicator [1] 6/6 indictment [1] 23/24 individual [5] 26/10 28/16 52/4 52/18 111/23 individually [2] 25/10 26/12 individuals [7] 29/4 59/1	<pre>insufficiently [1] 35/23 intake [2] 100/7 107/10 integrity [46] 5/19 7/8 7/12 7/18 11/1 11/8 12/13 12/14 13/13 15/21 17/16 18/2 18/9 33/4 33/9 34/9 34/25 35/6 36/20 37/8 65/13 65/15 66/20 73/13 74/18 76/5 76/12 76/13</pre>
<pre>improperly [1] 95/21 improve [7] 48/15 94/14 95/10 100/6 119/8 128/23 129/1 improved [5] 15/7 82/2 99/15 111/13 127/1 improvement [2] 126/18 128/4 improves [1] 101/24 improving [2] 71/3 109/8 impulse [2] 57/13 67/14</pre>	<pre>indications [1] 95/24 indicator [1] 6/6 indictment [1] 23/24 individual [5] 26/10 28/16 52/4 52/18 111/23 individually [2] 25/10 26/12 individuals [7] 29/4 59/1 62/11 63/11 108/1 109/22</pre>	<pre>insufficiently [1] 35/23 intake [2] 100/7 107/10 integrity [46] 5/19 7/8 7/12 7/18 11/1 11/8 12/13 12/14 13/13 15/21 17/16 18/2 18/9 33/4 33/9 34/9 34/25 35/6 36/20 37/8 65/13 65/15 66/20 73/13 74/18 76/5 76/12 76/13 76/17 77/4 84/13 92/11 95/1</pre>
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<pre>improperly [1] 95/21 improve [7] 48/15 94/14 95/10 100/6 119/8 128/23 129/1 improved [5] 15/7 82/2 99/15 111/13 127/1 improvement [2] 126/18 128/4 improves [1] 101/24 improving [2] 71/3 109/8 impulse [2] 57/13 67/14 impulses [1] 8/14 inadequate [5] 57/18 57/25 58/3 60/8 81/1</pre>	<pre>indications [1] 95/24 indicator [1] 6/6 indictment [1] 23/24 individual [5] 26/10 28/16 52/4 52/18 111/23 individually [2] 25/10 26/12 individuals [7] 29/4 59/1 62/11 63/11 108/1 109/22 144/1 ineffective [1] 10/4 ineffectiveness [1] 49/8</pre>	<pre>insufficiently [1] 35/23 intake [2] 100/7 107/10 integrity [46] 5/19 7/8 7/12 7/18 11/1 11/8 12/13 12/14 13/13 15/21 17/16 18/2 18/9 33/4 33/9 34/9 34/25 35/6 36/20 37/8 65/13 65/15 66/20 73/13 74/18 76/5 76/12 76/13 76/17 77/4 84/13 92/11 95/1 102/1 102/4 112/12 120/7 122/21 124/25 127/2 127/5 127/7 127/11 128/17 130/9</pre>
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<pre>improperly [1] 95/21 improve [7] 48/15 94/14 95/10 100/6 119/8 128/23 129/1 improved [5] 15/7 82/2 99/15 111/13 127/1 improvement [2] 126/18 128/4 improves [1] 101/24 improving [2] 71/3 109/8 impulse [2] 57/13 67/14 impulses [1] 8/14 inadequate [5] 57/18 57/25 58/3 60/8 81/1 inadequately [2] 39/7 39/12 inaudible [1] 120/8</pre>	<pre>indications [1] 95/24 indicator [1] 6/6 indictment [1] 23/24 individual [5] 26/10 28/16 52/4 52/18 111/23 individually [2] 25/10 26/12 individuals [7] 29/4 59/1 62/11 63/11 108/1 109/22 144/1 ineffective [1] 10/4 ineffectiveness [1] 49/8 ineluctably [1] 59/2 inequities [1] 32/19 inevitably [2] 36/10 73/20</pre>	<pre>insufficiently [1] 35/23 intake [2] 100/7 107/10 integrity [46] 5/19 7/8 7/12 7/18 11/1 11/8 12/13 12/14 13/13 15/21 17/16 18/2 18/9 33/4 33/9 34/9 34/25 35/6 36/20 37/8 65/13 65/15 66/20 73/13 74/18 76/5 76/12 76/13 76/17 77/4 84/13 92/11 95/1 102/1 102/4 112/12 120/7 122/21 124/25 127/2 127/5 127/7 127/11 128/17 130/9 131/10 integrity-based [1] 131/10 integrity-related [1] 112/12</pre>
<pre>improperly [1] 95/21 improve [7] 48/15 94/14 95/10 100/6 119/8 128/23 129/1 improved [5] 15/7 82/2 99/15 111/13 127/1 improvement [2] 126/18 128/4 improves [1] 101/24 improving [2] 71/3 109/8 impulse [2] 57/13 67/14 impulses [1] 8/14 inadequate [5] 57/18 57/25 58/3 60/8 81/1 inadequately [2] 39/7 39/12 inaudible [1] 120/8 incapable [1] 51/9</pre>	<pre>indications [1] 95/24 indicator [1] 6/6 indictment [1] 23/24 individual [5] 26/10 28/16 52/4 52/18 111/23 individually [2] 25/10 26/12 individuals [7] 29/4 59/1 62/11 63/11 108/1 109/22 144/1 ineffective [1] 10/4 ineffectiveness [1] 49/8 ineluctably [1] 59/2 inequities [1] 32/19 inevitably [2] 36/10 73/20 inexperienced [1] 39/6</pre>	<pre>insufficiently [1] 35/23 intake [2] 100/7 107/10 integrity [46] 5/19 7/8 7/12 7/18 11/1 11/8 12/13 12/14 13/13 15/21 17/16 18/2 18/9 33/4 33/9 34/9 34/25 35/6 36/20 37/8 65/13 65/15 66/20 73/13 74/18 76/5 76/12 76/13 76/17 77/4 84/13 92/11 95/1 102/1 102/4 112/12 120/7 122/21 124/25 127/2 127/5 127/7 127/11 128/17 130/9 131/10 integrity-based [1] 131/10 integrity-related [1] 112/12 intelligence [2] 41/16 78/20</pre>
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