



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Michael S. Harrison
Police Commissioner

January 14, 2022

Michael R. Bromwich
Senior Counsel
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

RE: BPD Response to the Gun Trace Task Force (GTTF) Report

Dear Mr. Bromwich,

Since my arrival in Baltimore, ensuring effective accountability structures and a departmental culture of integrity has been among my highest priorities. Early in my tenure, it became clear that the unfolding of the GTTF story through the voices of community members, press accounts, and sworn testimony had disclosed a cancer from within the Baltimore Police Department (BPD) that was disturbing and wholly contrary to the Department's values and commitment to fair, impartial and ethical law enforcement. We recognized that neither the BPD nor the Baltimore community could be comfortable that the full scope of the problem had been identified, rooted out, eliminated, and its resurgence prevented without a capable, comprehensive, and independent investigation into how and why GTTF was able to happen.

To that end, we engaged your services in 2019 to complete this unprecedented task. I instructed my team and all members of the BPD to provide you with unfettered access to perform that independent review without Departmental influence. For more than two years, you and your team reviewed hundreds of thousands of pages of documentation and interviewed more than 160 witnesses to gain the most comprehensive understanding possible of the individual, institutional, and cultural factors that contributed to the GTTF corruption scandal.

I want to thank you and your team for the exhaustive work that you performed. While the report provides an unflinching look at BPD's own historical shortcomings, it is necessary for the information to be brought to light, so that we do not repeat the mistakes of the past.

BPD will continue to review and digest the report, but I wanted to provide a response to the various recommendations that you outline in the conclusion section. In speaking to these recommendations, the BPD intends to use the report as a tool for internal evaluation and departmental improvement. As we do so, BPD pledges its continued transparency and welcomes opportunities for collaboration with the community it serves.

Each recommendation from your report is listed in the subsequent pages (in *italics*) and is followed by a response that provides the BPD's way forward for each topic.

Hiring

Recommendation No. 1

BPD should consistently follow established and standardized processes for conducting background investigations of applicants, and under no circumstances should it lower its standards, even in times of urgent need.

BPD agrees with Recommendation #1 and has already implemented this practice.

As your report findings show, if management applies undue pressure to increase outputs, the inevitable result will be that corners will be cut, information will not be properly screened, and applicants who should not be a part of the agency will inadvertently be hired.

Your report also outlines how our Recruitment and Applicant Investigation Section has made significant improvements since the adoption of updated processes and policies in 2019. Not only do our standards and practices ensure the highest quality candidates to enter our training academy, but these standards have also become a model for other jurisdictions around the country that are seeking to improve how police applicants are screened and vetted.

BPD leadership carefully examines every stage of our police recruitment process, from the initial application, all the way to the applicant's entry into our academy. We have instituted an applicant concierge program that shepherds the candidate through each stage so that they remain engaged and supported through what is necessarily a lengthy process to clear them for hire. We have enhanced our digital recruitment and engagement efforts to bring more applications to our doorstep. We have increased the number of full-time detectives in the section to process recruit applications. We also continue to look for ways to improve efficiency and effectiveness to reduce the processing time for background investigations, but without sacrificing quality.

Recommendation No. 2

BPD should employ current or former BPD personnel to conduct the field investigation portion of the applicant background investigation, rather than relying on contractors.

BPD agrees with Recommendation #2; however, capacity to fully achieve the recommendation is limited.

While having sufficient internal capacity would be a more ideal approach, for all the reasons you outline, BPD contracted with a third-party vendor to conduct field investigations due to staffing shortages of available sworn personnel.

Our partnership with the vendor has been a successful collaboration to this point, in large part because we established internal controls that ensure that field investigations are fulsome and complete when they are made part of an applicant's background file. This included an extensive period of performance in the early stage of the contract where the field investigation activities were done in parallel with BPD investigators to ensure that both the vendor and BPD investigators were obtaining the same information and determining the same outcomes. This collaboration was also subject to extensive evaluation by the Consent Decree Monitoring Team, Federal Court, and the Department of Justice

BPD is also exploring the creation of a new civilian investigator classification to provide additional support to the Applicant investigation section. If successful in its implementation, these positions would allow for the freeing up of sworn members who currently conduct background investigation task to perform more field investigation

work. BPD is currently working with the Mayor's Office and the Bureau of Budget Management and Research to determine the targets for when and how many such positions could be funded and filled in the future.

Recommendation No. 3

BPD should enhance the integrity testing component of the polygraph examination administered to BPD candidates, as well as ensure that the psychological examination focuses adequately on anger management and impulse control issues.

BPD agrees with Recommendation #3 and will proceed with implementing it in 2022.

All vendors that perform either polygraph or psychological examination services have completed required trainings or educational degrees needed per Maryland state laws and regulations. BPD will collaborate with our vendors to determine how their processes and services can be enhanced to ensure we are screening candidates for the issues you identified in the report.

As we seek to hire new members to our department, we are dedicated to the principles of community-oriented policing and building stronger relationships with our communities. If there are ways to enhance our screening tools effectively, again without sacrificing quality, we will implement those changes to improve the overall quality of our future workforce. BPD is also enhancing its marketing efforts for recruitment of officers to ensure that we are appealing to applicants who view policing with a "guardianship" mindset. These attitudinal and personality traits can then be screened at the polygraph and/or psychological stage(s) to ensure that the applicant exhibits the appropriate traits to be a qualified law enforcement officer.

Training

Recommendation No. 4

Trainers and administrators at the Academy should demonstrate that BPD has zero tolerance for cheating—whether by recruits or Academy personnel—in any aspect of Academy training. Probative evidence of cheating of any kind should lead to immediate expulsion of recruits and referrals to the Public Integrity Bureau (PIB), as appropriate.

BPD agrees with Recommendation #4 and has already implemented this practice.

Honesty is one of the cardinal virtues that is required of any member of law enforcement. As you are aware, all intentional misrepresentation of facts or any manner of false reports or statements is grounds for termination at BPD, as is the case with any law enforcement agency. This means that any instructor found to have falsified an academy record or to improperly aid a recruit during entry level training can be referred to internal affairs for termination as a disciplinary action. We are not aware of any indications that Academy personnel have participated in any kind of cheating, but it would certainly not be tolerated. In the past few years, BPD has not hesitated to reassign personnel away from the Academy for poor performance or for not adhering to departmental rules and regulations.

All recruits are on probationary employment status for the duration of their Academy instruction. This means the department can immediately terminate employment for any police recruit found to be cheating. Three recruits have been dismissed for cheating on tests as recently as this past year (2021).

As you point out in the report's findings, the historical improper practices at the academy have been eliminated for some time and BPD works very closely with the Consent Decree Monitoring Team to validate those recruits

that are graduating from the Academy have successfully completed all requirements needed to become police officers.

Recommendation No. 5

The BPD Academy should establish an anonymous reporting mechanism for recruits to provide evidence that members of their Academy class have demonstrated their lack of fitness to serve as BPD officers. In addition, Academy leadership and trainers should carefully monitor recruits and identify candidates whose conduct or performance in the Academy raises concerns about their suitability to serve as officers. If not sufficient to terminate the recruit, those concerns should be shared with the candidate's Field Training Officers and initial field supervisors.

BPD agrees with Recommendation #5 and will proceed with implementing it in 2022.

The Education and Training Division (E&T) does not currently have an anonymous reporting system as you recommended, but we will establish one based on your findings. Academy leadership and trainers do currently monitor recruits very closely, and document any conduct or performance issues which are retained in the member's personnel file. BPD does not currently have a systematic process for sharing such information from the Academy to FTOs and initial patrol supervisors, but will explore the possibility of creating such a process. This transfer of knowledge and full context is vital to ensuring that the department is making a holistic review of every recruit's progress before we authorize the member's assignment to full duty as a police officer.

Recommendation No. 6

BPD should incorporate into recruit and in-service training detailed presentations on the BPD corruption scandals of the past 20 years, the consequences for the officers who engaged in corruption, and the lessons that BPD and its members can draw from these episodes.

BPD agrees with Recommendation #6 and had already begun its implementation in 2021.

BPD agrees that this recommendation provides significant value to its training curriculum and has already taken measures to enhance its entry-level and in-service instruction to include such presentations. In a two-day in-service training course for all sworn personnel in 2021 on Community Policing, the module "How We Got Here" included open discussion about past BPD scandals and incidents, including the under-reporting of rape incidents, widespread constitutional violations and wrongful search practices, the events surrounding the in-custody death of Freddie Gray, GTTF, and the Harlem Park lockdown. At the entry-level, the same scandals and events are presented and discussed in the context of lessons on Police Ethics.

Recommendation No. 7

BPD should incorporate into recruit and in-service training the first-hand experiences of former members of BPD who engaged in corruption. BPD should also incorporate the first-hand experiences of corruption victims.

BPD agrees with Recommendation #7, had already begun its implementation in 2021, and continues to make enhancements toward achieving this goal.

BPD agrees that this recommendation also provides significant value to its training curriculum and will enhance its entry-level and in-service instruction to include such presentations. As you outlined in the report, E&T incorporated video testimonials of former BPD members who engaged in corruption, in both entry-level and in-service instruction in 2021. These will be repeated in in-service training in 2022 for all sworn personnel and will

continue to be incorporated in entry-level training. E&T is not currently in possession of any media representing the first-hand experiences of corruption victims, but will seek out that information and add it to the training.

Recommendation No. 8

BPD should provide training explicitly focused on the critical importance of providing complete and truthful information in official police reports, documents submitted to judicial officers, and court testimony.

BPD agrees with Recommendation #8, has already implemented this practice, and continues to make enhancements toward achieving this goal.

As stated previously, honesty is one of the most important aspects of conduct for members in law enforcement. All intentional misrepresentation of facts or any manner of false reports or statements is grounds for termination at BPD; our E&T training and BPD policy does currently emphasize the critical importance of honesty in all reports, documents, and testimony. Recruits in the Academy are taught this and it is reinforced repeatedly. In an in-service course for all sworn personnel on Misconduct & Discipline in 2022 it will also be reinforced. That training will cover Brady-Giglio disclosure requirements as well.

Recommendation No. 9

BPD's Ethical Policing is Courageous (EPIC) training should become a foundational part of BPD's training program going forward. EPIC training itself should be provided on a periodic basis and should be updated to include new material. Its principles should be infused into a wide variety of BPD training programs.

BPD agrees with Recommendation #9, has already implemented this practice, and continues to make enhancements toward achieving this goal.

One of our proudest achievements during the last few years has been the successful implementation of the EPIC training for the BPD. As you state in your report, the program has been welcomed and well-received by our members, achieving a greater than 90% positive survey rating from those that completed the course. By focusing on the importance of peer intervention to prevent bad acts from occurring in the first place, we fundamentally change how our officers think about supporting one another on the job.

BPD agrees that peer intervention and active bystandership are foundational principles that need to be regularly reinforced. EPIC training has already been incorporated into the 30-week Academy curriculum. For in-service personnel, we will routinely infuse EPIC in various training courses, much as we do with Procedural Justice, Fair & Impartial Policing (FIP), Constitutional Policing, the Most Effective/Least Intrusive doctrine, and similar key concepts and principles.

BPD has also adopted updated policy on awards and commendations to include a medal for Peer Intervention awards that formally recognizes the "EPIC" moment when the act embodies a selfless commitment by an officer who is protecting the integrity of fellow members and the communities they serve.

BPD is one of over 200 agencies in the country that are committed to the principles espoused by the ABLE Project (Active Bystandership for Law Enforcement), a national program that was modeled from the EPIC program, and focuses on the importance of prevent misconduct, avoid police mistakes, and promoting officer health and wellness. BPD remains an active participant in providing support for ABLE's continuing development.

Supervision

Recommendation No. 10

BPD should assign a mentor to each rookie officer for the first five years of that member's service in BPD. The mentor can—but need not be—one of the member's Field Training Officers. The mentor should provide informal advice and guidance on a range of matters, primarily but not exclusively work-related matters. Mentors should be carefully screened to ensure that they are suitable for the role.

BPD agrees with Recommendation #10 and will proceed with implementing it in 2022.

BPD will explore the avenues for which such a mentorship program can be established. Currently the BPD's Officer Safety and Wellness Section provides peer support counseling services from members that volunteer to serve and complete training on how to be a support network for officers that need it. BPD will explore expanding whether this peer support program can be augmented to become a mentorship program as the one recommended in your report.

Recommendation No. 11

BPD supervisors who are transferred to a new position in the Department should be provided with detailed briefings from the departing supervisor about the operations and personnel they are inheriting. To the extent possible, supervisors at every level should be required to shadow their predecessors for a period of one week to learn as much as possible about the specifics of their new assignment and the strengths and weaknesses of the BPD members they will be supervising.

BPD agrees with Recommendation #11; however, capacity to fully achieve the recommendation is limited.

BPD will establish a process for departing supervisors to provide detailed briefings and overall knowledge transfer to their replacements. This can be a challenging task to successfully complete, especially if a supervisor is leaving a unit due to retirement or resignation, however, in those cases, the squad's manager (Lieutenant) or commanding officer (Captain/Major) should be conducting this review and providing the new supervisor with the knowledge of the team's mission, strengths, weaknesses, and challenges. While an ideal scenario would allow for incoming supervisors to shadow previous ones, the process for special assignment selection often necessitates a vacancy to first exist before a new supervisor can be identified to replace the old one. When vacant supervisor positions occur, a listing is posted and members of the appropriate rank and qualifications apply for the open position. Management undergoes a selection process to make a replacement and then a transfer is authorized. This all occurs after the supervisor has (in many cases) long since left the position (either due to transfer, promotion, or separation). If there are anticipated vacancies or transfers that are expected, it is more likely to allow for the shadowing of one supervisor for another, but these instances are not as common.

Regardless of the logistical challenges, the overall mission and purpose of every unit, squad, section, division, and bureau in the BPD should be formally understood by the command staff and executive leaders under my direction. Our leaders must provide new supervisors with the tools to succeed through active engagement and consistent follow up.

Recommendation No. 12

Senior command staff members must always work through the formal chain of command. They must not allow the needs of the moment, statistical productivity, or high regard for particular individuals or units to subvert the chain of command through issuing orders directly to lower-level personnel.

BPD agrees with Recommendation #12 and has already implemented this practice.

As you outlined in the report:

“Close and careful supervision is critical to ensuring that BPD members are effective and behave lawfully. 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 is vital that the correct level of supervisor is performing the appropriate tasks. Commanders should not be doing the work of Sergeants, and likewise directives given by Commanders to those at the officer or detective level undermines the credibility of those in the supervisor and manager ranks in between. Going outside the chain of authority can lead to confusion of priorities, which leads to improper action (or inaction) by the unit. Further, direct intervention by an upper level commander undermines the leadership and credibility of the lower ranked supervisor.

Recommendation No. 13

BPD must carefully screen members of plainclothes units. The process should include polygraphs, in-person interviews, and careful review of a candidate's disciplinary record. Members of plainclothes units should consent to discretionary financial audits for as long as they remain in these units.

BPD agrees with Recommendation #13 and has already adopted new practices that partially respond to this recommendation.

In order to ensure that any special assignment selections are fair, equitable, and effective, BPD has implemented improved in-person interview and evaluation processes for its detective and operational units (to include plainclothes/undercover units) to ensure a full review of a candidate's disciplinary record is made before selection is approved. BPD will also develop a consent form and policy for any member in a plainclothes unit to approve and make it contingent upon being selected or remaining in a unit.

BPD will also explore the use of polygraph evaluation that would be required upon a member being selected for a plainclothes unit by our interview process. This would become the final stage to clear a member for transfer.

Recommendation No. 14

Supervisors should promptly be advised whenever a BPD member under their supervision is the subject of an internal affairs investigation for serious misconduct, including but not limited to false statements or testimony, violations of Constitutional rights, and theft. Supervisors should also promptly be advised when and how the matter has been resolved and whether the evidence developed during the investigation suggests a lack of integrity and honesty on the part of the member, even if the allegations are not substantiated.

BPD agrees with Recommendation #14 and will implement it in cases where it can strengthen integrity measures.

Members under investigation for serious misconduct are carefully monitored by PIB and, in cases where it strengthens the ability to obtain information on member wrongdoing, BPD will include notification to supervisors, managers, or commanders. The exception to this would be in cases where the supervisor or managers themselves are also subject to investigation for serious misconduct or may be linked to the same suspected activity as the member under investigation.

Oversight & Accountability

Recommendation No. 15

BPD should intensify its efforts to recruit top-flight personnel to serve as internal affairs investigators. Those efforts should include providing financial inducements and specific advantages in the promotions process. If the use of positive inducements proves unsuccessful in attracting a sufficient number of quality candidates, BPD should consider establishing a minimum two-year rotation in PIB as a prerequisite for promotion.

BPD agrees with Recommendation #15 and has already adopted new practices that partially respond to this recommendation.

Overall, the reputation held by PIB has been significantly improved since my administration began and my leadership team took over. Over the past two years, BPD has been successful in doubling the number of PIB investigators. This represents the result of significant efforts by PIB leadership to recruit more high quality candidates and to enhance their skill set with additional training on investigative processes. As recently as the fourth quarter of 2021, PIB continues to receive a robust level of interest from members who are seeking to gain experience in internal affairs.

BPD's updated promotional policy for Sergeants and Lieutenants includes a provision that specifically allows for those with experience in PIB to be given greater priority for promotions (provided the member had a good performance rating and sufficient duration of being assigned to PIB). Our policies on promotions (for both classified and unclassified positions) allow for due consideration of a member's service in the department and the promotional committee has demonstrated in several cases where a member of PIB was able to obtain promotion to the ranks of Sergeant, Lieutenant, Captain, and Major, even before these policies were formalized.

Recommendation No. 16

BPD needs to more accurately track complaints and the officers involved in incidents that have given rise to complaints. Complaints initially received against an "unknown officer" should be changed in PIB's database once the investigation has identified the officers in question. Entries to the database for misconduct complaints should be sufficiently detailed so that subsequent complaints about the same incident against the same officers do not lead to the opening of duplicate cases.

BPD agrees with Recommendation #16 and will proceed with implementing it in 2022.

BPD is in the process of assigning a civilian analyst to PIB to complete this task as well as many other analytics tasks that will improve PIB's processes for intake and analysis. Additionally, as part of the Classification Intake process at PIB, when an "unknown officer" complaint comes in, it is assigned to an investigator. Once the identity of the member(s) is determined, it is immediately updated in the database and the appropriate member is served notice of the complaint. In order to avoid duplication of complaints, all intake of complaints is now funneled through a single point of entry at Classification Intake, which primarily is one Sergeant and a Detective. Previously, a host of administrative employees would enter cases and the cases were locked to the investigator not allowing for a review for duplication. Under this administration, that process has ended and the Classification Intake and the investigators have the ability to research the database for duplication, which allows PIB to curb those issues from the start and eliminating needless work.

Recommendation No. 17

BPD units that focus on seizing drugs and guns and make arrests at levels substantially higher than other units performing similar functions should be the subject of aggressive scrutiny by BPD top management and by BPD's

Audits and Inspections function. This enhanced level of scrutiny is to ensure that the statistical achievements are not the product of violations of the Constitution, federal or state law, or BPD policy.

BPD agrees with Recommendation #17, has already implemented this practice, and continues to make enhancements toward achieving this goal.

The BPD, through its Performance Standards Section (PSS), has already began a systematic review of BPD arrests, including arrests made by those units focused on Drug and Gun enforcement, such as District Action Teams (DAT) or our Mobile Metro Unit (MMU). PSS incorporates reviews through numerous lenses described here,

Use of Force Assessment Unit (UOFAU)

UOFAU assesses all Level 2 Uses of Force. Many of the Uses of Force involve Specialized Units. In 2020, out of 226 Level 2 Uses of Force, 71 (31%) listed a specialized unit (non-patrol) as the primary involved unit. If policy non-compliance was observed, appropriate corrective action is implemented. The UOFAU examines each UOF and answers hundreds of questions related to BPD Use of Force Policy. This current system was not in place prior to 2020.

Audits and Inspections (A&I)

A&I conducts continuous audits and inspections of transports of persons in custody and other police-citizen interactions, including arrests resulting in the arrestee being released without charges (RWOC). A&I generates quarterly reports on Transportation and RWOC. They generate monthly reports on Procedural Justice and an additional layer of Transports. These reviews assess the performance of drug/gun specialized units, which generate a significant portion of the interactions described here. These processes were not in place prior to 2018.

Body-Worn Camera (BWC) Unit

The BWC Unit creates electronic case folders for all arrests and has recently established an MOU with the SAO to help with this process. The MOU mandates the SAO to report any observed police misconduct to PIB, creating an outside entity review of BPD actions. Additionally, the BWC Unit will report misconduct to PIB if found during these reviews. As an additional layer of accountability, the BWC unit conducts monthly audits of BWC policy compliance. The BWC Unit will expand auditing in 2022 to triple its output. A large portion of BPD arrests reviewed by the BWC Unit and/or the SAO involve drug/gun specialized units such as DAT or MMU.

Performance Review Board (PRB)

Beginning in late 2019, the PRB focused reviews on the performance of all areas of the department and areas in need of improvement to include policy, training, tactics, equipment, supervision, and other areas of assessment for (1) events leading up to, (2) during, and (3) after the significant incident. The primary purpose began to thoroughly analyze the incidents and provide recommendations to improve departmental performance. Prior to 2019, PRBs were often delayed, sometimes for over a year or more, because of lengthy SIRT investigations due to the need to wait for charging decisions by the SAO. I have directed the PRB to convene in less than 30 days after a significant incident to address potential issues in a timely manner, understanding that some investigative information such as statements from involved members may not be available, but that much information, such as video evidence and witness statements, is available and should be offered for presentation. Not only have we been able to catch up on all historical backlog of PRB review case, but we are now consistently achieving the 30 day turnaround time as well. This ensures that recommended trainings or redirections to members involved in such cases receive remediation as soon as possible, so we can avoid future improper actions. The PRB discussion is also now more objective and analytical when assessing the events under review and produce recommendations to improve departmental performance and operations. The Voting Members of the PRB became the Deputy

Commissioners (or designees) of the Operations, Compliance and Public Integrity Bureaus. 41 PRBs were held in 2021, many of which involved officers assigned to specialized units. This degree of high-level review was not in place prior to 2019.

Consent Decree Required Reviews

As mentioned above, RWOC and Transportation audits are mandated by the Consent Decree, which also directs the specific actions related to the duties of the PRB and the UOFAU. Additionally, starting in 2022, the Consent Decree Monitoring Team will conduct an analysis of 400 randomly selected BPD arrests from 2019 through 2021. Many of these arrests will involve specialized units.

In addition to testing BPD's compliance, one of the purposes of the Consent Decree's outcome assessment process is to build internal assessment capacity within BPD. Further developing and refining the internal ability to conduct these assessments will enable BPD to be more self-evaluative and self-correcting, not only in those measures for which the Consent Decree requires monitoring, but also on performance metrics, like those identified in this recommendation, that support better management of the agency.

Recommendation No. 18

BPD should focus on quality over quantity in assessing the value of cases investigated by BPD members. To that end, BPD should closely track by officer and by squad the rate at which arrests result in convictions.

BPD agrees with Recommendation #18, has partially implemented this practice, and is implementing technological changes in order to achieve this goal.

As mentioned in the previous recommendation (#17), the Compliance Bureau, through its audits and inspections unit, performs a review of all arrestees that are released without charges (RWOC). These reviews assess the performance of specialized units who generate a significant portion of arrests. These processes were not in place prior to 2018 and there are regular reports published by the Consent Decree Monitoring Team that show the number of such RWOC cases and the units from which they are occurring.

Also, with the implementation of new case management software in the coming year, the BPD will soon be able to have a greater ability to track the status of cases by officer and squad all the way through to referral to the State's Attorney office. We are looking at enhancing this tracking system to also include final outcomes in court so that we can fully comply with this recommendation.

Recommendation No. 19

BPD should rebuild its capacity to conduct targeted and random integrity stings to detect and deter officer misconduct.

BPD agrees with Recommendation #19; however, capacity to fully achieve the recommendation is limited.

Historically BPD did conduct Integrity Tests in the Department but ceased them in or around 2017 due to staffing issues. In BPD's long-term staffing plan, it does call for an Integrity Assurance team to re-institute the integrity testing process in BPD. The implementation of this process will require additional resources and to develop a process which is significantly different than the original version. In the past, officers quickly detected that the "found drugs or cash" was an integrity test and followed all BPD protocols. BPD does plan to develop a new process once sufficient resources throughout the Department can be achieved and a realistic process can be implemented. BPD will also consider the option of hiring civilian investigators or retired officers to support this function.

Recommendation No. 20

BPD should provide specific targeted training to internal affairs investigators to sharpen their interviewing and writing skills.

BPD agrees with Recommendation #20, has already implemented this practice, and continues to make enhancements toward achieving this goal.

BPD hired an outside experienced law enforcement professional to conduct a 32-hour training program, that was approved by the federal court, for investigators in PIB. The training was designed as a basic course for Internal Affairs investigators. The training covered topics such as interviews and writing. PIB investigators had not traditionally received any type of interview training when being selected. This basic course was a great foundation for all investigators, regardless of tenure, and was needed in order to establish a baseline of skills. This training was recorded so that it can be used for future investigators as well.

The Maryland Police Training Commission additionally provides training for law enforcement officers, to include specialty training for detectives assigned to internal affairs. Due to COVID, there have been no specialized trainings held in 2020 or 2021. Once restrictions on training are lifted, BPD plans to send its PIB detectives for additional training.

In addition, BPD is part of the Maryland Internal Affairs Leadership Group. That group shares various aspects of internal affairs throughout the state and recently shared BPD's recently held Internal Affairs training with our group agencies to be used by their departments to train their new detectives. The group shares ideas throughout the year and holds monthly meetings to discuss IA issues, changes in the law, and training. BPD believes that once the COVID restrictions are relaxed across the U.S., additional training in interviewing and interrogation and advanced internal affairs training will take place.

Recommendation No. 21

BPD should provide periodic training to sworn members and civilians who serve on administrative trial boards. Training should emphasize, among other things, the meaning of the preponderance of the evidence standard and the negative impact that verdicts inconsistent with the evidence have on accountability within BPD.

BPD agrees with Recommendation #21, has already implemented this practice, and continues to make enhancements toward achieving this goal.

BPD hired an outside contractor who works closely with the Maryland Police Training and Standards Commission to design a 20-hour block of training for all departmental members or outside civilians who serve on trial boards. That instruction was provided in 2020. The training covered all aspects of the trial board process including the use of the preponderance of the evidence standard and the negative impact that verdicts inconsistent with the evidence have on the Department. BPD also provides follow up training on these standards, such as the one conducted by our Legal Affairs Division in 2021. This was conducted for all members and civilians to re-emphasize the training and focus on actual issues and scenarios that arose during trial boards in 2020 and 2021.

Recommendation No. 22

Participants in the trial board process should be vetted for potential conflicts of interest to ensure that the trial board panel is able to decide cases based solely on the evidence.

BPD agrees with Recommendation #22 and has already implemented a practice that identifies conflicts of interest.

The trial board members are now required to file an “Objectivity Statement” in which they must certify whether or not they know the accused member and if so, they must describe how they know the accused. They must also state whether or not their past or present relationship prevents them from objectively evaluating the evidence to determine guilt or innocence and recommend a reasonable punishment if found guilty. This statement is reviewed by the Office of Administrative Hearings Lieutenant and if any concerning information is provided, it is elevated to the Captain, Major, or Deputy Commissioner if needed. A trial board member shall be removed from the board if it is determined that they are unable to be objective.

Other Topics

Recommendation No. 23

BPD should conduct detailed exit interviews of every member of BPD who resigns, retires, or is terminated from the Department, with an emphasis on sworn personnel. The interviews should be comprehensive and designed to elicit as much constructive information as possible. Exit interviews of sworn personnel should be conducted by sworn personnel.

BPD agrees with Recommendation #23 and will proceed with implementing it in 2022.

Exit interviews, when performed correctly, can provide invaluable information that can enhance retention and improve recruitment of new members in the future. BPD is in the process of developing an updated out-processing procedure to ensure that all members are providing feedback on the department upon their exit from the agency.

In addition, over the past year, the BPD has implemented a web-based employee satisfaction and sentiment survey tool that allows for all members to provide feedback on various topics including: working conditions, the direction of the department, quality of training, and compensation. It is vital for BPD to receive constructive information on these topics, not just at the point of exit for members (when it is often too late to retain them). Some feedback received from current members can be used to develop discrete plans of action, which can have a positive impact on retention and recruitment.

Recommendation No. 24

Incoming BPD Commissioners should endeavor to debrief their predecessors to gain insights into the challenges and opportunities they will face. Those discussions should continue as appropriate during the commissioner’s tenure as specific issues arise that previously confronted BPD.

BPD agrees with Recommendation #24

In addition to the practice of incoming Commissioners debriefing their predecessors, a best practice for any executive is for an outgoing executive to provide an exit memorandum that provides situational awareness for the incoming person to understand the strengths, weaknesses, opportunities and threats faced by the agency. This review also contains an overall performance evaluation of current executive staff, and a list of ongoing projects and initiatives.

As a matter of practice, this type of exit memo is required of my executive team when they transition out of a current role and move into a new one. It greatly assists our ability to transition leadership duties and provides a resource of knowledge for new members of the executive team so they can be more effective in their new roles.

Recommendation No. 25

BPD Commissioners should be provided with the latitude to run the Police Department with minimal operational interference from elected officials. Under no circumstances should elected officials become involved in investigative and personnel matters.

Ultimately, the Police Commissioner is appointed by the elected Mayor and confirmed by the Baltimore City Council. It has been my practice to ensure that the BPD provides transparency and constructive dialogue with all elected leaders in our City so that they and their constituents have confidence in how the department is being managed. One of the first major improvements I made was the establishment of a fair, open, and competitive process for promotions and selection to Command positions. When I first arrived, there was no established process, and Command positions and assignment selection were made (and unmade) at the sole discretion of the Commissioner.

Over the past three years, BPD similarly developed improved policies and procedures that ensure improved fairness in our investigations and greater equity in our promotional decisions. The outcomes of these matters should be based on a member's knowledge, skills, ability, service record, and overall merit. BPD has recently adopted a Strategic Framework for Advancing Equity in the Department that speaks to these kinds of policies and procedural improvements.

In closing, I again want to thank the diligent work of you and your team for this effort. The illegal and immoral actions of the GTTF scandal are a stain on the department's legacy, and moving forward would not be possible without a thorough investigation and deep dive analysis into what allowed these activities to occur within BPD.

This report represents an important inflection point for our agency. Your recommendations provide a clear roadmap; and by implementing them, along with our Consent Decree, BPD can write the next chapter in our history, one that the residents of Baltimore can be proud to call their own.

We look forward to discussing these recommendations in our upcoming federal public quarterly court hearing on the Consent Decree status with Judge Bredar on January 20.

Sincerely,



Michael Harrison
Police Commissioner
Baltimore Police Department