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## CRIME

# 'Catastrophic institutional failure.' How a corrupt Baltimore Police officer survived, and thrived, during a decade of criminal behavior



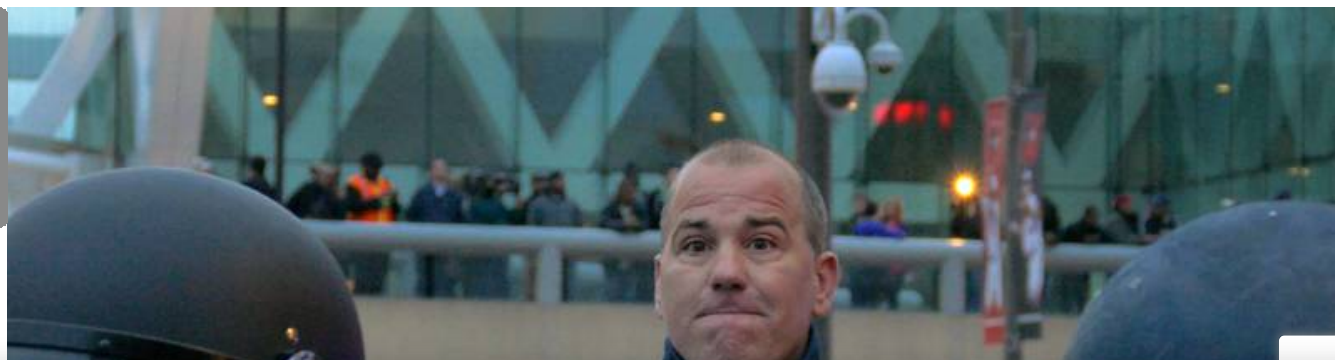
By Justin Fenton

Baltimore Sun • Jan 14, 2022 at 4:43 pm

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Former Baltimore Police Det. Daniel Hersl, shown here in a 2015 photo, spent more than a decade committing violent crime and thefts while on duty as supervisors looked the other way, according to a much-anticipated report on the corrupt Gun Face Task Force. Hersl is in federal prison serving an 18-year sentence. (Karl Merton Ferron/Baltimore Sun)



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Long before former Baltimore Police officer Daniel Hersl's arrest and conviction on federal racketeering charges, he had an outsize reputation for brutality and misconduct — among citizens, defense attorneys, and even fellow officers.

But his pattern of internal affairs complaints remained buried in police files.

A [new report into the roots](#) of the Gun Trace Task Force corruption scandal, in conjunction with the passage last year of a law making police disciplinary files public, shows how Hersl racked up serious complaints of misconduct over the course of 15 years, and how little punishment he faced.

In 2014 alone, Hersl had at least 12 internal affairs cases, and in 2016 he was flagged for needing “early interventions” eight times, even as the FBI was secretly

ramping up an investigation of his squad. His disciplinary history contains more than 10 years of complaints of brutality and discourtesy, each seemingly treated as if they occurred in a vacuum.

The consensus from the report compiled by a team led by former U.S. Department of Justice Inspector General Michael Bromwich, as well as an earlier report on the

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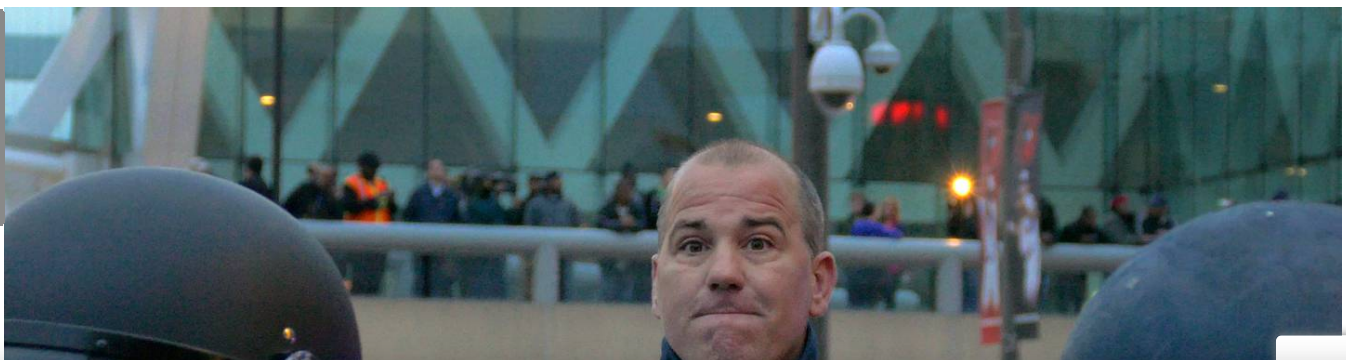
even tried to take himself off the streets in 2015, but was denied because he was a “top producer,” the report says.

“With all eyes on Hersl — including at the highest levels of BPD — he continued to engage in misconduct without significant consequences,” the report said. “ ... BPD largely ignored the threat he represented and assigned him to a unit that turned out to be the organizational home of an ongoing criminal enterprise. This was, simply put, a catastrophic institutional failure.”

Even this accounting is incomplete because all cases that didn't result in punishment or weren't upheld were expunged from Hersl's personnel file at his request, the investigators noted.

Hersl is serving 18 years in prison after being convicted by a federal jury in 2018. From prison, he continues to insist he is innocent, calling himself a good cop who had the misfortune to be placed among bad ones.

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Standing behind a police line, Baltimore Police Detective Daniel Hersl looks April 25, 2015, at protesters outside the Baltimore Convention Center. (Karl Merton Ferron/Baltimore Sun)

-  That description is impossible to square with the newly released files.
-  The report provides a damning critique not only of Hersl, who other officers
-  described as so volatile they hoped he wouldn't show up at their crime scenes, but
-  of the entire department's indifference toward him.
-  Just a few years into his career, in 2003, Hersl was out drinking with an underage nephew and made a sexually explicit comment to a woman, the report says. She threw a carrot at him; he poured a beer over her head. After she chased him outside, he struck her in the face with a bottle.

Patrol officers in the area chased him and ordered him to the ground. He refused, and a struggle ensued, the report says. He was not charged with assault, or reckless endangerment, or resisting arrest. Instead, he was suspended from duty for a little more than a week, before being reinstated. Prosecutors could have charged him with crimes, but chose not to when the victim said she didn't want to take the matter further.

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The internal disciplinary charging committee levied three violations: bringing discredit to the department, obnoxious/offensive behavior while intoxicated, and disobeying the commands of the arresting officers. They recommended a severe letter of reprimand, 10 days suspension without pay and for him to be screened for alcohol.

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The report outlines a pattern of abuse toward women. One woman told internal affairs that he called her a “whore.” Another said he harassed her for years, saying “Hey sexy” and other remarks. Another said he arrested her while she was wearing only underwear and did not allow her to put on clothes. When he arrested another woman, he allegedly tore her coat and twisted her arm and said, “Don’t cry now, bitch.” He broke another woman’s arm.



Cases against Hersl involving force were often closed within days, even on the same day, without documentation or follow-up.



Residents who say they’ve had bad encounters with Hersl have described him as a bully. In one 2015 complaint, according to the report, a man said Hersl searched him and found a marijuana blunt and \$60. The man said that Hersl told him he could get the \$60 back if he ate the blunt. He did, but Hersl kept the money, the man claimed.

The report also noted that Hersl joined Gun Trace Task Force after serving seven years with a predecessor unit, the department’s VCID Eastside 3.

“In Eastside 3, Hersl incurred a staggering number of complaints from both citizens and supervisors. This included at least 24 IA complaints, four Use of Force Reviews, seven failures to appear, and three lawsuits — resulting in the city paying over \$200,000 in settlements,” the report says. “The IA complaints included allegations of abusive language, harassment, excessive force, threatening to plant

evidence, stopping and searching vehicles without probable cause or consent, falsification of charging documents, and theft.”

The report said nearly all of the cases were closed without finding wrongdoing — even in cases where people were seriously injured by his actions and the city had to settle lawsuits.

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department, the report says. Internal Affairs Chief Grayling Williams was sent a

memo identifying Hersl as an officer “most likely to experience a negative interaction with the public based on [his] history.”

2011 also brought the first known reported allegations of thefts against Hersl, who was convicted at his federal trial of stealing.

In one case, a man reported that a group of five officers, including Hersl, took \$375

from him but returned only \$265. Later in 2011, Hersl was accused of taking

jewelry from a home during a search.

None of those allegations were sustained.

Another theme from the report is complainants allegedly not following up or their

accusations being refuted, something Hersl and his supervisors would note in

making the case that Hersl was wrongly accused because he was an effective officer. Hersl at one point provided supervisors with a recording of an inmate’s call from jail in which he said he planned to manufacture a complaint against Hersl.

After Hersl was placed in a Complaint Monitoring Program in 2003, his supervisor made a note that this was due to Hersl’s “no nonsense + aggressive approach to police work[,] which makes those breaking the law fearful when they see he is on duty” and motivates them to “make complaints specifically against him in the hopes of him backing off.”

The department allowed its own officers’ lack of follow-up to sink cases. After Hersl allegedly used force to arrest someone, his sergeant notified internal affairs that there had been a use of force.

“IA rejected the entry because the sergeant did not include a use of force report,” the investigators wrote. “IA administratively closed the case on July 24, 2015,

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former commanders have said previously that they either were not aware of the internal affairs cases against Hersl, or that their hands were tied because cases weren't being sustained.

But the GTTF report shows that by 2016 high-ranking officials had a series of meetings about Hersl.



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In January 2016, Commissioner Kevin Davis' chief of staff, Martin Bartness; internal affairs chief Rodney Hill; Director of Strategic Development Jason Johnson, and Early Intervention Unit Director Vernon Herron circulated a list of problem officers identified by the Public Defender's Office and members of the bar. Hersl was on the list, and Bartness advised that he planned to share the list with the commissioner.

"We found no evidence that Commissioner Davis's staff took any action" the report says.

In April 2016, Hersl's supervisors, including current Col. Kevin A. Jones, met with internal affairs to discuss the high number of complaints against Hersl. During the meeting, the participants agreed that Hersl could no longer work overtime on the east side, that he would be one of the first officers to be issued a body-worn camera, and that Hersl's supervisor, Thomas Allers, would document all instances of Hersl exercising authority when interacting with the public, according to the report.

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Yet the skepticism of the legitimacy of the complaints remained: The officers were

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Hersl incurred violations for not turning on his camera — six times that year alone — and Hersl’s supervisors were called into a meeting, described in the report, with Davis and his second-in-command. Lt. Chris O’Ree told Davis that Hersl said he was stuck in his ways and having trouble remembering to activate the camera.

O’Ree recounted that Davis responded: “That’s bull---- and you know it. They are alpha males and they know it. They [can] have one slip, [but] they are hiding something with 20 slips.”

Hersl remained assigned to street enforcement work, and continued to rob people.



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## Scott Hall, Maryland-born ‘Bad Guy’ leader of wrestling’s New World Order, dies at 63

Scott Hall, professional wrestling’s “Bad Guy” who revolutionized the industry as a founding member of the New World Order faction, has died. He was 63.

Baltimore Sun

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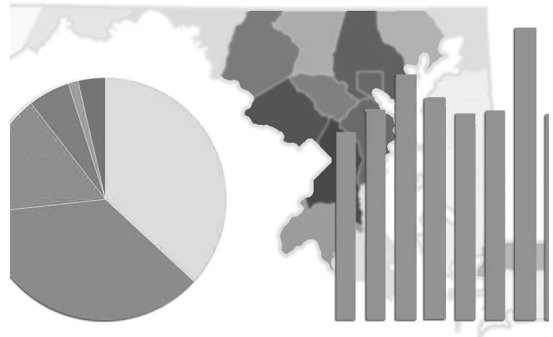
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