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Steptoe

January 18, 2022

Commissioner Michael S. Harrison
Baltimore Police Department
601 East Fayette Street
Baltimore, Maryland 21202

Re: Gun Trace Task Force Investigation

Dear Commissioner Harrison:

Thanks very much for your letter, dated January 15, that responds to our report and to the 25 recommendations in our report, **Anatomy of the Gun Trace Task Force Scandal: Its Origins, Causes, and Consequences**. We look forward to hearing more about your implementation of these recommendations at this week's consent decree status conference and helping to clarify anything that may not be clear on the face of those recommendations.

We want to provide you with a 26th recommendation that we believe is in the best interests BPD and the city. As you know, the initial arrests of the former GTTF members took place on March 1, 2017. Despite the immediately obvious magnitude of the scandal, the city and BPD did not seek the outside, independent investigation that we ultimately conducted for 2 ½ years after those arrests. The only internal investigation undertaken by BPD during that period was a narrow review of overtime abuse. Before your arrival, none of the BPD commissioners or acting commissioners who served from 2017 through early 2019, pushed forward with seeking an independent investigation, despite urging from Judge Bedar, among others. We understand that you advocated for such an investigation from the time you came to Baltimore in early 2019, as did Deputy Commissioner Brian Nadeau when he joined BPD in the summer of 2019.

If this investigation had begun earlier, substantial advantages would have accrued to BPD and the city. First, the investigation would have access to BPD personnel who retired during the 2 ½ years between the March 2017 arrests and our selection to conduct the investigation in October 2019, and whom we were either unable to locate or who declined to be interviewed. Second, if the investigation had begun earlier, it would have ended earlier, giving BPD the benefit of our findings and recommendations by the middle of 2019 rather than early 2022, assuming an investigation of equal length to ours. This would have enabled BPD and the city to formulate responses and remedial steps, as you have done in response to our report. Third, the memories of some witnesses would have been fresher if they had been interviewed closer in time to the events relevant to the investigation, which would have enhanced our investigation. Finally, we would have had a better chance of gaining access to the defendants themselves, especially if cooperation with the independent investigation would have been a condition of their receiving credit, for sentencing purposes, for cooperating with the government.

Therefore, we make the following recommendation:

- **Recommendation No. 26**

In any future case involving significant corruption on the part of one or more BPD members, an independent, outside investigator should be selected promptly and should be allowed to begin work as soon as possible, in parallel with the ongoing criminal investigation. This requires cooperation and continuing communication with the relevant prosecutorial office.

The determination of what constitutes “significant corruption” will require the exercise of good judgment and discretion on the part of the BPD commissioner and the city, but the scandals highlighted in our report—King and Murray, Majestic Towing, Daniel Redd, Kendell Richburg, and of course the GTTF—would have implicated this recommendation.

The recommendation that an independent, non-criminal investigation begin promptly and proceed in parallel with the criminal investigation into the corruption is consistent with provisions of the consent decree. Section 359 of the consent decree contemplates parallel criminal and non-criminal investigations “absent specific circumstances that would jeopardize the criminal investigation.” In this case, BPD assumed that a parallel, non-criminal investigation would have jeopardized the ongoing criminal investigation and prosecutions without ever asking the US Attorney’s Office or the FBI. We are confident that only a tiny fraction of the more than 140 people we interviewed would have caused the federal prosecutors and investigators any

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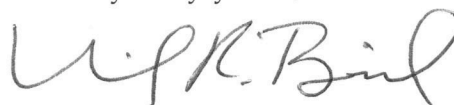
concern at all, and those witnesses could have been interviewed later in the parallel, independent investigation.

We hope that you give this additional recommendation the serious consideration you have accorded the previous 25 recommendations. We would be happy to discuss this with you at your convenience.

On behalf of the Steptoe investigative team, I want to thank you again for the full cooperation you and BPD gave us during our investigation.

If we can be of further assistance in any way, including further explaining any aspect of our report, or our recommendations, please do not hesitate to call on us.

Very truly yours,

A handwritten signature in black ink, appearing to read "M.R. Bromwich". The signature is fluid and cursive, with the first name "Michael" and last name "Bromwich" clearly legible.

Michael R. Bromwich

cc: Honorable James K. Bredar
Kenneth L. Thompson, Independent Monitor
Timothy D. Mygatt, Department of Justice
Deputy Commissioner Brian Nadeau
Honorable Erek L. Barron, United States Attorney