



BALTIMORE CONSENT DECREE MONITORING TEAM FOURTH SEMIANNUAL REPORT

January 21, 2020

CD
Monitoring
Team

Venable LLP and 21CP Solutions LLC

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OVERVIEW

FOURTH SEMIANNUAL REPORT – January 21, 2020

THE MONITORING TEAM'S ACTIVITIES

- Assessed and provided technical assistance on training on numerous Consent Decree subjects
- Observed and provided technical assistance on training on use of force
- Assessed and provided technical assistance on policy revisions
- Completed compliance review of internal investigations from 2018
- Commenced planning of compliance reviews and outcome assessments in other areas
- Published reports on arrestee survey and officer focus groups and completed research for community survey
- Met community stakeholders to engage them in the reform process and obtained public input on draft policies and training programs
- Continued to deploy a team of neighborhood liaisons to educate community members about the Consent Decree and obtain feedback on BPD performance

THE MONITORING TEAM'S KEY FINDINGS

- BPD continues to make good progress on threshold Consent Decree obligations, and the infrastructure necessary for BPD to achieve sustainable compliance is beginning to take shape
- Highly qualified, committed leadership—Commissioner Harrison, his Deputy Commissioners, a new Chief Technology Officer, and a new Training Academy commander, among others—should accelerate the pace of reform
- BPD successfully finalized additional Consent Decree-mandated policies
- BPD commendably added key Training Academy staff, continued the transition to new training methods that employ adult learning principles, opened its new training facility, and completed training on use of force and e-learning on responding to reports of sexual assault
- Upcoming training initiatives are ambitious and will present implementation challenges
- BPD's partnership with community stakeholders on the Collaboration Planning and Implementation Committee is producing encouraging work on policies, training, data collection, and systemic needs in the area of crisis intervention and behavioral health awareness
- Reform has begun, but overhauling the Public Integrity Bureau (PIB) remains challenging
- Staffing needs, especially in Patrol and PIB, are acute and require urgent action
- Improvements in BPD's IT systems and governance are underway but are far from completion

THE NEXT SIX MONTHS

- BPD will train officers on revised policies on stops, searches and arrests, behavioral health awareness and crisis intervention, body worn camera use, sexual assault investigations, and fair and impartial policing
- BPD will finalize many of the remaining policies requiring revision
- BPD will hire a vendor to implement a new Records Management System and implement other recommendations from its Technology Resource Plan
- BPD will finalize Community Policing and Staffing Plans
- The Monitoring Team will conduct compliance review of use of force incidents

INTRODUCTION

The Consent Decree

In May 2015, the Civil Rights Division of the United States Department of Justice (“DOJ”) initiated an investigation of the Baltimore Police Department (“BPD”). The investigation, completed in 2016, found that BPD was engaged in a pattern-or-practice of constitutional violations, including using excessive force, infringing on the First Amendment freedoms of speech and assembly, and stopping, searching, and arresting people in violation of the Fourth Amendment and based on their race. After making these findings, DOJ entered into negotiations with BPD and the City of Baltimore in an effort to settle the parties’ differences. BPD and the City did not admit DOJ’s allegations, but they recognized that the allegations raised long-standing issues of considerable importance to City residents. As a result, BPD and the City agreed to resolve DOJ’s allegations through a Consent Decree. The Consent Decree is a court-approved settlement agreement between DOJ, the City and BPD. United States District Court Judge James K. Bredar is the judge who approved the Consent Decree. Judge Bredar now oversees the Consent Decree’s implementation. Because the Consent Decree is a court order, Judge Bredar has the power to enforce its provisions and ensure that BPD and the City do what it requires.

The Consent Decree obligates BPD and the City to adopt a comprehensive set of reforms designed to promote fair and constitutional policing, rebuild BPD’s relationships with Baltimore’s communities, and ensure public safety. The Consent Decree prescribes corrective action in a number of areas, including: community engagement; community policing; stops, searches, arrests, and voluntary police-community interactions; impartial policing; interacting with people with behavioral health disabilities and in crisis; use of force; interactions with youth; transportation of persons in custody; First Amendment protected activities; handling of reports of sexual assault; technology; supervision; misconduct investigations and discipline; coordination with Baltimore City School Police; recruitment, hiring, and retention; staffing, performance evaluations, and promotions; and officer assistance and support.

The Consent Decree, in short, requires transformational institutional change. BPD will achieve compliance with the Consent Decree and free itself from Court oversight when it demonstrates not only that it has successfully implemented all of the required foundational improvements in policies, training, technology and operations, but that those improvements have translated, measurably and sustainably, into constitutional, community-oriented policing.

Achieving transformational change in a large police department does not happen overnight. As the Consent Decree envisions, it takes time, and it requires

adherence to a rigorous, methodical reform process. In each area of the Consent Decree that addresses how officers discharge their duties (*e.g.*, stops/searches/arrests, use of force, and transportation of persons in custody, to name a few), BPD first must draft and adopt revised *policies*. Then BPD must develop and conduct *training* on those revised policies. At the same time, to ensure that the new policies and the new training take root, BPD must revamp vital components of its infrastructure. For instance, BPD must overhaul its technology to become a modern, data-driven, efficient police force, must fortify its system of internal investigations and discipline to enhance officer accountability, must improve the training and supervision of rank-and-file officers to ensure lawful, effective job performance, and must deploy its officers and improve recruiting and retention so as to simultaneously enhance public safety and promote community-oriented policing. It is only after officers have been trained on the new policies, and after infrastructure upgrades are well underway, that community members can expect to see sustained, tangible changes in the conduct of BPD officers. The Consent Decree contemplates that this process will take several years or more.

The Monitoring Team

On October 3, 2017, Judge Bedar appointed a Monitoring Team to assist him in overseeing implementation of the Consent Decree. The Monitoring Team consists of a lead monitor, Kenneth Thompson, and a team of experts in policing and police reform, civil rights enforcement, psychology, social science, organizational change, data and technology, and community engagement. Serving as an agent of the Court, the Monitoring Team plays three principal roles: arbiter, technical advisor, and facilitator. As *arbiter*, the Monitoring Team oversees the day-to-day efforts of BPD and the City to comply with the reforms the Consent Decree requires. The Monitoring Team reviews, provides feedback on, and ultimately recommends Court approval or disapproval of the changes BPD makes in its policies, its training and, ultimately, its policing practices. As *technical advisor*, the Monitoring Team draws upon decades of collective experience to provide BPD with technical assistance, including advice about national best practices, to help guide BPD toward satisfying the requirements of the Consent Decree. As *facilitator*, the Monitoring Team seeks to ensure that all stakeholders from within BPD and across Baltimore's diverse communities have the opportunity to participate in the reform process (CD 442).¹

The Court and the Monitoring Team are not alone in overseeing BPD's implementation of the requirements of the Consent Decree. DOJ continues to play an active role. As the plaintiff in the lawsuit that produced the Consent Decree, DOJ

¹ All citations to a specific paragraph of the Consent Decree follow the text that relies on that paragraph and appear in parentheses containing "CD" and the number of the cited paragraph. Thus, the citation above, which is to Paragraph 442 of the Consent Decree, follows the relied-on provision of Paragraph 442 and appears as "(CD 442)."

retains the right to enforce the Consent Decree when BPD fails to comply with its terms. Accordingly, like the Monitoring Team, DOJ is assessing BPD's progress toward compliance and will let the Monitoring Team and the Court know when it believes BPD is making progress and when it believes BPD is not. In addition, like the Monitoring Team, DOJ provides technical assistance to BPD as BPD works toward compliance. The reform process under the Consent Decree thus involves four fully-engaged entities: BPD, the City, the Monitoring Team/the Court, and DOJ.

This Report

One of the essential duties of the Monitoring Team is to issue semi-annual public reports that inform the Court and the community about the progress BPD is making toward compliance with the Consent Decree's requirements. The reports explain: (1) which compliance measures BPD has taken in the preceding six months; (2) whether those measures demonstrate compliance, substantial progress toward compliance, reasonable progress toward compliance, or non-compliance with Consent Decree requirements; (3) what challenges BPD will continue to face as it strives to achieve compliance; and (4) what to expect from BPD in the next reporting period.

This document is the Monitoring Team's fourth semi-annual report. The first report was filed in July 2018; the second in January 2019; and the third in July 2019 *See* ECF Nos. 126-1, 178-1 & 220-1. When reading this report, keep in mind what is explained above: achieving transformational change in a large police department takes years, not months, and requires adherence to a rigorous process for reform. Thus, two years into the reform process, while BPD has begun to put in place the building blocks for reform, it has not yet made, or had time to make, significant progress toward lasting change. The First- and Second-Year Monitoring Plans—detailed plans establishing deadlines for all deliverables in the first two years of reform—implicitly acknowledge that not every Consent Decree requirement can be met in the first two years. BPD, its officers and community members need sufficient time and opportunity to focus on each area of the Consent Decree, and on each requirement within each area, to ensure that reform is real and enduring. Change that is rushed, haphazard and superficial is not sustainable and does not qualify as true reform.

For these reasons, this report will not address BPD's progress on each and every one of the Consent Decree's requirements. Even two years into the reform process, it remains the case that, for the some of those requirements, BPD has neither satisfied them, made reasonable progress toward satisfying them, nor failed to satisfy them. Rather, it is getting started. Indeed, while BPD has worked diligently to revise key policies and practices, develop new training, and produce critical studies on technology, staffing and the City's behavioral health system, it is still completing even these initial, foundational steps. For instance, BPD has only begun to train officers on policies that have successfully undergone revision; it has yet to fix

structural deficiencies in its Public Integrity Bureau (formerly the Office of Professional Responsibility), which conducts internal investigations and recommends discipline; and, realistically, it still remains two years away from fully revamping its IT systems so that they are capable of storing and aggregating the data necessary for comprehensive evaluation of the integrity of BPD's law enforcement actions. Therefore, the Monitoring Team is not yet able to comprehensively assess whether BPD officers are consistently and sustainably engaged in the type of policing that the Consent Decree envisions.

That said, the Monitoring Team continues to examine snapshots of BPD's institutional performance and has begun a series of initial compliance reviews in different areas of the Consent Decree. For instance, the Monitoring Team regularly follows and assesses internal investigations of certain noteworthy disciplinary matters by the Public Integrity Bureau. It also recently completed a comprehensive review of a statistically significant sample of PIB investigations from 2018 to determine whether the investigations were thorough and properly documented and whether PIB's conclusions and disciplinary recommendations were supported by the evidence. A report is forthcoming. This initial compliance review will establish a "baseline" for evaluating BPD's future progress toward compliance in the area of misconduct investigations.

Rather than inventorying BPD's efforts to satisfy each and every one of the Consent Decree's separate provisions, this report assesses BPD's progress toward satisfying the provisions that the First- and Second-Year Monitoring Plans have required BPD to address. In addition, this report gauges BPD's current position along the long arc of compliance in each area of the Consent Decree and identifies the challenges BPD will have to overcome to make meaningful progress toward compliance. In this way, the report implicitly demonstrates that, although crucial, BPD's nascent work to satisfy the Consent Decree's foundational requirements—revising policies, conducting studies, preparing plans, training, performing audits, implementing officer assistance programs—is only part of the compliance equation. Full compliance will not be achieved until, *in practice*, those reforms result in policing that is community-oriented, accountable and constitutional.

EXECUTIVE SUMMARY

Over the past six months, BPD and the City have worked in good faith toward satisfying the requirements of the Second-Year Monitoring Plan. *See* ECF No. 208-1 (approved in ECF No. 210), updated in ECF No. 243-1 (approved in ECF No. 245). By identifying and establishing dozens of deadlines for Consent Decree “deliverables,” the Second-Year Plan presents a detailed roadmap for the progress BPD and the City are expected to make during the second year of monitoring, which runs through February 15, 2020. Like the First-Year Plan before it, the Second-Year Plan focuses on the front-end of the reform process: finalizing policy revisions, developing training curriculum and training officers on the revised policies, and completing studies and action plans regarding Departmental operations and related City services.

Under the leadership of Commissioner Michael Harrison, BPD and the City satisfactorily completed most of the deliverables due in this reporting period. BPD finished revisions to many of the remaining policies that the Consent Decree requires BPD to revise, including, importantly, an investigations manual for the Public Integrity Bureau. It prepared detailed analyses of officer staffing and retention needs and the efficacy of its memorandum of understanding with Baltimore School Police. It began the process of self-evaluation by producing initial (though, due to data limitations, incomplete) reports on sexual assault investigations and responses to First Amendment-protected conduct. Most significantly, after bolstering its Training Academy staff and developing lessons that utilize scenario-based, adult learning concepts, BPD completed Department-wide in-service training on new use of force policies and e-learning on responding to reports of sexual assault. BPD also drafted training curricula on stops, searches and arrests, body-worn camera use, and behavioral health awareness and crisis intervention, with training on those subjects to occur in 2020. Because training on use of force and sexual assault response are complete, the revised policies in those areas, approved in prior reporting periods, are now in effect. Revised policies cannot take effect until officers are trained on them.

In addition to BPD’s progress on training, among the most encouraging developments has been BPD’s work with community stakeholders on the Collaborative Planning and Implementation Committee (“CPIC”), which is dedicated to improving police interactions with—and, more broadly, the City’s system for supporting—individuals with behavioral health disabilities and substance abuse issues. In the past two reporting periods, BPD has partnered with CPIC to generate new crisis intervention policies; develop curricula on behavioral health awareness for both recruit and in-service training; begin work on specialized training curricula for both dispatchers/911 call-takers and Crisis Intervention Team officers; identify BPD’s data collection needs so that BPD can begin to more meaningfully track officer interactions with individuals in crisis; initiate difficult yet constructive discussions about BPD practices affecting individuals with behavioral health disabilities; and produce a thorough, detailed “Gap Analysis”—a report on the systemic shortcomings

in Baltimore's behavioral health system and proposed solutions for addressing them. This is an impressive body of collaborative work in a relatively short period, and it holds substantial long-term promise for improving the way BPD officers handle encounters with individuals in crisis.

BPD also deserves credit for making improvements outside the Second-Year Monitoring Plan. These include developing a transparent system for promotions and implementing a policy for the prompt, negotiated resolution of complaints of minor misconduct (*e.g.*, reporting late to roll call, failure to appear in court or for a medical appointment, and loss of BPD property other than a firearm). Both developments are responsive to officer concerns and aimed at improving officer morale. The early resolution policy also seeks to enhance officer accountability by freeing up overburdened internal affairs investigators to spend increased time on more serious complaints of misconduct, including those involving civilian encounters.

Notwithstanding these achievements, there have been delays in this reporting period, most necessitated by the need for Commissioner Harrison to familiarize himself with the Department and develop his own vision for it before initiating changes. Thus, preparation of Staffing and Community Policing Plans took months longer than originally planned, and implementation of the Technology Resource Plan stalled—although, notably, it recently has begun in earnest. With the installation of a full, permanent leadership team that has demonstrated a genuine commitment to Consent Decree compliance, and with certain first-stage reform measures complete, the Monitoring Team anticipates that the pace of reform will accelerate.

As with prior reports, it remains too early to assess BPD's progress toward satisfying many of the Consent Decree's provisions. Consistent with the First- and Second-Year Monitoring Plans, BPD is still in the process of trying to satisfy foundational requirements. BPD and the City have finalized revisions to most key policies; have begun devising and implementing training programs covering those policies; and have completed or are completing studies and implementation plans on technology, staffing, officer recruitment, hiring and retention, youth diversion, community policing, interactions with individual with behavioral health disabilities, and BPD's relationship with Baltimore School Police. But BPD and the City still have not completed certain foundational requirements—for instance, BPD is still working diligently to implement training—and have not begun, much less completed, work on numerous other Consent Decree requirements that have not yet been included in a Monitoring Plan.

Some of these longer-term requirements continue to present daunting challenges. As explained in prior reports:

- BPD has not addressed its acute staffing needs, particularly in the Patrol Division and Public Integrity Bureau. To fortify those two components, BPD

must redeploy and reassign existing resources (including by eliminating or reducing the size of some specialized units), civilianize certain functions, and—critically—recruit, hire and retain more qualified officers than it loses due to attrition. Additionally, although BPD recently has bolstered its Training Academy staff, the onboarding of new training personnel has been slow and certain key positions, *e.g.*, curriculum writers, still have not been filled.

- BPD has not yet begun to sustainably improve the quality of its misconduct investigations or its disciplinary system. To its credit, BPD is laying the groundwork. A new Deputy Commissioner has been appointed; a new classification system is being implemented; an investigations manual for the Public Integrity Bureau (“PIB”) is now complete; a first-ever information-sharing protocol for PIB and the Civilian Review Board has been developed; a potentially resource-liberating, morale-enhancing policy for early resolution of minor complaints has been initiated; the case assignment system has become more streamlined and now ensures greater impartiality; and an independent investigation of the causes of the Gun Trace Task Force scandal has begun. But PIB is a long way from being repaired. It still must complete certain rudimentary steps, including developing an intake manual, revising its disciplinary policy, providing investigators with specialized training on internal investigations, and finalizing the upgrade of IAPro, the IT system for tracking investigations and discipline. As for the Consent Decree’s ultimate objective of improving the speed and quality of investigations and the integrity of disciplinary outcomes, there are still too many cases for too few investigators, serious allegations are not investigated promptly, supervisors do not timely review investigations, and data on outcomes is not yet properly collected or analyzed.
- After a delay, BPD has begun implementing its previously approved Technology Resource Plan under the leadership of a new Chief Technology Officer. But the necessary overhaul of BPD’s IT governance structure is a work in progress, and the full implementation of revamped IT systems, including a records management system that supports electronic field-based reporting, likely remains two years away. This revamped system for collecting and maintaining data is essential for effective supervision, meaningful discipline, and useful analysis of Department trends in key areas of the Consent Decree, including stops, searches, arrests, and uses of force.
- BPD has not yet begun implementing targeted measures for improving supervisory performance, beginning with revising core supervisory policies and furnishing supervisory training.

The upshot is that BPD is undoubtedly moving in the right direction, but all the work that is left to do makes it impossible at this point to determine when BPD will be able to achieve effective and substantial compliance with all of the Consent Decree's provisions. BPD is well on its way to implementing threshold reforms. Now, it must begin the challenging process of translating those reforms into meaningful, sustained, Department-wide improvement in performance. At this moment, the key question is whether, notwithstanding their genuine devotion to achieving compliance, BPD leadership can provide clear guidance to lieutenants, sergeants and rank-and-file officers and get them to embrace the reform effort—to recognize and take advantage of the benefits the Consent Decree offers them and commit themselves to constitutional, community-oriented policing.

In the next six months, BPD will continue to invest substantial time and resources in officer training. It will deliver training to all officers on stops, searches, and arrests, behavioral health awareness and crisis intervention, and body worn camera use. BPD will also deliver specialized training on behavioral health awareness and crisis intervention to Crisis Intervention Team officers and on sexual assault investigations to sex crimes investigators. Additionally, BPD will prepare training curriculum on fair and impartial policing, community policing, and peer intervention (to encourage ethical policing) for all officers, as well as specialized training on internal investigations for Public Integrity Bureau investigators, crisis intervention for emergency dispatchers, supervision for sergeants and lieutenants, and field training for Field Training Officers.

In addition, BPD will complete nearly all remaining policy revisions required by the Consent Decree. These include policies governing stops, searches, and arrests for low-level misdemeanor offenses; standard operating procedures on BPD's mobile field force; policies on interactions with youth; and manuals on the intake of complaints officer misconduct and on BPD's disciplinary process.

In the next six months, BPD will finalize and begin implementing comprehensive plans for community policing and staffing. BPD also will continue to build out its early, Consent Decree-mandated efforts at self-evaluation. It will utilize a revamped Performance Review Board to assess critical incidents, including officer-involved shootings, with an eye toward improving policies, tactics, training, and supervision where performance deficiencies are observed. BPD also will issue reports analyzing its responses to First Amendment-protected activities and its progress toward developing the capacity (which it now lacks) to collect and analyze data on stops, searches and arrests. Additionally, BPD will continue monthly inspections of transport vehicles to ensure they are properly equipped, as well as full quarterly audits of randomly-selected transport events in each district to ensure transport officers are complying with BPD's revised transport policies.

In addition to continuing to assess BPD's policy and training reform efforts and offer technical assistance, the Monitoring Team will intensify its evaluation of BPD performance. It will conduct its first comprehensive qualitative review of use of force reports/incidents. The Monitoring Team also will work with BPD and DOJ to develop and refine methodologies for both qualitative and quantitative assessments in other areas of the Consent Decree.

SUMMARY OF MONITORING TEAM ACTIVITIES

Over the past six months, the Monitoring Team has done work in each of its three roles—arbiter, technical advisor and facilitator. As arbiter, the Monitoring Team, among other things, has assessed BPD’s progress in developing and implementing new training programs, evaluated various policy revisions, reviewed and analyzed a study of City programs designed to assist individuals with behavioral health disabilities, and examined BPD’s reports on the Department’s sex assault investigations, the Department’s responses to First Amendment-protected conduct, and the Department’s memorandum of understanding with Baltimore School Police. As technical advisor, the Monitoring Team has drawn on the expertise of its members to provide BPD guidance on officer training, policy revisions, technology improvements, internal investigations and discipline, staffing issues, officer wellness issues, and interactions with individuals in crisis. As facilitator, the Monitoring Team has sought to engage both community stakeholders and BPD officers in the reform process.

The Monitoring Team’s work in this reporting period is summarized below. The details of the Monitoring Team’s work, recorded on time sheets for each Monitoring Team member in 1/10 hour increments, are reflected in the Monitoring Team’s approved invoices, which are available on the Monitoring Team’s website at <https://www.bpdmonitor.com/monthly-statements>. The Consent Decree provides that the Monitoring Team will be paid \$1,475,000 per year in fees and expenses. For the first 25 months of its work (October 2017 through October 2019), the City paid the Monitoring Team \$3,223,082.25 in fees and \$139,276.27 in expenses. In addition, from October 2017 through October 2019, the Monitoring Team contributed pro bono services for its work on the Consent Decree in an amount equal to \$1,493,806.30, meaning that 31% of the Monitoring Team’s work during the 25 months was at no cost to the City.

Engagement with Stakeholders

Community Engagement

The Monitoring Team continues to engage in active, affirmative community outreach. In addition to holding Consent Decree-mandated community forums in July and October 2019, the Monitoring Team and its community engagement team are meeting with community members where they live. In the past six months, Monitoring Team members have attended or convened dozens of community meetings in different parts of the City, including meetings of neighborhood associations, faith-based organizations, civic leaders, and affinity groups (e.g., the Maryland chapter of the National Association for Social Workers and the Campaign for Justice, Safety and Jobs). The meetings are intended to inform community members about the Consent

Decree process, to obtain input on improving the process, and to listen to their views about BPD.

The Monitoring Team's community engagement team, including Monitoring Team leadership, continue to participate in bimonthly Facebook Live sessions from the offices of the Baltimore Community Mediation Center ("BCMC"). During these sessions, community members are given the opportunity to post questions online and obtain real-time answers from Monitoring Team leadership. In addition, the Monitoring Team publishes a monthly newsletter called "The Monthly Monitor." The newsletter is emailed to the Monitoring Team's distribution list and linked from the Monitoring Team's Facebook and Twitter accounts. The newsletter provides information about recent and upcoming developments under the Consent Decree, with a focus on opportunities for community members to engage in the reform process.

The Monitoring Team continues to utilize neighborhood liaisons to engage community members. There is one liaison in each of the City's nine police districts. Overseen by the team's head community liaison, Ray Kelly, and community engagement coordinator, Darnyle Wharton, the neighborhood liaisons educate their neighbors about the Consent Decree and the work of the Monitoring Team and serve as the Team's initial points of contact for information and opinions about the performance and conduct of BPD officers, which the Team will need to fully assess BPD's compliance with the Consent Decree. The neighborhood liaisons hold regular "office hours" at local libraries and community centers, attend community meetings and events in their districts, and canvass their neighborhoods to educate community members about the Consent Decree.

In addition to conducting affirmative, localized outreach to inform and hear from community members about BPD and the reform process, the Monitoring Team has pursued targeted engagement with community members around specific Consent Decree requirements. In this reporting period, the Monitoring Team continued to elicit written community input on proposed BPD policies and training programs. Under the Second-Year Monitoring Plan, the Monitoring Team built a community feedback component into the process for revising each policy and training program. (BPD and DOJ also have their own feedback mechanisms). As the Monitoring Team's Second-Year Monitoring Plan submission explains:

For each policy that is being revised, and for each training curriculum that is being developed, the Second-Year Plan furnishes community members two separate opportunities to provide input and feedback. BPD will issue each draft policy or training curriculum for public comment after collaborating with the Monitoring Team and DOJ on the draft. The Initial Public Comment Period, which typically lasts a month, will be the community's first opportunity to provide input and feedback.

Following the Initial Public Comment period, BPD, again in collaboration with the Monitoring Team and DOJ, will consider and incorporate the comments received. BPD will then issue the revised policy or training curriculum for public comment in an Abbreviated Public Comment Period, which typically lasts two weeks. That will be the community's second opportunity to provide input and feedback. It will give community members a chance to see if the initial set of comments were addressed, as well as a chance to weigh in again before the policy or training curriculum is finalized.

ECF No. 181 at 6.

Over the past six months, the Monitoring Team, BPD and DOJ sought and received meaningful public comment on a draft curriculum for training on stops, searches and arrests and related aspects of fair and impartial policing, behavioral health awareness, and sexual assault investigations; a "gap" analysis identifying the deficiencies in the City's behavioral health systems; an assessment of BPD's memorandum of understanding with Baltimore School Police; a plan for officer retention; and policies addressing misconduct investigations and discipline, interactions with individuals with behavioral health disabilities and in crisis, youth interrogations, stops, searches and arrests, and officer peer support programs. To solicit community feedback on these deliverables, the Monitoring Team posted and received comments in response to surveys on its website, received detailed letters and e-mails from community members and organizations, and welcomed more informal oral feedback from community members. The Monitoring Team shared whatever feedback it received with BPD. In turn, BPD revised each deliverable in response to all feedback provided (that is, feedback provided to BPD, the Monitoring Team and DOJ), collaborated with the Monitoring Team and DOJ to ensure that the revised drafts properly reflected that feedback, and then published a final curriculum, report, plan or policy following approval by DOJ and the Monitoring Team.

In addition, BPD continued to utilize a Community Training Review Committee consisting of community members who attend and provide feedback on training programs while they in development. In December 2019, together with Monitoring Team members, the Community Training Review Committee participated in and provided feedback on two of the key modules of the stops, searches, arrests and impartial policing training curriculum. Monitoring Team members and DOJ representatives also attended and provided feedback at subsequent pilot sessions involving both Training Academy instructors and other officers.

Communications with the Parties

The Monitoring Team communicates with BPD, the City and DOJ multiple times on a daily basis—in in-person meetings, in conference calls, and by email. Monitoring Team members have worked exhaustively with the parties to make sure BPD produces all the deliverables the Second-Year Monitoring Plan requires. In the past six months, the Monitoring Team and DOJ have collaborated with BPD and provided extensive oral and written comments and written line edits on the following deliverables, among others:

- Numerous drafts of e-learning and in-class curriculum for training on stops, searches and arrests, as well as pilot tests of that training;
- Numerous drafts of e-learning and in-class curriculum for training on behavioral health awareness and crisis intervention;
- Numerous drafts of e-learning on both body worn camera use and investigations of reports of sexual assault;
- Drafts of revised policies, including policies on misconduct investigations and discipline, youth interrogations, disclosure of exculpatory evidence in criminal cases, interactions with individuals with behavioral health disabilities and in crisis, stops, searches and arrests, officer peer support, and First Amendment-protected activities;
- Draft BPD reports on deficiencies in the City’s behavioral health systems, an assessment of BPD’s memorandum of understanding with Baltimore School Police, BPD responses to First Amendment-protected activities, and sex crimes investigations; and
- Draft community policing, staffing and retention plans.

Police Engagement

In addition to conferring daily with members of BPD’s Consent Decree Implementation Unit, City Law Department attorneys representing BPD, and BPD command staff, the Monitoring Team continues to engage BPD members. Monitoring Team members have established relationships with union leaders and spent substantial time at BPD’s Training Academy (where recruit, in-service, and field training officer training are conducted) and Public Integrity Bureau (which investigates allegations of officer misconduct).

The Monitoring Team also has established and meets periodically with an informal group of rank-and-file officers to obtain their candid feedback on the Consent Decree, the positive attributes of BPD, and the challenges facing BPD. Monitoring Team members—and the Court itself—also periodically go on ride-alongs with BPD officers who regularly furnish their views on the Consent Decree and policing in Baltimore. Moreover, in May 2019, as required by the Consent Decree, the Monitoring Team conducted formal focus groups of BPD officers, detectives, and supervisors to listen to their thoughts and gather their ideas about effective reform. The report from those focus groups is discussed below.

As previously indicated, the Monitoring Team, soon after its appointment, established a protocol for notification and potential response to critical incidents involving BPD officers, such as officer-involved shootings. The notification is immediate and allows for local Monitoring Team members or out-of-town members in Baltimore to respond to the scene and observe BPD officers in action. The notification protocol was used twice in this reporting period to respond to officer-involved shootings.

Meetings with the Court

The Monitoring Team's leadership, including Ken Thompson, Seth Rosenthal, Chuck Ramsey, Hassan Aden and Theron Bowman, communicate regularly with Judge Bedar—in person, by telephone, and by email—to update him on developments and to take direction from him.

Early on in the reform process, Judge Bedar determined that each month he would hold a three-hour working session with the Monitoring Team and the parties to discuss developments and challenges in a specific area of the Consent Decree. In this reporting period, Judge Bedar has convened working sessions to discuss staffing and supervision (June/July 2019), misconduct investigations and discipline (September 2019), community policing and engagement (October 2019), compliance reviews and outcome assessments (November 2019), and technology (December 2019).

Assessments and Technical Assistance

For the past six months, the Monitoring Team's work under the Second-Year Monitoring Plan has focused on assessing BPD's performance and assisting BPD in the following areas: policy revisions; developing and providing training on revised policies; completing studies and plans involving staffing, community policing, the City's behavioral health system, and BPD's memorandum of understanding with the Baltimore School Police; and conducting reviews of BPD's performance in certain areas.

Policy Revisions

Although its focus has turned to training assistance and assessment, the Monitoring Team continues to evaluate BPD's efforts to revise policies and to help BPD with those efforts based on the Monitoring Team's expertise and knowledge of national best practices. In the first 18 months of monitoring, the Monitoring Team assessed and advised BPD on revisions to approximately fifty policies covering nearly every area of the Consent Decree. Over the past six months, the Monitoring Team has helped BPD with additional policy revisions. As explained in more detail in the Findings section below, those policies address:

- Misconduct investigations and discipline
- Disclosure of exculpatory evidence in criminal cases
- Youth interrogations
- Interactions with individuals with behavioral health disabilities and in crisis
- First Amendment-protected activities
- Officer peer support

Training

In this reporting period, the Monitoring Team has spent considerable time observing and assessing the first tranche of Consent Decree-mandated training, which covered use of force and related aspects of fair and impartial policing. That training was delivered to all sworn BPD personnel (with minor exceptions) between June and October 2019. Based on their observations, Monitoring Team members and DOJ attorneys provided extensive feedback to Academy instructors throughout the period of delivery.

The Monitoring Team also worked extensively with BPD and DOJ to develop e-learning and in-class training curriculum on stops, searches, arrests and related aspects of fair and impartial policing, behavioral health awareness and crisis intervention, and e-learning curriculum on sexual assault investigations and body worn camera use. On stops, searches and arrests training, the Monitoring Team actively participated in and critiqued pilot testing of the in-class curriculum. The training is set to go live shortly.

Foundational Assessments and Reform Plans

Some of the foundational work required by the Consent Decree entails assessing BPD's present capacity to implement reforms and, where BPD falls short, developing a plan for ensuring that those reforms are achievable. Over the past six months, the Monitoring Team has reviewed and worked with BPD, the City and DOJ to develop the following:

- A comprehensive staffing plan, which seeks to address BPD's personnel shortcomings and needs.
- A community policing plan designed to ensure that BPD officers do not spend all of their time responding to calls for service and instead spend adequate time on pro-active policing, engaging with community members and earning their trust.
- A detailed, critical assessment, or "gap analysis," of City programs devoted to assisting individuals with behavioral health disabilities and histories of substance abuse.
- An assessment of BPD's memorandum of understanding with Baltimore School Police. The objective of the assessment is to improve BPD's coordination with BSP and to modify the MOU accordingly.
- A plan for improving BPD's efforts to retain officers.

Surveys

Over the life of the Consent Decree, the Monitoring Team must conduct three different types of surveys at regular intervals to measure community attitudes about BPD and whether those attitudes change over time. These surveys include a representative survey of community residents, a survey of detained arrestees, and a survey of BPD officers. In this reporting period, the Monitoring Team has performed work on each survey.

Community Survey

The Monitoring Team has partnered with the Institute for Urban Research at Morgan State University ("IUR") to devise, conduct, analyze the results of, and prepare a report on the community survey. IUR completed data collection for the community survey at the end of June 2019. IUR interviewed 645 Baltimore residents from across the City. It used several different methods for recruiting participants.

The Monitoring Team plans to publish IUR's report on the survey in the coming weeks.

Custodial Arrestee Survey

Researchers from the University of Toronto's Munk School of Global Affairs and Public Policy and Rose Street Community Center, a local organization that assists returning citizens, conducted the custodial arrestee survey and published a report of its findings at the beginning of September 2019. Based on the researchers'

interviews of 70 individuals in Baltimore’s central booking facility shortly after their arrests, the report found that “most detainees we interviewed judge policing on the basis of their experiences before arrest [rather] than during it.” The researchers determined that over half of the interviewees thought BPD was doing either a “bad” or “terrible” job, while fewer than 20% thought BPD was doing a “good” or “excellent” job, and roughly 25% said BPD’s work was neither good nor bad. Importantly, according to the researchers, this largely negative appraisal was not the result of prejudice against police officers or bias against policing in general. Rather, “much of [the interviewees’] dismay about policing in Baltimore today stems from a sense that the police ‘don’t care’ about their community, despite the persistence of social problems they believe the police can help fix.” The full report, titled “Experiences and Perceptions of the Police in Baltimore,” can be found [here](#).

Officer Focus Groups

On behalf of the Monitoring Team, the Crime and Justice Institute conducted a series of eight focus groups of BPD personnel from May 21 – 23, 2019. The eight groups consisted of (1) two patrol officer groups of mixed race and ethnicity, but gender specific—one male, one female—to allow for comparison by gender, (2) three patrol officer groups, separated by race/ethnicity—one African American, one White, one Latinx—in order to make comparisons across race/ethnicity, and (3) detective, sergeant, and lieutenant groups of mixed race/ethnicity and gender. Officers from every shift and every district were represented. In total, a total of 68 sworn personnel—40 patrol officers, nine detectives, ten sergeants, and nine lieutenants—participated.

The Monitoring Team published CJI’s final report on the officer focus groups at the end of July 2019. Among the report’s key findings:

- Officers believe a majority of residents supports and trusts them, though support varies significantly by district, and individuals most likely to interact with the police—both offenders and victims—are less trustful and supportive.
- Officers are unclear about BPD’s expectations around community policing and, because they spend so much time responding to calls for service, they have little or no time for pro-active policing. Officers favor a return to post assignments, which give them a chance to engage with and get to know the residents of one neighborhood.
- Command staff and supervisors have not adequately communicated Consent Decree objectives and requirements to rank-and-file officers. More clarity and better communication are needed. A frequently cited example is

the lack of clarity around the use of force reporting policy—specifically, which actions constitute a reportable “Level 1” (minor) use of force.

- Morale is low due to deficiencies in leadership, supervision and staffing. Rank-and-file officers feel disconnected from command staff, and the lack of a permanent Commissioner for a lengthy period resulted in the absence of clear and consistent direction. Officers believe that commanders are more concerned about BPD’s image than their welfare. Officers also maintain the Department is understaffed: they are often forced to work overtime (“drafted”), are generally overextended, and have no time for pro-active or community policing. According to focus group participants, BPD could improve morale by more consistently recognizing superior performance; effectively communicating changes and expectations down the chain of command; improving equipment, technology and facilities; improving the efficiency of the internal affairs process, which takes far too long; and addressing staffing issues by, *e.g.*, eliminating certain specialized units and redeploying the assigned officers to Patrol, hiring civilians for administrative positions, and terminating certain deployment strategies that take officers off the street.
- Participants believe that, due to staffing problems, officers are often promoted too quickly. They also believe that, historically, promotions and transfers have been based on “who you know,” rather than on “how well you do.”

The full report, titled “Feedback from the Field: A Summary of Focus Groups with Baltimore Police Officers,” can be found [here](#).

Compliance Reviews and Outcome Assessments

The Consent Decree requires the Monitoring Team to conduct both compliance reviews and outcome assessments. Compliance reviews are qualitative evaluations of BPD performance in different areas of the Consent Decree. They are conducted with an eye toward determining how far BPD has come, and how far it still needs to go, to achieve compliance with Consent Decree requirements (CD 454). For instance, over time, are the quality of internal investigations improving, are uses of force increasingly better justified, or are investigative stops more routinely supported by well-articulated reasonable suspicion and arrests more routinely supported by well-articulated probable cause?

Outcome assessments, by contrast, are quantitative assessments designed to determine whether the reforms required by the Consent Decree in each area are having a tangible, measurable impact—whether, independent and apart from BPD’s progress toward compliance with Consent Decree requirements, policing is changing

in the real world (CD 456). For instance, are the policy revisions and training in the area of stops, searches and arrests producing a greater percentage of investigative stops that turn up evidence of prosecutable criminal activity and a lesser percentage of weapons pat downs and searches that turn up no guns or contraband? Or are the policy revisions and training on use of force, which emphasize de-escalation, leading to fewer encounters requiring more serious Level 2 and Level 3 uses of force?

While providing technical assistance and evaluating policy revisions, training and plans for organizational change (*e.g.*, in staffing, supervision, and technology) make up much of the Monitoring Team's work in the early years of the Consent Decree, compliance reviews and outcome assessments will make up most of the work in later years, once the foundational reforms are in place.

The Consent Decree process is now nearing the point at which the Monitoring Team and the parties should focus increasingly on measuring progress through compliance reviews and outcome assessments. Presently, however, measuring progress is effectively limited to *qualitative* evaluations of BPD performance. That is because the manifest deficiencies in BPD's IT systems and data collection practices substantially restrict evaluations that rely on quantitative data. Thus, while the Monitoring Team may begin to conduct qualitative compliance reviews in certain areas, it will be severely hampered in its ability to conduct many of the outcome assessments required by paragraph 459 of the Consent Decree, as well as compliance reviews that entail reliance on quantitative data. At this stage, the unreliability, incompleteness or total absence of relevant data would make such evaluations useless. The unfortunate result is that, in many areas, the Monitoring Team will not be able to establish meaningful baselines against which to measure BPD's progress for another 18 months to two years. That delay will inevitably prolong the life of the Consent Decree, as BPD must be able to show sustained improvement in each area in order to achieve substantial and effective compliance.

In this reporting period, the Monitoring Team conducted its first comprehensive compliance review of internal investigations by the Public Integrity Bureau. The review covered a statistically significant number of the investigations PIB conducted in 2018. A report of the Monitoring Team's conclusions from this compliance review is forthcoming and will be published separately.

Because the PIB assessment was the first qualitative assessment the Monitoring Team conducted, the Monitoring Team and the parties needed to (1) engage in basic discussions about approach and methodology for all compliance reviews and (2) create protocols for obtaining records from BPD. Because this work established processes for all future compliance reviews, the PIB compliance review likely took more time than others will.

During this reporting period, the Monitoring Team and the parties also collaborated on the instrument that the Monitoring Team will use to review a

statistically-significant sample of use of force cases. Using this instrument, the Monitoring Team will evaluate, in each reviewed case, both the appropriateness of the officer's use of force and the quality of BPD's investigation of the incident. As with the review of PIB investigations, the use of force review will involve Monitoring Team experts determining whether, in each case, officers and the Department adhered to Consent Decree requirements. The Monitoring Team will conduct this qualitative compliance review in the next reporting period.

Due to the deficiencies in BPD's IT systems and data collection practices, the Monitoring Team's work on outcome assessments has been preparatory thus far. In the first year of monitoring, the Monitoring Team and statistical expert Dr. Ralph Taylor invested significant time in understanding which relevant data BPD has available and which, if any, of the required outcome assessments would be worthwhile or even possible. In December 2018, due to competing professional commitments, Dr. Taylor had to resign from the Monitoring Team. After an extensive search, the Monitoring Team contracted with the Crime and Justice Institute at Community Resources for Justice ("CJI") to help design and perform its outcome assessments. The Monitoring Team and CJI will partner with Dr. Gabriela Wasileski of the University of Baltimore, a statistical and social science expert.

The Monitoring Team has worked extensively with its new experts for the past several months to chart a course for completing certain outcome assessments in the upcoming year. Those assessments will be incorporated into a forthcoming plan for the third monitoring year.

One area of note is stops, searches and arrests. DOJ's investigation found a pattern or practice of race-based and otherwise unlawful stops, searches and arrests. The fractured relationship between BPD and the communities it serves is also thought to be largely attributable to such a pattern or practice. For these reasons, the availability and integrity of BPD's data on stops, searches and arrests has been of particular concern to the Monitoring Team as it considers which compliance reviews and outcome assessments to perform. The Monitoring Team has previously reported that this data, particularly on stops and searches, is both notoriously hard to access (requiring manual review of scanned paper reports) and incomplete (due to underreporting by BPD officers). Given the data's inadequacy, the Monitoring Team and the parties have frequently discussed, and will continue to discuss, the feasibility and the utility of evaluating stop, searches and arrests prior to the introduction of a new Records Management System that incorporates electronic field-based reporting. Unfortunately, it is likely that the quantitative review of the data that the Consent Decree requires—to determine aggregate performance and investigate disparate impact—is presently impracticable. A qualitative compliance review of some subset of reports on stops, searches or arrests—to determine officer compliance with policy on conduct and reporting, plus adherence to Consent Decree requirements on

supervision—may be feasible, but to make it so, the Monitoring Team will first have to find a way to reduce the cumbersomeness of the exercise.

Diagnostic Performance Reviews

As part of the work it must do to assess BPD's compliance, the Monitoring Team also has been conducting diagnostic analyses of BPD's performance in discrete matters. The purpose of these analyses is not to formally gauge BPD's compliance with the Consent Decree, but rather to get a sense of how certain core functions are currently being performed and, if they are not being performed effectively or in compliance with the Consent Decree, to provide BPD guidance on how to improve performance. The ultimate objective is for BPD to meaningfully engage in its own after-action assessments so that when it finds problems, it will self-correct and take remedial action on its own, without prompting from the Monitoring Team or DOJ.

During the initial reporting period, the Monitoring Team conducted one of these diagnostic analyses by evaluating the propriety of BPD's interactions with civilians in the Harlem Park neighborhood following the shooting death of BPD Detective Sean Suiter. In December 2018, as a result of the Monitoring Team's findings (as well as the findings of an Internal Review Board that conducted a separate assessment of BPD's investigation of Detective Suiter's death), BPD prepared and delivered a full-day training for all command staff on both constitutional requirements for conducting stops, searches and arrests and proper use of an Incident Command System for responding to significant events. In addition, BPD prepared and delivered to all officers a mandatory e-learning training program on BPD policies and constitutional requirements on stops, searches and arrests through its PowerDMS system. The Monitoring Team and DOJ provided input on the lesson plan for the command staff training, attended that training (as did Judge Bedard), and gave BPD with feedback following the training. The Monitoring Team and DOJ also provided input on the e-learning lesson plan for the officer training on stops, searches and arrests.

In this reporting period, the Monitoring Team continued to perform diagnostic analyses of discrete civilian encounters that draw public scrutiny. (The Monitoring Team is not empowered to, and thus does not, independently investigate such encounters.) In particular, the Monitoring Team participated in briefings and reviewed evidence regarding two police-involved shootings (one on August 28, 2019 near the intersection of N. Caroline and E. Fayette, the other on October 30, 2019 at 6300 York Road), an incident involving an officer's alleged use of a chokehold (captured on a cell phone and posted on Twitter), and several incidents that have led to the indictment of a BPD sergeant for allegedly abusing his authority by using excessing force and making false arrests.

Further, the Monitoring Team actively monitors upwards of twenty specific PIB investigations at a time, receiving regular updates from PIB supervisors. Once the investigations are concluded, the Monitoring Team assesses whether they were conducted and resolved properly, with an eye toward providing remediation guidance if they were not.

FINDINGS

BPD and City leadership have begun to make marked progress on implementing certain Consent Decree requirements that are foundational to the reform process:

- BPD is nearing completion of the initial round of policy revisions required by the Consent Decree. The new policies are clearer and more comprehensive than their predecessors.
- With technical assistance from the Monitoring Team and DOJ, and with additional input from community members, BPD has worked diligently to prepare e-learning and in-service training curriculum in a number of areas; has completed new, Department-wide in-service training on use of force and e-learning on responses to reports of sexual assault; and will soon begin new, Department-wide instruction on stops, searches and arrests, related aspects of fair and impartial policing, behavioral health awareness and crisis intervention, and body worn camera use. Importantly, the in-service components of these new training programs incorporate adult learning principles, replacing static, lecture-based instruction with dynamic, scenario-based, learner-involved instruction.
- BPD has taken early steps toward making the dramatic, long-term structural improvements that genuine reform requires. Although stalled for months due to gaps in leadership that have now been filled, BPD has begun implementing a Technology Resource Plan, has produced competent drafts of Staffing and Community Policing plans, continues programmatic efforts to transform and strengthen its internal affairs function within the Public Integrity Bureau, and is making preliminary strides toward better community engagement.

As vital and significant as these foundational reforms are, they are still just the beginning. Consent Decree-mandated training, while underway, is far from complete, which means a number of revised policies have not yet been made effective. And plans are just that—plans. Necessary improvements in BPD’s IT systems are still as much as two years away. Essential reinforcements for the Patrol Division and PIB—through reassignment of officers from other units, civilianization of certain administrative functions, and improved recruitment and retention—have not yet materialized and remain largely conceptual. Reforming PIB is a work in progress.

In the first three semiannual reports, the Monitoring Team observed that, while it had little doubt about BPD’s willingness to reform, it had concerns about BPD’s capacity for reform. With BPD’s forward progress on various foundational reform measures, and with the recent installation of permanent, Consent Decree-committed leaders in key positions—Commissioner, Deputy Commissioner for

Compliance, Deputy Commissioner for Operations, Deputy Commissioner for PIB, Chief Technology Officer, Training Academy commander—the Monitoring Team has increased confidence in BPD’s capacity for reform. But given the enormous challenges presented by the structural and cultural changes that the Consent Decree requires, the Monitoring Team’s early concerns have not substantially abated. BPD is still in the “easy part” of the reform process—policy revision, training, self-evaluation, planning. BPD has yet to prove that it can do the “hard part.” It has not yet shown that it will be able to implement and properly utilize new technology, employ and properly deploy sufficient personnel, ensure effective supervision, hold officers accountable, perform rigorous self-evaluation and self-correction, and obtain officer and supervisor buy-in so that constitutional, community-oriented policing becomes the Departmental norm.

This section of the report sets forth the Monitoring Team’s findings regarding BPD’s progress to date in a number of areas of the Consent Decree. For each area, the Monitoring Team explains (1) what BPD will be required to do over the long term and what BPD has been required to do in the current reporting period under the Second-Year Monitoring Plan, (2) what progress has been made and whether it is substantial, reasonable, or unsatisfactory (3) the challenges facing BPD, and (4) immediate next steps. It bears repeating here that the Monitoring Team is *not* evaluating BPD’s progress toward satisfying each and every paragraph and each and every requirement within each area of the Consent Decree. Again, that kind of report card would not reveal much, if anything, about BPD’s performance at this still-early stage in the reform process. The Monitoring Team instead assesses BPD’s progress on the specific Consent Decree requirements that are included in the First- and Second-Year Monitoring Plans in each area, and then describes the road ahead.

This section begins in the area that has been at the heart of the reform effort over the past six months: training. It then addresses the areas of the Consent Decree that present among the most pressing threshold challenges facing BPD: misconduct investigations and discipline, technology, and staffing, followed by areas where DOJ found or expressed concerns about a pattern or practice of constitutional violations, including stops, searches and arrests, use of force, and transportation of persons in custody. This section concludes by assessing BPD’s progress in other areas of the Consent Decree.

Training

The Monitoring Team has previously emphasized the importance of officer training to the success of the reform process. Whenever BPD changes a policy or practice, it must effectively communicate its new expectations to its officers. Even the best policies mean nothing if officers are not properly trained to follow them.

The Consent Decree provides that “proper, effective, and comprehensive training is a necessary prerequisite to constitutional policing” (CD 291). It contains a number of specific requirements for required training for stops, searches, and arrests (CD 67–68); crisis intervention (CD 106–08, 112–113); use of force (CD 166–68); transportation of persons in custody (CD 238); First Amendment-protected activities (CD 251); sexual assault investigations (CD 259); supervision and management (CD 303, 308–10); and misconduct investigations (CD 409–15). BPD must also enhance its Field Training Officer Program for new Academy graduates. (CD 301–02). Even in areas where the Consent Decree does not set forth detailed requirements for training, the full implementation of new policies or procedures requires similarly rigorous, high-quality training to translate paper into practice.

This report elsewhere details the important progress that BPD has made in training on specific subjects during the reporting period, including training on use of force; stops, searches and arrests; impartial policing; behavioral health awareness and crisis intervention; investigation of reports of sexual assault; and body-worn camera use. This section briefly addresses BPD’s progress toward improving and enhancing its general training function. Overall, the Monitoring Team remains encouraged by BPD’s adoption of a new training paradigm and by its investment in the resources necessary to provide high-quality adult education to its officers.

Areas of Progress

Use of Force and Stop, Searches, and Arrests Training

In November 2019, BPD certified that nearly all eligible officers successfully completed the Consent Decree-required, Court-approved training on BPD’s new use of force policies. That integrated, scenario-based training also focused on foundational concepts related to fair and impartial policing. The completion of this training, known as “UOF/FIP I,” marks a significant milestone. It not only means that BPD can now fully implement and hold officers accountable to the new use of force policies, but also that BPD has demonstrated its ability to conduct training in a new, dynamic way. As the Monitoring Team has explained in prior reports, BPD previously relied on static, lecture- and PowerPoint-based classroom instruction conducted once per year in a single, lengthy, all topics course. The use of force training signals successful progress toward the adoption of a new approach, in which training incorporates real-world

scenarios, opportunities for officers to practice their skills, and adult learning techniques.

BPD also made progress toward providing training on its new policies on stops, searches, and arrests. Drafting curriculum that incorporates the required, new approaches to training—using scenarios and focusing on skill-building rather than rote policy recitation—has taken longer than originally anticipated. However, after a number of pilot trainings, intensive collaboration with the Monitoring Team and DOJ, and feedback from community members, the curriculum will soon be ready for roll out. Department-wide training on stops, searches, and arrests begins shortly.

Changes to Training Structure and Approach

BPD has adopted important innovations in training structure and methods during the development and delivery of early Consent Decree training programs. BPD has established a panel of community representatives to provide ongoing feedback and guidance on training initiatives. The panel, called the Community Training Review Committee (“CTRC”), met with BPD to review new training curricula on both use of force and stops, searches and arrests early in the piloting periods. Additionally, as BPD begins to develop training curriculum on core aspects of fair and impartial policing in the coming months, it will begin to utilize community members more directly, both to help devise the curriculum and to participate in the training (CD 94).

BPD’s collaboration with the CTRC, on top of the opportunities it is providing for public feedback on drafts of training curricula, demonstrates a noteworthy commitment to encouraging community participation in the Consent Decree process. There undoubtedly remains room for improvement, but through its actions, BPD at least has begun to acknowledge the importance of giving community members a voice in how they are policed.

Relatedly, BPD continues to innovate its approach to developing and implementing its training initiatives. By using a new, comprehensive, multi-stage pilot process, BPD is providing Academy instructors the opportunity to revise and fine-tune training curricula before they are rolled out Department-wide.

BPD also continues to strengthen its Academy. During this reporting period, BPD hired a civilian curriculum coordinator who is an accomplished academic and police professional with years of experience in developing high-quality, evidence-based education programs for law enforcement agencies. Additionally, the Academy continues to avail itself of programs and resources from other departments, including the Los Angeles Police Department. Recently, several BPD representatives traveled again to Los Angeles for an intensive week of training programming at LAPD’s training academy.

Training Academy Facilities

Encouragingly, BPD has started relocating its Training Academy from its long-time, deficient facilities to more modern facilities at the University of Baltimore. Despite some indications that the Academy might be moved as early as mid-fall 2019, the transition to the new facilities has only recently begun. It will be completed in early spring. As both the Court and the Monitoring Team have emphasized, new training facilities are imperative: through its Academy—its “front door”—BPD must convey to both recruits and officers that policing is a profession and that the Department takes seriously their development as professionals.

Challenges Ahead

Balancing Training Imperatives

As BPD, DOJ and the Monitoring Team have turned their attention to developing a Third-Year Monitoring Plan, BPD’s substantial training obligations under the Consent Decree have come sharply into focus. The Monitoring Team previously has noted that training demands will increase as BPD completes revisions to an increasing number of policies. Because work is either underway or will start soon on implementing training programs on a host of new policies, Academy staff will have to balance a number of significant, competing initiatives in the coming year.

Long-Term Resources and Capacity

To date, the Academy has been able to—and indeed has needed to—design and implement one Consent Decree training initiative at a time. Given the substantial amount of training that will be required over the next two years, BPD will have to expand the Academy’s capacity so that multiple in-service trainings can be conducted simultaneously, even as the Academy designs and pilots still other training initiatives. BPD has provided the Academy with additional staff over the past year, but even more personnel are needed to satisfy the Consent Decree’s training requirements. The need for additional full-time instructors and curriculum writers is the most pressing. Just one year ago, there were only three full-time instructors available to develop and conduct in-service training. In the first part of 2019, BPD furnished the Academy ten additional officers to serve as full-time instructors. That infusion of personnel has facilitated the successful implementation of use of force training and the development of BPD’s imminent training on stops, searches, and arrests. However, given the vast number of training requirements that must be satisfied over the two years, BPD must continue to rigorously examine how many additional high quality, full-time instructors the Academy will need—and, critically, must ensure that its historically underperforming Human Resources unit expeditiously hires and onboards needed personnel. The forthcoming Staffing Plan,

which remains in draft form and was recently out for public comment (see Staffing section below), makes several personnel recommendations for the Academy, including hiring more civilian instructors.

As it considers its long-term staffing needs at the Academy, BPD also must account for its new training paradigm as the “new normal.” BPD has appropriately determined that it will no longer deliver annual in-service training covering a grab-bag of topics in a single one- or two-week block of time (though BPD will continue to conduct state-required training on First Aid/CPR, firearms and other topics in one shorter block). If BPD is committed to providing its officers with scenario-based, skill-building, problem-solving instruction on different topics at different times throughout the year, it must account for the increased time, resources, and personnel that such a modern, integrated approach requires. Any training that employs role playing, group discussions, videos, scenarios, and assessing and debriefing officer performance will require more personnel.

The Next Six Months

During the next six months, BPD will provide Consent-Decree required training on stops, searches, arrests and related aspects of fair and impartial policing, as well as e-learning on body-worn camera use. Within the reporting period, BPD also will begin training for all officers on behavioral health awareness and crisis intervention, specialized training for both dispatchers/911 call-takers and Crisis Intervention Team officers on behavioral health awareness and crisis intervention, and specialized training for sex crimes investigators on sexual assault investigations. Meanwhile, Academy staff will develop curriculum for training on “advanced” fair and impartial policing topics, which will integrate additional scenario-based instruction on use of force and stops, searches and arrests. Separately, Academy staff will develop training curriculum on responding to reports of sexual assault, peer intervention (ethical policing), and community policing, as well as specialized training on supervision for supervisors. Independent of the Training Academy, the Public Integrity Bureau will provide specialized training on internal investigations to its investigators and the Patrol Division will develop a program for Field Training Officers that will include training curriculum previously approved in 2018. As always, the Monitoring Team and Parties will be working with the Academy and BPD to provide the assistance necessary to ensure rigorous, high-quality officer instruction.

Misconduct Investigations and Discipline

The new policies BPD is formulating will mean little if BPD does not hold officers accountable for following them. As Paragraph 329 of the Consent Decree explains, “[a] robust and well-functioning accountability system in which officers are held to the highest standards of integrity is critical to BPD’s legitimacy and a priority of the Department.” The need for BPD to repair its internal affairs function, housed in its Public Integrity Bureau (“PIB”) (known until recently as the Office of Professional Responsibility), is thus at the heart of the reform effort. Indeed, BPD’s ability to effectively police itself is essential to re-establishing the community’s trust.

The Misconduct Investigations and Discipline section of the Consent Decree is the longest and most comprehensive, spanning 87 paragraphs and 38 pages. It covers the location, independence, resources and authority of PIB (CD 330-34); the process for receiving complaints, classifying them, and communicating with complainants about them (CD 335-42); requirements for conducting fair, thorough, reliable misconduct investigations and making misconduct determinations (CD 343-58); requirements for handling and referring allegations of criminal misconduct (CD 359-71); the lodging of disciplinary charges, the administration of disciplinary hearings, and the imposition of discipline (CD 372-88); the process for community-centered mediation as an alternative to investigation for certain minor allegations of officer misconduct affecting civilians (CD 389-91); record-keeping for misconduct investigations (CD 392-95); measures for ensuring transparency, including issuance of quarterly public reports of aggregate data (CD 396-405); a testing program designed to evaluate the efficacy of the civilian complaint intake process (CD 406-08); and training of OPR investigators and supervisors (CD 409-15). The ultimate goals of the Consent Decree’s provisions implicating PIB are the full, fair, objective, and timely investigation of all potential officer misconduct; the rigorous review of all misconduct investigations; and an impartial, transparent, uniform process for the imposition of discipline and corrective action where appropriate.

In this reporting period, the structural reform of PIB and its internal affairs function continued apace. BPD hired a well-qualified Deputy Commissioner, former FBI leader Brian Nadeau, to head PIB. It completed an investigations manual for PIB, which provides detailed guidance to PIB investigators on conducting timely, comprehensive investigations of alleged officer misconduct; made headway on revising PIB’s intake and classification manual, which sets forth policies and procedures for receiving, processing and classifying complaints of misconduct and communicating with complainants; finalized and implemented a new policy allowing for early resolution of allegations of minor misconduct; will soon begin piloting a new Unified Complaint Form for civilian complaints of officer misconduct; finalized a policy governing the disclosure of exculpatory evidence in criminal cases; and authorized an independent investigation of the root causes of the Gun Trace Task Force scandal, which will include a critical evaluation of PIB’s historic shortcomings.

Based on these measures, BPD is making reasonable progress toward implementing the foundational requirements of the Consent Decree in the area of misconduct investigations and discipline. Yet BPD remains a long way from satisfying the long-range requirements and achieving compliance.

Areas of Progress

Leadership

After more than a year without stable, permanent leadership, PIB now has a new, well-qualified leader. In this reporting period, Commissioner Harrison hired Brian Nadeau to head PIB. Demonstrating the importance of revitalizing PIB to fostering a new culture of accountability within BPD, Commissioner Harrison made Mr. Nadeau a Deputy Commissioner, only one of four in the Department. Deputy Commissioner Nadeau is an experienced leader in law enforcement. After working ten years as a police officer in Maine, he joined the FBI, where he investigated organized crime cases in New York, proceeded to become the head of the FBI's public corruption unit at FBI headquarters, and most recently served as Assistant Special Agent in Charge of FBI's field office in Baltimore.

PIB Investigations Manual

After months of intensive collaboration among BPD, the Monitoring Team and DOJ, and two rounds of public comment from community members (including the Civilian Review Board), BPD finalized its investigations manual for PIB, which the Monitoring Team approved in November 2019. *See* ECF No. 263. The completion of the investigations manual was a milestone achievement. The manual provides a complete guide to internal affairs investigations for PIB investigators, supervisors and commanders. There are potential points of failure at every phase of the internal investigations process. The manual takes special care to guide PIB personnel through each phase and, as a result, establishes a comprehensive investigations procedure that, if followed, will yield thorough, fair and timely investigations that produce appropriate disciplinary recommendations. In the view of the Monitoring Team's subject matter experts, the manual is among the most thorough internal affairs investigations manuals they have seen.

PIB Intake and Classification Manual

Since the completion of the investigations manual, the parties and the Monitoring Team have invested significant time and effort developing the companion manual addressing complaint intake and classification. This manual will establish clear guidance on the proper receipt, processing and classification of internal affairs complaints. The manual thus covers the front of the internal affairs process, vital to

ensuring that complaints are promptly acted upon, uniformly classified, and handled from the outset with the seriousness they deserve.

BPD issued an initial draft of PIB's intake and classification manual for public comment in mid-December 2019. The public comment period runs through February 1, 2020. With continued input from the Monitoring Team, DOJ and BPD will address any public feedback in producing a subsequent draft, which it will issue for a final round of public comments between February 11 and 28. BPD will then finalize the manual, which the Monitoring Team will approve or disapprove by March 18.

Providing for the Expedited Resolution of Minor Misconduct Allegations

Toward the end of the last reporting period, BPD initiated the process of developing a policy for the negotiated resolution of allegations of minor officer misconduct through the prompt admission of responsibility. A pilot program policy, Policy 321, was finalized in this reporting period and approved by the Monitoring Team in September 2019. The Second-Year Monitoring Plan did not initially require the adoption of Policy 321, but based on his prior experience, Commissioner Harrison, shortly after joining BPD, felt the policy was needed to improve the operational efficiency of BPD's internal affairs investigation function. *See* ECF No. 216.

Policy 321 excludes all misconduct allegations involving officer interactions with members of the public and applies only to "minor" complaints of misconduct (*e.g.*, reporting late to roll call, failure to appear in court or for a medical appointment, and loss of BPD property other than a firearm). The policy permits District commanders, rather than PIB investigators, to handle such complaints and allows officers to resolve those complaints quickly at the District level through negotiated settlements that achieve swift case closure. One objective of the policy is to reduce PIB misconduct investigation workloads so that PIB investigators will have more time to focus on more serious complaints, including complaints arising from officer encounters with civilians. The policy does not remove PIB from the process altogether. PIB will continue to receive and classify complaints at the front end of the process, and obtain reports and retain records of negotiated resolutions at the back end, in order to ensure consistency in the application of the policy.

By allowing District commanders to handle policy violations that generally call for supervisory correction and thus freeing up PIB investigators to focus on more serious complaints, the goal of Policy 321 is to have all complaints, minor and serious alike, resolved more quickly. More expeditious resolution should ensure that officers who engage in misconduct are more promptly held accountable for it, that community members with bona fide complaints receive swifter justice, and that officers who are subjects of complaints that can be promptly resolved as unfounded, unsustained or sustained through negotiated resolution are not left in limbo and kept ineligible for transfer or promotion for unreasonable periods of time, as has been the case in recent

years due to PIB backlogs. The intended benefits of Policy 321 are described in greater detail in the Monitoring Team's last semiannual report. *See* ECF No. 220-1 at 41-43. BPD has not yet begun to formally assess whether the policy is achieving these benefits.

Exculpatory Evidence Disclosure Policy

BPD finalized Policy 1809 (Exculpatory Evidence Disclosure Requirements), which the Monitoring Team approved in September 2019. *See* ECF No. 246. The policy is intended to ensure that all BPD members comply with their obligation under federal and Maryland law to disclose potential exculpatory and impeachment evidence in criminal cases. The policy requires BPD members to identify and disclose to the prosecution, as soon as possible following the initiation of criminal charges in state or federal court, evidence that is favorable to a criminal defendant because it may disprove the guilt of the defendant, may cast doubt on the credibility of a witness for the government, or may show the defendant should receive less severe punishment.

When Policy 1809 is fully implemented, BPD will take an important step forward in recognizing the importance of ensuring fairness in the criminal justice system, joining a small but growing number of law enforcement agencies that have written requirements concerning the disclosure of exculpatory evidence. These are requirements that not only respect the constitutional and statutory rights of the accused, but also promote public safety by seeking to ensure the integrity of criminal prosecutions, which can be compromised and even dismissed if tainted by the nondisclosure of exculpatory evidence.

PIB/CRB Information Sharing Protocol

BPD and CRB finalized their first-ever information-sharing guide—an intake and classification protocol—in March 2019. Under the protocol, CRB is furnished prompt, consistent, electronic access to PIB data through IAPro, BPD's records system for misconduct investigations and discipline. To facilitate the new relationship between PIB and CRB, BPD has assigned a CRB liaison and the CRB Administrator and PIB Major have begun to meet regularly. Although the Monitoring Team has not yet assessed the quality and effectiveness of the new relationship between PIB and CRB, the Monitoring Team is preliminarily encouraged that the relationship has gotten off the ground.

Independent Investigation of the Root Causes of GTTF Scandal

Over the past year, the Monitoring Team and the Court itself have emphasized the importance of BPD's hiring an outside, independent team of investigators to conduct a post mortem of the Gun Trace Task Force scandal that examines its scope,

its causes, and how it evolved, with a focus on *why* it happened. What was it about BPD's culture that allowed the scandal to unfold without any internal repercussions for the officers involved—lax and indifferent supervision, improper training, an inadequate internal affairs function, other contributing causes?

Recently, BPD hired Michael Bromwich and his firm to conduct the investigation the Monitoring Team and the Court have sought. Mr. Bromwich has a credentialed history of doing such work. The former Inspector General of the Department of Justice, he served as monitor of the Metropolitan Police Department in Washington, D.C. when MPD underwent DOJ-monitored reforms similar to the reforms BPD is now undertaking, and he has conducted several high-profile investigations involving misconduct by law enforcement officers. Mr. Bromwich's independent investigation is now underway. A timeline for completing the investigation has not yet been established, as Mr. Bromwich's team is still determining what needs to be done to conduct a thorough probe that generates sound recommendations for remedial action that will ensure BPD does not countenance similar misconduct again.

Challenges Ahead

Staffing

As the draft Staffing Plan concludes, PIB remains extraordinarily short on qualified personnel. According to the draft Plan, BPD needs to assign an additional 46 investigators to PIB to eliminate the backlog of cases and to ensure timely, comprehensive investigations in the future. It goes without saying that adding 46 officers will require a substantial, difficult reallocation of existing resources, a serious infusion of new resources, or both. The need for so many additional investigators underscores BPD's historical lack of commitment to officer accountability. It also highlights the risk of burnout for experienced investigators, who PIB is currently relying on to assume heavier workloads.

One unacceptable consequence of PIB's understaffing is that PIB investigations are too often left open too long. In its last report, the Monitoring Team explained at length the myriad problems caused by delays in resolving PIB cases, including the absence of swift accountability, delayed justice (sometimes no justice) for complainants, and depleted officer morale. *See* ECF No. 220-1 at 41-43. The new policy on negotiated resolution of minor misconduct allegations, Policy 321, is part of the solution. But the problems will not be cured until BPD assigns to PIB and properly trains more qualified investigators.

Training

Current investigators require effective, particularized training on internal investigations—training many of them have never received. BPD is presently working with the Monitoring Team and DOJ to develop such training, which is scheduled to be finalized by mid-July 2020 and delivered to all PIB investigators between mid-July and the end of August.

Technology

BPD must complete its upgrade of IAPro, which has been a long-time coming and is needed to ensure more reliable, more uniform data collection on investigations and discipline. In addition, BPD must begin to start thinking actively about devising an Early Intervention System (“EIS”), which will permit supervisors to identify and intervene to correct the behavior of officers who begin to display a tendency for violating policy. As discussed in greater detail in the Technology section of this report, BPD is still at least two years away from implementing a fully functional, modern EIS. But because the EIS will depend upon source data from other systems that are being upgraded or overhauled (e.g., IAPro and the Records Management System), BPD must begin to establish the data requirements for the EIS now, as it embarks on implementation of the Technology Resource Plan issued last year.

BPD also must develop a plan for collecting the data needed to complete the statistical reports and internal PIB audits required by paragraphs 402 and 405 of the Consent Decree.

Quality of Investigations

During the reporting period, the Monitoring Team conducted a comprehensive assessment of a statistically significant, random sample of Public Integrity Bureau investigations of officer misconduct from 2018. Eight Monitoring Team experts used a structured, electronic qualitative evaluation instrument to review nearly 250 investigations. The assessment instrument, which BPD and DOJ approved, required reviewers to make core determinations about whether specific requirements of the Consent Decree were or were not followed in a given investigation.

The purpose of the assessment was to establish a baseline against which to measure the quality of internal investigations of officer misconduct in the future. In many ways, the parties and Monitoring Team knew that the results were likely to reveal deficiencies. That is because, in 2018, BPD was just beginning work on revising policies and procedures for conducting internal investigations. In other words, the Monitoring Team has been evaluating BPD’s performance against Consent Decree obligations to which BPD knew it was not yet adhering.

A full report of the Monitoring Team's findings is forthcoming.

The appointment of Deputy Commissioner Nadeau inspires confidence that BPD is poised to tackle these challenges, which at long last have moved to the “front burner.” But the magnitude of the work that continues to be required to reverse BPD's record of dysfunction in the area of officer accountability cannot be overstated.

The Next Six Months

In the next six months, as indicated, BPD will finalize an intake manual for PIB and develop comprehensive training for PIB investigators, and Michael Bromwich and his team will proceed with their independent investigation of the root causes of the GTTF scandal. In addition, BPD will begin to develop revised disciplinary policies to complement PIB's manuals on intake, classification, and investigations. These are the policies that will be used to guide the disciplinary process when PIB sustains allegations of misconduct and makes recommendations for discipline. BPD also plans to develop training curriculum on ethical policing and peer intervention, called Ethical Policing is Courageous or “EPIC.” EPIC trains officers on how to effectively intervene to prevent or address misconduct by their fellow officers.

In the next reporting period, under paragraph 402 of the Consent Decree, both BPD and CRB will submit their initial quarterly reports, which will contain aggregate data on the receipt, processing, investigation, and resolution of misconduct complaints and the outcomes of any disciplinary charges, as well as aggregate data on officers with persistent misconduct issues.

Finally, together with DOJ, the Monitoring Team will continue to receive routine updates regarding a discrete set of ongoing, PIB cases. The objective of evaluating these individual cases is to offer, if warranted, “trouble shooting” technical assistance aimed at remediating any systemic deficiencies in the performance of misconduct investigations or the resolution of disciplinary matters that such cases might reveal.

Technology

Paragraph 267 of the Consent Decree requires BPD to “provide its officers with the Technology necessary to implement the Material Requirements of this Agreement” Paragraphs 268-278 then set forth the Consent Decree’s technology requirements.

BPD and the City previously completed and submitted a Resource Study (CD 268, 270), which identified current BPD systems, described the current state of those systems, and made preliminary recommendations for improvements. Following completion of the Resource Study, BPD and the City prepared and published a Resource Plan (CD 269-70, 272), which the Monitoring Team approved on December 1, 2018. *See* ECF No. 164. The Resource Plan, which must be updated annually (CD 275), addressed how BPD will: provide the necessary computer equipment and access required for personnel to discharge their duties; acquire a centralized records management system; and ultimately develop an Early Intervention System (“EIS”). BPD is required to use its best efforts to implement the Resource Plan (CD 274).

The Technology provisions of the Consent Decree also require BPD to disclose to the public the acquisition of certain new equipment or activity to be used in enforcement activities (CD 278). Further, data collection and data analysis are required in nearly every area of the Consent Decree, not only to enable the Monitoring Team to assess compliance, but to enable BPD leadership to better manage the Department. BPD must review and analyze data in a number of subject areas, including investigatory stops and detentions (CD 41), vehicle stops (CD 46), stops, searches and arrests (CD 82-86), use of force (CD 211-217), transport of persons in custody (CD 232), and misconduct investigations (CD 392), among others.

Without technology improvements, BPD will not be able to achieve compliance with the Consent Decree. As the Consent Decree states, compliance is truly “dependent upon BPD acquiring or developing the appropriate technology.” (CD 267).

Despite a months-long lull following the completion of the Resource Plan, BPD is again making reasonable progress toward satisfying the Technology requirements of the Consent Decree. With the recent hiring of a new Chief Technology Officer, BPD has begun fortifying its IT governance structure. After repeatedly asserting it would upgrade IAPro—its system for tracking internal investigations, discipline, and use of force incidents—it is finally nearing completion of the process. And it is now beginning to act on plans to acquire a new Records Management System (“RMS”), which is indispensable to achieving substantial and effective compliance in nearly every area of the Consent Decree.

Areas of Progress

IT Staffing

BPD has taken steps to put in place the staffing necessary to begin the implementation of the Technology Resource Plan. BPD recently hired a Chief Technology Officer (CTO) to lead the Information Technology Section (ITS) and oversee the implementation of the Resource Plan. The CTO/ITS reports directly to the Deputy Commissioner for Compliance. Though only on board for several months, the CTO immediately implemented measures to improve IT governance and program management.

BPD also recently hired two Project Managers, one Business Analyst, two Developers, and one Enterprise Architect. It is currently working to hire a Fiscal Analyst and a Systems Integration Specialist. Thus, after some delay, BPD is now earnestly revamping ITS to ensure it has the personnel needed to implement the Resource Plan.

IT Governance

As previously reported, proper IT governance will be critical to the successful implementation of the Resource Plan. Failures in large technology initiatives are often due not to failures in the technology, but rather to deficiencies in the planning and management of technology implementation. Proper IT governance should enable sound IT decision-making, prevent the creation of information silos, advocate for needed funding, develop appropriate IT policies, provide for ongoing training and education, and work to understand the needs and requirements of system users.

As noted above, efforts to establish proper IT governance within BPD were stalled for several months. Fortunately, the recently hired CTO, who has a background in IT governance and management, promptly assessed ITS operations, identified the unit's shortcomings and needs, and started to implement foundational structures and processes that have long been absent. Once these structures and processes are in place, BPD must adhere to them if it is to successfully deploy and sustain the IT reforms envisioned by the Consent Decree.

Records Management System

The Resource Study and Resource Plan both pointed to a number of deficiencies in BPD's existing Records Management System (RMS) and, correspondingly, in BPD's capture and use of data. Following publication of the Resource Plan, BPD spent several months documenting requirements for a modern RMS. On September 30, 2019, BPD released a Request for Information (RFI) for a new RMS.

BPD recently began reviewing vendor submissions in response to the RFI. It will be participating in vendor demonstrations through March 2020. BPD expects to make a vendor selection in April 2020. While obviously a positive development, the receipt of proposals is only the first of many steps required to implement a new RMS, which typically takes 18 to 24 months. To keep pace, BPD must move through RMS procurement as quickly as possible, while preserving the integrity of the process and adhering to the requirements set forth in the RFI.

IAPro

IAPro is the system BPD uses to track both use of force incidents/investigations and misconduct investigations/discipline. After saying for the better part of a year that it would have its vendor convert its existing, outdated IAPro database from Oracle to Microsoft SQL so that the database could fully capture the information required by the Consent Decree, BPD finally had the vendor undertake the upgrade in this reporting period. The process has taken several months thus far and is not quite finished. When the upgrade is completed, BPD should be able to fully utilize the most recent, non-customized version of IA Pro, with all available reporting capabilities.

The Monitoring Team has recommended that BPD document and walk through its user requirements with IAPro instructors so that the instructors can advise BPD about how to best configure and utilize the system to meet those requirements. To the Monitoring Team's knowledge, BPD has not yet done so.

Policy regarding Public Disclosure of Technology Acquisitions

BPD is required to publicly disclose the acquisition of certain new equipment or technology to be used in enforcement activities (CD 278). During the reporting period, in furtherance of this requirement, BPD finalized Policy 606, which establishes the procedure for such disclosure. The Monitoring Team and DOJ consulted with BPD as it drafted and refined the policy, and the public was given an opportunity to provide feedback. The Monitoring Team approved the policy in September 2019. *See* ECF No. 239. The policy is among the many measures BPD is adopting under the Consent Decree to enhance the transparency of its operations. The policy will not take effect until the relevant personnel have been trained on it.

Body-Worn Camera Policy Revisions and E-Learning

BPD recently acquired new body-worn camera technology. It has drafted revisions to its BWC policy to reflect the changes and prepared a Department-wide e-learning to train officers on use of the new BWCs. The first public comment period on the revised policy and e-learning just ended. BPD will consider and address the feedback it has received, issue revised drafts for another round of comments, and then

finalize both. The Monitoring Team is due to approve or disapprove the policy revisions and e-learning by mid-February 2020, and the e-learning is scheduled to be delivered to all officers and completed by March 13, 2020.

Challenges Ahead

While BPD has taken initial steps to address its technology deficits, it still has a long way to go to fully realize a modern and sustainable IT environment. As the Monitoring Team indicated to the Court and the parties more than one year ago, BPD must plan for and sustain its IT infrastructure needs to integrate data silos, eliminate duplicative data entry, improve data quality, and collect and maintain data thoroughly. Otherwise, BPD will fail to achieve compliance with the Consent Decree—and not only with its Technology requirements, but with the numerous other requirements that depend upon BPD's ability to capture, maintain, synthesize and analyze comprehensive electronic data regarding its law enforcement activities.

The Technology Resource Plan identifies specific IT system needs (e.g., RMS, Early Intervention System, staffing systems) and addresses foundational business and management needs, including the need for proper IT governance, organizational change management, and IT staffing and resources. Although BPD has begun to hire the staff identified in the Resource Plan and is in the process of procuring a new RMS, it has not meaningfully started implementing most of the other recommendations in the Resource Plan.

Further, as BPD embarks on implementing the Resource Plan's recommendations, it must be vigilant about ensuring three things for each and every constituent IT initiative. First, each initiative must be accompanied by clear, consistent policy and training. Second, to ensure proper accountability and maximum effectiveness of each IT initiative, BPD must consider how that initiative, as well as the data it generates and retains, will be audited, reviewed or evaluated for a solution. Third, BPD must keep its eye on the long-range development of an Early Intervention System. EIS implementation will come toward the back end of BPD's modernization timeline because BPD must first capture quality data in each source system. Accordingly, the data requirements for BPD's EIS must be integrated into each IT solution implemented under the Resource Plan. What that means is that BPD must determine which data it needs for its EIS as it configures the data requirements for RMS, IAPro, Workforce Management, and any other system that will contain data upon which the EIS will rely.

The Next Six Months

Within the next two months, as noted, BPD will train officers on and fully implement updated BWC technology. In addition, as discussed in the Stops, Searches and Arrests section of this report, BPD will begin to make greater use of the Maryland

State Police's e-Tix system. E-Tix promises to eliminate the use of time-consuming, impractical paper forms for traffic stops and possibly for field interviews, and it will potentially facilitate certain data collection and analysis that is required by the Consent Decree but currently infeasible.

In the next reporting period, BPD plans to continue moving forward with implementation of the Resource Plan. Areas of focus will include:

- Completing RMS procurement and starting RMS implementation
- Completing the IAPro upgrade
- Implementing a Learning Management System
- Implementing a Workforce Management System

Staffing, Performance Evaluations and Promotions

The Consent Decree requires BPD to complete a comprehensive Staffing Study to determine the appropriate number of sworn and civilian personnel needed to effectively provide police services, enable supervision, and satisfy the requirements of the Consent Decree (CD 428). The Consent Decree further requires that, based on the Staffing Study, BPD must develop a Staffing Plan that will ensure a sufficient number of deployed personnel to, among other things: implement and sustain effective community and problem-oriented policing; conduct timely misconduct investigations; supply sufficient patrol officers to each District without resorting to drafting (*i.e.*, forced overtime), except in unforeseeable circumstances; promote unity of command when feasible; provide a sufficient number of supervisors; and account for BPD's and the City's existing and projected resources (CD 429). BPD must implement the Staffing Plan, but may do so in a phased manner that reflects the City's and BPD's fiscal resources (CD 430).

As for performance evaluations and promotions, the Consent Decree obligates BPD to have supervisors meet with officers to discuss their annual performance reviews, which must include written discussions of the officers' performance during the rating period, any areas for growth and achievement, and any areas requiring further training and supervision (CD 431). Direct supervisors must use a formalized system to document annual performance evaluations for each officer and quarterly evaluations of probationary employees (CD 432). In addition to these formal evaluations, supervisors must meet with their subordinates on an ongoing basis to discuss performance and must document their communications regarding performance challenges and areas for growth (CD 433). The Consent Decree further requires BPD to conduct performance evaluations of each supervisor (from first line supervisor through commander), which will include assessments of ability and effectiveness in conducting performance reviews, including monitoring, deterring and addressing misconduct by officers they supervise (CD 434). Finally, BPD must ensure its promotional system has clear criteria prioritizing effective, constitutional, and community-oriented policing as factors for promotion (CD 435).

BPD is making reasonable progress on the foundational requirements in these areas. In December 2018, BPD produced a Staffing Study compliant with Paragraph 428 and is in the final phases of completing a Staffing Plan under Paragraph 429—though the Staffing Plan has encountered several delays. BPD also has begun to conceptualize a new promotions regime under Paragraph 435, including a formal application and committee review process that would represent a significant, positive break from past practice. BPD has not yet begun work on other Consent Decree requirements for staffing, performance evaluations and promotions.

Areas of Progress

BPD has not met several deadlines for the Staffing Plan. In fact, the deadline for the initial draft has had to be extended three times. The first extension was required because, when the first draft was initially due, BPD still lacked a permanent Commissioner. A long-term Staffing Plan cannot be properly developed in the absence of clear direction from permanent leadership. The Court granted the second extension in May 2019 for a related reason: although a permanent Commissioner, Commissioner Harrison, was finally in place, he needed time to understand the Department's personnel needs and develop his own vision for meeting them, and also needed time to work with the consultant BPD hired to assist with the Staffing Plan (Alexander Weiss Consulting). A third extension was taken to ensure that, prior to issuing the Staffing Plan for public comment, BPD had sufficient time to refine it, particularly in response to comments from the Monitoring Team and DOJ, which received several iterations of the draft in the fall of 2019. The Staffing Plan was finally posted for public comment on December 13, 2019. The comment period recently ended. BPD is presently considering the community's feedback, will then issue a revised draft for another round of comments, will consider those comments, and then will submit a final version for approval. The final version is set to be approved or disapproved by the Monitoring Team by the end of February 2020.

The Monitoring Team expects the Staffing Plan to provide detailed recommendations and options for how BPD should address the staffing demands necessitated by BPD's obligation to ensure the safety of Baltimore residents. The present draft of the Staffing Plan makes the following key findings and recommendations:

- BPD needs 805 police officers, 115 sergeants and 27 lieutenants assigned to the Patrol Division in order to satisfy BPD's call-for-service demands and still reserve 40% of officers' time on activities other than responding to calls-for-service, community policing in particular.
- The time to dispatch an officer to a call for service is unusually long in Baltimore, likely because of inadequate dispatch policies and procedures and an inefficient patrol deployment scheme.
- Sergeants have limited contact and time with the officers they supervise because of the existing patrol work schedule. This prevents unity of command and precludes effective supervision. The consultants recommend that sergeants be assigned the same day-off group as their subordinates and an additional 27 sergeants be assigned to patrol.
- Certain specialized units should be consolidated, while others should have fewer sworn personnel or should be eliminated, and certain administrative

functions should be performed by civilians, freeing up sworn personnel for other assignments.

- The Public Integrity Bureau needs an additional 46 investigators to address the current backlog in complaint investigations and to meet the requirements of the Consent Decree.
- BPD continues to lose officers through retirement and other forms of separation faster than it is adding new officers. Increasing the size of recruit classes, increasing the number of recruit classes, and reducing the Academy attrition rate would increase the number of sworn officers. So, too, would reducing the officer attrition rate, which BPD must figure out how to address.

Challenges Ahead

It is expected that a good deal of political will be required to fully implement the Staffing Plan. Functions and units may have to be cut back, eliminated or relocated. Personnel may need to be reassigned. Civilians may replace sworn personnel in certain assignments. Recruitment and hiring efforts must be sustainably improved, and attrition must be reduced. Additional fiscal resources may be required to satisfy the Plan's recommendations.

It has taken a good while to complete the Staffing Plan. But drafting the Plan is the easy part. Implementing the Plan is where the hard work lies.

The Next Six Months

Between now and the end of February 2020, BPD will finalize the Staffing Plan. From that point forward, it will begin to implement the Plan. Additionally, over the next six months, BPD will begin draft a revised set of the performance evaluation policies contemplated by paragraphs 431 – 435 of the Consent Decree. Those policies will not be finalized until late in 2020.

Stops, Searches, Arrests and Voluntary Police-Community Interactions

In recognition of the importance of the Consent Decree's requirements on stops, searches, arrests and voluntary police-community interactions ("SSA"), the Consent Decree's provisions addressing those interactions are extensive. They compel BPD to revise its policies and training curricula; provide thorough prescriptions for communicating with individuals, performing field interviews, and conducting stops, pat downs, searches and arrests; and establish detailed training, documentation, supervisory, and data collection and review obligations (CD 29-86).

In this reporting period, BPD's work in the SSA area has focused on developing e-learning and classroom training, developing policies concerning misdemeanor "quality of life" offenses, and revising certain previously approved SSA policies to reflect both minor changes in the law and the philosophical orientation of BPD's new leadership.

BPD is making reasonable progress toward satisfying the Consent Decree's requirements on SSA policies and training. There have been some delays, but BPD is presently on schedule to complete both policy revisions and training in the next reporting period.

BPD still has a long way to go before the Monitoring Team can conclude that BPD is making any progress toward the Consent Decree's overarching SSA requirements. The principal stumbling block continues to be BPD's well-known deficiencies in technology and data collection, which prevent the Monitoring Team (and BPD itself) from even commencing, much less completing, a meaningful evaluation of the quality of the Department's stops, searches and arrests.

Areas of Progress

Policies

BPD is working closely with the Monitoring Team and DOJ to revise SSA policies that address low-level offenses, including "quality of life" offenses. BPD, the Monitoring Team and DOJ have communicated a number of times by phone and email to refine drafts of the policies and will complete these revisions during the next reporting period. The policies include: Civil and Criminal Citation Procedures (Policy 808), Marijuana-- Uniform Civil Citation (Policy 809), Misdemeanor Shoplifting Arrest Procedures (Policy 812), and Quality of Life Offenses—Core Legal Elements (Policy 1018) (collectively, "SSA Policy Set III"). This is the third set of SSA policies revised under the Consent Decree. The two previous sets already have been approved by the Monitoring Team and will be the subject of the Department-wide SSA training that begins shortly (see below).

Because SSA Policy Set III is integral to advancing the Consent Decree's objective of community-oriented policing, which will be reflected in BPD's Community Policing Plan, the deadline for issuing drafts of these policies for public comment was extended to accommodate the extension of the deadline for publication of the initial draft of the Community Policing Plan. The public comment period on the draft policies, revisions to the drafts in response to public comments, and issuance of the finalized policies will occur in the next reporting period.

The parties and Monitoring Team will ensure that SSA Policy Set III properly prioritizes enforcement actions that preserve public safety while simultaneously promoting fair, non-arbitrary police practices that foster the community's trust. Although SSA Policy Set III will not be finalized prior to the commencement of SSA training, the principles that will be reflected in SSA Policy Set III are reinforced throughout the SSA training curriculum, particularly in the lesson plan on "least intrusive response." That lesson plan teaches officers to exercise their discretion to take the least intrusive law enforcement action consistent with preserving public safety when confronted with an individual who may be committing a quality of life offense, such as loitering, open container, trespassing, failure to obey, disorderly conduct, and marijuana possession.

Training

The central component of BPD's SSA work in this reporting period has been the development of robust training initiatives, both e-learning and in-class, on the first two sets of BPD's revised SSA policies. These policy sets include BPD's core policies on voluntary contacts, field interviews, stops, arrests, interviews/interrogations, weapons pat-downs, and searches, as well as policies on foot pursuits, least intrusive response, custody, transport, and booking. Because these particular policies must guide BPD officers in their everyday interactions with civilians, and because DOJ's investigation found that BPD officers were routinely failing to carry out stops, searches and arrests in a constitutional manner, BPD, the Monitoring Team and DOJ understand that it is absolutely critical for BPD to get this training right. Part of getting it right includes integrating instruction on previously approved policies on fair and impartial policing ("FIP"), including Policy 317 (Fair and Impartial Policing) and Policy 720 (Interactions with LGBTQ Individuals). With input from the Monitoring Team and DOJ, the approach BPD has taken to integrating the FIP policies with the SSA policies is similar to the approach BPD took to integrate FIP policies into the successfully concluded training on use of force.

BPD drafted and finalized an effective, six module e-learning curriculum relatively quickly. Officers must complete the e-learning and pass tests for each module before becoming eligible for in-class instruction. The e-learning curriculum benefited from input from the Monitoring Team and DOJ, as well as feedback from certain community members.

While BPD developed the SSA/FIP II e-learning rather seamlessly, it has had some difficulty developing an in-class SSA/FIP II curriculum that effectively incorporates adult learning concepts. That was not unexpected. The number of policies covered is voluminous, and it is challenging to develop state-of-the-art classroom training in this area, as it requires officers to demonstrate not only knowledge of SSA and FIP policies, but also tactical facility following and adhering to them. PowerPoint-based lectures that present the policies one-by-one and overload officers with policy minutiae—BPD’s traditional approach—will not connect and are bound to fail. Scenario-based training, preferably with scenarios that implicate multiple policies at once (because that is what happens in real life), is required. Because of the challenges inherent in developing this kind of training, and because of BPD’s historical reliance on lecture-based training, BPD went through several iterations of the SSA/FIP II curriculum before getting it right. BPD moved gradually from passive, lecture-based content in early drafts to more active, scenario-based content in the draft that BPD ultimately issued for public comment in late November 2019. The result was a draft curriculum that brought the new SSA and FIP policies to life through interactive activities, scenarios and role plays that layered in the requirements of multiple policies at once (*e.g.*, a scenario involving an investigative stop for a misdemeanor offense, which implicated Policy 1112’s provisions on stops, Policy 1106’s provisions on least intrusive charging, and Policy 317’s provisions on fair and impartial policing).

The draft issued for public comment in late November 2019 was separately piloted for the Community Training Review Committee and a group of officers in December. Following those initial pilots, and after receiving public feedback during the comment period, BPD refined the curriculum further, piloted it again twice with groups of officers, and then issued a refined draft for a final round of public comments. In the meantime, officers began completing the SSA/FIP II e-learning, which, as mentioned above, is a prerequisite to the in-class training. The in-class training goes live Department-wide in the coming weeks.

Challenges Ahead

SSA Data Collection and Reporting

As explained in prior reports, deficient technology and heavy reliance on manual, paper-based reporting has prevented BPD from producing meaningful quarterly evaluations of the Department’s stops, searches and arrests, as required by paragraph 86 of the Consent Decree. At the same time, BPD’s deficiencies in reporting and data collection have prevented the Monitoring Team from conducting compliance reviews and outcome assessments regarding BPD’s SSA practices.

At the suggestion of the Monitoring Team and DOJ, BPD requested that the Court approve amendments to the Second-Year Monitoring Plan that relieved BPD of its obligation to produce quarterly SSA reports. The Court granted the request. Until BPD implements an updated, comprehensive records management system capable of facilitating meaningful SSA reporting, BPD will be required to routinely update the Monitoring Team and DOJ on its efforts to develop that system.

BPD recently made one technological advancement in SSA reporting: it began to more fully utilize Maryland State Police's traffic citation software, E-tix, and continues explore ways to use more of its functionality. E-tix allows officers to scan the license of a stopped driver during a traffic stop, electronically enter traffic violation information, and print a paper copy of the report (whether a warning or a citation) for the driver. The information is stored in MSP's system and provided periodically to BPD, which is working toward integrating the information into its own records management system. In this reporting period:

- The Monitoring Team and DOJ agreed that BPD officers who make traffic stops no longer need to prepare a citizen contact receipt for the driver in addition to entering information into E-tix and providing the driver a paper copy of the E-tix report. BPD reports that eliminating the requirement to prepare citizen contact receipts will save officers time in the field and reduce the number of contact receipts that BPD's data entry personnel need to enter manually into the current (inefficient) record management system. Not every patrol car is currently equipped with E-tix capacity—in fact, a majority of patrol cars still are not—but this change in practice should be beneficial for officers with patrol cars that do have such capacity.
- The Monitoring Team and DOJ have agreed that, for BPD's use, BPD can have MSP add three new fields to E-tix's traffic data module: "Ordered to Exit Vehicle," "Vehicle Search Conducted," and "Weapon Drawn on Approach." Data from these fields potentially could be used in Consent Decree reporting.
- BPD, the Monitoring Team and DOJ have conferred about BPD's request to begin utilizing the "field interview" field in E-tix so that BPD officers can begin using E-tix, rather than paper citizen contact receipts, to document field interviews. The transition to E-tix for recording field interviews could also save time.
- The Monitoring Team and DOJ have asked BPD to explore with the MSP the possibility of using E-tix's "vehicle search module," which could permit BPD to electronically record, for the first time, whether or not a vehicle search results in the seizure of a firearm or contraband and, if so, what was recovered. These are data that the Consent Decree requires both BPD and the Monitoring Team to track.

Training

BPD's history of stopping, searching and arresting people without legal justification and based on race explains, in large part, why BPD's relationship with the community is fractured—and why the Consent Decree is in place. Effective delivery of SSA/FIP II training is, therefore, critical to the success of the reform process. Over the next few months, BPD must ensure that its officers fully understand and know how to apply BPD's revised SSA policies. That could be a tall order: as much as any of the reform measures implemented thus far, these revised policies reflect the culture change that the Consent Decree is intended to achieve, *i.e.*, an emphasis on policing that is *both* engaged/pro-active and constitutional.

At the same time it is delivering the SSA/FIP II training, BPD must develop additional training on fair and impartial policing that focuses on the biases that can affect officers' interactions with civilians, particularly their decisions regarding stops, searches and arrests. BPD will draft this "FIP III" training curriculum in the next six months. In anticipation of this work, BPD has begun reviewing existing programs regarding non-discriminatory and bias-aware policing, including training used by the Seattle Police Department and training developed for the National Initiative for Building Community Trust and Justice.

The Next Six Months

In the next reporting period, as noted, BPD will deliver SSA/FIP II training to all officers, draft FIP III training, to be delivered in early 2021, and complete SSA Policy Set III. In addition, BPD will continue to work with the Monitoring Team and DOJ to determine whether, in advance of the development of a new records management system, it can utilize any of the capabilities of E-tix to begin to effectively collect and aggregate at least some of the SSA data that the Consent Decree requires BPD and the Monitoring Team to evaluate.

Use of Force

The Consent Decree obligates BPD to ensure that its officers resolve incidents without using force when possible, employ de-escalation techniques to minimize the need to use force, avoid unnecessary injury or risk of injury to officers and civilians when force is necessary, stop other officers from using excessive force, report all uses of force, and be held accountable for using unreasonable force (CD 124). To accomplish these objectives, the Consent Decree's section on Use of Force contains requirements regarding policies on use of force (including weapons-specific policies) (CD 125-65), training on use of force (CD 166-68), reporting, reviewing and investigating use of force incidents (CD 169-210), and collecting, analyzing and reporting data on use of force incidents (CD 211-17).

In the first monitoring year, BPD successfully completed revisions to its use of force policies, which it continues to examine and update as needed to ensure best practices (*e.g.*, it recently adjusted the policies to account for circumstances involving youth). In the first part of the second monitoring year, after completing the revised policies, BPD worked collaboratively with the Monitoring Team and DOJ to develop e-learning and in-class training on the revised policies and, after piloting and adjusting the curriculum several times, initiated the training Department-wide. In this reporting period, BPD completed the training. BPD filed a certification of completion with the Court in November 2019. *See* ECF No. 260.

Given these developments over the first two years of monitoring, BPD has made substantial progress toward satisfying the Consent Decree's requirements on use of force policies and training. It has not yet been required to make, and thus has not made, meaningful progress on satisfying the Consent Decree's longer-term use of force requirements.

Areas of Progress

Training

From June through October 2019, all officers were required to complete e-learning (with a minimal acceptable score of 100%) and attend a two day in-class course on the new use of force policies. The e-learning covered the new policies in detail. The in-class training was scenario-based. For several modules, officers viewed videos from actual encounters or reviewed written hypotheticals (or both) and then worked in small groups to answer questions that required them to apply their knowledge of the new policies. Another module utilized a video machine—a “TI Simulator”—that presented officers with simulated real-time events that required reactive responses consistent with both the new policies and tactical training. Officers were critiqued by instructors and their colleagues following their performance. Another module took place in a gym, where officers worked in pairs, using their

knowledge of policy and tactics to address situations that presented various real-world options involving live subjects that were role-played by instructors. Officers were also critiqued/debriefed following these exercises. All the scenarios—whether in-class, on the simulator, or in the gym—demonstrated the tactical benefits of de-escalation and provided hands-on guidance on using only force that is necessary, reasonable and proportional to the threat presented.

By the end of October 2019, as BPD informed the Court, there were still a small number of officers who had not yet completed the training because they had been on military leave, were injured, were on light duty status, or were precluded due to disciplinary action. DOJ and the Monitoring Team have been working with BPD to determine the best way to ensure that all these officers receive training on the revised use of force policies as they return to active duty.

The use of force training, which is the first tranche of Consent Decree training, is proving extremely valuable to the reform process—not only for providing vital instruction on use of force, which is a key area of the Consent Decree, but also for enhancing the capacity of the Training Academy. The use of force training program required BPD to hire more instructors; it introduced BPD to the process of creating a training program that incorporates both e-learning and an intensive, scenario-based in-class curriculum that employs adult learning principles; and it allowed Academy instructors to hone their teaching skills and gain more confidence in the classroom, particularly in addressing difficult, pointed questions from their peers.

Performance Review Board

In this reporting period, BPD began piloting a new Performance Review Board (“PRB”) model. The PRB reviews serious use of force incidents with the objective of improving policies, tactics, training, and supervision where performance deficiencies are observed. In recent years, the PRB has not served its intended purpose. It often has not reviewed events until many months (sometimes a year) after they take place, and PRB members have been inappropriately reluctant to conduct meticulous, meaningful reviews out of concern that their findings could result in disciplinary action against the involved officers. The new model being piloted includes a review panel consisting exclusively of Deputy Commissioners, reviews of events that are much more recent, ideally no more than 30 days old, and an emphasis on the ameliorative purposes of the PRB—*i.e.*, identifying needed improvements in policies, tactics, training and supervision.

The first pilot took place toward the end in early December 2019. The Monitoring Team was very encouraged by the proceedings, which reviewed an officer-involved shooting that had occurred roughly a month before. The panel members (three Deputy Commissioners) and other attendees were fully engaged, the presentation and discussion prompts were well-structured and thoughtful, and the

proposed action items that grew out of the discussion were exactly what the PRB is designed for. The Monitoring Team looks forward to seeing how the PRB pilot process continues to progress.

Challenges Ahead

BPD must now hold officers accountable to the revised use of force policies on which they have been trained. Department-wide, that will require diligently collecting data and carefully analyzing both use of force incidents and the adequacy of reporting on such incidents. BPD does not have a track record, much less an impressive track record, of self-evaluation on these subjects, and its data collection capabilities remain deficient, as explained elsewhere in this report. BPD thus has a steep hill to climb to satisfy the Consent Decree's requirements on use of force data collection and analysis.

More than anything, however, holding officers accountable to the new policies will require acceptance, supervision and enforcement by sergeants and lieutenants. The new policies will not take hold until these supervisors diligently review force incidents and force reporting, praise officers for upholding policy, counsel officers whose performance is inadequate, and discipline officers for misconduct. Upper management will need to do their part by making sure that first-line supervisors properly review use of force incidents and reporting and by adjusting policy and training when needed.

The Next Six Months

In the next reporting period, BPD will continue to conduct Performance Review Board pilots. The objective will be to establish a new PRB policy, which BPD will begin to draft during the next reporting period.

In the next six months, the Monitoring Team plans to commence its first comprehensive review of BPD use of force incidents and reporting, likely focusing on incidents from 2019.

Transportation of Persons in Custody

Ensuring the safety of individuals in custody is among the most important obligations of any law enforcement agency. The Consent Decree requires BPD to: (1) equip all transport vans with seatbelts, holding straps located along the rear area of each seat that individuals being transported may grip for security during transport, and transport vehicle cameras (TVCs), and also equip all transport cruisers with seatbelts (CD 223-24); (2) inspect transport vehicles monthly and create logs to memorialize the inspections (CD 225); (3) establish and adhere to appropriate procedures for transporting prisoners (including using seatbelts, straps, and TVCs) (CD 226-33), (4) establish and adhere to protocols for documenting and comprehensively auditing prisoner transport events (CD 234-37), and (5) revise policies and training curricula to ensure safe, effective prisoner transport (CD 238).

The Monitoring Team is assessing the Consent Decree's transport requirements in two phases. The transport equipment phase focuses on whether BPD has installed the required equipment in its transport vehicles and is maintaining the equipment in working order. The transport procedures phase focuses on whether BPD has implemented the transport policies required by the Consent Decree and whether officers are adhering to those policies and using the transport equipment correctly and consistently.

As reported in the first year of monitoring, BPD has installed in its transport vehicles all equipment required by the Consent Decree. All transport vans have been equipped with seatbelts for each seat, holding straps located along the rear area of each seat that individuals may grip for security, and TVCs to allow live monitoring of every transported occupant. In addition, all transport cruisers have been equipped with seatbelts. BPD continues to perform monthly inspections of all transport vehicles and creates logs to memorialize those inspections. The logs, which will be used to verify the continued presence and functionality of all required equipment, are available for inspection by the Monitoring Team and DOJ. In the Monitoring Team's view, BPD has made substantial progress toward satisfying the transport requirements of the Consent Decree.

BPD is also making reasonable progress toward satisfying the transport procedures requirements of the Consent Decree. It has been working to implement more thorough data collection and audit capabilities. It will also be training officers on transport procedures in the forthcoming training on stops, searches and arrests.

Areas of Progress

Transport Audits

As explained in the prior semiannual report, BPD's Inspection Unit began developing and adjusting the tool that will be used to perform the required transport event audits. This work continues. Previously described technological problems that hamper BPD's ability to gather all the required audit information remain. However, BPD is employing workarounds to complete the audits. In this reporting period, the Inspection Unit was able to complete two quarterly pilot audits of 18 transport events (two per district) apiece. This was the compromise the Monitoring Team, DOJ and BPD agreed upon as BPD sought to understand what each audit will require, including the amount of staff time needed. The Consent Decree requires quarterly audits of 45 events (five per district).

BPD has agreed that, starting in 2020, it will attempt to complete even more than the required number of audits. After performing the 18 event audit pilots during the second half of 2019, BPD believes that it now understands how much time audits should take. BPD's plan is to conduct *monthly* audits of at least two events for each of the nine districts and for the Warrant Apprehension Task Force ("WATF"), which will bring the total to 20 audited transport events per month and 60 per quarter—15 more than the Consent Decree requires. BPD decided to include audits of WATF transport events, alongside audits of transport events in each district, because WATF does numerous transports, and none of them would be evaluated if the audits were limited to the districts. This is the right decision: in the last pilot audit, BPD found a number of violations of its transport policies in the WATF transport events that were evaluated. BPD devised an action plan to remediate WATF's performance. The plan included additional transport training, which WATF members already have undergone. Upcoming audits will determine whether the remediation has been effective.

The benefit of having moved forward with the pilot audits, even without a finalized audit tool and fully updated technology, is that the pilots brought to light the difficulties presented by certain Consent Decree requirements and thus have given BPD an opportunity to address those difficulties promptly.

In addition to performing 18 full transport event audits, the Inspection Unit completed 27 random spot checks of transport events (three per district) during each of the past two quarters, as required by Paragraph 236.d. of the Consent Decree.

Training

The two-day in-service training on stops, searches and arrests, which is discussed above and will begin shortly, includes a module on custody, transport and

booking. In preparation for the course, officers must complete six modules of e-learning, one of which includes BPD policy requirements on transport.

Challenges Ahead

In December 2019, the Monitoring Team and DOJ had a follow-up meeting with audit staff and the Deputy Commissioner of Compliance about the progress of the required audits. At the meeting, BPD unveiled a revised audit tool that employs a “weighting” system designed specifically to evaluate transport events for consent decree compliance. The Monitoring Team, BPD and DOJ will continue to engage in discussions around developing and finalizing the weighting system so that it accurately captures BPD’s performance during transport events.

The Next Six Months

In the next reporting period, BPD will continue to work with the Monitoring Team and DOJ to finalize the transport event audit scorecard, assigning the appropriate weight to each evaluation category. BPD also will address issues uncovered in the recent pilot audits, including how to determine if transport officers are constantly checking on subjects’ welfare (potentially by having officers “mark” the TVC when they visually check subjects or by having them audibly record their inquiries into subjects’ welfare on their body worn cameras), and how to handle subjects who constantly unbuckle their seatbelts, which requires officers to stop and re-seatbelt those subjects each time. The audits have revealed many instances where subjects have unbuckled themselves multiple times. One potential remedy under evaluation is the deployment of a device that prohibits a seatbelt from being unbuckled without the use of some kind of key.

Interactions with Individuals with Behavioral Health Disabilities and in Crisis

The Consent Decree reinforces BPD's "commit[ment] to responding to individuals with behavioral health disabilities or in crisis in a manner that respects individuals' civil rights and contributes to their overall health and welfare." Paragraph 96 envisions that BPD will accomplish this goal by using appropriate crisis response techniques. Such techniques will help prevent situations that could lead to the unreasonable use of force, promote connection of people with behavioral health disabilities or in crisis to the behavioral health system, and decrease the inappropriate involvement of people with behavioral health disabilities in the criminal justice system. Paragraph 96 thus challenges BPD not only to provide effective law enforcement responses to events involving individuals with behavioral health disabilities and in crisis, but to participate in the development of an effective community strategy for improving the City's support system for such individuals.

The Consent Decree identifies a series of requirements to accomplish these objectives. They include the expansion of the Collaborative Planning and Implementation Committee ("CPIC"), which works with BPD to improve crisis response (CD 104-05); a work plan to accomplish the requirements of the Consent Decree (CD 96, 105); an assessment of the gaps in the City's behavioral health system coupled with recommendations for solutions ("Gap Analysis") (CD 97); maintenance of a Crisis Intervention Team ("CIT") whose officers have primary responsibility for responding to incidents involving individuals in crisis (CD 101-03, 110, 119); development of a Crisis Intervention Plan and CIT Officer Selection Process to ensure the efficacy of the CIT (CD 120); appointment and training of a Crisis Intervention Team leader (CD 115-18); training for all officers on responding to individuals with behavioral health disabilities and in crisis, and specialized training for CIT officers and dispatch personnel (CD 106-13); revision of policies, including dispatch policies, for responding to incidents involving individuals in crisis (CD 98, 114); and identification of quantitative and qualitative performance measures for the CIT program and collection of data needed to make those assessments (CD 121-22). Over the long-term, BPD will analyze this data and issue quarterly public reports gauging its performance in responding to individuals in crisis.

As previously reported, BPD and the City have satisfied a number of the Consent Decree's preliminary requirements, including expanding CPIC membership, appointing a CIT Coordinator, completing (with CPIC) a crisis intervention plan and a plan for selecting CIT officers, creating a form to track data on responses to individuals in crisis, and revising three policies addressing crisis intervention for both officers and dispatchers: Policy 712 (Crisis Intervention Program), Policy 713 (Petitions for Emergency Evaluation and Voluntary Admission), and Policy 715 (Behavioral Health Crisis Dispatch).

In this reporting period, BPD has continued making reasonable progress toward satisfying the building-block requirements in this area of the Consent Decree. It completed and published the Gap Analysis after some delay, finalized training curricula on behavioral health awareness and crisis intervention for both recruits and officers, and began working on specialized training curricula on behavioral health awareness and crisis intervention for CIT officers and dispatchers.

Areas of Progress

BPD has shown a commitment to working with community members to strengthen its behavioral health initiatives and improve its officers' capacity to respond to individuals with behavioral health disabilities and in crisis. BPD's work in this area is intensive. It requires a significant amount of time not only from BPD personnel, but from community stakeholders, advocates, individuals with lived experience, and behavioral health professionals who are volunteering. CPIC continues to meet each month and the subcommittees often meet every two weeks. CPIC's tasks under the Consent Decree require attention to detail, a close review of the material under consideration, and a willingness to stay engaged over the long term. It is encouraging that the attendance at full committee and subcommittee remains good, that the level of energy remains high, and that the discussions remain respectful of the wide range of diverse opinions expressed.

Together with CPIC, BPD produced several important monitoring plan deliverables over the past six months.

Gap Analysis Report and Recommendations

The Gap Analysis is critical to achieving the Consent Decree's long-term initiatives regarding police interactions with individuals with behavioral health disabilities. The objective of the analysis is to identify ways to improve the City's behavioral health system so that BPD is relied upon less often to resolve, through law enforcement action, matters involving individuals experiencing behavioral health crises.

The City funded the Gap Analysis. Behavioral Health System of Baltimore (BHSB) worked with CPIC and selected a respected national firm, Health Services Research Institute (HSRI), to conduct it. BPD and the City issued the initial draft for public comment in early September 2019. Following two rounds of public comments and additional input from the Monitoring Team and DOJ, BPD submitted the final report to the Monitoring Team and DOJ for approval in early December 2019. The Monitoring Team recently approved the final report.

The final report is a vital foundational document. It provides a roadmap for improving the overall quality of behavioral health care in Baltimore and, at the same

time, for supporting BPD in its effort to respond properly to events involving individuals in crisis. Using a mixed methods approach to identify unmet needs in the City's behavioral health system and offer recommendations for improvement, HSRI collected and synthesized an impressive amount of data. It reviewed existing qualitative and quantitative data from dozens of relevant prior reports, interviewed numerous key informants, conducted focus groups with local stakeholders, analyzed over seven million Medicaid, state-funded insurance and uninsured claims for behavioral health services from nearly 105,000 individuals, and reviewed BPD data on calls for service and officer training. Based on its analysis, HSRI makes over 40 specific recommendations for addressing the City's behavioral health needs. Among the key recommendations:

Crisis Services. The City should strengthen its crisis response system by providing for 24/7, around-the-clock crisis centers and expanding mobile crisis teams. The goal of a fortified system would be to utilize a “least restrictive setting” model so that community providers become a natural, integral part of the crisis service continuum. Developing a centralized “air traffic control” system to manage crisis response would improve the availability of crisis services and increase efficiency and accountability.

BPD. BPD should routinely collect detailed data in all districts on encounters with individuals with behavioral health disabilities and explore why specialized CIT officers are not responding to behavioral health calls at higher rates. BPD also should continue to improve its training on behavioral health awareness, offer advanced training once officers complete introductory lessons and, critically, ensure that officers are made aware of and utilize existing community-based alternatives to law enforcement action.

Service Integration. The City should establish an oversight committee that coordinates with key stakeholders, including CPIC, to promote a “No Wrong Door” approach that integrates mental health and substance use services and workforce programs. The system should support the availability of behavioral health outpatient services in primary healthcare settings.

Healthcare Professionals. A revamped behavioral health system should address behavioral health workforce recruitment, retention and competency, exploring strategies to attract and retain qualified providers to work in community-based mental health settings.

Peer Support. The behavioral health system should support the financial sustainability of peer-run organizations. It should draw on public and private funding sources, including state government, local partners, and private insurers, and work to develop additional funding streams.

Housing. The government should increase the availability of housing vouchers and subsidies, enhance landlord engagement through education designed to combat stigma in order increase the availability of housing units, and ensure that permanent supportive housing programs are implemented.

The Consent Decree's requirement for a Gap Analysis (CD 97) will not be fully satisfied until BPD is able to evaluate a meaningful sample of officer encounters with individuals in crisis. With an eye toward identifying solutions to the deficiencies observed in the Gap Analysis, the evaluation of each encounter should include what precipitated the crisis, what services could have prevented the crisis, how police became involved, and what could be done to prevent a similar crisis in the future. Because of BPD's data collection deficiencies, BPD was not able to include such an evaluation in the Gap Analysis report. In the coming year, BPD and CPIC will develop a process for gathering the required data and performing the evaluation.

Training Curriculum on Behavioral Health Awareness and Crisis Intervention

The CPIC Training subcommittee was especially busy this reporting period. It deserves credit for completing a tremendous amount of high-quality work in a short period, particularly given that many of its community members are volunteers. Working together, the subcommittee's members, BPD Training Academy instructors, and CIT officers developed and finalized a basic behavioral health awareness training curriculum for new BPD recruits, plus an in-service curriculum for BPD officers. In addition, this group has begun drafting specialized curriculum for 911 call-takers and emergency dispatchers, and also began developing specialized curriculum for CIT officers. All the curricula employ adult learning techniques to provide instruction on BPD's new policies. The techniques include group discussion, realistic videos, applied learning exercises, and role-playing scenarios. The training will be delivered by teams of behavioral health professionals, experienced police instructors, advocates, and individuals with lived experience.

Behavioral health awareness ("BHA") training for BPD Recruits. The BHA recruit training curriculum, approved in September 2019, *see* ECF No. 247, consists of thirteen modules taught over three days. Day One covers an introduction to BPD's crisis strategies, an exercise in understanding auditory hallucinations, an overview of mental illness, an introduction to BPD new behavioral health policies, and an introduction to working with individuals in suicidal crisis. Day Two includes working with youth, understanding neurocognitive impairments (dementia), a personal story of mental illness from the National Alliance on Mental Illness, and an introduction to neurodevelopmental disorders (intellectual and developmental disabilities). Day Three covers substance use disorders, de-escalation, emergency evaluations/voluntary admissions, and incident-based scenarios. *See* ECF No. 247 for a complete description of the curriculum.

By requiring 24 hours of instruction, CPIC and BPD chose to include in BHA recruit training an amount of instruction that exceeds the 16 hours required in the Consent Decree. *See* ECF No. 2-2, ¶ 112.b. CPIC and BPD made the determination that additional hours were needed after CPIC's Training subcommittee reviewed BPD's existing curriculum, examined the requirements of the Consent Decree, and obtained the input of behavioral health experts and individuals with lived experience. Increasing the hours of BHA instruction required of new recruits reflects BPD's commitment to ensuring that its officers have a solid understanding of behavioral health and are more adequately equipped to interact with individuals with behavioral health disabilities.

In-service BHA training for officers. The in-service officer BHA training curriculum, approved in November 2019, *see* ECF No. 262, consists of five modules taught over two days. The first module includes a brief history of the treatment of individuals with behavioral health disabilities and an introduction to the goals of the training. The next two modules are an overview of behavioral health disabilities provided by the program "Mental Health First Aid for Public Safety" (MHFA). The first MHFA module covers a range of topics, including the prevalence and impact of mental health problems in the United States, the symptoms and warning signs of depression and anxiety, and an action plan for responding to individuals who are experiencing depressive symptoms or anxiety and may be a threat for suicide or self-injury. The second MHFA module provides an action plan for responding to individuals who are experiencing a traumatic event and may be in crisis, an overview of the risk factors and warning signs of psychotic disorders, an action plan for responding to individuals who are exhibiting symptoms of psychosis or are in a related crisis, an overview of the risk factors and warning signs of substance use disorder, and an action plan for responding to individuals exhibiting symptoms of a substance use disorder or a related crisis. The last two modules are designed to provide BPD officers with a comprehensive overview of BPD's revised policies relating to interactions with individuals with behavioral health disabilities and in crisis. These modules include an examination of BPD's main crisis intervention policy and information covering behavioral health emergency evaluations/voluntary admissions. *See* ECF No. 262 for a complete description of the curriculum.

By requiring more than 11 hours of in-service instruction, CPIC and BPD exceeded the 8 hours required in the Consent Decree. *See* ECF No. 2-2, ¶ 112.a. BPD also has committed to supplementing the in-service BHA curriculum with Baltimore-specific content.

BHA curriculum for 911 call intake and emergency police dispatch. This curriculum, which is still being drafted, will provide eight hours of instruction using facilitated discussion, case studies, and group learning exercises. The first lesson will provide a BHA overview. Call takers and dispatchers will learn about the history of

the mental health system, the role of first responders in crisis intervention, and the impact of bias and stigma relating to behavioral health disabilities. The first lesson will also cover trauma-informed crisis response, as well as the signs, symptoms and behavioral indications of mental illness, substance use disorder, developmental disabilities, and cognitive impairments. The second lesson will include an introduction to BPD's policies regarding interactions with individuals with behavioral health disabilities or in crisis. It will also cover available community resources and proper assignment of calls for service that may be diverted or may require a CIT officer response.

Evaluating Data on BPD's Interactions with Individuals with Behavioral Health Disabilities and in Crisis

In this reporting period, CPIC's Data Committee has been evaluating available data on BPD officer encounters with individuals with behavioral health disabilities and in crisis in order determine which performance measures it can reliably analyze and include in the reports required by paragraph 122 of the Consent Decree. In particular, the subcommittee has been systematically reviewing available reports and outcome studies on BPD's behavioral health intervention programs, including BPD's Crisis Response Team (CRT), Law Enforcement Assisted Diversion (LEAD) program, and Homeless Outreach Team (HOT). For each initiative, the subcommittee is examining data on behavioral health calls in each police district and attempting to extrapolate the call volume to the district's population. The results are intended to determine the number of CIT officers needed in each district.

The subcommittee is also attempting to understand BPD's current hospital referral practices involving individuals in crisis by examining hospital emergency room data. The goal is to determine whether there are opportunities for diversion to community-based alternatives. Initial examination of the data suggests a great deal of variability in emergency room referrals. The variability, however, might not be related to the number of behavioral crisis events in surrounding neighborhoods. Speculatively, the utilization data could suggest the importance of clarifying admissions criteria for each hospital so that patrol officers have adequate guidance on making emergency room referrals.

When BPD conducted new behavioral health training in FY2018 and FY2019, it added a module on behavioral health resources that highlighted the Baltimore Crisis Response Inc.'s crisis information and referral (CIR) line and also directed officers to a resource app on their phones. The new training was delivered not only to recruit classes, but to officers during in-service classes. CPIC's Data subcommittee reported that, as compared to the four years prior to the training, officer calls to the CIR hotline in the period since the training began have increased significantly. This strongly suggests that BPD officers are open to and interested in the availability of community resources.

Challenges Ahead

The Gap Analysis calls for systemic change. Implementing its recommendations will be a long-term, intensive enterprise. Establishing an integrated system of community-based care will require cooperative planning across multiple state, city, and non-profit institutions. The funding required to develop this system will be significant and will need to draw on multiple sources. The City's primary behavioral health care agency, BHSB, has limited control over funding streams and cannot always implement new programs or strong mechanisms for quality control. Additionally, because of Baltimore's history of "siloing" programs within the behavioral health system, there remains the risk that new programs will continue to be "siloed" and will not be incorporated into an integrated, cohesive system.

Despite these substantial challenges, Baltimore has a track record of innovative programming and a wealth of professional talent. The City also enjoys a reputation for conducting incisive studies involving behavioral health and developing service models that appear to hold promise, even if they have not endured. The fact that HSRI reviewed 38 different analytical reports regarding behavioral health care delivery in the City is a testament to the work that already has been done here. The challenge will be to make the response to the Gap Analysis more effective and more sustainable than the responses to the other studies.

In addition to implementing the long-term recommendations in the Gap Analysis, BPD and the City continue to face more immediate challenges under the Consent Decree. First, BPD must conduct four different training programs on behavioral health awareness in the coming year—for recruits, officers, dispatchers, and CIT officers. That will undoubtedly tax the resources of the Training Academy. Second, as previously reported, BPD has not historically collected and maintained all the data that the Consent Decree requires it to collect and maintain regarding officer interactions with individuals in crisis. Last year, BPD developed a new crisis intervention data form that should capture the required information, *see* ECF No. 170, but the Monitoring Team and BPD itself will not be able to comprehensively assess compliance with Consent Decree requirements until BPD officers routinely use the forms and BPD is technologically capable of maintaining and analyzing data from the forms in a modernized record management system. Third, BPD will need to select a sufficient number of qualified CIT officers to meet Departmental needs. Finally, BPD and its officers will have to consistently comply with the Consent Decree's specific requirements for handling crisis events in the field, including requirements regarding on-scene leadership and supervision.

The Next Six Months

In the next six months, BPD, the City and CPIC members will continue to lay the groundwork for implementing the recommendations in the Gap Analysis. Recently, Disability Rights of Maryland (a CPIC member) worked with BHSB to conduct a two-day workshop on effectuating those recommendations. Presenters from other cities spoke about their own successful efforts to establish integrated behavioral health systems, while local advocates and individuals with lived experienced shared their ideas and voiced their concerns about implementing the Gap Analysis's recommendations.

In the next reporting period, as noted, BPD will begin conducting BHA training for recruits and officers and will finalize specialized BHA training curriculum for dispatchers and CIT officers. For its part, CPIC will develop a work plan for the third year of monitoring. The work plan will include, among other things, a schedule for integrating BPD's various behavioral health-related initiatives (*e.g.*, LEAD, CRT, HOT) into a coherent intervention strategy.

First Amendment-Protected Activities

As the Consent Decree and BPD's revised policy on First Amendment Protected Activity explain, the exercise of First Amendment rights is fundamental to democratic governance because it promotes the free exchange of ideas. Moreover, the preservation and protection of First Amendment rights is vital to maintaining public trust in the rule of law because it fosters transparency and accountability in government functions, including policing (CD 239).

For these reasons, the Consent Decree requires BPD to protect several different First Amendment rights: the right to free speech and expression, which includes the right to criticize law enforcement and engage in speech in the presence of law enforcement without being subject to retaliation (CD 240-44); the right to freely organize and participate in lawful public assemblies (CD 245); and the right to observe and record the actions of BPD officers in the public discharge of their duties (CD 247). The Consent Decree also protects First Amendment rights by prohibiting the warrantless search and seizure of recorded video and images, except in limited circumstances (CD 249-50). The Consent Decree prescribes protection for all of these constitutional rights by obligating BPD to revise its policies and training programs (CD 239, 244, 246, 251); require supervisory approval for dispersing assemblies, seizing recording devices and recordings, and arresting individuals engaged in expressive activity (CD 252-54); and conduct annual assessments of its practices relating to First Amendment-protected activity (CD 255).

In the first monitoring year, BPD completed revision of two policies addressing First Amendment-protected activities—the core policy, Policy 804 (First Amendment Protected Activity) and the policy regarding recording of police activity, Policy 1016 (Public Observation and Recording of Officers). *See* ECF No. 140. In the past six months, BPD has begun revising standard operating procedures (“SOP”) for its Mobile Field Force, which polices both planned and unplanned protests and assemblies. BPD also has initiated the Consent Decree-mandated evaluation of Departmental performance in responding to First Amendment activities. BPD has not yet crafted or delivered training on First Amendment-protected conduct, and given BPD's historical data collection deficiencies, the Monitoring Team has not yet been able to commence compliance reviews or outcome assessments in this area. Accordingly, although BPD has satisfied its obligations in this area under the First- and Second-Year Monitoring Plans, it remains too soon to gauge BPD's progress toward long-term compliance.

Areas of Progress

Policy Revisions

BPD's Mobile Field Force consists of over 200 specially trained officers from across the Department. The Mobile Field Force is called upon to monitor, maintain order, and protect the right to assemble and speak at both planned and spontaneous public demonstrations. If demonstrations turn violent, the Mobile Field Force intervenes to preserve public safety while respecting First Amendment rights.

BPD currently has a policy (Policy 413) that generally addresses its Mobile Field Force. However, during the first monitoring year, when BPD was revising its First Amendment-related policies, BPD, DOJ and the Monitoring Team agreed that it would be more fitting for Policy 804 to incorporate the general provisions of Policy 413, and for a comprehensive set of SOPs to replace Policy 413 and provide detailed tactical guidance to Mobile Field Force officers about how to carry out their responsibilities while preserving First Amendment rights. BPD, the Monitoring Team, and DOJ determined that rescission of Policy 413 and replacement with SOPs made sense because the policy is not so much a policy as it is an outline for a tactical procedural manual. Policy 413 will not be rescinded until the SOPs are finalized and implemented.

In this reporting period, BPD began work on the SOPs. BPD produced an initial draft modeled after SOPs for well-functioning civil disturbance units in other jurisdictions, including the District of Columbia. After receiving feedback from the Monitoring Team and DOJ, BPD agreed to revise the draft so that it more closely tracks the Mobile Field Force SOPs for the Maryland State Police, which has adopted a more progressive, European model of mobile field force deployment. Neighboring jurisdictions with which BPD often partners to monitor large crowds are undertaking a similar review of their mobile field force operations.

BPD is presently working on the revised SOPs, which will be issued for public comment, refined, and ultimately finalized in the next reporting period. The SOPs must incorporate the First Amendment principles reflected in Policy 804 and provide BPD's Mobile Field Force officers with the guidance they need to carry out their duties properly.

Self-Evaluation

Under the Second-Year Monitoring Plan, BPD is required to prepare its first annual audit of the Department's responses to First Amendment-protected activities (CD 255). The purpose of these audits is to implement "corrective action or improvement measures" where deficiencies are identified (CD 256).

In this reporting period, BPD collaborated with the Monitoring Team and DOJ to devise an appropriate audit tool. The challenge was to devise an instrument that evaluates not only BPD's responses to larger, planned assemblies and internal affairs complaints based on alleged First Amendment violations, but also the responses of officers to individuals who exercise their First Amendment rights in the course of a routine police encounters by, *e.g.*, criticizing the officer's actions. Evaluating BPD's responses to such routine exercises of First Amendment rights is critical because those encounters are far more frequent than either encounters that spawn internal affairs complaints or larger assemblies. And as DOJ found in its investigation, officers may be more likely in those encounters to take unconstitutional retaliatory law enforcement action, including bringing unwarranted criminal charges or using unreasonable force. In an effort to capture BPD's responses to these more routine exercises of First Amendment rights, BPD, the Monitoring Team and DOJ agreed that BPD would use its Performance Standards Section to review body-worn camera footage of events that involve allegations of disorderly conduct. While disorderly conduct cases obviously do not encompass all situations in which officers might be confronted with First Amendment conduct, the parties concluded that, at least initially, such cases might prove useful for exploring whether officers are retaliating against individuals for exercising their rights.

Based on this agreement, BPD's first annual audit report evaluates (1) cases involving internal affairs complaints based on alleged First Amendment violations for 2019, (2) BPD's response to two larger First Amendment events in 2019—one involving a protest of the establishment of a university police force at Johns Hopkins, and another involving a speech given in Baltimore by Donald Trump, and (3) 2018 cases involving disorderly conduct arrests that were determined to have implicated First Amendment conduct (a number of disorderly conduct cases, of course, did not). The final report will be submitted to the Court within the next two weeks, at the beginning of February 2020. The Monitoring Team will include an evaluation of the report in its next report.

Challenges Ahead

BPD must develop and implement a comprehensible, scenario-based training curriculum to ensure that officers respect First Amendment protections. That curriculum is scheduled to be developed this year, with training to take place in 2021, though BPD, in the interim, is expected to train officers periodically on First Amendment protections during roll calls and through e-learning.

BPD also must ensure vigilant supervisory review and data collection and analysis of BPD actions addressing First Amendment activity. BPD's first annual audit, discussed above, is a promising start. Isolating disorderly conduct cases, and then determining which of those cases implicate First Amendment conduct, is a good way to begin identifying routine police encounters that BPD (and the Monitoring

Team and DOJ) ought to review for the purpose of gauging BPD's progress toward compliance with Consent Decree requirements. However, other types of cases also might implicate First Amendment conduct, and BPD should determine the feasibility of identifying such cases and locating and collecting the relevant data.

The biggest challenge facing BPD is the long-term challenge of ensuring that its officers respect the protections the First Amendment offers to individuals in routine police encounters, particularly the right to criticize police action. In its investigation, DOJ found that BPD officers were engaged in a pattern or practice of violating the First Amendment by routinely responding to oral criticisms, insults and non-violent provocations by using unreasonable force. Although perhaps isolated, recent events suggest that at least some BPD officers continue to devalue First Amendment rights. Over the past 18 months, two different officers, Officer Arthur Williams and Sergeant Ethan Newberg, have been charged with crimes for using unreasonable force and bringing criminal charges in retaliation for the exercise of free speech rights. The Monitoring Team has reviewed BWC footage and incident reports from these cases, and it appears that these officers in fact responded to non-violent, constitutionally protected provocations with force, criminal charges, or both. Officer Williams was convicted of the charges against him in 2019. Sergeant Newberg has not yet been tried. But the case against him, which alleges nine different instances of unlawful retaliatory conduct over the span of just ten months (July 2018 – May 2019), is particularly troubling, because as an experienced first-line supervisor with 24 years on the job, he has been setting an example for potentially dozens of patrol officers.

These cases provide BPD an important opportunity to instruct officers not only on proper charging and the use of force generally, but on improper charging and the use of unreasonable force in response to oral remarks that might be irritating, but present no risk of physical harm or of interference with police activities and are thus constitutionally protected.

The Next Six Months

BPD will finalize Standard Operating Procedures for its Mobile Field Force in the first part of 2020. In addition, BPD will begin developing training curriculum that corresponds with its revised First Amendment policies, Policies 804 and 1016.

Interactions with Youth and Coordination with Baltimore School Police

The Consent Decree requires BPD to alter its approach to interacting with youth. The Consent Decree obligates BPD officers to account for the personal characteristics (age, size developmental/mental status, disability status and maturity) of the youth they encounter and, where practical, use alternatives to arrest (e.g. warn and release, counseling, referral to community services and resources; warnings, civil citations) in order to divert youth from the justice system (CD 218). As a first step, the Consent Decree requires the City to conduct a comprehensive assessment of its effort to reduce youth involvement in the juvenile and criminal justice systems (“Youth Diversion Assessment”) (CD 219). It further requires BPD to revise its policies and training, as needed, and conduct training in order to properly guide officers in their interactions with youth (CD 220-21).

The Consent Decree also contains several provisions addressing BPD’s relationship with the Baltimore School Police (“BSP”). In particular, Paragraph 417 of the Consent Decree requires BPD to conduct an initial assessment of its memorandum of understanding (“MOU”) with BSP and evaluate how BSP has used BPD’s authorization to exercise law enforcement powers throughout the City. The assessment should include an analysis of data reflecting the frequency with which BSP officers respond to calls, make stops, searches, and arrests, and use force under the MOU. BPD will use the assessment to identify deficiencies and opportunities for improvement, amend the MOU as needed, implement other appropriate corrective action, and document the changes it makes. Following the initial assessment and amendment of the MOU, BPD will conduct a biennial evaluation of its coordination with BSP, and make any modification needed to ensure effective coordination with BSP.

In the last reporting period, BPD satisfied a threshold Consent Decree requirement by issuing the Youth Diversion Assessment. In this reporting period, BPD has made reasonable progress toward satisfying other requirements relating to youth interactions and its relationship with BSP. In particular, BPD initiated the process of reviewing and revising policies affecting youth and completed an assessment of its memorandum of understanding with BSP.

Areas of Progress

Policies Affecting Youth

Under the Second-Year Monitoring Plan and moving into the third year of monitoring, BPD is reviewing and revising policies affecting its interactions with youth in three phases. The first phase entails developing Policy 1207 on youth interrogations and revising previously approved use of force policies to account for

youth interactions. The second phase entails revising Policy 1202, the core policy on youth interactions. The third phase entails developing a policy on diverting youth from the justice system.

In this reporting period, BPD completed the first phase. It developed and finalized Policy 1207, the new youth interrogations policy. The development of the policy entailed extensive collaboration with the Monitoring and DOJ and included addressing and incorporating substantial feedback from community members and organizations. The collaboration and public comments proved particularly useful for Policy 1207, as BPD ultimately made substantial amendments to its initial draft in response to input from the Monitoring Team, DOJ, and community members.

The final version new policy requires fundamental changes in the way BPD members question youth subjects. BPD has never before placed any formal limitations on interrogating youth. Under Policy 1207: all youth under 18 must have a parent/legal guardian and/or an attorney present during an interrogation, with a preference for having both a parent/legal guardian and an attorney present; all youth 15 and under must consult with an attorney prior being advised of their Miranda rights; officers may not use deception when questioning any individual under age 18; and BPD's advice and waiver of rights form has been modified for youth suspects so that it informs youth of their rights in more comprehensible language

In addition to issuing Policy 1207, BPD made certain revisions to Policy 1115, its previously approved core policy on use of force. The revisions prohibit using pain compliance and control techniques on youth unless deadly force is threatened. They further prohibit using force against youth who are restrained. BPD's review also resulted in changes to Policy 719 (Conducted Electrical Weapon), Policy 1111, (Batons), and Policy 1118 (Oleoresin Capsicum (OC) Spray). BPD officers are now restricted from using these instruments on youth who are "preteen or younger." Below in italics are examples of the language amended in Policy 1115:

- "As with any encounter, members are expected to continually assess the situation, employ De-Escalation Techniques, and seek peaceful resolutions during incidents involving children and youth. *Officer presence may be intimidating and threatening to youth, therefore, members should approach youth calmly and respectfully in a non-confrontational manner while avoiding physical contact, if possible, in order to defuse tension and anxiety while maintaining safety.*"
- "Members will, when feasible, recognize and employ developmentally-appropriate and trauma-informed communication tactics including, but not limited to, using a calm and *measured tone, simple and concrete language, and direct phrases. Members may use repetition in a clear voice in order to reinforce instructions. Members will not use threats and intimidation to gain compliance.*

When appropriate, members will allow youth time to comply with instructions. Members will also account for any fear-based reactions children and youth may experience during an encounter which may manifest as aggression, defensiveness, defiance, or flight.”

Evaluating and Revising BPD’s MOU with Baltimore School Police

Utilizing a methodology approved by the Monitoring Team and DOJ, BPD conducted an initial assessment of the memorandum of understanding between BPD and BSP. The assessment was intended to examine how BSP has been exercising law enforcement powers off of school property under the MOU (CD 417). The report on the assessment can be found [here](#).

The assessment reaffirmed that BSP does not adequately record and maintain the data required for evaluation purposes, including data on the frequency with which BSP officers exercise law enforcement powers under the MOU, as well as data on calls for service, incidents, stops, arrests and uses of force involving BSP officers acting under the MOU. The limited data that BPD was able to review showed that, over the last three years (2016-2019), most of BSP’s activity off school grounds was to support BPD at special events, such as concerts and ball games, and that BSP personnel did most of that work on overtime details.

BPD’s report on the assessment contains recommendations for addressing the gaps in data collection that the assessment uncovered. Data collection requirements will be included in a new MOU, which will be prepared and executed in the next reporting period. The report also recommends that the new MOU contain clear guidance to BSP officers on reporting uses of force off school property, as well as clear guidance to BPD officers on taking and investigating complaints involving actions of BSP officers off of school property.

Challenges Ahead

The Third-Year Monitoring Plan will establish a timeline for completing the second and third phases of policy revisions, which will address the policy on youth interactions (Policy 1202) and a new policy on youth diversion. BPD must work hard to meet the deadlines, and the deadlines are important, because until the policies are finalized, the process of developing and delivering particularized training on youth interactions—*i.e.*, the process of ultimately implementing and holding officers accountable to the policies—cannot begin.

The new policy on youth diversion will be especially significant. As explained in the last semiannual report, creating a diversion policy that clearly presents officers with options other than arrest, criteria for mandatory or presumptive diversion for certain offenses, and guidelines on transporting youth eligible for

detention to the Baltimore City Juvenile Justice Center is central to implementing a key recommendation from the Youth Diversion Assessment. In turn, it is a vital component of the City's broader effort, under the Consent Decree, to develop and promote programs designed to divert youth from the juvenile and criminal justice systems to community-based alternatives.

The Next Six Months

In the next reporting period, BPD will revise Policy 1202 on youth interactions and will begin drafting a new policy on youth diversion.

In addition, based on the recently completed assessment of its MOU with BSP, BPD will draft and enter into a new MOU with BSP. As noted, the new MOU must contain provisions that require, among other things, the recording, collection, maintenance, and reporting of comprehensive, accurate, segregable data on BSP law enforcement activities off school premises, including off-premises responses to calls for service, stops, arrests, uses of force, and incidents that generate complaints.

Sexual Assault Investigations

The Consent Decree requires BPD to enhance the trust of victims of sexual assault, to strengthen its response to and investigations of reports of sexual assault, and to combat gender bias (CD 257). To achieve these goals, the Consent Decree requires BPD to revise the policies and procedures for responding to and investigating reports of sexual assault (CD 258); provide initial and on-going annual training to support the revised policies and procedures (CD 259); ensure through proper supervision and internal oversight that reports of sexual assaults are thoroughly investigated (CD 260, 262, 263); ensure that officers transport victims to a medical facility for a forensic exam in all instances in which a forensic exam is warranted and the victim consents (CD 261); enhance its collection, analysis and reporting of data regarding the nature and extent of sexual assault crimes (CD 264); and share information about its sexual assault investigations with other law enforcement agencies, the public, and the Sex Offense Unit (CD 265). The City and BPD will ensure that their policies and protocols with the Sexual Assault Response Team (SART) enable them to engage in periodic reviews of services provided by BPD and to review samples of open cases and those classified as unfounded (CD 266).

As previously reported, BPD satisfied the threshold requirement to revise both its policy on sexual assault investigations (Policy 708) and its standard operating procedure on such investigations. *See* ECF No. 152. In this reporting period, it made minor, technical revisions to that policy to ensure consistency with other policies. *See* ECF No. 266. BPD also successfully created and finalized a brand new policy on member-involved sexual misconduct. *See* ECF No. 269. Additionally, it developed and completed e-learning training for all officers on responding to reports of sexual assault, *see* ECF Nos. 242 & 267, devoted considerable time and effort to preparing a draft training curriculum for Sex Offense Unit investigators, and produced its inaugural report on sex assault investigations. *See* ECF No. 235. In view of this work, BPD has made reasonable progress toward satisfying the Consent Decree's preliminary requirements in the area of sexual assault investigations.

Areas of Progress

Officer Training on Policy 708

As of November 25, 2019, 2,085 sworn personnel completed e-learning training on responding to reports of sexual assault. That is an important first step toward promoting a victim-centered, trauma-informed approach to reports of sexual assault. The training presented officers not only with changes in procedure for responding to reports of sexual assault, but also with changes in BPD's philosophy regarding how police officers should view and address alleged sexual offenses, offenders and victims. The curriculum emphasized the concepts of trauma-informed and victim-centered, suspect-focused investigation.

A total 181 officers did not complete the training, either without good cause or because they were on medical leave, military leave, or disciplinary suspension. BPD is presently determining how many sworn personnel failed to complete the training without a valid excuse and what actions must be taken to discipline those officers.

Policy on Member-Involved Sexual Misconduct

BPD's Policy 322 (Member-Involved Sexual Misconduct) was approved and filed with the Court in December 2019. *See* ECF No. 269. This policy memorializes BPD's zero tolerance policy regarding member-involved sexual misconduct and establishes responsibilities and guidelines for conducting both criminal investigations of allegations of such misconduct under previously approved Policy 708 (Rape and Sexual Assault) and internal administrative investigations of such misconduct by BPD's Public Integrity Bureau. The Monitoring Team and DOJ worked closely with BPD over several months to develop this policy.

Training Curriculum on Investigations for Sexual Assault Investigators

During the last six months, BPD and the Baltimore City Sexual Assault Response Team has worked closely with the Monitoring Team, DOJ, and experts in sexual assault investigations to develop training curriculum for sexual assault investigators. Consistent with Consent Decree requirements, the draft curriculum stresses a trauma-informed, victim-centered approach to sexual assault investigations, with a focus on the alleged offender's behavior. The draft curriculum is based on the new, previously approved standard operating procedure for BPD's Sex Offense Unit.

The draft curriculum already has been published once for SART feedback. Within the next two weeks, a final draft will be published for additional SART feedback. The Monitoring Team will approve or disapprove the curriculum by February 21, 2020. Training using the new curriculum is scheduled to take place between late February and mid-April 2020.

Report on Sexual Assault Investigations

Paragraph 264 of the Consent Decree requires BPD to collect and analyze data regarding its sexual assault investigations. The data should include: the number and nature of sex offenses reported; the number and demographics of the alleged offenders; the number and demographics of the alleged victims; the resolution of sex offense cases; and the processing of forensic medical exams.

At the end of May 2019, BPD published its inaugural annual report on sexual assault investigations. *See* ECF No. 235. The report, which can be found [here](#),

contains data on BPD's investigations in 2018. Due to BPD's technology limitations, including an inadequate case management system, the report does not include a significant amount of the data required by the Consent Decree. The Monitoring Team and DOJ have conferred with BPD about how to address the Consent Decree's requirements until the deficiencies in BPD's case management system and reporting technology are remedied.

BPD has indicated that, for its next report, it will track certain data missing from the initial report, even though its technological limitations will continue to prevent it from tracking all required data. For example, BPD states that it will begin tracking the various ways cases are referred to the State's Attorney's Office, explore developing technology to track data on LGBTQ victims when available based on self-reporting, and analyze demographic data in more depth. BPD is also considering surveying victims on their experiences with BPD services.

Challenges Ahead

With e-learning completed, Policy 708 (Rape and Sexual Assault) is now in effect. Officers must adhere to it when responding to reports of sexual assault, and supervisors must ensure compliance. Correspondingly, with specialized training for sexual assault investigators taking place over the next several months, it will be incumbent on BPD to ensure that sexual assault investigations are conducted in compliance with the new standard operating procedure.

An important part of ensuring compliance with the new policies and standard operating procedure will be properly collecting and evaluating all relevant data bearing on the efficacy of BPD's sexual assault investigations. BPD has never engaged in meaningful self-evaluation of such investigations and has never before collected the data necessary for the analyses required by the Consent Decree. Ideally, BPD's next report on sexual assault investigation, due later this year, should establish a more definitive baseline for assessing BPD's performance going forward.

The Next Six Months

In the next six months, BPD will finalize and deliver training to sexual assault investigators. Training should be completed by mid-April 2020. BPD also must begin to address how to educate officers on the requirements of new Policy 322 (Member-Involved Sexual Misconduct).

Recruitment, Hiring and Retention

The Consent Decree recognizes that BPD's recruitment and hiring program, as well as its efforts to retain officers, are in need of significant improvement. The Consent Decree obligates BPD to: (1) develop and implement a Recruitment Plan with "clear goals, objectives and action steps for attracting and retaining a quality work force that reflects the diversity of the Baltimore Community" (CD 420-22); (2) review and reform its hiring processes (CD 423-25); (3) develop and implement a Retention Plan to "identify challenges and recommend solutions to improve BPD's retention of employees" (CD 426); and (4) routinely assess its recruitment, hiring, and retention practices (CD 427).

Improving the recruitment, hiring and retention of high-quality personnel is an inherently long-term undertaking. BPD is making reasonable progress toward satisfying the Consent Decree's preliminary requirements, including producing a hiring report, a retention plan and a recruitment plan, developing standard operating procedures for BPD's Recruitment Section, piloting an interview process that includes community members on interview panels, and adopting the National Testing Network's "FrontLine National" exam as the first stage in BPD's officer selection process. However, the Consent Decree's long-term objectives of increased hiring (especially hiring that outpaces attrition), prompt onboarding, and effective retention are a long way from being satisfied.

Areas of Progress

Evaluation of Hiring SOP

BPD, the Monitoring Team and DOJ continue to engage in regularly scheduled meetings regarding the completion of the required "in-depth review of BPD's current hiring processes for officers." In the last part of 2019, these meetings included addressing modifications to BPD's standard operating procedure for hiring, which is undergoing continuous analysis consistent with Paragraph 423 of the Consent Decree. One of the modifications under discussion addressed the requirement of registration with the Selective Service System by age 26. It was discovered that a number of potential hires who were otherwise well qualified for employment have been prevented from advancing in the hiring process because of their failure to register. Although failure to register is a violation of federal law, the last prosecution for non-registration was in January 1986, and the Department of Justice and Selective Service agreed to suspend any further prosecutions of non-registrants in 1988, more than 30 years ago.² Accordingly, BPD determined that barring candidates

² To encourage registration, Congress has since passed laws that, with certain exceptions, require registration as a condition of eligibility for financial aid, federal

from employment based on a failure to register would both deprive the Department of otherwise qualified candidates and retain a hiring requirement with potentially disparate effect.³ BPD has now modified the SOP to allow candidates that have not registered previously to obtain a waiver through the selective service “information letter” exception process, rather than automatically disqualifying them.

Background Checks

BPD has conducted a successful trial with an outside vendor, Kentech Consulting, to assist with the administration of background checks during the hiring process. As a result, BPD is integrating Kentech into the background investigation pipeline. The objective is to expedite the hiring process, which remains too slow. Historically, delays in background checks have been a primary reason for delays in hiring.

RecruitStat

BPD has now fully implemented RecruitStat, the procedure for routinely reviewing the Department’s progress on recruiting, hiring and retention.

Retention

In the last part of 2019, BPD, in collaboration with the Monitoring Team and DOJ, worked to develop and finalize the Retention Plan required by Paragraph 426 of the Consent Decree. The process of developing the Plan included opportunities for input from both rank and file officers and community members. The Monitoring Team filed its notice approving the Plan in late December 2019. *See* ECF No. 274. The plan is available [here](#). BPD is now beginning implementation.

Challenges Ahead

Despite its efforts to meet threshold Consent Decree requirements and remove historical impediments in the hiring process, BPD continues to lose more officers to attrition than it is hiring. As of December 23, 2019, according to RecruitStat, BPD

grants and loans, certain government benefits, most federal employment, and citizenship (if the person is an immigrant)

³ Don Benton, Director of the Selective Service Agency, validated this concern in a 2017 interview: “What we’ve found is in states that have either a lot of rural poverty, or high-population density centers where there are pockets of poverty ... those tend to not do as well.” *See* <https://www.thenewstribune.com/news/politics-government/article156013729.html#storylink=cpy>.

hired 156 officers, but lost 187 due to retirement or resignation, in 2019. These discouraging figures underscore the amount of work BPD must do to meet its staffing needs.

The Next Six Months

BPD will continue to seek to make the hiring process more efficient, implement the Retention Plan, and use RecruitStat to track progress and identify ways to improve its recruitment, hiring and retention practices.

Officer Assistance and Support

Under the Consent Decree, BPD must adopt several important measures to support the health and wellness of its officers. The Consent Decree requires BPD to: provide, review and revise, as needed, an Employee Assistance Plan (“EAP”) that furnishes no- or low-cost counseling and mental health wellness services (CD 436-437); develop peer support services (CD 438); offer all officers a voluntary mental health evaluation before returning to duty after a traumatic incident (CD 439); develop well-being protocols to be utilized during officer deployments in periods of civil unrest (CD 440); and develop protocols for annually assessing the efficacy of all of BPD’s officer assistance programs (CD 441).

In the first year of monitoring, BPD refined its EAP (CD 436-437) and its traumatic and high-stress incident protocols (CD 439-440). These policies are now in effect. In the past reporting period, BPD adopted a revised peer support program policy (CD 438). Accordingly, BPD has made substantial progress toward satisfying the foundational requirements of the Officer Assistance and Support section of the Consent Decree. Further, over the past year, the Officer Safety and Wellness Section (“OSW”) has actively offered support services to BPD officers. It remains too soon to gauge BPD’s progress on measuring the efficacy of its support programs (CD 441). BPD will develop a methodology for such measurement in the coming year.

Areas of Progress

Early Intervention/Support and Guidance

Over the course of 2019, OSW completed 56 early intervention sessions and 217 support and guidance sessions. In collaboration with Behavioral Health Services Baltimore (“BHSB”), OSW also furnished critical incident stress debriefings to officers involved in shootings and other critical incidents, consistent with BPD’s high-stress and traumatic incident protocols. Mental health professionals provide these debriefings to officers prior to their release from duty; OSW, BHSB, or peer support program personnel provide follow up support.

BPD utilizes BHSB to assist in furnishing mental health services to BPD officers and their family members. BHSB is a central participant in the Collaborative Planning Implementation Committee, discussed in the Interactions with Individuals with Behavioral Health Disabilities section above. In addition to furnishing field counseling and critical incident debriefing, BHSB assists BPD with hosting health fair “pop-ups.” According to BHSB, 6.5% of BPD employees now utilize EAP services, which is 20% higher than the national average.

Stress Reduction

In 2019, OSW conducted weekly “Managing Stress in the Workplace” presentations reaching over 2,100 sworn members. Additionally, approximately 100 civilian employees were provided stress reduction training during several “lunch and learn” sessions.

Peer Support

In November 2019, the Monitoring Team approved BPD’s revisions to its peer support program. *See* ECF No. 258. The revisions were finalized after input from BPD and community members.

This year, BPD had 24 members of its Peer Support Team trained by the International Critical Incident Stress Foundation to respond to critical and traumatic incidents. The Peer Support Team provides emotional support to officers and their families and are on-call to respond to incidents as needed.

Health Fair “Pop-ups”

OSW conducted 10 pop-up health fairs in 2019. These workplace events present BPD members with resources related to physical fitness, mental health, and financial well-being. The resources made available during health fairs in 2019 included nutritional services, meal preparation services, physical therapy, fitness training, acupuncture, meditation, yoga, sound therapy, and financial planning.

The Next Six Months

In the next reporting period, BPD will prepare a methodology for assessing the effectiveness of its officer support programs. It will then collaborate with the Monitoring Team and DOJ to refine the methodology. The methodology will be finalized toward the end of 2020.