



BALTIMORE CONSENT DECREE MONITORING TEAM
SIXTH SEMIANNUAL REPORT

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CD
Monitoring
Team

Venable LLP and 21CP Solutions LLC

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OVERVIEW

Monitoring Team's Key Findings

- With foundational reforms in policies, training and operations in place, achieving Consent Decree compliance is no longer merely aspirational, it is plausible, though the hard part of the process—transforming the foundational reforms into constitutional policing—is just beginning
- BPD is nearing completion of the remaining few of the dozens of policy revisions required by the Consent Decree
- The growth and output of the training academy is a signal achievement that has led to the effective delivery of Consent Decree training in many core areas, including use of force, stops/searches/arrests, impartial policing, behavioral health awareness/crisis intervention, peer intervention, First Amendment activity, and responding to reports of sexual assault
- By training officers and 911 personnel in behavioral health awareness and crisis intervention, and by starting the ambitious work of fortifying the behavioral health system and making behavioral health professionals available 24/7 to respond to crisis calls, the City and BPD are at the leading edge of nascent efforts nationwide to rethink public safety
- The imminent implementation of a new Records Management System will facilitate more efficient report-writing, more effective supervision, and—at long last—collection and analysis of data on police encounters, particularly stops, searches and arrests, though BPD must ensure that officers properly and consistently utilize the new technology to record their actions
- By competently performing an increasing number of internal assessments, BPD's audit unit is becoming a key component of a fledgling culture change that would turn BPD into a reflective, self-correcting agency that prioritizes policy compliance and best practices
- Although BPD has concluded foundational initiatives to overhaul Public Integrity Bureau (PIB) policies and procedures and train PIB investigators, revamping PIB operations to improve the quality, timeliness and credibility of misconduct investigations remains a work in progress
- Despite the good work of BPD's Recruitment Section and a small net gain of officers that defied national trends in 2020, staffing shortages in Patrol and PIB continue to make it harder to meet the community policing, supervision and PIB requirements of the Consent Decree
- Implementation of BPD's community policing plan will continue to be challenging given the persistence of patrol officer shortages, community mistrust, and violent crime

The Next Six Months

- The Monitoring Team will complete or begin assessments on use of force, calls for service, sex assault investigations, misconduct investigations, and training
- The Monitoring Team and Morgan State University will conduct a second community survey
- BPD will implement its new Records Management System and work toward implementation of Learning and Workforce Management Systems
- BPD will devise and/or deliver Department-wide training on community policing, lesser offenses, impartial policing, use of force, First Amendment activity, and misconduct complaint intake
- BPD will devise and/or deliver specialized training for supervisors, field training officers, sex offense investigators, and Crisis Intervention Team officers
- BPD will perform assessments or audits on community policing, sex assault investigations, responses to First Amendment activity, transport events, and data regarding use of force, misconduct complaints, behavioral crisis events, and arrests resulting in release without charge
- BPD will continue implementing Staffing, Recruitment, Retention, and Community Policing Plans
- BPD will implement new policies on promotions, performance evaluations, and commendations



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. Breder is the judge who approved the Consent Decree. Judge Breder now oversees the Consent Decree’s implementation. Because the Consent Decree is a court order, Judge Breder 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 Bredar 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 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 lets BPD, 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 sixth semi-annual report. The first report was filed in July 2018; the second in January 2019; the third in July 2019; the fourth in January 2020; and the fifth (which encompassed a comprehensive lookback of the first 30 months of monitoring) in September 2020. *See* ECF Nos. 126-1, 178-1, 220-1, 278-1, and 342-1. In this report, as with the last report, the Monitoring Team will not only provide a narrative assessment of the progress BPD and the City are making in each area of reform, but a compliance score, too. The compliance scores in each area are reflected in the spreadsheet in **Exhibit 1** and included in the body of this report. The compliance scoring framework is as follows:

0 - Not Assessed: The Monitoring Team has yet to assess if the City/Department has made progress or complied with the requirement.

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)."

1 - Not Started: The City/Department has not yet demonstrated progress toward implementing the requirement, possibly in order to work on other, necessary projects.

2 – Planning/Policy Phase: The City/Department is addressing the planning and/or policy provisions for the requirement.

3 – Training Phase: The City/Department is addressing the training provisions for the requirement, based on approved policy.

4 – Implementation Phase: The City/Department is in the implementation phase for the requirement, having developed any required plan or policy and conducted any required training, but has not yet demonstrated compliance with the requirement.

4a – Implementation - Not Assessed: The City/Department has initiated the implementation phase for the requirement, but the Monitoring Team has not yet assessed the City/Department's progress in implementation.

4b – Implementation - Off Track: The City/Department is not making satisfactory progress toward compliance with the requirement.

4c – Implementation - On Track: The City/Department is making satisfactory progress toward compliance with the requirement.

4d – Implementation - Initial Compliance: The City/Department has demonstrated compliance with the requirement but has not sustained compliance for the required time period specified in paragraph 504 of the Consent Decree.

5 – Sustained Compliance: The City/Department has complied fully with the requirement and has demonstrated sustained compliance by consistently adhering to the requirement over time, as defined in paragraph 504 of the Consent Decree.

When reading this report and examining the compliance scores, again bear in mind that achieving transformational change in a large police department takes years and requires adherence to a rigorous process for reform. Thus, a little over three years into the Consent Decree implementation process, which began with the approval of the First-Year Monitoring Plan in February 2018, BPD and the City have put in place a substantial number of the essential building blocks for lasting reform. But they have not yet demonstrated, with hard evidence, that the commendable changes underway are producing measurable, sustainable change on the street—in stops, searches, arrests, and uses of force. Accordingly, even in areas where policies

have been revised and training delivered (e.g., use of force, stops/searches/arrests, transportation of persons in custody), BPD's compliance score is "4a" (implementation—not assessed) because comprehensive evidence-based assessments have only just begun. In other areas, BPD and the City do not score above "3," as they have not yet completed the "training phase" of reform. And in a handful of areas, they have not fully completed policy revisions, so the score remains "2." See **Exhibit 1**.

Nonetheless, given the relatively long arc of reform, BPD and the City continue to be largely on track. Prior to March 2020, when the coronavirus pandemic required cessation of in-service training for several months as well as reallocation of certain BPD resources, BPD and the City met almost all of the deadlines and satisfied most the requirements in the Monitoring Plans. Even amid the pandemic and the constraints it has imposed, BPD and the City have kept pace.

As the Monitoring Plans implicitly acknowledge, most Consent Decree requirements cannot be satisfied in three years. BPD, its officers, the City, community members, the Monitoring Team and DOJ need sufficient time and opportunity to focus on each area of reform, and on each requirement within each area, to ensure that change is real and enduring. Change that is rushed, haphazard and superficial is not sustainable and does not qualify as true reform.



EXECUTIVE SUMMARY

Since the issuance of the Monitoring Team’s [Comprehensive Reassessment](#) on September 30, 2020, BPD and the City have continued to make reasonable progress toward compliance in every area of the Consent Decree. Because of the advances underway, the broad reform that the Consent Decree envisions is no longer merely aspirational. It is plausible.

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Reform is now moving off the drawing board and in to practice and performance. New policies and training on officer interactions with community members—on use of force, stops, searches, arrests, responding to individuals in crisis, responding to reports of sexual assault, and peer intervention—are hitting the street. Foundational studies and plans—on behavioral health support services and crisis response, technology, youth diversion, staffing, recruitment, hiring, and retention—have taken on life and are spawning organizational change. Revamped or fortified personnel practices—for promotions, performance evaluations, commendations, and officer wellness—should mean more fairness, transparency, and compassion for officers. The ongoing overhaul

of an historically dysfunctional internal investigations and discipline system promises more accountability—and ultimately greater community trust.

It is still too soon to gauge the results. But the Monitoring Team remains encouraged, particularly given that BPD and the City have continued to move forward with significant reforms despite the operational changes they have had to endure for over a year because of the Covid-19 pandemic.

* * *

Policies

In this reporting period, BPD finalized most of the remaining policies that the Consent Decree requires to be revised or adopted. These policies cover critical subjects, including:

- Youth interactions
- Responding to lesser or low-level offenses
- Patrol supervision
- Patrol staffing shortages
- Duty to intervene
- Non-retaliation for protected activity (e.g., reporting misconduct)
- Promotions to classified ranks (sergeant and lieutenant)
- Command promotions (captain and above)
- Commendations and awards
- Performance evaluations
- Performance Review Board (which reviews serious use of force incidents)

Training

BPD ambitiously continued to deliver training to educate officers about new policies. As reported last September, the dramatic fortification of the training function is arguably BPD's greatest accomplishment so far. The stellar work of the Training Academy was recently recognized outside of Baltimore when it was one of only six academies selected nationwide to participate in a project run by the International Association of Directors of Law Enforcement Standards and Training to foster evidence-based methods for law enforcement training.

In this reporting period, BPD completed in-person or virtual training for all officers on stops, searches, arrests and related aspects of fair and impartial policing (in-person); interactions with individuals with behavioral health disabilities or in crisis (virtual); responding to reports of sexual assault (virtual); and peer intervention, called Ethical Policing Is Courageous or "EPIC" (in-person). In addition, BPD

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completed a five-module e-learning and five-day in-person course on internal investigations for Public Integrity Bureau investigators (as well as investigators from the City's Civilian Review Board) and a two-day in-person course for detectives who investigate sexual assault offenses, and will soon complete a two-day course on behavioral health awareness and crisis response for all dispatchers and 911 specialists.

BPD also finalized and delivered e-learning on First Amendment protected activity and will soon deliver, on a new instructional platform, a completed e-learning on supervisory responsibilities for stops, searches and arrests. Further, BPD developed, piloted, and completed curriculum for training on community policing and responding to lesser offenses, and has just begun delivering that training Department-wide. Finally, BPD developed a plan for training its field training officers, with certification and recertification training to be delivered over the next year.

Taken together, this is an impressive amount of curriculum development and instruction on an array of essential topics. The well-received training on stops, searches, arrests and non-discriminatory policing addressed two of the central adverse findings from DOJ's investigation—namely, a pattern-or-practice of stops, searches and arrests without legal justification and a corresponding pattern-or-practice of stops, searches and arrests of Black people based on race. Similarly well-received, the EPIC training is making BPD a national leader in encouraging officers to intervene with their peers before they engage in misconduct that could harm others and ruin their own careers. By delivering Department-wide training devoted to behavioral health awareness and responding to individuals in crisis, including training of dispatchers and 911 specialists, BPD is ahead of many of its peers, which are only now, after the protests last summer, recognizing the imperative of specially training officers and communications personnel in this area. And the five-day training for PIB investigators on the new PIB investigations manual is indispensable. PIB reform—improving the quality and thoroughness of misconduct investigations and findings, in particular—cannot take root without it.

Internal Audits

In this reporting period, BPD broadened and deepened its internal assessments and audits of various aspects of Departmental performance. BPD continued to routinely inspect transport vehicles to ensure they were properly equipped, and conducted both routine and random, unannounced audits of transport events in each police district to ensure compliance with policy. BPD also prepared and published several quarterly reports analyzing arrests that resulted in release without charge. The objective of these audits is to determine whether officers are making arrests unsupported by probable cause, whether they are writing incident reports that inadequately articulate probable cause, whether there are troubling trends for specific

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officers or in certain units or districts, and what type of remedial action to take if issues are identified.

BPD published its first quarterly report analyzing the number and type of misconduct complaints and the resolution of misconduct investigations, as well as its first annual analysis of officer wellness programs. Further, BPD refined the methodology for and began work on its next annual assessments of both Departmental responses to First Amendment activity and sexual assault investigations, and developed a preliminary methodology for its first report on use of force, which will analyze data on use of force incidents from 2017 – 2020.

Because of the increasing quantity and improving quality of its output during this reporting period, BPD’s Performance Standards Section is becoming an important component of a fledgling culture change that promises to transform BPD into a reflective, self-correcting agency that prioritizes constitutional policing.

Other Areas of Progress

Beyond addressing these foundational Consent Decree requirements, BPD continues to make structural improvements that are central to Consent Decree compliance over the long-term.

BPD is in the process of rolling out a new Records Management System (RMS). The new RMS will enable electronic field-based reporting and record-keeping of police encounters with community members. In so doing, the RMS will make report-writing less cumbersome for officers, facilitate more effective supervision by sergeants and lieutenants, and enable both BPD and the Monitoring Team—at long last—to conduct meaningful analyses of stops, searches, arrests, interactions with youth, and interactions with individuals with behavioral health disabilities and in crisis.

The City and BPD are also working in earnest with their community partners to implement recommendations from a previously completed “gap” analysis for improving responses to individuals experiencing behavioral health crises. These recommendations include developing a City-wide system in which behavioral health professionals will be available 24/7 to respond to individuals in crisis who do not present a threat of violence or, in the event of such a threat, co-respond with a BPD officer trained in crisis intervention. They also include fortifying the City’s behavioral

health system to ensure that individuals with disabilities receive proper treatment and care so that crisis responses are required less frequently. Next month, the City and BPD will be taking another step toward these systemic objectives by partnering with a nonprofit on a pilot program to divert from BPD to behavioral health specialists 911 calls involving people with suicidal ideation and without weapons or plans to act on those thoughts.

Because of the work being done under the Consent Decree, Baltimore is on the frontline of the nascent national movement to rethink effective public safety. The work will require substantial additional resources and, given the magnitude of the reform that is envisioned, change is likely to be gradual. But the wheels have begun to turn.

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Despite the considerable progress BPD and the City have made in the three-plus years since the Court adopted the first Monitoring Plan in February 2018, certain challenges remain acute. These include achieving reform in three areas that the Court and the Monitoring Team have focused on from the beginning: technology, staffing, and accountability.

Technology

With the imminent adoption of a new RMS, BPD is on the cusp of a breakthrough on technology. But BPD is going to have to effectively train officers how to use the new RMS. And to realize the potential of the new RMS, officers and supervisors are going to have to use it—and use it properly. Even apart from the technical problems likely to be encountered in the implementation of an IT system as expansive as this one, there remains a risk that, despite the system’s many efficiencies, officers will underreport or misreport stops and weapons pat-downs that do not result in citation or arrest, and supervisors will not take time to carefully review the newly available data on what their officers are doing on the street. BPD’s system of command and supervision must be strong enough to prevent these possibilities.

Other IT improvements are delayed or only preliminary. BPD hoped to complete rollout a new Workforce Management System to improve the making and tracking of staffing assignments by the end of 2020. It is not yet fully operational. The planned

Early Intervention System (EIS), needed to identify officers who require counseling before they engage in serious misconduct, is still on the drawing board. Its implementation awaits the implementation of all the constituent source systems whose data it will depend on. BPD must administer an effective EIS before it is able to achieve full and effective compliance with the Consent Decree.

Staffing

Increasing the number of officers required to achieve the goals of last year's Staffing Plan is proving especially difficult. This, in turn, makes it especially difficult to increase: (1) the number of officers the Patrol Division needs to satisfy the community policing objectives of the Consent Decree (*e.g.*, for every officer to spend at least 40% of their time on pro-active community-oriented policing and 60% responding to calls for service); (2) the number of additional sergeants needed to ensure unity of command and maintain a reasonable span of control, both of which facilitate effective supervision; and (3) the number of investigators needed in the Public Integrity Bureau to conduct thorough, timely investigations and eliminate case backlogs.

BPD is adhering to the sound Recruitment and Retention Plans it developed early in the reform process. The Recruitment Section is doing good work. In fact, BPD hired several more officers than it lost in 2020. Given the much-publicized national trend of officers leaving law enforcement at historic rates—a trend BPD has not escaped—this is no small accomplishment. However, based on the Staffing Plan, the Patrol Division is still down more than 200 officers and sergeants, and the Public Integrity Bureau is still short more than 25 investigators. Moreover, for the first four months of 2021, BPD lost 40 more officers to attrition (88) than it gained through hiring (48), though April was a break-even month (15 and 15).

To complement the hiring of new officers, often between 10 and 20 a month, BPD must devise creative ways to retain officers, including through incentives, so that hiring regularly exceeds attrition. The Monitoring Team is working with BPD and the City to develop ideas. To improve officer morale, BPD must also strive to improve workplace conditions. BPD has sought to do this in several ways already. It has begun to acquire new squad cars, many of which are worn and in disrepair, to upgrade what are effectively officers' office spaces. It is operationalizing new, more modern technology to make report-writing less cumbersome and information more accessible.

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It is accelerating the misconduct investigations process (particularly for minor allegations) so that officers are not left in limbo for months on end. And it is implementing recently updated—and fairer and more transparent—policies on commendations, performance evaluations, and promotions.

Accountability (misconduct investigations, discipline, and supervision)

There is insufficient evidence to show that BPD has begun to erase PIB's troubled legacy of permissiveness, which has emboldened officers not only to violate policy, but—as with the Gun Trace Task Force—to break the law.

The Monitoring Team's Comprehensive Reassessment recounts in considerable detail the challenges BPD faces in improving the quality of both its internal affairs and supervision functions. *See* ECF No. 342-1 at 17-19, 30-36. More than seven months later, those challenges have not abated. Our evaluation of BPD's accountability systems in late September 2020 remains equally valid today.

That said, and to its credit, BPD is not in standstill mode; it is complying with Monitoring Plan requirements and moving forward. After a period of delay, it trained Public Integrity Bureau and Civilian Review Board investigators on conducting police internal investigations—a prerequisite for improving the quality of misconduct investigations. It conducted Department-wide EPIC training, as noted above. It completed a new patrol supervision manual. It is poised to conduct supervisor training for all sergeants and lieutenants later

this year. And, to complement a new, comprehensive manual on complaint intake/classification/ investigations and information-sharing with the Civilian Review Board, which it completed last year, it is working through revisions to its disciplinary policies, including its outdated disciplinary matrix, which prescribes discipline for policy violations based on the severity of the violation and the officer's history of misconduct.

Although vital, these continue to be threshold achievements, precursors to genuine reform. At this stage, it is too soon to claim observable progress on the supervision function. There is also insufficient evidence to show that BPD has begun to erase PIB's troubled legacy of permissiveness, which has emboldened officers not only to violate policy, but—as with the Gun Trace Task Force—to break the law. As we wrote in our Comprehensive Reassessment, “there are too many cases for too few

investigators, serious allegations are not investigated promptly, and investigative findings are often inadequately supported. Further, PIB supervisors do not timely review investigations upon completion, and data on outcomes is not yet adequately collected or analyzed to gauge unit efficacy and departmental trends.” ECF No. 342-1 at 17. As BPD adds investigators to PIB (it has added nine in recent months), and as the recently completed misconduct investigations training takes root, the Monitoring Team expects to see improvement.

* * *

BPD and the City are only now embarking on what the Monitoring Team has consistently called the “hard part” of the reform process—proving, through evidence-based analysis, that all the foundational reforms in policies, training and departmental operations are translating into constitutional, accountable, community-oriented policing. The next 12 to 18 months will be pivotal. As data on officer encounters with community members becomes increasingly accessible, and as the Monitoring Team gradually shifts its focus from providing technical assistance on policies, training and operations to determining whether BPD officers are carrying out their duties according to law and policy, a clearer picture of the difficulty and length of the road ahead—the road to full and effective compliance—should emerge.

During this crucial period, BPD and the City must not let up. To ensure they stay on course and achieve lasting, sustainable reform, they must devote the same amount of time, energy and resources that has taken them this far.

In the next reporting period, the Monitoring Team plans to complete a comprehensive qualitative analysis of use of force incidents, reporting and supervisory review from 2018 – 2020. Because the period of analysis straddles Consent Decree training on use of force, which took place in 2019, the results of the review should begin to shed light on whether policy revisions and training on use of force have been effective. The Monitoring Team will also begin conducting assessments in other areas, including training, calls for service, sexual assault investigations, transportation of persons in custody, and misconduct investigations (which will be our second review; our first covering 2018, was published as an appendix to our Comprehensive Reassessment in September 2020). Finally, the Monitoring Team, in collaboration with Morgan State University, plans to conduct its second community survey to gauge community attitudes toward BPD.

As set forth in the Fourth-Year Monitoring Plan, *see* ECF No. 391-1, BPD will tackle an ambitious agenda in the coming months. Most prominently, it will continue to design and deliver training on numerous core subjects. These include community policing, responding to lesser offenses, impartial policing, First Amendment activity, use of force, misconduct complaint intake, and disclosure of exculpatory evidence, as well as specialized training courses for supervisors, Mobile Field Force officers, field

training officers, Crisis Intervention Team officers, Performance Review Board members and associates, and sex offense investigators.

Beyond its continued focus on training, BPD will look to finalize new disciplinary policies; revise policies on law enforcement-assisted diversion, reasonable accommodations for individuals with disabilities, and overdoses/ Nalaxone; revise its policy on child abuse investigations; draft a new standard operating procedure for its Mobile Field Force; and review existing policies on sexual assault investigations and field training officers.

BPD will also press ahead with internal audits and audit reports. It will evaluate use of force statistics from 2017-2020 under CD 212-15; conduct its annual analyses of sexual assault investigations, responses to First Amendment activity, and community policing and engagement for 2020 under CD 64, 255-56 & 22; and perform quarterly assessments of data on misconduct complaints and investigations under CD 402, arrests resulting in release without charge under CD 75-79, transport equipment and transport events under CD 236-38, and behavioral crisis events under CD 121-22.

Finally, BPD will engage in less discrete, more systemic work. As noted, it will implement a new Records Management System, make other IT advances (e.g., on Learning Management, Workforce Management and Early Intervention Systems), and collaborate with the City and community stakeholders on making large-scale improvements in the City's and its own systems for responding to individuals in crisis. In close consultation with the Monitoring Team and DOJ, BPD will continue to attempt to meet the expectations of the previously issued Staffing, Recruitment and Retention Plans and an earlier report on strengthening the City's youth diversion programs. BPD will implement new policies on commendations, performance evaluations, and promotions; develop and implement a new plan for supervisory review of stops, searches and arrests; establish a system for evaluating supervisors; and create incentives for officers to become field training officers. BPD also will seek to strengthen and increase usage of its officer wellness programs.



Below, as required by Paragraph 469 of the Consent Decree, the Monitoring Team provides a progress report regarding “whether the material requirements of [each area of the Consent Decree] have been achieved.” For each area, we explain (1) the Consent Decree’s requirements over the long term, (2) the progress BPD has made toward compliance and the numeric compliance score BPD has earned, (3) the challenges BPD continues to face, and (4) immediate next steps.

We begin in the area that has been at the heart of the reform effort over the past year: training. We then address the areas of the Consent Decree that present among the most pressing 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, impartial policing, use of force, and transportation of persons in custody. We conclude by assessing BPD’s progress in other areas of the Consent Decree.

TRAINING

As the Monitoring Team has consistently maintained, the successful implementation of any Consent Decree-mandated changes to BPD policies and practices depends on officers receiving high-quality training. In recognition of this reality, the Consent Decree expressly recognizes that “proper, effective, and comprehensive training is a necessary prerequisite to constitutional policing.” (CD 291). Accordingly, the Consent Decree includes specific training requirements 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 make changes to its Field Training Officer Program for new Academy graduates. (CD 301–02). In areas where the Consent Decree does not provide explicit training requirements, the full implementation of new policies and procedures similarly requires adequate training.

In prior reports, the Monitoring Team has commended BPD for transforming its training function to provide dynamic, scenario-based, skills-focused instruction utilizing contemporary adult learning techniques. In this reporting period, the Training Academy has continued to make strides toward full adoption of this new paradigm. It has designed and implemented classroom training and e-learning on an array of Consent Decree subjects, ranging from stops, searches, and arrests to behavioral health awareness and peer intervention. The Training Academy’s ability to conduct training programs of routinely high quality during the ongoing pandemic is particularly noteworthy.

In April 2021, in recognition of its accomplishments, the Academy was one of only six academies selected nationwide, through a highly competitive process, by the International Association of Directors of Law Enforcement Standards and Training to participate in the Academy Innovations project. The project, which is supported by the U.S. Department of Justice’s COPS office, seeks to foster evidence-based training methods for law enforcement with the objective of establishing national best practices.

BPD continues to make substantial progress toward compliance with the Consent Decree’s general training requirements. Since 2018, it has overhauled its facilities, increased staffing, fortified operations, and dramatically improved its approach to instruction. However, given all the Consent Decree training that remains to be developed and delivered, the Monitoring Team has not yet done a formal assessment of BPD’s progress. We will perform an initial formal assessment within the next year. At present, we observe that, notwithstanding all of its laudable accomplishments to date, BPD still has significant work to do before it reaches

sustained compliance. Its compliance score in the “Training Generally” category remains “4a” (implementation not yet assessed).



Areas of Progress

Completion of Training Requirements

Even as the pandemic continued to complicate the logistics of in-person instruction, the Training Academy completed a number of vital Consent Decree training programs, which are described in detail in other sections of this report. These programs included training on:

Stops, Searches, and Arrests | In December 2020, BPD successfully completed a two-day in-class training for all officers on stops, searches, and arrests and related aspects of fair and impartial policing.

Ethical Policing is Courageous (“EPIC”) | In April 2021, BPD successfully completed one-day EPIC training for all officers. EPIC emphasizes the importance of peer intervention and the concept of active bystandership.

Patrol Response to Behavioral Health Crises and Reports of Sexual Assault | In March 2021, BPD successfully completed a virtual two-day training course for all officers on behavioral health crisis response and response to reports of sexual assault.

Sexual Assault Investigations | In the fall of 2020, BPD completed a two-day course for all Sex Offense Unit detectives, as well as for all detectives assigned to the Family Crimes Unit, the Child Abuse Unit, and the Sex Offender Registry Unit.

Behavioral Health Response for Dispatchers and 911 Specialists | BPD has begun delivering, and by the end of this month (May 2021) will successfully complete delivery of, a one-day course on behavioral health awareness and crisis intervention for all police emergency dispatchers and 911 specialists.

Misconduct Investigations | In April 2021, after some delay, BPD completed a specialized, five-day, in-person training on police internal

investigations for all Public Integrity Bureau and Civilian Review Board investigators.

First Amendment Protected Activity | In April 2021, after developing the lesson plan over many months, BPD completed e-learning for all officers on First Amendment protected activity—freedom of speech, freedom of assembly, and freedom to observe and record official police activity.

Crisis Intervention Team (CIT) Certification | In the coming month, BPD will implement a five-day certification course for patrol officers who volunteer to become CIT members to respond to behavioral health and other crisis-related calls for service. The curriculum for this course was developed in collaboration with several local behavioral health organizations that will co-facilitate the course with BPD instructors. The BPD seeks to certify 30% of its patrol membership as CIT members.

Development of Other Training

In this reporting period, BPD also made progress on designing and implementing Consent Decree training in other key areas, including:

Community Policing and Quality of Life Offenses | With substantial input from community stakeholders, BPD developed a two-day classroom training program for all officers on community policing and responding to low-level or quality of life offenses. This training is now underway and should conclude in September 2021.

Fair and Impartial Policing, Use of Force, and First Amendment | BPD is presently preparing a two-day in-class training for all officers that will address advanced topics on use of force, fair and impartial policing, and First Amendment protected activity. The curriculum will be issued for public comment and piloted over the summer, with delivery set to begin in September 2021.

Misconduct Complaint Intake | In August and September 2021, BPD will conduct e-learning training on its policy on intake of misconduct complaints.

Continued Implementation of New Training Paradigm

In designing and implementing all of these specific training initiatives, the Training Academy has continued to embrace a training paradigm grounded in integrated, scenario-based instruction designed to provide officers with opportunities to apply BPD policies by practicing skills, thinking critically, and problem-solving in realistic settings. The Monitoring Team has described this paradigm at length in

prior reports. As part of the paradigm, BPD continues to leverage its e-learning platform to provide preliminary baseline instruction on the policies and skills that classroom instruction will reinforce. By participating in e-learning first, officers come to the classroom better prepared to engage in effective interactive learning. At the same time, BPD is successfully using the e-learning platform to provide instruction on basic subjects that can be taught effectively through e-learning.

Challenges Ahead

The Fourth-Year Monitoring Plan ambitiously commits BPD to a range of Department-wide Consent Decree training. BPD must simultaneously provide an array of state-mandated annual training; training for specialized units and assignments; and additional training required to recertify officers to use certain tactics and weapons. The requirements of the Fourth-Year Plan will put the Academy at or near capacity. The Monitoring Team remains confident that the Academy will be up to the task and will continue to design and furnish the type of high-quality, interactive training that the Consent Decree requires. But because of the demands placed on the Academy, BPD must be vigilant in recognizing—in word and deed—the primacy of the training function to the success of the reform effort. Only by continuing to properly educate and train its officers will BPD reach compliance with the Consent Decree

The Monitoring Team has repeatedly observed that the accelerated pace and intensity of BPD’s in-service training will need to become the “new normal.” *See, e.g.*, ECF No. 279-1 at 32. In the same way that the airline pilots, lawyers, and countless other professionals routinely receive advanced, continuing education to keep their skills and knowledge fresh and relevant, police officers must receive—and deserve to receive—the same. For police officers, this type of continuing education requires significant resources, including “an adequate number of qualified instructors,” (CD 293, 296), because, to be effective, it must incorporate resource-intensive in-person scenarios, role-playing, simulations, and facilitated group discussions. BPD will need to continue provide the Academy with adequate resources so that the training regime required by the Consent Decree becomes permanent and enduring.

The Next Six Months

In the next reporting period, as explained above, BPD will be developing and/or implementing training programs in a variety of areas, including community policing and responding to quality of life offenses; impartial policing, use of force and First Amendment freedoms; and misconduct complaint intake.

MISCONDUCT INVESTIGATIONS AND DISCIPLINE

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, now housed in the Public Integrity Bureau (“PIB”), is thus at the heart of the Consent Decree.

Spanning 87 paragraphs and 38 pages, the Misconduct Investigations and Discipline section of the Consent Decree addresses 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 PIB 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 each of the compliance categories addressing misconduct investigations and discipline, BPD continues to make reasonable progress toward implementing preliminary Consent Decree requirements. PIB remains a long way from realizing the Consent Decree’s ultimate goals, which include seamless, user-friendly complaint intake; timely, thorough internal investigations; routine, open communications with complainants; rational investigative findings and disciplinary recommendations supported by the evidence; and meaningful discipline and corrective action when warranted. Nevertheless, despite some delays caused by the pandemic, PIB has accomplished what the Monitoring Plans have required.

In the area of “Misconduct – Intake,” BPD’s compliance score is “3” (training), as it has completed policy revisions. In the area of “Misconduct – Investigations,”

BPD’s compliance score recently increased to “4a” (implementation – not assessed), as it has completed policy revisions and just last month provided specialized training to PIB investigators. In the areas of “Misconduct – Discipline” and “Misconduct – Transparency,” BPD has only recently begun revising policies, so its compliance score is “2” (policy phase).

MISCONDUCT- INTAKE	COMPLIANCE SCORE	
	3	Training
MISCONDUCT- INVESTIGATIONS	COMPLIANCE SCORE	
	4A	Implementation - Not Yet Assessed
MISCONDUCT- DISCIPLINE	COMPLIANCE SCORE	
	2	Policy Phase
MISCONDUCT- TRANSPARENCY	COMPLIANCE SCORE	
	2	Policy Phase

Areas of Progress

PIB Investigations Training

In early April 2021, BPD finalized a specialized in-class training curriculum for PIB investigators. BPD developed the curriculum in collaboration with the Monitoring Team, DOJ, and a subject matter expert hired by the City. The curriculum distills PIB's Internal Operations and Training Manual, completed last fall, into a series of lesson plans that provide specific guidance on both PIB's own investigations procedures and national best practices for police internal investigations. The curriculum is comprehensive and addresses requirements for timely, thorough and fair investigations not only for PIB investigators, but also for PIB supervisors and commanders, as well as Civilian Review Board (CRB) investigators. In addition to the in-class curriculum, BPD, in collaboration with the Monitoring Team and DOJ, developed five e-learning modules, which PIB investigators were required to complete before attending the week-long, in-person training.

BPD rolled out the in-person training in late April. All current PIB personnel have now received it, as have three CRB investigators and three Office of Equity and Civil Rights investigators. This is a significant development. BPD had never before provided specialized training on police internal investigations to PIB personnel. For the reforms now incorporated into the PIB manual to be realized, such training is indispensable. As the Monitoring Team found in a report included in our Comprehensive Reassessment in September 2020, the quality of PIB investigations in 2018—which predated PIB reforms—was generally inadequate, the condition of case files was poor, communications with complainants and subject officers were insufficient, inefficiencies and subpar management resulted in unacceptable investigative delays and missed deadlines, investigators frequently failed to interview complainants and key witnesses, and investigations failed to flag the operational and performance issues that they exposed, such as training deficiencies, repetitive problematic behavior, and potential policy shortcomings. With the recent investigator training, PIB should be on road to curing these myriad deficiencies.

Policies

BPD, the Monitoring Team and DOJ have invested significant time and effort in the review of PIB related policies that need to be created, revised or updated based on the Consent Decree and the full PIB Manual completed last fall. The following policies are undergoing this review:

- *Policy 211, Non-Disciplinary Corrective Action.* The policy is currently out for public comment, following collaboration among BPD, the Monitoring Team and DOJ.

- *Policy 302, Rules and Regulations.* The policy is currently out for public comment following collaboration among BPD, the Monitoring Team and DOJ.
- *Policy 306, Complaint Intake Process.* With substantial input from the Monitoring Team and DOJ, BPD prepared revisions in late 2020-early 2021 and issued them for public comment in January-February 2021. E-learning on this policy is currently being developed. It is scheduled to be delivered, and the policy will go into effect, by early fall.
- *Policy 308, General Disciplinary Process.* BPD, the Monitoring Team and DOJ continue to collaborate on revisions. The collaboration is temporarily on hold as BPD, the Monitoring Team and DOJ seek to determine whether it is affected by the police reform legislation passed by the Maryland legislature in April.
- *Disciplinary Matrix.* The matrix is currently out for public comment following collaboration among BPD, the Monitoring Team and DOJ. The matrix also may be affected by the reform legislation passed by the General Assembly.
- *Policy 321, Expedited Resolution of Minor Misconduct.* The revised policy is currently out for public comment. The original policy was approved by the Monitoring Team in September 2019.

Expedited Resolution of Minor Misconduct

In mid-2019, shortly after arriving at BPD, Commissioner Harrison developed a policy for addressing specific types of minor misconduct (excluding all civilian complaints) on an expedited basis. The policy, Policy 321, permits commanders, rather than PIB investigators, to handle qualifying incidents and allows officers to obtain prompt case closure at the District or unit level by admitting responsibility in negotiated settlements. The Monitoring Team approved the new policy in September 2019. *See* ECF No. 216.

The minor policy violations eligible for prompt, negotiated resolution under Policy 321 were recently expanded and now include the following:

- Neglect of Duty – Loss or damage of equipment (excluding firearms)
- Neglect of Duty – Failure to Appear in Court
- Neglect of Duty – Failure to Attend and Complete Required Training
- Neglect of Duty – Failure to Attend PSI Medical Appointment

Policy 321 does not remove PIB from the disciplinary process for minor policy violations. PIB continues to receive and classify all 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.

As previously reported, Policy 321 is designed to accomplish several key BPD and Consent Decree objectives: freeing up PIB investigators to focus on more serious

complaints by reducing the number of minor complaints assigned to them; improving officer morale by expediting resolution of not only minor complaints, but also more serious complaints, particularly those that are unfounded, which should be investigated more promptly; and fortifying BPD's command structure and supervisory performance in each district and unit.

The Monitoring Team has not yet formally assessed whether Policy 321 has begun to achieve these objectives. However, monthly reports from BPD indicate that officers are utilizing the expedited resolution option and that the policy is, in fact, significantly speeding up the adjudication process for qualifying minor misconduct that officers elect to resolve under the policy. Initially, when the policy was first implemented and commanders had to learn the process, a backlog of cases emerged. But the backlog has been eliminated and the process is now running smoothly. Moreover, District commanders are being held accountable: they are asked about ERMM cases at Comstat meetings whenever unusual delays in resolution are detected through IAPro, BPD's electronic database for misconduct matters.

Unified Complaint Form

BPD has initiated a pilot program for a Unified Complaint Form, which the Civilian Review Board is already using to receive misconduct complaints from community members. The pilot is in process in the Northeast and Southern Districts and is intended to inform training for Department-wide rollout later this year.

Quarterly PIB Reports

In this reporting period, PIB began assembling quarterly reports containing comprehensive aggregate data on misconduct complaints, both internal and external. The reports present quantitative, rather than qualitative, analyses, but are nevertheless instructive, providing valuable insight into the type and volume of misconduct complaints PIB receives. BPD completed and published the first report in November 2020, which covers the fourth quarter of 2019, *see* ECF No. 359, and has completed and will file the second report, which covers the first quarter of 2020, later this month. The Monitoring Team and DOJ continue to work with the BPD to improve the manner with which the information is presented so that is more easily digestible and useful to the public.

Technical Assistance and In-Person Meetings

The pandemic eroded some of the benefits of the Monitoring Team's previous in-person meetings and frequent discussions with PIB staff. In those meetings, we provided technical assistance and regularly worked through complex issues. The meetings continued remotely during this reporting period and they continued to be useful, particularly in working through issues regarding PIB investigator training,

PIB-related policies, and PIB quarterly reporting. But these virtual meetings have not been a perfect substitute for working with PIB personnel in-person and on the ground. We look forward to resuming some in-person meetings, with all safety precautions in place and with vaccinated members of the Monitoring Team.

Challenges Ahead

Contributing to the persistent, overarching challenge of improving the quality, timeliness and credibility of PIB investigations—which the recent PIB investigator training will help meet—PIB remains short-staffed. Staffing shortages will impede advances made through policy revisions, training and improved organizational efficiency. The Staffing Plan recommends the addition of three dozen investigators. In this reporting period, to its credit, BPD added nine, increasing the number from 21 to 30. Another round of potential transfers is supposed to be imminent. Nevertheless, PIB is still operating with more than two dozen fewer investigators than the Staffing Plan recommends.

Together with PIB supervisors, Deputy Commissioner Nadeau has indicated that the challenge is not solely increasing the number of investigators, but also improving the quality of investigators, ensuring they have both the aptitude and the commitment to conduct internal investigations. Because these are the most complex and high stakes investigations a police department must conduct, it is essential to have a cadre of ethical, skilled investigators. Simply increasing the number of investigators is not enough. Although BPD must continue to aggressively staff up PIB, it must not do so for the sake of staffing up alone.

The Next Six Months

The Fourth-Year Monitoring Plan includes a raft of PIB initiatives in the next reporting period. The first priorities are policy revisions and training.

On policies, BPD will complete revisions to its disciplinary matrix (under the state's new police reform law, this matrix ultimately will be replaced by a mandatory state-wide matrix, but not for some time), as well as updates as warranted to Policy 321 regarding early resolution of minor misconduct complaints, updates to Policy 302 regarding Rules and Regulations, and the creation of a new policy regarding non-disciplinary corrective action.

On training, BPD will prepare and deliver Department-wide e-learning on intake of misconduct complaints. It will also draft Department-wide e-learning on the constitutional requirement to disclose exculpatory and impeachment evidence in criminal cases (called “Brady/Giglio training”), as well as curriculum for

Department-wide in-class training on all the new policies and procedures governing misconduct investigations and discipline.

BPD will complete a “Transparency Initiatives Plan,” which will establish the plan for complying with Paragraphs 396-401, 403 and 404 of the Consent Decree. Those paragraphs require BPD to promote awareness of the processes for filing, investigating, and resolving misconduct complaints through written material (including brochures and posters), website content, and a website video, as well as placards visibly posted at all BPD locations. Those paragraphs also require BPD to be transparent about disciplinary hearings and outcomes, including by publicly posting detailed summaries of the outcomes as permitted by state law. (At least for complaints received from civilians—though perhaps not for those generated within the Department—the hearing process will change as a result of the recent police reform legislation, but the changes will not take place until July 2022 at the earliest. Under the legislation, state law also will no longer permit non-disclosure of any aspect of disciplinary outcomes.)

Finally, the Monitoring Team will undertake its second comprehensive compliance review of the quality of PIB investigations. The Monitoring Team will evaluate PIB investigations from 2019. We previously evaluated investigations from 2018. We are conducting these assessments to establish baselines against which to measure PIB’s progress and to determine what BPD needs to improve to achieve compliance.

TECHNOLOGY

Section XII 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 outline 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 produced and submitted a Resource Plan (CD 269-70, 272). The Resource Plan, which is updated annually (CD 275), addressed how BPD will provide the necessary equipment and access required for personnel to discharge their duties, acquire a centralized Records Management System, and ultimately develop of 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).

Having previously bolstered its IT governance structure with the hiring of a new Chief Technology Officer and additional professional staff, BPD is now aggressively moving forward with implementation of the Technology Resource Plan. It is rolling out new Records Management, Learning Management and Workforce Management Systems and commencing planning for a new Early Intervention System. The implementation of the new Records Management System is particularly vital because achieving full compliance in nearly every area of the Consent Decree depends on it.

Because BPD has not yet implemented its new IT systems, including its new Records Management System, its compliance score for Technology Modernization remains “4a” (implementation – not yet assessed).

TECHNOLOGY MODERNIZATION

COMPLIANCE SCORE

4A

Implementation -
Not Yet Assessed

Areas of Progress

Records Management System

The Resource Study and Resource Plan pointed to a number of deficiencies in BPD's Records Management System (RMS) and its capacity to capture and access data. Subsequently, BPD spent several months documenting its requirements for a fully modern RMS. After an extensive procurement process, BPD selected a new RMS platform and began planning for RMS implementation.

An RMS implementation is typically one of the most complex IT initiatives an organization will undertake. An RMS implementation is more than standing up new technology for a law enforcement agency. A new RMS touches nearly every agency component (e.g., patrol, investigations, booking, evidence, etc.) and its business processes. BPD has engaged the Monitoring Team and DOJ on a regular basis to review data collection requirements in order to ensure that the RMS is configured in a way that will comply with the requirements of the Consent Decree, recognize organizational efficiencies, and improve business processes—from officer report writing and supervision to internal audits and investigations.

BPD has developed an aggressive RMS deployment schedule. To ensure deadlines are met, BPD has established an iterative process that involves reviewing the state of RMS development every two weeks. BPD has also established a thorough testing and training plan to ensure successful deployment. At this point, the piloting process has begun. BPD's goal is to fully activate the RMS department-wide no later than the end of the next reporting period, six months from now.

Learning Management System

BPD has begun its implementation of a new Learning Management System. This system will enable BPD to consistently provide and track training for all employees from hiring to retirement. BPD has made significant progress thus far and is expected to complete implementation by February 2022. The Learning Management System will dramatically improve the accuracy of BPD's training records and provide one of the key inputs to a revamped Early Intervention System.

Early Intervention System

During this reporting period, BPD began the painstaking process of defining high-level requirements for a new Early Intervention System (EIS). The implementation of an EIS typically comes toward the end of an IT modernization timeline, as an agency must first develop, and then capture accurate data in, each source system that feeds into the EIS. BPD is now developing or modifying each source system with a view toward the data requirements that will be integrated into the EIS. These source systems include the RMS, the Learning Management System, IAPro (which tracks both uses of force and misconduct complaints), and a Workforce Management System that tracks which shifts each officer works. EIS data requirements are now formally included as a topic of discussion for each major IT initiative.

Further, BPD has engaged a consulting group to facilitate its review of the current EIS market, establish its vision for an EIS, develop high-level system requirements, and devise a plan for procurement.

Challenges Ahead

Given its aggressive timeline for implementation of the new RMS, BPD has established an equally aggressive timeline for piloting and training officers on use of the new system. The Monitoring Team is encouraged by BPD's thorough implementation planning but recognizes that challenges often arise in a technology deployment of this scope. The issues BPD will confront as it proceeds with implementation are numerous. They include how to treat the data from the existing, legacy RMS going forward, how to transition smoothly to the National Incident Based Reporting System (NIBRS) for crime reporting, and how to successfully train and provide technical support to all of the department's several thousand employees throughout deployment. Fortunately, because BPD has substantially improved its formal IT governance structure, it should be capable of addressing issues as they arise.

The Next Six Months

In the next reporting period, BPD will move forward with its RMS implementation, which will include user acceptance testing, end-to-end testing of all business processes, the build-out of a data warehouse for reporting, an end-user pilot, and end-user training. BPD will also finalize its plan for developing EIS data requirements and an EIS procurement process.

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 continues to make reasonable progress in these areas. On Staffing (which is coupled with Recruitment and Retention in the scoring framework, see Exhibit 1), BPD's compliance score is "4a" (implementation – not yet assessed). BPD completed its Staffing Study and Staffing Plan, and throughout 2020 used the Staffing Plan to respond to City budget cuts and make officer assignment decisions. However, BPD has not progressed far enough into the implementation phase to warrant an "on track" or "off track" score. Thus far, BPD has begun to fill areas the Staffing Plan

identifies as being in need of additional personnel, but progress is slow because attrition of sworn officers continues to outpace hiring and budget cuts have delayed the recommended civilianization of certain functions.

On both Performance Evaluations and Promotions, BPD’s compliance score is “3” (training phase). Promisingly, in 2020, BPD developed a new promotions regime, including a formal application and committee review process. The regime includes new policies for both command promotions to the ranks of Captain and Major, *see* ECF No. 340, and classified rank promotions for sergeants and lieutenants. *See* ECF No. 349. In addition, in February 2021, with the Monitoring Team’s approval, BPD adopted a new performance evaluations policy, forms and manuals. Thus, development of the new performance evaluations and promotions system is complete. However, training on the new system has yet to be developed or delivered.

STAFFING	COMPLIANCE SCORE	
	4A	Implementation - Not Yet Assessed
PERFORMANCE EVALUATIONS	COMPLIANCE SCORE	
	3	Training
PROMOTIONS	COMPLIANCE SCORE	
	3	Training

Areas of Progress

Staffing

In this reporting period, the Staffing Plan has continued to guide BPD's staffing decisions. BPD is implementing many of its recommendations and tracking the progress. For example:

- BPD, DOJ and the Monitoring Team have monthly meetings to discuss staffing levels, challenges and progress.
- BPD eliminated or reduced certain specialized units and transferred the officers to the Patrol Division. These actions were not only recommended in the Staffing Plan, but also required by City budget cuts. In particular, as of July 1, 2020, officers from the Mounted, Marine and certain traffic-related units were transferred to Patrol. The transferred officers continue to perform their specialized functions, but on a limited basis, with the exception of the officers from the Mounted and Marine Units, which were eliminated in the FY 2021 budget.
- The City implemented new payroll and human resources software, Workday. Despite initial implementation challenges, Workday promises to improve the accuracy of staffing data and the quality of staffing assignments.
- BPD is prioritizing the staffing of the Patrol Division, the Public Integrity Bureau, and the Education and Training Section. As noted, however, attrition continues to outpace hiring and the City's hiring freeze has slowed civilian hiring. As a result, the gains have been incremental.

BPD has started to revise the Staffing Plan to reflect progress made over the past year, as well as policy changes addressing how officers will respond to calls for service. Some calls will not require an officer to be dispatched because they will be handled by an Online or Telephone Reporting Unit. For instance, the revised Staffing Plan is likely to recommend a reduction in patrol response to calls for service for false alarms, traffic accidents, larceny and disorderly persons. In addition, BPD is working with the City to develop alternative responses to certain types of 911 calls. All these changes are expected to reduce the calls for service workload for officers, freeing them up to engage in community policing, as envisioned by both the Staffing Plan and the Community Policing Plan, also approved last year. These changes are also expected to reduce, to a small degree, the number of additional patrol officers recommended in the existing Staffing Plan—though those officers would be needed elsewhere, so the overall total of sworn officers initially recommended, 2,785, would not change.

Performance Evaluations

BPD completed its new performance evaluation policy, forms and manuals in February 2021. The new policy, Policy 1708, establishes a process to ensure that every member of BPD, from the highest executive to probationary officer, is evaluated against the holistic standards expressly set forth in the Consent Decree.

Sworn members above the rank of Lieutenant will be assessed based on (1) performance competencies, as demonstrated by accountability, adaptability, collaboration, customer focus, and problem-solving and (2) supervisory, managerial and executive competencies, as demonstrated by effective team-building and managerial courage. This the same system used for the City's Managerial and Professional Society of Baltimore Covered Employees.

Officers, sergeants and lieutenants will be assessed based on (1) performance of duty, including community policing, de-escalation and use of force, crisis management, report writing, communication skills, decision-making skills, demonstrated integrity and use of Ethical Policing Is Courageous principles, demonstrated commitment to bias-free policing, and professional attire and equipment maintenance, and (2) workplace professionalism, as demonstrated by teamwork and cooperation, initiative, leadership and professionalism, and time and resource management. Supervisors are to identify areas of growth and achievement, as well as improvement. If a member has career or skill building aspirations, a supervisor is required to provide advice.

Sergeants and lieutenants will also be evaluated based on how they review subordinates' documentation for policy compliance, conduct force investigations and reviews, address misconduct and performance problems, provide feedback and handle subordinates' performance reviews, recognize training opportunities, and support subordinates' career growth.

The performance evaluation manuals provide detailed instructions, coupled with examples, on how to conduct and complete an evaluation. For each performance area, the manuals provide a list of expectations to consider, as well as the specific policies to reference for rating performance.

Promotions

After finalizing its new promotions policies for command in the last reporting period, BPD, in this reporting period, finalized its policy on promotions to classified ranks (sergeant and lieutenant). As with the command promotions policy, Policy 1721 outlines in detail the criteria, process, and requirements for promotion to the ranks of sergeant or lieutenant. This new policy demonstrates that BPD is

committed to transparency and procedural justice not only for community members, but also for officers themselves. Officers now have full visibility into how promotional decisions are made, and the process itself is fairer and less subjective.

By identifying the areas promotional tests will cover, the new policy clearly establishes the skills, knowledge, values and qualities supervisors are expected to possess, including interpersonal and leadership skills; community engagement, trust-building, and neighborhood problem-solving strategies; effective use of community policing strategies; commitment to bias-free, constitutional policing, and appropriate discretion in seeking the least-intrusive enforcement response consistent with public safety and community input; effective use of de-escalation and critical decision-making; integrity and ethical decision-making, with an emphasis on peer intervention; reasonable, necessary, and proportional uses of force; and precise and accurate police reporting (search warrants, supportive affidavits, etc.). In this way, BPD is weaving the imperatives of the Consent Decree—community-oriented policing, accountability, integrity, critical thinking and problem-solving, fairness, and procedural justice—into its promotions practices.

By establishing a uniform, rigorous performance evaluations and promotions system that embraces the constitutional, community-oriented policing principles reflected in BPD’s Mission Statement and the Consent Decree, BPD’s new policies are a major step forward in improving BPD’s culture. The next step is the development and delivery of training on these policies, to be followed by prompt implementation.

Challenges Ahead

Reaching the staffing levels required to fully implement and sustain the reforms required by the Consent Decree could be BPD’s most daunting challenge. As of April 2021, there were 2,398 sworn officers compared to a Staffing Plan recommendation of 2,785 sworn officers, for a shortfall of 387 officers. Much of the shortage is in the Patrol Division, where officers and sergeants are needed to improve public safety and satisfy the Consent Decree’s community policing and supervision requirements. As noted, BPD has made organizational changes to assign more officers to Patrol and is continuing to work on reducing the amount of time officers are on sick leave and limited duty. It is also planning to gain more patrol officer hours through workload reduction, achieved with the implementation of new technology and the alteration of certain call for service response protocols, as explained above. Only through aggressive hiring (including civilian hiring) and attrition reduction, however, will BPD achieve its staffing goals—not only in Patrol, but also in PIB and the Training Academy.

Because of the present civilian hiring freeze brought on by City budget cuts for the current fiscal year, BPD is having difficulty meeting civilian hiring targets. The existing Staffing Plan calls for adding another 78 civilian positions (the updated plan under consideration will likely call for even more), including 36 new civilian positions in the Training Academy, for a total of 49 civilians there (again, the updated plan will likely call for several more). As civilians are hired into the Academy, sworn members currently assigned there will be reassigned to other units. However, as of the latest report from the beginning of this month, the Academy currently has only 13 filled civilian positions. And although the Monitoring Team understands that civilian positions may still be filled on a case-by-case basis despite the hiring freeze, BPD is still working to identify how to reallocate budgeted but empty civilian positions to fill critical unbudgeted civilian positions. Even if BPD does so, and even if the City approves, it will result in only a small increase in civilian staff.

The Next Six Months

Together with the Monitoring Team and DOJ, BPD is developing an updated Staffing Plan. The updated Plan should be finalized by the end of June.

BPD will also work to develop and deliver the training required to implement its new performance evaluation and promotion systems. BPD is presently drafting e-learning on the promotional policies, with the expectation that it can be provided to officers, and the policies implemented, this year. Work on the performance evaluation training will also begin this year.

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, 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).

Since the adoption of the First-Year Monitoring Plan in February 2018, BPD has drafted, revised and finalized three different sets of now-effective SSA policies; prepared training curriculum and delivered Department-wide training on SSA, which was completed in this reporting period; prepared training curriculum on community policing, which includes material on SSA for low-level “quality of life” offenses, set for delivery later this year; prepared e-learning on supervisory review of SSA, also set for delivery later this year; begun preparing regular quarterly audit reports of arrests resulting in individuals being released without charge; prepared annual reports on developing the technology needed to properly record, maintain and analyze SSA data; and, importantly, developed a new Record Management System that, at long last, will facilitate the efficient recording, maintenance and analysis of such data when it is fully implemented later this year.

By completing both SSA policy revisions and Department-wide SSA training, BPD has achieved a compliance score of “4a” (implementation phase – not assessed) in the SSA compliance categories of (i) Stops, Field Interviews and Voluntary Contacts, (ii) Searches and (iii) Arrests. Thorough assessments in these categories will not be feasible until after the new Record Management System has been implemented and officers have been trained to use it. In the category of Review and Supervision, its compliance score is “3” (training phase), because it has yet to finish delivering e-learning on SSA supervisory review.

**STOPS, FIELD INTERVIEWS
AND VOLUNTARY
CONTACTS**

COMPLIANCE SCORE

4A

**Implementation -
Not Yet Assessed**

SEARCHES	COMPLIANCE SCORE	
	4A	Implementation - Not Yet Assessed
ARRESTS	COMPLIANCE SCORE	
	4A	Implementation - Not Yet Assessed
REVIEW AND SUPERVISION	COMPLIANCE SCORE	
	3	Training

Areas of Progress

Policies

BPD spent much of 2020 revising SSA policies that address low-level offenses, including “quality of life” offenses. These policies include: Criminal Citation Procedures (803), Civil Citation Procedures (808), Marijuana—Uniform Civil Citation (809), Misdemeanor Theft Procedures (812), Video Surveillance Procedures (1014) and Lesser Offenses and Alternatives (1018). These policies embrace a “most effective, least intrusive response” principle, appropriately prioritizing enforcement actions that preserve public safety while simultaneously promoting fair, non-arbitrary practices that foster the community’s trust. BPD issued the initial draft of these policies for public comment in early 2020 and postponed the second comment period until later in the year due to the pandemic. In December 2020, once BPD published and received and incorporated feedback on revised drafts during the second comment period, the Monitoring Team approved the policies. *See* ECF No. 362.

Training

In this reporting period, after a four-month suspension of in-service training caused by the pandemic, BPD completed the classroom component of Consent Decree-required SSA training. The training addressed policies on voluntary contacts, field interviews, stops, arrests, interviews/interrogations, weapons pat-downs, and searches, as well as policies on foot pursuits, most effective/least intrusive response, custody, transport, and booking. The training also incorporated instruction on previously approved policies on fair and impartial policing.

The training drew high marks from officers. The Monitoring Team and DOJ randomly audited training sessions and confirmed that it properly reinforced BPD's SSA and impartial policing through interactive facilitated, scenarios and role plays that, as in the real world, incorporate the requirements of multiple policies at once.

In February 2021, with the completion of SSA training, all new SSA policies became effective. This marked an important milestone along BPD's path to Consent Decree compliance. In its investigation, DOJ found that BPD was engaged in an unconstitutional pattern-and-practice of stopping, searching and arresting Baltimoreans without legal justification and based on their race. It was this pattern-and-practice that epitomized BPD's "warrior" policing culture, which eroded community trust. As much as anything else, the activation of BPD's new SSA policies reflects change toward a culture of policing that is simultaneously pro-active, community-oriented, and constitutional.

In addition to finishing SSA training, BPD has developed two other SSA-related training programs during this reporting period. The first is an e-learning that covers supervisory responsibilities for reviewing stops, searches and arrests and reinforces central concepts from the SSA training. Development of this e-learning took longer than expected, as early drafts contained an excess of the "refresher" material and insufficient instruction on supervisory responsibilities. The e-learning is now completed and will soon be delivered not only to supervisors, but to all officers.

As explained in the Community Policing section, BPD also has developed a two-day classroom curriculum for training on community policing, which includes additional material on addressing low-level, or "quality of life," offenses. The principles reflected in SSA Policy Set III, approved in December 2020, are reinforced throughout this curriculum. Consistent with a similar lesson plan in the SSA training completed earlier this year, the lesson plan in the community policing training 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 low-level offense, such as loitering, open container, trespassing, failure to obey, disorderly conduct, and marijuana possession.

Quarterly Audits on Arrests Resulting in Release without Charge

In this reporting period, BPD began quarterly audits of arrests resulting in individuals being released without charge (“RWOC”), as required by Paragraphs 75-79 of the Consent Decree. The purpose of these RWOC arrest audits is to determine whether officers are making unlawful arrests unsupported by probable cause of a crime; to determine whether officers are properly documenting RWOC arrests, including the probable cause for arrest; and to use those determinations to identify the need for remedial action, including additional training, non-disciplinary corrective action, or referral for disciplinary investigation.

To perform the audits, BPD’s Performance Standards Section obtains information from the Baltimore City State’s Attorney’s Office on all arrests that the State’s Attorney’s Office declined to prosecute immediately after arrest. The reasons include “4th Amendment violation,” “elements of crime not readily provable,” “nexus issue,” and “prosecutorial discretion.” For every arrest resulting in dismissal of charges for one of these reasons, with the exception of “prosecutorial discretion,” the Performance Standards Section reviews all available documentation and body-worn camera footage to determine if the arrest lacked probable cause and if the officer properly documented all of their actions and the supporting reasons. For RWOC dispositions based on “prosecutorial discretion,” the Performance Standards Section performs the same review for at least 10% of them each quarter. Those RWOC dispositions have been far more voluminous (usually over 100 per quarter during the pandemic) and, as the label “prosecutorial discretion” suggests, are justified by the State’s Attorney’s Office for policy reasons based on office priorities, rather than due to legal infirmities. However, BPD still examines a randomly drawn sample of these dispositions every quarter to ensure that they do not involve arrests made without probable cause.

Thus far, BPD has published quarterly reports on its RWOC arrest audits for the second, third, and fourth quarters of 2020. The reports can be found [here](#). Each of the first two reports revealed five RWOC arrests unsupported by probable cause; the third report revealed none. Each report also identified a small number of RWOC arrests that were supported by probable cause but inadequately documented, though the number of such reports diminished from the second to the fourth quarter. It is worth noting that Department-wide SSA training was still underway in the second and third quarters and had largely been completed by the fourth quarter.

Each report also identified trends in RWOC arrests, including by district and by officer. As the audits show, an RWOC arrest is not an unlawful arrest unless it is unsupported by probable cause. That said, it is useful to identify districts and officers who are making RWOC arrests, even if supported by probable cause, because such arrests might indicate, among other things, a failure to adhere to BPD’s “most effective, least intrusive response” policy, which touts alternatives to arrest in certain

situations. BPD's first three RWOC arrest audits found that the Northeast District, and particularly its pro-active District Action Team, had a far greater number of RWOC arrests than any other district (even though the Northeast had only two of the ten RWOC arrests unsupported by probable cause during that period, compared to four for the Southeast, which had the highest number). Certain officers, predominantly from the Northeast, also had a disproportionate number of RWOC arrests.

Consistent with the function of these audits, the Performance Standards Section has recommended different types of remedial action based on its findings. These actions have included requiring counseling and remedial training and/or disciplinary referrals for officers who made arrests without probable cause; requiring a report from the Operations Bureau about why some districts may be making a disproportionate number of arrests the State's Attorney will not prosecute, together with any actions taken; requiring the Northeast District commander to review the operational priorities of the District Action Team to determine and issue a report explaining why the DAT is making a disproportionate number of RWOC arrests and why its personnel have made two problematic RWOC arrests; and recommending amending Policy 1112 (Field Interviews, Investigative Stops, Weapons Pat-Downs and Searches) to deal with contraband seized during an RWOC arrest.

Challenges Ahead

The transformation from disparate, siloed, antiquated paper reporting and record-keeping for stops, searches and arrests to a singular, modern, integrated Records Management System will be a game-changer. It will streamline report-writing, improve officer supervision, and facilitate analysis of stop, search and arrest data by officer, unit, district and Department-wide. At the same time, the transformation will be difficult. For the new system to be effective, officers must learn to use it and must use it correctly. That will take some time, and mistakes compromising the integrity of reported data are likely to be made. Effective implementation will require collaboration among multiple BPD components, from Technology to Education and Training, and buy-in from first-line supervisors, who the Department must rely upon to ensure that officers properly utilize the new system.

If officers continue to under-report stops and weapons pat-downs, as they have done historically, or if officers routinely enter the required data incorrectly, then the enormous potential of the new RMS will not be realized, and achieving full Consent Decree compliance could be delayed. To help guard against this, BPD must engage in effective messaging as it begins to rollout the new RMS. It must make sure officers understand the system is designed to make reporting not only more accurate, but also more efficient and less time-consuming. To its credit, BPD has already begun such

messaging. For instance, it has electronically disseminated to all officers three minute-long videos on the new RMS, required officers to review a PowerPoint slide deck that runs on a continuous loop at roll calls, will be distributing electronically and posting throughout BPD facilities a flyer on the RMS training schedule, and made a presentation to commanders at a Comstat meeting

| The Next Six Months

In the next reporting period, BPD will finalize and deliver e-learning on supervisory SSA review, as well as in-class training on responding to low-level offenses. BPD also will continue its quarterly audits of RWOC arrests.

In addition to implementing a new Record Management System, BPD will draft another annual SSA data analysis report, to be published in early 2022. Like the last three annual reports, this report will be confined to updating the Court on the progress of the new RMS, as it will be too soon to include a detailed analysis of the stop, search and arrest data that the new RMS will store—though the Monitoring Team hopes some preliminary analysis will be feasible.

IMPARTIAL POLICING

Paragraph 87 of the Consent Decree asserts that “policing fairly and without bias is central to promoting broad community engagement and building partnerships between law enforcement and community members that are an important part of effective policing.” To that end, the Consent Decree requires BPD to: document the demographic category of all individuals who are stopped, frisked, searched, arrested or make a complaint (CD 88); adopt policies that require fair, impartial, nondiscriminatory policing (CD 89); establish an impartial policing training curriculum and properly train officers, with community input, to perform their duties in a nondiscriminatory manner (CD 90-94); and consider whether officers engage in nondiscriminatory policing in evaluating performance and making hiring and promotion decisions (CD 95). Paragraphs 90-94 specify requirements for training members to carry out impartial policing properly.

Consistent with what the Monitoring Plans have required, BPD has satisfied the policy revision provisions of the Consent Decree for impartial policing and is nearing completion of the training requirements. BPD successfully integrated its core fair and impartial policing policies into e-learning and scenario-based classroom training on both use of force, delivered in 2019, and stops/searches/arrests, delivered in 2020). Later this year, BPD will provide additional training that reinforces its fair and impartial policing policies in conjunction with refresher training on use of force, stops/searches/arrests, and First Amendment protected activity. Because BPD remains in the training phase of reform in this area, its compliance score is “3” (training phase).



Areas of Progress

Training

In this reporting period, after a several-month interruption necessitated by COVID restrictions, BPD completed the delivery of Department-wide classroom training on stops/searches/arrests and associated impartial policing policies, including the revised core policy on Fair and Impartial Policing (Policy 317) and the

policy on Interactions with LGBTQ+ Individuals (Policy 720). As explained in the Stops, Searches, and Arrests section above, this training was effective and well-received. All stop, search and arrest policies—which thoroughly incorporate impartial policing principles—are now fully effective and enforceable.

Recently completed Department-wide training on active bystandership and peer intervention (Ethical Policing Is Courageous) further reinforces impartial policing principles. So will Department-wide in-class training on community policing and policies regarding low-level offenses (including 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)). This two-day training, which began earlier this month, is described in more detail in the Community Policing section below.

Planning has begun for the third and final tranche of concentrated training on impartial policing, which will be delivered Department-wide from September–December of this year. This training will incorporate additional instruction on use of force, stops/searches/arrests, and First Amendment protected activity in order to demonstrate how impartial policing principles are applied in everyday law enforcement encounters. BPD has engaged a subject matter expert recommended by the Monitoring Team, Scott Meadors, to assist with the development and delivery of the training curriculum. Planning for the training—and BPD’s effort to focus on impartial policing more generally—has benefited from the recent hiring of an Equity Officer, who convenes monthly meetings to discuss impartial policing initiatives with DOJ, the Monitoring Team and senior BPD leadership.

As noted in the Monitoring Team’s Comprehensive Reassessment, all in-service impartial policing training has successfully incorporated adult-oriented modes of learning founded on facilitated problem-solving exercises using videos, written scenarios, and live simulation. The effective delivery of this training stands out as among BPD’s greatest accomplishments so far.

Technology and Data Collection

As explained in the Technology section, BPD has begun to rollout its new Records Management System. Proper utilization of the capabilities of the new RMS will be essential to ensuring impartial policing. In addition to broadly facilitating the collection and analysis of data on the effectiveness of BPD stop, search and arrest practices, the new RMS will facilitate the collection and analysis of data on the impact of BPD’s stop, search and arrest practices by race and ethnicity, among other demographic categories (including individuals in crisis). This is critical for Consent Decree compliance. The Consent Decree has several provisions that require BPD or the Monitoring Team to evaluate data on the demographic impact of BPD’s stops,

searches, and arrests. For instance, Paragraph 82 requires BPD to determine “the nature and scope of demographic disparities in Stop, Search and Arrest practices...” Relatedly, Paragraph 88 requires BPD officers to document the demographic category of each individual who is stopped, searched, or arrested. For its part, under Paragraph 459.g., the Monitoring Team must “assess whether BPD delivers police services without an unnecessary disproportionate impact on individuals based on Demographic Category,” including by assessing pedestrian stops, traffic stops, pat-downs, searches, citations, and arrests for misdemeanor offenses, plus the outcomes of such actions, broken down by race, ethnicity and gender.

The Consent Decree contains these data collection and analysis provisions because, without evidentiary proof that it is eliminating unwarranted demographic disparities in stops, searches, and arrests, BPD will not be able to demonstrate compliance with the Consent Decree’s impartial policing mandates. The implementation of technology that permits BPD and the Monitoring Team to assess whether BPD is stopping, searching, and arresting people in a non-discriminatory manner is thus indispensable to achieving compliance with key Consent Decree requirements.

More broadly, the capacity of the new RMS to capture demographic stop, search, and arrest patterns is vital to establishing a culture of impartial policing. By gathering and analyzing demographic data on stops, searches and arrests, BPD commanders and supervisors can directly address unwarranted disparities. They can do so on a Department-wide basis, in a particular unit, or with a particular officer, as needed, through training, policy revision, corrective action, or discipline. The fact that BPD is under a Consent Decree partly because DOJ found a pattern or practice of stopping, frisking, searching, and arresting Black people based on their race makes it especially important for BPD to be able to use data to address unwarranted demographic disparities wherever they exist. The new RMS will make that possible—while at the same time ensuring that officers do not inquire about or record sensitive data on gender identity or sexual orientation unless necessary to investigate an incident motivated by bias based on either trait.

| The Next Six Months

In the next reporting period, BPD will develop and deliver the final tranche of training specifically dedicated to impartial policing.

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).

BPD successfully completed revisions to its use of force policies and delivered both e-learning and classroom training on the revised policies by the fall of 2019. It is now the implementation phase of use of force reform. This year, BPD will be conducting its first internal use of force analysis. At the same time, the Monitoring Team, which published its first report on use of force data in January 2021, is presently undertaking its first comprehensive qualitative review of use of force incidents, reporting and supervisory review. Because assessment of BPD’s use of force practices has just begun, BPD’s compliance score is “4a” (implementation – not assessed).



Areas of Progress

Monitoring Team Outcome Assessment

Paragraph 459.d. of the Consent Decree requires the Monitoring Team to analyze data on BPD use of force, including breaking down the data “by reportable force type, district, and type of arrest; race, ethnicity, age, and gender of the subject; and . . . the subject’s perceived mental health or medical condition” The Monitoring Team began working with BPD to understand and harmonize available

data on use of force incidents from 2018 and 2019 in the summer of 2020. The Monitoring Team analyzed the data and published a [report](#) in January 2021. See ECF No. 371. The assessment was also responsive to paragraph 459.i., which requires an analysis “of the rate of police interactions with Youth . . . that result in officers using force.”

Among other findings, the Monitoring Team determined that:

- BPD officers used force less often in 2019 than 2018, as the number of force incidents declined by 15.5% in 2019.
- The majority of uses of force were Level 1—76.1% of all incidents in 2018 and 70.5% in 2019.
- BPD officers identified “suspect resistance” as the most common reason for using force.
- Based on raw numbers (not benchmarked against stops, arrests or any other type of encounter), use of force incidents occurred relatively evenly across BPD’s districts.
- In 2019, the location of a use of force incident was associated with the seriousness of the force used, meaning that more serious force incidents were more likely to occur in certain districts as opposed to others.
- Approximately three-quarters of arrests in use of force incidents did not involve violent crime charges and nearly 20% of arrests in use of force incidents involved charges related to the use of force incident.
- Male subjects appeared to be subjected to higher levels of force (more serious uses of force) than female subjects; however, the level of force used did not significantly differ by age, race, or ethnicity.
- Excluding cases where behavioral health indicators were unknown or missing, approximately 20% of use of force incidents involved a subject who exhibited signs of mental illness or behavioral crisis, with another approximately 20% who appeared to be under the influence of drugs or alcohol.
- Male officers engage in more serious uses of force than female officers, but the level of force does not significantly differ by officer age, race, or ethnicity.

As the report explained, these statistical findings do not establish whether the force used in any incident or overall was consistent with law, BPD policy, or the requirements of the Consent Decree. Nor are the numbers alone determinative of progress: if there are fewer use of force incidents from one year to the next, but more incidents in which the force used was not necessary, reasonable and proportional to the threat posed, that is not progress. The statistical findings are nonetheless important because they provide insight into how, when, and where officers have used

force; establish numeric baselines against which to measure use of force data in future years; and can be coupled with qualitative analyses of use of force incidents to determine whether BPD is achieving Consent Decree goals. The Monitoring Team's structured compliance review of a randomly drawn sample of individual use of force cases from 2018-2020, which is now underway, will provide greater insight into whether officers are complying with law and policy when using force.

Monitoring Team Use of Force Compliance Review / Audit

In this reporting period, after developing an audit instrument that addresses Consent Decree requirements and conducting pilot audits of several use of force incidents, the Monitoring Team began a comprehensive qualitative review (or audit) of a sample of use of force incidents from 2018, 2019, and 2020. The audit will examine the propriety of the force used in each incident, including whether de-escalation was attempted if feasible; the quality of the reporting completed for each incident; and the adequacy and effectiveness of the supervisory review of each incident. The Monitoring Team expects to conclude the audit and publish its report by the fall.

Performance Review Board

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 effective functioning of the PRB is an important indicator of the progress of the reform effort. A well-functioning PRB would demonstrate that BPD has transformed itself into an agency that consistently engages in reflection and self-correction to address and prevent violations of law and policy.

The PRB has met seven times since the last report, continuing in a virtual format during the pandemic. The Monitoring Team attended all sessions. Deputy Commissioner Danny Murphy continues to Chair the discussions. The discussions are geared toward a holistic examination of use of force cases. Thus, they include not only whether force was reasonable, necessary and proportional at the precise moment it was used, but also whether tactical failures required force to be used, whether de-escalation was practicable, and whether the incident revealed deficiencies in training, communication or supervision.

The Board's sophistication is increasing. So is its willingness to grapple directly with hard questions, including questions about the reasonableness of the

force used and the practicability of de-escalation. In one Board meeting, for instance, there was a robust discussion about alternatives to charging a person in crisis. Several board members showed a willingness to think creatively to find the best outcome. Similarly, in a recent Board meeting about an officer-involved shooting, the Board engaged in candid and thoughtful discussion about the propriety of the use of force (which unfortunately led to the shooting of an uninvolved civilian). Recognizing that errors can occur during rapidly evolving situations is part of the Board's mandate.

The Monitoring Team is concerned about the impending departure of Deputy Commissioner Murphy, as he has been the driving force behind the salutary changes in the PRB process. The Monitoring Team will watch closely to ensure that the Board sustains its progress and continues to serve a key role in departmental self-analysis and self-correction.

BPD completed revisions to its PRB policy in late 2020. The revised policy establishes the responsibilities and expectations of the Board. BPD is presently developing a curriculum for training PRB members on the policy. The training will be delivered this year.

Challenges Ahead

Coupled with its analysis of use of force data from 2018-2019, the Monitoring Team's ongoing audit of use of force incidents from 2018-2020 should begin to provide greater clarity about how much progress BPD must make to achieve compliance with the numerous use of force provisions in the Consent Decree. Those provisions require officers to de-escalate, avoid escalation, and only use force that is necessary, reasonable and proportional to the threat posed; require officers to fully and accurately report force incidents; and require supervisors to diligently review force incidents and force reporting, praise officers for upholding policy, counsel officers whose performance is inadequate, and discipline officers for misconduct. The year-over-year comparisons in the 2018-2020 period could be especially informative regarding BPD's progress because they could indicate whether the new policies and training are having a salutary impact. 2018 preceded Consent Decree training on use of force, 2019 (May – October) was the year such training was delivered Department-wide, and 2020 is the first full year post-training.

In the coming months, BPD also will be undertaking its very first internal audit of use of force incidents under Paragraphs 216 and 217 the Consent Decree. BPD will analyze and publish four years of use of force data, 2017-2020, including all the information required by Paragraph 212 of the Consent Decree. BPD does not have an admirable history of analyzing and correcting patterns of officer misconduct, including in the area of use of force. The forthcoming use of force data report presents

a useful initial test of BPD's commitment to capturing all relevant use of force data, identifying use of force trends, and addressing those trends as warranted.

In the end, as previously reported, the effectiveness of the use of force reforms in the Consent Decree, as with so much else, will rise and fall with sergeants and lieutenants. Buy-in from first-line supervisors is an essential complement to the systems of internal accountability on use of force that are built into the Consent Decree and BPD policy, including the PRB, the Special Investigations Review Team (which investigates serious use of force incidents, including police shootings), and the Use of Force Review Unit (which reviews less serious use of force incidents). First-line supervisors are responsible for ensuring that their officers fully understand BPD's new use of force policies and implement them on the street. They must consistently provide instruction on what is appropriate when there is confusion, take corrective action when there is a misstep, and make disciplinary referrals when there is misconduct. Commanders also must do their part by continuing to ensure that the new policies, with their emphasis on de-escalation and problem-solving, are thoroughly institutionalized.

| The Next Six Months

In the next reporting period, as noted, the Monitoring Team will complete its initial use of force compliance review and BPD will develop a methodology for and complete its first use of force data report. Relatedly, in collaboration with the Monitoring Team and DOJ, BPD will develop a system for ensuring that it collects all information on use of force incidents required by Paragraphs 212-215 of the Consent Decree. Finally, BPD will develop a training curriculum for Performance Review Board participants.

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 transport vehicle cameras (TVCs), and seatbelts as well as holding straps located along the rear area of each seat so that individuals being transported may have a grip for security during transport, 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).

BPD has made steady progress toward meeting these requirements over the past three years. It has made all required equipment changes, has been conducting routine equipment audits and routine (although, for technological reasons, incomplete) audits of transport events, has generally determined during its audits whether vehicles are properly equipped and transport officers are complying with policy, and has been taking remedial action when there is non-compliance. In this reporting period, by completing Department-wide training on stops, searches and arrests, which included e-learning and an in-class module on transporting persons in custody, it also satisfied training requirements. Because BPD has completed policy revisions and training and moved fully into the implementation phase of reform, its compliance score is “4a” (implementation – not assessed). The Monitoring Team will begin its formal compliance assessments in the coming months.

TRANSPORTATION OF PERSONS IN CUSTODY

COMPLIANCE SCORE

4A

Implementation -
Not Yet Assessed

Areas of Progress

Transport Equipment Audits

As required by Paragraph 225, BPD continues to perform monthly inspections of all transport vehicles, creating logs to memorialize those inspections. The logs, which are used to verify the continued presence and functionality of all required equipment, are available for inspection by the Monitoring Team and DOJ. The logs continue to appear complete and show that BPD continues to ensure that its transport vehicles remain properly equipped.

In the last reporting period, the Monitoring Team reported that, despite properly performing and logging the equipment audits, BPD was not always ensuring consistency between the number of transport vans identified as being out of service and in need of maintenance in the audit cover memos and the number so identified in the accompanying inspection sheets. The cover memo sometimes reflected fewer vans in need of maintenance than the inspection sheets showed. The Monitoring Team is pleased to report that, in this reporting period, BPD appears to have corrected the problem: the cover memos clearly state which vehicles have been ordered to the shop for preventative maintenance, and the reported information matches the information in the inspection sheets.

Transport Event Audits

As previously reported BPD, in conjunction with the Monitoring Team and DOJ, has developed a weighted transport audit scorecard to evaluate compliance with the 29 transport-related requirements of the Consent Decree. Starting in March 2021, BPD began using the scorecard to score almost all requirements. The findings are presented to commanders during Comstat meetings. There remain a few categories that cannot be properly scored until the new Records Management System is completed, including whether officers regularly check on the wellness of detainees. It is anticipated that scoring these categories will be possible in the next few months. For instance, BPD is creating a system to track and review when drivers check detainee wellness through BWC recording.

Once BPD is able to score all categories, all transport event audits should fully address all Consent Decree requirements. That will be for both the routine compliance audits of transport events that BPD conducts (two per district per month, plus two per month for the Warrant Apprehension Task Force (WATF), or 60 per quarter—which is more than the 45 per quarter (five per district) that the Consent Decree requires), as well as the unannounced random field audits it conducts (three per district every quarter, or 27 per quarter).

Also facilitating the audit process, BPD has installed a new fleet management system that includes an Automatic Vehicle Locator module in all vehicles. The AVL captures important information necessary for the audits, such as vehicle speed and routes taken, which need to be assessed to ensure that officers are complying with safe driving mandates. Though BPD has implemented the AVL, it is not yet fully operational because it does not map the street speed limit automatically. Presently, BPD must manually cross reference speeds with posted speed limits to determine compliance. BPD continues to work on automating this function.

Additionally, BPD is almost halfway done upgrading the Transport Vehicle Camera (TVC) systems in its transport vans so that video recordings can be automatically uploaded to wi-fi nodes at each BPD substation. The automatic wi-fi uploads will greatly reduce the amount of staff time required to store the videos and make them available for the audits.

According to the transport event audit reports being presented at Comstat meetings during this reporting period, most transport officers generally continue to adhere to the requirements of Paragraphs 226-233 of the Consent Decree and BPD policy. However, auditors continue to observe certain deficiencies. The most common deficiencies have been the failure to properly search prisoners and unsafe driving. When deficiencies are identified, commanders are notifying their subordinates in an effort to correct them. The Monitoring Team will continue to monitor whether, as a result of the audits, BPD's audit scores improve.

Challenges Ahead

As BPD develops the technological capability to audit compliance with all Consent Decree requirements, it is imperative that commanders rigorously monitor compliance and correct errors when they occur. As noted, transport vehicle drivers are generally complying with the requirements that have thus far been auditable, but previously identified problems have not yet been remedied. During the last reporting period, the audits periodically revealed inadequate searches of prisoners. That deficiency persisted in this reporting period. BPD is going to have to resolve it, while at the same ensuring compliance with all the additional requirements that are now capable of being audited. Whether compliance is accomplished through additional training, corrective action, or discipline, it must be accomplished.

Additionally, in this reporting period, BPD, the Monitoring Team and DOJ discovered that BPD has not been rigorously tracking whether every new transport van driver is receiving the extra four hours of transport driver training that they are required to receive. Those four hours are in addition to the four hours that all officers receive during recruit training. Ultimately, BPD was able to verify through training attendance records that all current drivers received the additional training, but doing

so required a painstaking manual search through training attendance rosters for the last several years; BPD had not been systemically maintaining and tracking the information in easily accessible electronic format as proof of compliance with Consent Decree requirements.

Moreover, when it discovered this issue, the Training Academy also realized that its training curriculum for transport drivers does not utilize the scenario-based, adult learning methods that the Consent Decree requires. BPD is working to resolve both issues. It is developing a system for uniformly documenting when new transport drivers are trained, and it is rewriting the four-hour transport driver lesson plan consistent with its current, Consent Decree-mandated training standards.

| The Next Six Months

The rollout of the new Records Management System, with its electronic field-based reporting features, should enable BPD to capture all the remaining data needed to conduct comprehensive transport event audits. Establishing the capacity to conduct thorough audits should accelerate the pace of BPD's progress toward compliance with the transport requirements of the Consent Decree.

As COVID travel restrictions are relaxed, the Monitoring Team and DOJ will resume periodic in-person audits of weekly vehicle inspections and will also begin conducting in-depth reviews of transport event audits.

In this reporting period, BPD, the Monitoring Team and DOJ initiated monthly Zoom meetings on transport. Our ability to meet in person and review audits and video first-hand will enhance the utility of these meetings in the future.

INTERACTIONS WITH INDIVIDUALS WITH BEHAVIORAL HEALTH DISABILITIES AND IN CRISIS

The Consent Decree reinforces the commitment of both BPD and the City “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 and the City 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 the utilization of the health system for individuals with behavioral health disabilities and in crisis, and diminish the inappropriate utilization of the criminal justice system for such individuals. Paragraph 96 thus challenges BPD and the City 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—requirements that, unlike in most other areas of the Consent Decree, necessitate the full participation of other City agencies alongside BPD. These requirements include the expansion of the Collaborative Planning and Implementation Committee (“CPIC”), which works with BPD to improve crisis response (CD 104-05); an annual 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 a police emergency dispatch policy, 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.

BPD and the City earlier 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, revising policies addressing crisis intervention for both officers and dispatchers, completing and publishing the Gap Analysis, and finalizing training curricula on behavioral health awareness and crisis intervention for recruits, officers, dispatchers/911 specialists, and CIT Officers that often exceed Consent Decree requirements. In this reporting period, BPD has delivered such training to recruits, officers, and dispatchers and 911 specialists. Additionally, although restricted to a degree by the pandemic, BPD and the City have worked diligently with community members on CPIC and Behavioral Health Services Baltimore (BHSB) to begin strengthening the City’s behavioral health support systems and developing the resources needed to respond more effectively to individuals in crisis, consistent with the recommendations in the Gap Analysis.

Because BPD has completed core policy revisions, completed training on behavioral health and crisis intervention for all officers, and will complete such training for emergency dispatchers and 911 specialists within the next two weeks, it has now moved into the implementation phase in the Behavioral Health-General category, with a compliance score of “4a” (implementation – not assessed). Its compliance score in the Behavioral Health-CIT Officers is “3” (training phase) because it has yet to provide specialized training to CIT officers. For the Behavioral Health-System Coordination & Improvement category, the compliance score for BPD and the City is “4a” (implementation phase – not assessed) because, although they have begun working to accomplish the recommendations in the Gap Analysis, program development has not yet reached the point where it can be assessed.

BEHAVIORAL HEALTH- GENERAL	COMPLIANCE SCORE	
	4A	Implementation - Not Yet Assessed

BEHAVIORAL HEALTH – CIT OFFICERS	COMPLIANCE SCORE	
	3	Training
BEHAVIORAL HEALTH – SYSTEM COORDINATION & IMPROVEMENT	COMPLIANCE SCORE	
	4A	Implementation - Not Yet Assessed

Areas of Progress

Training

As previously reported, the pandemic presented various obstacles to BPD's planned in-person, Department-wide training on behavioral health awareness and crisis intervention. The ability of the Training Academy and CPIC's Training Committee to pivot and effectively conduct such training for all officers remotely using interactive technology is commendable. That training, which was coupled with training on patrol response to reports of sexual assault, was completed in March 2021.

In this reporting period, despite the restrictions necessitated by the pandemic, BPD also successfully incorporated classroom training on behavioral health awareness and crisis intervention into its Academy training for recruits. And by the end of this month (May 2021), it will have completed eight hours of targeted in-service behavioral health training for dispatchers and 911 specialists—though it also had to make adjustments to deliver that training remotely.

Finally, BPD has piloted the curriculum for an intensive, in-person, five-day training program for patrol-based CIT officers. This course is scheduled to be delivered in the coming weeks.

Predictably, there were challenges translating the behavioral health curriculum for officers and dispatchers/911 specialists to a remote learning environment. That is especially so because the curriculum focuses on the development of interpersonal skills and making connections with individuals in crisis and treatment providers. Nonetheless, officers, dispatchers and 911 specialists rated the training very highly, with many remarking that it was more engaging than in-

person training from past years. These positive marks are a testament to the good work of the collaborative work of the Training Academy's leadership and instructional staff and CPIC's Training Committee.

Data Collection

As explained elsewhere in this report, BPD is in the process of implementing a new data collection or Records Management System. The RMS will provide BPD its first opportunity to make full use of the behavioral health response form previously developed by the CPIC Data Committee. The form has been reviewed and coded to work with the RMS. Many of the fields in the form will self-populate, ensuring that information required by the Consent Decree will be recorded.

In anticipation of the new RMS, the CPIC Data Committee worked with BPD and the Mayor's Office of Performance and Innovation to pilot a behavioral health data dashboard and a template for a quarterly report on crisis intervention events. This beneficial, forward-looking effort on the part of BPD, the City and CPIC volunteers will help to facilitate BPD's progress toward Consent Decree compliance once the RMS is fully operational.

System Coordination and Improvement

During this reporting period, the City and BPD have begun to make tangible progress on implementing the recommendations in the Gap Analysis and improving the City's behavioral health and crisis response systems.

Commitment of City personnel and resources | The City has committed to maintaining a leadership role in CPIC and to working to address the gaps in the City's behavioral health system, consistent with the recommendations in the Gap Analysis. The new mayoral administration has bolstered this commitment. The Deputy Mayor for Public Safety has been assigned a key role with significant staff support. At the same time, pertinent City agencies are working with community partners to develop a comprehensive strategy to strengthen the City's behavioral health resources.

New funding | Significantly, the City's primary behavioral health care partner, BHSB, has successfully obtained funding to build out the City's behavioral health infrastructure over time through the Greater Baltimore Regional Integrated Crisis System (GBRICS). GBRICS is a regional partnership among multiple Maryland counties and the City.

911 call diversion pilot program | Next month (June 2021), the City will implement a pilot program for diverting certain 911 calls from BPD to a nonprofit agency, Behavioral Health Crisis Inc. (BCRI), that is partnering with the City. BCRI

will monitor the call line around the clock and have behavioral health specialists ready to respond. The calls eligible for the pilot will involve individuals who present with suicidal ideation but without weapons or plans to act on those thoughts. These calls represent about 10% of the 13,000 behavioral health-related calls that 911 specialists receive each year. The pilot is among the first steps the City and BPD are taking to provide the most appropriate response to individuals in crisis. Further reinforcing Baltimore's place among the leaders in public safety reform nationwide, it is an especially noteworthy development.

Analysis of police responses to behavioral health-related calls | To help identify barriers to and solutions for improving the City's behavioral health system, the Consent Decree's requirement for a Gap Analysis includes a requirement for BPD to evaluate a meaningful sample of officer interactions with people with behavioral health disabilities. The evaluation of each encounter should include what precipitated the crisis, how police became involved, and what could be done to prevent a similar crisis in the future. The evaluation will also include incidents that did not escalate into a crisis, but where police interacted unnecessarily with a person with a behavioral health disability.

In this reporting period, the City and BPD have proposed an innovative process—a process to evaluate “sentinel events,” as well as a secondary “quality assurance” process—for addressing this remaining Gap Analysis requirement. The process will entail consulting community partners to identify how similar crisis events can be prevented in the future. The process will involve multiple entities, both government and nonprofit, and complement the nascent expansion of the role of behavioral health service providers in responding to crisis events. Participating entities will likely include CPIC (including Advisory Committee chairs, members with lived experience, advocates, service providers, hospital representatives, and a schools representative), the Mayor's office (including the Office of Homeless Services, the Office of Neighborhood Safety and Engagement, and the Department of Health), BPD, BHS, and the Baltimore Fire Department and 911 director.

Challenges Ahead

Although the City and BPD have laid much of the groundwork for improving behavioral health crisis response systems through policy revisions, training, systems analysis, and planning, reform has yet to hit the street. This year will provide the opportunity to determine if the City's and BPD's demonstrated, good faith commitment to change will begin to translate into genuine, verifiable change.

Crisis Intervention Team

CIT officers will receive a comprehensive 40-hour block of training in the next reporting period. BPD will need to deliver this vital training effectively, and then must ramp up its historically inadequate CIT program to comply with Consent Decree requirements, including ensuring the availability of a CIT officer to respond—and respond properly—to every call for service involving an individual believed to be in crisis. If the CIT program features good training but a half-hearted commitment with inadequate resources, it will not aid the broader effort now underway to improve crisis response and will not make the difference it seeks to make in the lives of individuals trying to navigate a system of care that can be challenging and unresponsive. Nor will the program foster BPD's progress toward Consent Decree compliance. A lot will depend on the quality of the officers selected for the CIT program and the leadership they display in the midst of a crisis.

Quality Assurance

The quality assurance process that is being established to evaluate responses to crisis events has the potential to be a national model. However, establishing a model process will require the effective collaboration of a number of stakeholders—and, as in any postmortem process, will also require candor and honesty in determining where improvements in crisis response are needed. It remains to be seen if all the agencies involved can work cooperatively and productively when faced with a crisis event that requires uninhibited, frank assessments, which include self-reflection and possible self-criticism, when the system fails those it is intended to help.

Systemic Change

Baltimore is on the verge of major systemic change: there is an impressive Gap Analysis recommending numerous improvements in the way the City responds to individuals with disabilities or in crisis, and a forthcoming report will provide a detailed blueprint for accomplishing these improvements. But systemic change is complicated. The funding and operation of the City's behavioral health care system are intricate and involve both government agencies and the private sector. Historically, the government agencies responsible for supporting individuals with disabilities or in crisis have struggled to work cooperatively with one another. Incorporating hospitals and community-based nonprofits will be even more challenging. The City, the State of Maryland, BHS, hospitals at Johns Hopkins University, the University of Maryland and others, and various nonprofit service providers and foundations will have to work together in ways they have never done before. As the Monitoring Team has previously observed, the Gap Analysis will become just another report on the shelf if these entities are unable to establish productive, collaborative partnerships.

The Next Six Months

At a recent CPIC Meeting, BPD acknowledged that the year ahead was one of both significant opportunity and significant challenge. The Fourth-Year Monitoring Plan calls for appropriate City staffing for CPIC's work; the development of a CPIC workplan to detail the steps needed to accomplish the systemic change described above; piloting the quality assurance process to address police interactions with individuals in crisis; reviewing BPD policies on overdose response, reasonable accommodations for individuals with disabilities, and law enforcement assisted diversion; and assessing 911 call intake protocols. Additionally, as noted, the Monitoring Plan requires delivering a 40-hour course to CIT officers, as well as the development of additional in-service behavioral health training for all officers, which will build on the recently completed course.

As ambitious as these deliverables are, the biggest challenge will be the implementation of the recommendations for systemic change in the Gap Analysis. Over a year ago, local advocates and individuals with lived experience shared their ideas and voiced their concerns about the City's ability to carry through on the Gap Analysis. While the City, BPD and CPIC have made significant progress over the past year, the concerns over implementation remain. There is undoubtedly more promise for change now than at the time the Gap Analysis was released: the City has committed additional resources, BHSB has obtained funding that promises to improve the behavioral health care infrastructure and expand crisis services, the City will be implementing a pilot program for diverting certain 911 calls to behavioral health professionals, and BPD is making progress in improving its own capacity to respond effectively to crisis events. The challenge is for all of the actors in the behavioral health system to draw on one another's strengths, working together collaboratively, rather than casting blame, as they seek to bring about improvement.

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. The preservation and protection of First Amendment rights is also 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).

As previously reported, BPD is making reasonable progress toward fulfilling these requirements. It revised its core First Amendment policies early in the implementation process and has now delivered Department-wide e-learning on those policies, to be supplemented by in-class training early next year. Additionally, BPD has initiated self-assessments of its responses to First Amendment-protected activities. It published an assessment of its 2019 responses in 2020, and is working toward publishing its second assessment, covering 2020, within the next month.

Nonetheless, BPD's overall compliance score remains at "2" (policy/planning phase) because, due in part to coronavirus-induced delays, it has not completed revisions to standard operating procedures for its Mobile Field Force, which responds to public assemblies when required. Once the revised manual is completed later this year, BPD will move squarely into the implementation phase of reform in this area.

FIRST AMENDMENT- PROTECTED ACTIVITIES

COMPLIANCE SCORE

2

Policy/Planning

Areas of Progress

Training

In close collaboration with the Monitoring Team, BPD finalized three different e-learning modules covering First Amendment protected activity. All officers completed the e-learning last month (April 2021). The first module teaches the provisions of BPD's core First Amendment policy, Policy 804, covering the right to free speech, including the right to criticize law enforcement, and the right to assemble and protest. The second module focuses on BPD's policy regarding the observation and recording of police activity, Policy 1016. The third module addresses supervisory responsibilities, particularly supervisory responsibilities during protest activity. Each module is accompanied by a test requiring officers to answer all questions correctly in order to complete the training. Collectively, the three modules provide officer comprehensive information on the First Amendment principles reinforced in BPD policies.

As previously reported, although BPD's First Amendment policies did not become fully effective until the e-learning was completed, the Monitoring Team observed that BPD followed the policies during the racial justice protests that, for several weeks, followed the killing of George Floyd by Minneapolis police officers. BPD's adherence to those policies was a key reason why, in the Monitoring Team's view, BPD's response to the protests complied with both the Constitution and the Consent Decree. Based on the Monitoring Team's assessment of BPD's response, [*The New York Times*](#) recently concluded that BPD was the only one of approximately a dozen major city police department that was credited with handling last summer's protest activity in a lawful, effective manner. According to *The Times*' investigation, "In city after city, the reports are a damning indictment of police forces that were poorly trained, heavily militarized and stunningly unprepared for the possibility that large numbers of people would surge into the streets ... In many ways, the problems highlighted in the reports are fundamental to modern American policing, a demonstration of the aggressive tactics that had infuriated many of the protesters to begin with." Baltimore was the singular reported exception.

Self-Assessment

BPD submitted its first annual audit of the Department's responses to First Amendment-protected activities (CD 255) in February 2020. The purpose of these

audits is to implement “corrective action or improvement measures” where deficiencies are identified (CD 256). BPD’s first report is available [here](#).

BPD is now in the process of assembling its second report. This report will be more extensive than the first. The first report was limited to internal affairs complaints in 2019 alleging First Amendment violations (there were a handful, but none of the investigations had been completed); 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 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). *See* ECF No. 287-1. Following a methodology approved by the Monitoring Team and DOJ, the forthcoming report will assess not only disorderly conduct arrests with First Amendment implications—a vital metric because officer responses to individuals who exercise their First Amendment rights in the course of routine police encounters by criticizing police conduct, including officers’ actions, are far more frequent than larger assemblies—but also (1) the results of internal affairs complaints alleging First Amendment violations since 2019 and (2) BPD’s response to a substantially larger number of demonstrations, including the protests that took place from May 30, 2020 to June 20, 2020 in the wake of the killing of George Floyd, the August 2020 protest during President Trump’s visit to Baltimore during the Republican National Convention, and the presidential election protests that took place between November 3, 2020 and December 31, 2020.

The first audit was encouraging. As previously reported, it “present[ed] a fair, if necessarily incomplete, picture of BPD’s response to First Amendment conduct. ... It isolate[d] certain cases that warrant disciplinary or supervisory review. It reinforce[d] the need to address previously-known shortcomings in First Amendment compliance ... and previously-known shortcoming in other areas. ... It demonstrate[d] that BPD is capable of engaging in internal analysis and self-correcting behavior, both of which are essential to becoming a high-functioning, Constitution-abiding police agency.” As encouraging as the first audit report was, the substantially greater amount of material for review for 2020 should generate a more thorough, more revealing analysis.

Challenges Ahead

BPD must continue to properly prepare for and respond to protest activity by ensuring that its officers respect First Amendment rights. Accordingly, BPD must finalize and properly train officers on revised Mobile Field Force protocols, with appropriate continued emphasis on de-escalation and de-militarization.

At the same time, BPD commanders and supervisors must monitor and emphasize the importance of compliance with BPD's First Amendment policies in everyday encounters, ensuring that officers do not arrest, charge, use force or otherwise retaliate against community members who criticize them or otherwise exercise their freedoms of speech or assembly. In its investigation, DOJ found that BPD officers were engaged in a pattern or practice of violating the First Amendment by using unreasonable force in retaliation for oral criticisms, insults and non-violent provocations. Isolated instances of similar conduct have continued into the Consent Decree period, with one officer, Sergeant Ethan Newberg, facing criminal charges for retaliating against non-violent, constitutionally protected provocations with force, criminal charges, or both on nine separate occasions between July 2018 and May 2019.

| The Next Six Months

This summer, as noted above, BPD will publish its second audit report concerning department responses to First Amendment activity.

In addition, after a number of delays, explained in prior reports, BPD will produce an initial draft of revised Mobile Field Force standard operating procedures for review by the Monitoring Team and DOJ. The draft SOPs will be issued for public comment and should be finalized no later than the fall. Once finalized, BPD will prepare a training curriculum. A first draft of the curriculum is due at the end of the year.

Finally, as part of its final tranche of in-class consent decree training on fair and impartial policing, BPD will develop modules that incorporate instruction on Policies 804 and 1016. The curriculum is in development. It is scheduled to be finalized after public comment, and delivery is set to begin, in the next reporting period.

INTERACTIONS WITH YOUTH AND COORDINATION WITH BALTIMORE SCHOOL POLICE

The Consent Decree requires BPD to alter its approach to how it interacts with youth. The Consent Decree obligates BPD officers to account for the personal characteristics (age, size, developmental/mental status, disability status and maturity) of 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 criminal justice system (CD218). To accomplish this goal, 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 Assessment”) (CD219). It requires BPD to revise its policies and training as needed, and conduct training in order to properly guide officers in their interactions with youth (CD220-21). The Consent Decree envisions that, in preparing the Youth Assessment, the City will obtain input from a collaborative consisting of City Officials, BPD representatives and community stakeholders, including community organizations with experts in the field, academic and youth advocates (CD 219).

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.

BPD has completed the Youth Assessment (available [here](#)), finished revising core youth-related policies, and begun planning for training on these policies. Because BPD has entered the training phase of reform, its compliance score in the Youth Interactions compliance category is “3” (training phase).

In the School Police compliance category, BPD has completed the required assessment of its MOU with BSP and executed a new MOU that attempts to fix the

shortcomings in the prior MOU. What remains in this category are biennial assessments of BPD’s coordination with BSP, the first of which should be less than a year from now, in the reporting period after the next one. BPD’s compliance score is “4a” (implementation – not yet assessed).

YOUTH INTERACTIONS	COMPLIANCE SCORE	
	3	Training
SCHOOL POLICE	COMPLIANCE SCORE	
	4A	Implementation - Not Yet Assessed

Areas of Progress

In this reporting period, after having previously revised both Policy 1207 on youth interrogations and previously approved use of force policies to account for youth interactions, BPD completed revisions to its core policy on youth interactions, Policy 1202. Policy 1202 provides BPD officers general guidance on interactions with youth, including a reshaped process for pre-arrest diversion, and will establish the framework for completing the next phase of youth interactions reforms, which will entail working with the Mayor’s Office and City agencies to develop a broader diversion program that will provide officers with meaningful options for diversion to community-based providers.

Challenges Ahead

Now that BPD has finalized its central youth interactions policies, BPD must effectively train its officers on them. Officers have already received training on certain provisions in Policy 1207, as the recently completed, Department-wide training on stops, searches and arrests included “Interrogations and Interviews” and that covered some (not all) of the requirements for custodial youth interrogations, as

well as a “Crime Scenes and Witnesses” module that addressed limitations on on-scene interviews of youth. However, substantial additional training is on the horizon. BPD is presently preparing an e-learning for investigators that will address all material requirements regarding youth interrogations under Policy 1207. It has also begun planning for a two-day, Department-wide, in-class program on youth interactions and behavioral health awareness. That training will be developed later this year and delivered in the first part of 2022.

In addition to BPD training, the City has begun work on implementing the ambitious recommendations from the Youth Assessment. Under the Fourth-Year Monitoring Plan, the City is required to provide monthly updates to the Monitoring Team and DOJ regarding the implementation and expansion of programs devoted to diverting youth from the criminal and juvenile justice systems. This is an arduous, long-term effort aimed at advancing the Consent Decree’s central goal of providing youth with effective community-based alternatives to arrest when appropriate.

The Next Six Months

In the next reporting period, BPD will finalize and provide e-learning on youth interrogations to investigators and will develop classroom curriculum for Department-wide training on Policies 1202 and 1207 (together with behavioral health awareness). Additionally, the City will continue to work and report on the development of youth diversion programs.

Finally, BPD has recognized the need to update its policy on child abuse investigations. The development of that policy is currently underway. In the next reporting period, it will be issued for public comment, revised based on public feedback, and finalized.

COMMUNITY POLICING AND ENGAGEMENT

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. (*Community Policing Defined*, (Washington, DC Office of Community Oriented Policing Services, 2014.) Effective community policing depends on the trust and cooperation of community members. In many challenged Baltimore's neighborhoods, mistrust in the police runs high, and collaboration with the police is infrequent. BPD thus faces considerable challenges in engaging in effective community policing in some of the City's most underserved communities.

One of the overarching goals of the Consent Decree is to meet those challenges. The Consent Decree contains specific requirements to affect how BPD officers interact with community members when taking law enforcement action. These requirements—regarding, *e.g.*, use of force; stops, searches, and arrests; fair and impartial policing; First Amendment-protected activities; and interactions with youth and individuals with behavioral health disabilities or in crisis—are addressed in the preceding sections of this report. However, the Consent Decree begins with general requirements intended to promote both community policing and community engagement.

Preliminarily, the Consent Decree requires issuance of a new mission statement that integrates community-oriented principles into BPD “management, policies and procedures, recruitment, training, personnel evaluations resource deployment, tactics and accountability systems” (CD15). Further, the Consent Decree outlines the kind of community policing training BPD officers must receive (CD16-17) and the data BPD should collect (CD18). The Consent Decree also requires the City and BPD to develop community engagement plans (CD19), to obtain input from community groups on policies, practices, training, engagement programs, and enforcement strategies (CD20), to develop a community outreach program to educate and communicate with City residents about the Consent Decree (CD21), to publish annual reports on BPD's community policing efforts (CD22), and to use the results of the Monitoring Team's community surveys to inform policies, training, and practices (CD25).

Since 2018, BPD has issued a new mission statement, *see* ECF Nos. 119 & 239, prepared a comprehensive Community Policing Plan (issued in June 2020), developed community engagement plans, sought and obtained input from community members on policies and training, and published annual reports on

emergent community policing efforts and community engagement accomplishments. In this reporting period, BPD has developed a two-day, in-class training curriculum on community policing, which BPD has started to deliver Department-wide. BPD's compliance score in the Community Policing and Engagement category is "3" (training phase).



Areas of Progress

In June 2020, the BPD released a Community Policing Plan that describes the department's strategy to address crime while proactively engaging the community in a manner that builds trust and legitimacy. The Plan provides a relatively detailed blueprint for organizational redesign, building community partnerships, problem-solving, building analytical capacity, and district crime plans.

To realize the goals of the Plan, BPD must conduct Department-wide training on community policing. The pandemic caused delays in preparation of the community policing curriculum, but in this reporting period, BPD worked closely with the Monitoring Team, DOJ and community members to produce a thorough two-day, ten-module in-class curriculum. BPD established a "Community Collaboration" organized into development, implementation, and evaluation teams. The collaboration consisted of over 46 participants representing 16 organizations who attended over 40 meetings over the course of eight months. The curriculum generated by this process includes topics such as community policing as envisioned by the Plan, the history of policing in Baltimore, and a community policing approach for dealing with lesser offenses. The training is co-facilitated by BPD instructors and community members from organizations such as Reconcile Baltimore, Project Pnuema, and the Baltimore Community Mediation Center.

BPD issued drafts of the curriculum for public comment and conducted several pilots, each observed by members of the Monitoring Team and DOJ. The public comment periods and the pilots, including the pilot with the Community Training Review Committee, produced helpful feedback from participants. The public comment periods included two virtual community policing training public comment workshops on Zoom with breakout rooms, which attracted approximately 90 participants for the first session and over 50 participants for the second. These training workshops, like the community workshops on youth interactions policies,

should serve as a model for community engagement in the Consent Decree process going forward.

The Department-wide training course began less than two weeks ago. BPD is scheduled to complete the training before the end of the next reporting period. The Monitoring Team will include a more detailed assessment of the training in the next report.

Challenges Ahead

Implementation of Community Policing Plan

Realizing the goals of the Community Policing Plan, including ensuring that officers do what they are trained to do in the community policing course, will require a full-scale, Department-wide commitment on multiple fronts. Performance evaluations and promotions must recognize good community policing work. Supervisors must ensure that their officers prioritize (and receive recognition for prioritizing) community policing. BPD must successfully incorporate a “311 feedback loop” so that officers timely respond to, and effectively address, community-identified causes of disorder. And, as repeatedly emphasized by the Court and the Monitoring Team, BPD must figure out a way to increase the number of sworn officers, particularly in the Patrol Division. To reach the Community Policing Plan’s goal of having patrol officers spend 40% of their time on proactive problem-solving and community policing activity, BPD will need to add over 170 patrol officers and over 30 sergeants. Current staffing shortages are bound to hamper and delay full implementation of the Community Policing Plan, including the objective of having District commanders establish continuity of assignment by having the same officers work in the same area every day.

Building public trust

BPD continues to organize and attend numerous community events. BPD also continues to disseminate draft policies, training curricula and reform plans for community input and publish annual reports describing its community engagement efforts. But as the Monitoring Team’s initial round of community surveys showed, BPD still has a long way to go to re-establish community trust, particularly in communities that have distrusted BPD for years. The pandemic has made the trust-building process even more difficult, limiting the in-person meetings that community members and BPD officials can attend together. BPD must redouble its outreach efforts as the pandemic allows.

To bolster these efforts, BPD is renewing its focus on educating community members about the Consent Decree. This is an important undertaking. In recent

months, the Monitoring Team and DOJ have expressed concern that, in the community meetings it hosts and attends, BPD has not consistently and forcefully emphasized what the Consent Decree requires or what it is doing to comply with the Consent Decree. The Commissioner, the Deputy Commissioner for Compliance, and the Director of the Consent Decree Implementation Unit and her staff have all heard this concern directly from the Monitoring Team, and they are committed to addressing it. BPD, the Monitoring Team and DOJ are meeting biweekly to discuss BPD's community engagement and education efforts and all necessary measures for improvement.

| The Next Six Months

In the next reporting period, as noted, BPD will provide in-class community policing training to all officers. The Monitoring Team and DOJ will randomly audit training sessions to ensure the quality of the training. BPD also will prepare and publish its annual community policing report.

Finally, the Monitoring Team will collaborate with the Institute for Urban Research to conduct a second resident survey on community attitudes toward BPD.

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. Since then, BPD made minor, technical revisions to that policy to ensure consistency with other policies. *See* ECF No. 266. BPD also successfully created and finalized a 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. And in this reporting period, it has delivered specialized training to Sex Offense Unit investigators and in-service classroom training on responding to reports of sexual assault for all BPD members. Finally, BPD has produced its first two annual reports on sex assault investigations. *See* ECF No. 235.

Having completed policy revisions and provided training to both sex offense investigators and all other officers, BPD has moved into the implementation phase of the sexual assault investigations requirements of the Consent Decree. Its compliance score in this area is thus 4a (implementation-not assessed). In the next reporting period, the Monitoring Team plans to commence its assessments of the quality of BPD's sexual assault investigations.

SEXUAL ASSAULT INVESTIGATIONS

COMPLIANCE SCORE

4A

Implementation -
Not Yet Assessed

Areas of Progress

In the last six months, BPD expended considerable time and effort training BPD members on Policy 708 and sexual assault investigations.

First, between November 2020 and March 2021, BPD provided all officers with eight hours of in-service classroom training on patrol responses to reports of sexual assault. Due to COVID restrictions, BPD delivered this training through a web-based platform. The training covered key concepts like trauma-informed interviewing techniques and the effect of trauma on a victim's memory. Officer reviews indicate that the training was effective and well-received.

Second, BPD provided a comprehensive two-day training to investigators in the Sex Offense Unit at the end of 2020. This was an in-class training following all COVID precautions. BPD used a consultant, Sergeant Michael Crumrine of the Austin Police Department, to help develop the training curriculum and to co-facilitate the classroom instruction. The training used a Baltimore case study to highlight key learning points, such as the danger of bias and assumptions that preclude solving serious sexual assault crimes. It also employed role-playing, with members from the advocacy organization, Turn Around, acting as sexual assault victims, to give investigators practice with trauma-informed interview techniques. SOU investigators reported being very satisfied with the training; some said it was the best they have had at BPD.

Challenges Ahead

BPD faces both short-term and long-term challenges to comply with Consent Decree requirements in this area. In the short-term, BPD will develop this year, and administer early next year, its first survey of sexual assault victims, seeking to measure their satisfaction with BPD's response to, and investigation of, their allegations of sexual assault. Developing and administering any survey to obtain valid and reliable results is difficult. Doing so with participants who suffered trauma without re-traumatizing them is more difficult still.

Also in the short-term, as the new Records Management System comes online, BPD will need to ensure that (1) it properly migrates historical data on sexual assault investigations to the new database and (2) going forward, investigators properly input

accurate data so that the new system captures all the data needed to conduct audits and produce annual reports that are fully compliant with the Consent Decree. To date, the annual reports, while encouraging, have been incomplete because the data has been incomplete. *See* ECF No. 317. The new RMS promises to furnish BPD with more extensive data, as well as new digital case management tools.

To ensure that BPD is enhancing its capabilities for recording, maintaining, and reporting data on sexual assault investigations so as to comply with both Consent Decree requirements and best practices, the Fourth-Year Monitoring Plan requires BPD to meet and consult at least quarterly with the Monitoring Team and DOJ. For both BPD and the Monitoring Team, measuring compliance with Policy 708 and Consent Decree requirements will be dependent on the effective utilization of the new RMS. Therefore, both BPD and the Monitoring, as well as DOJ, have a vested interest in ensuring that the RMS properly collects, stores, and makes accessible all required data.

In the long-term, sexual assault investigators and patrol officers will need to apply the training they recently received to accomplish the Consent Decree's goal of responding to and investigating reports of sexual assault using victim-centered, trauma-informed methods. In parallel with the enhancement of internal BPD audits designed to evaluate progress toward this goal, the Monitoring Team will begin its own assessments. Under the Fourth-Year Monitoring Plan, the Monitoring Team will develop the methodology for and commence its first qualitative review of BPD's sexual assault investigations in the next reporting period. In the meantime, it has been collecting and analyzing the quantitative information required by Paragraph 459 of the Consent Decree.

| The Next Six Months

There is a good deal of work scheduled in this area in the next reporting period. In addition to the development of the victim survey, the 2020 internal audit report, and the commencement of the Monitoring Team's first comprehensive assessment, BPD, DOJ and the Monitoring Team have agreed to jointly review two to three closed sexual assault cases each quarter for the purpose of providing the Sex Offense Unit and its investigators additional training and technical assistance. Also, BPD will review and revise as needed its sexual assault investigation policies and procedures and, consistent with Paragraph 259 of the Consent Decree, will develop an annual refresher training curriculum for sexual assault investigators, to be delivered by the end of 2021.

RECRUITMENT, HIRING AND RETENTION

To satisfy the Consent Decree’s staffing goals, which are driven by its requirements for community policing, supervision, misconduct investigations, and training (among others), BPD must recruit, hire and retain more qualified officers. Accordingly, 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).

As previously reported, BPD has satisfied the threshold requirements for recruitment, hiring and retention—a hiring report, a Recruitment Plan, and a Retention Plan. It is now in the implementation phase of reform, which includes continuing to refine and improve the policies and practices of its Recruitment Section and developing new incentives to retain high-quality officers. BPD’s compliance score in the Recruitment, Hiring & Retention category is “4a” (implementation – not yet assessed).



Areas of Progress

Recruitment and Hiring Processes

In this reporting period, BPD has continued to advance a number of initiatives to improve recruitment and hiring. For one thing, it has resumed using RecruitStat—temporarily discontinued in 2020 due to Covid—to track recruitment and hiring efforts at weekly command staff meetings. RecruitStat has proven to be an effective means of prioritizing and ensuring accountability for meeting BPD staffing targets.

BPD also has made improvements in the hiring process. It has implemented its online application, NeoGov, and after substantial planning and piloting, launched the National Testing Network (NTN) exam as an entrance requirement for employment. Applicants also may now complete physical fitness tests in person at BPD's new training facilities at the University of Baltimore or remotely using video technology.

Though not yet automated, the recruitment section currently maintains a daily tracker that captures information on hiring, such as application volume, general and cadet hiring data, pass rates for NTN/physical agility/psychological exams, gender/diversity data, and hiring performance versus targets. The recruitment section hired a new analyst earlier this year to centralize this data and render it more accessible to department stakeholders.

BPD concierge staff use a [spreadsheet](#) to track the various types of contact made with applicants during the initial phases of recruitment (NTN exam, physical agility test, online profile/questionnaire). BPD then compares this contact data to the overall rates of completion of each phase of hiring to determine if there is a correlation with the pace of concierge contact.

In addition to improving the systemization of its hiring processes, BPD is expanding recruitment outreach to a broad spectrum of community members, with the intent of increasing the number of officers and hiring officers who are from diverse backgrounds, oriented toward community-oriented policing, and adept at problem-solving. To that end, BPD has launched a [rebranded marketing campaign](#) through IDFive to appeal to youth and community-minded prospects. The campaign is geo-fenced, which means that advertising is delivered to individuals based on their proximity to certain areas. BPD also maintains relationships with local high schools, regularly hosting events to attract youth, and continues to utilize its Cadet Program (which gives high school students direct experience with police work) and its Youth Explorer Program (which enables students to discover the benefits of a career in policing). The Explorer Program is a collaboration with the Boy Scouts of America, which refer participants to BPD.

Retention

The Monitoring Team approved BPD's Retention Plan at the end of 2019. In this reporting period, BPD continued to take steps toward achieving the Plan's goals, including the following:

Improved promotions policies | As explained in the Staffing, Promotions and Performance Evaluations section above, BPD has finalized its policies on command promotions and [promotion to classified ranks](#), which greatly improve the fairness and transparency of the promotions process. The command promotions policy was

activated in April 2021 through an e-learning distributed to all members. The activation of the policy on promotion to the classified ranks is pending due to ongoing labor negotiations with the police union.

Access to fitness facilities for all officers | Prior to the Consent Decree, BPD maintained, and now continues to maintain, workout rooms at each district and at headquarters. These facilities are accessible to all members of the department.

Educational reimbursement opportunities | BPD maintains an educational reimbursement program that provides a 50 percent tuition reimbursement to members.

Assignment transfers | BPD is nurturing opportunities for career advancement by adopting merit-based selection criteria for transfers and temporary rotations to different BPD components, including specialized units. BPD has created scripts for video interviews and infographics for a “career ladder” project to help inform members of opportunities available in specialized units.

Challenges Ahead

There is little question that policing is facing a national recruiting and retention crisis. Media accounts are replete with reports of officers leaving the law enforcement profession at historic rates. BPD is not immune from this trend. Officers continue to leave BPD in relatively high numbers, particularly at the beginning of each year. However, because of the good work it has done to improve its recruitment, hiring, and retention practices under the Consent Decree, BPD has been able to counteract the national trend, at least to some degree. BPD is bringing on new officers every month, often between 10 and 20. And in 2020, defying recent historical patterns, more officers joined BPD (224 officers) than resigned, retired or were terminated (223 officers). The gain was slight but crucial. For BPD to realize the goals of the Consent Decree in certain key areas, including community policing, supervision, and misconduct investigations, hiring must outpace attrition for the foreseeable future.

Nevertheless, hiring and retaining qualified, diverse, exemplary candidates, and ensuring that hiring outpaces attrition, remain among the most daunting challenges facing BPD. Through the first four months of 2021, attrition exceeds hiring by 40 officers (48 hired and 88 left), though April was a break-even month (15 hired and 15 left). It is the Monitoring Team’s hope that the new practices BPD is implementing continue to improve the hiring and retention numbers as the year progresses.

| The Next Six Months

Squarely in the implementation phase of reform, BPD will continue to utilize RecruitStat to track recruitment and hiring, and will continue to work with the Monitoring Team and DOJ to improve the hiring process and achieve the goals of the Recruitment and Retention Plans.

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).

Since 2018, BPD has refined its EAP (CD 436-437), its traumatic and high-stress incident protocols (CD 439-440), and its peer support program policy (CD 438). BPD’s Officer Safety and Wellness Section (“OSW”) continues to provide mental health support services to BPD officers. BPD has successfully completed department-wide peer intervention training, called EPIC (Ethical Policing Is Courageous). And BPD has developed a methodology for measuring the efficacy of its support programs and produced its first report (CD 441). *See* ECF No. 368. Having satisfied each of these foundational Consent Decree requirements, BPD is now in the implementation phase of reform. Because the Monitoring Team has not yet conducted a formal assessment of BPD’s performance, BPD’s compliance score is “4a” (implementation – not assessed).

OFFICER ASSISTANCE AND SUPPORT

COMPLIANCE SCORE

4A

Implementation -
Not Yet Assessed

Areas of Progress

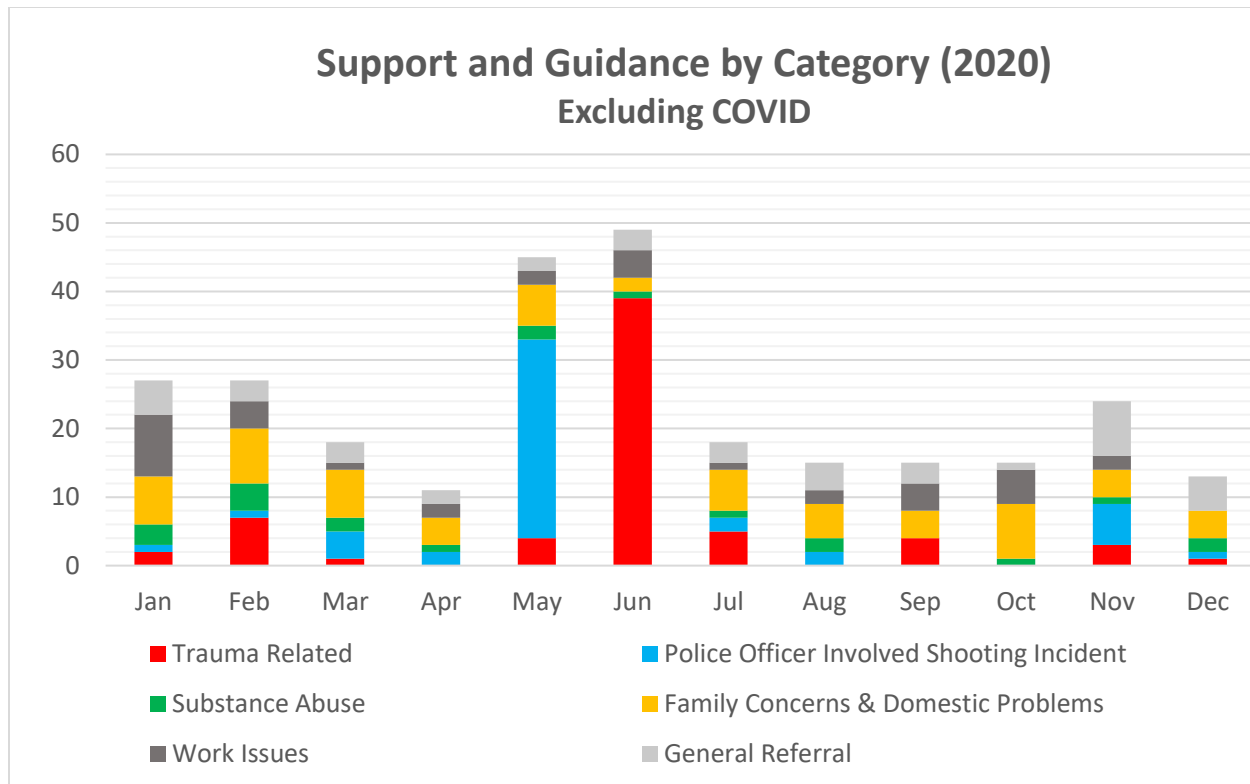
Early Intervention, Support and Guidance

Over the course of 2019, OSW completed 56 early intervention sessions and 217 support and guidance sessions. Comparatively, in 2020, OSW completed 37 early interventions and 1715 support and guidance sessions, over 1,000 of which were COVID-related. Early interventions consist of meetings with BPD members who have triggered an alert within BlueTeam, the department’s misconduct complaint and use of force reporting system. Support and guidance consults occur automatically when a

critical incident has occurred or when a BPD member has specifically requested the support of a peer team member to address work/life issues affecting their job performance.

The decrease in early interventions between 2019 and 2020 is a tentatively encouraging sign, as every early intervention reflects a potentially averted case of disciplinary action. The dramatic increase in support and guidance requests during the pandemic and the nationwide protests in June 2020 is also tentatively encouraging. It shows that officers are increasingly aware and taking advantage of the wellness services available to them. This is vital to maintaining and improving officer morale and sustaining effective job performance. The reasons officers received support and guidance in 2020 are as follows:

Support and Guidance 2020													
Reason	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Trauma Related	2	7	1	0	4	39	5	0	4	0	3	1	66
Police Officer Involved Shooting Incident	1	1	4	2	29	0	2	2	0	0	6	1	48
Substance Abuse	3	4	2	1	2	1	1	2	0	1	1	2	20
Family Concerns & Domestic Problems	7	8	7	4	6	2	6	5	4	8	4	4	65
Work Issues	9	4	1	2	2	4	1	2	4	5	2		36
General Referral	5	3	3	2	2	3	3	4	3	1	8	5	42
COVID-19	0	0	57	157	92	31	119	78	47	162	210	116	1069
Other	0	0	0	0	0	369	0	0	0	0	0	0	369
Total Cases	27	27	75	168	137	449	137	93	62	177	234	129	1715
Definitions													
Trauma Related:	Members who experience physical, emotional, spiritual or psychological harm.												
Police Officer Involved Shooting Incident:	Support for officers who have discharged their weapon at a suspect in the line of duty.												
Substance Abuse:	Overindulgence in or dependence on an addictive substance, especially alcohol.												
Family Concerns & Domestic Problems:	Issues or concerns about family, domestic disputes, or violence.												
Work Issues:	Stress arising from work at BPD.												
General Referral:	Self referral or members referred to OSW or peer members by someone other than themselves.												
COVID-19:	Members identified by ADD as having had or come into contact with COVID-19.												
Other:	Civil unrest, protest, etc.												



In addition to providing in-house support services through OSW, BPD continues to partner with Behavioral Health Services (BHS) to assist officers and their family members. BHS helps OSW give reactive, on-scene critical incident stress debriefings to officers involved in shootings and other critical incidents. OSW, BHS, or peer support program personnel provide follow up support. BHS also assists OSW in providing field counseling to officers and in hosting health fair “pop-ups.”

Annual Wellness Survey

In 2020, OSW conducted a survey of 1,253 officers to gauge their knowledge of and satisfaction with BPD’s officer wellness services. The purpose of the survey, which will be conducted annually, is to identify the strengths and weaknesses of OSW programs. The 2020 survey showed that 96% of respondents know BPD has an officer wellness program, but more than half said that they have only some knowledge of the program’s specifics. Additionally, 17% of respondents report having utilized BPD’s officer wellness resources. Based on the survey’s findings, OSW made several recommendations: (1) establish a workshop on good sleeping habits, as over half of respondents reported sleep deficiencies; (2) expand physical fitness resources; (3) improve communications regarding wellness resources, as roughly 30% of respondents indicated they did not know how to access them; and (4) hire an in-house mental health practitioner who can inspire trust among officers and increase wellness resource utilization as warranted.

Peer Support

Nearly 50 BPD members have been trained by the International Critical Incident Stress Foundation to respond to critical and traumatic incidents as members of BPD's Peer Support Team. These officers provide psychological and emotional support to fellow officers and their families and are on-call to respond to incidents as needed.

The peer team co-responds with BHS staff to incidents such as police-involved shootings, instances of physical/emotional trauma on the job (e.g., witnessing a crime against children, examining dismemberment during a crash investigation), and helps with work/life issues, including ill family members, emotional trauma experienced by a child, or financial hardship. During the COVID-19 pandemic, peer team members delivered food, diapers, and other essential items to members placed under quarantine, or to vulnerable family members with whom they wish to avoid contact.

Peer team members respond to critical incidents by following overlapping established crisis intervention models—one used broadly within the counseling community (Greenstone-Leviton model) and another more tailored to law enforcement (Critical Incident Stress Management method). Each team member is trained on these models.

In 2020, peer team members were deployed as follows:

Officer Safety & Wellness Deployments	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Peer Deployments	4	3	2		2	1		1		1	1		15
POIS Deployments	1		2	1			1	1			1	1	8
Total Cases	5	3	4	1	2	1	1	2	0	1	2	1	23
Care Packages Delivered	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Care Packages Delivered	113	78	66						206	208	62		733

EPIC

In this reporting period, BPD finalized its EPIC training curriculum and completed delivery of EPIC training Department-wide. EPIC is a peer intervention program that trains officers to be “active bystanders”—to intervene with fellow officers to prevent misconduct before it occurs and to stop misconduct as it occurs. At its core, EPIC is an officer wellness program. It is designed to keep officers from getting into situations that could ruin their careers in law enforcement or adversely affect their physical and mental health.

The Monitoring Team, as well as Judge Bedar, observed various EPIC classes. The instructors have been confident in the materials they are teaching and

fully vested in the EPIC program and its benefits for both BPD members and the communities they serve.

Based on surveys completed following the training, an overwhelming number of officers found BPD's EPIC training to be effective and important. The successful completion of the training is making BPD a national leader in peer intervention.

Challenges Ahead

The survey OSW conducted in 2020 revealed that BPD must better educate its officers about the specific types of officer wellness services that are available. Given that OSW is only three years old and that BPD did not have a dedicated officer wellness unit before then, it is not entirely surprising that many officers still do not fully understand what OSW offers, even if they generally understand that support is available. The increase in usage of OSW's support and guidance services in 2020 is, as noted, a potentially encouraging sign that OSW is getting the message out. It must continue to be vigilant in its communication efforts.

The Next Six Months

In the next reporting period, as OSW seeks to expand and bolster the wellness services it provides to BPD officers, the Monitoring Team will work with BPD and DOJ to develop a formal methodology for assessing BPD's compliance with the Officer Assistance and Support provisions of the Consent Decree.



SUMMARY OF MONITORING TEAM ACTIVITIES

Since its appointment in October 2017, the Monitoring Team has sought to fulfill each of its prescribed roles under the Consent Decree—technical advisor, arbiter, and facilitator. The Monitoring Team’s work in each role 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 41 months of its work (October 2017 through February 2021), the City paid the Monitoring Team \$5,007,473.00 in fees and \$178,566.45 in expenses. In addition, from October 2017 through February 2021, the Monitoring Team contributed pro bono services for its work on the Consent Decree in an amount equal to \$2,041,667.85 meaning that 28.2% of the Monitoring Team’s work during the 41 months was at no cost to the City.

Engagement with Stakeholders

Community Engagement

From the beginning, the Monitoring Team has engaged in active, affirmative community outreach. A core group of Team members are devoted to community engagement: lead monitor, Ken Thompson; deputy monitors Seth Rosenthal and Chuck Ramsey; lead community liaison Ray Kelly; community engagement coordinator Darnyle Wharton; and community engagement specialist Jessica Drake. This group meets once every week to debrief and plan community engagement activity.

During this reporting period, as the Consent Decree requires, the Monitoring Team continued to hold quarterly community forums. Because this reporting period

coincided with the continued restrictions necessitated by the COVID-19 pandemic, the Monitoring Team held these quarterly community forums virtually on Facebook Live.

In addition to the required quarterly forums, the Monitoring Team hosted bimonthly Facebook Live sessions, where community members are given the opportunity to post questions online and obtain real-time answers from Monitoring Team leadership.

Because the pandemic made it impossible for the Monitoring Team to continue to meet less formally with community members where they live, Monitoring Team members also attended or convened community meetings with different organizations and individuals, including meetings of neighborhood associations, faith-based organizations, civic leaders, advocacy organizations, and affinity groups. We use these meetings to inform community members about the Consent Decree process, to obtain their input on improving the process, and to listen to their views about BPD.

The Monitoring Team's cohort of neighborhood liaisons continues to be the most essential aspect of our community engagement effort. There is one liaison in each of the City's nine police districts. Overseen by the team's lead 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 points of contact for information and opinions about the performance and conduct of BPD officers. Despite the pandemic, the neighborhood liaisons have maintained contact with the residents in their districts by attending virtual community and other organizational meetings, leafletting neighborhoods with information about the Consent Decree, and continuing to hold regular "office hours" virtually, advertised on their social media pages.

In addition to conducting affirmative, localized outreach to inform and hear from community members about BPD and the reform process, the Monitoring Team has continued targeted engagement with community members around specific Consent Decree requirements, eliciting written community input on proposed BPD policies and training programs. In this reporting period, the Monitoring Team advertised and participated in well-attended community workshopping sessions on drafts of BPD's revised policy on youth interactions and BPD's curriculum on community policing training.

Correspondingly, the Monitoring Team and BPD sought and obtained written public feedback on drafts of all policies and training curricula, which the Monitoring Plans required BPD to issue for two separate rounds of public comment—the first after collaborating with the Monitoring Team and DOJ and producing an initial draft,

the second after addressing and incorporating feedback from the initial comment period. 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 and the Monitoring Team), collaborated with the Monitoring Team and DOJ to ensure that revised drafts properly reflected that feedback, and then published a final policy or curriculum following approval by DOJ and the Monitoring Team.

We are pleased to report that, during this reporting period, the overwhelming majority of comments on draft policies and training curricula have been made to BPD, rather than the Monitoring Team. That is as it should be: BPD needs to get comfortable routinely soliciting feedback from community members, and community members need to get comfortable providing feedback directly to BPD, because once BPD has achieved compliance with the Consent Decree and is released from court oversight, BPD and Baltimoreans are going to have interact directly with—and trust—one another as partners in public safety, without the assistance of the Monitoring Team, DOJ, or the court.

Communications with the Parties

The Monitoring Team continues to communicate with BPD, the City and DOJ multiple times on a daily basis. Because of the pandemic, in-person meetings have been replaced by numerous Zoom meetings, as well as conference calls and email. In this reporting period, the meetings, calls and emails have addressed every area of the Consent Decree, with a focus on the deliverables that came due under the Third- and Fourth-Year Monitoring 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 engages directly with rank-and-file BPD members. Monitoring Team members have established relationships with union leaders and continue to spend 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).

Soon after our appointment, the Monitoring Team established a protocol for notification and potential response to critical incidents involving BPD officers, such as officer-involved shootings. BPD and the Monitoring Team slightly modified the protocol during this reporting period to ensure timely reporting to the Monitoring Team. The notification is immediate and allows for local Monitoring Team members to go to the scene to observe BPD's response. The notification protocol was invoked

several times during this reporting period so that lead monitor Ken Thompson could respond to the scene.

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 Bredar—by Zoom (and sometimes in person, even during the pandemic), by telephone, and by email—to update him on developments, to advise him, and to take direction.

Early on in the reform process, Judge Bredar 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 specific areas of the Consent Decree. Every month BPD, the Monitoring Team and DOJ discussed what Judge Bredar and the Monitoring Team have identified as the four indispensable structural elements of the reform process: training, staffing, technology, and misconduct investigations and discipline. In addition, since October 2020, the meetings have covered, interactions with youth (October 2020), compliance reviews and outcome assessments (November 2020), misconduct investigations (December 2020), community policing (January 2021), technology (February 2021), sexual assault investigations (March 2021), and transportation of persons in custody (April 2021).

Assessments and Technical Assistance

In this reporting period, the Monitoring Team has continued to assess BPD's performance and provide technical assistance on policies, training, and self-assessments or audits. In addition, as BPD moves toward completing training on its revised policies, the Monitoring Team has undertaken an increasing number of compliance reviews and outcome assessments. These reviews and assessments will continue to increase in frequency and intensity as BPD satisfies additional training requirements and completes implementation of new technology enabling more comprehensive data collection and analysis, particularly in the critical area of stops, searches and arrests.

Policy Revisions

In this reporting period, the Monitoring Team has drawn on our expertise and knowledge of national best practices to review and provide feedback on policies on the following subjects:

- Youth interactions
- Performance evaluations, commendations and promotions
- Patrol supervision

- Duty to intervene and anti-retaliation
- Performance Review Board
- Stops, searches and arrests regarding low-level or “quality of life” offenses
- Patrol staffing shortages policy

Training

As BPD nears finalizing Consent Decree-required revisions to its policies, the Monitoring Team has spent more and more time assessing and assisting with BPD’s development and delivery of training curricula. In this reporting period, the Monitoring Team has assessed, assisted with the preparation of, and/or observed training in the following areas, as explained in greater detail in the Findings section above:

- Stops, searches and arrests / fair and impartial policing for all officers
- Ethical Policing Is Courageous for all officers
- Behavioral health awareness for all officers
- Responding to reports of sexual assault for all officers
- Community policing and responding to lesser offenses for all officers
- Sexual assault investigations for sex offense investigators
- Misconduct investigations for PIB detectives
- Behavioral health awareness and crisis intervention for dispatchers and 911 call-takers
- Field training for field training officers
- First Amendment protected activity (e-learning)
- Supervisory responsibility for stops, searches and arrests (e-learning)

Internal BPD Audits

The Consent Decree requires BPD to conduct a number of internal audits of departmental performance. In this reporting period, the Monitoring Team has assisted with the development of the methodology for, commented on draft reports of, and assessed BPD audits in the following areas, as explained in greater detail in the Findings section above:

- Transport vehicle equipment
- Transport event
- First Amendment protected activity
- Misconduct investigations
- Arrests resulting in release without charge
- Officer assistance/support assessment

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 well-justified and well-reported, and 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 in areas such as 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 at the point when the Monitoring Team has begun focusing increasingly on measuring BPD’s progress through compliance reviews and outcome assessments. The Monitoring Team’s work continues to be constrained by the deficiencies in BPD’s antiquated IT systems and data collection practices. With the rollout of the new Records Management System now underway, the Monitoring Team is hopeful that we will soon have access to the data needed to perform a greater number of evaluations required by the Consent Decree. However, due to the present unreliability, incompleteness or total absence of relevant data, the Monitoring Team will not be able to establish meaningful baselines against which to measure BPD’s progress for approximately another year or so—after BPD finishes the RMS rollout and officers begin reliably using electronic field-based reporting.

Nevertheless, as explained in the Findings section above, the Monitoring Team undertook various evaluations in this reporting period. We produced a comprehensive quantitative assessment of use of force incidents in 2018-2019, publishing a report in

January 2021. We published a report of our first compliance review of misconduct investigations by the Public Integrity Bureau in late September 2020. The report, which covered a randomly drawn sample of investigations in 2018, was included in our first biennial Comprehensive Reassessment. In addition, the Monitoring Team has begun a detailed, combined compliance review of a randomly drawn sample of use of force incidents, reporting, and supervisory review covering 2018-2020, with a report due out later this year. We are also completing quantitative outcome assessments of BPD's responses to calls for service and BPD's sexual assault investigations. The latter will be paired with a qualitative compliance review of sexual assault investigations, which will be developed and should begin in the next reporting period.

CD
Monitoring
Team

EXHIBIT 1

Section	Policy/Plan				Training				Implementation Status
	Drafting	Collaboration	Public Comment	Approved	Drafting	Collaboration	Public Comment	Delivery	
Community Oversight Task Force									
Community Policing									
Stops, Field Interviews & Voluntary Contacts									
Searches									
Arrests									
Stops, Searches, Arrests: Review & Supervision									
Impartial Policing									
Behavioral Health: General									
Behavioral Health: CIT Officers									
Behavioral Health: System Coordination									
Use of Force: General									
Use of Force: Reporting & Supervision									
Interactions with Youth									
Transportation									
First Amendment									
Sexual Assault Investigations									
Technology Modernization									
Policies Generally									
Training Generally									
Supervision: Field Training									
Supervision: Duties & Training									
Supervision: Early Intervention System									
Misconduct: Intake									
Misconduct: Investigations									
Misconduct: Discipline									
Misconduct: Transparency									
School Police									
Staffing, Recruitment & Retention									
Employee Performance Evaluations									
Promotions									
Officer Wellness & EPIC									
Legend	Not Applicable	Not Started	In Progress	Complete					