



BALTIMORE CONSENT DECREE MONITORING TEAM

SECOND COMPREHENSIVE REASSESSMENT

December 22, 2022

CD
Monitoring
Team

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OVERVIEW

Monitoring Team Comprehensive Reassessment – December 22, 2022

Monitoring Team's Key Findings

- Although still an agency in transformation, BPD has answered the Monitoring Team's early concern about whether its capacity reform could match its commitment to reform. The results of the assessments we have completed thus far, as well as the informal reviews we have conducted, demonstrate that BPD is firmly on the path to compliance.
- By and large, BPD has successfully implemented all foundational reforms in policies, training, and operations.
- BPD's reinvigorated training academy continues to lead the way to compliance, producing sound curricula and e-learning and facilitating engaging classroom instruction on all Consent Decree subjects.
- The advent of electronic, field-based incident reporting through a new record management system is moving BPD closer to realizing the Consent Decree's vision of a modern, data-driven agency. BPD will realize that vision when it uses report data to inform enforcement strategies and personnel management, and when it implements the system's case management capability, which is necessary to improve the efficacy of its investigative units.
- Our new assessment on use of force shows BPD officers are using force less often, with fewer injuries to civilians and officers, and in the vast majority of cases when force is used, officers comply with law and policy. For BPD to attain compliance, however, more progress remains necessary, including in supervisory review and correction of policy violations when they occur.
- Our recent informal review of Public Integrity Bureau officer misconduct investigations from 2021 shows that investigative quality has improved substantially since 2018, though investigations still take too long to complete, and gaps in documentation, communication with complainants, and supervision persist.
- At the leading edge of nationwide efforts to reimagine public safety, the City has begun implementing recommendations in a 2020 report identifying shortcomings in Baltimore's behavioral health system, including diverting 911 calls involving individuals in crisis to behavioral health professionals, expanding peer support for individuals in crisis, and building out mobile crisis response teams.
- BPD's Performance Standards Section, which conducts internal audits of officer performance, is helping to convert BPD into an introspective, self-correcting agency. It is providing commanders and supervisors with the information needed to identify and reinforce positive trends, on one hand, and expose deficiencies and make course corrections when required, on the other.
- BPD transport vehicles are adequately equipped for proper detainee transport, and BPD officers are generally transporting detainees safely, but BPD must improve its transport record-keeping practices to reach compliance.
- Having implemented beneficial officer wellness programs, BPD is nearing compliance with the officer safety and assistance provisions of the Consent Decree.
- Despite adopting strong hiring and retention incentives, BPD has lost far more officers to attrition than it has gained through hiring in 2021 and 2022, making it harder to meet the community policing, supervision, training, and misconduct investigations requirements of the Consent Decree.
- The importance of effective supervision to the success of the reform enterprise is increasingly apparent.

What's Next

- The Monitoring Team will assess sex assault investigations, arrests, responses to First Amendment-protected conduct, recruitment/hiring/retention, interactions with individuals in crisis, interactions with youth, misconduct investigations, community policing, training, and transportation of persons in custody.
- BPD will perform self-assessments or audits on use of force, responses to behavioral crises, arrests resulting in release without charge, community policing, sex assault investigations, misconduct complaints and investigations, responses to First Amendment activity, detainee transports, and transport vehicle equipment.
- BPD will regularly evaluate the integrity of the data generated by the incident reporting capability of its new records management system and soon will implement the system's case management capability.
- BPD will develop and deliver Department-wide training on peer intervention, misconduct, discipline, community policing, crisis intervention, stops, searches, and arrests, and specialized courses for Crisis Intervention Team officers, field training officers, and sex assault detectives.



INTRODUCTION

THE CONSENT DECREE

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

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

The Consent Decree, in short, requires transformational institutional change. BPD will achieve compliance with the Consent Decree and free itself from Court

oversight when it demonstrates not only that it has successfully implemented all of the required foundational improvements in policies, training, technology and operations, but also that those improvements have translated, measurably and sustainably, into constitutional, community-oriented policing.

Achieving transformational change in a large police department does not happen overnight. As the Consent Decree envisions, it takes time, and it requires adherence to a rigorous, methodical reform process. In each area of the Consent Decree that addresses how officers discharge their duties (*e.g.*, stops/searches/arrests, use of force, and transportation of persons in custody, to name a few), BPD first must draft and adopt revised *policies*. Then BPD must develop and conduct *training* on those revised policies. At the same time, to ensure that the new policies and the new training take root, BPD must revamp vital components of its infrastructure. For instance, BPD must overhaul its technology to become a modern, data-driven, efficient police force, must fortify its system of internal investigations and discipline to enhance officer accountability, must improve the training and supervision of rank-and-file officers to ensure lawful, effective job performance, and must deploy its officers and improve recruiting and retention so as to simultaneously enhance public safety and promote community-oriented policing. It is only after officers have been trained on the new policies, and after infrastructure upgrades are well underway, that community members can expect to see sustained, tangible changes in the conduct of BPD officers. The Consent Decree contemplates that this process will take several years or more.

THE MONITORING TEAM

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

stakeholders from within BPD and across Baltimore’s diverse communities have the opportunity to participate in the reform process (CD 442).¹

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

Every two years, the Monitoring Team is required to prepare a “comprehensive re-assessment to determine whether the material requirements of [the Consent Decree] have been achieved,” to recommend any modifications to the Consent Decree that are necessary to achieve or sustain compliance when “changed circumstances or the unanticipated impact (or lack of impact)” of any requirement are interfering with compliance, and to “address areas of greatest achievement and the requirements that appear to have contributed to this success, as well as areas of greatest concern, including strategies and Technical Assistance, for accelerating Full and Effective Compliance.” (CD 469-70).

This report is the Monitoring Team’s second comprehensive re-assessment. It incorporates the findings from our first seven semi-annual reports issued in July 2018, January 2019, July 2019, January 2020, September 2020 (which combined the first re-assessment), May 2021, and February 2022, as well as our findings regarding the performance of BPD and the City since February 2022. Consistent with the requirements of Paragraph 469 of the Consent Decree, this report explains (1) the Monitoring Team’s evaluation of the progress BPD and the City are making toward compliance with the requirements of the Consent Decree in each area of reform; (2) the challenges BPD and the City will continue to face as they strive to achieve compliance with Consent Decree requirements in each area; (3) the areas of greatest achievement and the Consent Decree requirements that we believe have contributed to BPD’s and the City’s success, as well as the areas posing the greatest challenges and the steps we believe BPD and the City must take to meet them; and (4) the

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).”

Consent Decree requirements that BPD and the City are expected to address in the immediate future.

In this 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 compliance scores, too. The overall compliance scores in each area are reflected in the spreadsheet in **Exhibit 1** and included in the body of this report. The compliance scores for each requirement (*i.e.*, each paragraph) within each area are reflected in the much longer spreadsheet in **Exhibit 2**.

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 - 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 yet demonstrated compliance with all requirements of the section of the Consent Decree in which it is included.

5a – Full and Effective Compliance: The City/Department has demonstrated compliance with all requirements in a Consent Decree section but has not yet sustained compliance for the time period specified in paragraph 504 of the Consent Decree. This score applies only to an entire Consent Decree section, not to individual requirements within a section.

5b – Sustained Compliance: The City/Department has demonstrated sustained compliance with all requirements in a Consent Decree section by consistently adhering to all such requirements for the time period specified 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. Thus, while BPD and the City have put in place the essential building blocks for lasting reform over the past five years—in policies, training, and departmental operations—change on the street has only recently emerged. For that reason, even in areas where policies have been revised, training delivered and Monitoring Team assessments conducted, BPD’s overall compliance score is generally “4c” (implementation—on track); it has not yet attained initial compliance, or a score of “4d.” That is so even though BPD and the City have largely met the hundreds of deadlines and adhered to the ambitious schedule established in the annual Monitoring Plans.

Note that the overall score the Monitoring Team gives to BPD or the City in a particular area does not mean that BPD or the City has attained that score for each and every one of the individual requirements in that area. For certain requirements, the Monitoring Team might give BPD or the City a score lower than the overall score; for others, a higher score. Thus, for instance, in the area of Training, the Monitoring Team has given BPD an overall score of “4c” (implementation—on track), but scores of “4d” (initial compliance), for certain individual requirements and “implementation—on track” for others. *See Exhibit 2.* The overall score in an area simply reflects the Monitoring Team’s overall assessment of BPD’s progress toward compliance in that area.

It is possible that, in one report, the Monitoring Team might assign a score for an individual requirement that is lower than the score given in a prior report. For instance, the score for a particular requirement might move from “4c” (implementation—on track) to “4b” (implementation—off track). That has not

happened yet. However, in this report, certain scores—all in the Use of Force area—have moved from “4d” (initial compliance) to “4c” (implementation on track). To be clear, this does *not* represent backsliding. The simple explanation is that, for this small number of requirements, the Monitoring Team gave a score of initial compliance in the last report because BPD had adopted policies and conducted training that satisfied the plain language of these requirements. However, while completing our [first comprehensive use of force assessment](#) this year, we recognized that these provisions cannot simply be about policy; they are also about *performance*—about demonstrating *adherence* to policy. Accordingly, we determined that, to establish initial compliance with these provisions, BPD not only must show that it has adopted the pertinent policies, but also must demonstrate through officers’ actions *on the street* that, as an agency, it is complying with the policies. Otherwise, the reforms the Consent Decree requires would be nothing more than “paper” reforms, with no obligation to police constitutionally.

The fact that BPD and the City have stayed on pace for five years but still have more to do before achieving sustained compliance proves what the Monitoring Plans implicitly acknowledge: many of the Consent Decree’s most important requirements take five years or more to satisfy. That was anticipated from the beginning. 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

We published our [First Comprehensive Re-Assessment](#) in September 2020. At that time, BPD and the City had completed some, but not all, foundational reforms required by the Consent Decree. They had revised many policies, prepared a number of studies and planning documents, and started delivering new training in core areas of policing. We observed that as essential as these building blocks are to the reform process, “[t]he hard part—sustainable, tangible improvement in organizational and officer performance—lies ahead.” ECF No. 342-1 at 9.

The “hard part” is now here. By and large, BPD and the City have successfully implemented all foundational reforms. To recap:

- BPD has revised all core policies, more than 50 in total, and is now beginning to re-examine them, as the Consent Decree requires, to determine whether any fine-tuning is necessary. These policies, which reflect best practices, are among the finest and most comprehensive in the nation.
- BPD has devised and provided Department-wide in-service training and e-learning on the new policies, including use of force, stops, searches, arrests, fair and impartial policing, peer intervention/active bystandership, community policing, interactions with individuals in crisis, interactions with youth, First Amendment-protected conduct, responding to reports of sexual assault, and (now underway) misconduct/discipline. BPD also has devised and delivered specialized training for supervisors, as well as specialized training for officers responsible for internal misconduct investigations, sex assault investigations, transporting persons in custody, crisis intervention, field training, and more. The volume and scope of Consent Decree-required training BPD has delivered over the past three years is noteworthy. The quality of curriculum writing and instruction, while still improving, is transforming BPD’s training academy into a national model.

By and large, BPD and the City have successfully implemented all foundational reforms.

- BPD and the City are now implementing the recommendations in previously completed studies and plans. BPD has successfully established a new Records Management System that relies on electronic, field-based incident reporting, and will soon operationalize the system’s case management functionality. The City and BPD are partnering on pilot projects on community policing, youth diversion, and diversion of certain 911 calls involving individuals in crisis to behavioral health specialists. The City is launching initiatives, many under the auspices of a regional program, to improve the quality of its behavioral health care system. And BPD has implemented an array of incentives to recruit and retain high quality officers.

So, the “hard part.” The Monitoring Team spent much of the first four years providing BPD with technical assistance on policy writing, training curriculum development and instructional feedback, and improvements in core operations (*e.g.*, internal investigations, supervision, staffing, performance evaluations, and technology). We have now shifted focus to what the Consent Decree refers to as “compliance reviews” and “outcome assessments.” Compliance reviews are qualitative evaluations of how far BPD and the City have come, and how far they still need to go, to achieve compliance with Consent Decree requirements (CD 454). Outcome assessments, by contrast, are quantitative assessments designed to determine whether the reforms required by the Consent Decree are having a tangible, measurable impact—whether policing is changing in the real world (CD 456). By conducting compliance reviews and outcome assessments, we are gauging *performance*, determining whether BPD officers are adhering to policy in their encounters with civilians and whether, as an agency, BPD is effectively implementing the requisite structural and operational reforms.

This year, as described in much greater detail below, the Monitoring Team has completed or is nearing completion of compliance reviews and/or outcome assessments (collectively, “assessments”) on training, transportation of persons in custody, use of force, officer assistance and support, sexual assault investigations, and arrests. Assessments on responses to First Amendment-protected conduct, interactions with individuals in crisis, recruitment/hiring/retention, misconduct investigations, and the work of the Performance Review Board are getting underway. Additional assessments in the key areas of investigative stops, weapons pat-downs, and searches are on the horizon; we will start them once the new Record Management System contains a sufficient amount of reliable data for analysis.

Overall, the results of the assessments we have completed demonstrate that BPD is firmly on the path to compliance.

Overall, the results of the assessments we have completed, as well as the informal reviews we have conducted—*e.g.*, our recent “kicking-the-tires” examination of officer misconduct investigations from 2021 and our on-the-ground observations of BPD’s response to racial justice protests in 2020—

demonstrate that BPD is firmly on the path to compliance. In each area formally evaluated, BPD has reached or is nearing “initial compliance” (score “4d”) with numerous Consent Decree requirements, and BPD’s real-world performance is improving. To take just a few examples: BPD officers are using force less often, with fewer injuries to both civilians and officers, and in the vast majority of cases where officers do use force, their actions comply with law and policy; BPD is ensuring the adequacy and use of safety equipment (seatbelts, grip straps, and cameras) in transport vehicles; BPD’s training academy is consistently drawing on adult-learning techniques to deliver training; and BPD’s Officer Safety and Wellness Section is implementing robust officer wellness programs. To be sure, in each area evaluated, BPD must make additional progress before achieving full and effective compliance. Shortcomings remain. But by making certain adjustments with renewed intention, BPD can fix them.

BPD is an agency in transformation. To its great credit, it is resolving our early concern about whether its capacity to reform could match its commitment to reform. This does not mean that progress has been or will always be steady. In some areas, based on our assessments to date, progress has been uneven. It may well continue to be so. Yet it is progress, nonetheless. And crucially, even when it is halting, we are identifying measures BPD can readily adopt to reach compliance.

AREAS OF GREATEST ACHIEVEMENT

The Consent Decree requires the Monitoring Team to identify the areas of greatest achievement to date, as well as our view of the Consent Decree requirements responsible for them (CD 469).

We begin by observing that none of the progress BPD and the City have made would have been possible without either the commitment of BPD and City leadership, starting with Commissioner Michael Harrison, or the diligence of BPD’s Consent Decree Implementation Unit (CDIU), led by Director Shannon Sullivan. Commissioner Harrison and his leadership team, as well as Mayor Brandon Scott, have set the tone from the top. They have neither wavered in their devotion to compliance nor retreated from the City’s early pledge of full cooperation with the Monitoring Team and DOJ. At the same time, CDIU has expertly managed the reform process, moving BPD toward compliance by ensuring that the responsible BPD components effectively complete the work required by the annual Monitoring Plans. As we noted in our first Comprehensive Reassessment in September 2020, the parties were prescient in requiring BPD to establish CDIU. Without CDIU, it is hard to imagine BPD and the City would have made the gains they have made to date.

Training. The Monitoring Team published our first [comprehensive assessment](#) of BPD’s compliance with the training requirements of the Consent Decree in February 2022. Consistent with our prior observations, our assessment concluded that the improvement of BPD’s training function has been dramatic. BPD has reached “initial compliance” with many Consent Decree requirements. Today, ten

months later, BPD continues to remain “on track” in its implementation of the rest, as explained in the Findings section below.

BPD has upgraded its training academy facilities; added a number of qualified police and civilian instructors to training academy staff; partnered with community organizations and residents to develop curricula and participate in teaching certain courses; adopted a dynamic instructional paradigm grounded in adult-oriented, scenario-based learning; used a new e-learning platform to deliver foundational content and enhance in-person instruction; and ensured officers absorb the material by requiring demonstrated proficiency on post-instructional exams. With these improvements, BPD has developed and delivered a wide array of high-quality Consent Decree-required training, in addition to the state-required training it is required to provide annually.

**The improvement
of BPD’s training
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been dramatic.**

The Consent Decree provisions responsible for the improvement of the training function include the following:

- Paragraph 292, which requires BPD to renovate and update its training facilities. Because of this provision, BPD moved from decrepit facilities at an old high school to modern, state-of-the-art facilities at the University of Baltimore. The new facilities appropriately convey to officers and recruits that BPD prioritizes training and is committed to policing as a profession.
- Paragraph 293, which requires BPD to assign an adequate number of qualified instructors to the training academy. The addition of Gary Cordner as academic director, sworn and civilian instructors, and curriculum writers was necessary to increase the academy’s capacity and improve the quality of instruction.
- Paragraphs 295 and 296, which require BPD to adopt and assign instructors experienced in pedagogical practices that incorporate “adult learning, scenario-based training, and problem-solving practices.” The move away from static, lecture-based instruction to dynamic, facilitated instruction—which requires continuing vigilance to prevent backsliding—has transformed the quality of training. Surveys that the academy administers after each course routinely demonstrate that officers recognize and appreciate the improvement.

Technology. More than a year ago, BPD implemented the first phase of a new Records Management System, which moved the Department from antiquated paper-based reporting to electronic field-based reporting. Officers now complete their reports on laptops in their cars or handheld devices. While BPD has had to iron out a few

imperfections in the report form, the adoption of electronic field-based reporting is transformational. For one thing, report writing has become less cumbersome, more expeditious, and more uniform. Moreover, use of the new RMS is facilitating the reliable collection and maintenance of data on stops, searches, interactions with youth, interactions with individuals in crisis, and more. The availability of this data will simplify and strengthen supervisory review—to commend superior performance, correct deficient performance, and refer policy violations to the Public Integrity Bureau. Moreover,

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having never before meaningfully examined these encounters in the aggregate, BPD will finally be able to analyze Department-wide, District-wide, and unit-wide trends in stops, weapons pat-downs, searches, and arrests, and take corrective action as needed.

Encouragingly, BPD has been diligent in attempting to ensure that officers and their supervisors are properly using the new reporting system so that the RMS contains accurate data. Among other things, the quality control process has spawned recent adjustments in the report form, which now includes mandatory fields that officers must complete before submitting their reports.

Other technological advances that have improved operations include the upgrade of IAPro to track misconduct complaints and use of force investigations and the implementation of a new learning management system to deliver e-learning and track officer training history. Additional advances, now in development, include (1) implementation of the case management functionality of the new RMS, which should improve investigative efficiency across numerous BPD components, from the Sex Offense Unit to Homicide and (2) procurement and adoption of a new early intervention system, which should enable supervisors to identify and intervene to address potentially concerning officer behavior.

The Consent Decree provisions responsible for gradually turning BPD into a modern, technologically proficient law enforcement agency include the paragraphs that obligated BPD to conduct a technology Resource Study (CD 268), followed by preparation and implementation of a detailed, continuously updated Resource Plan, which requires BPD to “create a centralized data and records management system capable of storing, in an easily searchable manner, all data required by this Agreement.” (CD 269-70, 273-75). Other provisions include the many paragraphs that require BPD to collect, maintain, and analyze data on stops, searches, arrests, uses of force, interactions with youth, individuals in crisis, and transport events. BPD has understood from the beginning that until it implements upgrades to its IT systems, it will not be able to demonstrate compliance with the Consent Decree provisions requiring effective, constitutional policing.

Internal Audits. As the Monitoring Team has observed in prior reports and at public hearings, BPD’s Performance Standards Section (PSS)—which conducts internal audits of officer performance in many areas—has moved BPD toward becoming the introspective, self-correcting agency that the Consent Decree envisions. PSS’s work has begun providing commanders and supervisors with the information needed to identify and reinforce positive trends, on the one hand, and expose deficiencies and make course corrections when required, on the other. There are several prominent examples since our first Comprehensive Reassessment.

Under paragraphs 75-79 of the Consent Decree, PSS has tracked arrests that result in arrestees being released without charge (RWOC) since the second quarter of 2020. Though not a perfect proxy for arrests made without adequate legal justification—prosecutors at Central Booking often reject arrests for reasons other than lack of probable cause (e.g., prosecuting the offense of arrest is not a priority) — RWOC arrests can be an indicator. Importantly, RWOC arrests also can shed light on whether officers are complying with BPD’s policy of taking the most effective, least intrusive action when confronted with minor offenses.

As reported in detail in the Findings section below, PSS’s RWOC arrest audits have appear to be at least partly responsible for a dramatic decrease in RWOC arrests over the past two-plus years and have all but eliminated RWOC arrests for lack of probable cause. In that period, the number of RWOC arrests has decreased from 5.6% of all arrests (161 in Q2 2020) to consistently less than .5% (less than 15 per quarter from Q3 2021 until now). This trendline has held firm even as arrests have increased in 2022.

The most pronounced improvement has been in the Northeast District, which had a vastly disproportionate number of RWOC arrests in the first two quarters reviewed, with the heaviest concentration made by its District Action Team (DAT). In the past several quarters, the Northeast District has dramatically reduced the number of RWOC arrests to between zero and two—which is on par with, and even lower than, other districts—and has not had one for lack of probable cause in over a year. All this started with PSS, which spotted the concerning trend and brought it to the attention of command staff. Command staff, in turn, assigned a new supervisor to the DAT, implemented command level review of all arrests, and reinforced through roll calls the importance of making quality arrests that “stick.”

BPD’s Performance Standards Section has moved BPD toward becoming the introspective, self-correcting agency that the Consent Decree envisions.

For over a year, PSS also has maintained a “procedural justice scorecard.” PSS personnel examine three randomly selected law enforcement encounters in every district each month and, using different criteria, evaluate whether officers treat civilians fairly and respectfully. In early audits, although officers were uniformly earning high marks for complying with certain criteria (e.g., “explained reason for contact,” “professional and courteous”), they were earning inconsistent, even low, scores for (1) introducing themselves and (2) providing notification that the encounter was being recorded on body worn camera. Those early findings have led to improvements. Officers across all districts are now consistently introducing themselves and more consistently (though still not always) providing BWC notification.

Among the first Consent Decree requirements PSS began auditing were the requirements for transport equipment (seatbelts in cars; seatbelts, grip straps, and cameras in transport vans) and transport events. The audits—which the Monitoring Team “looked behind” in our [first comprehensive transport assessment](#), published in February 2022—have shown which Consent Decree provisions officers have been regularly complying with and which they have not, and have led BPD to make necessary equipment repairs and identify and correct performance deficiencies. As we concluded in our February 2022 report, the audit process has been responsible for BPD achieving or approaching initial compliance with many transport requirements and, equally important, for specifying the requirements with which transport officers must comply more routinely.

The Consent Decree provisions responsible for the salutary work of PSS are the many paragraphs that require BPD to collect, maintain and analyze data on civilian encounters. These paragraphs have essentially compelled PSS to become the driving force behind BPD’s evolution into a data-driven, self-reflective, self-correcting agency.

Use of Force. We just published our first comprehensive assessment on use of force. Key findings demonstrate that the Consent Decree’s many provisions on use of force, starting with the policy and training requirements, are producing salutary changes in officer conduct. These findings are detailed in the Findings section. Highlights include the following:

The Consent Decree’s many provisions on use of force are producing salutary changes in officer conduct.

- BPD officers used force much less frequently in 2021 than in 2018, with the number of incidents declining by 54.7% (from 1,525 to 691) during that period.
- Officers pointed their weapons at subjects far less frequently in 2021 than in 2018, with the number of incidents declining by 54.7% (from 461 to 209) during that period. The Monitoring Team

also found that nearly all incidents in which officers pointed firearms at subjects complied with law and policy.

- Both subjects and officers were injured less frequently during force encounters in 2021 than in 2018, with the number of subjects injured declining by 41.2% and the number of officers injured declining by 29.8% during that period.
- In the vast majority (over 90%) of force incidents from 2018 to 2020, the force officers used was appropriate—*i.e.*, necessary, reasonable, and proportional—and in an almost equally high number of cases, officers properly utilized de-escalation techniques. BPD has not yet reached initial compliance, however, because: (1) the compliance percentage was not as high in the small number of “Level 3” incidents, which involve the most serious uses of force, during that period; and (2) supervisors who review force cases are too infrequently identifying and correcting policy violations, as intermittent as they are.

Behavioral Health. The City and BPD have made important strides toward implementing the Consent Decree provisions addressing interactions with individuals with behavioral health disabilities. The progress they have made—which includes extensive policy revisions and training, advances in data collection, and routine collaboration with an array of community stakeholders on the Collaboration Planning and Implementation Committee (CPIC)—is described in the Findings section. Here, the Monitoring Team is recognizing the City and BPD not for this preliminary work, but rather for the work they have done to envision and plan for systemic reform of the City’s behavioral health services. Such reform is essential to improving care and thereby limiting police interactions with individuals in crisis. Because of their work, the City and BPD are at the leading edge of the nationwide movement to “reimagine public safety,” which requires conceiving of public safety not merely in terms of how law enforcement addresses crime, but also in terms of how other government agencies and independent community organizations pursue a holistic approach to public health and welfare.

Because of their work on behavioral health care, the City and BPD are at the leading edge of the nationwide movement to reimagine public safety...

In 2019, the City and BPD produced a “Gap Analysis,” which identified deficiencies in the City’s behavioral health system and made recommendations for improvements. Since then, the City and BPD have developed a [52-page implementation plan](#) to pursue the recommendations. They have done so in close coordination with CPIC, which includes relevant City and State officials, advocacy groups such as Disability Rights Maryland and the National Alliance on Mental

Illness, individuals with lived experience, community mental health providers, substance use services providers, local hospitals, advocates, and committed philanthropists. Over the past 18 months, the City and BPD have advanced the following initiatives:

- In 2021, the City piloted a program for diverting certain 911 calls involving individuals in crisis to behavioral health professionals with Baltimore Crisis Response, Inc. The calls eligible for the pilot involved individuals who present with suicidal ideation but without weapons or plans to act on those thoughts. Given the relatively limited scope of the pilot, the City and BPD are presently developing a plan for expansion.
- The City's primary behavioral health care partner, BHSB, obtained funding to build out the City's behavioral health infrastructure through Maryland's Greater Baltimore Regional Integrated Crisis System (GBRICS), a regional partnership among Maryland counties and the City. GBRICS funding will enable the City and BPD to address a number of recommendations in the Gap Analysis Implementation Plan. Thus far, GBRICS has launched a new national behavioral health hotline (988) public awareness campaign. It also has developed mobile crisis team standards, identified mobile crisis team providers through a competitive procurement process, and is expanding mobile crisis team capacity. In addition, GBRICS is helping to expand peer support for individuals in crisis and will aid in the establishment of a comprehensive call center for responding to calls for service, which will increase BHSB's ability to determine where and how resources are needed.

The Consent Decree provisions responsible for these systemic reform initiatives are paragraphs 96-98, which commit the City and BPD to the least police-involved response to individuals in crisis, including diversion, and require the City and BPD to prepare the Gap Analysis, "recommend solutions, and assist with implementation of the recommendations as appropriate." These paragraphs do not require the City and BPD to successfully reform the whole behavioral system to achieve compliance, and the City, BPD and DOJ are presently working to reach agreement on precisely what these paragraphs, particularly paragraph 97, should entail. But by accounting for the City's broader mental health care needs in some measure, the parties were far-sighted. Recognizing that police should not and cannot fill the gaps in big-city behavioral health support systems, they established a general blueprint for re-imagining policing in the City.

Misconduct Investigations. The Monitoring Team has often recounted the dysfunction that historically plagued BPD's internal affairs system. In January 2022, an independent investigation of the roots of the infamous Gun Trace Task Force scandal generated a [516-page report](#) that explains how this traditional mechanism of accountability fed a broader culture of rule-breaking and lawlessness. Like the Monitoring Team's [baseline assessment](#) of the quality of BPD's internal investigations in 2018, ECF No. 342-1 (Exhibit 2), the GTTF report showed that,

when implementation of the Consent Decree began five years ago, what is now BPD's Public Integrity Bureau (PIB) was broken.

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BPD has come a long way since then. PIB's shortcomings are not fully fixed. Nor has the Monitoring Team completed a recent comprehensive assessment of the quality of PIB internal investigations to determine just how much progress PIB has made. Thus, we do not yet count the reform of PIB as a "greatest achievement." However, the improvements we have observed warrant an honorable mention. To summarize:

- PIB has adopted a comprehensive, first-rate classification, intake, and investigations manual.
- PIB investigators have taken a five-day specialized course on internal investigations and will continue to receive such training annually.
- The number of PIB investigators has more than doubled since January 2020, from 17 to the mid-30s, though because of promotions and the need to maintain patrol strength, the overall number dipped slightly in 2022 and remains short of the Staffing Plan's goals.
- BPD has made PIB service a plus-factor in the promotional process.
- The number of applicants for PIB investigator positions has substantially increased, demonstrating that PIB is no longer viewed as an undesirable assignment, but rather as a steppingstone to career advancement.
- Over the past two years, the average time to complete an investigation has been reduced from over 300 days to 181 days (year-to-date for 2022), and the percentage of investigations completed within 90 days has increased dramatically from 5% to over 31% (also year-to-date for 2022), though this remains well short of the Consent Decree requirement for all investigations to be completed within 90 days (except with written approval for an extension from the PIB Commander). That is particularly so for investigations generated by external (vs. internal) complaints, where the figure is 15% and the average time to completion is 217 days.
- BPD has implemented a system for expedited, District commander-led resolution of allegations of minor misconduct, which can free up PIB investigators to focus on more serious allegations, including harassment, excessive force, and false arrest.

Earlier this year, to preliminarily gauge the impact of the new investigations manual and the specialized training PIB investigators received in April 2021, the Monitoring Team conducted a [review](#) of all PIB investigations initiated and completed between April and December 2021, as well as a handful of randomly selected investigations commenced prior to April 2021 and completed by December 2021. We concluded that the quality of PIB investigations has improved substantially in the time since our baseline assessment in 2018. There remains room for improvement in case documentation, communication with complainants, and supervisory review. The results, however, were encouraging.

The Consent Decree provisions responsible for the improvements in PIB are numerous. They include the paragraphs requiring a revamped investigations manual (CD 334, 335, 344, 349-51), specialized training for internal affairs investigators (CD 409-11, 414), and increased staffing (CD 332).

AREAS OF GREATEST CONCERN

In addition to the areas of greatest achievement, the Consent Decree requires the Monitoring Team to identify the areas of greatest concern, as well as the strategies recommended for achieving compliance (CD 469).

Even in the areas of greatest achievement, the Monitoring Team has some concerns. For instance, in the area of technology, for the RMS to realize its potential and enable the Monitoring Team and BPD to perform all assessments required by the Consent Decree, officers must correctly complete incident reports for every reportable event. Further, BPD must successfully implement the case management functionality of the RMS to resolve longstanding record-keeping deficiencies in its investigative units. In the area of training, Education and Training Section supervisors must ensure that curricula consistently incorporate interactive adult-learning techniques and do not regress to a lecture-based format. In the area of misconduct investigations, as noted, this year has seen a modest decrease in the number of investigators assigned to PIB, yet BPD must move in the other direction, toward the Staffing Plan's goal of 48 PIB investigators, if it hopes to reduce investigator caseloads, eliminate case backlogs, and satisfy the Consent Decree's requirement of completing investigations in 90 days.

In all these areas, however, the achievements outweigh the concerns. In a couple of areas, the concerns are more pronounced.

Staffing and Retention. In 2020, BPD defied nationwide trends and hired more sworn officers than it lost to attrition. BPD has not been so fortunate the past two years. In 2021 and thus far in 2022, BPD has lost 238 more sworn officers than it has hired—92 in 2021 and 146 through October 2022. Even more alarming, in 2022, BPD has hired an average of only 7 new officers a month through October, whereas it hired an average of over 15 new officers a month in 2021. The result is that, based on the targets in the 2022 Staffing Plan, BPD is down more than 400 sworn officers, as well as more than 440 civilians. Patrol has the largest sworn officer deficit, but other

key units, including PIB, the Sex Offense Unit, Homicide, and District Detectives, also have shortages.

If they persist, these shortages, especially in Patrol, will render the Consent Decree’s community-oriented policing objectives extraordinarily difficult to attain. Under BPD’s Community Policing Plan, patrol officers should spend 40% of their time engaging in community policing activity and 60% responding to calls for service. The goal is to build community trust by getting officers out of their cars, into the communities they serve, and engaged in proactive problem-solving to improve public safety. BPD is now tracking community policing activity and, as explained in the Findings section, is making progress toward the 40%/60% split, despite the shortages in Patrol. But with a consistently declining number of officers in an already understaffed division, this goal will begin to recede from view. At the same time, BPD will have increasing difficulty meeting equally important staffing targets for both PIB and investigative units like Homicide and SOU. For each of these components—and, for Consent Decree purposes, for PIB especially (see above)—the need for detectives to maintain manageable caseloads and conduct timely, thorough investigations is paramount.

The 2021 and 2022 Staffing Plans are realistic about what is happening in Baltimore and elsewhere, as police departments across the country face similar shortages and similar attrition/hiring trends. Accordingly, the Staffing Plan now has reduced the number of sworn officers required, increased civilian hiring targets, and reinforced the need to adjust certain call-for-service practices to alleviate the burdens on Patrol.

To address its staffing shortages, BPD must aggressively implement the recommendations in the current Staffing Plan. The current Plan calls for reducing call volume and workload for Patrol by reducing false alarms by 25%, diverting 25% of traffic accident management to a third-party vendor, reducing “other” calls for service by 25%, diverting 50% of larceny calls to online or telephone reporting, and diverting 25% of disorderly conduct calls for service. While BPD has taken some preliminary steps to implement these recommendations—for instance, diverting larceny calls beginning this past summer—it has not worked fast enough. Nor has it pushed as hard as it must to implement the civilianization targets in the current Plan. With the challenges in officer recruitment and retention that it is likely to continue to confront, BPD must begin to fill the civilian positions created for investigative specialists, who work alongside detectives and assist in tasks that do not require law enforcement powers, including database review, investigative research, and report writing. Additionally, BPD must continue

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to think innovatively about other traditional sworn officer functions that civilians can serve.

It remains equally important for BPD to continue to use creative means to retain officers and recruit new ones. In the past 18 months, BPD and the City have authorized a number of recruitment and retention incentives, which include those built into the most recent collective bargaining agreement—an increase in starting officer pay to \$60,000, now the highest in Maryland; base pay increase education incentives (\$1,500 for an associate degree, \$3,000 for a bachelor’s degree; \$4,500 for a master’s or law degree); increases in patrol duty and night shift duty pay incentives; wage increases across all seniority levels; and increases in per diem rates for field training officers. Recent additional incentives include \$5,000 for each successful referral of a new officer, with no cap; \$5,000 per year in student loan assistance; a \$12,000 housing allowance for officers who choose to relocate their residence to Baltimore, paid out over one year; and a \$5,000 signing bonus, payable after completion of field training.

BPD also recognizes that job quality enhances retention. To that end, it has conceived a number of measures to improve job quality. It must continue to do even more. Recent measures include new policies that make major, captain, lieutenant, and sergeant promotions fairer and more transparent, a more meaningful commendations policy, access to fitness facilities in each district and headquarters, a 50% school tuition reimbursement, merit-based selection criteria for transfers and temporary assignments, take-home vehicles for officers who reside in Baltimore, enabling electronic field-based incident reporting on Department-issued handheld devices and laptops, and crucially, upgrading the vehicle fleet to provide officers more attractive workspaces.

Finally, BPD must be persistent in its recruitment efforts. As described in prior reports and in the Findings section here, BPD has adopted new procedures that have improved the rigor and professionalism of the Recruitment Section. It must continue to evaluate the effectiveness of these procedures, refine them as needed, and ramp up its public relations/branding campaigns and outreach efforts to attract motivated, highly qualified officers. The precipitous decline in hiring in 2022—down by almost 50% from 2021—is a major concern. Civilianization, resource reallocation, and 911 call diversion can make up for some of the existing shortage in sworn officers, but without a substantial increase in new hires, BPD will continue to fall well short of its staffing targets.

Supervision. Effective supervision is not a major “concern” at this point. It is more of an ongoing challenge. Effective supervision is indispensable to achieving the central objective of the Consent Decree: community-oriented, constitutional policing. As we have said repeatedly, if lieutenants, sergeants, and field training officers do not buy in to the reform enterprise, it will not succeed, and the Consent Decree’s core requirements on stops, searches, arrests, uses of force, responses to First Amendment-protected conduct, and interactions with youth and individuals in crisis will go unmet.

Our observations to date, both informal and formal, suggest that, in some areas, effective supervision is making a positive difference, as it should, while in others, improvement is necessary. Some examples:

- The hands-on guidance supervisors provided line officers regarding BPD's First Amendment policies—which started with command staff and made its way through the ranks—was responsible for BPD's effective response to the racial justice protests in Baltimore in May-June 2020. Our recently commenced comprehensive First Amendment compliance assessment will entail a closer, more formal examination of documentary evidence and body-worn camera footage of BPD's conduct during the protests. But our informal assessment, based on observations from the command center and on the street, led *The New York Times* to conclude that BPD was the only one of a dozen major city police departments credited with a constitutionally compliant response.
- As reported above, supervisory intervention, prompted by Performance Standards Section audits, is responsible for the dramatic, sustained reduction in RWOC arrests in the Northeast District.
- Our just-published comprehensive assessment on use of force reveals that, between 2018-2020, supervisors seldom found that an officer's use of force violated BPD policy in the relatively small number of cases in which we found a violation of policy. Further, many of the cases in which we found violations of policy involved serious, Level 3 uses of force. Thus, for instance, while we found the force used to be objectively reasonable in 93.4% of cases we examined from 2020, six of the 11 cases in which we found the force used not to be objectively reasonable involved Level 3 force, and supervisors found that the force used in only one of those 11 cases (a Level 3 case) violated policy. In addition, of the 21 cases from 2020 in which we determined the force used to be unnecessary, disproportionate, objectively unreasonable or inconsistent with the duty to de-escalate, supervisors identified a violation of policy in only one of these cases. This is a lower percentage than in 2018, two years earlier, which was *before* BPD revised and delivered Department-wide training on use of force policies. The takeaway is that, although officers were complying with policy in a large majority of cases in which they used force from 2018-2020 (over 90%), supervisors were not identifying or correcting violations

If supervisors do not buy in to the reform enterprise, it will not succeed, and the Consent Decree's core requirements will go unmet.

when they occurred and, consequently, were not moving BPD closer to compliance with the use of force requirements in the Consent Decree.

- One of the findings in our informal review of 2021 PIB cases was that, in their review of completed internal investigations, PIB supervisors did not consider patterns in officer behavior based on disciplinary history, prior complaints resulting in non-sustained findings, or officer training records in 25-30% of cases.

Training will be essential to ensuring appropriate supervision, as will command level review of supervisory performance. Department-wide training of supervisors began in earlier this year and is nearing completion. This is the first training for supervisors under the Consent Decree. The curriculum includes, among other things, review of use of force cases. This should prove beneficial. Among the topics District commanders told CDIU and the Education and Training Section that the training should cover was use of force review, particularly for sergeants, who provide first-level review for all Level 1 and Level 2 cases.



FINDINGS

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 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 three years: training. We then address the areas of the Consent Decree that continue to present the most essential challenges: 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 the other areas of the Consent Decree.

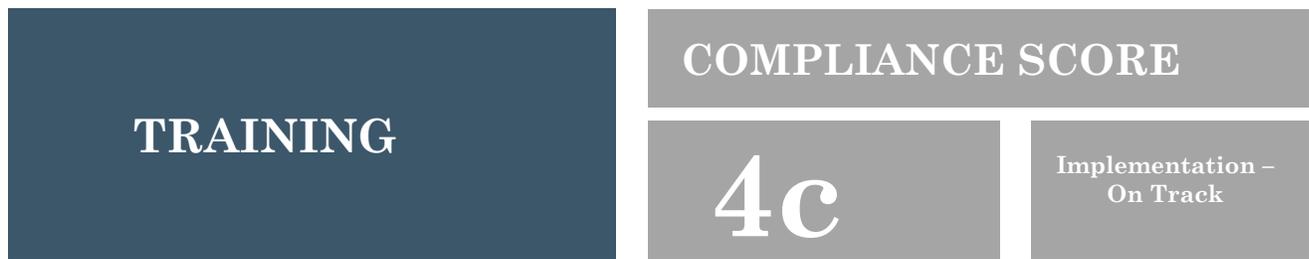
TRAINING

Officer training remains a primary vehicle for translating the expectations and requirements of policy into practice. Recognizing that “proper, effective, and comprehensive training is a necessary prerequisite to constitutional policing,” (CD 291), the Consent Decree outlines 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). The Consent Decree also requires changes in the Department’s Field Training Officer Program for new Academy graduates. (CD 301–02). Even in areas where the Consent Decree does not provide detailed requirements for training, the full implementation of new policies and procedures requires rigorous, high-quality training to translate paper into practice.

In February 2022, the Monitoring Team completed our [first comprehensive Compliance Review and Outcome Assessment Regarding Training](#). That formal assessment evaluated whether BPD has reached compliance with the provisions of the Consent Decree that address BPD’s overall training function. The Monitoring Team determined that the overall quality of BPD’s training was significantly higher than when the Consent Decree process began. We found that the dramatic improvement is attributable to the adoption of an adult learning, scenario-based training paradigm focused on problem solving; an upgrade in training facilities; the assignment of an adequate number of sworn officers to the training academy; the use of outside instructors, particularly for topics like behavioral health awareness, impartial policing; sexual assault investigations, and internal affairs investigations; the effective adoption of an e-learning platform to deliver basic policy content; and the continuous updating of detailed, strategic training plans.

Based on the assessment, the Monitoring Team concluded that BPD is likely to reach initial compliance with the full set of general training requirements (CD 291–300) once it provides the Academy with the number of civilian staff required by the Staffing Plan developed under the Consent Decree (*see* Staffing, Performance Evaluations and Promotions section below); remedies significant deficiencies at the Gunpowder and Northeastern District firearms ranges; further enhances the quality of curriculum drafting; implements a more rigorous process for selecting training instructors; formalizes the procedure for identifying training needs and priorities; and implements a system for methodically tracking training deficiencies.

Within the past nine months, BPD has continued to make steady progress toward satisfying the Consent Decree’s training requirements. Its compliance score continues to be “4c” (implementation—on track).



Areas of Progress

Implementation of Training Requirements

In 2022, BPD has implemented a number of training initiatives responsive to Consent Decree requirements, State of Maryland police training mandates, and other identified needs. In-person training courses that have been completed, have begun, or will have begun by the end of 2022 include:

- *Use of Force, First Amendment Protected Activity, and Fair & Impartial Policing.* A two-day in-service course for all BPD officers, begun in 2021, was completed in Q1 of 2022. The course provided a refresher on Consent Decree use of force training delivered in 2019, reinforced a series of e-learnings on the First Amendment and policing, and provided advanced content on fair and impartial policing.
- *Youth Interactions.* A two-day in-service training for all BPD officers focused on police interactions with youth began in Q1 of 2022 and was completed in Q3 of 2022. The training also included material on interactions with youth with behavioral health disabilities, which supplemented and reinforced prior Consent Decree-required training on the subject.
- *CPR & Defensive Tactics.* A one-day in-service course covering first aid and defensive tactics for all BPD officers began in Q2 of 2022, with completion expected in Q4 of 2022.
- *Community Policing, Misconduct and Discipline.* A two-day in-service course addressing community policing and officer misconduct and discipline for all BPD officers was piloted in October 2022 and recently began, with completion expected in Q1 of 2023. The community policing part of the curriculum reinforces Consent Decree-mandated training on community policing completed in December 2021.
- *Roca Rewire4.* This is one-day course that incorporates community policing, behavioral crisis response, and use of force. BPD has offered the course several times during 2022 and launched a train-the-trainer process aimed

at preparing at least eight facilitators who will present the course throughout 2023.

- *Public Order Forces Training.* BPD's Public Order Forces include Rapid Response Formations (which may include any officer) and the Mobile Field Force (which include specially trained officers). BPD has finalized a one-day curriculum for training all officers on the roles and responsibilities of its Public Order Forces under a recently approved Public Order Forces Standard Operating Procedure. The training is scheduled to be delivered in 2023 and will likely be paired with one-day training on a related topic to make for a two-day course.

In 2022, BPD also has focused on providing specialized in-service training for certain sworn members based on their unique responsibilities. This specialized training has included:

- *General Supervisor Training.* A three-day in-person course on general supervisory requirements, expectations, and skills for all BPD members at the rank of sergeant and above began in Q3 2022, with completion expected in Q1 2023.
- *Field Training Officer (FTO) Certification.* A five-day in-person course for newly selected FTOs was offered twice in 2022, first in Q1 and again in Q3.
- *Field Training Officer (FTO) Refresher/Recertification.* A one-day in-person in-service course for all current FTOs was offered several times in Q1 and Q4 of 2022.
- *Crisis Intervention Training (CIT).* A five-day in-person course for newly selected CIT officers was offered on four occasions in 2022.
- *New First-Line Supervisor Training.* A five-day in-person course for new sergeants was offered twice in 2022, first in Q1 and again in Q4.
- *New First-Line Administrator Training.* A five-day in-person course for new lieutenants was offered twice in 2022, first in Q1 and again in Q4.
- *Performance Review Board Training.* A one-day virtual course for members who participate in PRB reviews of use of force was completed in Q4 of 2022.
- *Sex Assault Investigator Training.* A one-week training for detectives (including PIB members), which taught the conversation management approach to interviewing and interrogation. The course was offered twice in 2022 and will continue to be offered in 2023.

- *Sex Assault Investigator Instructor Certification Training*. BPD offered a one-week sex assault investigation instructor certification course three times in 2022.

BPD also has continued to use its e-learning platforms to provide targeted, ongoing instruction to officers on a host of topics required by the Consent Decree, as well as those not required by the Consent Decree. These include:

- *Persons in Custody (Prisoner Transport)* (1 hour, completed)
- *Youth Interrogations* (1 hour, completed)
- *Rules and Regulations* (1 hour, distributed to members in Q1 2022);
- *Misconduct Complaint Intake* (1 hour, completed)
- *Expedited Resolution of Minor Misconduct (ERMM)* (1 hour, completed)
- *Performance Evaluations* (1 hour, completed)
- *NIBRS/RMS* (1 hour, completed)
- *Elder Abuse* (2 hours, completed)
- *Extreme Risk Protective Orders* (1 hours, completed)
- *Language Access* (1 hours, completed)
- *Dog Encounters* (1 hour, distributed for completion in Q3 2022);
- *Child Abuse Investigation* (1 hour, to be distributed for completion in Q1 2023) and
- *Sexual Assault Investigation* (1 hour, distributed for completion in Q4 2022)
- *Identity Theft and Fraud* (1 hour, distributed for completion in Q4 2022)

Amid all of this in-service training and e-learning for current officers, BPD has continued to train and graduate Academy classes of new entry-level officers. As of early October 2022, four entry-level classes had graduated this year, with two additional entry-level classes scheduled to graduate in Q4 2022. Another five entry-level classes have begun in 2022, with another slated to start by the end of the year.

Instructor Selection Process

During this reporting period, BPD has also worked to formalize a process for selecting training instructors, consistent with the recommendations in the Monitoring Team's comprehensive training assessment. The Monitoring Team and DOJ recently approved a revised standard operating procedure, which is currently being implemented. It sets forth the minimum qualifications for instructors; the desired attributes of instructors; disqualifying disciplinary history criteria; and a structured instructor selection committee process that includes oral interviews.

Range Facilities Remediation

As noted above, the Monitoring Team's comprehensive training assessment indicated that BPD must remedy basic deficiencies in its range facilities to reach compliance with the Consent Decree's training requirements. During this reporting period, BPD has made progress toward implementing concrete plans to overhaul both the Northeastern District and Gunpowder Ranges. The plan includes replacing the

building infrastructure at the Gunpowder Range. The Monitoring Team understands that construction is currently anticipated to begin in March 2023.

Challenges Ahead

The Consent Decree requires that the Academy maintain “an adequate number of qualified instructors.” (CD 293, 296) The Monitoring Team has repeatedly observed that, because the Consent Decree requires BPD to maintain an intense pace for developing and providing in-service training and e-learning, it is essential for BPD to comply with this requirement. Without adequate staff, it will not be possible for the Academy to effectively and continuously draft and deliver training that effectively incorporates problem-solving and decision-making scenarios, simulations, role playing, group discussions.

In our recent assessment, we determined that the Academy is operating with a sufficient number of qualified, sworn personnel. We also concluded, however, that the Academy is far from operating with the number of civilian personnel that the Staffing Plan requires. As of October 2022, the level of civilian staffing at the Academy still falls far short of these requirements.

To reach compliance and ensure the long-term success of BPD’s new training paradigm, BPD and the City will need to provide the Academy with an adequate number of both sworn *and* civilian personnel.

What’s Next

In the next reporting period, BPD will continue to develop training programs responsive to Consent Decree requirements. At the same time, BPD’s training plans will be increasingly guided by its strategic deliberations about the skills and knowledge that will most benefit officers based on real-world dynamics, data, and assessment of officer performance in the field.

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. Indeed, the Monitoring Team’s recent review of misconduct investigations from 2021 shows that the adoption of a comprehensive PIB investigation manual and specialized training for PIB detectives have meaningfully improved the overall quality of PIB investigations, even as continued improvement is required. Further, with the implementation of a policy on early resolution of minor misconduct allegations and a sustained increase in the number of PIB detectives, PIB is completing investigations more quickly than before. To reach initial compliance with Consent Decree requirements, however, PIB must show continued progress toward 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.

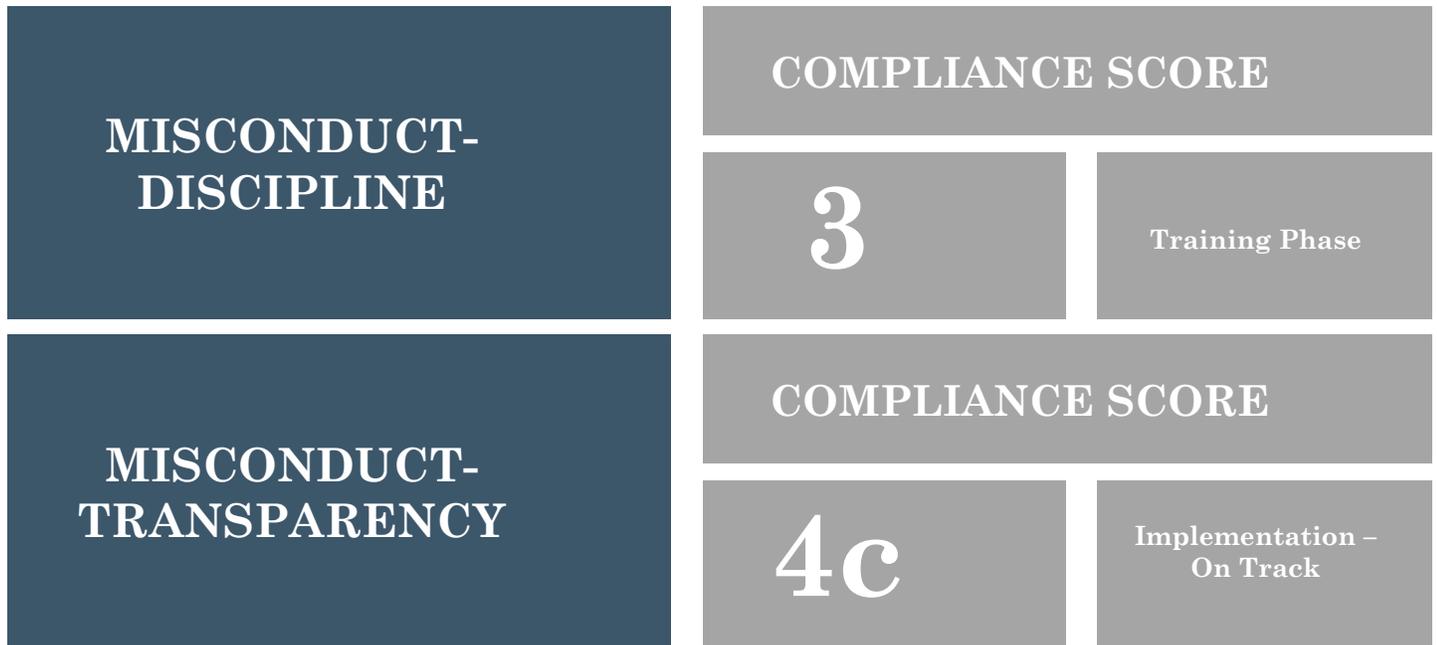
In the area of “Misconduct – Intake,” BPD’s compliance score has improved to “4c” (implementation – on track), as policy revisions and training are complete, and the Monitoring Team’s recent review of 2021 cases shows some improvement.

In the area of “Misconduct – Investigations,” BPD’s compliance score also has improved to “4c” (implementation – on track), based on the Monitoring Team’s recent review.

In the area of “Misconduct – Discipline,” BPD’s compliance score is “3” (training phase), as it has recently begun Department-wide training on the disciplinary process. Note that, because of significant changes to the disciplinary system required by new state laws enacted last year, BPD and the City are still not quite done with revisions to disciplinary policies. However, because BPD has otherwise completed the required revisions, the Monitoring Team credits BPD for progressing to the next phase of reform.

Finally, in the area of “Misconduct – Transparency,” BPD’s compliance score has improved to “4c” (implementation – on track), as BPD proceeds with implementation of its Transparency Initiatives Plan.

MISCONDUCT- INTAKE	COMPLIANCE SCORE	
	4c	Implementation - on Track
MISCONDUCT- INVESTIGATIONS	COMPLIANCE SCORE	
	4c	Implementation - on Track



Areas of Progress

Interim Monitoring Team PIB Case Review

Earlier this year, the Monitoring Team conducted a [review](#) of all PIB investigations initiated and completed between April and December 2021, as well as a handful of randomly selected investigations commenced prior to April 2021 and completed by December 2021. The purpose of this interim review was to evaluate whether and how BPD is progressing toward compliance following the critical systems overhaul in PIB, which has included the implementation of a first-in-class PIB investigations manual, the delivery of specialized training on internal investigations to all PIB investigators in April 2021, and a sustained increase in the number of PIB investigators, which has generally resulted in lower caseloads per investigator.

The Monitoring Team concluded that, overall, PIB investigations have improved measurably in the time since we conducted our baseline assessment of the quality of PIB investigations in 2018. We also found that, despite these noteworthy improvements in investigation quality, there remains room for improvement, including with case documentation, follow-up communication with complainants, investigative thoroughness in certain cases, and supervisory review.

The Monitoring Team anticipates exploring each of these areas in greater depth during the formal compliance assessment we are undertaking in the coming months.

Misconduct and Discipline Training

In October 2022, BPD began piloting Department-wide training on misconduct and discipline. The two-day course, which also includes material on community policing, begins with a historical perspective on BPD's internal affairs system, covers prior misconduct cases, and describes a culture that largely turned a blind eye to officer misconduct. The course proceeds to address BPD's revised misconduct and discipline policies, including Policy 306 (Complaint Intake Process), Policy 211 (Non-Disciplinary Corrective Action), and Policy 321 (Expedited Resolution of Minor Misconduct), and the new statewide disciplinary matrix, developed to comply with the Maryland Police Accountability Act of 2021. The course also addresses BPD's "Brady-Giglio" policy, which establishes procedures requiring officers to comply with their constitutional obligation to provide to prosecutors with evidence favorable to defendants in criminal cases.

The training has now formally commenced. BPD anticipates delivering the training to all officers by the end of the first quarter of 2023.

In addition to Department-wide training on misconduct and discipline, BPD has provided refresher training on Active Bystandership For Law Enforcement (ABLE), the first iteration of which was called EPIC (Ethical Policing is Courageous) which address BPD's peer intervention practices. The Monitoring Team and DOJ observed the training.

BPD continues to provide video-recorded training on internal investigations to members who are transferred in to PIB as investigators, supervisors, and commanders. This training was initially delivered in April 2021.

Policies

In collaboration with the Monitoring Team and DOJ, BPD continues to revise its core policy on the Department's disciplinary process to incorporate the changes mandated by the Maryland Police Accountability Act of 2021. The draft is being prepared internally and should be presented to the Monitoring Team and DOJ for our input shortly.

BPD's policy on expedited resolution of allegations minor misconduct (ERMM)—which excludes all complaints involving civilian interactions—has now been in place for over two years. As previously reported, the policy 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. In the pilot training sessions on BPD's misconduct and discipline policies, the Monitoring Team noted multiple remarks about the positive impact of the ERMM policy on both officers and supervisors. In these discussions, there was consensus that, by allowing officers to promptly accept responsibility for minor misconduct, the ERMM policy is reducing the stress officers must endure when they await the conclusion of PIB investigations that, even for

minor complaints, typically last for months. Further, the ERMM policy is one of several developments that have helped to declutter PIB caseloads, freeing up investigators to focus on more serious complaints and complete their investigations more expeditiously.

Quarterly PIB and CRB Reports

The Consent Decree requires BPD to publish quarterly reports with data on the number and types of misconduct complaints, PIB's efficiency in investigating the complaints, and PIB's findings. Within this reporting period, BPD published two reports: one covers the [first two quarters of 2021](#), while the second covers the [third and fourth quarters of 2021](#). The process for producing the quarterly reports in a timely manner is improving based on improvements BPD is making in its record-keeping systems. The reports for 2022 are being published for each individual quarter, rather than bi-annually.

The Consent Decree also requires the City's Civilian Review Board ("CRB") to publish quarterly reports reflecting data on misconduct complaints, investigations, and resolutions. In this reporting period, the CRB, like BPD, has produced reports covering all of 2021, as well as reports for Q1 and Q2 2022.

PIB Staffing

Over the past two years, BPD has succeeded in attracting qualified candidates to PIB and sustainably increasing the number of investigators assigned to PIB. However, the number of investigators is still more than 10 lower than the 48 required by BPD's Staffing Plan. Further, while the number of investigators has remained relatively constant over the past 18 months, there has been a slight decrease in the past year, due primarily to PIB investigators and supervisors being promoted out of PIB and replaced by newcomers. On one hand, this is a very positive development: PIB is no longer an undesirable backwater, but a respected assignment that serves as a steppingstone to promotion. On the other hand, as BPD has acknowledged in its quarterly reports, the turnover has led to a slight uptick in the average time required to complete an investigation, particularly for investigations generated by external complaints (as opposed to those generated within BPD). Although the average number of days to completion remains well below what it was in 2020 (from over 300 to 181 as of mid-December 2022), which is a tangible sign of progress, the modest increase is worrisome. That is particularly so given that the average investigation still takes over twice as long as the 90-day limit set by the Consent Decree (absent an extension approved in writing by the PIB Deputy Commissioner (CD 344(i))). To satisfy the 90-day requirement, BPD must be vigilant about continuously staffing PIB with an adequate number of high-quality investigators.

Transparency Initiatives

In the prior reporting period, BPD completed its "Transparency Initiatives Plan," which establishes 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.

In this reporting period, BPD has participated in several public forums to educate community members about the Department's misconduct complaint, investigation, and discipline process, as well as the changes in that process required by the police reform legislation enacted by the state legislature last year. BPD conducted one of these forums in Spanish to ensure equal access to the information for Baltimore's Spanish-speaking communities.

To implement the Transparency Initiatives Plan:

- BPD is creating a video that explains PIB's role and provides answers to frequently asked questions. The video will be posted on BPD's [website](#), accompanying the existing written description of the disciplinary process from complaint intake to the imposition of discipline.
- BPD has developed and distributed a Complaint Card and Unified Complaint Form to all BPD districts and other BPD facilities. The requirements for the Complaint Card, which explains how to file a complaint, are set forth in Policy 306, *Complaint Intake Process*. All officers and supervisors are supposed to carry copies of the Complaint Card. BPD delivered a Department-wide e-learning on complaint intake in early 2022. The recently started in-service training on the misconduct investigation and discipline process also includes material on complaint intake.
- BPD has printed material describing the complaint filing, intake and investigation process at its facilities, including District stations and headquarters, though it must assess whether some of the materials need updating because of the recent changes to the process required by the Maryland Police Accountability Act of 2021.
- PIB is considering using [Public Portal](#) to allow complainants to make complaints of police misconduct and track the status of their complaints from intake to disposition. Public Portal is a public facing extension of IAPro, PIB's current case management system.
- PIB has a contract services specialist serving as the victims' rights advocate to timely respond to questions from complainants.
- In November 2022, BPD participated in the Office of Equity and Civil Rights' "Civil Rights Week" programming. BPD's presentation included

information about the Consent Decree, as well as material about civilian participation in the disciplinary process under the new state law.

Challenges Ahead

As explained above, maintaining the staffing necessary to complete timely, thorough misconduct investigations is essential. BPD has not yet reached initial compliance with the Consent Decree's PIB staffing requirements, and its recent backsliding, though modest, puts it further away. Given competing staffing needs within BPD, particularly in Patrol, reversing this recent trend will be difficult. And because attrition has substantially outpaced hiring Department-wide in 2022, it will be even more difficult. But the need to adequately staff PIB continues to rank among the highest and most pressing of BPD's personnel needs. Simply put, fulfilling that need is the only way to reduce case backlogs and satisfy the Consent Decree's general directive to complete all investigations within 90 days—a directive that is as important to preserving officer morale as it is to building community trust.

What's Next

Complaint Intake Testing Program (CD 406-408)

In collaboration with the Monitoring Team and DOJ, BPD is finalizing a testing program designed to assess the complaint intake function in PIB. To make the program as objective and transparent as possible, BPD, DOJ and the Monitoring Team have agreed that BPD should retain an outside vendor to conduct the testing. The Monitoring Team expects the new program to be developed within the next reporting period. The program is a vital component of BPD's ongoing effort to address and correct the historic dysfunction of PIB.

BPD PIB Audit (CD 405)

BPD is finalizing a draft methodology for its inaugural annual internal audit of PIB under paragraph 405 of the Consent Decree. Through the audit, BPD will qualitatively assess the efficacy of PIB's complaint intake process, the quality and timeliness of PIB's investigations, and the integrity of the Department's disciplinary process.

Monitoring Team Compliance Assessment

The Monitoring Team will work with BPD and DOJ to update the compliance assessment instrument used in prior reviews of the quality of PIB investigations. The update is required to capture additional data needed to determine compliance. We will begin our next comprehensive assessment in 2023, and will examine a representative, random sample of PIB investigations from 2021 and 2022.

TECHNOLOGY

Section XII of the Consent Decree requires the Baltimore Police Department (“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), and the Monitoring Team (MT) filed its notice of approval on December 1, 2018. *See* ECF No. 164. The Resource Plan, which must be updated annually (CD 275), addressed how BPD will provide the necessary computer equipment and access required for personnel to discharge their duties, acquire a centralized records management system, and ultimately develop 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.

BPD’s efforts to implement the Resource Plan continue to bear fruit. The most notable developments since the beginning of the Consent Decree process include: the upgrade of IA Pro to track misconduct complaints and use of force investigations; the gradual incorporation of a new learning management system to deliver e-learning and track officer training history; and most importantly, the deployment of a new Records Management System (“RMS”) that enables patrol officers to complete incident reports in the field on laptops in their cars and stores the recorded data in a database. In addition to these developments, BPD is in the process of both developing the RMS’s case management functionality and releasing an RFP for an Early Intervention System, which will be used as a supervisory tool to track officer performance and intervene with officers at risk of engaging in behavior likely to result in adverse outcomes.

Based on BPD’s progress thus far, its compliance score is “4c” (implementation – on track).

TECHNOLOGY MODERNIZATION

COMPLIANCE SCORE

4c

Implementation –
On Track

Areas of Progress

Records Management System

As explained in prior reports, an RMS implementation is typically one of the most complex IT initiatives a law enforcement agency—or any organization—will undertake. A new RMS touches nearly every component of an agency (e.g., patrol, investigations, evidence, etc.) and its business processes.

BPD implemented the incident reporting capability of the new RMS over a year ago. In that period, BPD successfully completed its National Incident Based Reporting System (NIBRS) certification, fully transitioning from its legacy Summary Reporting System (SRS). BPD also continues to work hard to ensure that officers are properly using the technology to record essential data, and it has made certain systemic adjustments when necessary (e.g., ensuring that, after a report is returned to an officer for corrections, the officer’s supervisor approves the final report in the system after the corrections are made). Most recently, BPD deployed the RMS mobile application to all District personnel. The application enables officers to interact with the RMS from their Mobile Digital Communicator or mobile device.

Throughout the course of implementation, BPD has engaged the Monitoring Team and DOJ to review data collection requirements for compliance with the Consent Decree, to recognize organizational efficiencies, and to improve business processes—from officer report writing and supervision to internal audits and investigations. In recent months, as explained in more detail in the Stops, Searches and Arrests section below, BPD has been collaborating with the Monitoring Team and DOJ to modify the incident report form so that, for every incident, officers are required to enter all the data that the Consent Decree requires both the Monitoring Team and BPD to analyze.

Early Intervention System

In the prior reporting period, BPD worked with Gartner Consulting to review the existing state of the EIS market, establish BPD’s vision for an EIS, and develop high-level system requirements and options for procurement. BPD then developed and released a Request for Information (RFI) to enable vendors to submit documentation regarding their EIS platforms. BPD has also allowed responding vendors to demonstrate their platform to BPD staff. At the conclusion of the RFI

process, BPD began documenting detailed requirements for the EIS and ultimately developed a Statement of Work (SOW). The comprehensive SOW, which includes voluminous functional and non-functional requirements, application use cases, and other required vendor deliverables, was shared with the Monitoring Team and DOJ for review and turned over to City procurement staff to incorporate into the Purchasing Bureau's standard processes for a major competitive solicitation. BPD is working closely with Purchasing, the Minority and Women's Business Opportunity Office, and the City Law Department to finalize all solicitation terms and conditions, as well as proposal evaluation criteria, in support of the final Request for Proposal (RFP). City Purchasing anticipates the release of the RFP later this year..

In addition, BPD has completed the procurement of a data warehouse platform, which will hold the data that will feed the EIS. BPD's internal Information Technology staff has completed training on the data warehouse technology and is scheduled to roll-out the first phase of new functionality by year-end.

Learning Management System

BPD has implemented and is now deploying a Learning Management System. Thus far, it has used the new LMS platform to deliver e-learnings on dozens of subjects.

BPD also continues to develop the LMS's capacity to track officer training. With this functionality having just been operationalized, the LMS will dramatically improve the accuracy of BPD's training records and provide one of the key inputs to a robust EIS.

Challenges Ahead

Records Management System

The second phase of RMS implementation involves the development and deployment of the system's case management capabilities. Proper case management will ensure cases are assigned for investigation in a timely manner and that investigation progress can be documented and monitored. BPD is currently working with its RMS vendor to develop and approve case management requirements. BPD will then conduct thorough functionality testing to ensure the system meets Departmental needs.

BPD must also continue to ensure that officers are properly using the RMS for incident reporting. Through rigorous auditing, BPD must monitor whether officers are using their computers and mobile handheld devices to enter all required data for each incident, ensure that there are no reporting delays, evaluate the integrity of the reported data, and identify and promptly resolve any issues. Further, as noted, BPD must make additional adjustments to the incident report form to require officers record all the data needed for the assessments that the Monitoring Team and BPD must perform under the Consent Decree. At the same time, BPD must successfully

support an entire agency of end users *and* make incident data available throughout the Department and to the Monitoring Team and DOJ—all while planning for the deployment of the RMS's case management functionality.

Early Intervention System – Procurement and Implementation

BPD continues to confront the same challenges in developing an EIS that it faced at the time of the last report. The threshold challenge is securing a vendor to provide the EIS technology platform and configure or customize the system to meet BPD requirements. While BPD has completed its efforts to author a comprehensive statement of work and other agency-specific pre-solicitation tasks, the RFP progress is now in the hands of City Purchasing. The City has a rather arduous process for facilitating large open and competitive solicitations, which complicates issuance of the EIS RFP. Issuance of the RFP has been delayed further as the City has adopted a new procurement system. At this time, the City is projecting the release of the EIS RFP by year-end. The Monitoring Team observes that the City needs to appreciate the urgency of the issuance of the EIS RFP and must ensure there are no further delays.

Once the RFP process is complete, much of the work identified in the prior report remains to be done. In particular:

- BPD must identify the existing data sources that will feed the EIS, assess data quality and remedy any gaps, and develop a plan to aggregate the data from these sources.
- BPD must provide for automated support to feed data to the EIS and must implement reporting and analytics capabilities. One sign of progress is that BPD has begun planning for the implementation of a data warehouse to support this effort.
- BPD must determine the intervention and officer wellness tools it will leverage, extend or newly implement through the EIS. It must also establish business processes to support supervisors as they utilize the EIS with subordinates, establish appropriate policies, and develop and deliver pertinent training for all ranks throughout the Department. The Fifth-Year Monitoring Plan requires the development of the procedural components of an EIS policy. BPD recently produced a draft of an EIS policy, which the Monitoring Team and DOJ are reviewing. Development of the technological aspects of the policy and a corresponding manual must await procurement and development of the EIS technology. As a result, the full EIS policy will not be finalized until procurement is complete and the features and functionality of the selected solution are defined.

Workforce Management System

The contract for the current Workforce Management System (WMS) is in its fifth and final option year. City management is asking BPD to competitively bid a new solution. While an IT project manager has helped document requirements for an RFP, BPD still must

assign an operations lead who can provide expertise regarding BPD's operational requirements.

What's Next

In the next reporting period, BPD will begin the development and deployment of the RMS's case management functionality. This will involve establishing business requirements for 14 functional areas across BPD.

Additionally, BPD will work to provide more in-depth NIBRS reporting to commanders, continue to analyze the data in the RMS to identify any deficiencies in incident reporting, seek to improve utilization of the data for decision-making, and add and train officers on new data requirements that will be incorporated in the incident report form.

BPD will also complete its EIS procurement and develop policy and training for the EIS. BPD IT will also establish a data warehouse to ensure the necessary data will be available to incorporate into the EIS.

Finally, BPD will procure a new WMS to replace its current solution.

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 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).

On Staffing: BPD completed its Staffing Study and an initial Staffing Plan and has updated the Plan twice, with the last update submitted to the Court in April 2022. The 2022 plan calls for 2,605 sworn positions and 925 civilian positions. An acknowledgement of the difficulty recruiting sworn members, this is a decrease of 180 sworn positions and an increase of 175 civilian positions from the last version of the Plan. Yet achieving even these reconfigured staffing levels poses a serious challenge. The challenge is especially acute in the Patrol Division, which depends heavily on recruitment and retention. Given the rate at which sworn officer attrition is outpacing hiring not only within BPD but nationwide, BPD may need to rethink even

more fundamentally which functions might not require sworn personnel. Moreover, BPD is going to need to implement the 911 diversion recommendations set forth in the 2021 and 2022 Staffing Plans (explained below), which promise to free up additional officers, especially for Patrol. The implementation of these recommendations has been delayed too long. Nevertheless, because BPD has made salutary efforts to recruit new officers and stem the tide of separations, its compliance score in the area of Staffing remains “4c” (implementation—on track).

On Performance Evaluations: BPD adopted new performance evaluations policies and manuals in 2021, see ECF No. 372. It developed and delivered an e-learning to educate officers about the new system and is presently completing in-service training for supervisors. BPD will use the new performance evaluation system beginning in 2023 to assess the 2022 performance of its members. Although this training is not quite complete, it will be complete in the coming weeks. Accordingly, BPD’s compliance score in the area of Performance Evaluations has improved to “4c” (implementation – on track).

On Promotions: BPD adopted new policies for both commander (Captain and Major) and classified rank (Lieutenant and Sergeant) promotions in 2020. See ECF Nos. 340 & 349. 2022 was the first year BPD utilized these policies to create promotional lists for the ranks of sergeant, lieutenant, and captain. The promotional list for Major is pending. As a result of these developments, BPD’s compliance score in this area has improved to “4c” (implementation – on track).



PROMOTIONS

COMPLIANCE SCORE

4c

Implementation –
On Track

Areas of Progress

Staffing

In April 2022, as mentioned, BPD issued an updated Staffing Plan that reflects current priorities and realities. This is BPD’s second update. It shows the Department’s commitment to ongoing assessment of its staffing needs and a willingness to embrace new approaches as circumstances dictate.

The 2021 Plan, as modified by the 2022 Plan, introduces five initiatives that BPD and the City sought to undertake to reduce call volume and workload for the Patrol Division.

- Reducing false alarms by 25%
- Diverting 25% of traffic accident management to a third-party vendor
- Reducing “other” calls for service by 25%
- Diverting 50% of larceny calls to online or telephone reporting
- Diverting 25% of disorderly conduct calls for service

Unfortunately, BPD and the City have not yet fully implemented any of these initiatives. They have, however, taken initial steps. City Council Bill 21-0050, “Burglar Alarms Registration and Regulation—False Alarms” is to be signed this year and will take effect in 2023. A contract is also pending for a vendor to handle accident management with the objective of launching a pilot program by the end of 2022. And the diversion of larceny calls for service started in July. The Mayor’s Office of Neighborhood Safety and Engagement recently started an analysis of these.

The most significant change reflected in the 2022 Staffing Plan is the targeted increase in civilians and, specifically, civilian investigative specialists. BPD has acknowledged that they, like police departments across the country, are having and expect to continue to have challenges in recruiting, hiring, and retaining police officers, and so is turning to civilianization. Civilian investigative specialists will work alongside detectives and assist in tasks that do not require law enforcement powers. Such tasks may include database review, investigative research, report writing, and other administrative duties. The Staffing Plan envisions replacing 120 open positions previously designated for sworn personnel with 163 new civilian investigator positions.

Performance Evaluations

BPD completed a new performance evaluation policy and manual in early 2021. ECF No. 372. BPD worked with the Monitoring Team and DOJ to develop e-learning on the new rating system, which was delivered Department-wide in 2021. BPD also developed lesson plans on the new system for comprehensive in-service supervisor training, which is currently being delivered. Once this training is completed, all officers, supervisors, and commanders will be evaluated under the new system. BPD will use the new system in January 2023 to assess members' performance in 2022.

The new system reflects the requirements of the Consent Decree, and so ushers in a critical change in performance expectations for all BPD members. The system provides for fair, objective, and impartial evaluations, seeks to ensure that officers receive recognition for superior performance, and requires supervisors to deliver meaningful guidance to address performance deficiencies.

Promotions

In 2022, BPD began following a new policy and process for promotions to the ranks of captain, lieutenant, and sergeant. The new promotional policies, especially when coupled with the new supervisor training being conducted this year, should improve the quality of supervision and management within BPD. Further, because BPD is weaving the imperatives of the Consent Decree—community-oriented policing, accountability, integrity, critical thinking and problem-solving, fairness, and procedural justice—into the new promotion practices, the new practices should help BPD move toward compliance.

The process for promotions to captain is now based specifically on the Command Promotions and Promotion Committee policy, on which relevant personnel received e-learning last year. Under the new policy, a promotion committee interviews and evaluates candidates based on criteria such as ethical decision-making, specialized leadership and management training, prior work performance, and supervisory duties. Each member of the panel scores each applicant, and the committee then aggregates the scores into “bands.” The Commissioner must choose the most highly qualified applicants from among the top two bands. BPD's Equity Director observes the interviews and the committee's deliberations to ensure adherence to policy and law. The new system eliminates the favoritism reported to have pervaded BPD's command promotions process in the past.

The process for promotions to lieutenant and sergeant is now based on BPD's policy on Promotions to Classified Ranks, on which relevant personnel also received e-learning last year. The policy requires a holistic review of a candidate, which includes: an assessment of the candidate by their Commander; a review of the candidate's performance, disciplinary history, commendations, and education; an evaluation of the candidate's interpersonal, leadership, communication, problem-solving, and decision-making abilities; past supervisory duties; and specialized

leadership training. The new approach looks beyond what a candidate scores on a written test and considers overall performance and aptitude.

Challenges Ahead

Staffing continues to pose the biggest challenge facing BPD and is perhaps the biggest impediment to BPD's progress toward full compliance with the Consent Decree. As the Monitoring Team has observed before, the Consent Decree's ambitious community policing objectives, reflected in BPD's Community Policing Plan, will be extraordinarily difficult to achieve if hiring and retention are not reversed. The Plan envisions that patrol officers will spend 40% of their time engaging in proactive community policing activity and 60% on responding to calls for service. With a diminishing number of patrol officers in a Patrol Division that is already understaffed, it is hard to comprehend how BPD will meet this target—and, at the same time, meet the targets for both a properly functioning PIB and a properly functioning training academy, which is also essential to compliance.

To be sure, BPD has embraced and is working diligently to implement ways to reduce the demand for sworn officers, including reducing calls for service and increasing civilianization, and to attract and retain them, as explained in the Recruitment, Hiring & Retention section below. However, as the changes in this year's Staffing Plan show, demand for sworn officers continues to outstrip BPD's ability to recruit and retain them.

As of September 28, 2022, BPD had 2,200 sworn officers and 498 civilian employees. This is 405 short of the 2022 sworn target of 2,605 and 440 short of the 2022 civilian target (which includes the 163 new civilian investigation specialists). Patrol staffing for the day, evening, and night shifts shows the largest gap: 289 fewer sworn officers than the Plan's requirement of 939—or nearly 31% short of Departmental needs—and over 150 fewer than as recently as two years ago. (This figure does not include the 123 officers and 14 sergeants who are unavailable for patrol because of light duty requirements or extended medical leave.)

Further, as noted in our last report, the percentage of sworn officers assigned to Patrol, and particularly the percentage who respond to calls for service and work a routine uniformed assignment on the street, is lower than is customary or appropriate for a big city police department. This is especially so for an agency with demanding expectations for community policing and for a city with high levels of violent crime. The imbalance remains in need of a remedy.

The targets in the Staffing Plan are based on a combination of workload analysis and key policy decisions regarding Departmental needs and priorities. The Plan assumes that BPD will require five to seven years to achieve its objectives. Unfortunately, BPD is not making progress toward these objectives and is in fact losing ground.

For the first ten months of 2022, BPD has hired 84 new sworn officers while losing 224 to attrition, meaning there were 140 fewer sworn officers in September 2022 than in January 2022. This is on top of a net loss of 92 sworn officers in 2021. The high rate of attrition BPD has experienced the past two years is not unique; police departments around the country are contending with the same trend. And as noted, to reverse the trend, BPD is offering a variety of benefits to hire and retain officers and is working hard to innovate new approaches to recruitment using social media. But hiring is simply not keeping pace with, much less outpacing, attrition.

The Monitoring Team will closely track the outcomes of BPD's hiring and recruitment efforts, as well as the efforts to reduce calls for service and increase civilianization. Unfortunately, however, the hiring of civilians is also lagging behind attrition: the civilian headcount at the end of 2021 was 529 compared to 498 in September 2022.

What's Next

The Monitoring Team will continue to work with BPD as the Department seeks to implement the initiatives identified in the 2021 and 2022 Staffing Plans. If BPD is not able to hire more officers and civilians and stem the tide of separations, the Department and the City will be faced with some difficult choices. Indeed, they may need to innovate their approach to public safety in unprecedented ways.

Starting in January, BPD will employ its new performance evaluation system throughout the Department. BPD will also continue to utilize its new promotions system for both command and classified ranks. The Monitoring Team will pay special attention to how these important developments contribute to BPD's progress toward compliance with the many facets of the Consent Decree that depend on effective supervision.

STOPS, SEARCHES, ARRESTS AND VOLUNTARY POLICE-COMMUNITY INTERACTIONS

One of the central reasons BPD is under a Consent Decree was the constitutionally problematic conduct of its officers in their routine law enforcement-related encounters with members of the public. Accordingly, the Consent Decree's provisions addressing stops, searches, arrests, and voluntary police-community interactions ("SSA") are extensive. They require 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.

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, 18 policies in total
- Prepared training curriculum and delivered Department-wide training on SSA
- Prepared training curriculum and delivered Department-wide training on community policing, which includes material on SSA for low-level offenses
- Prepared and delivered Department-wide e-learning on supervisory review of SSA
- Prepared and published regular quarterly audit reports of arrests resulting in individuals being released without charge, which are showing a diminishing number of potentially problematic arrests over the past two-plus years
- Prepared annual reports on developing the technology needed to properly record, maintain and analyze SSA data
- Procured, developed and implemented a new Record Management System ("RMS") that should facilitate the recording and maintenance of the SSA data necessary to ensure officer accountability, effective supervision, robust internal auditing, and meaningful external Monitoring Team and community evaluation.

The Monitoring Team is currently conducting its first comprehensive assessment of BPD arrests and arrest reporting. We have not yet been able to begin comprehensive assessments of stops, weapons pat-downs, or searches. Review of the “first generation” of data in the new RMS has made it evident that the existing electronic incident report form must undergo minor modifications to ensure that officers are recording all the data needed to enable these assessments. BPD is now implementing the necessary modifications.

Based on these developments, BPD continues to score “4c” (implementation–on track) in all four SSA compliance categories: (i) Stops, Field Interviews and Voluntary Contacts, (ii) Searches; (iii) Arrests; and (iv) Review and Supervision.

STOPS, INTERVIEWS AND VOLUNTARY CONTACTS	COMPLIANCE SCORE	
	4c	Implementation – On Track
SEARCHES	COMPLIANCE SCORE	
	4c	Implementation – On Track
ARRESTS	COMPLIANCE SCORE	
	4c	Implementation– On Track
REVIEW AND SUPERVISION	COMPLIANCE SCORE	
	4c	Implementation – On Track

Areas of Progress

Policies and Training

All SSA policies adopted under the Consent Decree are active. The first two suites of SSA policies became active in early 2021, following completion of Department-wide in-service training on them. Later in 2021, BPD supplemented this training with Department-wide e-learning on supervisory review of SSA, which reinforced core SSA policies, particularly reporting requirements, and provided guidance to supervisors on ensuring compliance with those policies.

The first two suites of SSA policies focus on investigative stops, weapons pat downs, warrantless arrests and searches, warrants, traffic violations, and interviewing witnesses and persons in custody. They include the following policies:

- Field Interviews, Investigative Stops, Weapons Pat-Downs, and Searches (Policy 1112)
- Search and Seizure Warrants (Policy 1007)
- Strip Searches and Body Cavity Searches (Policy 1013)
- Warrantless Arrest Procedures and Probable Cause Standard (Policy 1106)
- Warrantless Searches (Policy 1109)
- Foot Pursuits (Policy 1505)
- Traffic Citations (Policy 906)
- Securing and Interviewing Witnesses (Policy 1002)
- Arrest Warrants (Policy 1104)
- Custodial Interrogations (Policy 1105)
- DUI and DWI Arrest Procedures (Policy 1108)
- Persons in Policy Custody (Policy 1114)

The third suite of SSA policies, which focuses on responding to low-level offenses, became active in early 2022 following completion of Department-wide in-service training on community policing. Among other things, this training taught officers how to take the least intrusive law enforcement action and pursue alternatives to arrest, if consistent with public safety, when confronted with the commission of low-level offenses, including loitering, open container, trespassing, failure to obey, disorderly conduct, and public urination.

The third suite of SSA policies includes the following:

- Criminal Citation Procedures (Policy 803)
- Civil Citation Procedures (Policy 808)
- Marijuana: Uniform Civil Citation (Policy 809)
- Misdemeanor Theft Procedures (Policy 812)
- Video Surveillance Procedures (Policy 1014)
- Lesser Offenses and Alternatives to Arrest (Policy 1018)

Several SSA policies have undergone additional minor changes over the past two years. One policy, Policy 1007 on Search and Seizure Warrants, underwent material changes last year following the General Assembly's passage of a new law that establishes specific requirements for seeking and serving no-knock warrants.

In addition to receiving substantive training on SSA policies, officers have received training on incident reporting in the new RMS.

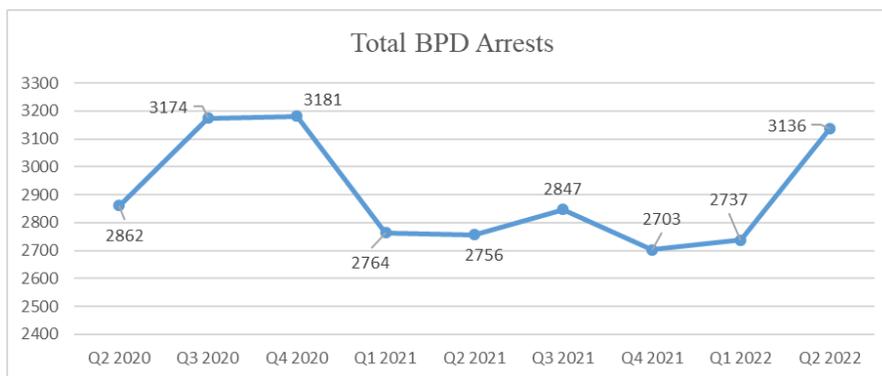
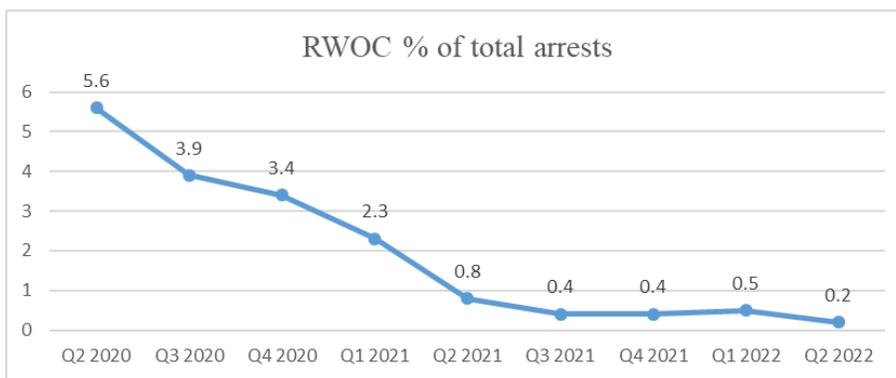
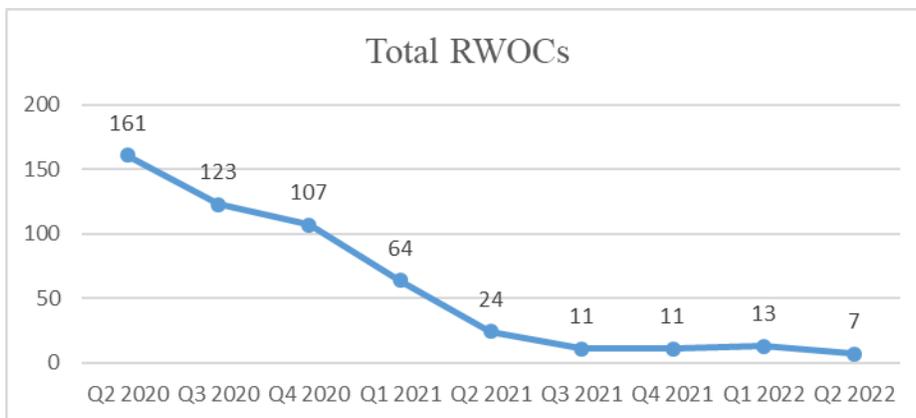
Quarterly Audits on Arrests Resulting in Release without Charge

BPD continues to produce 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 generally been far more voluminous 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, all four quarters of 2021, and the first two quarters of 2022—nine quarters, or 27 months, in total. The reports can be found [here](#). The [most recent report](#) shows not only that there were no RWOC arrests made without probable cause and no RWOC arrests lacking proper documentation of probable cause in Q2 2022 (April 1-June 30, 2022), but also that, between Q2 2020 and Q2 2022, the number of RWOC arrests steadily declined both overall and as a percentage of total arrests. Between Q2 2020 and Q2 2022, the number of quarterly RWOC arrests dropped from 161 to 7, or 96%. This trend has continued even in recent months as the number of arrests has increased.

The following graphs illustrate the trend:



The diminishing number of RWOC arrests is encouraging. RWOC arrests may not be a perfect proxy for arrests made without probable cause: on one hand, many RWOC arrests are made with probable cause, as BPD’s audit reports show; on the other hand, prosecutors screening cases at Central Booking may approve arrests that lack probable cause. However, the sharp downward trend remains noteworthy, especially as the number of arrests ticks up.

On this point, some historical perspective is in order. During its investigation, DOJ found that, between 2010 and 2015, BPD averaged *over 2,000* RWOC arrests per year. For the most recent year (Q3 2021 – Q2 2022), the figure is down to less than 50. This dramatic reduction is a positive sign that officers are much less frequently making arrests for questionable cases that do not warrant prosecution.

Correspondingly, it suggests that, as Policy 1018 requires, officers are less frequently making arrests for low-level offenses that the State's Attorney's Office promptly declines to prosecute. And perhaps most importantly, based on BPD's analysis, vanishingly few of these arrests are based on evidence that is insufficient to establish probable cause—*i.e.*, arrests that violate the Constitution and BPD policy. In fact, in the last several quarters, the Performance Standards Section has determined that no RWOC arrests were made without probable cause.

In our comprehensive assessment of BPD arrests and arrest reporting, the Monitoring Team will examine all the RWOC arrests BPD has reviewed to test the reliability of the Performance Standard Section's audits. In addition, our review of a representative random sample of BPD arrests from 2019 and 2021 (before and after Department-wide SSA training in 2020) should shed light on whether the diminishing number of RWOC arrests is an indication that BPD's arrests are increasingly complying with the Constitution's probable cause requirement.

In each RWOC arrest report, the Performance Standards Section recommends various remedial actions based on its findings. In recent quarters, where the number of RWOC arrests both Department-wide and in each District has been low, and where PSS has not found any RWOC arrests that lack probable cause or suffer from inadequate reporting, there have been few, if any, recommendations. But in previous quarters, where PSS found problematic arrests, problematic reporting, or concerning trends within a district or with a particular officer, recommendations included, among other things: (1) requiring counseling and remedial training and/or disciplinary referrals for officers who make arrests without probable cause or fail to adequately document probable cause in their reports; (2) 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; and (3) recommending amending Policy 1112 (Field Interviews, Investigative Stops, Weapons Pat-Downs and Searches) to deal with contraband seized during an RWOC arrest. Making such recommendations, aimed at ensuring future compliance with policy, is the principal purpose of the RWOC arrest audits, and is another sign that BPD is becoming a more reflective, self-correcting agency.

Supervisor Workflow

BPD has reviewed policies requiring supervisory review or approval for stops, weapons pat-downs and searches, as well as the Supervisor Manual, to examine the role of lieutenants under those policies, especially in light of the implementation of the new RMS, the recent transition to NIBRS reporting, and the recent introduction of the policy on Non-Disciplinary Corrective Action (Policy 211), all of which add to lieutenants' responsibilities. BPD is concerned that requiring lieutenants to review all stops, weapons pat-downs, and searches, especially on top of these new responsibilities, would create an unsustainable burden for them, and could increase the report backlog. BPD is also moving toward empowering sergeants to exercise more supervisory responsibility and believes additional review by lieutenants would

hinder that effort. The Monitoring Team and DOJ are working with BPD on an optimal approach to workflow revisions.

Challenges Ahead

BPD implemented a new RMS with incident reporting capability last summer. The RMS now has more than a years' worth of data on stops, weapons-pat downs, searches, and arrests. In theory, the data needed for the Monitoring Team to begin analyzing stops, weapons pat-downs and searches should be available. (Data adequate to assess arrests is available outside the RMS and those assessments have begun.) Similarly, in theory, BPD should now be able to produce the quarterly analyses of SSA data that paragraph 86 of the Consent Decree requires. To date, these reports have been annual, not quarterly, and rather than presenting SSA data, they have merely included updates on the technology upgrades BPD has been implementing to develop the capacity to generate such data.

Unfortunately, the Monitoring Team's assessments and BPD's paragraph 86 reports are still not feasible. Although BPD was able to train every district on the new RMS's incident report form in a month, and the entire Department by the end of last summer, BPD and its vendor, Axon, did not simultaneously develop an easy-to-use data warehouse. As a result, BPD was unable to easily examine the data that officers were generating with the new report form and, correspondingly, unable to adequately gauge the effectiveness of the SSA data fields in the report form.

In early 2022, Axon and BPD exposed and extracted the data they could, and BPD provided it to the Monitoring Team for preliminary review. Together, based on the data they had, the Monitoring Team and BPD determined that the data fields in the incident report form in use since last summer required modification because they did not require officers to report *all* the information necessary for BPD's paragraph 86 reports or for the assessments the Monitoring Team must perform. Further, BPD, the Monitoring Team and DOJ found that some of the data was not readily usable because the form did not include fields that *isolated* the data needed for the required reports and assessments.

Over the past several months, BPD has worked closely with the Monitoring Team and DOJ to modify the report form. The modifications will obligate officers to report all the information required by the Consent Decree in a readily isolatable manner and will disallow officers to complete their reports until they have included this information. The modifications will thus make it easier for BPD and the Monitoring Team to extract and analyze the information they need. BPD recently pilot tested the modifications. It plans to implement them Department-wide no later than the beginning of 2023.

The shortcomings that the Monitoring Team and BPD have identified in the RMS's incident report form have been discouraging because they are delaying assessments of stops, weapons pat-downs, and searches. Such shortcomings were not, however, totally unexpected. As explained in the Technology section, the adoption of

a new RMS is a massive undertaking. Through early-stage audits and quality control, imperfections, such as deficits in the initial incident report form, are bound to emerge. And to be clear, the issue here was not that the initial report form did not permit officers to record all the necessary data; it did. Rather, the issue was that the incident report form did not employ certain mandatory fields to *ensure* that officers recorded each required fact in a way that was easy to isolate electronically and would not require a manual review of narrative text (e.g., Did the encounter begin as an investigative stop? Did the officer conduct a weapons pat-down? Did the officer request consent to search?). Equally problematic, the data warehouse was clunky, which made it difficult—and in some cases impossible—to access the data.

It appears that both of these issues will be resolved shortly. This is essential. As we stated in our last report, BPD must have an operational, accessible, universally utilized RMS if it is to move any closer toward initial compliance with the SSA requirements of the Consent Decree. The Monitoring Team simply cannot validate whether BPD is meeting those requirements unless we have access to data that accurately reflects the stops, pat-downs, and searches BPD officers are conducting.

What's Next

The Monitoring Team is conducting its first assessment of the lawfulness of BPD arrests and the adequacy of officer reporting on arrests. It is examining a representative random sample of arrests from 2019 (before SSA training and the effective date of the first two suites of SSA policies) and 2021 (after SSA training and the effective date of those policies). The Monitoring Team will also examine the same RWOC arrests that BPD has evaluated to determine the integrity of BPD's audits. As noted, the availability of data on arrests, unlike the availability of data on stops and searches, is not dependent on the successful operationalization of the new RMS.

Under the Fifth-Year Monitoring Plan, BPD is presently reviewing the first two suites of SSA policies to determine if any updates are needed. Additionally, BPD is scheduled to submit to the Monitoring Team and DOJ a draft training curriculum on stops, searches, and arrests for all officers, which will include training on fair and impartial policing. That training is scheduled to be delivered Department-wide in 2023.

BPD also will continue to publish quarterly RWOC arrest reports.

Finally, following pilot testing, BPD will begin using the revised incident report form Department-wide, will conduct monthly reviews along with a full quarterly examination to gauge whether the data generated from the revised form meets Consent Decree requirements, and will make any needed system adjustments. BPD also will work toward making the new data warehouse fully operational by the end of the second quarter 2023.

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.

BPD has satisfied the policy revision and training requirements. BPD successfully integrated its core fair and impartial policing policies into e-learning and scenario-based classroom training on use of force in 2019 and on stops/searches/arrests in 2020. In this reporting period, BPD completed additional, Department-wide, in-service training on fair and impartial policing principles, combined with refresher training on use of force and First Amendment protected activity. This training addressed the science of bias and the ways in which bias can infect officers’ decision-making, especially in core Consent Decree areas like stops, searches, arrests, use of force, and community policing.

BPD is now in the implementation phase of reform. Its compliance score is “4c” (implementation – on track). BPD will not be able to progress to initial compliance, “4d,” until it demonstrates that its officers are routinely engaging in law enforcement actions, *e.g.*, stops, weapons pat-downs, searches, arrests, and uses of force, in a fair and impartial manner. And it will not be able to make this showing until the data on all these encounters has been available for long enough to conduct a meaningful evaluation. As explained in the SSA section above, much of this data has not been available at all (though it should be soon), much less for a sufficiently long period to support an assessment.

IMPARTIAL POLICING

COMPLIANCE SCORE

4c

Implementation –
On Track

Areas of Progress

One indicator of the impact of fair and impartial policing policy and training on the street is compliance with Policy 325, “Procedural Justice in Interactions.” Compliance with Policy 325 supports compliance with BPD’s core fair and impartial policing policy, Policy 317, which contains some of the same requirements. Policy 325 acknowledges that officers should treat the individuals with whom they interact in a way that recognizes their dignity as people. The policy requires that officers should afford individuals respect, give them a voice during police encounters, be impartial and transparent in their decision-making, and convey trustworthy motives. Research shows that when officers behave in this manner—that is, when they deliver procedural justice—they are more likely to foster public trust and legitimacy.

To ensure compliance with Policy 325 and the corresponding provisions of Policy 317, BPD’s Performance Standards Section has begun auditing street encounters in every district. Each month, using randomizer.com, the Internal Audit Supervisor randomly selects a date of the month for each district and then identifies all incidents from that district on that date. The office then randomly selects three incidents to review. At least two must be self-initiated interactions, rather than calls for service. The office pulls the reports for the three incidents, reads them, and reviews the BWC footage.

For each incident, the office completes a survey capturing eight indicators of procedural justice: (1) BWC Notification, (2) Introduction, (3) Explained Reason for Contact, (4) Answered Questions, (5) Explained Actions, (6) Stop No Longer than Necessary, (7) Concluded Dispelled Stop Respectfully, (8) Professional and Courteous. After completing three surveys per district, the office completes a summary for the month for each, and then compiles all the summaries in one spreadsheet. Because there are nine police districts, BPD audits 27 incidents each month. BPD has been conducting these reviews for a little over a year.

Here is a sample report for August 2021, one of the first months that BPD conducted these audits:

Procedural Justice Scorecard										Review Period: August 2021
A compliance review of three sampled interactions for the review period.										
Command	BWC Activation and Notification	Introduction	Explained Reason for Contact	Answered Questions	Explained Actions	Stop No Longer Than Necessary	Concluded Dispelled Stop Respectfully	Professional & Courteous	Total	Legend
Central	50%	0%	100%	100%	100%	100%	100%	100%	81%	95-100%
Southeastern	67%	67%	100%	100%	100%	100%	N/A	100%	90%	90-94%
Eastern	67%	67%	100%	100%	100%	100%	N/A	100%	90%	80-89%
Northeastern	50%	0%	100%	100%	100%	100%	N/A	100%	79%	≤ 79%
Northern	67%	33%	100%	100%	100%	100%	100%	100%	88%	U/D
Northwestern	67%	67%	100%	100%	100%	100%	100%	100%	92%	N/A
Western	75%	50%	100%	100%	100%	100%	N/A	100%	89%	
Southwestern	100%	100%	100%	100%	100%	100%	N/A	100%	100%	
Southern	100%	N/A	67%	100%	100%	100%	N/A	100%	94%	
BPD Total	71%	48%	96%	100%	100%	100%	100%	100%	89%	
For an explanation of the procedure and scoring system for this review, refer to the "Scorecard Explained" section of this packet.										

A review of the individual scorecards as well as the monthly summaries reveals improvement over time. A regular weakness during early audits was the failure to notify individuals that they were being recorded. While officers regularly complied with BPD policy concerning activation of BWCs, they did not always inform individuals that their camera was activated. A summary report from July 2022 demonstrates improvement in this practice across districts, as well as general compliance in all eight categories.

Procedural Justice Scorecard										Review Period: July 2022
A compliance review of three sampled interactions for the review period.										
Command	BWC Notification	Introduction	Explained Reason for Contact	Answered Questions	Explained Actions	Stop No Longer Than Necessary	Concluded Dispelled Stop Respectfully	Professional & Courteous	Total	Legend
Central	83%	100%	100%	100%	100%	100%	N/A	100%	98%	95-100%
Southeastern	83%	33%	100%	100%	100%	100%	100%	100%	90%	90-94%
Eastern	100%	100%	100%	100%	100%	100%	N/A	100%	100%	80-89%
Northeastern	100%	100%	100%	100%	100%	100%	100%	100%	100%	≤ 79%
Northern	100%	100%	100%	100%	100%	100%	N/A	100%	100%	U/D
Northwestern	83%	100%	100%	100%	100%	100%	N/A	100%	98%	N/A
Western	67%	100%	100%	100%	100%	100%	100%	100%	96%	
Southwestern	83%	100%	100%	100%	100%	100%	N/A	100%	98%	
Southern	83%	100%	100%	100%	100%	100%	100%	100%	98%	
BPD Total	87%	93%	100%	100%	100%	100%	100%	100%	97%	

The Performance Standards Section creates a tracking report for individual violations of Policy 325 and notifies the Public Integrity Bureau concerning more serious violations. Encouragingly, there are very few serious violations. Additionally, because the principal areas of non-compliance have been the failure to notify individuals that they are being recorded and the failure to make an introduction, supervisors routinely give officers (especially newer, or “K sequence,” officers) soft reminders during roll call to comply with these requirements.

There is a robust practice of circulating information from the audits internally, which is reassuring, as it reinforces the importance of procedural justice. However, there appears to be little public engagement regarding these reports other than the information shared during quarterly public hearings before Judge Bedard. Although not a Consent Decree requirement, BPD should consider community engagement

around these reports, as they reflect the Department's efforts to police fairly and impartially. Additionally, BPD might consider ways to engage the public in the audit process itself.

In our forthcoming assessments on BPD's compliance with the impartial policing provisions of the Consent Decree, the Monitoring Team will evaluate the soundness of PSS's procedural justice audits.

Challenges Ahead

To assess the impact of fair and impartial policing policy and training on the street, it is necessary to evaluate different metrics. For Consent Decree purposes, these include a determination by BPD of "the nature and scope of demographic disparities in Stop, Search and Arrest practices..." including a determination of stop, pat-down and search hit rates by demographic category (CD 82, 86, 88). "Hit rates" for stops mean the extent to which stops produce evidence of that the subject actually has been engaged in criminal activity. "Hit rates" for pat-downs and searches mean the extent to which those actions produce evidence of weapons or contraband. Racial disparities in hit rates suggest that officers may be taking action based on conscious or subconscious bias (i.e., racial profiling), rather than based on more neutral, reliable indicators of criminal activity.

For our part, under Paragraph 459.g., the Monitoring Team must evaluate similar data. We 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 challenges here are the same as the challenges in the SSA area. First, BPD must revise the incident report form in the new RMS to make sure it captures all the data needed to conduct the above-mentioned evaluations. Second, BPD must improve the accessibility of the data warehouse so that the data is readily available to both BPD and the Monitoring Team. Once BPD does these things, and once officers begin to record the data, BPD and the Monitoring Team can commence the impartial policing assessments that the Consent Decree requires.

What's Next

BPD will continue to conduct its procedural justice audits, and the Monitoring Team will continue to review them. Additionally, BPD will finalize, pilot test, and implement its revised incident report form, which should make possible the assessments required of both BPD and the Monitoring Team. And the Monitoring Team will continue to work with BPD and DOJ to ensure the integrity of the demographic data being captured in the RMS.

USE OF FORCE

The Consent Decree requires BPD officers to use force only when necessary, proportional to the threat posed, and objectively reasonable under the circumstances, and only after attempting all reasonably available de-escalation techniques. The Consent Decree further requires officers to avoid unnecessary injury and risk of injury to themselves and others when using force, must intervene to prevent other officers from using inappropriate force, and must report all uses of 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).

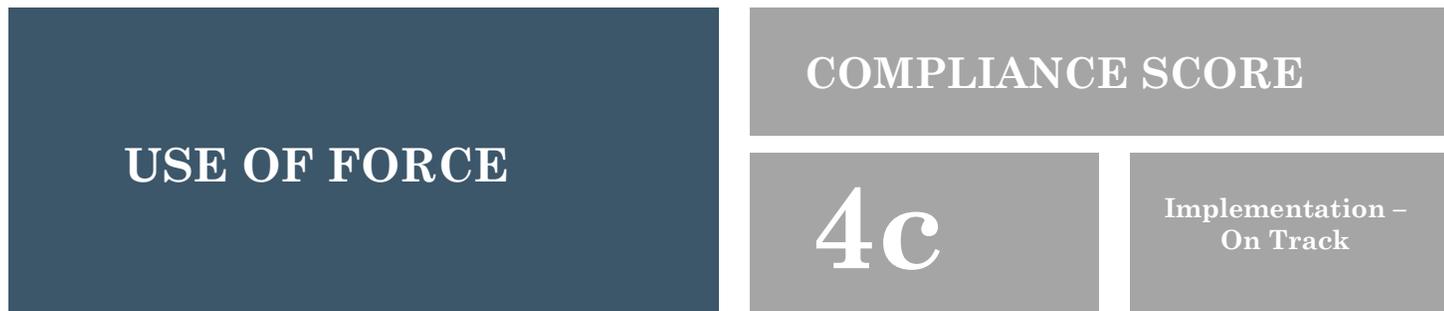
As previously reported, BPD completed revisions of its policies on the use of force in 2018 and designed and delivered use of force training to all sworn personnel in 2019. The new, Consent Decree-mandated use of force policies have been effective since then. This year, BPD completed delivery of Department-wide refresher training on use of force, which was paired with training on fair and impartial policing and First Amendment protective activity. In October 2022, BPD also delivered specialized training to members of its Performance Review Board, which evaluates serious use of force incidents.

The Monitoring Team published our [first report](#) on use of force in January 2021. That report focused exclusively on evaluating BPD's reported force data and did not qualitatively evaluate force incidents for compliance with law and policy. Within the past month, the Monitoring Team issued our [first in-depth compliance assessment](#) regarding use of force. The assessment has two major components. First, the Monitoring Team analyzed data on all BPD uses of force from 2018 through 2021 to gauge general trends. Second, the Monitoring Team reviewed a statistically significant, random sample of 545 use of force cases from 2018, 2019, and 2020. We examined all available evidence associated with each case and assessed whether (1) the actions of the involved officer(s) aligned with BPD policy and Consent Decree requirements; (2) the involved officer(s) fully and accurately reported the incident; and (3) BPD investigated, reviewed, and responded to the incident up the chain of command in accordance with BPD policy.

As explained in detail below, the Monitoring Team has concluded that BPD has made notable progress toward compliance with many Consent Decree provisions. BPD officers used force less frequently, and when they used force, it was more consistent with BPD policy and the law—that is, in most cases, officers attempted to de-escalate when feasible and only used force that was necessary, reasonable, and proportional. At the same time, in the limited number of cases involving the most serious (or “Level 3”) uses of force, BPD officers violated policy more often than is acceptable to warrant a finding of initial compliance. Further, in the diminishing number of cases where officers used force improperly, BPD supervisors and

commanders too often failed to identify and address the deficiencies. The Monitoring Team will be able to certify initial compliance when we see evidence that (1) BPD officers are consistently refraining from using Level 3 force when less or no force is appropriate and (2) BPD itself is identifying problematic uses of force and addressing them properly.

Based on the Monitoring Team's first comprehensive use of force assessment, BPD's compliance score is "4c" (implementation – on track).



Areas of Progress

Advanced Officer and Supervisor Use of Force Training

Since the prior semiannual report, BPD has completed two significant use of force training programs. First, all officers received training on advanced topics during a two-day, in-person training that also covered fair and impartial policing and First Amendment protected activity. The training reinforced BPD's critical decision-making model, key elements of its use of force policy, the imperative of de-escalation, and proper baton use techniques. The lesson plans incorporated scenarios, video case studies, and force simulations. BPD completed the training Department-wide in March 2022.

Second, BPD's four-day in-service training for supervisors includes instruction regarding supervisory investigation and review force incidents. As of November 2022, more than 200 supervisors had completed the training.

Performance Review Board Training

The Performance Review Board (PRB) critically examines all Level 3 uses of force, any fatal motor crash in which the actions of a BPD member are a contributing cause, and any other incident or investigation requested by the Commissioner or their designee. In its review of these cases, the PRB considers the strategic, policy, and training implications of the incident under review, including whether changes to policy, procedures, equipment or training may be necessary. At the end of the review process, the PRB makes recommendations to the Commissioner regarding any necessary tactical improvements, equipment and technology upgrades, supervision improvements, and any other modifications to strategy, policy or training that will improve Departmental performance.

The effective functioning of the PRB is an important indicator of the progress of the reform effort. A well-functioning PRB will 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.

During this reporting period, BPD finalized an eight-hour in-service training curriculum for PRB members (who include Deputy Commissioners of Operations, Compliance, and the Public Integrity Bureau) and PRB participants (who include, among others, Special Investigation Response Team members who investigate and review Level 3 uses of force). In October, following DOJ and Monitoring Team approval of the curriculum, BPD delivered training to all PRB participants. The training covered the mission and responsibilities of the PRB. It addressed the importance of critical incident review in the promotion of transparency and in the improvement of Departmental and officer performance. It also provided an overview of the PRB process and the PRB's obligations, as well as an in-depth examination of Departmental requirements regarding foot and vehicle pursuits, which often result in the use of force. The training satisfies the requirements of Paragraph 209 of the Consent Decree.

Monitoring Team Use of Force Compliance Review and Outcome Assessment

The Monitoring Team conducted an extensive compliance review and outcome assessment to determine BPD's compliance with the Consent Decree's use of force requirements. As the Monitoring Team's [report](#) indicates, data on all BPD uses of force from 2018 through 2021 reflects a number of important trends:

- BPD officers used force substantially less frequently in 2020 and 2021 than in 2018. The number of force incidents declined overall by nearly 54.7% from 2018 to 2021—from 1,525 total force incidents in 2018 to 691 in 2021.
- The reduced number of force incidents does not appear to be explained by a reduction in the number of encounters that BPD officers had with members of the public. Compared to 2018, calls for service and other encounters logged in BPD's Computer-Aided Dispatch ("CAD") system decreased 18.5% by 2021, while use of force declined by 54.7%. Thus, even as officers had fewer overall encounters with community members, the percentage of those encounters involving force declined even more rapidly.
- Overall, the percentage of BPD interactions with community members that involve force is low and got lower. In 2018, 0.29% of all BPD calls for service involved a use of force. In 2021, the percentage had declined to 0.16%—a decrease of nearly 45%.
- A large majority of force incidents between 2018 and 2021 involved Level 1 force, the least serious type. Level 1 incidents accounted for between 76.2% of incidents in 2018 and 66.6% of force incidents in 2021.

- BPD officers are pointing a firearm at subjects far less frequently. The number of incidents involving the pointing of a firearm dropped from 461 in 2018 to 209 in 2021, a 54.7% decrease. Further, the Monitoring Team’s qualitative review found that nearly all cases in which officers pointed firearms at subjects were consistent with BPD policy and Consent Decree requirements.
- Fewer officers and subjects are being injured during force encounters. After an increase in 2019, the number of officers injured during force incidents declined in 2021 by 39.7% compared to 2019 and by 29.8% compared to 2018. Injuries to subjects decreased by 41.2% between 2018 and 2021.
- Compared to Baltimore’s population, force subjects were disproportionately male and disproportionately Black. At the same time, neither a subject’s race nor a subject’s gender was predictive, in a statistically significant way, of the level or severity of force used.

The Monitoring Team’s evaluation of a statistically significant, random sample of 545 force incidents from 2018 through 2020 indicated the following:

- In the vast majority of cases, the force BPD officers used was necessary, proportional, and objectively reasonable. However, BPD officers failed to meet these requirements in too many Level 3 cases, which involve the most serious uses of force (though, fortunately, none of the failures resulted in serious injury or death). Further, supervisors too often failed to identify and take corrective action in response to cases in which officers did not comply with policy. For these reasons, although the Monitoring Team is generally encouraged by what we found, we cannot make a finding of initial compliance.
 - In 2020, in 93.5% of the cases in which force was used, the force was necessary. This demonstrated continuing, positive progress over 2018 and 2019. Of the ten 2020 cases in which the Monitoring Team affirmatively determined the force was unnecessary, half (5) were serious, Level 3 force incidents. However, BPD supervisors and commanders found just one of the ten cases to be “out of policy.”
 - The statistics are similar for the proportionality requirement in 2020, where the force was proportional in 94.0% of the cases in which it was used, but 5 of 9 of the cases in which the force used was disproportionate were Level 3 incidents, and BPD found only one of the 9 cases to be inconsistent with policy.
 - Likewise, with respect to compliance with the objective reasonableness requirement in 2020, the force used was reasonable in 93.4% of all cases, but 6 of 11 cases in which the force used was not reasonable were Level 3 incidents, and BPD determined that only one of the 11 cases was “out of policy.”

- BPD officers are more regularly and appropriately deploying appropriate de-escalation techniques during encounters that result in the use of force. In 2020, officers took all reasonable efforts to de-escalate in 87.0% of force incidents compared to 69.5% in 2018. That said, in 2019 and 2020, the cases in which officers failed to de-escalate were more likely to be more serious Level 2 and Level 3 cases. Moreover, in the cases where the Monitoring Team found a failure to de-escalate, BPD cited the involved officer(s) for a violation of policy in almost none of them.
- Overall, BPD failed to find policy violations in the vast majority of incidents where the Monitoring Team concluded that the force used was foundationally deficient because it was unnecessary, disproportionate, not objectively reasonable, and/or inconsistent with the duty to de-escalate. In only one of the 21 cases that the Monitoring Team flagged as foundationally deficient in 2020 did BPD itself determine that the force used was “out of policy.” It appears that BPD did a better job of identifying policy violations in 2018, even though officers did not receive training on the new force policies until 2019 and the policies did not become effective until completion of the training.
- Officers appear to be recognizing, and changing their response in appropriate ways to, both (a) individuals appearing to experience mental or behavioral health crises, and (b) youth. In 2020, in 29 of the 31 force cases where the Monitoring Team indicated that a reasonable officer would have concluded the subject was experiencing a crisis, the involved officer(s) appropriately identified this fact. Meanwhile, officers are more regularly deploying developmentally appropriate and trauma-informed approaches in force incidents that involve youth.
- By 2020, nearly all use of force cases were captured on body-worn camera. Extrapolating from the case files reviewed to the number of force incidents overall, body-worn camera footage is available in 96.8% of 2018 incidents, 94.7% of 2019 incidents, and 96.5% of 2020 incidents.
- Officers are too frequently failing to issue verbal warnings before using force where it is practical to do so. In 2020, in more than half (54.7%) of the force incidents where the Monitoring Team found it was reasonable and practical to provide a warning, BPD officers did not.
- BPD officers are complying with a number of specific prohibitions against using certain types of force. These include prohibitions on firing weapons into crowds; using warning shots; firing from or at moving vehicles except in very limited circumstances involving an imminent threat of death or serious injury; using force to retaliate against individuals exercising First Amendment rights; using unapproved weapons or force techniques; and using force against individuals with certain characteristics or conditions. As for other prohibitions, including those against retaliatory force generally and those concerning

chokeholds and neck holds, BPD is close to initial compliance but must demonstrate continued progress before the Monitoring Team can definitively certify compliance.

- BPD officers appear to be using deadly/lethal force less frequently before exhausting other reasonably available, less-lethal options. The Monitoring Team determined that, in 2018, in four of the 12 cases in which deadly/lethal force was used, officers used such force before exhausting all less-lethal options that were safe and reasonably available under the circumstances. In 2020, 2 of 11 deadly/lethal force cases involved a failure to first exhaust other available options. Notwithstanding both the infrequency of deadly/lethal force incidents and the modest improvement from 2018 to 2020 in the number of these cases in which officers fail to first exhaust less-lethal force options, BPD must demonstrate further improvement to reach initial compliance. This is due to the gravity of deadly/lethal force cases.
- The use of tasers and OC spray by BPD officers demonstrated initial compliance. The Monitoring Team found encouraging trends between 2018 and 2020. At the same time, the Monitoring Team will need to see additional evidence of compliance with BPD's baton policies before making a finding of initial compliance with respect to the use of batons.
- BPD is on track toward compliance with respect to officer intervention in problematic force encounters. Of the three years examined, 2020 saw (1) the fewest number of force cases in which officers reasonably should have intervened to prevent or stop illegal, out-of-policy, and/or excessive force and (2) but also the highest number of officers who intervened and the highest rate of officers *successfully* intervening where the circumstances required it. Still, the low rate of intervention in 2019 (in just one of 7 force cases where intervention was feasible), and the relative recency of officer training on peer intervention, mean that BPD must demonstrate continued progress before attaining a finding of initial compliance.
- In a sizable majority of cases across all three years, BPD officers reduced the level of force or discontinued the application of force as the subject's resistance decreased. However, officers did not uniformly render or request medical aid when required, or document when they did so. Thus, while BPD has demonstrated initial compliance with certain Consent Decree requirements regarding officer conduct immediately following the use of force, it must do more to achieve initial compliance with other requirements.
- Many on-scene supervisors are providing appropriate tactical guidance, oversight, and direction during the incident, but more improvement is necessary. When supervisors were on-scene for a force incident, roughly 4 in 5 (79.2%) involved themselves appropriately. At the same time, supervisors failed to provide necessary guidance, oversight, and direction in approximately 1 in 5 cases.

- BPD officers are generally completing and submitting use of force reports in a timely manner after force incidents. However, there remain systemic deficiencies in the quality of these reports, and officers involved in firearms discharges too infrequently provide the requisite public safety statements immediately after such incidents. BPD officers must make continued improvement in satisfying these reporting requirements before BPD reaches initial compliance with them.
- BPD supervisors, Use of Force Assessment Unit reviewers, and Special Investigative Response Team detectives must comply much more often with BPD's force investigation and review requirements before BPD reaches initial compliance with the force investigation and review requirements of the Consent Decree. This is so even though the overall quality of these investigations and reviews generally improved between 2018 and 2020. In some instances, it may be that the appropriate investigation or review was completed, but the investigative files were insufficiently thorough to provide verification. Better, more carefully structured investigative templates and files may help BPD ensure the comprehensive documentation necessary to verify compliance with investigative requirements.

Challenges Ahead

The Monitoring Team's comprehensive assessment of force incidents from 2018-2021 identifies specific improvements BPD must make to achieve initial compliance with the requirements of the Consent Decree. Most importantly, BPD supervisors and commanders must identify and take remedial action to correct uses of force that are inconsistent with policy. We found too many "out of policy" force incidents that did not result in either a policy violation determination or remedial action. As the Monitoring Team has repeatedly emphasized, BPD's ability to identify and correct deficient performance on its own is essential to establishing compliance.

What's Next

In the next reporting period, BPD will continue to consider training opportunities relating to use of force. BPD will also review its use of force policies to determine if any revisions are required.

The Monitoring Team will continue to observe PRB meetings as part of its ongoing evaluation of the Consent Decree's requirements related to this internal accountability mechanism. The Monitoring Team will also issue its first report on the PRB's performance.

BPD will need to determine how to address the findings and recommendations in the Monitoring Team's comprehensive assessment. Most prominently, BPD will need to ensure that supervisors and commanders identify and take corrective action in response to uses of force that are inconsistent with Departmental policy.

TRANSPORTATION OF PERSONS IN CUSTODY

Safely transporting 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).

Our first comprehensive assessment of BPD’s compliance with these requirements, issued in February 2022, showed that BPD has made considerable progress. BPD has made all required equipment changes, has been conducting routine equipment and transport audits, and has been making repairs when equipment audits find problems. Further, transport drivers are consistently securing passengers with seatbelts, providing van passengers access to grip straps, and routinely monitoring passenger safety through either direct or video (TVC) observation. BPD also has been taking remedial action against drivers when transport event audits find non-compliance with policy.

Our assessment report concluded, however, that BPD must take certain additional measures to reach full compliance with the Consent Decree’s transport requirements. These include ensuring transport officers appropriately document all Consent Decree-required information on transport reports, monitoring prisoners’ welfare and attending to their medical needs, searching prisoners prior to transport without exception, and consistently obeying traffic safety laws. Because BPD still must show consistency in satisfying these obligations, BPD’s compliance score remains “4c” (Implementation—on track).

TRANSPORTATION OF PERSONS IN CUSTODY

COMPLIANCE SCORE

4c

Implementation –
On Track

Areas of Progress

Monitoring Team Assessment

In our February 2022 assessment, the Monitoring Team found that BPD has made substantial progress toward compliance with Paragraphs 223 – 238 of the Consent Decree. We also advised BPD about the additional steps it must take to achieve full compliance. In summary, the Monitoring Team made the following findings:

First, BPD is routinely completing the required monthly inspections of transport vehicles and wagons and IT inspections of transport wagons.

Second, BPD transport vans are generally equipped with functioning seatbelts, grip straps and TVCs. Patrol cars are generally equipped with functional seatbelts. And when audits have found equipment that is not properly functioning, the problems appear to be fixed promptly.

Third, BPD is consistently completing the required quarterly audits and monthly spot checks of transport events using the agreed upon methodology. In fact, BPD is exceeding Consent Decree requirements for the quarterly audits, examining six transports for each of the nine districts instead of the required five, as well as six transports by the Warrant Apprehension Task Force (WATF).

Fourth, BPD transport drivers are following many of the required procedures for transporting detained individuals. BPD's transport audits, the validity of which the Monitoring Team confirmed with its own reviews, determined that transported detainees were: (1) handcuffed prior to being transported; (2) appropriately restrained with seatbelts in positions that did not cause undue pain or risk of injury; and (3) when in wagons, had access to grip straps and were viewable on TVCs. Further, in those audited transports in which a transport officer potentially violated BPD policy, BPD properly addressed the lapse by making a Public Integrity Bureau referral.

Notwithstanding these positive findings, the Monitoring Team observed certain deficiencies and record-keeping problems. We address these in the Challenges Ahead section below.

In the periodic audits the Monitoring Team has performed since we issued our comprehensive report in February, we have not found any backsliding. At the same time, we have not found appreciable improvement in any of the areas where we identified deficiencies, either. We explain our observations in the Challenges Ahead section below.

The shortcomings we have found explain why, despite its progress, BPD has not yet achieved initial compliance. For BPD to achieve initial compliance, it must demonstrate a trend of improved scores in the prisoner search and safe driving fields

of BPD's internal audit scorecards, in addition to complying with all policies requiring proper medical treatment for detainees who exhibit or complain of injury or illness. Further, as described in more detail in the Challenges Ahead section below, BPD must improve its record-keeping to provide for consistent assessment of driving speed and compliance with other traffic safety laws.

Notwithstanding these shortcomings, we found that officers are consistently complying with the policy requirements that are most important to safely transporting persons in custody—i.e., restraining them in seatbelts, providing grip straps, and monitoring their safety through either direct or TVC observation.

Transport Van Driver Training

As noted in our last report, BPD fulfilled the requirement of providing Department-wide e-learning regarding its policies on transporting persons in custody in December 2021. BPD also developed a four-hour training course that is provided to any newly assigned transport wagon driver. This is half the number of hours ultimately required for wagon drivers under the Consent Decree.

Challenges Ahead

In the eight months since we issued our comprehensive assessment, BPD has not yet satisfactorily addressed the concerns we raised in the assessment. Our audits show continuing deficiencies in: (1) searching prisoners prior to transport; (2) complying with traffic safety laws (more than one-fifth of audits found a violation of some law, e.g., failing to stop at a stop sign or at red light in a non-emergency, driving the wrong way down a one-way street in a non-emergency, or operating a handheld device while driving); (3) equipping vehicles with the technology needed to capture and monitor driving speed; (4) providing immediate medical attention to those who exhibit or complain of injury, and (5) properly documenting transport events consistent with Consent Decree requirements. While these deficiencies are less pronounced than they were at the time of our comprehensive assessment, we have some concern that BPD has not made more progress. The fact that BPD has not substantially corrected these deficiencies, when the Monitoring Team has advised BPD what it must do to resolve them, at least raises a question about BPD's capacity to correct them going forward.

Encouragingly, BPD commanders receive transport compliance reports at every weekly COMSTAT meeting. And at these meetings, which Monitoring Team members observe, there has been an increased focus on correcting the deficiencies. When non-compliance is reported, commanders are asking whether supervisors are taking corrective administrative action and making referrals to the Public Integrity Bureau. Such increased vigilance at the command level, coupled with an insistence on accountability for policy violations, gives the Monitoring Team confidence that BPD can address the deficiencies and achieve compliance in the not-too-distant future.

What's Next

BPD will continue to audit transport equipment and transport events, as the Consent Decree requires. However, it now must adjust the audit process to include review of the cases that implicate paragraphs 229 and 230 of the Consent Decree if and when they arise. Paragraph 229 prohibits transporting males and females together. Paragraph 230 requires BPD to transport medical equipment for any arrestee with disabilities to the arrestee's final destination, preferably in the same vehicle with the arrestee.

BPD has now enabled transport officers to record transport data in the Record Management System. This is a significant development, which should facilitate thorough and accurate record-keeping for transport events. Going forward, BPD must ensure that officers are using this functionality so that BPD's auditors can, at long last, consistently provide accurate compliance scores for transport event performance. As the Monitoring Team's comprehensive assessment showed, BPD's inconsistent and incomplete record-keeping for transport events has historically precluded BPD auditors from assessing compliance with certain policy requirements and thus has required auditors to give failing compliance scores, even if an officer's conduct during a transport event was in fact compliant.

Finally, BPD must deploy equipment with Automatic Vehicle Locator (AVL) technology in all transport vehicles so that BPD auditors can accurately monitor vehicle speed and assess safe driving practices. This is another Consent Decree requirement that, up to now, BPD has been unable to satisfy because of technological inadequacies.

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, with a preference for the least police-involved response. Such techniques will help prevent situations that could lead to the unreasonable use of force, promote utilization of the health system for individuals with behavioral health disabilities and in crisis, and diminish inappropriate utilization of the criminal justice system for such individuals.

The Consent Decree identifies a series of requirements to accomplish these objectives. Certain requirements, unlike in most other areas of the Consent Decree, necessitate assistance from other City agencies alongside BPD. The Consent Decree obligates BPD and/or the City to expand the Collaborative Planning and Implementation Committee (“CPIC”), which works with BPD to improve crisis response (CD 104-05); assess and report on the gaps in the City’s behavioral health system coupled with recommendations for solutions (“Gap Analysis”) (CD 97); maintain a Crisis Intervention Team (“CIT”) whose officers have primary responsibility for responding to incidents involving individuals in crisis (CD 101-03, 110, 119); develop a Crisis Intervention Plan and CIT Officer Selection Process to ensure the efficacy of the CIT (CD 120); appoint and train a Crisis Intervention Coordinator (CD 115-18); train all officers on responding to individuals with behavioral health disabilities and in crisis, and provide specialized training for CIT officers and dispatch personnel (CD 106-13); revise policies, including a police emergency dispatch policy, for responding to incidents involving individuals in crisis (CD 98, 114); and identify quantitative and qualitative performance measures for the CIT program and collection of data needed to make those assessments (CD 121-22).

BPD and the City have satisfied a number of the Consent Decree’s preliminary requirements, including:

- Expanding CPIC membership
- Appointing a CIT Coordinator (the position was recently open for nearly 10 months, filled by a sergeant serving an acting capacity, before the appointment)
- Completing (with CPIC) a crisis intervention plan and a plan for selecting CIT officers
- Creating a form to track data for responses to individuals in crisis.

- Revised policies addressing crisis intervention for officers, 911 specialists and dispatchers.
- Developed and delivered training on behavioral health awareness and crisis intervention for recruits, officers, and dispatchers/911 specialists, as well as specialized training for CIT officers, that often exceeds Consent Decree requirements.
- Established an information system structure to collect data on police responses to crisis events, as well as a process for analyzing the data and publishing reports with the analyses (though no reports have been published yet).

Importantly, the City and BPD also have completed and published the Gap Analysis and, this year, published an implementation plan for it. Consistent with the implementation plan, the City and BPD are working with community members on CPIC and Behavioral Health Services Baltimore (BHSB) to strengthen the City’s behavioral health support systems and develop the resources needed to respond more effectively to individuals in crisis. The specific initiatives the City either has undertaken or is planning are described in the Areas of Progress and Challenges Ahead sections below. They include a program developed and piloted in 2021 for diverting certain 911 calls to behavioral health specialists.

Because BPD has completed core policy revisions, delivered essential training across the Department, including initial training for CIT officers, and begun tracking performance in response to calls for service involving individuals in crisis, BPD’s compliance score in the Behavioral Health-General and Behavioral Health-CIT Officers categories is “4c” (implementation – on track).

For the Behavioral Health-System Coordination and Improvement category, the compliance score for BPD and the City is likewise “4c” (implementation – on track), as the City and BPD have begun collecting data on systemic efficacy, are completing an implementation plan for the Gap Analysis, and have begun implementing the Gap Analysis recommendations.

BEHAVIORAL HEALTH- GENERAL	COMPLIANCE SCORE	
	4c	Implementation – On Track

BEHAVIORAL HEALTH – CIT OFFICERS

COMPLIANCE SCORE

4c

Implementation –
On Track

BEHAVIORAL HEALTH – SYSTEM COORDINATION & IMPROVEMENT

COMPLIANCE SCORE

4c

Implementation –
On Track

Areas of Progress

Policies and Training

In this reporting period, the City finalized revisions to two policies concerning individuals with behavioral health disabilities: its reasonable accommodation policy and its Law Enforcement Assisted Diversion (LEAD) policy.

The reasonable accommodations policy, together with several related policies, provides officers with comprehensive guidance on interactions with individuals with disabilities. It covers a wide range of topics, including effective communication and specific accommodations required in custodial situations and interrogations.

The goal of the LEAD policy is to improve public health and safety by diverting from the criminal justice system individuals with disabilities who are accused of minor offenses. The LEAD program includes a partnership among BPD, BHSB, Baltimore Crisis Response Inc. (BCRI), the Office of the State’s Attorney, the Office of the Public Defender, the Division of Parole and Probation, and the Baltimore City Health Department. BPD worked closely with CPIC to obtain extensive community feedback on the LEAD program and to develop the new policy.

In this reporting period, BPD delivered its annual Department-wide in-service training on responding to individuals in crisis. As described above, this training was paired with training on interactions with youth. BPD worked closely with the CPIC training committee, and also with outside community groups and professionals, to develop the curriculum.

BPD also continues to offer specialized CIT training to officers who volunteer to take on a leadership role in responding to individuals with behavioral health disabilities. See ECF No. 450. Under the Consent Decree to date, all BPD officers have received 24 hours of basic behavioral health training and an additional 16 hours

of annual in-service training. CIT officers take an additional 40 hours. Seventy-four patrol officers and 40 SWAT team officers have completed the training thus far. Twelve of these officers have left BPD since completing the training, leaving a total of 102 trained CIT officers. That is a modest increase of 20 officers since the Monitoring Team's last report.

The City's Role in Implementing Gap Analysis Recommendations

The City has published a Gap Analysis Implementation Plan to implement the recommendations in the Gap Analysis. Under the Plan, the City will work in partnership with BHSB and a range of community stakeholders to work toward achieving the Plan's objectives. Thus far, informal reports on the City's progress toward developing peer support for crisis services and bridge funding to increase mobile crisis team capacity are encouraging. The City will publish a report on its progress shortly.

Part of the City's effort to reform and increase capacity in its behavioral health services delivery system entails working with BHSB and the Greater Baltimore Regional Integrated Crisis System (GBRICS). GBRICS provides funding for or establishes initiatives that the City directly benefits from. It is focused on four areas: (1) the development of a comprehensive call center capable of responding to calls for service; (2) developing mobile crisis team standards, identifying mobile crisis team providers, and expanding mobile crisis team services; (3) open access to behavioral health services; and (4) community engagement and outreach to increase awareness of alternatives to 911, particularly "988," the new national behavioral health crisis line.

This summer, the BHSB launched the 988 public awareness campaign after conducting market research and developing promotional content. Other initiatives are underway, including the procurement process for a comprehensive behavioral health call center using traffic control technology. A more complete launch of direct services is scheduled for next year.

911 Diversion Pilot Program

The City and BPD have developed a good pilot program to find the best match between behavioral crisis events and available resources. The concept of 911 resource matching is somewhat unique and has the potential to become a national model. Baltimore is on the verge of demonstrating how an integrated crisis system using both 911 and 988 can work.

As previously reported, a 911 diversion pilot program was implemented last year, focused on diverting calls through the EMS call system. The program, which is also a feature of the Gap Analysis Implementation Plan, is a cooperative effort among the City, BPD, the City Fire Department, and BCRI. The initial projections for the pilot study were that about 900 calls during the pilot period would be eligible for

consideration using 911-related call codes. This would have reached almost 10% of the estimated 10,000 calls involving a police response.

The City developed a dashboard tracking diverted calls and, this fall, published a [report](#) on the progress of the pilot program thus far. See ECF No. 549. As of the end of October 2022, the dashboard indicates that over 650 calls have been diverted in the 16 months since the program launched, with just under 400 attempted diversions to the 988 helpline, formerly known as H2H (Here to Help) and now part of the national 988 system. These diversions have resulted in close to 70 mobile crisis team interventions. These diversions have saved the Fire Department an estimated 248 hours and BPD an estimated 137 hours.

BPD is presently developing plans to expand diversion capabilities. In view of the modest number of diverted calls since inception of the pilot, expansion is necessary for the program to realize its potential. The City will add a licensed clinician in the 911 call center to aid in diversion efforts. Further, it will make diversion available to eligible youth callers and will establish a mobile crisis resource dedicated to youth.

Quality Assurance Review for Sentinel Events

As part of the Gap Analysis, the Consent Decree required BPD and the City to assess a sample of police interactions with people with behavioral health disabilities (CD 97). At the time the Gap Analysis was published, BPD did not have a record management system capable of generating a systematic sample of these interactions. As a result, this part of the Gap Analysis was put on hold. BPD's implementation of a new record management system now makes this assessment possible.

To perform the required assessments, the City has finalized a protocol titled "Behavioral Crisis Incident Review for Sentinel Events and Quality Assurance Audits." This review and audit process will examine critical incidents with the purpose of identifying and remedying the shortcomings in both BPD responses to individuals in crisis and the larger behavioral health system.

Within the last year, the City worked with elected state officials to secure legislation that will enable designated members of the review committee to perform these assessments without violating laws protecting individual privacy. With confidentiality concerns now resolved, sentinel event reviews are scheduled to begin in early 2023.

Monitoring Team and BPD Compliance Assessments

The Consent Decree requires both BPD and the Monitoring Team to assess BPD responses to individuals in crisis for compliance with Consent Decree provisions addressing such responses. In this reporting period, the City, BPD, DOJ, and the Monitoring Team have agreed on a methodology for these assessments. The methodology requires reviewing training records; reporting and maintenance of data

on responses to crisis events; and a random, statistically representative sample of BPD responses to individuals in crisis. The assessments will specifically gauge compliance with CD paragraphs 103 and 111 and include the analyses required by CD paragraph 459(h). These paragraphs address, among other things, equipping officers with the skills to properly interact with individuals in crisis, officer leadership during crisis events, and utilization of community-based services.

Challenges Ahead

Leadership Continuity

In a recent hearing before the Court, the Monitoring Team reported that, despite BPD's and the City's overall progress, staffing challenges within BPD could jeopardize their progress toward satisfying the provisions of the Consent Decree that address interactions with individuals in crisis. This challenge extended to the leadership of BPD components, City components, and City partner organizations responsible for addressing crisis events. Over the past two years, there has been considerable turnover in a number of key positions at BPD, the City, BHSB, and BCRI. The turnover has made it challenging to sustain the momentum the City and BPD have generated toward systemic improvements. With the lack of continuity in permanent leadership, the early progress BPD and the City made in recruiting CIT officers, analyzing crisis intervention data, developing the 911 diversion program, and implementing revised policies has slowed.

The good news is that BPD recently made key hires that have put a new team in place. BPD has filled, or is in the process of filling, permanent positions for CIT Coordinator, Assistant Director, Behavioral Health Program Officer, and Behavioral Health Data Analyst. BHSB soon hopes to fill the position of Behavioral Health Liaison/CIT Trainer. The full engagement of this new team is vital to generating new momentum toward systemic reform.

The Role of CPIC

BHSB and the City recently presented a proposal for future CPIC participation in the behavioral health system reform process. Envisioning a lasting partnership between the City and CPIC, this proposal would ensure that CPIC, and the community input its members provide, will continue even after BPD and the City reach full compliance with the Consent Decree. The challenge will be for CPIC—with City and BPD support—to maintain its beneficial functions over the long term. These include actively assisting with the development of crisis intervention policies and training, providing volunteer training instructors, demanding accountability for improving behavioral health services, and continuing to support active community stakeholder engagement.

The City's Capacity to Facilitate Consent Decree Compliance

Because paragraph 97 of the Consent Decree focuses on systemic improvements in behavioral health care, the City has taken on a larger role in achieving compliance with the Consent Decree. The City now leads the effort to match the needs of Baltimore residents with behavioral health disabilities with available resources. The 911 diversion program is an example of the initiatives the City has undertaken to match needs and resources. The nascent Sentinel Event Review and Quality Assurance Audit process is another example. More initiatives are in development. The City is attempting to address homelessness among those with behavioral health disabilities, as well as the need to provide peer support for individuals in crisis. In pursuit of these initiatives, the City is also expanding its partnerships, including its participation in GBRICS and its relationships with BHSB, BCRI, hospitals and universities. These partnerships are critical to the success of the City's efforts.

As the City takes on this larger role in achieving Consent Decree objectives, there emerge a number of questions about the City's capacity to bring about lasting change in the delivery of police and social services to individuals with behavioral health needs. Can the City move from a limited 911 diversion pilot project to a full-fledged diversion program that more effectively matches individuals in crisis with the resources they need and limits calls generating a police response to those clearly implicating public safety? Will the funding for peer counselors provide for better continuity with on-going behavioral programs and reduce the repeat call rate requiring a police response? Will there be additional housing targeted toward available for individuals with disabilities so that police and social services providers have improved diversion options when faced with crisis events, particularly those that do not present public safety concerns? Although the City will not need to have successfully revamped its entire behavioral health care system to achieve compliance with the Consent Decree, it will need to begin to answer these questions in a meaningful way. To do so, it must bolster its capacity to *assess* its progress. This might well require additional resources, including for administrative coordination, for clinical expertise needed to evaluate new programming, and for legal and policy expertise needed to report compliance to the court.

What's Next

In the next reporting period, the City is expected to scale up its 911 diversion program to better match calls for service and on-scene contacts to available resources, thereby decreasing the volume of calls currently routed to police dispatch and increasing the volume of calls and contacts routed to community services. The City should also be able to report further on the long-term initiatives made possible with GBRICS funding.

For its part, BPD will continue to train new CIT Officers. Correspondingly, it should increase the use of its Crisis Intervention Team to provide patrol-level leadership in response to behavioral health calls that present public safety concerns,

ideally with an increased rate of referrals to community services and improved follow-up care.

BPD and the City will commence the Sentinel Event Review and Quality Assurance Audit process.

The Monitoring Team will perform compliance reviews regarding BPD responses to crisis events.

Finally, BPD, the City and CPIC will receive and analyze data on crisis events so that they may assess the need for revisions to BPD's behavioral health policies.

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).

BPD has made substantial progress toward fulfilling these requirements. It has revised its First Amendment policies—Policy 804 (First Amendment Protected Activity), Policy 1016 (Public Observation/Recording of Police Officers), and the standard operating procedure for its Public Order Forces, which consist of units that respond to public assemblies to maintain order while protecting First Amendment rights. BPD also has delivered e-learning and in-service training Department-wide on Policies 804 and 1016, and has completed a curriculum for Public Order Forces training, which it is set to deliver in 2023. Further, BPD has published annual self-assessments of its performance in response to First Amendment activity in three consecutive years—2019, 2020, and 2021.

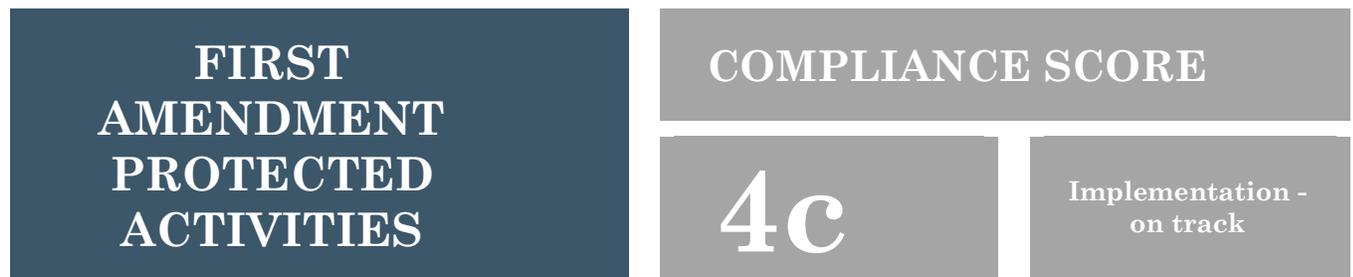
The Monitoring Team has begun our first comprehensive assessment of BPD's compliance with the First Amendment provisions of the Consent Decree. We expect to complete that assessment in the first quarter of 2023. Although the formal assessment is not complete, we have observed encouraging, preliminary signs of compliance:

- Through an examination of its responses to large-scale protests, misconduct complaints alleging First Amendment violations, and disorderly conduct

arrests, BPD’s self-assessments for 2020 and 2021 (which our comprehensive assessment will look behind) generally show compliance with the First Amendment and corresponding BPD policy.

- As previously reported, the Monitoring Team observed first-hand that BPD adhered to the First Amendment during the weeks-long protest activity that followed the murder of George Floyd by Minneapolis police. Based on the Monitoring Team’s informal assessment (our comprehensive assessment will entail a closer, more formal examination of documentary evidence and body-worn camera footage), *The New York Times* concluded that BPD was the only one of approximately a dozen major city police departments credited with handling the May-June 2020 protests 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.
- As explained in more detail below, the Monitoring Team has concluded in its recently published, comprehensive use of force assessment that BPD is in initial compliance with paragraph 133 of the Consent Decree, which prohibits using force in retaliation for the exercise of First Amendment rights.

The Monitoring Team cannot make a determination on initial compliance until we complete our ongoing comprehensive assessment. But based on its progress to date, BPD’s compliance score remains “4c” (implementation—on track). The Monitoring Team gives this score while acknowledging that training for BPD’s Public Order Forces will not be delivered until 2023.



Areas of Progress

Training

Earlier this year, BPD completed Department-wide in-service training on its First Amendment policies. See ECF No. 523. The training, which was paired with training on fair and impartial policing and use of force, reinforced prior,

comprehensive e-learning on those policies. *See* ECF No. 437. The policies had gone into effect in early 2021 upon certification of completion of the previously delivered e-learning. The policies address the right to free speech, including the right to criticize law enforcement, the right to assemble and protest, and the right to observe and record police activity.

During this reporting period, BPD also developed and finalized training curriculum for its Public Order Forces. The Public Order Forces are comprised of Rapid Field Formations of on-duty officers and a specially trained Mobile Field Force. While Rapid Field Formations may be activated to preserve First Amendment rights and public order in the context of any large demonstration, the Mobile Field Force is deployed only when a large demonstration threatens to turn into a civil disturbance. BPD's Education & Training Section is still determining when the training for Public Order Forces (a one-day course) will be provided, as well as whether to pair it with annual in-service training on another Consent Decree subject. The current plan is to begin delivery in the first quarter of 2023.

BPD Self-Assessment

BPD submitted its third annual audit of the Department's responses to First Amendment-protected activities (CD 255) in September 2022. *See* ECF No. 532. The purpose of these audits is to evaluate BPD compliance with the First Amendment and to implement "corrective action or improvement measures" where deficiencies are identified (CD 256). BPD's audit report, which covered the year 2021, is available [here](#). The reports for 2019 and 2020 are [here](#) and [here](#).

Because there were no large-scale protests in 2021 akin to the racial justice protests of 2020, the 2021 report is less extensive than the 2020 report. In the 2021 report, BPD reviewed and audited: (1) 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, and DOJ determined in its investigation that it was principally in *this* area that BPD was engaged in a pattern-or-practice of First Amendment violations; (2) misconduct complaints alleging First Amendment that were either closed or lodged in 2021; and (3) any incidents in which individuals were ordered to stop recording police activity.

Like the 2020 audit, the 2021 audit reassuringly concluded that BPD officers were generally complying with BPD's First Amendment policies.

- BPD made only 10 standalone disorderly conduct arrests in 2021, only .01% of the 80,374 calls for service for disorderly conduct. This was even fewer disorderly conduct arrests than in 2020 (35) and continues to demonstrate compliance with BPD policy requiring problem-solving and alternatives to arrest for low-level offenses when consistent with public safety. None of the 10 disorderly conduct arrests in 2021 implicated the First Amendment. (The audit

determined that one of the incidents otherwise violated policy because the officer activated their BWC late.)

- Of the five First Amendment-related misconduct complaints that were closed in 2021 (three initiated in 2021, two in 2020), one was sustained and resulted in a letter of reprimand for the officer's violation of the policy permitting the recording of policy activity by his refusal to allow an individual photograph his name tag; two were "not sustained"; one was "unfounded," and one was "exonerated." Two other complaints, both from 2019, remained open and were not resolved because the incidents are the subject of criminal prosecutions by the State's Attorney's Office.
- BPD identified no incidents in which individuals were ordered to stop recording. Body-worn camera recordings from two incidents were found to be labeled "stop recording," but the labels were used in error. BPD's BWC Unit searched for other "stop recording" incidents and found none. Note that it was only in September 2021 that the policy requiring officers who order a person to stop recording to tag their BWC footage "Ordered to Stop Recording" went into effect, so the policy was in effect for only three-plus months in 2021. Stop recording orders are likely to be exceedingly rare, but because the BWC-labeling policy regarding such orders will have been in effect for all of 2022, BPD's 2022 audit will cover a larger sample.

Because standalone disorderly conduct arrests have become so rare, BPD, the Monitoring Team and DOJ have agreed that BPD's 2022 self-assessment will also examine arrests for a combination of disorderly conduct and resisting arrest.

Monitoring Team Use of Force Assessment

Of the Consent Decree's many use of force provisions, one explicitly implicates the First Amendment: Paragraph 133 prohibits officers from using force in retaliation for the exercise of First Amendment rights. In our recently published use of force assessment, which examined a statistically significant, random sample of 535 use of force cases from 2018 – 2020, we evaluated BPD's compliance with paragraph 133. In our review, we found no cases involving the use of force against individuals engaged in First Amendment conduct in 2018, one case in 2019 (.5% of all 2019 cases), and three cases in 2020 (1.8% of all 2020 cases). Across all three years, there was only one case (from 2020) in which an officer appeared to have used force *in retaliation* for an individual's exercise of First Amendment rights. Given the consistently low number of cases in which force was used against an individual engaged in First Amendment conduct, and the single case in which such force appeared to be retaliatory, we have determined that BPD is in initial compliance with paragraph 133.

Although it pertains to only one Consent Decree provision, this finding is noteworthy. As explained above, DOJ specifically found that BPD engaged in pattern-or-practice of First Amendment violations because officers were retaliating against individuals for exercising First Amendment rights. Further, in the initial phase of

the Consent Decree, prior to First Amendment training, there were newsworthy cases involving officers detaining and using force against individuals in retaliation for their First Amendment-protected criticism of law enforcement actions. One case from 2018 resulted in the termination and criminal conviction of a rookie officer. A second case, which involves a series of incidents from 2018 to early 2019, resulted in numerous criminal charges against a veteran sergeant whose trial remains pending. The Monitoring Team's finding that BPD is in initial compliance with paragraph 133 demonstrates—if only preliminarily—that such cases are largely a thing of the past.

Challenges Ahead

To ensure appropriate, disciplined, measured responses to demonstrations that threaten to turn into civil disturbances, BPD must effectively train Public Order Forces officers on the new standard operating procedure and continue to properly prepare for and respond to protest activity by ensuring that its officers respect First Amendment rights.

BPD commanders and supervisors also must continue to ensure that officers respect First Amendment rights in everyday encounters—that they de-escalate and exercise restraint in the face of criticism and non-violent provocation and thereby continue to comply with paragraph 133.

What's Next

The Monitoring Team's comprehensive First Amendment assessment is underway. In the next reporting period, we will publish the results. The Monitoring Team will evaluate and look behind the same events that BPD's Performance Standards Section examined for its 2020 and 2021 reports, as well other events that might implicate First Amendment conduct. In particular, we will assess (1) BPD's response to the racial justice protests in May-June 2020, including all arrests, all uses of force, all dispersal orders, all incident action planning and after-action reports, and a randomly selected sample of BWC footage of officer conduct; (2) all cases spawning First Amendment-related misconduct complaints lodged with the Public Integrity Bureau between January 1, 2020 and June 30, 2022; (3) all arrests for disorderly conduct, all arrests for disorderly conduct and resisting arrest, and a random sample of arrests for disorderly conduct and at least one other offense between January 1, 2020 and June 30, 2022; and (4) any incidents in which a BPD officer ordered an individual to cease recording police activity from September 2021 (the date the BWC-tagging policy for such orders became effective) to June 30, 2022.

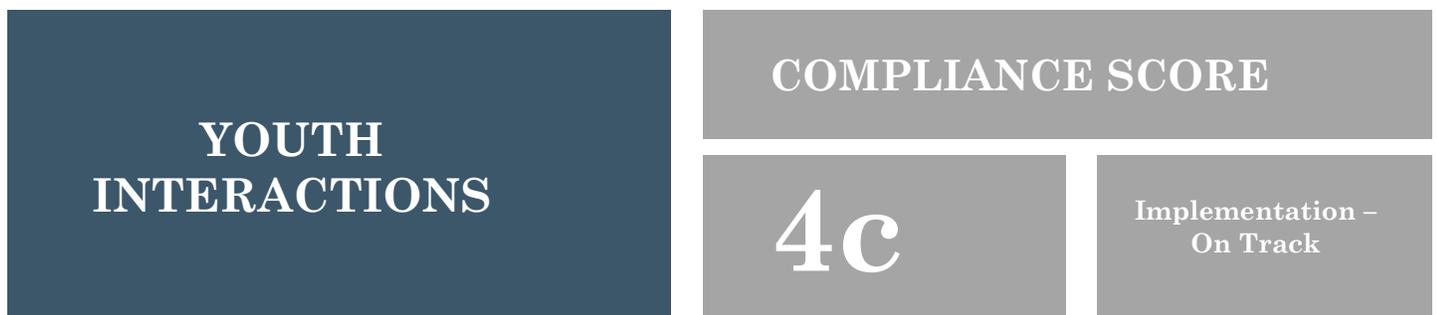
Additionally, BPD will deliver training on the standard operating procedure for its Public Order Forces, and its Performance Standard Section will conduct and publish a report on its fourth annual audit of BPD's responses to First Amendment activity, this one covering 2022.

INTERACTIONS WITH YOUTH AND COORDINATION WITH BALTIMORE SCHOOL POLICE

Police encounters with youth help shape the public perception of police officers and their effectiveness within a community. DOJ's investigation found that BPD's encounters with youth frequently led to inappropriate outcomes because officers too often failed to account for an adolescent's age and developmental maturation. Accordingly, 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, and civil citations) in order to divert youth from the 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, as well as academic and youth advocates (CD 219).

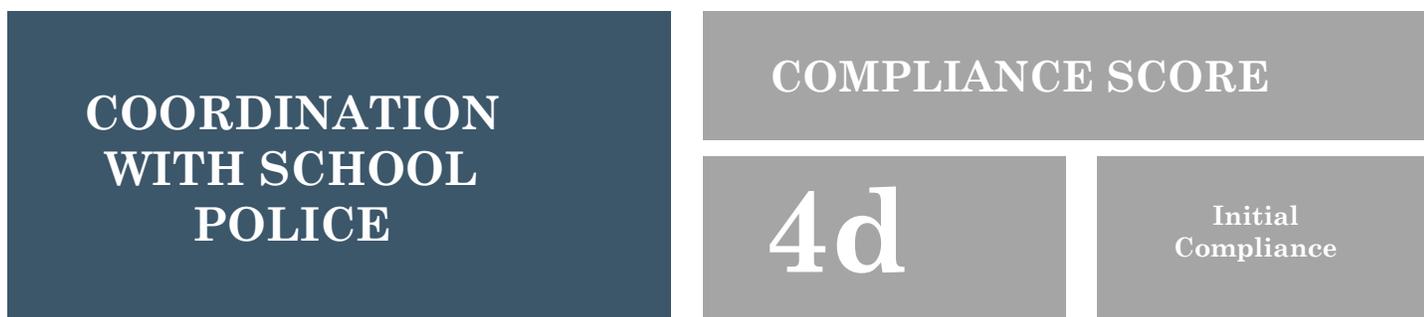
BPD has completed the [Youth Assessment](#), revised its youth-related policies, completed e-learning on its Youth Interrogations policy, and recently completed in-service training on its core Interactions with Youth policy. Accordingly, BPD's compliance score has improved to "4c" (Implementation – on track).



The Consent Decree contains several provisions addressing BPD's relationship with the Baltimore School Police ("BSP"). In particular, paragraph 417 requires BPD to conduct an initial assessment of its Memorandum of Understanding ("MOU") with

BSP and evaluate how BSP has used BPD’s authorization to exercise law enforcement powers throughout the City. The assessment should include an analysis of data reflecting the frequency with which BSP officers respond to calls, make stops, searches, and arrests, and use force under the MOU. BPD will use the assessment to identify deficiencies and opportunities for improvement, amend the MOU as needed, implement other appropriate corrective action, and document the changes it makes. Following the initial assessment and amendment of the MOU, BPD will conduct a biennial evaluation of its coordination with BSP, and make any modification needed to ensure effective coordination with BSP.

In 2020, BPD completed the required [assessment](#) of its MOU with BSP and executed a new MOU that attempts to fix the shortcomings in the prior MOU. This year, BPD completed its [first biennial assessment](#) of its coordination efforts under the new MOU. With the completion of this assessment, BPD’s compliance score has improved to “4d” (initial compliance).



Areas of Progress

Interactions With Youth

In this reporting period, BPD designed and delivered Department-wide e-learning on its new policy on youth interrogations (Policy 1207), which was approved in 2020. This e-learning built upon portions of earlier in-service training on SSA, which covered some but not all of Policy 1207’s requirements in a module titled “Interrogations and Interviews,” as well as certain limitations on on-scene interviews of youth in a module titled “Crime Scenes and Witnesses” module that addressed limitations on-scene interviews of youth.

Also in this reporting period, BPD prepared and delivered a two-day, Department-wide, in-service course on youth interactions, which incorporated facilitated instruction on interactions with youth, including youth in crisis. BPD collaborated with the Monitoring Team, DOJ, and community organizations and stakeholders who are advocates for youth and individuals with behavioral health disabilities. The training taught officers to recognize potential developmental challenges that youth present, and gave guidance on how to best communicate, understand and connect with youth. With the completion of the training, BPD’s policies on youth interactions and youth interrogations are now in effect.

As BPD was delivering its training courses on youth interactions, the Maryland General Assembly passed legislation providing new protections for youth during custodial interrogations. BPD worked diligently to incorporate the mandated changes into Policy 1207. The updated policy includes new provisions including requiring that members make a reasonable effort to give actual notice to a parent/guardian when a youth is in their custody. The policy also expands attorney access to youth 17 and younger. Following approval by the Monitoring Team and DOJ, BPD distributed the revisions Department-wide before the legislation's effective date of October 1, 2022.

BPD and the City have continued to work toward compliance with paragraph 218, which requires BPD and the City to develop alternatives to arrests of youth, as appropriate. In concert with the Mayor's Office of Neighborhood Safety and Engagement (MONSE), BPD has implemented a program called "SideStep," which is designed to provide officers with a formal diversion option to reduce the number of arrests of youth for low-level offenses. During the pilot phase of SideStep in the Western District, only ten incidents involving youth subjects were referred to the program. This is likely for several reasons, including the low occurrence of such incidents—crimes of violence do not qualify, so even when officers forward reports for violent crimes to SideStep, SideStep must decline the cases—and the success of other programs that do not involve law enforcement. MONSE, BPD, the Monitoring Team and DOJ are actively discussing how to expand the use of the program and how to obtain better data to analyze its potential effectiveness. The City is also in the process of selecting an outside evaluator for the program.

In addition to SideStep, BPD officers have begun to utilize "paper charging," *i.e.*, citations, and Department of Juvenile Services (DJS) referrals. Paper charging has been a common practice in jurisdictions around the state, except in Baltimore, and so BPD has worked to include this alternative to arrest in policy and use it more frequently. Now, when an officer responds to an incident involving an eligible offense and has probable cause to arrest, the officer will release the youth to a guardian and coordinate with DJS, which will connect with the youth and guardian for follow up. So far this year, BPD has issued citations and made DJS referrals for 40 youth.

Coordination with Baltimore School Police

BPD recently completed its first biennial assessment of its updated Memorandum of Understanding with Baltimore School Police. The updated MOU was prepared and executed under the Consent Decree in 2020. The recent assessment determined that while BPD and BSP appear to be operating consistent with the updated MOU, the review period (April 2020 – December 2021) corresponded with the Covid pandemic, when in-person schooling was eliminated, and students were required to attend school remotely. As a result, there was limited interaction between BPD and BSP during the review period. However, nothing that occurred during the review period indicated any problems with the operation of the MOU or raised any concerns about Consent Decree compliance.

The assessment included several recommendations concerning the generation of incident reports and the assignment of reporting responsibilities. The implementation of the new Records Management System, which BSP also utilizes, will facilitate implementation of these recommendations, as it will permit seamless integration and sharing of records between the two agencies.

Challenges Ahead

As observed in our last report, BPD must translate its youth interactions policies and training into action on the street. That means interacting with children with the understanding that they are still developing cognitively and behaviorally. It also means employing diversion strategies when warranted, rather than arresting and sending youth into the juvenile or adult criminal justice system.

For the diversion guidance in BPD policy to be effective, the City must develop diversion programs that BPD officers can utilize. While promising in theory, the SideStep pilot has not born fruit in practice, demonstrating just how hard it is to ramp up a diversion program, even one that is well-resourced. The City and BPD must make adjustments to the program so that BPD's policies and training on arrest alternatives and diversion may prove meaningful.

As for BPD's MOU with BSP, the migration to the new RMS (which also entails a migration from the Uniform Crime Reporting (UCR) system to the more accurate National Incident Based Reporting System (NIBRS) for crime reporting) has caused some hiccups for BPD and BSP and may cause a few more. But because both agencies are using the same new system, any confusion regarding event reporting should be eliminated, which will make the identification and sharing of incident reports much easier.

BPD and BSP are presently making adjustments to the MOU to account for this change and otherwise implement the recommendations in the latest assessment. A revised MOU will likely take effect in 2023. In 2024, BPD will conduct a second biennial review to determine whether these changes in the MOU have been effectively implemented.

What's Next

Now that the youth policies are effective, the Monitoring Team, BPD and DOJ must develop a sound methodology for the Monitoring Team to evaluate BPD's compliance with the Consent Decree's youth interactions provisions. These assessments, which should begin in 2023, will cover officers' adherence to Consent Decree requirements and BPD policy in a representative sample of police encounters with youth, which should be readily identifiable in the new RMS. They will also address the efficacy of alternatives to arrest, including diversion programs.

COMMUNITY POLICING AND ENGAGEMENT

Community policing supports the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to 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 some 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 that 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.

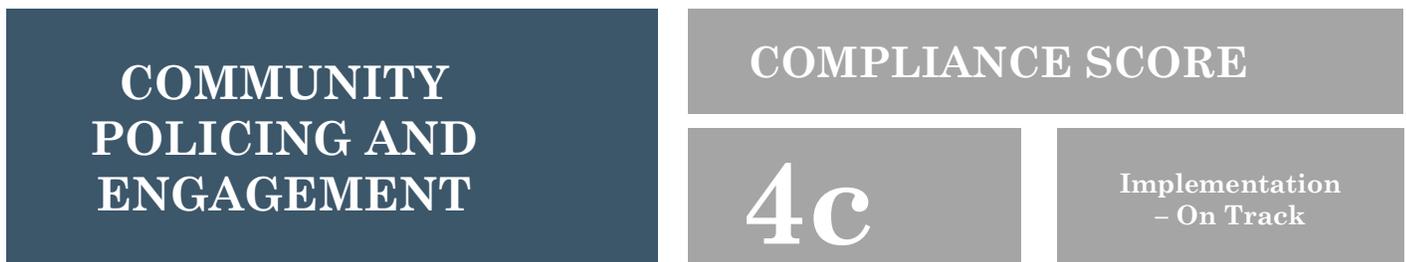
Preliminarily, the Consent Decree requires issuance of a new mission statement that integrates community-oriented principles into BPD “management, policies and procedures, recruitment, training, personnel evaluations resource deployment, tactics and accountability systems” (CD 15). Further, the Consent Decree outlines the kind of community policing training BPD officers must receive, which includes eight hours of in-serve training each year (CD 16-17); encourages patrol officers to be familiar with the geographic areas they serve, engage with community members, engage in problem identification and problem-solving activities around community priorities, and work proactively to address quality-of-life issues in a manner that minimizes stops, citations, searches, arrests, and uses of force (CD17); and identifies the data BPD should collect and evaluate to gauge whether community policing objectives are being met (CD 18).

The Consent Decree also requires the City and BPD to develop community engagement plans (CD 19), to obtain input from community groups on policies, practices, training, engagement programs, and enforcement strategies (CD 20), to develop a community outreach program to educate and communicate with City residents about the Consent Decree (CD 21), to publish annual reports on BPD's community policing efforts (CD 22), and to use the results of the Monitoring Team's community surveys to inform policies, training, and practices (CD 25).

Thus far, BPD has taken the following measures to comply with these requirements:

- Issued a new mission statement and then revised it, ECF Nos. 119 & 239
- Prepared a comprehensive [Community Policing Plan](#), issued in June 2020, with input from community members
- Developed community engagement plans
- Sought and obtained input from community members on numerous policies and training curricula
- Published annual reports for 2018, 2019, 2020 and 2021 on emergent community policing efforts and community engagement accomplishments
- Piloted neighborhood policing plans in two Baltimore neighborhoods
- Delivered a two-day, in-service training Department-wide on community policing and addressing low-level offenses, which included community facilitators from Reconcile Baltimore, the Mayor's LGBTQ Commission, and Baltimore Community Mediation Center
- Established a module devoted to community policing in the Field Training Officer certification program
- Developed CAD codes to capture the time officers spend engaging in community policing activities
- Incorporated community policing principles into performance evaluations, which now assess whether officers know the Community Policing Plan, create community partnerships, build trust with the community through formal and informal engagements, and identify chronic conditions that spawn chronic crime and disorder and draw on problem-solving skills to address them
- Provided guidance to officers on the use of 311 for daily problem-solving, which is reviewed in COMSTAT
- Conducted performance reviews to assess officer compliance with procedural justice principles in their encounters with community members (*see Impartial Policing section*)
- Created an award for problem-solving, alongside new awards for de-escalation and peer intervention, and added community policing as a category for commendations

Based on these developments, BPD's compliance score in the Community Policing and Engagement category is "4c" (implementation – on track).



Areas of Progress

Prioritizing Community Policing and Engagement

Earlier this year, BPD issued its annual community policing [report](#) for 2021. The report details all the measures BPD has taken to implement the Community Policing Plan. Many of those are identified above. The report also explains the steps BPD plans to take to implement the Plan going forward. The Monitoring Team and DOJ reviewed and commented on the report before publication.

As noted, BPD uses Computer Aided Dispatch (CAD) signals to track officers' community policing and engagement activities. There are CAD codes for Business Checks, Community Meetings, Directed Patrol, Foot Patrol, Bike Patrol, and Field Interviews. BPD's goal is for officers to spend 40% of their time on community policing and engagement. BPD's analysis showed that, in 2021, the average amount of time officers spent on these activities varied modestly by shift, but the overall average was 15 minutes per shift per hour and total of 24% of officer time devoted to these activities. Given current personnel shortages in the Patrol Division, this is somewhat encouraging, even if substantially short of the 40% goal. Business Checks, Directed Patrol, and Foot Patrol accounted for most of the time.

Complimenting the recording of time officers spend on community policing and engagement, BPD has placed the Community and Youth Services Section within the Chief of Patrol's Office. The Community Policing Manager now reports directly to the Chief of Patrol.

Neighborhood Policing Plans

Problem-Oriented Policing (POP) is a community policing strategy that, as its name suggests, uses problem-solving to address community conditions that contribute to crime and disorder. POP depends on partnerships and collaboration among community members, community organizations, and government agencies. Using POP principles, BPD continues to implement its Neighborhood Policing Plan (NPP) pilot program in two Baltimore communities: Greater Baybrook in South Baltimore and Fayette Street Outreach in West Baltimore. The NPP pilot, which runs

through the end of the year, entails collaboration among BPD, other city agencies, and neighborhood residents. It is coordinated by the Mayor's Office of Neighborhood Safety and Engagement (MONSE). The participants hold regular meetings to discuss specific problems contributing to crime and devise solutions to improve the overall quality of community life.

As the pilots conclude, BPD will evaluate what has worked well and then devise NPPs for neighborhoods in every police district, consistent with the Community Policing Plan.

Training

Following the Department-wide community policing that concluded at the end of last year, BPD, the Monitoring Team and community members conducted focus groups to discuss ways to improve the training. In April 2022, the evaluation team issued a report that included the following recommendations:

- BPD should increase the participation of community residents and Neighborhood Coordination Officers (NCOs)
- Instructions should emphasize why the training is important
- Instructors should devote more time addressing the concerns expressed by officers in class
- Officers need additional training focused on the implementation of the Community Policing Plan.

Following the focus groups, BPD drafted curriculum for the next round of community policing training, which was piloted in October 2022. Department-wide training, which is paired with training on BPD's disciplinary system, has begun and should be completed by the end of Q1 2023.

Challenges Ahead

Staffing

Staffing shortages in the Patrol Division continue to represent the biggest challenge to successful implementation of the Community Policing Plan. As explained in the Staffing, Performance Evaluations, and Promotions section, BPD is developing innovative measures to address the shortage, which would provide patrol officers more time to engage in community policing. These include diverting traffic accident responses to a third party, diverting larceny calls to online and telephone reporting, diverting certain calls involving individuals experiencing behavioral health crises, and civilianizing certain positions to free up sworn members for patrol duties. Without an accompanying hiring surge, these measures may not be enough to make up for continuing attrition.

Neighborhood Policing Plans

As noted, BPD has piloted neighborhood policing plans in two districts. However, it must expand these plans to a number of other neighborhoods—in other words, it must scale up dramatically—if it hopes to achieve the goals of the Community Policing Plan and the corresponding community-oriented policing objectives of the Consent Decree.

Monitoring Team Officer Focus Groups

Under paragraphs 23 and 24 of the Consent Decree, the Monitoring Team and its partner, the Criminal Justice Institute, conducted a second round of officer focus groups in May 2022. The [first round](#) was conducted three years earlier. The latest report can be found [here](#). One of the areas of concentration was officer views about community relations and community policing. Officers generally expressed the opinion that they did not have enough time to engage in proactive community policing because they are overwhelmed responding to calls for service, especially given the shortages in Patrol. They voiced frustration about being expected to do too many business checks, which they said caused the business checks to amount to no more than signing a log, as opposed to building relationships. Officers further asserted that the way to build stronger, more trusting police-community relations is to assign officers to specific posts and maintain post integrity.

What's Next

The second round of annual Consent Decree-mandated community policing training will begin shortly. The Monitoring Team and DOJ will audit the training.

BPD is preparing a Standard Operating Procedure for its Neighborhood Coordination Officers, who support patrol officers in carrying out their community policing and engagement obligations. The Monitoring Team and DOJ will collaborate with BPD on the SOP.

For our part, the Monitoring Team is finalizing a methodology for our first comprehensive assessment of BPD's compliance with the community policing provisions of the Consent Decree. Once the methodology is approved by BPD and DOJ, we will conduct the assessment.

Additionally, under paragraphs 23 and 24 of the Consent Decree, the Monitoring Team, in collaboration with the Institute for Urban Research at Morgan State University, will soon complete its second resident survey on community experiences with and attitudes toward BPD. The report will be published in the first quarter of 2023.

Also under paragraphs 23 and 24, the Monitoring Team and our partners at the University of Toronto's Munk School and Rose Street Community Center recently completed interviews for a second survey of custodial arrestees at the Central

Booking Intake Facility. As with the community survey, the arrestee survey explores experiences with and attitudes toward BPD. The report will be published in the first quarter of 2023.

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).

BPD has satisfied the foundational requirements for policy revisions and training and has taken additional compliance measures. Specifically, BPD has:

- Revised its policies and procedures on sexual assault investigations and created a policy on officer-involved sexual misconduct
- Delivered Department-wide e-learning and in-service training for all officers on responding to reports of sexual assault
- Provided specialized in-service training for detectives who investigate sex offenses in late 2020, 2021, and again in 2022
- Published three annual reports on sex assault investigations with a fourth report scheduled to be released in late 2022
- Developed and began administering a victim survey in 2022

The Monitoring Team recently completed our initial comprehensive assessment of the quality of BPD's sexual assault investigations. We will publish our report shortly.

Based on our recent assessment, BPD's compliance score in the area of Sexual Assault Investigations is 4c (implementation on track).

SEXUAL ASSAULT INVESTIGATIONS

COMPLIANCE SCORE

4c

Implementation –
On Track

Areas of Progress

Training

In this reporting period, with the assistance of community advocates and outside experts, BPD developed and delivered a one-day training for detectives who investigate sexual assaults. PIB also sent investigators who will conduct administrative investigations of alleged officer sexual misconduct. This training expands on the topics covered in the prior training programs, delivered in 2020 and 2021. It reviews the principles of trauma-informed interviews and offender-focused investigation, and incorporates exercises relying on these principles. Another module focuses on the role of supervisors in the sexual assault investigation process.

BPD also developed another e-learning for all officers on sexual assault investigations. The Sexual Assault Response Team reviewed and commented on a draft of the curriculum. The e-learning builds off prior Department-wide training. It reinforces the need for a trauma-informed response to victims, reviews procedures for responding to 4th degree sexual assault, and covers Policy 708 on rape and sexual assault. This e-learning is now available, and officers will complete it by early 2023.

Annual Report on Sexual Assault Investigations

BPD prepared and published its fourth Annual Sexual Assault Investigation Data Report last month. The report provides a broad overview of the sexual assault investigations BPD conducted in 2021 and updates BPD's efforts to enhance oversight of its sexual assault investigations based on data and analysis. One of the noteworthy findings is that the Sex Offense Unit (SOU) has cleared by exception only two cases in 2021 and none in 2020, compared to 44 in 2018. This reduction in exceptional clearances is associated with a modification of BPD's cleared exception standards to reflect national best practices.

BPD made extensive efforts to extract data for the report. As explained elsewhere in this report, BPD implemented a new Record Management System (RMS) in mid-2021. As a result, BPD had to draw from both the RMS and the old data system to assemble complete data set on crime reports for the year. Further, Sex Offense Unit and Child Abuse Unit detectives are still using an outdated system, Lotus Notes, for their case files, so additional data had to be extracted from that system for the

report. Needless to say, this process for gathering data was cumbersome and likely incomplete.

For future reports, however, BPD should be able to gather all data from one system—the new RMS. That will not happen for 2022, unfortunately. Although the incident reporting functionality of the new RMS will have been operational for the full year, with all crime reporting data for the year residing there, the case management functionality remains in development. As a result, certain 2022 data will still need to be pulled from the existing case management system, Lotus Notes. Once the new RMS’s case management functionality is operational and replaces Lotus Notes, all the data for the annual reports—and for any other purpose—will reside in one place. The first annual report for which all necessary data will be located in the RMS should be for 2023.

Receiving Technical Assistance from Subject Matter Experts

Over the course of 2022, DOJ and its subject matter expert, Anne Munch, have provided targeted technical assistance on sexual assault investigations to SOU detectives and supervisors. The Monitoring Team has participated in these meetings, which involve reviewing a selected case with the assigned detective and supervisor, discussing case strengths and weaknesses, and identifying investigation needed to shore up the weaknesses.

Victim Survey

BPD released a sexual assault victim survey this year. The survey, on which BPD collaborated with the community-based Sexual Assault Response Team, is on the back of BPD Form 310, which officers are required to provide victims. The survey seeks to measure victim satisfaction with BPD’s response to allegations of sexual assault. The Monitoring Team will closely track how many victims are accessing the survey and completing it, and how BPD uses this information to improve their service to victims.

Challenges Ahead

The Monitoring Team will continue to monitor and provide advice on the development of the case management functionality for the new RMS to ensure it records and stores all the information required for both BPD and the Monitoring Team to analyze BPD data on sexual assault investigations.

As with other BPD components, adequately staffing the Sex Offense Unit has been difficult. The Staffing Plan calls for 25 detectives and eight civilians. As of May 31, 2022, there were 19 detectives and nine civilians. At the same time, SOU has gotten busier. The unit opened 327 cases in 2021, which is a 19% increase over 2020 and a 15% increase over 2019. Of the 327 cases, SOU forwarded 133, or 41%, to the State’s Attorney Office by the end of 2021, 40 of which resulted in an arrest. An appropriate staffing level should help increase the amount of time a detective can

spend on a case, improve the quality of investigation, and bring more offenders to justice.

What's Next

Within the next month, the Monitoring Team will finalize and publish our first comprehensive assessment on the quality of BPD sex assault investigations. The assessment is a baseline assessment, covering 2019 and 2020.

In the next reporting period, the Monitoring Team also will continue to work with BPD in the areas of developing the new case management system and improving investigations through training and technical assistance. The latter will be guided by the recommendations in the Monitoring Team's forthcoming assessment.

Finally, BPD will revise its policy on member-involved sexual assaults.

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).

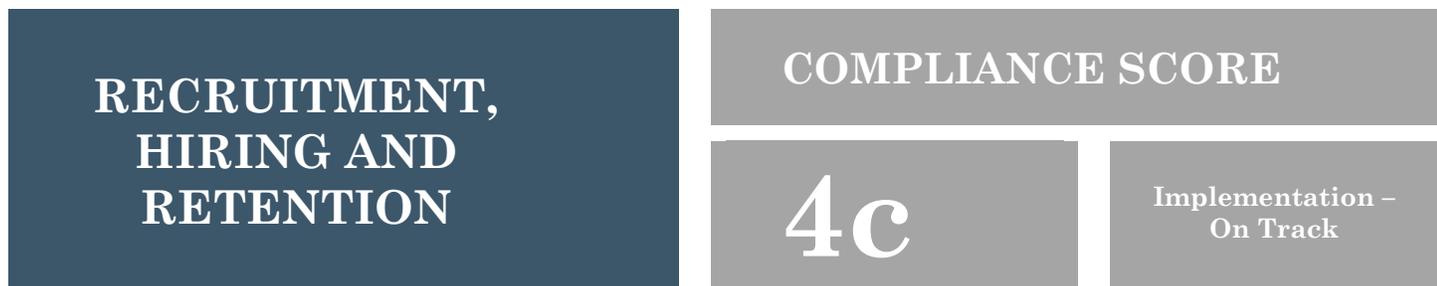
As previously reported, BPD has satisfied all the threshold requirements for recruitment, hiring and retention—a hiring report, a Recruitment Plan, and a Retention Plan. BPD is thus squarely in the implementation phase of reform, which includes continuing to refine and improve the policies and practices of its Recruitment Section and developing new incentives to retain high-quality officers.

Like virtually every other police agency in the United States, BPD continues to operate against significant headwinds in recruiting, hiring, and retaining a stable and committed workforce. As we previously reported, BPD defied national trends in 2020 when it hired more officers than it lost for the first time in many years. However, in 2021 and continuing into 2022, BPD has experienced significant challenges retaining officers, and attrition is again outpacing hiring by a wide margin. As reported in the Staffing, Performance Evaluations and Promotions section of this report, BPD had lost 209 officers and hired 76, a deficit of 133, through September 2022. Last year, the total deficit was 106 (290 vs. 184).

The disappointing attrition rate does not reflect the concerted effort BPD has made to attract, recruit and hire officers and adopt creative retention strategies. Nor does it demonstrate that BPD has made important (if still insufficient) strides in civilian hiring, which is consistent with the updated Staffing Plan’s goal of adding professional civilian staff in every bureau. In fact, BPD has maintained a positive hire/attrition ratio for civilian employees. BPD is accomplishing this with the assistance of new, recurring state grants, which provide resources to utilize civilians to respond to diverted 911 calls that patrol officers currently respond to. The 911 diversion objectives of the updated Staffing Plan are discussed in the Staffing, Performance Evaluations and Promotions section above.

Although they are not currently achieving the intended results, BPD’s hiring, recruitment, and retention initiatives have been creative and meaningful, and BPD

has worked hard to implement and sustain them. Accordingly, BPD's compliance score remains "4c" (implementation – on track).



Areas of Progress

Recruitment and Hiring Processes

In this reporting period, BPD sustained and strengthened numerous previously implemented initiatives to improve recruitment and hiring. These initiatives include:

- Using RecruitStat to track recruitment and hiring efforts at weekly command staff meetings.
- Using an online application, NeoGov.
- Consistent with national best practices, using the National Testing Network (NTN) exam as an entrance requirement for employment.
- Allowing applicants to complete physical fitness tests in person at BPD's new training facilities at the University of Baltimore or remotely using video technology.
- Maintaining a daily tracker that captures information on hiring, including application volume, general and cadet hiring data, pass rates for NTN/physical agility/psychological exams, gender/diversity data, and hiring performance versus targets.
- Deploying a "customer experience survey" for BPD to understand the types of applicants that are attracted to the department, their perceptions of the overall recruitment process, and any suggestions for improving the recruitment process.
- Retaining an analyst to centralize this data and render it more accessible to department stakeholders.
- Utilization of a spreadsheet by concierge staff to track the various types of contacts made with applicants during the initial phases of recruitment (NTN exam, physical agility test, online profile/questionnaire). BPD

compares this contact data to the overall rates of completion of each phase of hiring to determine if there is a correlation with the timing and frequency of concierge contact.

- Expanding recruitment outreach to increase the number of officers who are from diverse backgrounds, oriented toward community-oriented policing, and adept at problem-solving. BPD uses a rebranded, geo-fenced marketing campaign through IDFive to appeal to younger and community-minded prospects.
- Maintaining relationships with youth at local high schools by regularly hosting events and promoting 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).

Together with new hiring and retention incentives, these initiatives provide cause for hope that BPD will ultimately succeed in reaching its staffing goals.

Retention

As our last report explains, BPD leadership and the police union entered into a collective bargaining agreement that provides significant incentives for officers to remain with BPD. The incentives are for all officers, though the contract focuses on officers with three years of experience or less because more than 65% of all voluntary resignations over the past several years have been with officers with less than five years of service. Under the agreement:

- Starting officer pay has been increased to \$60,000, now the highest in the state of Maryland.
- Officers receive base pay increase education incentives: \$1,500 for an associate degree, \$3,000 for a bachelor's degree; \$4,500 for a master's or law degree.
- The incentive to serve in patrol will double to \$2,000 per year; shift differential pay (night shift assignments) also will more than double.
- Wages have been further enhanced to varying degrees across all seniority levels, including a 2% increase for officers with 11 or more years, to encourage experienced officers to stay.
- Wages will be enhanced 2% across all seniority levels in mid-2023, with an added 1% increase for officers with 19 or more years of service.
- Per diem rate for Field Training Officers has increased from \$30 to \$50 per day.

In recent months, BPD added the following additional hiring and retention incentives:

- \$5,000 for each successful referral of a new officer, with no cap
- \$5,000 per year in student loan assistance
- A \$12,000 housing allowance for officers who choose to relocate their residence to Baltimore, paid out over one year
- A \$5,000 signing bonus, payable after completion of field training.

Finally, BPD continues to implement its 2020 retention plan, which includes the following job quality measures:

- New policies on command promotions and promotions to classified ranks (sergeant and lieutenant), now in effect, which greatly improve the fairness and transparency of the promotions process, including by recognizing certain experiences as distinguishing factor, e.g., service as a field training officer, in the Training Academy, or in the Public Integrity Bureau.
- Access to fitness facilities in each district and headquarters.
- An educational reimbursement program that provides a 50 percent tuition reimbursement to members.
- Adoption of merit-based selection criteria for transfers and temporary rotations to different BPD components, including specialized units.
- Take-home vehicles for officers who reside in Baltimore.

Challenges Ahead

As noted, there is and continues to be a nationwide crisis in officer hiring and retention. This crisis is exacerbated by the state of the economy and the “post-Covid” expectations of potential employees. Employment figures are at or near historic highs, resulting in an extremely competitive job market. Because policing in a big city is a difficult line of work, with stressful conditions and long hours, those who are not strongly drawn to the profession appear to be gravitating toward available alternatives they find more attractive.

To realize the goals of the Consent Decree, BPD will need to find ways to sell policing—and specifically policing with BPD—as a meaningful and rewarding job choice despite (or *because of*) the challenges.

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).

Over the past four years, BPD has done extensive work and made considerable progress toward meeting these requirements. It 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. In addition to the wellness support its own officers provide, OSW has enlisted a cadre of approximately 20 outside vendors that furnish services ranging from stress management to addiction therapy to financial planning. BPD also 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 two reports (CD 441). *See* ECF No. 368.

In 2022, the Monitoring Team conducted our first comprehensive assessment of BPD’s compliance with the Officer Assistance and Support requirements of the Consent Decree. We recently published [our report](#). We have concluded that BPD has made considerable progress toward compliance, especially given the lack of any coordinated, centralized officer wellness services before 2018. Indeed, while BPD still must show improvement in a few areas, it has reached “initial compliance” with most requirements.

Based on our recent assessment, BPD’s overall compliance score in the area of officer wellness is “4c” (implementation – on track).

**OFFICER
ASSISTANCE AND
SUPPORT**

COMPLIANCE SCORE

4c

Implementation –
On Track

We refer to our recent assessment for a complete report on BPD's progress toward compliance. In summary, we have made the following findings:

Employee Assistance Program

BPD is providing, and BPD members are increasingly utilizing, an Employee Assistance Program that provides officers and members of their households with counseling and other assistance. Through a partnership with Behavioral Health System Baltimore (BHSB), individuals accessing the EAP receive free, confidential mental health counseling and support services. The percentage of BPD officers who have used EAP services in some way increased from 15.5% in 2020 to 31.0% in 2021.

A large percentage of BPD officers appear to know that the EAP is available and have some knowledge about the types of help they can access through the program.

Although BPD and OSW have engaged in a variety of efforts to raise awareness of EAP and officer wellness resources, EAP information is not as available in BPD's districts as it should be. During in-person audits of all nine BPD districts, the Monitoring Team did not identify much material related to officer wellness generally or to the EAP program. In many locations, command staff or supervisors had to search actively for the material, with many unaware of whether it was available.

BPD has created and maintains a Consent Decree-required list of mental and physical health service providers available for the EAP. It is appropriately making this information available to officers.

Peer Support

BPD's Peer Support Team is meaningfully responding to critical and traumatic incidents to provide the emotional, social, and practical support that the Consent Decree requires. BPD is in initial compliance with the provisions related to peer support.

Peer Intervention

BPD has made substantial progress toward implementing the type of peer intervention program that the Consent Decree requires. To reach initial compliance, however, BPD officers will need to intervene more often in cases where intervention is required under policy. The Monitoring Team previously found that BPD's Ethical Policing is Courageous ("EPIC") training—which addresses active bystandership and peer intervention in instances where officers may be engaging in, or may be about to engage in, conduct contrary to policy—was of high quality. At the same time, in its compliance review on the use of force, we found that officers were not intervening as much as necessary in instances where their peers were engaging in conduct contrary to policy.

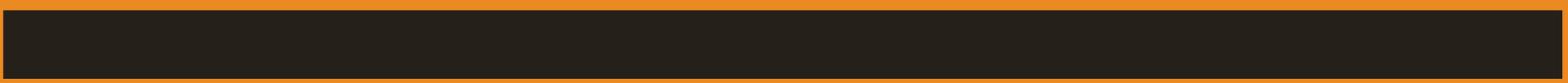
Wellness Services Following Traumatic Incidents and Civil Unrest

The Monitoring Team's review of BPD after-action reports and the self-reporting of officers participating in an anonymous survey that the Team conducted in 2022 suggests that BPD is offering mental health evaluations to officers following a traumatic incident.

BPD has made progress toward implementing officer wellness protocols during periods of public demonstrations and civil unrest. The Monitoring Team reviewed evidence showing that BPD has been following many of these protocols. However, deficiencies in documentation prevent the Monitoring Team from conclusively certifying initial compliance with these protocols.

BPD is appropriately and adequately assessing the quality of its officer safety and wellness programs on an annual basis.

CD
Monitoring
Team



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 & ABLE									
Legend	Not Applicable	Not Started	In Progress	Complete					

Section	Policy	Training	Implementation
Community Oversight Task Force			5a -F/E Compliance
Community Policing			4c - On Track
Stops, Field Interviews & Voluntary Contacts			4c - On Track
Searches			4c - On Track
Arrests			4c - On Track
Stops, Searches & Arrests: Review & Supervision			4c - On Track
Impartial Policing			4c - On Track
Behavioral Health: General			4c - On Track
Behavioral Health: CIT Officers			4c - On Track
Behavioral Health: System Coordination & Improvement			4c - On Track
Use of Force: General			4c - On Track
Use of Force: Reporting & Supervision			4c - On Track
Interactions with Youth			4c - On Track
Transportation			4c - On Track
First Amendment			4c - On Track
Sexual Assault Investigations			4c - On Track
Technology Modernization			4c - On Track
Policies Generally			4c - On Track
Training Generally			4c - On Track
Supervision: Field Training			4c - On Track
Supervision: Duties & Training			
Supervision: Early Intervention System			
Misconduct: Intake			4c - On Track
Misconduct: Investigations			4c - On Track
Misconduct: Discipline			
Misconduct: Transparency			4c - On Track
School Police			4c - On Track
Staffing, Recruitment & Retention			4c - On Track
Employee Performance Evaluations			
Promotions			4c - On Track
Officer Assistance			4c - On Track

Policy & Training Legend

Not Applicable
Not Started
In Progress
Complete

Implementation Legend

4a - Not Assessed
4b - Off Track
4c - On Track
4d - Initial Compliance
5a - Full/Effective Compliance
5b - Sustained Compliance

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
CP	15	BPD will revise its Mission Statement.	4d
CP	16	Annually the BPD will provide eight hour in-service training on community and problem-oriented policing methods that will include strengthening community and police partnerships; leadership and ethics; procedural justice; problem-oriented policing tactics; de-escalation; history of Baltimore communities; etc.	4d
CP	17	BPD will encourage patrol officers to familiarize themselves with their patrol districts, engage in problem-solving with community members, and work proactively to address quality of life issues so as to minimize law enforcement actions	4c
CP	18	Command staff must evaluate data on community policing efforts and outcomes	4c
CE	19	The City and BPD must develop community engagement plans, including micropolicing plans, for routine, frequent positive interactions between officers and community members, including those critical of BPD	4c
CE	20	BPD will ensure that it solicits input from its advisory boards and councils representing particular communities	4c
CE	21	BPD will develop, in each police district, a community outreach and information program regarding the CD, including two annual meetings per district, widely publicized at least one week in advance	4c
CE	22	BPD will prepare annual community policing/engagement reports, with a breakdown by district, including deficiencies and areas for improvement	4c
CE	25	BPD will use the results of the monitor's community surveys to modify and improve policies, training and practices	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
SSA - Intro	27	General objective: Proactive, community-focused policing, including friendly, professional, productive voluntary contacts	4c
SSA - Intro	28	General objective: Conduct all SSA in accordance with the Constitution, federal and state law, following community policing principles	4c
SSA - Principles	30	Revise SSA policies, practices and training to ensure officers respect civil rights and respect individuals' dignity	4d
SSA - Vol contacts	32, 33	BPD and its supervisors will encourage officers to interact with community members in a friendly, professional manner to build trust and enhance communication	4c
SSA - Vol contacts	33	BPD will develop training to teach officers skills for engaging in voluntary contacts that build rapport and explain the value of proactive, community policing	4d
SSA - Field interviews	34	Officers conducting FIs must introduce themselves by name and rank as soon as practicable, refrain from using words or actions indicating person is not free to leave or must answer questions, answer yes if person asks whether s/he is free to leave or may decline to answer questions	4c
SSA - Field interviews	35	Officers requesting ID during FIs must inform person that providing ID is voluntary	4c
SSA - Field interviews	36	Officers attempting a FI must not use a person's failure to stop or answer questions, end the encounter, or walk away to establish RAS to justify a stop, search, citation or arrest	4c
SSA - Field interviews	37	When FIs evolve into stops or arrests, officers must follow requirements for those encounters	4c
SSA - Ped stops	38	BPD will prohibit officers from conducting stops when they lack RAS	4c
SSA - Ped stops	39	BPD will require officers conducting stops to inform the person they are not free to leave	4c
SSA - Ped stops	40, 41	BPD will ensure consistent documentation of stops, to include: (a) race, ethnicity, gender, age; (b) location, including address or nearest intersection; (c) central identifying report number to allow documentation of the stop to be matched with documentation of any resulting criminal or civil citation or arrest; (d) specific, individualized description of facts supporting RAS, without boilerplate language; (e) approximate duration; (f) outcome, including whether a civil or criminal citation, arrest, or warning; (g) whether officer conducted weapons pat down and, if so, the RAS that the person was armed and dangerous; (h) whether officer conducted a search based on PC and, if so, the facts establishing PC; (i) whether officer asked for consent to search and whether consent was given; (j) whether officer found any unlawful weapons, narcotics, or other contraband; and (k) whether the stop began as a voluntary contact or FI.	4c
SSA - Ped stops	42	BPD will use a documentation system that provides person stopped with a record of the encounter, which must describe the basis for the stop in "a summary way" (e.g., "suspected of criminal activity") and include the central identifying report number and the officer's identifying information	4c
SSA - Ped stops	43.a	BPD will prohibit officers from conducting <i>Whren</i> pretext stops that violate the 14th A or Safe Streets Act	4c
SSA - Ped stops	43.b	BPD will prohibit officers from conducting pretext stops justified by loitering or misdemeanor trespass, though non-pretextual stops based on those offenses, including in response to calls for service, are allowed	4c
SSA - Ped stops	43.c	BPD will prohibit using conclusory language without supporting detail in stops documentation	4c
SSA - Ped stops	43.d	BPD will prohibit reliance on information known to be false or incorrect to effectuate stops	4c
SSA - Ped stops	43.e	BPD will prohibit "using an individual's geographic location, such as presence in a high crime area, or proximity to the scene of suspected or reported crimes - without any other reasonable articulable facts that an individual is, has, or is about to be engaged in criminal activity - as a basis" for a stop	4c
SSA - Ped stops	43.f	BPD will prohibit basing a stop "only on an individual's response to the presence of police officers, such as an individual's attempt to avoid contact with an officer"	4c

SSA - Ped stops	43.g	BPD will prohibit basing a stop on "an individual's presence in the company of others suspected of criminal activity without any additional reasonable articulable facts" of the individual's involvement in criminal activity	4c
SSA - Ped stops	43.h	BPD will prohibit transporting the subject of a stop for questioning, fingerprinting or other investigatory purposes without PC for an arrest, though officers may transport the subject of a stop to a different location for questioning if the subject so requests; officers must document any such request and the document must be signed by the subject	4c
SSA - Vehicle stops	44	BPD officers must stop and detain vehicles only upon PC of a traffic violation or RAS that the vehicle or an occupant has been, is or is about to be engaged in crime	4c
SSA - Vehicle stops	45	BPD officer must use CAD (or a similar system) to accurately record all traffic stops, including the location	4c
SSA - Vehicle stops	46	BPD must memorialize data on traffic stops on "auditable forms," and officers must provide "specific and individualized" facts indicating the basis for traffic stops and must not rely on boilerplate language. The system BPD uses to store data on traffic stops must "allow for summarization and searches" and require officers to document: (a) officer names and sequence number; (b) date and time of stop; (c) location of violation and/or stop; (d) duration of stop; (e) driver's demographic category; (f) reason for stop; (g) whether driver and/or occupants were ordered to exit the vehicle and the reason; (h) whether any officer approached the vehicle with weapon drawn; (i) whether a weapons pat-down was conducted and, if so, the RAS that the person was armed and dangerous; (j) whether a search was conducted and, if so, the facts supporting PC; (k) whether the officers asked for consent to search and whether consent was given; (l) whether any unlawful weapon, narcotics or contraband was found; and (m) disposition of the stop, including issuance of any citation or warning or arrest	4c
SSA - Searches	47	BPD will prohibit officers from conducting weapons pat downs during stops unless they have RAS that the person is armed and dangerous. BPD will revise its "characteristics of an armed person" training accordingly	4c
SSA - Searches	48	BPD will prohibit warrantless searches unless (1) officers have consent, (2) officers have PC that a stopped vehicle contains contraband, (3) incident to arrest, (4) another exception to the warrant requirement is met	4c
SSA - Searches	49	BPD will train officers on strip searches and body cavity searches	4d
SSA - Searches	49	Reports re strip and body cavity searches must be submitted by the officer and reviewed by commander within 48 hours of the search	4c
SSA - Searches	50	BPD will ensure strip searches are conducted only when officers have PC that the person is concealing contraband or a dangerous weapon	4c
SSA - Searches	50, 51	All strip searches must receive prior approval from LT or above (unless dangerous weapon suspected)	4c
SSA - Searches	50, 51	All strip searches must be conducted in private setting absent exigent circumstances	4c
SSA - Searches	50, 51	Officers will explain to the subject the reason for a strip search and give the subject an opportunity to voluntarily produce the suspected item unless it would risk officer safety or evidence destruction	4c
SSA - Searches	52	Other than visually inspecting mouth, nose and ears based upon observation that a suspect is attempting to hide items pertinent to an investigation, BPD will ensure that body cavity searches are only conducted with a warrant; officers must consult immediate supervisor to determine existence of PC	4c
SSA - Searches	52	Body cavity searches will be performed with recognition of suspect's privacy and hygienic interests by a licensed medical professional under sanitary conditions	4c
SSA - Searches	53	Officers are prohibited from searching LGBTQ individuals to view or assign gender based on the person's anatomy, and LGBTQ individuals may not be subject to more invasive search or pat-down procedures than others based on their gender expression or sexual orientation	4c
SSA - Searches	53	Absent exigent circumstances, pat-downs of women, including transgender women, shall be conducted by female officers, and LGBTQ individuals' preferences as to the gender of searching officer must be honored	4c
SSA - Searches	54	BPD will prohibit officers from relying on known false or inaccurate information to justify a warrantless search or seek a search warrant	4c
SSA - Searches	55	BPD will ensure that consent searches are not requested or performed absent "individualized reason" (RAS) to conduct a search, and that consent, when requested, is freely given and not coerced	4c

SSA - Searches	56, 57	BPD will require officers to provide individuals a consent to search form and explain the purpose of the form prior to any consent search; the form will explain the right to refuse to, limit or withdraw consent and will include an affirmation of understanding with a signature line; officers will not conduct a consent search until the subject signs the form, unless the subject refuses to sign and gives oral consent, though the officer must document oral consent and the refusal to sign; if the subject requires further explanation, the officer must affirmatively explain the right to refuse to, limit or withdraw consent; training must emphasize the right to refuse, limit or withdraw consent	4c
SSA - Searches	58	BPD will require any declaration supporting a search warrant application include accurate, complete and clear description of the offense, the place or thing to be searched, and the scope and time of the search, and state whether a knock-and-announce or no-knock warrant is sought	4c
SSA - Searches	59	BPD will record all searches conducted during all stops	4c
SSA - Arrests	60	BPD will ensure that officers issue citations or make arrests only with PC and without relying on known false or incorrect information	4c
SSA - Arrests	61, 63	Officers must obtain permanent rank supervisor approval before arresting for the following offenses, unless impracticable, in which case they must notify a permanent rank supervisor ASAP after the arrest: (a) obstructing, hindering, or resisting an officer; (b) disorderly conduct; (c) failure to obey; (d) gambling; (e) making a false statement to an officer; and (f) misdemeanor trespass	4c
SSA - Arrests	62	BPD will enforce its Quality of Life Offenses policy ensuring "the least intrusive response under the circumstances as reasonably understood by the officer at the time," by (1) developing a system for tracking all citations for offenses listed in para. 61 that will be approved in advance by the MT, (2) reporting the collected citation data to the MT quarterly, (3) analyzing the citation data using "Peer Group Analysis on at least an annual basis" and using the analysis to identify officers who may benefit from additional guidance on least intrusive charging	4c
SSA - Arrests	64	BPD will require supervisors to take and document appropriate remedial action to address deficiencies or rule violations in officers' arrest requests, including release or referral for internal or criminal investigation.	4c
SSA - Arrests	65	BPD will require officers to complete arrest reports documenting PC for the arrest by the end of the shift	4c
SSA - Arrests	66	BPD will ensure it tracks all data from CBIF re arrestees at the time of presentment at CBIF, including evaluation of injury and results of any searches.	4c
SSA - Arrests	66	If emergency treatment is necessary, officers will ensure arrestee receives medical attention from appropriate provider and will advise duty supervisor ASAP, and no later than 24 hours after presentment at the medical facility, that medical attention was sought and why.	4c
SSA - Training	67, 68	BPD will provide all officers with at least 16 hours of SSA training and at least 4 hours annually thereafter, taught by a qualified legal instructor, to include instruction on, e.g., the difference between the types of police contacts and the legal standards governing each, and will review curriculum annually and update as needed	4c
SSA - Supervisor review	69	BPD will ensure supervisory review of all SSA documentation is completed within 72 hours of the encounter, unless the review finds deficiencies and additional investigation or corrective action is required	4c
SSA - Supervisor review	70	Supervisors must document and report (a) stops unsupported by RAS or otherwise in violation of policy, (b) searches without legal justification or in violation of policy, and (c) stops or searches that, even if compliant with law and policy, indicate a need for corrective action or review of agency policy, tactics or training	4c
SSA - Supervisor review	71, 72	Supervisors must review every arrest report and document their review, indicating any need for corrective action, within 72 hours of the arrest, absent exceptional circumstances (which must be documented), and the review should be for deficiencies, including: boilerplate language, inconsistent facts, lack of articulation of specific facts justifying action, etc.; arrests based on information discovered only after initiation of a stop; arrested unsupported by PC	4c
SSA - Supervisor review	73	BPD will conduct training on and audits of supervisory reviews of SSAs to evaluate reviews and conclusions "within seven days of their completion" [??] and, if misconduct is identified, a commander will evaluate the supervisor's assessment and ensure corrective action is taken	4c

SSA - Supervisor review	74	BPD will consider quality of supervisory and commander SSA reviews in performance evaluations	4c
SSA - Supervisor review	75, 76, 77, 78	BPD will identify all arrests in which District Court Commissioner [<i>now SAO/CBIF</i>] provides data showing RWOC, released based on identity issue, declined to charge, and lack of PC; will have someone other than the supervisor who reviewed such cases review the PC determinations in such cases; will take appropriate action, including training or other corrective action for involved officers or referral for administrative or criminal investigation; and where review finds lack of PC, will document either corrective action taken or the reason for no corrective action	4d
SSA - Supervisor review	79	BPD will maintain searchable electronic record of all RWOC (etc) arrests and, on a quarterly basis, will review the data to assess arrest patterns by officer, shift, unit and district	4d
SSA - Supervisor review	80	For every search or arrest leading to the recovery of contraband, BPD will require supervisory review and documentation of whether PC supported the encounter	4c
SSA - Supervisor review	81	BPD will ensure supervisors take appropriate action (e.g., training, corrective action, referral to PIB) to address all violations or deficiencies in SSAs, including reporting deficiencies, and record each violation or deficiency in the Early Intervention System	4c
SSA - Data collection	82	BPD will modify its SSA data collection and review procedures to permit determination of "the nature and scope of demographic disparities" in SSA practices, as well as SSA practices that are most effective	4c
SSA - Data collection	83	BPD will develop a written or electronic report form, which officers will use for all stops and searches, whether or not they result in an arrest, citation or summons, and will permit the collection of all required stop and search data in a searchable system that will be integrated into the Early Intervention System and must be approved by the MT and DOJ	4c
SSA - Data collection	84	Once the technology is in place, BPD will develop a protocol for analyzing and reporting on SSA data, to include whether SSAs are properly documented with sufficient factual predicates, what percent of stops results in weapons pat-downs (and of those, in recovery of weapons), searches and arrests.	4c
SSA - Data collection	85 (duplicates 69-80)	BPD will ensure supervisors establish a system for reviewing assigned officers' stop, search, citation and arrest documentation for completeness, accuracy, legal sufficiency and compliance with BPD policy and the CD	4c
SSA - Data collection	86	BPD will assess SSA practices quarterly, including (a) the percentage of stops that uncover evidence of criminal activity and the nature of the activity (e.g., felonies) uncovered, (b) the percentage of weapons pat-downs resulting in the seizure of unlawful weapons, and (c) the percentage of searches resulting in the seizure of contraband and the nature of the contraband seized	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Impartial policing	88	BPD will ensure that officers document the demographic category of all persons who are subject to pedestrian stops, vehicle stops, weapons pat-downs, searches, arrests, and civilian complaints, and will revise its form documents accordingly, as needed. Info re transgender status should be included only if relevant and necessary to an investigation.	4c
Impartial policing	89	BPD policies will prohibit discrimination on the basis of demographic category by, among other things: ensuring that its Fair and Impartial Policing policy extends to all protected classes under state, federal and local law; prohibiting officers from considering demographic category when taking or refraining from taking law enforcement action, unless part of a credible description of a specific subject in an ongoing investigation that includes other appropriate, non-demographic identifiers; reaffirming officers will report other officers who engage in discrimination; ensuring officers address and in documentation refers to all individuals (including LGBTQ individuals) using the names, pronouns and titles of individuals' choice without requiring proof of gender identity; and prohibiting officers from asking about the details of an individual's sexual practices, anatomy, etc., except for valid law enforcement purposes	4d
Impartial policing	90, 91, 92, 93	BPD will provide officers training on non-discrimination in police actions, including SSA and UOF, and on FIP, which should include a combination of modalities, and cover, among other things, implicit bias and minimizing its impact, police legitimacy, policing based on nondiscriminatory factors, police and community perspectives on discriminatory policing, legal requirements, importance of protecting civil rights, data collection instruction, history of race and policing in Baltimore, procedural justice principles, and interactions with LGBTQ individuals	4d
Impartial policing	94	BPD will have community members participate in FIP training, including leading/co-facilitating	4c
Impartial policing	95	BPD will consider officer/officer candidate's bias/discriminatory policing history in evaluating performance, hiring and promotions	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
BHD response - general	97	BPD will coordinate with CPIC to conduct analysis to identify gaps in behavioral health service system (to include sample of BPD interactions with individuals with BHD, including what precipitated crisis, what serices could have prevented crisis, how BPD became involved, how the response could have been improved, and what can be done to prevent such crises), recommend solutions, and assist with implementation of recommendations	4c
BHD response - CI	98, 99	BPD will revise policies re interacting with individuals with BHD or in crisis to establish preference for least police-involved response consistent with public safety, including diverting individuals to BH service system rather than jail or emergency room in situations not requiring emergency petitions	4d
BHD response - CI	100	BPD will train officers not to make assumptons re dangerousness based on disability	4d
BHD response - CIT	101	BPD may continue to operate BEST program if consistent with CD requirements	N/A
BHD response - CIT	102, 103	BPD will implement a CIT first-responder model of crisis intervention with community, health care and advocacy partnerships, with the goal of equipping officers with methods to interact safely with individuals in crisis, de-escalate, reduce unnecessary UOF, minimize arrests, improve safety for all parties; refer individuals in crisis to the behavioral health system; and reduce inappropriate involvement of individuals in crisis with the criminal justice system	4c
BHD response - CPIC	104	BPD will expand CPIC membership to include reps from MDHMH, City Mental Health Court, City SAO, City OPD, City jails, relevant City officials, DRM, community mental health providers, substance abuse service providers, local hospitals, advocates, and BHSB	4d
BHD response - CPIC	105	CPIC will identify and implement strategies to reduce number of people with BHD who have encounters with police	4c
BHD response - CIT officers	106, 107	BPD will provide specialized 40-hour training, plus annual 8-hour follow up training, in responding to individuals in crisis to CIT officers, in addition to crisis intervention training provided to all officers, to include, among other things, conducting field evaluations, suicide intervention, community BH resources, common BH and intellectual and development disability diagnoses, effects of subsance misuse, civil commitment criteria, and crisis de-escalation	4c
BHD response - CIT officers	106	CIT officers will remain in Patrol and retain standard Patrol duties, except when called to crisis events	4c
BHD response - CIT officers	108	Qualifications for CIT officers include at least one year as BPD officer; BPD will assess each applicant to determine fitness to serve, including review of application, supervisor recommendations, UOF history, history of complaints, disciplinary file, and interview	4c
BHD response - CIT officers	109	Supervisors will identify and encourage officers to apply	4c
BHD response - CIT officers	110, 119	BPD (and the CIT coordinator) will ensure that CIT officer capacity is sufficient so that, at all times and in all districts, CIT officers are available to respond to individuals with BHD and in crisis; absent unusual circumstances, at least one CIT officer will respond to incidents where BPD reasonably should know an individual with BHD or in crisis is involved	4c
BHD response - CIT officers	111	CIT officers disptached to incident involving individual in crisis will have primary responsibility for the scene unless a supervisor has assumed responsibility and, if supervisor has done so, s/he will seek input of CIT officer re proper response	4c
BHD response - all officers	112	BPD will provide 8 hours of annual IST in crisis intervention to all officers, to include, e.g., recognition of common characteristics and behaviors of individuals with BHD or intellectual or developmental disabilities, proper interaction and communication with such individuals, de-escalation, information about BH system resources, and circumstances requiring CIT officer involvement	4d
BHD response - recruits	112	BPD will provide at least 16 hours of crisis intervention training to recruits	4d

BHD response - dispatch	113	BPD will provide dispatchers and their supervisors with crisis intervention training enabling them to identify, dispatch and respond to calls for service involving individuals in crisis	4d
BHD response - dispatch	114	BPD will revise dispatch policies, with input from CPIC, MT and DOJ, with goal of limiting police involvement in crises where appropriate and ensuring that, where police response is required, CIT officers are dispatched	4d
BHD response - CIT coordinator	115	BPD will designate as CIT coordinator an officer ranked Sergeant or above and will ensure CIT coordinator is empowered to fulfill CD requirements	4c
BHD response - CIT coordinator	116	CIT coordinator will receive at least 8 hours of training re coordinator role and responsibilities, in addition to CIT officer training	4c
BHD response - CIT coordinator	117	CIT coordinator will develop and maintain partnerships with stakeholders and serve as point of contact for advocates, individuals with lived experience, caregivers, and others in BH system, and will consult CPIC for input	4c
BHD response - CIT coordinator	118	CIT coordinator will ensure selection of qualified CIT officers	4c
BHD response - CIT coordinator	120	BPD, through the CIT coordinator, will develop and implement a crisis intervention plan to ensure a CIT officer responds to all calls/incidents involving an individual in crisis; the plan will include an assessment of the number of CIT officers needed to have at least one respond to every crisis event, the gaps in shift and district coverage, and the measures needed to fill the gaps; BPD will review and revise the plan, as needed, to address any barriers to full coverage	4c
BHD response - CIT coordinator	120	On annual basis, BPD will conduct analysis of crisis intervention incidents to determine whether BPD has enough CIT officers, whether CIT officers are being deployed effectively, and whether CIT officers, call-takers and dispatchers are appropriately responding to individuals in crisis, and will make changes in policies and training as needed	4c
BHD response - CIT coordinator	120	BPD will adopt performance measures, including quantitative data on key aspects of program operation and qualitative data on officer and community member perceptions of the program	4a
BHD response - data	121	BPD will collect data on law enforcement actions involving individuals with suspected BHD or in crisis, including SSA, UOF, injuries and in-custody deaths and any other event requiring data collection, analysis or reporting under the CD	4c
BHD response - data	122	BPD will collect and produce quarterly reports regarding data on calls for service involving individuals with possible BHD or in crisis; the data will include the number of calls, the nature of the crisis, the extent to which the individuals previously interacted with BPD, the disposition of the calls, including whether referred to community services, an emergency room, an emergency petition, arrest or booking, whether force was used, the type of force used, and any steps taken to de-escalate	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
UOF - Principles	123	General requirements: BPD will revise its policies, implement training, and make improvements in the investigation and review of officer use of force.	4c
UOF - Principles	124	General requirements: BPD must ensure that officers adhere to 8 specific UOF principles.	4c
UOF - Policies	125	"BPD will require officers to use de-escalation techniques"	4c
UOF - Policies	126	"BPD officers shall be required to use . . . A critical thinking, decision-making framework" with specifically-identified elements.	4c
UOF - Policies	127	"Officers will use only the amount of force necessary to control the person and immediately reduce the level of force as the threat diminishes."	4c
UOF - Policies	128	BPD policy must be "clear and comprehensive" and "include[] all critical components to guide officers on using force constitutionally."	4d
UOF - Policies	129	BPD policies must "guide officers on all force techniques, technologies, and weapons . . . available to BPD officers" and define/describe when each option is appropriate in light of "potential types of resistance."	4d
UOF - Policies	130	BPD policy must provide guidance on foot pursuits and UOF at "conclusion of a foot pursuit."	4c
UOF - Policies	131	BPD policy must "provide[] guidance on specific protocols and practices to use when engaging with Youth," including several specifically-identified practices.	4d
UOF - Policies	132	BPD must "ensure that officers do not use more force than necessary to detain a restrained person" and ensure that any force against restrained individuals is "necessary and proportional given" the subject's offense and danger posed to others.	4c
UOF - Policies	133	BPD must "prohibit the use of retaliatory force by officers" against "persons engaged in First Amendment protected activity."	4d
UOF - Policies	134	BPD must "prohibit the use of force for punishment," including for fleeing, resisting or assaulting officers.	4c
UOF - Policies	135	"BPD will prohibit the use of tactics that unnecessarily escalate an encounter and create a need for force."	4c
UOF - Policies	136	BPD officers can "only use the weapons that are enumerated in policy and force techniques on which they are trained"	4d
UOF - Policies	137	BPD "will prohibit the use of chokeholds or neckholds unless deadly force is authorized and no reasonable force alternative exists that is within BPD policy."	4c
UOF - Policies	138	BPD policies must "specify that use of force that is not objectively reasonable will subject officers to" various identified consequences.	4c
UOF - Policies	139	BPD must require officers to carry "at least one less-lethal weapon" whenever on duty.	4c
UOF - Policies	140	BPD must "categorize Reportable Force into levels for the purposes of reporting and reviewing each use of force," with Levels specifically defined.	4d
UOF - Policies	141	BPD will require officers to "intervene in incidents in which another officer uses excessive force."	4c
UOF - CEWs	142	"[O]nly officers who have successfully completed approved annual training on CEWs . . . and are currently certified may be issued, carry, and use CEWs."	4d
UOF - CEWs	143	CEWs may only be used "where grounds for Arrest or detention are present, and such force is necessary to protect the officer, the subject, or another party from immediate physical harm."	4d
UOF - CEWs	144	Each CEW application/standard five-second cycle must be separately justified.	4d
UOF - CEWs	145	Officers may "not employ more than three cycles or 15 seconds of a CEW against a subject during a single incident unless lethal force is justified."	4d
UOF - CEWs	146	Various, specific requirements for use of CEWs.	4c
UOF - CEWs	147	Officers must "obtain appropriate medical treatment for suspects after a CEW deployment."	4d
UOF - CEWs	148	"BPD will require CEW inspections on a periodic basis"	4d
UOF - Batons/Impact Weapons	149	"Officers will be trained and certified for department-approved batons and espantoons before being authorized to carry Impact Weapons."	4c

UOF - Batons/Impact Weapons	150	Impact Weapons to be used only in "situations in which such force is objectively reasonable, consistent with" the general UOF principles, and BPD's training "	4c
UOF - Batons/Impact Weapons	151	"BPD will require that officers justify each strike with an impact weapon."	4c
UOF - Batons/Impact Weapons	152	BPD will ensure against use of Impact Weapons "on individuals who are restrained or under control, even if they are non-compliant, unless they present an imminent threat to the safety of the officers or others." Hands-on control measures or arrest control techniques must be used before Impact Weapon against individuals who are restrained.	4c
UOF - OC Spray	153	OC Spray to be used "only when such force is objectively reasonable and consistent with" general UOF principles, "including when used for crowd dispersal or protection."	4d
UOF - OC Spray	154	"BPD will ensure that officers do not use OC spray to disperse crowds unless individuals within those crowds are committing acts that endanger officer or public safety and security, property, and participants refuse to obey lawful orders to disperse." When used, must be directed at person(s) who presents a threat.	4d
UOF - OC Spray	155	BPD will ensure, where practicable, officers provide verbal warnings and reasonable amount of time to comply before using OC spray.	4d
UOF - OC Spray	156	"[A]fter the initial application of OC spray, each subsequent spray must also be objectively reasonable and consistent with" general UOF principles.	4d
UOF - OC Spray	157	BPD will ensure against use of OC Spray "on a person who is handcuffed or otherwise restrained."	4d
UOF - OC Spray	158	Training must be provided to officers before they carry OC spray. Officers must render medical aid after deployment of OC spray consistent with training.	4d
UOF - OC Spray	159	Officers may use "only department-issued or approved OC Spray."	4c
UOF - Firearms	160	Officers may not exhibit or point a firearm "unless the officer reasonably believes that the situation may escalate to create an imminent threat of serious bodily injury or death to the officer or another person."	4d
UOF - Firearms	161	BPD must "track the date of officers' qualifications and require that officers successfully qualify in accordance with" MPTSC regulations and standards.	4d
UOF - Firearms	162	"[W]hen officers discharge firearms, they [must] continually assess the circumstances . . . And modulate their use of force accordingly, including ceasing to use their firearm when the circumstances no longer require it."	4c
UOF - Firearms	163	"[O]fficers, when practical, [must] identify themselves as a law enforcement officer and state their intention to use deadly force before using a firearm."	4c
UOF - Firearms	164	Officers may not fire warning shots.	4d
UOF - Firearms	165	No "firing at moving vehicles" except under specifically identified circumstances. "[O]fficers should avoid positioning themselves in the path of a moving vehicle "	4d
UOF - Training	166	BPD must provide all current officers with annual UOF training that encompasses a number of expressly-identified areas and topics.	4d
UOF - Training	167	Paragraph 166 training must also be provided to new officers in the Academy.	4d
UOF - Training	168	"BPD will provide all officers with annual use of force in-service training "	4d
UOF - Reporting, Investigating, and Reviewing Force	169	For all Levels of Force, BPD must ensure satisfactory initial reporting and response, supervisory review, departmental analysis, and record keeping and follow-up.	4c
UOF - Reporting	170	Officers must notify permanent-rank supervisors immediately or as soon as practicable following Reportable Force. Supervisor must notify Shift commander by end of shift that force occurred.	4d
UOF - Reporting	171	BPD will ensure that officers accurately, thoroughly, and timely report their uses of Reportable Force."	4d
UOF - Reporting	172	"[A]ny officer that discharged their firearm will provide a Public Safety Statement to their supervisor when they arrive on the scene" that includes a number of specifically-identified types of information.	4c
UOF - Reporting	173	"[E]very officer who uses or observes a Reportable Use of Force" will provide a report, by the end of their tour of duty, that includes a number of specifically-identified types of information based on the Level of force.	4c

UOF - Reporting	174	For Levels 2 and 3, "an uninvolved permanent-rank supervisor of an officer using such force" must respond to the scene and categorize the Level of force.	4c
UOF - Reporting	175	"When an incident involves multiple types of force or multiple officers, the entire incident will be reported and investigated at the highest level of force used by any officer during the incident."	4c
UOF - Reporting	176	BPD must "revise its policies to ensure that officers will not use conclusory statements, boilerplate, or canned language" in UOF reports.	4c
UOF - Reporting	177	BPD must take specifically-identified "corrective action, including discipline as appropriate" whenever "Use of Force Reports are found to include material omissions or inaccuracies."	4c
UOF - Reporting	178	BPD must provide that "officers who use or observe a use of Reportable Force but do not report it will be disciplined, up to and including termination."	4c
UOF - Reporting	179	BPD policy will ensure "particularized reporting and review requirements for CEWs, OC spray, and firearms."	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	180	For Level 1 force, officer's supervisor "will review and document approval or elevate the Level 1 force" before end of shift where force was used.	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	181	"Supervisors will elevate and investigate any Level 1 use of force that appears to have been inappropriate or improperly categorized as a Level 1 use of force." If "evidence of potential criminal conduct," supervisor must "promptly notify OPR."	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	182	For Level 2 force, uninvolved permanent-rank supervisor of officer "will thoroughly review the incident for consistency with" UOF policy and Consent Decree requirements and, within 72 hours, forward review to officer's lieutenant via Blue Team.	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	183	"If necessary, a supervisor in the chain of command will re-classify" a UOF. If "officer's report reveals evidence of misconduct or potential criminal misconduct," supervisor will "promptly notify" OPR.	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	184	Uninvolved permanent-rank supervisor of officer "will respond to the scene" of Level 2 force.	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	185	"[W]henver there is a visible injury, complaint of injury, or medical attention is requested by any individual, officers shall immediately obtain any necessary medical care." Officers must "provide emergency first aid consistent with their training and experience until professional medical care providers are on the scene."	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	186	Supervisor responding to the scene "must hold a permanent-rank higher than any involved officer(s) who used Reportable Force or directed that it be used."	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	187	If "a supervisor uses, directs, or is otherwise personally involved in any type of use of Reportable Force, . . . a higher-ranking supervisor who was not involved . . . will review the Reportable Force."	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	188	For Level 2 force, uninvolved permanent-rank supervisors responding to the scene will conduct a number of specifically-identified tasks and steps.	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	189	"The supervisor conducting the use of force review will evaluate in writing all uses of force for compliance with BPD policy" and "should provide timely, constructive feedback"	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	190	For Level 2 force, "first-line permanent-rank supervisors' use of force review" must be completed in Blue Team within 72 hours of the use of force, unless supervisors' commanding officer approves an extension. Documentation must comply with a number of specifically-outlined requirements.	4c
UOF - Supervisory Response/Review for Level 1 & 2 Force	191	When "a supervisor determines that force used by an officer may be considered misconduct or potential criminal conduct, the supervisor will notify OPR"	4c

UOF - Assessments of Levels 1 & 2 UOF Reviews	192	First commander in chain of command will ensure that Level 1 and 2 Reportable Force reviews are "thorough, complete, and make[] the necessary and appropriate findings of whether" the UOF 'was consistent with BPD policy. "[E]ach higher-level supervisor in the chain of command will review the use of force review to ensure that it is complete and that the review was thorough."	4c
UOF - Assessments of Levels 1 & 2 UOF Reviews	193	Supervisors must "gather supplementary evidence or statements . . . when it appears that additional relevant and material evidence may assist in resolving any discrepancies, lack of information, or improve the reliability or credibility of the findings." All supervisors in chain of command are responsible for "assur[ing] the accuracy and completeness" of UOF reviews "and for initiating corrective action."	4c
UOF - Assessments of Levels 1 & 2 UOF Reviews	194	When UOF review findings are "not supported by a preponderance of the evidence," supervisor must recommend changes in consultation with investigating supervisor and previous reviewer and document the evidence/analysis supporting the modification.	4c
UOF - Assessments of Levels 1 & 2 UOF Reviews	195	For Level 1 force, district/unit commander is final reviewer, addressing specifically-identified requirements.	4c
UOF - Assessments of Levels 1 & 2 UOF Reviews	196	For Level 2 force, district/unit commander forwards force file to Use of Force Assessment Unit ("UOFAU"). UOFAU conducts administrative Use of Force Assessment on all Level 2 force. UOFAU "staffed to promote effective and efficient reviews of Level 2" force.	4c
UOF - Assessments of Levels 1 & 2 UOF Reviews	197	UOFAU reviews all Level 2 force and "whether findings by the chain of command" meet specifically-identified requirements.	4c
UOF - Assessments of Levels 1 & 2 UOF Reviews	198	UOFAU "may refer cases to the Performance Review Board"	0
UOF - Assessments of Levels 1 & 2 UOF Reviews	199	UOF "assessment may be assigned or re-assigned for investigation to SIRT, or returned to the unit for further investigation, analysis, or corrective action, if warranted."	0
UOF - Assessments of Levels 1 & 2 UOF Reviews	200	"BPD will analyze the data captured in officer" UOF reports.	4c
UOF - Review/Investigation of Level 3 Force - SIRT	201	"BPD will develop and implement a SIRT training curriculum and procedural manual" for SIRT to investigate Level 3 uses of force.	4c
UOF - Review/Investigation of Level 3 Force - SIRT	202	SIRT will respond to and investigate all Level 3 uses of force, "[a]ny fatal motor vehicle crash in which the actions of a BPD member were a contributing cause," and "[a]ny incident at the direction of the Police Commissioner or his/her designee."	4c
UOF - Review/Investigation of Level 3 Force - SIRT	203	"SIRT will be the primary investigating entity" for Level 3 uses of force, will always have one member available to respond to critical incidents, will be qualified to identify and resolve uses of force that are contrary to law or policy and will allow PRB to carry out its functions. SIRT supervisor will lead investigative activity, while training and policy representatives to SIRT will be without an investigative role but "attempt to identify any policy or training issues."	4c
UOF - Review/Investigation of Level 3 Force - SIRT	204	For SIRT investigations, "on-scene uninvolved permanent-rank supervisor shall take initial steps in response to the incident consistent with the requirements for Level 2" force "until turning the scene over to the Shift Commander or arriving SIRT personnel."	4c

UOF - Review/Investigation of Level 3 Force - SIRT	205	If they arrive on scene before SIRT, Shift Commander must assume incident command from uninvolved supervisor and secure scene, including identifying and segregating witnesses and requesting they stay on-scene.	4c
UOF - Review/Investigation of Level 3 Force - SIRT	206	Numerous specific requirements for SIRT personnel responding to scene of Level 3 force.	4c
UOF - PRB	207	BPD must maintain Performance Review Board ("PRB") to review UOFAU-referred Level 2 and all Level 3 uses of force, in compliance with various, specifically-identified requirements.	4c
UOF - PRB	208	PRB includes Commissioner or Commissioner's designee, with "remaining membership . . . drawn from across the BPD"	4d
UOF - PRB	209	All PRB members must "receive a minimum of eight hours of training on an annual basis"	4d
UOF - PRB	210	PRB must make and document findings and recommendations, including for disciplinary referrals and improvements in training, policies, procedures, tactics, equipment, technology, and organization, for SIRT investigations in a memorandum to the Police Commissioner within 14 days of SIRT presentation to PRB; and also will notify pertinent commanding officer.	4c
UOF - Data Collection, Analysis, and Reporting	211	"BPD will collect and maintain all data and records necessary to accurately evaluate its" UOF policies "and facilitate transparency and . . . broad access to information related to BPD's decision making and activities."	4c
UOF - Data Collection, Analysis, and Reporting	212	"BPD will ensure the collection and tracking of all documents related to uses of force and allegations of misconduct and related materials," including various specifically-identified types of documents.	4c
UOF - Data Collection, Analysis, and Reporting	213	"BPD will ensure the creation and maintenance of a reliable and accurate electronic system to track all data derived from Reportable Force-related documents," including various specifically-identified data.	4c
UOF - Data Collection, Analysis, and Reporting	214	BPD must ensure "routine reporting of relevant data to the Commissioner, PRB, and OPR."	4c
UOF - Data Collection, Analysis, and Reporting	215	BPD must annually evaluate "forms and data collection systems to improve the accuracy and reliability of data collection concerning the use of force" to be "provided to the Monitor, the DOJ and the public."	4c
UOF - Data Collection, Analysis, and Reporting	216	BPD must develop "protocol to accurately analyze the data collected and allow for . . . assessments."	4c
UOF - Data Collection, Analysis, and Reporting	217	BPD must annual analyze and publicly report on "prior year's force data . . . to determine trends; identify and correct deficiencies revealed by this analysis; and document its findings in a public report."	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Youth	218	Officers will take into account individual characteristics when interacting with Youth and will use, as appropriate, alternatives to arrest.	4c
Youth	219	The City will conduct a comprehensive assessment of the efforts to decrease Youth involvement with juvenile and criminal justice systems.	4d
Youth	220	BPD will assess and revise policies and training to ensure BPD provides guidance on developmentally appropriate responses to and interactions with Youth.	4d
Youth	221	BPD will provide initial and ongoing training for officers and will invite Youth advocates and community organizations to participate in developing Youth-focused training.	4d

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Transport- Objectives/Policy	222	BPD will assess and revise policies as needed to ensure safe, humane transport of prisoners.	4d
Transport- Equipment	223	All vehicles used for transport must have functioning seatbelts and a transport vans also must have functioning grip straps	4d
Transport- Equipment	224	All transport vans must have functioning transport vehicle camera ("TVC") systems.	4d
Transport- Equipment	225	BPD will inspect video recording equipment, seatbelts and straps on a monthly basis to ensure functionality.	4c
Transport- Procedures	226	All transported prisoners must secured by seatbelt or restraining device.	4d
Transport- Procedures	227	Officers must periodically check on prisoner during transport by direct observation or video to ensure prisoner safety.	4c
Transport- Procedures	228	Officers must "restrain persons in custody for transport in a manner that does not cause undue pain" and must not restrain any prisoner "in a prone position" or handcuff any prisoner to the transport vehicle.	4d
Transport- Procedures	229	Males and females must not be transported in the same compartment; if only one compartment, they must be transported in separate vehicles; youth and adults must be transported separately; transgender, Intersex, and/or Gender Non-conforming individuals must be transported with arrestees of the same Gender Identity and Expression unless the individual expresses or the officer has a safety concern, in which case the individual must be transported alone.	4a
Transport- Procedures	230	All wheelchairs, crutches, prosthetic devices, and other medical equipment required by persons with disabilities must be transported to the final destination, and with such persons if possible.	4a
Transport- Procedures	231	Officers must drive the speed limit and in a manner that "preserve[s] the safety and security of the persons in custody being transported" unless "persons being transported requires urgent and emergency medical care"	4a
Transport- Procedures	232	The transporting officer will communicate the following to dispatch, which will be recorded and preserved for review: location of vehicle where persons in custody is picked up, time of departure with persons in custody, the number of persons in custody being transported, "destination of the vehicle," "starting and ending mileage on the vehicle... time of arrival at the destination," and if at any time medical attention was needed for the person in custody.	4a
Transport- Procedures	233	Officers will "periodically check on persons in custody to ensure no medical distress" and, if signs of distress are shown, officers will take "immediate action," including, as needed "calling for assistance from medical personnel, rendering first aid or immediately transporting individual to the emergency room," plus informing supervisor.	4c
Transport- Monitoring	234	BPD will develop policies for determining, at point of transfer, whether transported individual was placed at undue risk, harmed or injured during transport, including gathering data on whether, during transport, a seatbelt was used, force was used, injury occurred and the type of injury and whether first aid was given.	4d
Transport- Monitoring	235	Every injury reported during transport will be reviewed as use of force or as part of a Vehicle Crash Investigation.	4a
Transport- Monitoring	236	BPD will perform quarterly audits to determine whether officers are following correct procedures, to include: (a) at least five random audits of transports for each district per quarter, including review of all video recording, analysis of location, time and odometer information, and review of arrest, detention and transport reports; (b) analysis of the data collected during the previous quarter under paragraph 232; (c) a review every injury reported during transport to determine if there are any trends related to transport policies and practices; (d) and random, unannounced spot-check in each district for at least three transportation vehicles to inspect use of seatbelts and TVC operation.	4c, 4c, 4c, 4d
Transport- Monitoring	237	BPD will take appropriate action, including the initiation of disciplinary procedures, for an officer who did not comply with BPD policies and procedures.	4c
Transport- Policies and training	238	BPD will review and revise transport training as needed and will provide transport wagon officers at least eight hours of training on safe and humane transport, counting up to four hours of general training on CD subjects related to safe transport and proper restraint techniques.	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
1st A- Intro	239	BPD will build upon revised First Amendment policies, and take corrective measures for any officer who violates policy, to ensure respect for rights to criticize law enforcement without being subjected to retaliation, protest, observe officers in public spaces without endangering them or others or interfering appropriate law enforcement action, and peacefully record officers on duty.	4c
1st A- Expressive Activity	240	Officer will not retaliate against individuals for lawfully exercising their right to witness, record, comment on or peacefully protest police activity.	4c
1st A- Expressive Activity	241	Officer will not use force in response to an individual engaging in legally protected speech unless the individual poses an imminent threat to the safety of the officer or others.	4c
1st A- Expressive Activity	242	Officers will not treat protesters differently based on the content or viewpoint of their speech.	4c
1st A- Expressive Activity	243	Officers must afford Individuals the right to remain in proximity to and observe law enforcement encounters unless the individuals' presence would jeopardize the safety of the officers or others, physically interfere with the exercise of the officers' duties, violate the law or incite others to violate the law.	4c
1st A- Expressive Activity	244	"BPD will ensure the BPD policy and training will makes clear what conduct constitutes 'interference.'"	4c
1st A- Public Protest	245	"BPD will ensure that officers do not unlawfully interfere with lawful protests and assemblies."	4c
1st A- Public Protest	246	BPD will revise policies for policing public protests to include "[f]actors officers should consider when exercising their lawful discretion to arrest," clear guidelines that minimize enforcement decisions by non-supervisory officers, limitations on the use of less-lethal force during public protest, and a requirement to develop a plan for planned protests.	4d
1st A- Observe	247	Officers must permit individuals to peacefully photograph or record officers performing their duties in public if they do not threaten officers' safety or the safety of other, compromise legitimate police actions, or interfere with the performance of officers' duties.	4c
1st A- Observe	248	Officers must document any instance in which they order an individual to stop recording police activity in public.	4c
1st A- Observe	249	Officers may not search, seize, coerce production of, or review recordings, images or videos without obtaining a warrant, barring exigent circumstances, but may secure the device while awaiting a warrant.	4c
1st A- Observe	250	Officers may not intentionally destroy any device, recording or image or order individuals to destroy them.	4c
1st A- Policies/Training	251	"BPD will review and revise its policies, procedures and trainings associated with the First Amendment protected activity" to comply with the requirements of the CD.	4d
1st A- Supervision	252	Only the rank of Major or above (or, if unavailable, the captain or LT serving as shift commander) may declare an assembly unlawful, and it must be documented in writing; dispersal orders may be issued only after such a declaration; officers must receive supervisory approval before issuing a citation or making an arrest for violating a dispersal order or for any other offense related to protest activities absent an imminent unlawful threat to property or public safety.	4c
1st A- Supervision	253	Officers must obtain supervisory approval within two hours after warrantless seizure of a device or recording due to exigent circumstances; a supervisor must respond to the scene to assess the situation if practicable.	4c
1st A- Supervision	254	A supervisor must be present to approve, prior to transport, any arrest for obstructing or hindering law enforcement while recording police activity or for refusal to obey a dispersal order during a public protest, absent exigent circumstances to be documented as soon as practicable.	4c
1st A- Improvement	255, 256	BPD will conduct annual assessments of its practices related to First Amendment protected activity, which will include analyzing complaints alleging misconduct related to First Amendment protected activity and law enforcement responses to public protests, and will identify deficiencies and opportunities for improvement, implement corrective action or improvements, and document measures taken.	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Sex assault	258	BPD policies must identify guidelines for trauma-informed, victim-centered, multi-disciplinary response for thorough investigation of sex assault cases, explain the role and responsibilities of all officers throughout response to sex assaults and sex assault investigations, explain the opportunity for forensic exams and medical care to sex assault victims, and ensure victims are offered access to free and confidential support, social service referrals and information from trained victim advocate	4d
Sex assault	259	BPD must provide initial and ongoing training to Sex Offense Unit, Family Crimes Unit and Child Abuse Unit detectives, to include guidance to Patrol on how to respond to sex assault reports, guidance to detectives on postponing judgment about the validity of allegations until investigation is completed, highlighting methods to minimize further trauma to victims, identifying strategies to keep investigation focused on suspect's conduct, guidance on the impact of trauma on victims and adjustment to interview practices in recognition of such impact in order to improve victim participation, instruction on the dynamics and scientific concepts re sex assault (including trauma-related behavior, tonic immobility, and effect of trauma on memory), etc.	4d
Sex assault - supervision	260	BPD will assign all reports of sex assault to detectives for follow up investigation, thoroughly investigate reports (including alleged non-stranger assaults), consult with forensic examiners to obtain and discuss results of exams and include summaries of results in case reports, ensure investigators have no history of complaints of gender bias or sex misconduct that could impair investigation, enable advocates to be present for interviews with victims' consent if it won't jeopardize the evidentiary value of the interview, continue providing a "soft" interview room, ensure sensitive lines of questioning are preceded with explanations for the questions, allow detectives to ask re victim willingness to prosecute if there is a specific investigative purpose (but without making victim's wishes determinative	4c
Sex assault - supervision	261	BPD will ensure officers transport victims to a medical facility for forensic exam whenever warranted and victim consents	4c
Sex assault - supervision	262	BPD will establish supervision and oversight measures for sex assault investigations, including (a) developing a system of automated alerts to trigger supervisory review of open investigations according to protocols that include, among other things, supervisory review of sex assault reports within 48 hours of completion, supervisory evaluation of quality of the investigation and (b) requiring pre-case closure supervisory assessment of any sex assault investigation recommended for closure or report classified as unfounded	4c
Sex assault - supervision	263	BPD shall collect, share and track crime-specific information re unresolved investigations or reports of sex assault in order to better identify serial offenders	4c
Sex assault - supervision	264	BPD will collect and analyze data on (a) the number of reported sex offenses, broken down by crime category and identifying any co-occurring crimes, (b) the total number of offenders, broken down by gender and relationship to the victim, (c) the total number of victims/complainants, broken down by gender, race and age, (d) the total number of sex offense reports categorized as founded and unfounded, broken down by BPD unit categorizing the reports, (e) the total number of ex offense reports, broken down by BPD unit handling the report and according to case status (e.g., arrest, exceptional clearance, open/inactive, referred to SAO), and (f) data about the processing of medical exams	4c
Sex assault - community role	265	BPD must share the data collected under para. 264 with the public and SART	4c
Sex assault - community role	266	BPD and City will evaluate and revise policies re SART policies and protocol to facilitate periodic system reviews to improve services provided to sex assault victims and will continue to permit SART to review cases under MOU	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Technology	267	BPD will provide its officers with the Technology necessary to implement the Requirements in this Agreement.	4c
Technology	268	BPD will complete a comprehensive study of the Technology.	4d
Technology	269	BPD will develop a Resource Plan for adopting the Technology necessary to satisfy the requirements of the CD.	4d
Technology	270, 272, 273	The Resource Study and Plan will: (a) provide BPD personnel with an adequate number of electronic devices necessary for their duties; (b) provide BPD personnel access to law enforcement databases necessary for their duties, including basic information about civilians with whom they interact, call history associated with the locations to which they are responding, warrant and driver's license information, and restraining order information; (c) create a data and records management system capable of efficiently storing all data required by the CD and tracking all officer activities and supervisory reviews required by the CD; and (d) develop an Early Intervention System. The Plan will also identify any of these items that BPD already has acquired or is in the process of acquiring and, if in process, how BPD will finish acquiring and implementing the technology. BPD will submit and obtain MT/DOJ approval for the Plan.	4d
Technology	271	BPD will ensure its body-worn camera policy contains certain specific provisions, e.g., clearly stating which officers must use BWCs and under what circumstances, specifying where BWCs should be worn, requiring officers to write their reasons for failing to record activity required to be recorded, requiring officers to inform subjects that they are being recorded, establishing protocols governing the downloading and reviewing of recordings, requiring officers to document in writing and report any recording interruptions or terminations, and requiring random periodic audits of policy compliance	4d
Technology	274	BPD will employ its best efforts to implement the Resource Plan according to the Monitoring Plans.	4c
Technology	275	BPD will annually update the Resource Plan to take into account the needs of BPD under the CD.	4d
Technology	276, 277	BPD will timely disclose to the public: (1) any new equipment or technology it seeks to acquire; and (2) how it intends to use such equipment or technology. For any equipment or technology procured through the public process conducted by Baltimore City Board of Estimates, BPD may identify the new type of equipment or technology on its website and provide a link to relevant procurement information maintained by BOE.	4c
Technology	278	If BPD seeks to acquire or develop new technology without advising the public, BPD will disclose the technology to DOJ and the MT and explain why it believes non-disclosure is necessary.	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Supervision - policies generally	279-80, 282, 285	All policies must be developed and updated following specific procedures for both officer and community input, including providing for at least one 30-day comment period, and must be clear, use accessible language and be logically organized	4c
Supervision - policies for specialized units	281	BPD must provide all specialized units with policies governing their functions	4c
Supervision - policies generally	283-84	BPD will work with the MT and DOJ to develop or revise policies required by the CD, will obtain prior approval of all such policies, will include details for development or revision of all such policies in the monitoring plans, and will notify the MT and DOJ of any new or revised policies that the CD does not cover and obtain MT and DOJ agreement re non-coverage	4c
Supervision - policies generally	286	For policies requiring urgent revision, the Commissioner may revise them using a temporary memorandum or directive following submission to the MT and DOJ, but must ultimately subject them to MT and DOJ input, public comment, and final MT and DOJ approval	4c
Supervision - policies generally	287	BPD will review every new or revised policy required by the CD after it has been in effect for between 12-18 months to ensure it provides clear guidance and is consistent with the CD	4c
Supervision - policies generally	288	Officers and employees will have access to readily accessible e-database with all policies	4d
Supervision - policies generally	289	BPD will make all policies publicly available on its website and will publish each new or revised policy promptly upon implementation, with exceptions for policies that require confidentiality (e.g., undercover operations)	4d
Supervision - policies generally	290	BPD will timely revise policies required by the CD to reflect substantive changes in the law in accordance with CD procedures	4c
Supervision - training generally	291	BPD must establish robust training program to ensure officers understand BPD policies, the law, and proper policing techniques	4c
Supervision - training generally	292	The City will ensure BPD training programs (see Appendix A) are adequately funded and include adequate facilities	4c
Supervision - training generally	293	BPD will provide an adequate number of qualified instructors for the academy	4c
Supervision - training generally	294	BPD will develop a comprehensive training plan for in-service training, supplemental training, and field training with a revised FTO program. The Plan will meet certain requirements set forth in subsections a. - i.	4c
Supervision - training generally	295	Under the training plan, BPD will review all curricula and lesson plans for consistency, quality, compliance with law, policy and the CD, and adherence to best practices in adult learning, scenario-based training and problem-solving; will identify training that can be delivered in roll call or online; and will assess instructor qualifications and training materials	4c
Supervision - training generally	296	BPD will ensure all instructors are qualified and proficient and will consider performance evals, past performance as an officer, and disciplinary history in selecting instructors	4c
Supervision - training generally	297	BPD will actively seek qualified instructors outside the Department and will also incorporate as appropriate experts, community-based instructors and guest speakers (e.g., mental health professionals, judges, prosecutors, victims) to supplement in-house instruction	4c
Supervision - training generally	298	When necessary for compliance with the CD, and with MT and DOJ approval, BPD will develop or adopt supplemental basic training and in-service training curricula and lesson plans, including, if appropriate, training to be delivered by outside instructors	4c
Supervision - training generally	299	BPD will periodically update the training plan (para. 295) after conducting needs assessments that consider, e.g., trainee-to-instructor ratios, trainee feedback, trends in misconduct complaints, problematic UOFs, SSA data, and changes in law or policy	4c

Supervision - training generally	300	BPD will develop and implement a training data tracking system, readily accessible to supervisors, to track trainings attended by every officer, class attendance, and performance on tests.	4c
Supervision - FTO program	301	BPD will develop an FTO plan for new recruits in order to have a sufficient number of FTO officers. The plan will incorporate established standards for officer training programs, contain eligibility criteria and methodology for selecting FTO officers, and include a means for recruits to provide confidential evaluations	4d
Supervision - FTO program	302	FTOs must receive at least 40 hours of initial training, and refresher training after one year, to address management and supervision, community policing, problem-solving and field communication. FTOs must be able to demonstrate proficiency in their jobs. BPD will maintain up to date documentation of FTO evaluations and training in the training data tracking system	4c
Supervision - character, duties and training	303	BPD will ensure that supervisors provide effective supervision by enforcing an expectation of policing consistent with law and policy; providing leadership, counseling and support; leading efforts to increase public trust; responding to, documenting and reviewing SSA, UOFs and other conduct under BPD policy; identifying and addressing misconduct through corrective action, training, or PIB referral; identifying training and professional development needs for individuals, squads and department-wide	3
Supervision - character, duties and training	304-05	Supervisors must document performance of their supervisory duties in RMS or EIS, as appropriate, including: disciplinary referrals and non-disciplinary counseling; responses to scenes; reviews of officer conduct, including UOFs and other reports required by policy; training and professional development needs for officers and actions taken in response to those needs	3
Supervision - character, duties and training	306	Supervisor performance evaluations and promotions will be based on fulfillment of supervisory duties	3
Supervision - character, duties and training	307	Failure to fulfill supervisory duties will result in corrective action, training, or discipline, as appropriate	3
Supervision - character, duties and training	308-09	Supervisors, both current and new, will undergo supervisory training prior to start of promotional assignment, which will include, e.g., techniques for guiding officers and promoting constitutional police practices, de-escalation, evaluating written reports, investigating UOFs, building community partnerships, understanding supervisory tools like EIS and BWCs, responding to and investigating allegations of officer misconduct, evaluating officer performance, disciplinary system requirements and non-punitive corrective actions. The training will include a field training component.	4c
Supervision - character, duties and training	310	All supervisors will receive annual in-service training re management	4c
Supervision - character, duties and training	311	BPD will hold supervisors accountable for the quality of their supervision, including whether they properly identify and respond to misconduct and whether officers effectively engage with the community	3
Supervision - EIS	312	BPD will perform an analysis of existing systems used to record, track, review and evaluate officer activity	2
Supervision - EIS	313-14	BPD will upgrade its EIS in accordance with the Technology Resource Plan, either by enhancing the current system or implementing a new relational database, so that it promotes supervisory awareness and proactive identification and correction of potentially problematic officer behavior. The City will provide the necessary resources.	2
Supervision - EIS	315	The EIS will be customizable, adaptive as new information becomes available, auditable, capable of prioritizing officers for intervention, and capable to assess the efficacy of interventions	2

Supervision - EIS	316-17	The EIS will include a computerized relational database used to collect, maintain, integrate and retrieve department-wide, district-wide and unit-wide data, as well as data on each officer necessary to ensure supervisory awareness of both potentially problematic behavior and stress, including data, for each officer, on all UOFs broken down by level and type; all injuries and deaths to people in custody; vehicle pursuits and collisions; instances in which force is used and individuals are charged with failure to obey, resisting arrest, assault on a an officer, disorderly conduct, trespassing or a QOL offenses; instances involving issuance of three or more citations; BWC and in-car camera policy violations; matters involving a declination to prosecute due to officer credibility, a court finding regarding officer credibility, or the granting of a motion to suppress due to a constitutional violation; all misconduct complaints; judicial proceedings in which an officer is the subject of a restraining order; all criminal proceedings initiated against an officer; all civil or administrative matters filed with or against BPD based on an officer's actions; all disciplinary actions taken; all non-disciplinary corrective action taken; all awards and commendations; sick leave usage; and training records. BPD will develop policies (with MT and DOJ approval) that include specific requirements for satisfying these data requirements.	2
Supervision - EIS	318	Supervisors and other resopnsible BPD personnel will timely and accurately enter all information into the EIS in an organized and readily accessible manner to facilitate identification of potentially problematic behavior before it occurs	2
Supervision - EIS	319	The EIS will allow for close monitoring of officer conduct, including: Peer Group Analysis of officers with similar assignments; supervisory review based on EIS indicators; and supervisory review of every officer who previously was triggered for review.	2
Supervision - EIS	319	Command staff and other supervisors will regularly review EIS data to evaluate performance of officers across ranks, units and shifts	2
Supervision - EIS	320	Command staff will collect and, at least quarterly, analyze EIS information regarding supervisor, squad and officer trends	2
Supervision - EIS	321	First line supervisors and lieutenants will review EIS data for all officers under their command at least monthly and whenever an officer first comes under their supervision, and at least quarterly will review pattern-based reports	2
Supervision - EIS	322	All supervisors will be trained on how to use the EIS, interpret the data, and peform appropriate interventions	2
Supervision - EIS	323	BPD will retain or develop internally the expertise needed to perform individualized interventions to address problematic or potentially problematic officer conduct. Non-disciplinary interventions will be timely performed and designed to correct or prevent problematic behavior. All interventions will be documented in writing, entered into the EIS, and reviewed, evaluated and documented for their effectiveness.	2
Supervision - EIS	324	BPD will develop and implement a protocol for using the EIS, which will include requirements for data storage, data retrieval, reporting, analysis, pattern identification, supervisory use, intervention, documentation, audits, system access, and confidentiality	2
Supervision - EIS	325	BPD will maintain all equipment and software needed to maintain and use the EIS, and will retain officer-specific information for at least five years after the officer's separation from BPD and information needed for aggregate statistical analyses for at least 20 years.	2
Supervision - EIS	326	BPD will ensure officers are provided with information regarding the function and scope of the EIS within 60 days of implementation	2
Supervision - EIS	327	BPD will create an EIS compliance plan (with MT and DOJ input) that must include a clear explanation of the relationship among the different types of data within EIS, the hardware and architecture needed to facilitate those relationships; the source systems that will supply the data; the personnel responsible for implementation; and the proposed implementation timeline.	2
Supervision - assessment	328	BPD will develop protocols for annually evaluating the effectiveness of officer supervision and, in the evaluations, will identify and document deficiencies and corrective actions	2

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Misconduct - OPR	330	OPR must be "physically located in a facility that is separate from other BPD buildings," is publicly accessible, and "has space for receiving members of the public and for permitting them to file complaints."	4d
Misconduct - OPR	331	OPR employees cannot "be assigned to duties that may create any conflict of interest" or appearance of such a conflict.	4d
Misconduct - OPR	332	OPR must have "sufficient resources and qualified staff."	4d
Misconduct - OPR	333	OPR will have power to "investigate all complaints of officer misconduct," "coordinate with CRB on all complaints within CRB jurisdiction," and oversee misconduct investigations that "do not involve police-civilian interactions."	4d
Misconduct - OPR	334	BPD will revise policies and protocols "to ensure that investigators and supervisors are provided with sufficient guidance."	4d
Misconduct - Complaint Intake, Classification, and Communication	335	BPD will revise OPR policies on complaint intake, classification, and communication with complainants to comply with terms of Consent Decree.	4d
Misconduct - Complaint Intake, Classification, and Communication	336	"BPD will ensure that the complaint intake process is open and accessible for individuals who wish to file complaints about BPD officers' conduct" by adhering to a number of specifically-identified requirements.	4c
Misconduct - Complaint Intake, Classification, and Communication	337	"BPD shall ensure that there are adequate protocols to encourage and protect officers who report violations of policy by other officers" and that officers who observe or become aware of misconduct report it.	4c
Misconduct - Complaint Intake, Classification, and Communication	338	BPD will classify complaints 'based solely on the nature of the allegations and the facts alleged in such allegations," with OPR adopting a protocol and process to support this classification process.	4c
Misconduct - Complaint Intake, Classification, and Communication	339	"BPD and CRB will each develop a protocol delineating each agency's responsibilities for complaint intake, classification, investigation and review, and how the agencies will interact throughout the investigation and disciplinary process." The protocols will contain certain, specific provisions.	4d
Misconduct - Complaint Intake, Classification, and Communication	340	BPD will establish "a system to document and address" misconduct allegations received "from the State's Attorney's Office or by a judicial officer during a civil proceeding" that addresses certain specific requirements.	4d
Misconduct - Complaint Intake, Classification, and Communication	341	Supervisors will respond to the scene of complaints, document the complaint, and report it to OPR, complying with various, specific requirements.	4c
Misconduct - Complaint Intake, Classification, and Communication	342	For civilian complaint investigations, the investigator "will send periodic written updates to the complainant by mail and by email," complying with various, specific requirements.	4c
Misconduct - OPR Administrative Misconduct Investigations	343	"BPD will ensure that misconduct investigators will conduct objective, comprehensive, and timely administrative investigations of all allegations of officer misconduct" and base all findings on an appropriate standard of proof clearly delineated in "policies, training, and procedures."	4c

Misconduct - OPR Administrative Misconduct Investigations	344	OPR investigators will follow various, specifically-identified investigative procedures.	4c
Misconduct - OPR Administrative Misconduct Investigations	345	"BPD shall conduct a sexual misconduct incident review at the conclusion of every investigation of a sexual misconduct complaint against a BPD officer or employee concerning conduct against a non-BPD employee." The review will adhere to various, specifically-identified guidelines and requirements.	4c
Misconduct - OPR Administrative Misconduct Investigations	346	"BPD shall document its reasons for implementing or not implementing the recommendations of the sexual misconduct incident review team."	4c
Misconduct - OPR Administrative Misconduct Investigations	347	"BPD will develop and implement policies to ensure that the officer accused of misconduct receives notice that he or she is under investigation." The policies will include various, specifically-identified provisions.	4c
Misconduct - OPR Administrative Misconduct Investigations	348	BPD will preclude interference or collusion with misconduct investigations.	4c
Misconduct - OPR Administrative Misconduct Investigations	349	BPD will ensure that misconduct investigators do not ask leading questions, discourage BPD personnel from providing a full account, or close an investigation for certain, specifically-identified reasons.	4c
Misconduct - OPR Administrative Misconduct Investigations	350	OPR supervisors must "regularly meet with misconduct investigators to evaluate the progress of an investigation" and must "properly document[]" such meetings.	4c
Misconduct - OPR Administrative Misconduct Investigations	351	"At the conclusion of each investigation, misconduct investigators will prepare an investigation report," including various, specifically-identified components.	4c
Misconduct - OPR Administrative Misconduct Investigations	352	BPD will develop a process for completed misconduct investigations to be "evaluated for policy, training, tactical [and] equipment concerns, including recommendations for how those concerns will be addressed," with the evaluation addressing various, specific requirements.	4c
Misconduct - OPR Administrative Misconduct Investigations	353	"BPD may develop a protocol governing the imposition of discipline in an expedited manner, when an officer agrees to the proposed discipline" so long as it adheres to various, specific requirements.	4c
Misconduct - OPR Administrative Misconduct Investigations	354	Supervisory review of misconduct investigations must comply with various, specifically-identified procedures and requirements.	4c
Misconduct - OPR Administrative Misconduct Investigations	355	"BPD will ensure that anyone tasked with investigating employee misconduct possesses excellent investigative skills, a reputation for integrity, the ability to write clear reports, and the ability to be fair and objective in determining whether an employee committed misconduct. When selecting new investigators, BPD will consider the candidates' complaint history"	4c

Misconduct - OPR Administrative Misconduct Investigations	356	BPD will take certain, specifically-identified measures to prohibit conflicts of interest in misconduct investigations and in those personnel assigned to hold disciplinary hearings or make disciplinary decisions.	4c
Misconduct - OPR Administrative Misconduct Investigations	357	"At the discretion of the Director of the OPR, a misconduct investigation may be assigned or re-assigned to another misconduct investigator. This assignment or re-assignment shall be documented in writing."	4c
Misconduct - OPR Administrative Misconduct Investigations	358	"BPD will provide information to the Office of the Public Defender about how to file and follow-up on complaints about officer misconduct."	4c
Misconduct - Criminal Misconduct Investigations	359	Investigator must "promptly notify OPR" upon finding "evidence indicating apparent criminal conduct by any BPD personnel." OPR will consult with relevant prosecuting or federal law enforcement agency regarding criminal investigation. "Absent specific circumstances that would jeopardize the criminal investigation," OPR/CRB "may continue with the administrative investigation(s) of the allegation."	4c
Misconduct - Criminal Misconduct Investigations	360	BPD shall consult with prosecuting agency and seek Commissioner approval before taking a compelled statement for the purposes of conducting an administrative investigation "when a BPD officer refuses to give a voluntary statement and BPD has probable cause to believe the person has committed a crime."	4c
Misconduct - Criminal Misconduct Investigations	361	OPR must "ensure that criminal investigators do not have access to any materials protected by <i>Garrity</i> ," and BPD must "develop and implement protocols to ensure that criminal and administrative investigations of BPD employees are kept appropriately separate."	4c
Misconduct - Criminal Misconduct Investigations	362	BPD employees must continue to "provide a public safety statement regarding a work-related incident or activity, including Use of Force Reports and incident reports."	4c
Misconduct - Criminal Misconduct Investigations	363	OPR shall request an explanation for prosecutors declining to prosecute or dismissing a criminal case after the initiation of criminal charges when BPD has referred an investigation of an officer.	4c
Misconduct - Criminal Misconduct Investigations	364	OPR "shall maintain all reports and files concerning criminal investigation of officers after they are completed for the duration of the officer's employment with BPD."	4c
Misconduct - Referral of Investigations to Outside Entities	365	"BPD shall develop protocols to govern when to refer allegations of administrative or criminal misconduct by BPD officers to another law enforcement agency or qualified outside investigator to conduct the investigation."	4d
Misconduct - Referral of Investigations to Outside Entities	366	Outside investigation protocols must "include provisions for dealing with incidents in which there are actual or perceived conflicts of interest"	4d
Misconduct - Referral of Investigations to Outside Entities	367	Outside investigation protocols must "include provisions that govern when BPD's review of a referred investigation would be appropriate."	4d
Misconduct - Referral of Investigations to Outside Entities	368	Where BPD review is appropriate, "OPR shall review the completed investigation to ensure that it is of sufficient quality and completeness," with OPR Director requesting that outside entity conduct "additional investigation" where necessary.	4c
Misconduct - Referral of Investigations to Outside Entities	369	Outside entity investigating potential criminal conduct must document decision to close investigation without referral to a prosecuting agency. "OPR shall separately consider whether to refer the matter to a prosecuting agency" and document that decision in writing.	4c
Misconduct - Referral of Investigations to Outside Entities	370	"If the prosecuting agency declines to prosecute an officer or dismisses the criminal case after the initiation of criminal charges, the OPR shall request an explanation for this decision, which shall be documented in writing and appended to the criminal investigation report."	4c

Misconduct - Referral of Investigations to Outside Entities	371	OPR will "maintain all criminal and administrative investigation reports and files" of outside entities after reports/files are completed.	4c
Misconduct - Disciplinary Charges	372	"BPD will ensure that disciplinary charges for sustained allegations of misconduct are consistently applied, fair, and based on the nature of the allegation, the evidence, and that mitigating and aggravating factors are identified and consistently applied and documented."	4a/will be affected by the Admin Charging Committee under new state law
Misconduct - Disciplinary Charges	373	Where OPR investigation determines that officer actions violate policy, "BPD shall ensure appropriate charges are brought and/or corrective action is taken."	4a/will be affected by the Admin Charging Committee under new state law
Misconduct - Disciplinary Charges	374	When investigation addresses misconduct not involving police-civilian interactions and is conducted by a Supervisor at a District/Unit, District Commander has "authority to initiate appropriate disciplinary action and/or take corrective action"	4c
Misconduct - Disciplinary Charges	375	BPD will review and ensure that all disciplinary matrices, policies, and procedures comply with various, specifically-identified requirements.	4c/will be affected by forthcoming state law matrix
Misconduct - Disciplinary Charges	376	"Each sustained misconduct allegation shall be considered for the purposes of recommending discipline."	4c
Misconduct - Disciplinary Charges	377	BPD will not "suspend[] a misconduct investigation solely because" an officer has resigned.	4d
Misconduct - Disciplinary Charges	378	"BPD will provide the required notice to the Maryland Police Training and Standards Commission, including when an officer resigns while a misconduct investigation or disciplinary charges are pending."	4a
Misconduct - Disciplinary Hearings	379	BPD will ensure that disciplinary hearings "comport[] with state law" and Consent Decree requirements.	4a
Misconduct - Disciplinary Hearings	380	"Two civilian voting members will participate and vote in each disciplinary hearing conducted by BPD, if permitted by law."	4d/will be affected by trial board composition requirement under new state law
Misconduct - Disciplinary Hearings	381	"Disciplinary hearings will be audio recorded in their entirety."	4c
Misconduct - Disciplinary Hearings	382	"If an accused officer provides new and material evidence at a disciplinary hearing, the hearing will be suspended" unless good cause for continuing the hearing is provided in writing by the panel; if hearing is suspended, new evidence will be investigated and evaluated before the hearing is resumed; OPR will conduct a new investigation if it appears officer intentionally withheld the new evidence during the initial investigation.	4a
Misconduct - Disciplinary Hearings	383	Disciplinary board hearing must "provide in writing the findings, as well as a recommendation made pursuant to the BPD disciplinary matrix," including justification for not imposing discipline or imposing non-disciplinary corrective action.	4a
Misconduct - Disciplinary Hearings	384	"Disciplinary hearings shall be scheduled within 30 days of informing the officer of the recommended discipline. BPD will use its best efforts to ensure that disciplinary hearings will be conducted within 120 days of informing the involved officer of the recommended discipline."	4a
Misconduct - Imposition of Discipline	385	"BPD will ensure that discipline comports with due process and is consistently applied, fair, and based on the nature of the charges, the evidence, and that mitigating and aggravating factors are identified and consistently applied and documented."	4a/will be affected by trial board determinations under new state law
Misconduct - Imposition of Discipline	386	Full investigative file "shall be provided to the Commissioner . . . for the ultimate determination of whether to impose discipline."	4a/will be affected by trial board determinations under new state law

Misconduct - Imposition of Discipline	387	"OPR shall maintain all administrative investigation reports and files after they are completed for the duration of the officer's employment with BPD. Once the officer leaves BPD employment," the disciplinary record will be maintained by BPD HR.	4a
Misconduct - Imposition of Discipline	388	"BPD will eliminate policies that authorize the expungement of records where an employee accepts discipline."	4d
Misconduct - Mediation	389	BPD will "provide a mediation program . . . to act as an alternative to the investigation process . . . for certain minor allegations of officer misconduct impacting civilians." The program will include various, specifically-identified provisions.	2
Misconduct - Mediation	390	BPD and City will ensure "effective" administration of mediation program and "disseminate information to the public about the availability of community mediation."	2
Misconduct - Mediation	391	Complaints that are sent to mediation must be tracked in the "centralized electronic numbering and tracking system for all allegations of misconduct."	2
Misconduct - Tracking Misconduct	392	"BPD will maintain a centralized electronic numbering and tracking system for all" misconduct allegations that complies with various, specifically-identified requirements.	4c
Misconduct - Tracking Misconduct	393	"BPD will develop a protocol to share information from OPR misconduct investigations with prosecuting agencies when appropriate" and will work with local prosecuting attorneys to develop the protocol.	4c
Misconduct - Tracking Misconduct	394	"[C]omplainants and the public will be able to assess the status of, and track, misconduct investigations," as permitted by law.	4c
Misconduct - Tracking Misconduct	395	OPR will track various, specifically-identified complaint categories.	4c
Misconduct - Transparency Measures	396	BPD and City "recognize the importance of transparency" and "will continue to take steps to increase transparency."	4c
Misconduct - Transparency Measures	397	"City and BPD will develop and implement a program to promote awareness . . . about the process for filing complaints."	4c
Misconduct - Transparency Measures	398	BPD website will include "detailed written description, in plain language," of the BPD complaint investigation and officer discipline process, as well as "description of the CRB complaint option and a link to the CRB website."	4d
Misconduct - Transparency Measures	399	BPD will "create a short video that explains the jurisdiction and duties of entities within BPD" and will "make publicly available all policies and procedures regarding its internal investigation and disciplinary process."	4c
Misconduct - Transparency Measures	400	"BPD will post and maintain at the reception desk at BPD headquarters and in locations at all District stations . . . permanent placards clearly and simply describing the BPD and CRB civilian complaint intake process."	4c
Misconduct - Transparency Measures	401	BPD will create complaint forms and information materials "that describe the internal and disciplinary process at CRB and BPD."	4c
Misconduct - Transparency Measures	402	OPR and CRB will produce quarterly public reports on misconduct investigations that provide various, specifically-identified data.	4c
Misconduct - Transparency Measures	403	"BPD will develop a protocol to ensure appropriate transparency concerning the disciplinary hearing process and outcomes."	2
Misconduct - Transparency Measures	404	"After final disposition of misconduct complaints, BPD shall make detailed summaries" publicly available on its website, as permitted by law.	2
Misconduct - Transparency Measures	405	BPD will conduct annual audits of BPD's disciplinary process, including complaint intake, investigation and imposition of discipline, and publish reports.	2

Misconduct - Additional Oversight Measures	406	"BPD shall establish a testing program designed to assess civilian complaint intake" that includes various, specifically-identified features.	4c
Misconduct - Additional Oversight Measures	407	BPD's civilian complaint intake testing program will not include various, specifically-identified features.	4c
Misconduct - Additional Oversight Measures	408	BPD will produce an annual report on the testing program that includes various, specifically-identified information.	2
Misconduct - Training	409	"BPD will provide all investigators assigned to the OPR with at least 40 hours of comprehensive training on conducting employee misconduct investigations."	4c
Misconduct - Training	410	BPD's misconduct investigator training will include instruction on various, specifically-identified subjects.	4c
Misconduct - Training	411	Misconduct investigator training 'will be provided by sources both inside and outside of BPD' to ensure "training on investigative techniques that are specific to the Baltimore community, and BPD policies, procedures, and disciplinary rules."	4c
Misconduct - Training	412	CRB investigators must receive "at least 40 hours of comprehensive training on conducting investigations into officer misconduct," including instruction on various, specifically-identified subjects.	4c
Misconduct - Training	413	BPD will ensure that training provided to BPD misconduct investigators "pursuant to this Agreement is available to CRB investigators."	4c
Misconduct - Training	414	BPD supervisors/personnel who investigate misconduct not involving police-civilian interactions "will receive 8 hours of in-service training annually related to conducting misconduct investigations." Supervisors must receive at least 4 hours of training on accepting civilian complaints when called to a scene.	4c
Misconduct - Training	415	"BPD will provide training to all personnel on BPD's revised or new policies related to misconduct investigations and discipline," including instruction on various, specifically-identified subjects.	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Coordination- School Police	416	BPD's authorization to BSP to exercise law enforcement powers is memorialized in a Memorandum of Understanding.	4d
Coordination- School Police	417	BPD will conduct an initial assessment to evaluate the frequency with which BSP is using law enforcement power under the MOU, as well as assess opportunities for improvement. Following the assessment, BPD will conduct a biennial evaluation of its efforts to improve coordination with BSP.	4d
Coordination- School Police	418	BPD will change the MOU to address the opportunities for improvement identified in the initial assessment and require each agency's officers to cooperate in the other agency's administrative investigations when both agencies' officers are involved in an incident, unless doing so would jeopardize BPD administrative investigations.	4d

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Recruitment, Hiring and Retention	419	BPD will review and revise its recruitment and hiring program to ensure that BPD successfully attracts and hires a diverse group of qualified individuals.	4c
Recruitment, Hiring and Retention	420-21	BPD will develop a written Recruitment Plan with certain, specifically-identified provisions.	4d
Recruitment, Hiring and Retention	422	BPD will implement the Recruitment Plan.	4c
Recruitment, Hiring and Retention	423	BPD will conduct an in-depth review of BPD's current hiring processes for officers and state hiring criteria to assess if any process has a disparate impact on any Demographic Category.	4d
Recruitment, Hiring and Retention	424	BPD's background investigation for hiring officers will include: an in-person psychological screening with a trained psychiatrist or psychologist; a background investigation including police records, education, employment, military history, etc.; a review of personnel files from prior employment; a pre-employment investigation that includes requesting a candidate's history of lethal and less lethal force; contacting MPSTC to review license status; checking the National Decertification Index; determining if the candidate has any civil actions; and implementing pre-employment screening mechanisms, such as accessing social media.	4c
Recruitment, Hiring and Retention	425	The background investigation and screening do not need to be completed for candidates whose applications do not meet the minimum criteria or do not advance.	4c
Recruitment, Hiring and Retention	426	BPD will create a Retention Plan with various, specifically-identified provisions.	4d
Recruitment, Hiring and Retention	427	BPD will conduct annual assessments of its recruitment and retention efforts and identify any deficiencies and opportunities for improvement.	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Staff, Evaluations and Promotions	428	BPD will complete a Staffing Study to assess the appropriate number of sworn and unsworn personnel needed to fulfill BPD's mission, enable supervision, and satisfy CD requirements.	4d
Staff, Evaluations and Promotions	429	BPD's will complete a Staffing Plan that provides for personnel development to ensure effective community and problem-oriented policing; well-trained staff and resources to conduct timely misconduct investigations; sufficient number of patrol officers in each district; unity of Command to the extent feasible; sufficient number of supervisors; and BPD's and the City's existing and projected resources.	4d
Staff, Evaluations and Promotions	430	BPD will implement the Staffing Plan in a manner that reflects the City's and BPD's fiscal resources.	4c
Staff, Evaluations and Promotions	431	Performance evaluations will include supervisor's written evaluation of the officer's performance during the rating period and an in-person meeting.	3
Staff, Evaluations and Promotions	432	BPD will use a formal system to evaluate officer performance, which will include supervisor consideration of: demonstrated integrity and ethical decision-making; demonstrated commitment to community engagement, building trust and bias-free policing; effective use of de-escalation and crisis management techniques; communication and decision-making skills; civilian commendations; disciplinary actions; and the quality and accuracy of officer reports, search warrants and supportive affidavits.	3
Staff, Evaluations and Promotions	433	Supervisors will meet with their subordinates on an ongoing basis to discuss their performance and document ongoing efforts regarding challenges and areas of growth.	3
Staff, Evaluations and Promotions	434	Performance evaluations for each supervisor will include assessments of the supervisor's effectiveness in conducting the supervisory reviews required by the CD.	3
Staff, Evaluations and Promotions	435	"The BPD will ensure its promotional systems establish clear criteria that prioritize effective, constitutional, and community-oriented policing as factors in promotion."	4c

Consent Decree Area	CD Paragraph Number	Summary of Requirements	Compliance Status
Assistance and Support	436	BPD will provide all sworn officers with an Employee Assistance Program ("EAP") with certain, specifically-identified provisions.	4c
Assistance and Support	437	As part of the EAP, BPD will complete and maintain a list of mental and physical health service providers and will ensure officers have easy access to this information.	4d
Assistance and Support	438	The BPD will develop peer support services, including (1) a peer support program to provide officers emotional, social and practical support and (2) a peer intervention program that provides training to safely intervene before an officer engages in unethical behavior, accept an intervention from another officer when it occurs, and provide emotional, social and practical support to officers who intervene.	4d
Assistance and Support	439	BPD will offer voluntary mental health evaluations before an officer returns to full duty following a traumatic event.	4c
Assistance and Support	440	BPD will develop well-being protocols that will include: close monitoring and checks of officers' well-being by supervisors; availability of mental health care to officers; health and safety guidance during pre-deployment briefings; close monitoring of officer fatigue and indications of stressors; and deployment of counselors or psychologists for officers and their families during prolonged periods of demonstrations or unrest.	4d
Assistance and Support	441	BPD will annually assess officer assistance and support programs, identify opportunities for improvement, and document improvements made.	4c