

STATEMENT OF THE HONORABLE

JAMES K. BREDAR, CHIEF JUDGE

U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND

QUARTERLY PUBLIC HEARING

APRIL 13, 2023

UNITED STATES v. BALTIMORE POLICE DEPARTMENT, et al.

JKB-17-0099

Good morning. We are assembled today for yet another quarterly review of the progress of the Baltimore Police Department and the City of Baltimore on the road to compliance with the Consent Decree entered as an Order of this Court on April 7, 2017. I note that as of last week we have been at this for over six years now, and that the Police Department and the City are entering their seventh year under Court supervision. As has been our theme over the last year, again today I will be guiding the parties to focus on the steps that must be taken to complete this reform process, to bring the Department and the City into substantial compliance with the Decree, to end Court oversight, and to return full control of the Police Department to the City's elected leaders.

In the early years, particularly before the arrival of the Police Department's current leaders, the Court routinely questioned whether the Police Department actually had the capacity to make the Court-ordered changes necessary to get into compliance. The Department was broken in so many ways and on so many levels that, at times, it seemed unlikely that a full recovery, a full reform, could be accomplished.

Today, the Court is still concerned about the Department's capacity to come into full compliance with the Consent Decree, but the worry now is quite different from that in 2018 or

2019. Where before the Court questioned whether the Department possessed the basic knowledge, skill, and leadership to even design a reform, now the intellectual, managerial, and leadership capacities necessary to plan and execute a reform are evident and being demonstrated. Six years in, the architecture of police reform has been established in Baltimore. In blunt terms, police leaders here have largely “figured out” how to solve the problems afflicting this Department, and now they are attempting to implement what appear to be very solid plans. The issue in April, 2023, is no longer whether it is possible for police reform to be accomplished in Baltimore; clearly it can be. Now the question is: will the job be completed here? City and Police leaders now know what to do, but will they find and allocate the necessary resources to finish the job and to achieve compliance?

So many of the Police Department’s problems now have plausible solutions. The strategy to start at the bottom and rebuild the Department from the foundation up, slow and tedious as that process has been, is paying off as good solutions to endemic and chronic problems have been hammered out and are now being implemented. The most creative and forward-thinking minds in the policing profession have come to Baltimore and contributed to the comeback that is underway. Some have stayed and become members of the Department; others have done a tour here and moved on; still others have been brought in by the Court’s Monitoring Team and the Department of Justice to serve as outside “technical advisers” on a continuing basis.

The reform process has been so successful, at least in its design and conception stages, and to some extent in its execution, that police officials from troubled departments all over the country are now coming to Baltimore to see what solutions are being imagined and tried here. That is remarkable considering where this Department was six years ago in the throws of GTTF and its “Commissioner of the Month” program.

Baltimore continues to experience serious challenges in its police reform initiative, but now those problems are not rooted in poor planning or a paucity of good ideas. They are not caused by chronic instability at the top, or a lack of leadership. They are not caused by corruption. On the contrary, Baltimore now has the leadership, the planning, the thinking, and the designing, mostly right. Pilot initiatives show that the new strategies are mostly sound. Now it's the "scaling up" that's proving difficult. Some of the new and best ideas have made it to the street, but others are less far along. At the six-year point there is still much work ahead.

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When I refer to the "architecture of reform," and state that it is largely complete here, what am I referring to? I am referencing the revised policing policies, rewritten to reflect the values and best, 21st Century thinking on policing. I'm referencing the training regimen which has been refashioned around those revised policies and is now being delivered via the most modern methods, as opposed to the antiquated teaching styles and content employed until 2019. I'm referencing creative initiatives such as EPIC (Ethical Policing Is Courageous) and GVRs (Group Violence Reduction Strategy) and the Mayor's Neighborhood Policing Strategy which have all been rolled out and at least piloted. I'm referencing a state-of-the-art records management system that has been designed and piloted and will soon be fully activated. I'm acknowledging that officers, at least most of them, are now being issued the most up-to-date tech equipment—gear that is designed to enhance both their effectiveness and their accountability. All public facing officers now wear body cameras.

As the architectural plans translate to concrete action, much rebuilding has gotten underway, and some has been completed: (a) There is a new police academy. (b) An overhaul of the Department's internal affairs unit, now falling under the umbrella of the BPD "Public Integrity Bureau," has accomplished most of the Decree-mandated reforms that relate to internal affairs, with monitors now carefully overseeing progress toward compliance. PIB is much more efficient now, reducing the police misconduct case completion time from an average of 303 days in 2020 to an average of 176 days in 2022. The Monitoring Team reports, and I quote, "investigative quality [in internal affairs cases] has improved substantially since our first assessment in 2018." (c) The incidence of the "use of force" by police officers has dropped significantly. (d) On the topic of community policing, officers have been trained and are increasingly deploying proven community policing techniques, such as walking foot and spending time out of the car, inside of businesses, and talking with community members.

So, not only is the "architecture" of police reform largely complete in Baltimore, substantial rebuilding of the Department is also underway and, in some instances, nearly complete.

But as these reforms hit the street, the real world pushes back, as it always does. Taking internal affairs and community policing as two quick examples, a basic shortage of human capital—woman- and manpower—is impairing execution of Court-mandated reforms. Under the current staffing plan, the Public Integrity Bureau is to deploy 48 investigators to address allegations of officer misconduct, but the staffing crisis means that, so far, the Department is only able to assign 36 detectives and civilians to this critical role. The average case completion time may have dropped from 303 days in 2020 to 176 days in 2022, but the Consent Decree requires that that number come below 90 days. So long as only 36 investigators are assigned to PIB, it may be impossible for the Department to achieve that 90 day requirement. Similarly, the community

policing mandates of the Decree require that patrol officers spend approximately a third of each hour in positive community engagement, i.e., not addressing calls for service but instead listening to community members and business owners as they explain their needs and aspirations, and then collaborating with these citizens on strategies, large and small, to make Baltimore neighborhoods safer. Again, an insufficient number of officers means that the Department can barely deploy enough patrol officers to answer all of the calls for service, let alone spend 15 or 20 minutes of each hour in less fraught community engagement. The Consent Decree requires implementation of a robust community policing strategy, and one has been conceived here with great care, but it will remain largely on the drawing board if there are not officers available to implement it.

For all of the conceptual success in Baltimore, it's still true that many of the Police Department's key solutions either remain in the laboratory or they are still in the experimental stage. The new strategies have been piloted here and there in the City, and they have been shown to work. But the most innovative, the most potentially impactful methods pioneered here, be that GVRs, or the Neighborhood Policing Strategy, or the Early Intervention System designed to identify officers at risk for misconduct—most of these innovations still must be proven at scale. And, “scale” can't be achieved without enough personnel.

In short, good things are happening in this reform initiative—even great things—but the work is far from done. And it won't get done if the City and the community do not come through with the essential resources, especially staffing, to complete the job. And, until that essential work is completed, until the City and the Police Department bring the reforms to scale, they will not free themselves from Court oversight. I've said previously and now reiterate, an insufficient number of officers is the single largest obstacle limiting the successful reform of the Department, and preventing the City's full compliance with the Consent Decree.

By relying heavily on overtime, Baltimore is holding its own with only 2,100 sworn officers, but there is no getting around the fact that it must deploy 2,600 officers to achieve the objectives of the Decree, which, of course, is why the Staffing Plan requires that number.

As we sit in Court this morning, officers are being drafted to cover lengthy overtime shifts tonight. Because of the staffing shortage, many patrol officers on duty right now will work until 11 this evening. Others who come to work at 2:40 this afternoon will be on duty until 7:00 AM tomorrow morning. Officers routinely work 16-hour days or, worse, an 8-hour swing shift followed immediately by an 8-hour overnight shift. Sixteen hours straight, right through the night. Officers working a few hours of overtime on an occasional basis is not problematic; requiring officers to work two or three extra full shifts per week on a regular basis is too much, particularly at a moment when we are otherwise so focused on achieving strict compliance with a plethora of new policies and procedures flowing from the Consent Decree. Tired officers are going to make mistakes.

Solving the staffing crisis—finding and attracting a sufficient number of qualified persons who want to serve as Baltimore police officers, and devising means and methods of persuading the solid officers already on the force to stay and complete their careers here—these are proving to be big challenges. The Department cannot let up in its effort to crack the staffing problem.

While the Court has and continues to push the City and the Department very hard on staffing, the Court is gratified to see that the Department has not taken what can be a very dangerous shortcut: the Department has not reduced or changed its hiring standards just so that it can fill recruit classes. Other departments around the country may be making that mistake, and they will likely endure the inevitable consequences of selecting people for police work who lack the aptitude and the values necessary for success in this demanding profession. The Commissioner

has repeatedly assured the Court that while Baltimore is struggling to hire and retain officers, one strategy it will not resort to is the selection of recruits who simply aren't up to the job—intellectually, physically, and/or ethically. In short, difficult as the staffing problem is, and despite the criticality associated with solving it, lowering hiring standards can't, and won't, be a part of the strategy.

What will be the solution? Good pay and benefits. Better work conditions in the form of new district stations and state-of-the-art equipment. The opportunity to join a department that is perceived to be fully modern, reformed, and even enlightened about the mission of policing. More explicit acknowledgement of the Department's progress from community leaders, both inside and outside of government would be helpful.

The Police Department would also benefit from a national initiative to recruit young people to the profession. Careers in law enforcement are not currently popular, particularly in the wake of the George Floyd tragedy. National leaders need to educate themselves about how quickly and dramatically policing is being reimagined and redefined in cities like Baltimore, and then launch a campaign to acquaint young people with the new thinking that is coming to guide many previously troubled big city departments. Those same national leaders then need to launch an effort—a campaign—to encourage and incentivize young people to take a second look at a career in law enforcement—in 21st Century policing. Staffing has only gotten worse—in Baltimore and nationally—in the two-plus years that I have been highlighting the issue. In that the Court is now convinced that it's going to take an effort on the national level to turn back the crisis in police staffing, I direct our colleagues from the Department of Justice to take this message back to their top leadership. Baltimore is far from alone in confronting this challenge—we need a national strategy.

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While today the Court has highlighted several areas of progress under the Consent Decree, and while it has acknowledged that the Department is understandably slow in its execution on some fronts because of the staffing crisis, the Court will next highlight three topics where the Department should make some improvements immediately, and where the staffing crisis does not stand in the way.

First, I'm not satisfied with the rate of progress in reference to behavioral health interventions. Some of the Department's ideas and plans in this space are truly groundbreaking, including the 911 diversion pilot and the 988 hotline for behavioral health calls. But what's going on with the mobile crisis response teams? The need for this reform is crystal clear, and its embrace by both the City and the Police Department is a further measure of Baltimore's forward thinking and creative problem solving. But now you have to deliver. Let's get the mobile crisis response teams out of the laboratory and onto the street.

Second, basic equipment. The Court's recent field visits reveal continuing issues with fleet and computers. Scores of new, well-equipped vehicles have hit the street. But, there still are not nearly enough of them. The Department is not deploying enough vehicles—police cars and wagons—to accommodate the officers on duty, the reduced number of officers on patrol. Things are better than they were a year ago, but even with the staffing shortage reducing the number of officers on a shift by 30% or so, some officers still must double-up in cars. The new vehicles that the City has ordered aren't hitting the street fast enough. Old cars with over 100,000 miles, and no computers, are being deployed on almost every shift. How does a sergeant manage his or her

officers, making sure that pending calls are covered in the appropriate sequence, when they have no computer mounted in the car? Performing that critical supervisory function solely by monitoring radio traffic is how the work was done in the 1960s. The Department's technology plan is state of the art, but without a full fleet of computer-equipped cars, it can't be fully implemented.

Third, and finally, the Baltimore Police Department does an insufficient job of telling its reform story. The core objectives of the Consent Decree are to, first, restore constitutional policing, and, second, restore the Department's reputation such that community members will again trust, have faith in, and ultimately be willing to collaborate with the Police Department in the crime fight. As the tide turns in favor of constitutional policing in Baltimore, and as the Department is increasingly able to demonstrate to this Court, month after month, that they are meeting their constitutional obligations through more sound policies and better training, the Department must simultaneously do a better job of showing the community where and how it is changing, improving, and even excelling. Such a public relations campaign is not about selling the community a story that's not true. The Department has to acknowledge its ongoing problems, and its troubled history, and it must own the bad facts: for instance, the findings made in the Bromwich Report on the GTTF scandal. Acknowledging current challenges and owning prior errors are critical parts of the reform process, and such acknowledgment and ownership only builds credibility for the new Department. But to regain the community's trust, and, critically, to attract more recruits, the Department must also shine a bright spotlight on its growing list of successes. Only in the last day or two am I seeing hints of a full-fledged effort to educate the public about the changes—the many positive changes—that have occurred, and are occurring, in Baltimore policing.

For instance, how many people in Baltimore are truly aware of what the Court's Monitoring Team found in their Use of Force Report? With the data to back it up, the Monitoring Team stated, "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." In the life and history of the Baltimore Police Department, a statement to that effect from the independent monitor is very significant. It is independent proof of a major course correction since the Decree was entered. Prior to the Consent Decree, nothing angered the community more than its perception that the Police Department was excessive and indiscriminate in its use of force. Now that there is solid evidence of change and improvement on that front, the Department and the City have to make sure that the community sees and knows of that progress.

Another point: Is the media aware that representatives from multiple other police departments have come to Baltimore in recent months to learn from the expertise taking root here? This Department has become a national leader on reform, but how many people in Baltimore are aware of that?

The Court has not hesitated to highlight the Police Department's stumbles and failures on the road to compliance with this Decree. During the first two years of Court oversight, in 2018 and 2019, it seemed like that's all the Court did. But the increasing number of successes is now also a part of Baltimore's truth. If the Department is going to regain the community's trust, support, and collaboration, then the Department has to show that it is worthy of that trust, support, and collaboration. A huge part of that, of course, depends on how officers conduct themselves on the street. But another part is the Department doing a better job of telling the story of what it is accomplishing under the Consent Decree. It's not enough to simply make the changes and the improvements that the Decree requires; the Department must also show, illuminate, and fully

educate the public about the improvements. Not doing so will cause the Department to fail to accomplish one of its most basic responsibilities: winning back the public.

I have urged the Department for months to get going on this public education initiative. Commissioner Harrison, I look forward to a fulsome update today on what you are doing to better educate the public on the reforms happening here.

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We will now proceed with your presentations. We will follow the normal sequence and cadence. First, I will hear from the parties with respect to the global issues, including any update the Department has on the public education initiative. I then look forward to seeing the electronic scorecards that will show the progress toward compliance since our last quarterly hearing. After that we will review the topics that have been considered at the monthly subject matter conferences since we were last convened: Use of Force, Misconduct Investigations and Discipline, and Community Policing and Engagement.

As always, the City and the Police Department have the burden of proof, so they will go first. Then we will hear from the Department of Justice. Last, we will turn to the Court's monitoring Team to hear their report and assessment.