FINAL REPORT FOR PUBLIC RELEASE

REPORT TO THE COMMISSIONER OF THE POLICE DEPARTMENT OF BALTIMORE CITY CONCERNING AN INDEPENDENT REVIEW OF THE NOVEMBER 15, 2017 INCIDENT AND ITS AFTERMATH

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This report was written by the Independent Review Board under a contractual agreement between the Police Department of Baltimore City and CNA Corporation. The findings and recommendations contained in this report are exclusively those of the members of the Independent Review Board and do not represent the judgments, opinions, or policies of CNA, the Police Department of Baltimore City, the City of Baltimore, or any other Agency or organization.

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GLOSSARY

AAR	After Action Report
ATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives
BPD	Police Department of Baltimore City
BWC	Body-Worn Camera
CAD	Computer-Assisted Dispatch
DHS	Department of Homeland Security
EOC	Emergency Operating Center
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FOP	Fraternal Order of Police
GTTF	Gun Trace Task Force
IACP	International Association of Chiefs of Police
IAP	Incident Action Plan
IC	Incident Commander
ICS	Incident Command System
IRB	Independent Review Board
MEMA	Maryland Emergency Management Agency
MOU	Memorandum of Understanding
NIMS	National Incident Management System
PASP	Pennsylvania State Police
PERF	Police Executive Research Forum
SAC	Special Agent in Charge
SOP	Standard Operating Procedure
SWAT	Special Weapons And Tactics
UIC	Unified Incident Command
USAO	United States Attorney's Office

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PLEASE NOTE: There are graphic depictions of the shooting scene contained within this report that are inappropriate for younger readers, or those upset by depictions of violence.

I. EXECUTIVE SUMMARY

On November 15, 2017, at 4:36 p.m., Detective Sean Suiter of the Police Department of Baltimore City ("BPD") was fatally shot in a vacant lot immediately west of 959 Bennett Place in the Harlem Park neighborhood. This event triggered a massive manhunt for a killer, involving police and support personnel from several local, state and federal law enforcement agencies. Multi-block perimeters were established by BPD in Harlem Park. These perimeters were in place for six days, changing as the investigation progressed. There was a significant disruption in citizens' abilities to travel through the affected area during this time, with BPD issuing at least 21 "citizen contact receipts."

University of Maryland Shock Trauma personnel initially reported that the fatal bullet entered the left side of Detective Suiter's skull. As Suiter was right-handed, BPD initially – and reasonably – assumed that the death was not a suicide. This mistaken belief was corrected four days later when the autopsy was performed, and the medical examiners concluded that the entry wound was located on the right side of the skull.

During the course of the investigation, BPD executed twelve search warrants, (of 5 residences, 3 vehicles, and 4 cell phones), posted rewards ultimately reaching $215,000, conducted 123 interviews, followed up on 54 tips, and cleared 33 vacant homes. On February 4, 2018, the commander of the homicide unit prepared a memorandum summarizing the investigation. The memorandum noted that all leads had been exhausted, and there were no suspects, nor had any charges been brought.

BPD commissioned this Independent Review Board ("IRB" or the "Board")[1] to review the homicide investigation, shed what light it could on what happened on November 15, 2017, and compile the lessons to be learned from this tragedy. The Board first met on April 12, 2018 and for a total of six times during four and one-half months. This report constitutes the Board's fulfillment of that responsibility. BPD provided full cooperation to the Board in making available documents, evidence, information and personnel to aid the Board's inquiry.

The Board concludes that, based upon the totality of the evidence, Detective Suiter intentionally took his own life with his service weapon. The most pertinent evidence leading to this conclusion includes:

[1] Biographies of the members of the Board are contained in Appendix 1.

- A portion of the gun barrel was in contact with Suiter's head at the time the fatal shot was fired;[2]
- Suiter is right-handed, and the bullet entered the right side of Suiter's head;
- The gun that killed Suiter had polygonal rifling, consistent with a Glock, which was Suiter's service weapon;
- Suiter's DNA was found inside the barrel of Suiter's Glock and on its surface, meaning that Suiter's weapon fired the fatal bullet. No other DNA was present;
- The remains of the fatal bullet are consistent with department-issued ammunition and the firearm issued to Detective Suiter (but could not be confirmed as Suiter's Glock due to deformation of the projectile);
- All three spent shell casings found at the scene came from Suiter's weapon;
- Blood spatter was found on the inside of Suiter's right dress shirt cuff, indicating that Suiter's hand and arm were in as high a position as was the entrance wound at the time the fatal shot was fired, with blood being expelled into Suiter's sleeve;
- Suiter was trained in self-defense in both the military and the police, and specifically was trained to use the gun slide to disable the weapon if attacked;
- Trace amounts of DNA, which may be attributed to two officers who carried Suiter from the lot for hospital transport, were found on his person. Apart from that, no DNA other than Suiter's was located on his person;

[2] Medical examiner protocols dictate that suicide should be considered as a possibility in the event of a contact wound.

- The autopsy revealed no defensive wounds, such as abrasions on the knuckles, hands or arms, and Suiter was found with his police radio still in his left hand, which is inconsistent with a struggle;
- Video from a neighbor's video camera and testimony of two witnesses establish that a suspect would have had a couple of seconds at most to disarm Suiter, shoot him with his own weapon, erase any trace of his presence, and exit the vacant lot without being seen or heard;
- Suiter was scheduled to testify before a federal grand jury the following day in connection with the BPD Gun Trace Task Force ("GTTF") corruption investigation;
- Suiter was considered a "subject" of that investigation, and another GTTF member had implicated Suiter in criminal wrongdoing; and
- Suiter's attorney repeatedly attempted to contact Suiter the afternoon of November 15 to confirm a meeting that evening at 5 p.m., but Suiter ignored the calls and texts.

This review also attempted to glean lessons that could be learned from BPD's response to this tragedy. The principal recommendations arising from this exercise are as follows:

1. BPD should deploy an Incident Command System ("ICS") strategy for any police effort expected to exceed ten hours. The report describes a number of deficiencies in BPD's ICS response, which we attribute to the lack of an effective ICS. It is disturbing that BPD has been so resistant to this well-recognized policing best practice.

2. This was a unique tragedy in that previously no BPD homicide detective has been killed in the line of duty. The emotional toll upon his

colleagues is self-evident. We hope we never see a tragedy such as this again. If, however, there is future cause for a homicide investigation where a current or recent member of the homicide unit is the victim, BPD should refer the matter to a proximate police agency that also has sufficient resources and expertise to conduct such an investigation.

3. The leadership of BPD must firmly commit to a policy and practice of being honest with the public. It is understandable that BPD would want to assure the public that it was vigorously investigating this matter. Yet in the early stages of an investigation, the truth may be murky. The Commissioner repeatedly shared unverified and ultimately inaccurate information with the public, despite the emergence of forensic and other evidence suggesting that Suiter took his own life. This was unfortunate; it did not burnish BPD's reputation, and served to nurture a variety of unfounded rumors and theories. It is essential that BPD restore its credibility with the public. The only way to do that is to be credible in all public communications, which entails being as accurate and transparent as the investigation permits.

4. Perhaps the most important lesson learned is that the Suiter investigation serves as a case study in how BPD has failed to learn its lessons from prior tragedies. This is the sixth report issued to BPD since 2011 recommending

effective deployment of ICS in complex policing situations. The ICS recommendations arising from the Torbit and Gray tragedies, documented in four reports (and complemented by a 2013 BPD report addressing complex police actions), were temporarily heeded and then discontinued, or merely given "lip service." Commanders and Supervisors have consistently failed to implement ICS and professional best practices despite serious professional criticism of BPD's actions. We are mindful of the extraordinary challenges the department faces, as well as its resource constraints. Still, no organization can be said to be committed to change if it is not committed to learning from its mistakes.

II. SCOPE AND METHODOLOGY OF THIS REVIEW

At the request of BPD, this Board was convened to review the Department's actions relating to the November 15, 2017, shooting death of Detective Sean Suiter. Specifically, the Board was charged to:

- Comprehensively review the events of November 15, 2017, the ensuing crime scene, the homicide investigation and its findings, the ICS, and the maintenance of the security perimeter surrounding the crime scene. *See* Chapters III, IV, V and VI;

- Review existing department policies, identify violations of these policies, and identify best practices regarding incident response and management. *See* Chapters III, V and VI;
- Review training practices relating to use of force, crowd control, and firearms training and make recommendations. *See* Chapters V, VI, and VIII; and
- Prepare a written report.

BPD agreed to fully cooperate with the review and to make available all relevant documents, evidence and personnel within its control.

The Board is pleased to report that BPD fully cooperated with our inquiry. BPD provided the Board with continuous electronic access to the homicide file, BPD's guiding policies, protocols and directives, and other relevant documents. The Board reviewed thousands of pages of documents and photographs, viewed videos of witness interviews, footage recovered from a neighborhood camera, body-worn camera ("BWC") videos, and listened to radio and 911 transmissions. BPD made physical evidence, such as Suiter's clothing, available on request. Unfortunately, very little documentation was available relating to the implementation of the ICS as a basis for assessing the BPD's post-Suiter shooting incident response organization and actions.

The Board interviewed over thirty people, some of them on multiple occasions. The lead homicide detective made himself available for numerous interviews, for questions by phone, and to help us locate evidence and other persons with knowledge. BPD Counsels Daniel Beck and Lisa Walden were invaluable in a liaison capacity.

The Board interviewed current mid- and upper-level Baltimore police commanders with first-hand knowledge of the tactical neighborhood operations in the aftermath of the Suiter shooting. These individuals included the first on-scene supervisors from the Western Patrol District, academy training commanders, homicide and shooting incident response personnel, incident commanders, members of BPD who have provided instruction on ICS, and bargaining unit leaders and executives of the command staff. The persons interviewed ranged in rank from Officer to Commissioner.

Board members participated in three face-to-face meetings of all members, made three trips to the scene of the shooting, and had several phone meetings to complete this report. We met with the Medical Examiner's Office on two occasions and spoke to representatives of the U.S. Attorney's Office ("USAO"), the Federal Bureau of Investigation ("FBI") and members the Harlem Park community.

In the course of its work, Board members contributed over 225 hours of pro bono time above and beyond the budget for this project. The Board is comfortable that it was given access to all records, information and persons it needed to perform a thorough review.

BPD was allowed no editorial rights regarding our report, except that it maintained the right to excise any confidential information, such as non-public personnel information, and information which might compromise other pending criminal matters. Pursuant to its agreement with the Board, BPD was provided at least ten business days to review and comment upon the draft report before its release.

The Board's primary efforts focused upon reviewing the evidence gathered to see what conclusions, if any, could be drawn as to how Detective Sean Suiter was shot and killed. Our findings are described in sections III and IV below.

In addition, the IRB was given another vital task: to identify best practices to improve BPD's policies related to incident response and incident management. More specifically, BPD sought a critique of its deployment to the Suiter crime scene, the establishment and maintenance of the crime scene security perimeter, and subsequent actions related to the establishment of an

incident command. The outcome of this aspect of the IRB review will hopefully result in the creation or upgrade of departmental policies, response protocols, and training related to these critical incident responses.

In evaluating the BPD response to the Suiter incident, there were fundamental questions that had to be answered. First and foremost, who was involved in the initial response? Who were the incident commanders and operational supervisors? Was BPD sufficiently trained and experienced in standing up an incident command at a critical incident? Could post-incident actions have been better coordinated to allow for prioritized and timely actions? Given the length of the neighborhood shutdown, the long-term drain on police personnel and operations to maintain perimeter security and conduct investigations, was there an Incident Action Plan ("IAP") that outlined the tactical and strategic objectives, how they would be accomplished and who would be responsible for carrying out those specific objectives? Once the incident had been concluded, was there an after action or lessons-learned report that would both inform and guide similar responses in the future? This report will address these issues and others raised in this inquiry.

While the IRB was conducting its review, the Monitoring Team established under the Consent Decree was also reviewing the police activity in

Harlem Park in the days following the shooting. The Monitoring Team issued its first semiannual report on July 18, 2018. This report evaluated whether "BPD officers acted appropriately when they made stops, searches and arrests."[3] To avoid overlap, the IRB has not analyzed this issue, and incorporates by reference the work of the BPD Monitoring Team. The Board toured the community and interviewed members about the impact of the extended police presence upon the community.

III. STATEMENT OF FACTS

Detective Sean Suiter was killed with his own service weapon in a vacant lot just west of 959 Bennett Place on November 15, 2017. Bennett Place is part of the Harlem Park neighborhood in West Baltimore. This section details the facts that the Board found relevant to the manner of Detective Suiter's death. We begin with the reason that Detective Suiter ostensibly went to Bennett Place on November 15: to investigate a nearby triple homicide, which occurred nearly a year prior. We discuss the federal law enforcement investigation and prosecution of officers of BPD's Gun Trace Task Force, and Detective Suiter's role in that investigation, as a possible motive for Detective Suiter's actions. We examine the video, audio, physical, and witness evidence compiled regarding the shooting death on

[3] First Interim Report at 57.

November 15. Finally, we describe the post-shooting investigation and BPD interactions with the community.

A. The Triple Homicide at Bennett Place, Where Detective Suiter Was Later Found Dead

On December 4, 2016, three Baltimore residents—Antonio Davis, Thomas Carter, and Howard Banks—were found dead at 947 Bennett Place. All three men suffered from gunshot wounds and were pronounced dead at the scene.

Homicide detective Sean Suiter was assigned principal responsibility for investigating the triple murder. In 1999, Detective Suiter joined the BPD. He grew up in Washington, D.C., and enlisted in the Army after graduating from high school. He served on active duty until 1998, receiving an honorable discharge. He remained a member of the Army Reserves and served in the Iraq conflict from May 2005 until January 2007.[4]

Suiter rose through the ranks at BPD and in early 2016 was named to the Homicide Unit. This unit investigates the City's most serious crimes; it is comprised of roughly 55 detectives who were responsible in 2017 for investigating over 340 murders.

[4] BPD SIRT file 17J-0027; Tab Q.

Suiter's personnel history reflects a police officer who received commendations and faced no disciplinary actions. There is nothing in his personnel folder to raise red flags. Outside of work, Detective Suiter was married with five children. He was described as a "dedicated, loving and humble father" who "was known for his warm and welcoming smile."[5]

As the lead detective, Suiter was responsible for maintaining the homicide file for the December 4, 2016, triple murder. The file reflects that Suiter visited the crime scene on December 4, 5, and 6, 2016. Suiter also recorded in a BPD electronic file that he visited the scene on September 19, 2017. Apart from those entries, there is no evidence that Suiter visited the scene in connection with this triple murder until he returned to Bennett Place on November 14 and 15, 2017.

B. The Gun Trace Task Force Investigation

On March 1, 2017, the United States District Court for Maryland unsealed an indictment charging BPD officers Momodu Gondo, Evodio Hendrix, Daniel Hersl, Wayne Jenkins, Jemell Rayam, Marcus Taylor, and Maurice Ward with criminal violations of the Racketeer Influenced and Corrupt Organizations Act, violations of the Hobbs Act, and possession of a firearm in furtherance of a crime

[5] http://www.baltimoresun.com/news/maryland/crime/bal-baltimore-detective-sean-suiter-funeral-program-20171129-htmlstory.html.

of violence.[6] All seven defendants served as members of BPD's GTTF. The GTTF was a special force created within the BPD to investigate firearms crimes and, in theory, arrest and prosecute the city's most dangerous armed and violent offenders.[7]

The indictment alleged an appalling crime spree by officers sworn to serve and protect the citizens of Baltimore. The U.S. Attorney said:

> These defendants were allegedly involved in stopping people who had not committed crimes, and not only seizing money but pocketing it," he said. "These are really robberies by people wearing police uniforms.[8]

Commissioner Kevin Davis disbanded the GTTF that month, but the GTTF grand jury investigation continued, adding new charges and defendants during the summer of 2017.

On October 12, 2017, Detective Momodu Gondo pled guilty to felony charges and agreed to cooperate with federal law enforcement.[9] He provided information that implicated Detective Suiter in robberies in 2008 when both were Western District officers. He also claimed that Detective Suiter knowingly planted heroin in a suspect's car to justify a high speed police chase in pursuit of the

[6] https://www.justice.gov/usao-md/pr/seven-baltimore-city-police-officers-arrested-abusing-power-federal-racketeering. Mr. Gondo was also charged in a separate indictment.
[7] *Id.*
[8] *Id.*
[9] *Id.*

suspect. That chase resulted in an accident that killed an elderly man driving another car.[10]

On October 24, 2017, FBI agents attempted to interview Detective Suiter. Suiter declined, and was served with a grand jury subpoena. Suiter was reported to have asked FBI agents "[w]ill I lose my job?" This was Suiter's only direct contact with federal law enforcement about the GTTF investigation.

Suiter retained Jeremy Eldridge, an attorney, to represent him in connection with the federal criminal investigation. Eldridge contacted the USAO on behalf of his client. Eldridge was advised that Suiter was not a target of the investigation.[11]

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[10] On April 28, 2010, Sergeant Wayne Jenkins of the GTTF was driving an unmarked car with another officer. Detective Suiter was in a different unmarked car; both were pursuing a car driven by Umar Burley, a man with several narcotics convictions on his record. This high speed police chase led to Burley crashing into another vehicle at the intersection of Belle and Gwynn Oak Avenues. The struck car was driven by Elbert Davis, an elderly man whose son was a Baltimore police officer. Mr. Davis's wife was also in the car. Mr. Davis's car was propelled into the front porch of a nearby house. Mr. Davis died later that day. Sergeant Jenkins and his partner could not locate any narcotics in Burley's car after the crash. To justify the high speed chase that resulted in a fatality, Jenkins advised his partner to call a sergeant to obtain narcotics immediately. The partner secured approximately 28 grams of heroin and concealed them in Burley's car. Jenkins directed Detective Suiter to search the car. Suiter found the narcotics planted by Jenkins' partner. According to Jenkins, Suiter was "clueless" that the drugs had been planted. Mr. Burley and his passenger, Brent Matthews, were charged and pled guilty to charges of possession with intent to distribute heroin [the planted evidence] in federal court, and Burley was also convicted of manslaughter in state court. Gondo had a different version of the Burley incident than admitted to by Jenkins. According to Gondo, Suiter was not "clueless" about the planted drugs, but rather that Suiter was aware that the Burley narcotics evidence was planted. Gondo later testified that he began taking money found during police investigations about ten years earlier. Detective Gondo identified Detective Suiter as one of the officers who participated with Gondo in these thefts.

[11] The USAO considered Suiter to be a "subject" of the investigation.

In return for Suiter providing truthful information, the USAO agreed to grant Suiter limited immunity for all potential criminal acts arising out of the Umar Burley incident (which is described in footnote 12).[12] Eldridge and the USAO agreed that Suiter and his attorney would appear for an interview (or "proffer") on November 16, 2017, at 11 a.m., at the USAO offices, with FBI agents and federal prosecutors in attendance. Detective Suiter was scheduled to testify before the grand jury later that day.

C. November 13 and 14, 2017

Detective Suiter had multiple communications with his lawyer in the days preceding his scheduled grand jury testimony. Mr. Eldridge declined to share these conversations, citing attorney-client privilege,[13] but Suiter's cell phone contains the following text messages:

[12] As the Burley incident was over seven years old when Suiter was first contacted, the Government faced statute of limitations challenges unless they could establish that Suiter was a member of a conspiracy that continued to operate within the relevant limitations periods.

[13] The Supreme Court has held that attorney-client privilege survives the death of the client. *Swidler & Berlin v. United States*, 524 U.S. 399, 410–11 (1998). Detective Suiter's estate now holds this privilege; it can only be waived by the estate's executor.

11/13/17 at 7:20 AM – ELDRIDGE TO SUITER

"Today in the afternoon is good for me"

11/13/17 at 8:02 AM – SUITER TO ELDRIDGE

"OK"

11/13/17 at 5:19 PM – ELDRIDGE TO SUITER

"OK" ???[14]

This implies that Eldridge was trying to schedule a private meeting with Suiter prior to Suiter's grand jury testimony. This is a very common practice to ensure that counsel believes that his or her client is properly prepared to provide truthful information under oath.

After an unsuccessful attempt to schedule a follow-up meeting, Eldridge tried again the following day in a series of text messages:

[14] Suiter cell phone records from BPD file.

11/14/17 at 7:45 AM – ELDRIDGE TO SUITER

"What time today my schedule is tight"

11/14/17 at 7:54 AM – SUITER TO ELDRIDGE

"Can we do the same time"

11/14/17 at 7:59 AM – ELDRIDGE TO SUITER

"NO"

11/14/17 at 7:59 AM – SUITER TO ELDRIDGE

"3?"

11/14/17 at 8:00 AM – ELDRIDGE TO SUITER

"Okay that's fine"[15]

That same afternoon, Suiter and Eldridge had the following telephone conversations:

11/14/17 at 5:31 PM – SUITER TO ELDRIDGE

21 SECOND CALL

11/14/17 at 5:43 PM – ELDRIDGE TO SUITER

4 MINUTE 48 SECOND CALL[16]

There is no known record of what transpired during these calls.

Detective Suiter was on duty on November 14 with homicide detective David Bomenka. Detective Bomenka was not Suiter's usual partner; Detective

[15] *Id.*
[16] *Id.*

Jonathan Jones was Detective Suiter's usual partner. Suiter, however, requested that Bomenka, a very junior homicide detective, accompany him on November 14 and 15, 2017. Bomenka began his service with the agency in 2007, but had only served as a homicide detective for five months.[17] Accordingly, Suiter was the senior member of the pair.

Detectives Suiter and Bomenka went to the Bennett Place vicinity on November 14 to investigate the December 2016 triple murder, as well as a more recent murder in the area that was Detective Bomenka's responsibility.[18] According to the case file that Detective Suiter maintained, it was the first time Suiter had been in this neighborhood to investigate the triple murder since September 19, 2017.[19] There is nothing in the case file to suggest why Detective Suiter renewed his investigation on this date.

Detective Suiter advised Detective Bomenka that he was looking for a potential witness known only as "Mary." According to Suiter, Mary was a prostitute who frequented the area where the murders occurred, and she might have relevant information. There is no information about Mary in the triple homicide investigation file maintained by Suiter, or other BPD files documenting

[17] BPD SIRT File 17J-0027.
[18] 11/15/17 Bomenka interview at BPD HQ.
[19] Davis *et al.*, 12/4/16 homicide case file.

informants. Pursuant to customary BPD practice, whenever a homicide detective obtains information about a potential witness, s/he should describe as much identifying and contact information as possible, as well as what the purported witness is suspected to know about the crime. The triple murder case file contains no information of this nature regarding "Mary." In the electronic note Detective Suiter made regarding November 14, 2017, Suiter only noted that they were looking for possible witnesses, and did not mention "Mary" or anyone else. The triple murder homicide file reflects no witness leads.

Detectives Suiter and Bomenka canvassed the Bennett Place area on November 14, 2017 (among many other areas of the city), but, according to Bomenka, did not locate "Mary."

D. November 15, 2017

Detectives Suiter and Bomenka partnered again on November 15, starting their shift before 10 a.m. Detectives Suiter and Bomenka were both in plainclothes, and so, consistent with department policy, were not using BWCs. Suiter had a police radio and his personal cell phone; Bomenka had only his personal cell phone.

Suiter drove an unmarked Nissan Altima. The two detectives spent time at BPD Headquarters and went to several locations in the city during the day.

At 4:01 p.m., Suiter received a call from his attorney, Jeremy Eldridge. The call lasted nine seconds. Bomenka recalled that Suiter told the caller that he could not talk. Suiter told Bomenka that the call came from someone other than his attorney.

Just one minute later at 4:02 p.m., Suiter drove the Altima west on Bennett Place. We know with precision when this occurred because the police recovered data from a video camera mounted by a resident on the northeast side of Bennett Place, at the opposite end of the block from where the incident occurred (the "Bennett Place Video"). This Bennett Place Video is referred to extensively as we proceed, **and we recommend that BPD make the relevant portions available to the public so that they may see this important evidence for themselves.**[20] A screenshot of the Bennett Place Video is set forth below as Figure 1. The upper-right-hand corner, marked with a red square, is magnified.

[20] At its best, the Bennett Place Video is grainy. The FBI attempted to enhance the quality but was unable to do so. Still, the Bennett Place Video is one of the most important pieces of evidence in this case. The Bennett Place Video time stamps are out of sync; the time stamp is eleven hours and four minutes behind the correct time. Accordingly, 5:26 a.m. on the time stamp is actually 4:30 p.m. The correct video time adjustment was determined by checking the time the video displayed when recovered by law enforcement with the correct time at that moment. The accurate time is reported below.

Figure 1; looking west, 900 block of Bennett Place

Bennett Place and the surrounding area are depicted in Figure 2. According to Bomenka, after passing through Bennett Place at 4:02 p.m., he and Suiter were driving along Schroeder Street when they spotted a suspicious person in the alley which runs south of and parallel to Bennett Place. They exited the vehicle but could not find the person, whom Bomenka described as an African American male, black jacket, with a white stripe or partial white section. Spotting a pile of trash, Bomenka questioned whether they had actually seen anyone during this incident.

Figure 2

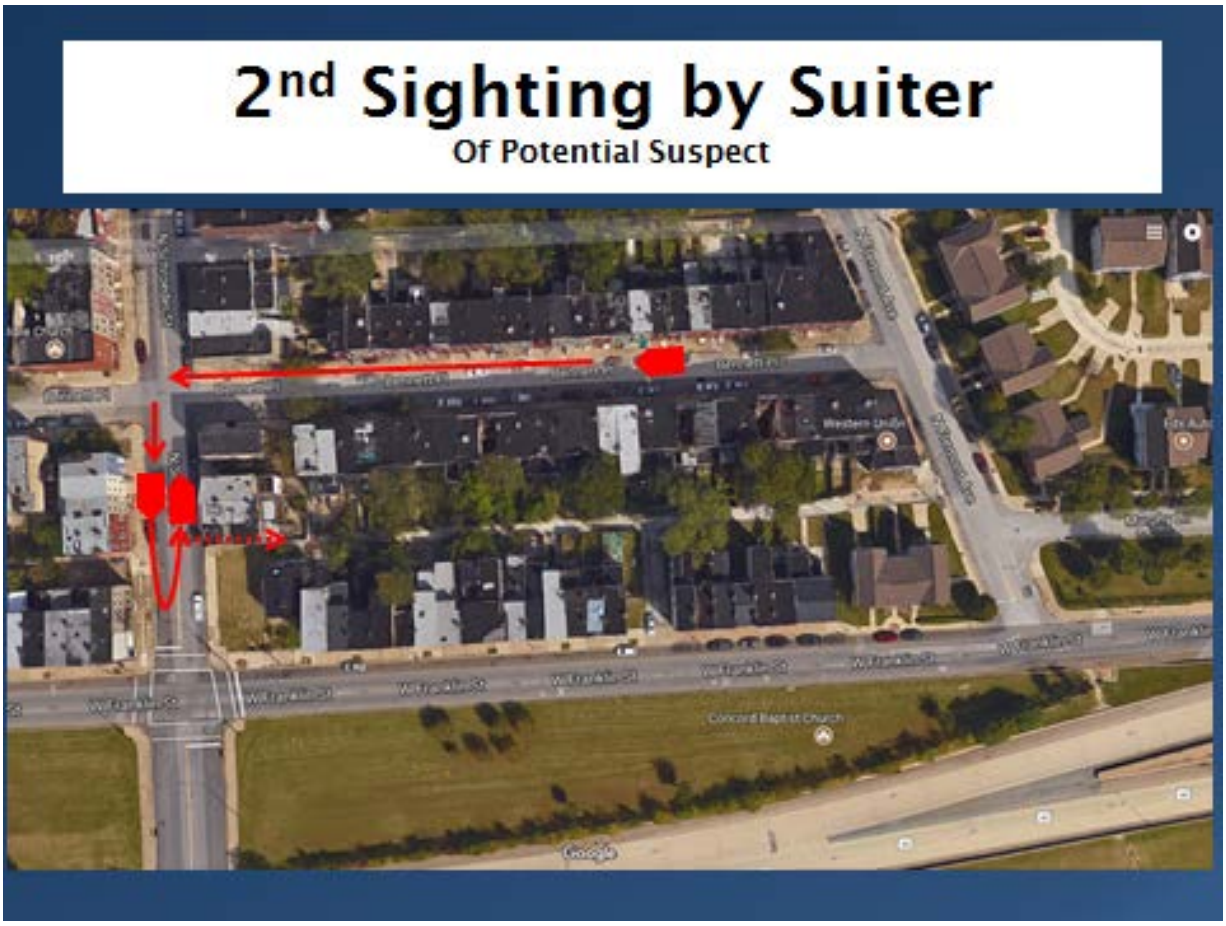
At 4:24 p.m., the Bennett Place Video recorded Suiter driving west a second time on Bennett Place, and turning north on Schroeder Street. Soon thereafter, Suiter made a U-turn, and the detectives began heading downtown to conclude their shift. They had put in a full day, and Detective Bomenka wanted to go off duty and see his girlfriend. Unknown to Bomenka, Suiter had an appointment

scheduled with his attorney at 5:00 p.m. at the 200 block of North Charles Street to discuss the next day's scheduled grand jury testimony.[21]

As Suiter drove south on Schroeder Street, he told Bomenka that he saw the suspicious individual again, in the same alley he was observed in originally. Bomenka did not see the suspect this time, but he was sitting on the passenger side, away from the side of the street with the alley. Suiter made another U-turn and parked facing north on Schroeder Street, as depicted in Figure 3.

[21] Prior to that 5 p.m. appointment, Suiter would have had to return to BPD headquarters.

Figure 3



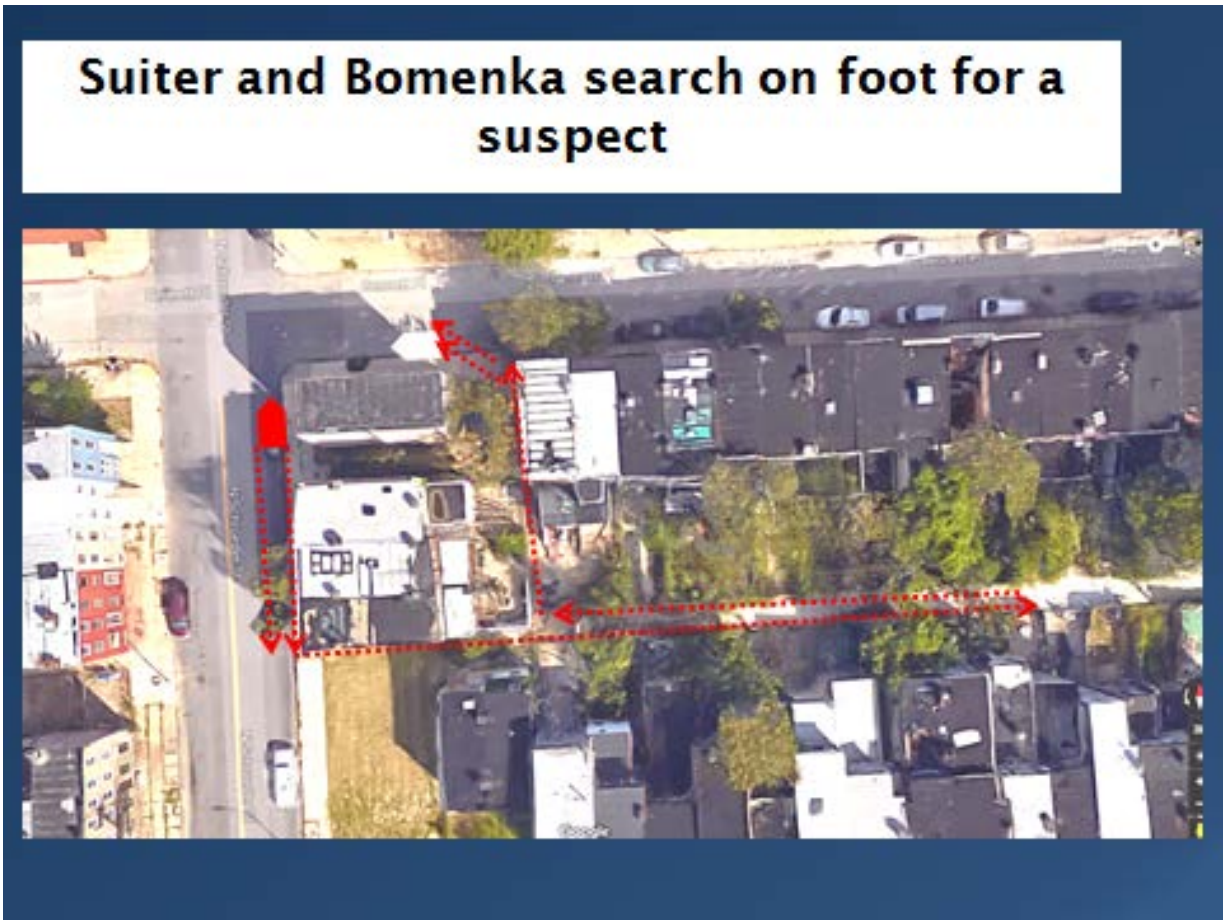
The detectives exited the Altima and went to the western edge of the alley separating the back of 900 Bennett Place houses from the back of 900 Franklin Street houses. Bomenka suggested to Suiter that they might have been mistaken in thinking they saw anyone, saying "Maybe we're just seeing things."[22]

After walking east for roughly a dozen houses, the detectives returned towards their car, having seen nothing remarkable. As they approached the end of

[22] 11/15/17 Bomenka interview at BPD HQ.

the alley, Suiter turned right (north) into a narrow pathway bordered by fences and the western wall of 959 Bennett Place. Bomenka followed. The broken line in Figure 4 traces their path.

Figure 4



Meanwhile, Jeremy Eldridge was still trying to contact his client Suiter. He called Detective Suiter at 4:27 and 4:30 p.m., but he received no answer.[23] Bomenka recalled that Suiter received a call and "clicked it off." Bomenka asked

[23] Call logs, BPD homicide file.

if the caller was Suiter's wife. Suiter responded that it was a friend, and he would call back later.[24]

The pathway Suiter and Bomenka followed led to a vacant lot just west of 959 Bennett Place. The officers walked out to Bennett Place and paused in the street after walking behind a parked white van. The Bennett Place video reveals no persons entering or exiting the vacant lot on the Bennett Place side during the relevant time period (where the shooting later occurred) other than Detectives Suiter and Bomenka.

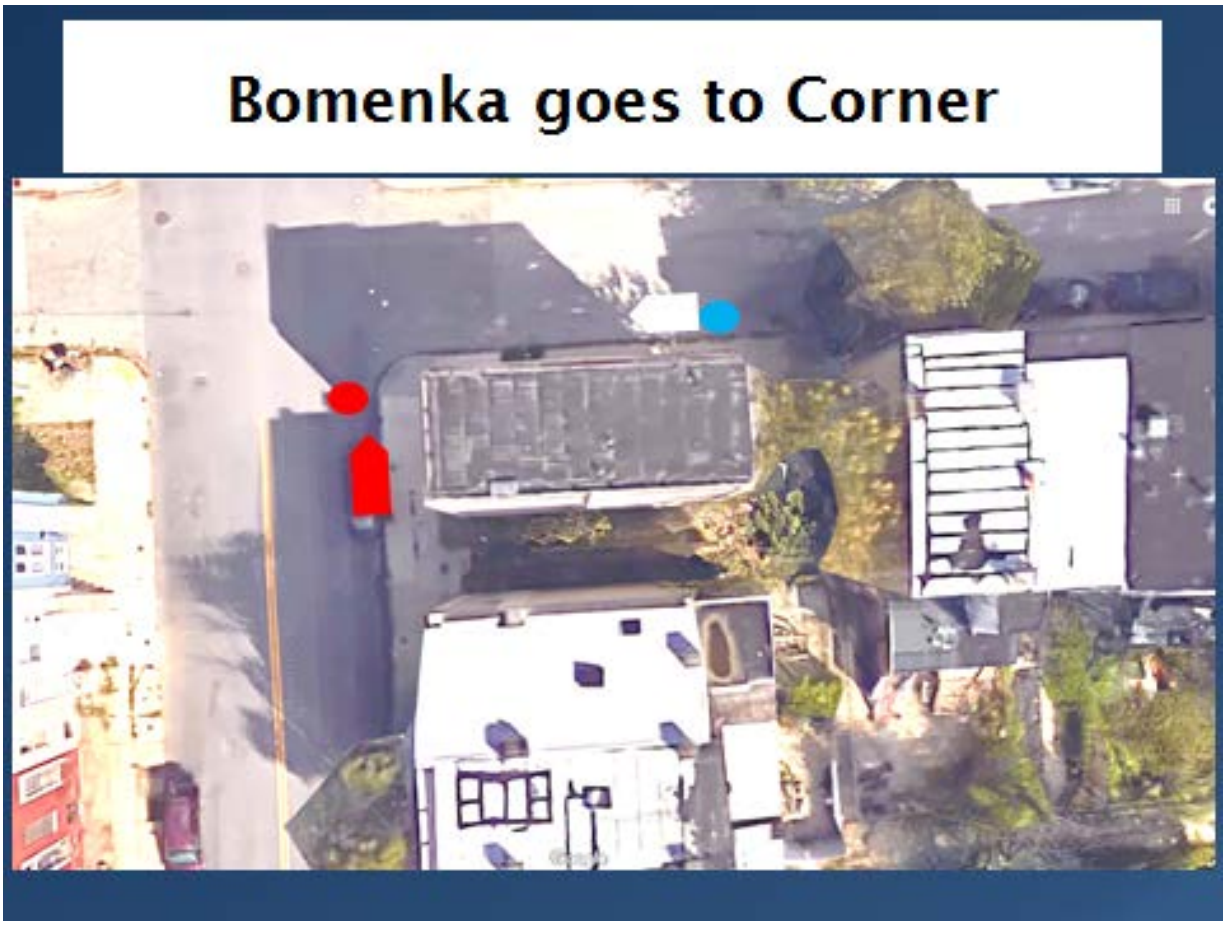
Suiter told Bomenka they should wait to see if the individual doubled back. Figure 5 depicts this moment, with Suiter as the blue dot and Bomenka as the red dot. The Bennett Place Video shows the detectives walking behind the white van and into the street at 4:32:24 p.m., eight minutes after their car was observed travelling on Bennett Place.

[24] 12/5/17 Bomenka interview at BPD HQ.

Figure 5

Twenty seconds later at 4:32:44 p.m., Suiter walked back behind the white van, and Bomenka went to the corner of Bennett Place and Schroeder Street. *See* Figure 6. Bomenka recalled that Suiter directed him to take this position so that he could see if someone came out of the opening between the two houses on Schroeder Street, directly next to the parked Altima. That opening leads east directly to the vacant lot.

Figure 6

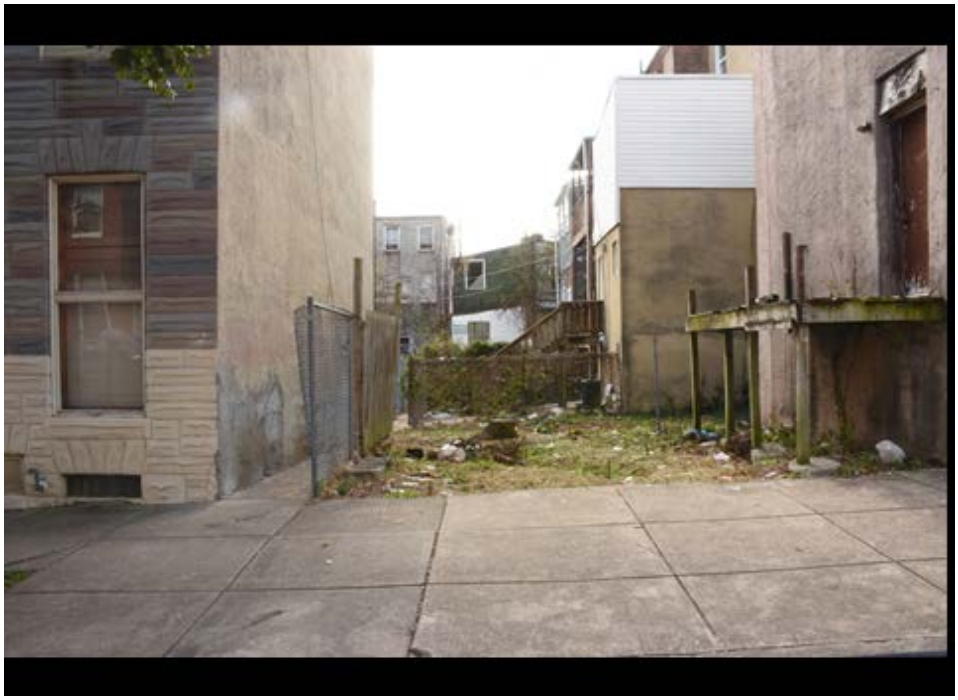


The detectives maintained these positions for a little over three minutes. Suiter can be observed pacing at the rear of the white van. Police officers are taught to be as inconspicuous as possible during surveillance. Thus, Suiter's pacing put him at a tactical disadvantage because it made him more conspicuous and allowed someone approaching from the vacant lot to see him.

At 4:36:10 p.m., Suiter ran towards the vacant lot and out of view of the Bennett Place Video and Detective Bomenka. As Detective Suiter disappeared

from view, Detective Bomenka observed Suiter beginning to unholster his weapon with his right hand. Just prior to that, Suiter waved at Bomenka; the purpose of this gesture was unclear. Bomenka interpreted the wave to signify that something was happening in the vacant lot. Figure 7 depicts the lot as viewed from Bennett Place.

Figure 7



Bomenka followed Suiter towards the lot along Bennett Place. He was roughly sixty feet from the northwestern edge of the lot when Suiter disappeared from view.

As he approached, Bomenka heard Suiter yell "Stop! Stop! Stop! Police!," and heard five or six gunshots.[25] As he reached the vacant lot, Detective Bomenka provided varying accounts of Suiter's position when first observed: falling, just finishing a collapse to the ground, or fallen to the ground. Detective Bomenka observed gun smoke hovering close to the ground where Suiter was located.

In one account, Detective Bomenka stated he heard shots *after* he saw Suiter down or falling. Detective Suiter's gun was not visible. Detective Bomenka would later see that Detective Suiter had fallen on top of his gun.[26]

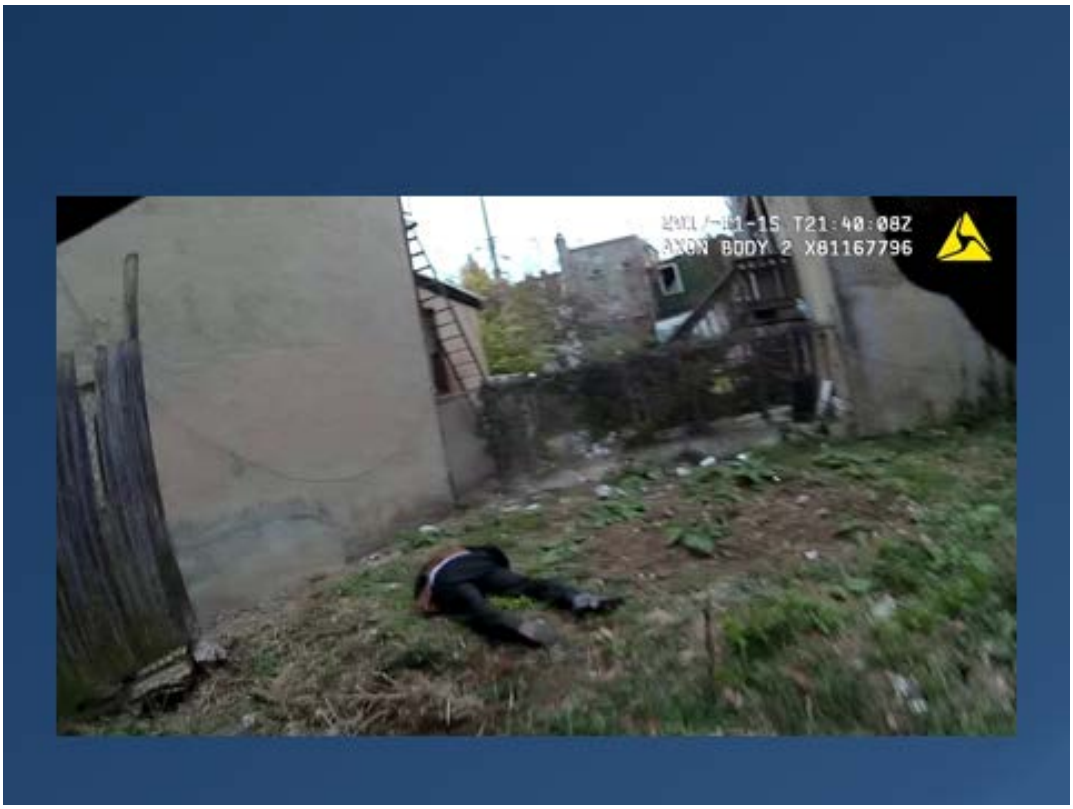
Detective Suiter was holding his police radio in his left hand.[27] The radio was not activated as he ran towards the lot, but it became active for just a moment, just as Detective Bomenka heard shots. The radio transmitted an unintelligible sound. Some law enforcement personnel who know Suiter believe it was his voice. A loud sound then occurs, which may or may not be a gunshot. The radio signal then went dead. This radio transmission occurred at 4:36:10 p.m. according to transmission records, the same moment the Bennett Place Video shows Suiter

[25] 11/15/17 Bomenka interview at BPD HQ. As noted, the ballistics examination revealed that three shots were fired from Detective Suiter's weapon. Detective Bomenka's weapon was also examined; no shots were fired from it. Subsequent investigation of the surroundings revealed no evidence of any other shots being fired. But the vacant lot was located in a man-made "canyon" of buildings, so there is a possibility that Detective Bomenka mistook echoes of gunshots as actual firings.
[26] 11/15/17 Bomenka interview at BPD HQ.
[27] *See* footage from Officer Santiago BWC.

running into the lot. The video and radio timing mechanisms, however, are not synchronized to the second.

As Detective Bomenka ran to the vacant lot, he unholstered his gun and scanned the area for a potential active shooter. Bomenka did not see anyone other than his fallen partner, nor did he see anyone fleeing the area. He then ran west on Bennett Place, crossed Bennett Place to the north side, and called 911 at 4:36:51 p.m. from the northeast corner of Bennett Place and Schroeder Street. Upon reaching this corner, Bomenka did not see anyone.

Figure 8; Suiter's position when found at the vacant lot



A resident from the second floor of 959 Bennett Place (the residence immediately east of the vacant lot) heard what he recalled to be four gunshots. He then looked out of his window facing Bennett Place. He saw a plainclothes officer. He correctly described Bomenka's attire, but he said that he thought the officer was African-American because he observed a "bald head." Bomenka is Caucasian. The witness heard this plainclothes officer shout what the witness perceived as "Stan! Stan! Stan!" and saw the plainclothes officer, gun drawn, scan the area where Suiter was found. The red dot in Figure 9 identifies where the witness observed Bomenka scanning for a possible shooter. The witness then observed the officer run west on Bennett Place towards Schroeder Street. He then saw the plainclothes officer return as uniformed officers arrived on the scene.[28]

[28] Recorded BPD interview of 959 Bennett Place witness, 11/15/17; interview of 959 Bennett Place witness, 7/5/18.

Figure 9

The Bennett Place Video shows Bomenka running towards Schroeder Street (away from the lot) just eight to nine seconds after he began running towards the lot where Suiter was shot. Accordingly, all of the actions that led to Detective Suiter's death must have occurred in a time period of less than nine seconds. Suiter ran 26 feet to where he was found dead. Bomenka, starting just after Suiter, ran about sixty feet to where he could view Suiter. Given the modest difference in the extra distance that Bomenka had to travel, and the fact that he made it to the lot and back to Schroeder Street in nine seconds, all of the actions that led to Suiter's death could have only taken a couple of seconds at most. This leaves very little

time for an assailant to overpower Suiter, shoot Suiter with his own weapon, remove any evidence of the assailant's presence, and disappear from view.

Within one minute, at 4:37:55 p.m., the 911 operator activated a "Signal 13" (officer down) alert.[29] Officer Santiago, a patrol officer who was in uniform and wearing a BWC, was the first responding officer to approach the scene. He saw Detective Bomenka, and together they returned to the vacant lot.

Figure 10 is a still shot from Officer Santiago's BWC at 4:39:55 p.m., about 3.5 minutes after the shots were fired.[30] Officer Santiago, gun drawn, provided cover for Detective Bomenka as the latter approached Detective Suiter's motionless body. Suiter was lying prone just past a tree stump adjacent to a hole in the ground several inches deep.

[29] CAD Report, Homicide file.
[30] The BWC still shot has a time stamp of 21:39:55 p.m. The BWC time stamps are set for Greenwich Mean Time, which means that the time was 4:39:55 p.m. Eastern time. Santiago BWC data.

Figure 10; Bomenka approaches Suiter as Office Santiago provides cover.

That same minute—4:40 p.m.—Officer Millon reached the scene. He could see that Suiter had been rolled over on his back. Detective Bomenka was trying to save Detective Suiter's life as he administered chest compressions to Detective Suiter. *See* Figure 11. In so doing, Bomenka exposed himself to potential fire in what was then believed by the officers on the scene to be an active shooter environment.

Figure 11; from Officer Millon's BWC (The red circle is magnified).

The detectives could see Suiter's weapon underneath his torso/abdomen area as Bomenka rolled Suiter on his left side and back. Suiter's radio remained in his left hand; this is important in analyzing the possible scenarios pertaining to Suiter's death.

Detective Bomenka was unable to revive Detective Suiter as other officers arrived on the scene. *See* Figure 11. Suiter's shirt was undisturbed with no signs of shirt tears or missing buttons. *See* Figures 11 and 19. Detective Suiter was

placed in a squad car within thirty seconds of being lifted from the lot, and he was then transported to the University of Maryland Medical Center.[31]

The raw emotion and complete focus on saving a fellow officer's life are painfully apparent in the BWC footage. The officers transporting Suiter acted utterly without regard for the potential dangers inherent in an "active shooter" environment. The driver of the patrol car transporting Detective Suiter ran into another squad car as he backed out of his parked position and then was involved in another accident at the intersection of Baltimore Street and Martin Luther King Boulevard. Detective Suiter was transported the last few blocks by an ambulance that was at the intersection and within view of the hospital.

Just after Detective Suiter was placed in the patrol car, he received another text message from his attorney. At 4:42 p.m., Eldridge texted Suiter, "You have grand jury by subpoena at 1 pm in federal court. And a meeting at 11 am at USAO", followed immediately by, "I can't stay past 6." Getting no response, he texted again at 4:52 p.m., "Dude, what the **** is going on".[32]

Detective Bomenka stayed behind at the scene. He spoke with several uniformed officers: Rodriquez, Persico and Catron, as well as Sergeant Purtell (by

[31] Officer Rodriquez BWC at 4:41:10 p.m.
[32] Detective Suiter cell phone SMS data, Homicide file.

phone), Sergeant Klein, Detective O'Connor, and the police chaplain. Most of these statements were preserved through BWC files. Detective Bomenka was then transported to police headquarters to provide a statement. This statement was also captured on video.

Officer Rodriquez was the first officer to see Detective Bomenka at the scene of the shooting. The officer asked "[s]uspect information?" The clearly distraught Detective Bomenka replied, "[n]o, I didn't see, Sean was calling me to come over, he ran over and I came around the corner and shots were fired. I was watching the other side."[33]

Detective Bomenka added in his comments to Officer Persico: "I didn't even see where the shots were coming . . . ."[34] Back at the station, Detective Bomenka told officers that he didn't see anyone, hear anyone running away, or hear the sounds of a car driving away immediately after the shooting.

E. Post-Shooting Investigation

We discuss the investigation process in Sections V and VI. Here, we highlight the key pieces of evidence that emerged during the investigation.

[33] Rodriquez BWC.
[34] Persico BWC.

1. *Detective Suiter's weapon and ballistics evidence at the scene*

Detective Suiter was carrying a department-issued Glock .40 caliber firearm. Based upon the cartridge cases recovered at the scene, and the remaining ammunition in the weapon, it is highly likely that Detective Suiter's weapon was discharged three times. Three casings that matched his weapon were recovered within a few feet of where Suiter's body landed; two were found below and to the right of his body, the third casing was observed south of his head. A Glock does not discharge casings to the left. One bullet was recovered several inches deep into the ground, inches to the left of where Detective Suiter's body was found; the other two bullets were not found despite an extensive search of the surrounding area and structures.

The fatal bullet was not located until several days after the shooting. BPD received information early on from University of Maryland Shock Trauma personnel that the fatal bullet entered the ***left*** side of Suiter's skull. This mistaken belief was corrected on November 19, when the Medical Examiner's Office conducted the autopsy and determined the entrance wound was on the ***right*** side of the skull. Until this erroneous assumption was corrected, BPD searched to the right of where Suiter's body was found for the fatal bullet. BPD also assumed a

suicide was highly unlikely, as the entrance wound would likely come from the right side in a suicide, because Suiter was right handed.

Figure 12; facing south and to the east from Bennett Place.

Figure 12 depicts items recovered from the lot. Flags 3, 5, and 6 show where the three Glock casings were found. Flag E represents the radio, Flag 4 is Suiter's gun, Flag F represents Suiter's glasses, and Flag G is the pool of blood.

The remains of the bullet recovered from the ground were also analyzed. It was deformed from impact. Due to this deformation, the forensic analyst could

only conclude that the bullet was similar in construction to BPD-issued ammunition. Due to the lack of agreement regarding individual characteristics of the bullet, it could not be identified or eliminated as being fired from Detective Suiter's weapon.

Figure 13; remains of the bullet dug out of the lot.

The DNA tests of Suiter's firearm, however, establish that Detective Suiter's weapon issued the fatal shot. Suiter's DNA was recovered from the *inside* of the

gun barrel.[35] The most plausible explanation for the presence of Suiter's DNA inside of the barrel of his gun is that blood from Suiter's head was expelled into the barrel milliseconds after the fatal contact wound shot. If there had been pre-existing DNA of Suiter's inside the barrel, it was likely expelled or destroyed by the firing of three grooved bullets through a tight barrel, coupled with the heat and gases produced by the firing. What this means is that there is a very high probability that the last shot fired from Suiter's weapon was the shot which caused the back spatter into the gun barrel.

We asked the Chief of BPD's forensic lab to run another test to determine if DNA from Detective Suiter that might have been in the gun barrel before the three shots were fired (for example, from Detective Suiter carrying and cleaning his gun) would still be present after the firing. The forensics lab tested two service weapons, which had been used by two officers for several years. These officers were responsible for cleaning their own guns pursuant to department protocol, but they did not clean the guns immediately before the test. The forensic lab fired three shots from each weapon (the same number of shots that were fired from Suiter's service weapon). There was no DNA profile developed after swabbing the

[35] A member of the IRB team spoke to the BPD forensic serologist who swabbed the gun for DNA. The specialist confirmed that the DNA swabs were taken from inside the barrel of the gun. The barrel is too small to fit an adult male's finger.

barrels of these weapons. Specifically, no DNA of either of the officers was found in the barrels of their service weapons.

The forensic lab concluded that Suiter's DNA found in the barrel of his service weapon almost certainly had to come from blood exiting his head after the fatal shot was fired. This fact, coupled with the other ballistics and physical evidence related above, means that it is highly likely that the bullet that killed Suiter came from Suiter's service weapon.

2. *Detective Suiter's Clothing*

Detective Suiter was right-handed. When Suiter was found prone in the vacant lot, his police radio was in his left hand. The inside of Detective Suiter's right arm shirt sleeve contained "directional fine mist blood spatter indicative of blowback." *See* Figure 14.[36] Three court-certified blood spatter experts—Detective Robert Ross, Chief Steven O'Dell, and Gary Childs of this Board—analyzed the sleeve. All three experts found the blood spatter pattern consistent with Suiter's sleeve being directly exposed to the contact head wound at the moment the bullet impacted Detective Suiter's head. Moreover, for the blood

[36] Major Jones, 2/4/18 report. Apparently due to a clerical error, BPD records initially reflected that the blood spatter was found on Suiter's jacket sleeve, not the inside of his shirt sleeve. BPD realized, upon discovering this mistake, the enhanced significance of this evidence. For spatter to end up inside Suiter's shirt sleeve, as opposed to his outer jacket, suggests that Suiter's sleeve must have been exposed and very close to the bullet entry point into Suiter's skull.

spatter emanating from Detective Suiter's skull to gain entry to the *inside* of his right sleeve, the sleeve must have had some open space between the sleeve and the wrist.

Figure 14

The investigators also examined whether a suspect may have left DNA on Suiter's right sleeve, because to kill Suiter using his gun, it is likely that there would have been a struggle for that gun. DNA was tested from the right hand shirt and jacket sleeves, the tie, the lanyard, the jacket lapels and the area above the

jacket buttons, the button area of dress shirt, the right hip of the pants, and the holster. Only Suiter's DNA was identified—nobody else's—aside from trace amounts detected, which might be attributable to two officers who carried Suiter to a police vehicle for transportation to the hospital.[37]

Dirt stains were found on Detective Suiter's trousers, most notably on the left knee (Figure 15). Detective Suiter's shoes showed mud on the left toe tip and a small amount of mud on the right toe tip (Figures 16 and 17). Some BPD personnel contend that this could serve as evidence of a struggle; it could also be consistent with Suiter taking a knee, either deliberately or through a fall.

[37] There were some minor indeterminate contributors found in the samples. In an attempt to identify the minor contributors in the samples a computer program called True Allele was utilized. The standards of five police personnel, including Detective Bomenka, and two persons of interest were run through the True Allele program. The results indicated that Officer Brendon Provow could not be included or excluded from the right sleeve of the dress shirt and he matches a genotype from the right hip area around the pocket of the suit pants. Additionally, Officer Joshua Rutzen cannot be included or excluded from the right jacket sleeve and the right hip area around the pocket of the suit pants. These two officers were involved in moving Detective Suiter from the crime scene to be transported to Shock Trauma. No other DNA was identified from the samples of Detectives Suiter's clothing.

Figure 15


Note mud on left knee as Suiter is loaded into police vehicle for emergency transport
2017-11-15 T21:41:12Z
AXON BODY 2 X81023615

Figure 16

Figure 17

3. *The medical examination*

The medical examination (autopsy) was conducted by the Office of the Chief Medical Examiner for the State of Maryland. The autopsy occurred on November 19, 2017.[38] The Examiner listed "gunshot wound to head" as the cause of death. The Examiner found no evidence of injury to Detective Suiter's neck,

[38] Detective Suiter was an organ donor. Procedures arising from organ harvesting delayed the autopsy.

ribs, or sternum. There was no evidence noted of any abrasions or bruises on his hands, or other possible signs of a struggle. However, Detective Suiter's hands were cleaned with peroxide at the hospital, providing one explanation for why no dirt or other material was found on the hands or fingernails. In the rush to attempt to save his life, hospital personnel cleaned Detective Suiter's hands before law enforcement personnel could perform a gunshot residue test.

There was a 1/4 inch gunshot entrance wound on the right side of the head, above the right ear. An exit wound was visible on the left side of the head, revealing a trajectory of slightly front-to-back and slightly upward. "Evidence of close range firing (contact range) was noted on the skin surrounding the entrance wound . . . ."[39] This means at least some of the barrel was in contact with the skull when the fatal shot was fired.

The only injuries noted apart from the gunshot wound were a 2 inch by 1 inch bruise on the upper left arm, and a 1 inch by 1inch bruise on the middle of the right thigh.[40]

The examiner concluded: "Based on the evidence available at the time, the manner of death is best classified as HOMICIDE." This opinion was rendered

[39] Report of Medical Examiner.
[40] *Id.*

officially on January 9, 2018, with the examination occurring on November 19, 2017.[41]

The attending medical examiner observed the contact wound. This led her to ask one of the attending officers if there was any indication that this might be a suicide. The officer responded: "[n]o". No alcohol or other drugs of abuse were found in Detective Suiter's toxicology screen.

4. *Digital Data from Detective Suiter's cell phone and work computer*

Detective Suiter's personal cell phone was sent to the FBI in Quantico, Virginia for analysis. BPD analyzed Detective Suiter's work computer with BPD-licensed software. His personal home computer was not examined (BPD obtained a search warrant to search the cell phone, but not the personal computer). As noted earlier, several communications between Detective Suiter and his lawyer were recovered from Detective Suiter's cell phone.

The cell phone analysis revealed substantial deletions. Detective Suiter or someone with access to his phone deleted GTTF defendants Gondo and Ward from his contacts. Seventy-five text messages and 313 call log entries were also deleted.

[41] *Id.*

On August 29, 2017, the court entered an order in the GTTF criminal case cancelling a hearing date, and setting a date for a status report for defendant Gondo and others. An order such as this is often a signal that one or more defendants is in the process of reaching a plea agreement with the prosecutors, which might require disclosure by the defendant of all criminal activity he may have engaged in, and with whom.

A search of Detective Suiter's work desktop computer revealed that Suiter Google searched for "vaughn green funeral" on five occasions on September 6, 2017. When Detective Suiter was laid to rest, his family utilized the services of Vaughn Green Funeral Home.

BPD received a letter from Officer Hersl, through his counsel, on December 10, 2017, which heightened the potential significance of the missing data. Hersl, one of the original indicted GTTF officers, pled guilty and agreed to cooperate with the Government. According to Hersl, Suiter and Gondo had been in recent contact, although Suiter's phone evidenced no calls with Gondo since March 2016.

5. *Other Evidence Gathered*

Detective Bomenka's firearm was also examined; it was not fired during the events on November 15. BPD executed nine search warrants of houses in the vicinity but found no evidence pointing to a suspect. A $215,000 reward was

offered for information about the perpetrator of the crime. This generated 52 leads, all of which were investigated with negative results. BPD reached out to both federal and state law enforcement officials for additional information; neither was able to provide information leading to suspects. To this day, there are no leads and no suspects or "persons of interest." The comprehensiveness of the search for witnesses is documented in Section VI.

This work was not in vain. The failure, particularly after an exhaustive investigation, to locate even the hint of a suspect may be telling.

6. *The Baltimore Police Commissioner's Public Statements*

Detective Suiter was pronounced dead at the University of Maryland Hospital around noon on November 16, 2017. Shortly afterwards, then-Police Commissioner Kevin Davis spoke with the media outside the hospital. The Associated Press reported that Commissioner Davis stated that Detective Suiter was shot by a man he approached in a vacant lot.[42] Commissioner Davis added that Detective Suiter approached the man because he was "acting suspiciously."[43] In a press conference shortly after the shooting, Commissioner Davis added that

[42] The Baltimore Sun, 11/19/17, "Baltimore Detective Dies After Being Shot on Duty," David McFadden (AP).
[43] *Id.*

Detective Suiter and the man had a brief conversation before the man shot Detective Suiter.[44]

Commissioner Davis described the shooter as a "heartless, ruthless, soulless killer."[45] Commissioner Davis added that the shooter may have been wounded during the confrontation, and that police were canvassing doctor's offices and hospitals.[46]

It is not clear why Commissioner Davis made these statements. Neither the IRB nor the homicide detectives involved saw any evidence that: 1) Detective Suiter approached a man in the vacant lot; 2) they had any conversation; or 3) that the shooter may have been wounded.

The IRB recognizes, of course, that this was a difficult moment for everyone in BPD, coupled with a visceral response of wanting to catch a potential police killer. Such situations are sometimes likened to a "fog of war" atmosphere, which may at least partially excuse some of these early misstatements.

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[44] Baltimore Afro-American, 11/16/17, "A Baltimore Homicide Detective has Died After being Shot on Duty; Suspect Still at Large." One homicide detective told us that his reaction to Commissioner Davis's statement about a "brief conversation" between Detective Suiter and the assailant was to ask, "[w]hat the h*** is he [Davis] doing?"

[45] *Id.*

[46] The Baltimore Sun, 11/19/17, "Baltimore Detective Dies After Being Shot on Duty," David McFadden (AP).

That same day, Acting U.S. Attorney Stephen Schenning and FBI Special Agent in Charge ("SAC") Gordon Johnson spoke with Commissioner Davis by phone.[47] Mr. Schenning advised Commissioner Davis that Suiter had been subpoenaed to appear before the grand jury that day. The Acting U.S. Attorney described Suiter as a "subject" of the investigation and described the DOJ definition of a "subject."[48] Schenning advised Davis of statements by other GTTF defendants (some exculpatory, some inculpatory) that: 1) Detective Suiter had "discovered" planted evidence (narcotics) in a suspect's car (one witness said Suiter was aware the evidence was planted; another said he was a dupe); and 2) that Suiter had participated in robberies of citizens during his tenure at Western District. The upshot was that federal law enforcement did not have enough information to determine whether Suiter had been involved in criminal activity.

[47] Commissioner Davis told the press this conversation took place on November 15, 2017.
[48] The Department of Justice defines "subject" as "a person whose conduct is within the scope of the grand jury's investigation." United States Attorneys' Manual at 9-11.151. A "target" is someone for whom there exists sufficient information to indict, in the U.S. Attorney's opinion. A "witness" is someone who is not believed to have culpability, but does have helpful information. A "subject" occupies the space between these two categories, and thus may or may not have criminal responsibility. As noted earlier, Detective Suiter was offered limited immunity (only as to the Umar Burley events) by the USAO.

Commissioner Davis, however, later related to reporters that in this conversation the federal officials provided "no indication that he's [Suiter's] a dirty cop."[49]

Several BPD officers claim that Commissioner Davis did not share internally what he learned from Schenning until November 22, 2017. On that day, Commissioner Davis again briefed the media. He stated that Detective Suiter had been scheduled to testify before a grand jury the day after the shooting, as advised by Mr. Schenning.[50] Davis added: "[t]here is no information that has been communicated to me that Detective Suiter was anything other than a stellar detective, great friend, loving husband, and dedicated father." Commissioner Davis continued to assert that there was "evidence of a struggle." [51]

In late November 2017 Davis and BPD officials met with SAC Johnson and other FBI agents. At this meeting, it became apparent to SAC Johnson that Davis had not shared with his fellow BPD members the full contents of the November 16 call about Suiter's potential criminal involvement. Homicide detectives have confirmed that Commissioner Davis never shared with them the allegations about Suiter's potential involvement in robberies and planting evidence, as was described

[49] The Baltimore Sun, 12/27/17, "FBI Rejects Baltimore Police Request…," Kevin Rector.
[50] The Baltimore Sun, 11/23/17, "Baltimore Cop Killed With His Own Gun…," Justin Fenton.
[51] *Id.*

by the Acting U.S. Attorney to Davis. As a result, communication protocols were established so that the FBI could share information directly with the homicide detectives working the case.

Also in late November 2017, Commissioner Davis asked the FBI's Baltimore office to take over the Suiter murder investigation. The FBI declined. On December 1, 2017, Commissioner Davis renewed his request by holding a press conference to announce BPD's request that the FBI take over the Suiter homicide investigation.[52] Commissioner Davis did not advise the public that the local FBI office had already concluded it was not an appropriate matter for a federal investigation. He gave the FBI's Baltimore office less than an hour's notice that he was making a public appeal to FBI Headquarters.

In response to a question about whether Detective Suiter's wound was "self-inflicted," Davis responded:

> We have physical evidence that suggests a struggle. The appearance of Detective Suiter's clothing suggests a struggle. The radio transmission that is unintelligible—and the FBI made every effort to enhance it, and they can't enhance it—it's still, to me, a two-, three-second radio transmission made by Detective Suiter that is clearly made in distress. And at the conclusion of that very brief radio transmission you hear the sound of a gunshot.[53]

[52] http://www.baltimoresun.com/news/maryland/crime/bs-md-ci-transcript-bpd-update-20171201-story.html.
[53] *Id.*

We listened to the radio transmission many times. If there is one thing that is "clear" about this transmission, it is that nothing in this transmission is clear.[54]

Reporters continued to press Commissioner Davis as to whether this case might be a suicide:

> REPORTER: I think this is a yes or no question but you might find it otherwise: is suicide a theory that your detectives are pursuing? Is that one of the theories that you are pursuing?
>
> DAVIS: I appreciate you giving me an out to not answer that yes or no. The evidence suggests where we go. So there are probabilities and possibilities. Anytime we have an investigation like this we have to examine every possibility, and we go down that road. But based on our evidence and based on the investigation that pursues that particular possibility, there is no evidence that that was probable. And you can imagine . . . that certain things are looked at, certain people are spoken to, devices are examined, et cetera that usually give police an idea that someone was contemplating that. **There is no evidence whatsoever right now that leads us to suspect that that [suicide] is something that we have.** (emphasis added).[55]

On December 27, 2017, BPD announced that the FBI had declined to take over the Suiter investigation. Commissioner Davis told reporters that the agency

[54] Indeed, Detective Bomenka said he heard Detective Suiter saying, "Stop! Stop! Stop! Police!," which suggests a suspect fleeing, not attacking.

[55] At the time Commissioner Davis made the November 22 and December 1, 2017, statements, he and/or his department was aware: 1) Detective Suiter was killed with his own weapon, at contact range; 2) there was blood spatter inside Detective Suiter's right shirt sleeve; 3) there was no DNA present on the weapon other than Detective Suiter's; 4) Suiter was the "subject" of a grand jury investigation, and he had been implicated in GTTF wrongdoing; 5) over two weeks of exhaustive investigation had not turned up a single suspect; 6) Detective Bomenka, who saw Suiter's body moments after the shots, had not seen anyone; and 7) the Medical Examiner had not remarked upon any evidence of a struggle revealed by Suiter's physical condition.

continued to focus on two theories: 1) that Detective Suiter was killed by an unknown attacker, and 2) that Detective Suiter killed himself. The Commissioner added that he believed the first theory was supported by evidence, but not the second.[56]

Commissioner Davis's ongoing statements about the progress of the investigation frustrated some critics. A *Baltimore Sun* editorial following the December 1, 2017, press conference concluded:

> The net effect [of Davis's "shifting story"] has been to badly strain the public's credulity in the police department's handling of the case. That's what matters here, not who gets credit for calling the FBI.[57]

Commissioner Davis's comments created "confusion . . . not just within the community, but within the homicide unit . . . ."[58] This confusion may have contributed to a social environment in which rumors sprouted without supporting evidence. As Commissioner Davis acknowledged, a "conspiracy to commit murder by a cop" became a "widely-held belief."[59]

[56] The Baltimore Sun, 12/27/17, "FBI Rejects Baltimore Police Request…", Kevin Rector.
[57] The Baltimore Sun, 12/3/17.
[58] The Baltimore Sun, 12/27/17, "FBI Rejects Baltimore Police Request…", Kevin Rector.
[59] *Id.*; The Baltimore Sun, 11/19/17, "Baltimore Detective Dies After Being Shot on Duty," David McFadden (AP).

Members of the IRB interviewed Commissioner Davis.[60] Davis claimed that while suicide was "always on his mind," he remained convinced that Suiter was the victim of a homicide. Commissioner Davis claimed that FBI SAC Gordon Johnson told Davis that Suiter "was not a dirty cop." (SAC Johnson states that he discussed the allegations and potential exculpatory evidence regarding Suiter with Davis, but said the FBI had not made a determination as to Suiter's status. SAC Johnson emphasized that federal law enforcement officers discussed that Suiter might or might not have culpability, but the FBI had reached no conclusions as to Suiter's conduct. Schenning advised that he had told Davis on November 16 of allegations of wrongdoing by Suiter). Davis said that there were eight seconds in which the homicide could have occurred, and that "a lot of things can happen in eight seconds."

On January 19, 2018, Commissioner was replaced by Commissioner Darryl DeSousa as BPD's Police Commissioner. On February 4, 2018, the Commanding Officer of the Homicide Division provided a memorandum about the status of the investigation to the Chief of the Criminal Investigative Division of BPD. The memorandum concluded:

[60] Davis initially was reluctant to be interviewed by the Board. He claimed that BPD leadership is untrustworthy and that he had to instruct his command staff multiple times to get an order implemented.

> In our experience and field of knowledge at this time we are unable to determine the exact manner of death of Detective Sean Suiter. There are indications (based on crime scene investigation and circumstantial intelligence) as to the event being that of a suicide, to include the remote-possibility of an accident. However, no absolute findings/conclusion could be rendered via Detective Suiter Task Force Operations as was communicated to the O.C.M.E. [Office of the Chief Medical Examiner] where no amendment to the death ruling was made.[61]

For all intents and purposes, the investigation was concluded. The public was not so advised. The next day, on February 5, 2018, former GTTF member Momodu Gondo testified before a federal jury that he and Suiter together robbed residents in 2008. As of this writing, eight former BPD GTTF members have pled guilty or were convicted after trial of various felonies arising from their lawless conduct.

IV. HOW DID DETECTIVE SEAN SUITER DIE?

A. The Event

The fatal shooting of BPD Detective Sean Suiter on November 15, 2017, in BPD's Western Patrol District, led to a massive investigative search, long-term disruption of community life and widespread speculation among both police and residents as to its cause. To ensure public safety, the circumstances involved in the immediate aftermath of Detective Suiter's death left few

[61] BPD-CD000083397_CID Homicide File.

alternatives to the subsequent tactical and investigative actions of BPD. Given the need to establish an inner security perimeter to contain and eliminate the threat of an active shooter, create an outer security perimeter to control and divert pedestrian and vehicular traffic, position a command post and provide temporary sheltering for displaced residents, organize a house-to-house search for suspects and witnesses and conduct crime scene examination and expeditious follow-up by the homicide unit, a significant portion of the Harlem Park neighborhood in the Western District was shut down for almost six days. *See* Figure 18. Pursuing every lead and possibility, homicide detectives conducted multiple canvasses of virtually every residence (speaking with nearly every resident) in the affected area during this period.

Figure 18; Harlem Park area affected by the Suiter investigation

B. <u>Theory 1</u>: Was Detective Suiter killed by an unknown suspect?

<u>Short Answer</u>: The Board concludes that, based upon the totality of the evidence, Detective Suiter was not killed by a third person.

Reasoning:

1. *Detective Suiter was shot to death with his own service weapon*: The bullet that went through Detective Suiter's skull was consistent with department-issued ammunition. Based upon the totality of the evidence, it is highly likely that it was fired from Detective Suiter's weapon. Three shell casings were found in the area; all were discharged by Detective Suiter's weapon. Suiter's weapon had Suiter's DNA inside the barrel. The physical evidence is overwhelming that the fatal weapon and Detective Suiter's service weapon are one and the same.

2. *It is most implausible that anyone other than Detective Suiter could have* fired *the fatal shot with his weapon:* part of the gun barrel was in contact with Detective Suiter's skull when the fatal shot was fired. No traceable DNA was recovered from the weapon other than Detective Suiter's. Blood spatter was found on the *inside* of Suiter's right sleeve. Thus, the sleeve must have been exposed to where the bullet entered the skull at the moment of firing. This leads to two conclusions: 1) Detective Suiter's arm could not have been at a severe angle compared to the position of the gun barrel when the fatal shot was fired because the sleeve had to be open and fairly parallel to the gun barrel for back spatter to occur (an odd position if the shooting was accidental or the result of being

physically overwhelmed); and 2) that someone could not have been firmly grasping Detective Suiter's wrist or hand at the moment of the firing. Finally, the weapon was found under Detective Suiter's torso or abdomen when he fell. The IRB has attempted to reconstruct the shooting on several occasions to find a way in which someone could have shot Detective Suiter with his own weapon (or even with another Glock at contact range) and leave the physical evidence as it was found on BWC video minutes later. We could not do so.

3. *An unknown suspect did not have time to overwhelm Detective Suiter, shoot him (or cause Detective Suiter to* shoot *himself,) and escape without being seen or heard by Detective Bomenka:* because of the Bennett Place Video, there is fairly precise information as to when Detective Suiter entered the vacant lot and how long it then took Detective Bomenka to observe Detective Suiter's body and return to the corner of Schroeder Street and Bennett Place. That time period is no more than eight to nine seconds. Therefore, the time it took Bomenka to run to the lot and discover Suiter's prone body was likely a couple of seconds at most. An unknown suspect would have had to overwhelm and shoot Detective Suiter with his own gun while Detective Suiter's sleeve was exposed to his skull so that blood spatter could get inside the sleeve. The suspect would have to do this to a man who received self-defense training in the Army and with the BPD. Suiter

was trained to put his left hand on the gun slide if attacked. By moving the slide just slightly, Suiter could prevent the gun from firing. The shooter would have had to gain control of the gun without injuring Suiter or leaving signs of a struggle. He would have had to do this without leaving any of his DNA on Suiter's gun, radio, or clothing. He would also have had to flee south down the pathway to the alley, or west out of the vacant lot leading to Schroeder Street, and then avoid detection by Bomenka. He would have had to accomplish all of this in a couple of seconds. This is not plausible.

4. *Detective Suiter was found with his radio in his left hand:* if an unknown suspect were wrestling with Detective Suiter for his gun, Detective Suiter would have defended himself unless incapacitated. In such a situation, Suiter's immediate instincts and training would be to prevent the gun from being used against him by slightly adjusting the slide and then holding it firm with his left hand. This technique prevents an attacker from firing the weapon. Alternatively, Suiter might have used the radio as a weapon to defend himself, but there are no markings or indications that it was so used. Suiter was still holding the radio when found face down in the lot. There was no indication, apart from a one second transmission, that Suiter utilized the radio to attempt to get help.

5. *Suiter's physical condition is not consistent with a struggle prior to the fatal shot:* the examinations of Suiter's person and clothing revealed dirt on the left pants knee and small contusions on the upper left arm and middle right thigh. If Suiter were attacked by someone who was going for Suiter's weapon, Suiter would most likely have—unless disabled—fought for his life. Yet there are no bruises or abrasions on his hands or arms, no neck trauma and no ripped clothing, and no other physical markings that might suggest a struggle.

6. *Detective Suiter yelled, "Stop! Stop! Stop! Police!" at the suspect:* this is according to Detective Bomenka's account. This is not consistent with the response expected if Detective Suiter were being attacked; it is consistent with someone in pursuit of a suspect.

7. *Where would this unknown assailant have come from?:* Detectives Suiter and Bomenka had just cleared the alleyways behind the vacant lot, observing no one. The Bennett Place Video reveals no one entering or exiting the lot (from the perspective of Bennett Place) during the relevant time period. After Detectives Suiter and Bomenka cleared the alleyways and stepped onto Bennett Place, they were in view of the Bennett Place Video. From their vantage point, they could have observed anyone coming into the vacant lot. *See* Figure 6. Just twenty seconds after leaving the vacant lot, Detective Bomenka moved west to

cover that gap. It is unlikely that someone came into the vacant lot abutting Bennett Place while Bomenka and Suiter were on Bennett Place, but avoided detection, anticipated that Suiter would return to the lot alone, and lay in wait to ambush him.

C. Theory 2: Was Detective Suiter killed by his partner, Detective Bomenka?

Short Answer: The Board concludes that, based upon the totality of the evidence, Detective Suiter was not killed by his partner Detective Bomenka. The Bennett Place Video, coupled with other physical evidence, establishes that this scenario is impossible.

Reasoning:

1. *Reasons 2, 4, and 5 as to why an unknown suspect is unlikely to have killed Detective Suiter apply with equal force to Detective Bomenka.*

2. *There is no evidence that Detective Bomenka shot Detective Suiter:* it is an unfortunate fact that Detective Bomenka's professional reputation has been wrongly stained by this tragedy. Rumors of his alleged participation abounded on social media in the weeks following the shooting. But there is not a single piece of evidence from any source that supports this theory; indeed, we address it only because of these rumors, in order to put this issue to rest.

3. *The Bennett Place Video establishes that it was impossible for Detective Bomenka to shoot Detective Suiter:* the Bennett Place Video shows Detective Suiter exiting the camera's view and entering the vacant lot at 4:36:10 p.m. At that same moment, Detective Bomenka may be observed farther west, near the southeast corner of Bennett Place and Schroeder Street. This is a distance of approximately sixty feet from the closest corner of the vacant lot. Detective Bomenka is observed running towards the lot before he disappears from view (obscured by a parked box truck) and then re-emerges at 4:36:18 p.m. on his way to cross over to the north side of Bennett Place. From there, he called 911. Accordingly, if we allow Bomenka three seconds to run sixty feet in a raincoat, this leaves him with five seconds to: 1) run the twenty six feet into the vacant lot where Suiter was found; 2) overwhelm Suiter, taking his gun; 3) fire three shots, including the fatal shot; 4) place the gun underneath Suiter's prone body; 5) ensure that he left no traces of his presence on Detective Suiter's person and on the physical evidence; 6) ensure that only Suiter's DNA was left on the gun and inside his sleeve; 7) run twenty-six feet back to the Bennett Place sidewalk; and 8) run

sixty feet to the corner of Schroeder Street and Bennett Place. This is physically impossible.[62]

4. *An independent witness corroborates Bomenka's account:* as noted in the Statement of Facts, a resident from the second floor of 959 Bennett Place (the residence immediately east of the vacant lot) heard what he recalled to be four gunshots. He then looked out his window facing Bennett Place. He saw Bomenka scanning the area with his gun for shooters, heard Bomenka yelling Suiter's name (he thought he heard "Stan"), and saw Bomenka run towards Schroeder Street, returning shortly thereafter with uniformed police officers. Based on these observations, Bomenka could have only shot Suiter with Bomenka's own weapon, and from a distance. We know that neither of those scenarios is possible because of the ballistics evidence and medical examination.

5. *The BWC videos of Bomenka relating the incident just after the shooting show no indications that Bomenka was just engaged in a struggle:* Detective Bomenka called 911 less than a minute after the shots, and police began

[62] We live in an era where conspiracy theories abound at both ends of the political spectrum. For those theorists, it should be noted that even if Bomenka were "conspiring" with another policeman, or another person, who somehow knew to hide in that spot in that moment, and also knew somehow that Suiter would go to that spot of his own initiative, it remains highly unlikely that two people acting in concert could accomplish what had to be done in eight seconds. All of this would have to be done leaving no signs of a struggle, except dirt on Suiter's left knee. It would also be inconsistent with the account given by the 959 Bennett Place resident.

to converge on the scene in fewer than four minutes. Detective Bomenka appears repeatedly on the BWCs of several officers. Two observations stand out. First, the sounds of agony and despair from Detective Bomenka as he approaches Suiter and attempts chest compressions, screaming "Sean! Sean!" Anyone who doubts the genuineness of Detective Bomenka's despair should listen to Officer Millon's BWC footage at the 4:40 p.m. mark. Second, Detective Bomenka is in a tan-beige raincoat. There are no signs on his clothes or his person of blood, dirt, a struggle, or any dishevelment, apart from his administering of chest compressions This is not the appearance of a man who just three minutes before was in a deadly struggle resulting in a fatal contact shot.[63]

6. *Detective Bomenka had no motive to kill Sean Suiter:* Detective Bomenka never served in the GTTF or the Western District where Detective Suiter served with Gondo. He has not been implicated in any of the misconduct perpetrated by the GTTF defendants and their associates. The U.S. Attorney correctly stated that the actions of the GTTF officers stained the reputations of all BPD officers; however, the overwhelming majority of BPD officers were not involved in the GTTF criminal enterprise. Detective Bomenka was a member of that majority.

[63] Recall that Detective Bomenka's gun was not fired during this event.

D. Theory 3: Did Detective Suiter kill himself accidentally as he fell?

There was a hole next to a tree stump just north of where Detective Suiter was found on the ground. Did he trip in that hole and accidentally shoot himself? If not, why would a man who (to the Board's knowledge) had not previously expressed any suicidal tendencies kill himself, even if he were under stress? These questions, coupled with the improbability of the "ambush shooter" scenario and the near-impossible possibility of Detective Bomenka's culpability, led BPD to consider an accident scenario.

Short Answer: The Board concludes that, based upon the totality of the evidence, Detective Suiter did not accidentally take his own life.

Reasoning:

1. *The ballistics evidence refutes this theory:* three shots were fired from Detective Suiter's gun including, with a very high probability, the fatal shot. The first two shots must have been fired into the air, or they would have struck some sort of structure in the man-made canyon surrounding the vacant lot and been recovered. Suiter was a trained shot; it is improbable that he would miss a target so badly. Moreover, after tripping, his right arm would have had to have flailed upwards and backwards to shoot himself in the head. In attempting to reconstruct a plausible "accident" scenario, it is very difficult to show how Suiter,

having lost his balance and in the process of falling face first, could have accidentally put the barrel of the gun to the back of his skull and fired a shot.

2. *Suiter's clothes and body did not show evidence of a fall:* we've all fallen *forwards* at some point in our lives. When you do, your instinct is to put your hands out (like a runner sliding headfirst into a base) to break your fall.

That did not happen here. There are no abrasions on the heels of Detective Suiter's hands, nor anywhere else on his hands or wrists, nor do his jacket or shirt sleeves show evidence of a face-first fall.[64] Rather, what the officers found was that Detective Suiter was still holding the radio in his left hand as he lay unconscious. *See* Figure 11. Someone falling would not hold onto this object; they would release it to use their left hand to break the fall. If they did not release it, they would receive obvious injuries to the fingers or knuckles of the left hand when the clenched hand hit the ground.

Further, Detective Suiter's gun was found under his torso/abdomen area, with his right arm at his side. This is consistent with someone who has gotten down on a knee or on his side before firing, but it is not a logical place to find the weapon if the person shot himself while falling. In that event, one would expect

[64] As noted earlier, Detective Suiter's hands were cleaned with peroxide as hospital staff tried to save Detective Suiter's life. However, this would not obscure abrasions or skinned hands.

the right hand and arm to be over Suiter's head, like the head-first sliding runner. Look at Figure 19 and, in particular, Suiter's shirt, which shows no signs of dirt, tears or other disturbances. The lack of dirt on the clothing does not appear consistent with a head-first fall.

Figure 19; from Officer Millon BWC at 4:40:52 p.m.

3. *Suiter was trained to handle weapons carefully:* U.S. Army soldiers are trained extensively in gun skills and safety, and they are tested on an ongoing basis. So are BPD officers. Detective Suiter was both. Among other

lessons, soldiers and officers are trained not to have their fingers on the triggers of a fire-ready weapon while running. With well over twenty years of military and law enforcement experience, Detective Suiter's "muscle memory" for safe weapon use must have been well ingrained. In his personnel file, all of his weapons training data were in order.

E. Theory 4: Did Detective Suiter take his own life?

Short Answer: The Board concludes that, based upon the totality of the evidence, Detective Suiter intentionally took his own life with his service weapon.

Reasoning:

1. *The process of elimination:* this scenario is placed last for a reason. As described in the prior scenarios, the evidence simply does not support anyone other than *Detective Suiter himself* firing the fatal shot. Nor does the evidence support a conclusion that Detective Suiter fired that shot accidentally. That leaves only this tragic scenario.

2. *The physical evidence supports a suicide hypothesis:* the Bennett Place Video, BWC videos, the ballistic evidence, the medical examiner's autopsy, the absence of any evidence that a third party was present at the vacant lot, the eyewitness account of Detective Bomenka, who saw no one in the lot other

than Detective Suiter, and the physical evidence are all consistent with suicide. The Bennett Place Video shows Detective Suiter run into the lot alone at 4:36:10 p.m. Shots occur within seconds. Soldiers and officers are trained to anchor themselves by taking a knee or otherwise using the ground to stabilize a shot. The evidence is consistent with the following: 1) Suiter runs into the lot in what he knows to be a high crime area; 2) he yells, "Stop! Stop! Stop! Police!" and fires two shots into the air in an attempt to mask that this is a suicide, leaving spent cartridges behind him and to the right; 3) facing south, he gets down on his left knee to brace himself for a fatal shot; 4) leaning forward, he clutches the radio and puts weight on his left forearm; 5) this action causes the radio to activate; 6) he cocks his head back and to the right to make sure that Bomenka has not yet approached from behind; 7) seeing no one, he fires the fatal shot at contact range with his right hand, which the radio captures just as the transmission abruptly ends with Suiter's collapse; 8) the bullet penetrates the skull immediately, expelling blood into the inside of Suiter's right sleeve and into the gun barrel; 9) Suiter collapses the remaining distance to the ground (he was already on his knee and forearm on the left side); 10) causing Suiter to fall on top of his gun, still holding the radio, as the remnants of the fatal bullet burrows several inches into the ground

to Suiter's left.[65] The two spent cartridges are below and to the right of Suiter (which is where a Glock would discharge the cartridges of a right-handed gunman shooting into the air while moving south) and one is to the south of Suiter, reflecting the changed gun position of the fatal shot.

3. *Suiter had every incentive to make his death not appear to be a suicide if, in fact, he had decided to take his life:* Detective Suiter was no doubt aware that the BPD benefits package available to his family for a police officer who is killed in the line of duty is far more lucrative than the entitlements for a police officer who has taken his life. In addition, DOJ provides funds to families of fallen law enforcement officers. There are reputational issues as well, both personal and public.

4. *Suiter was under stress:* we do not know what Detective Suiter's state of mind was on November 15, 2017. We do know that he loved and was loved by his family and that he left many friends behind.

We also know that Detective Suiter was under more stress than most of us endure. Being a BPD officer is highly stressful under the best of circumstances. These were far from the best of circumstances. He was due to

[65] In the IRB's reconstruction, the person attempting to replicate Suiter's actions cocked his chin back over his right shoulder – so he could see if someone was approaching from behind – before firing the fatal shot. This resulted in the path of the bullet in the reconstruction being consistent with the observations made at the crime scene.

testify the very next day before a federal grand jury investigating perhaps the worst scandal in BPD history. He did have an offer of limited immunity, at least as to the Umar Burley evidence planting allegations. But if Gondo and others were providing truthful information to federal law enforcement, Detective Suiter faced a difficult choice. He could testify truthfully and be protected by federal immunity. In acknowledging personal illegal conduct while with the agency, however, he would likely end his career. His admissions would be a firing offense, and the specter of state criminal prosecution might also exist. Indeed, when the FBI agents approached Suiter about a month prior, he asked if he would lose his job.

Alternatively, Suiter could have denied wrongful conduct before the grand jury. That might subject him to federal charges, however, if the grand jury and prosecutors concluded that Suiter was not truthful.

Detective Sean Suiter spent the last hour of his life ignoring his attorney's calls and texts. Instead, he drove around Bennett Place repeatedly, ostensibly looking for a mysterious "Mary" and perhaps another mystery suspect, but, as Detective Bomenka suggested, "maybe [they were] just seeing things." He had a meeting at 5 p.m. to prepare to face his difficult choice before the grand jury. Time was running out. Suiter's futile searches may have signaled a quiet desperation before a final, tragic decision.

V. THE BALTIMORE POLICE DEPARTMENT FAILED TO INSTITUTE AN INCIDENT COMMAND SYSTEM DURING THE HARLEM PARK INVESTIGATION, CONTRARY TO BEST LAW ENFORCEMENT PRACTICES

A. The Development of the Incident Command System as an Essential Technique for Complex Law Enforcement Events

The ICS is a half-century old emergency response strategy that was conceptualized and implemented by the fire service in managing long-term forest fire-fighting deployments in California. Some police departments continue to be misled that ICS is effective only in major events or catastrophes, professional sporting events, terrorist incidents, weather emergencies, and the like. An IRB ad hoc discussion with a high-ranking BPD investigations commander confirmed this attitude. He held the mistaken belief that ICS is effective only in events like the Super Bowl or Preakness.

ICS's adoption as a best practice in effectively managing events of all sizes and complexities over the last few decades underscores its utility as an all-hazards approach. The resiliency and functionality of ICS is multidisciplinary, scalable, flexible, and dynamic in ways that can be tailored to fit all operations and functions regardless of the rank or role of the first responder.

The great utility of ICS resides in its ability to integrate and collaborate across many diverse response components; namely planning, logistics, operations, media, investigations and intelligence, finances, and administration. ICS also incorporates and integrates the participation of numerous outside agencies, all under an Incident Commander ("IC") or Unified Incident Command ("UIC").

For example, on June 29, 2010, the Tampa, Florida Police Department suffered the loss of two of its police officers during a traffic stop.[66] The suspect fled the encounter, triggering an investigative search that lasted 96 hours, involving 22 law enforcement agencies and over 1,000 personnel.

Such occurrences can quickly become unmanageable, as scheduling, meals, supplies, media demands, outside agency integration, traffic, and community disruptions brought about by a large multi-agency police presence will quickly overwhelm the decision-making process.

After the suspect had evaded the initial dragnet, meaning a longer course of investigation and searches covering multiple venues would be necessary, Tampa police initiated the ICS. It is always crucial in significant events

[66] J. K. Stewart, D. Rodriguez King, and R. Lafond, *Tampa Bay Manhunt After Action Report: Lessons Learned in Community Police Partnerships and the Incident Command System*, CNA, April 2011.

involving large numbers of multi-agency personnel to create ***a single organizational structure*** that will unify command, define roles, identify supervision, and prevent duplication of effort. In that regard, the incident command system is respectful of all of its components, operations, investigations, planning, communications, and logistics, each one of which serves to benefit the effectiveness of the other.

It is important that all participants, regardless of rank or stature, be appropriately informed of the deployment goals and objectives and updated as to the progress towards those ends. Tampa police established interoperable communications among all participant agencies and kept detailed electronic records of all operations, allowing them to create and update timely Incident Action Plans ("IAPs", which are developed as the 'game plan' for an ICS) tailored for internal or public release.

Tampa police executives were continually kept abreast of the progress of the search operation and used this information in a manner that would inform the public and media without compromising the confidentiality and progress of the investigation. Despite the long duration of neighborhood shutdowns and traffic closures, the public continued to provide support. Local businesses

made contributions to the effort that greatly supported the length of the deployment and reduced overall costs.

Another instructive example of the effective use of ICS was the September 2014 manhunt for Eric Frein conducted by the Pennsylvania State Police ("PASP") after one state trooper was killed in an ambush-style attack and another officer was critically wounded outside of a rural PASP barracks. This search lasted for 48 days and involved hundreds of police officers and technical resources to search a densely wooded area covering 350 square miles. Despite these personnel and geographic challenges, ICS was able to timely share relevant information provided by PASP incident commanders as it emerged, established control and a security perimeter, set up a command post, solicited personnel and technical resources from inside and outside of the department, managed costs and logistics and accurately briefed local businesses, the residential community, and media outlets.[67] Because no operation of this scale is ever perfect, PASP commanders appreciated the

[67] Pennsylvania State Senate, Senate Veterans Affairs Emergency Preparedness Committee, Hearing on the After Action Assessment of the Eric Frein Manhunt, June 15, 2017. Held at the Pike County Public Training Building, Lords Valley, Pennsylvania. (Combined testimony starting at 14:00 of PASP Major George Bivens, Major Charles Degnan and Captain Chris Paris). Accessed at: http://www.senatorbaker.com/2017/06/09/061517.

importance and necessity of an after action assessment and lessons-learned in order to better prepare their response to events in the future.

B. Existing Baltimore Police Department Policies and Prior Guidance Provided to the Baltimore Police Department about Incident Command Systems

BPD has previously engaged after-action reviews and developed policies that address the use of ICS for complex law enforcement efforts.

On October 17, 2011, an independent review board provided a critique of the department's response to a large crowd disturbance. There, BPD failed to implement an ICS in a situation that clearly called for it. Without an identified IC to assume control at the scene, the departmental response to an unruly crowd outside a bar quickly became an unmanageable situation, mixing uniformed and plainclothes officers with little or no familiarity or knowledge of each other's presence or actions. Aggravating this situation for supervisors on scene was the failure of officers to report their arrival on scene to Computer-Assisted Dispatch ("CAD"). The tragic result was that one BPD member accidentally fatally shot another BPD officer.

The 2011 CNA/Torbit[68] report recommended that BPD enforce their existing CAD policy requiring notification of on-scene arrival as a means to

[68] Torbit was the name of the officer who was killed in this tragedy.

exert command and control and for purposes of officer safety.[69] The report also strongly urged BPD to update their current ICS response protocols, develop, test and implement strategic and tactical incident response plans to such emergent events and to inculcate this policy across all ranks in the department through training and practical exercises. This recommendation was adopted in both Standing Operating Procedure ("SOP") and the BPD Response Guide to Critical Incidents. Unfortunately, it was not adhered to in the Suiter incident.

The most expansive report issued by BPD to guide departmental responses to critical incidents was issued from the office of Police Commissioner Anthony Batts on August 1, 2013.[70] This report goes into considerable detail on the deployment of the ICS and its applicability to a variety of critical incidents, including: fires, building collapses, active shooters, barricade and hostage situations, crowd control, and terrorism events. This report adds substance to the shortcomings of the two previously-issued directives. As in many of the federal primers on ICS, the Commissioner's

[69] It should be noted that officers responding to the Suiter shooting did adhere to this policy, advising CAD that they had arrived at the scene and that their BWCs were activated.

[70] Batts, Anthony W. (Police Commissioner) (August 1, 2013) Response Guide for Critical Incidents.

Report recognizes and affirms the need for leadership, communications interoperability, planning/logistics, scene containment, intelligence and investigations, and media/community relations. Each role and function of ICS components is clearly defined, along with a template for its implementation.[71]

Another After Action Report ("AAR") commissioned by BPD that was published in 2015 also emphasized the need to utilize ICS in situations like the Suiter investigation. BPD commissioned a review by the Police Executive Research Forum ("PERF"), an independent non-profit research organization, to assess the BPD response to the 2015 civil disorder following Freddie Gray's death after suffering fatal injuries in a BPD police van.

PERF found that, notwithstanding the SOP and the BPD Response Guide to Critical Incidents established after the Torbit tragedy, an ICS was not properly established after Gray's death. Instead, the deployment and tactical operations of BPD were governed by an operational plan lacking specifics and detail. This plan was briefed out only during roll calls, so officers assigned to posts for up to eighteen hours had little awareness of the scope of the department's expectations or resolution strategy. Further, a diffuse command addressing pockets of violence in the city blurred the identity of the IC,

[71] *Id.*

creating confusion in the ranks. Responding outside agencies were hamstrung by a lack of pre-existing agreements or memoranda that would mitigate the logistical and integration concerns for any deployment in support of BPD.

PERF recommended that, in such events, BPD should immediately designate an IC to gain control and designate a subordinate level of command to pursue specific objectives and to promulgate all decisions and actions in an IAP. Understanding the challenge of putting together an IAP in a rapidly shifting enforcement environment, PERF also recommended the designation of a *planner* to collect information from the various components of the response—operations, intelligence, investigations, logistics, etc.—and incorporate that information into an IAP for the IC, as well as assigning personnel for the next operational period. Finally, the report stressed the importance of having "umbrella agreements" in place to request mutual aid from outside agencies and to integrate that support into the ICS.

BPD Fraternal Order of Police ("FOP") Lodge 3 also issued a critique of the department's response to the 2015 riots. The FOP noted that some officers were deployed, for as many as eighteen hours, often without provisions for relief, food, and water. Responding squads were separated, scattering officers and squads who had trained together, while officers with little familiarity of

each other's capabilities were clustered. Officers were not uniformly equipped with crowd control tactical gear; in fact, there were complaints that issued gear had expired and that they were not properly trained in the use of their equipment.

Because of these shortcomings, at times BPD presented a poor and undisciplined appearance to the unruly crowds they were facing, exacerbating an unstable situation. Finally, both PERF and FOP Lodge 3 found that most officers reported to have had little knowledge of an operations plan, so strategies and actions were left to rumor and hearsay that spread along the lines.

FOP strongly suggested that BPD adopt the best practices of the Federal Emergency Management Agency ("FEMA") and the International Association of Chiefs of Police ("IACP") in response to civil disorders and properly train and equip their enlisted members to deploy with competency and discipline in the ranks. FOP emphasized that BPD must develop a communications plan that sufficiently informs all responding officers of the goals and objectives of the deployment.

On December 4, 2015, yet another report was issued to BPD emphasizing the fundamental importance of ICS for complex responses.

Jonathan Links, Ph.D.,[72] and two other members of the Johns Hopkins University faculty published a report based upon an after action analysis of Baltimore City's response to the unrest following Freddie Gray's death.[73]

The Links Report found that the City failed to utilize an appropriate ICS and recommended that the City adopt an "ICS approach . . . for the management of all emergencies . . . ," which conformed to FEMA guidelines as well.[74]

C. The Baltimore Police Department Failed to Follow the Recommendations of Prior After Action Reports, as well its own General Orders and Policies, in its Response to the Suiter Shooting

At the outset of the IRB's work, it was expected BPD would have worked to institutionalize the reforms suggested by the Torbitt, Batts, PERF, FOP Lodge 3, and Links Reports. In the aftermath of Mr. Gray's tragic death, BPD undertook an aggressive campaign to instruct the department in ICS, managing large-scale protests, issuing new tactical gear, and creating or updating several policies related to the handling of critical incidents. However, much of this training was discontinued after 2015, leaving new commanders

[72] Links serves as Johns Hopkins University's Chief Risk and Compliance Officer and is Deputy Director of the Office of Critical Event Preparedness and Response.
[73] Links, J., O'Conor, K., Sauer, L. (December 2015). Recommendations for Enhancing Baltimore City's Preparedness and Response to Mass Demonstration Events.
[74] Links Report at 22.

and newly-enlisted officers deficient in understanding and exercising their roles during these important responses. BPD's failure to provide ongoing training for ICS led to predictably negative results.

1. There was no documentary evidence or information gleaned from IRB interviews that BPD initiated an ICS for the Suiter incident, notwithstanding BPD policies and multiple reports received from BPD on the topic, all of which unequivocally called for ICS in a situation of this magnitude

Although there were a few allusions to the establishment of outer and inner security perimeters in the immediate aftermath of the Suiter shooting, both in disclosed radio transmissions and gleaned from IRB interviews, there was no single reference document or map to be found in BPD files that clearly identified street closures, community sheltering sites, command post locations, or what personnel were assigned where and when on the security perimeter during the active phases of the search.[75] This lack of documentation extended from Day Two to Day Six of the neighborhood shutdown.

Figure 18, showing the affected areas enclosed by the perimeter, was created by IRB members as a result of their interviews; however, the recollections of those commanders as to the affected area of operations were

[75] The IRB pressed for additional reports during the interviews of several commanders, only to be informed that they did not exist. A search for a legible map denoting the inner and outer perimeters produced only a rudimentary sketch of little value and detail.

not always in agreement. The IRB was greatly aided by the detailed and thorough recordkeeping of the Crime Scene, Homicide, and Special Weapons And Tactics ("SWAT") Units, who, throughout their respective investigations after the Suiter incident, and by nature of their respective missions and the legal implications thereof, depend heavily upon an accurate accounting of their actions.

Without an ICS in place, the first on-scene supervisors in the chaotic initial phase of the response made common sense decisions to contain, secure, and control the scene of a suspected and still-at-large active shooter. Conforming to former BPD Commissioner Batts' 2013 Response Guide, wherein the first two of five phases of response to a critical incident are to *control the response* and *control the scene,* the first two incident commanders, in successive order, a sergeant and captain from Western District patrol unit, made notifications of their role to CAD and arriving officers, identified the location of the command post (initially their patrol cars; the mobile command post did not arrive for roughly 3 hours) and began assigning arriving officers to secure an inner perimeter. Traffic was diverted from the area and this diversion was to last throughout the tactical and investigative phases of the incident.

By all accounts from IRB interviews and review of internal protocols, the incident response went awry in the implementation of the final three phases of the Response Guide: *evaluate your resources, create and execute a plan to resolve the incident,* and *process and release the incident scene.* There was no comprehensive plan outlining the objectives that must be met and the tasks required to resolve them, no documented accounting of personnel detailed for the dozen or more ten-hour operational periods of the incident or provisions to relieve them. There was effectively no IC, as demonstrated by the fact that no witness apart from the Commissioner could identify who the IC was supposed to be. It is unclear whether the SWAT and homicide commanders shared their strategies with an incident command and whether there was a single brief of BPD leadership—and by whom—or a cluster of individual briefings by those commanders representing their part of the investigation but lacking a unified perspective. Because there is no documentation, one is left with the impression that these decisions were made on the fly by commanders on an ad hoc basis, without the benefit of a central coordination function to develop a comprehensive strategy, ensure that the impact on the community was minimized and oversee that communications to BPD members were clear, timely and accurate.

Commissioner Davis claimed to have appointed a high-ranking BPD commander as the IC during the Suiter incident and further stated his belief that this commander implemented ICS to manage the duration of the event. The commander, who had retired in early 2018 during a change in BPD leadership, was contacted by the IRB and interviewed. In fact, this commander was present during the incident only on the day of Detective Suiter's shooting. He was not present Days 2 through 6, and he indicated his belief that IC was the responsibility of the patrol district. There is no documentation in any BPD investigative or operational database, or information gained from the interviews of other BPD commanders knowledgeable about the post-incident operational response, that otherwise reinforces the Commissioner's assertion that BPD implemented a formal ICS.

Moreover, many other members of BPD whom we interviewed candidly advised that no ICS existed. As one high ranking member put it, "we probably dropped the ball."[76]

It is not easy to understand the continued reluctance of BPD to implement a formal ICS at these types of incidents, even after the shortcomings of failing to do so were unmasked through the "friendly fire"

[76] Board interview, 7/19/18.

shooting of a policeman in 2011 and extensive civil unrest in 2015. Moreover, no fewer than five reports written specifically for BPD use between 2011 and 2015 forcefully argued for the utilization of ICS.

There have been scattered successes in the use of ICS by BPD. For instance, in the aftermath of the Ferguson, Missouri riots, there were numerous large protests in Baltimore during the late summer and fall of 2014. According to IRB interviews, the Academy Commandant was designated as the IC. In that role, the Commandant assigned several ICS trainers to accompany him and to organize and plan an effective BPD response. The restraint of BPD in the face of these protests was praised publicly by the Mayor, and the protests never produced anything close to the civil unrest following Freddie Gray's death.[77]

The ICS has been adopted as a mainstream "all hazards" best practice in most large and progressive state and local police departments. IAP documents that provide form and substance to the ICS are consultative and deliberative work products that greatly improve a department's response at any juncture of a critical incident operation.

[77] Broadwater, L. (August 17, 2014). Rawlings-Blake praises Baltimore police's restraint on 'Meet the Press.' Baltimore Sun. Accessed at: http://articles.baltimoresun.com/2014-08-17/news/bal-rawlingsblake-praises-baltimore-polices-restraint-on-meet-the-press-20140817_1_occupy-baltimore-mckeldin-square-baltimore-police.

It is important to note here that ICS provides the greatest utility and effectiveness in critical events that will extend beyond an operational period defined as ten to twelve hours. There is an early phase of incident command that is often overlooked in training curricula and scenario-based instruction; that is, the recognition of the first hour or two of an event that is clouded in chaos. As reported by Cathy Renaud,[78] that first hour or two, sometimes described as the *Edge of Chaos*, describes the very first response to an event, often by a police officer or front-line supervisor. It is the job of that initial responder to conduct an initial assessment of the situation, determine any additional threat to the officers or the public, establish a security perimeter to keep the incident from expanding, call for other tactical or operational units to respond, assign other responding officers, and inform the next level of supervision that will assume incident command of their assessment and initial actions.

RECOMMENDATION 1: An ICS strategy should be deployed for any critical incident or planned event that will extend more than one operational period or shift of ten hours.

[78] Renaud, C. (June 2012). The Missing Piece of NIMS: Teaching Incident Commanders How to Function in the Edge of Chaos. *Homeland Security Affairs*. Volume 8(8). Accessed at: https://www.hsaj.org/articles/221.

2. BPD ICS training was inadequate and suffered from poor attendance by higher ranking officers

Although a review of BPD records disclosed the existence of two ICS instructional courses for all ranks, IRB interviews, including of training commanders, revealed little to no knowledge of these courses or training that had been since implemented since 2015, either in the Police Academy or enlisted ranks.[79]

According to commanders in the Education and Training Section, at present there is no pre-service training on setting up an incident command offered to police recruits or enlisted personnel in the Police Academy curriculum. This violates BPD General Order T-7, which mandates ICS training for both entry-level and in-service members; essentially, the entire complement of BPD. Current departmental training on ICS is largely associated with promotions to sergeant, lieutenant and captain. According to training commanders, this coursework is IS-100, 200 and 300 for sergeants and IS-700 and 800 for the senior ranks. This training consists of three-hour online courses, after which the member will receive a certification of completion via

[79] For example, when asked what level of training was given in pre-service and in-service training on ICS, training section commanders produced an illegible photocopy of a one-page document titled Entrance Level Training (ONLINE Courses), a how-to document to access ICS courses IS-100 and IS-700.

email. Commanders recognize that the lack of instruction in ICS at the training academy is a significant departmental deficiency and they spoke of upcoming plans to incorporate ICS training into the pre-service curricula.

BPD also has several mid-level supervisors who are subject matter experts on ICS. These supervisors are trained and certified by FEMA in NIMS/ICS.[80] Two of those trainers were interviewed by the IRB and indicated their disappointment that during recent three-month, department-wide Mobile Field Force training, which included instruction on ICS, there was very poor attendance and interest by the executive staff.

The IRB located a lesson plan modeled on a template utilized for police courses by the Maryland Police and Correctional Training Commission. *See* Appendix 7. This lesson plan was prepared by two BPD sergeants in January 2018, two months after the Suiter incident, and lays out an eleven-hour course on ICS to be given to all ranks within BPD, including the command staff. There is no indication that this curriculum is also intended for pre-service training at the Police Academy. At the time of their interview in May 2018, a high-ranking commander within the Education and Training Section made no reference to the existence or use of this lesson plan. Neither did any of the

[80] "NIMS" is the National Incident Management System developed by FEMA.

other commanders and mid-level supervisors indicate awareness of this lesson plan or actual instruction during their interviews by the IRB.

Also, among the records released by BPD is an undated copy of a 19-slide PowerPoint presentation titled Operational ICS. *See* Appendix 8. According to IRB interviewees, Operational ICS was taught to lieutenants and higher ranking officers in 2015 but has not been taught since. The presentation is geared to BPD responders who would assume the role of IC, advising what to assess upon arrival and how to establish oneself as the IC, set up a command post, and provide mutual aid and instructions on the organization of the ICS in addressing a variety of significant events, whether pre-planned, tactical situations, or natural disasters. The presentation also stresses the importance of conducting a critique following every significant event where large deployments are necessary, both at the scene and later in a formal setting in order to improve future performance.

There are continued opportunities for BPD to increase its training on the use of the ICS. For example, the U.S. Department of Homeland Security ("DHS"), through FEMA, will provide a weeklong course on NIMS/ICS for any police department at no cost with the provision that the audience is larger than fifteen. This instruction is ideally suited to the needs of BPD at the rank

of lieutenant and above. FEMA came twice to the BPD Academy after the 2015 riots to teach ICS. Those courses were well-attended by the BPD Academy staff and command staff up through the rank of lieutenant colonel.

Training offered by the Maryland Emergency Management Agency ("MEMA") is more accessible on a regular basis. According to the online syllabus issued by MEMA for 2018 training classes, they offer several beginner, intermediate and advanced instructional courses on ICS.[81] Beginning courses cover FEMA certified ICS 100, 200 and 300, intermediate instruction expands upon the information covered in the beginning course, and the advanced ICS course is designed specifically for command and general staff personnel handling complex incidents. As in the intermediate course, the advanced course expands upon the material offered in ICS 100 through 300, as a prerequisite to ICS 400. In addition to these course offerings, there is a general ICS overview for Executive/Senior Officials covering the foundational materials instructed in ICS 100 through 400, while providing emphasis on unified command and area command, as well as coordination and incident management assessment. MEMA provides a very reasonable solution to the imminent training needs of BPD.

[81] MEMA Training Class List of 2018. Accessed at: http://mema.maryland.gov/Documents/MEMA_Training_Courses_List_2018.pdf.

RECOMMENDATION 2: BPD must immediately incorporate ICS training into the curricula of the pre-service Police Academy and annual in-service classes. Every member of BPD needs to be NIMS compliant in the basic ICS courses. More advanced ICS certifications should be required of those members more likely to assume incident command, at the rank of sergeant or higher.

There also appears to be a pronounced lack of ICS incident-based scenario training at BPD. This training would not only prepare commanders to more effectively address critical incidents but also identify those commanders who are proficient at ICS. Online ICS coursework is sufficient to introduce the fundamentals of ICS, but lacks the practicality, functionality and stress of a table top exercise or other scenario-based training. ICS, as it is utilized at BPD, appears to be a "box-checking" requirement for promotion to the middle and upper ranks of the department. Notions about the need and utility of ICS shared by commanders in IRB interviews or in ad hoc conversations indicates a widely-held misperception that ICS is a post-incident, emergency management strategy that need be deployed only in the event of widespread catastrophes, such as terrorism and hurricanes, or for the largest professional sports events, such as playoff games, the Super Bowl, or the Preakness.

Given that belief, it is not surprising that once the threat of an active shooter at the Suiter scene was eliminated in the first operational period,

commanders saw no need to authorize the use of ICS, and therefore had no organized strategy or recordkeeping that would consider the longevity of the neighborhood shutdown and its impact upon the police department and the community. All of this played out poorly in media coverage and did a disservice to the commendable conduct of many police investigators.

The BPD Academy has previously hosted a Leadership University, providing management training to commanders at the rank of captain and above. During this extended course, there was a week-long training in ICS, consisting of two days in the classroom and the remainder of time spent in the field doing practical scenarios. IRB interviewees indicated that this leadership course has been discontinued.

As part of the BPD ICS lesson plan described above, the last hour or two of the course is devoted to practical scenarios. Virtual problem-solving can be a great learning experience, imparting the stress, need for quick decisions and external scrutiny that is a large part of real-world incidents.

RECOMMENDATION 3: BPD needs to regularly schedule training courses using incident-based scenarios, grounded in the use of ICS, for the purpose of testing and improving the caliber and competency of their commanders in the use of ICS for critical incidents.

Every first response to a critical incident will be carried out by supervisors in the Patrol District. This puts the responsibility for implementation of ICS in the hands of the patrol district commanders. Given the training inadequacies, district-level incident commanders have no access to specially-trained ICS planners that would quickly facilitate the deployment of an effective incident command. Once the first phase of a critical incident has been addressed—the incident has been contained and the safety of the officers and public has been assured to the extent possible—the role of incident command must evolve to further coordination and prioritization of continued operations, investigations, communications, logistics, and finances for an ongoing police effort.

When the demands of these essential functions begin to occur simultaneously, it is essential that the IC has at his or her disposal an effective planner or coordinator who is highly versed and experienced in ICS and capable of creating and implementing an IAP for each operational period.

Because the patrol district commanders will likely assume initial incident command during a critical incident in their patrol venues, the assignment of specialized planners to the districts will alleviate the early logistical and administrative requirements that arise when standing up an incident command.

Designated planners must have advanced and certified ICS skill sets, specifically in ICS 100 through 400 and ICS 700, to aid the IC in the organization of an incident command.

While the designation of ICS planner or coordinator for the patrol district offers a crucial specialized function, planners need not be solely dedicated to this function. They would be called upon as needed from their full-time assignments; however, it is prudent that two officers from each patrol district be so trained and designated to effectively provide coverage for two independent operations in a given day. District-based planners would respond to every critical incident or significant event that may require the deployment of some level of ICS, with sufficient knowledge to provide the IC with an operational template suited to the nature and type of deployment.

RECOMMENDATION 4: BPD should train and designate two members of each patrol district to be ICS planners, and then should maintain that capability. This designation would be in addition to the members' assigned duties and would facilitate the efficient response to critical incidents thus far lacking in BPD.

3. BPD should perform after action or lessons-learned exercises after every event of this magnitude

The IRB could not locate any documentation indicating the creation of a lessons-learned or after action report on the Suiter incident. There were no

lessons-learned or after action reports, focus groups, or discussions organized at the executive level of BPD to assess the positive and negative aspects of the post-Suiter shooting response. The appointment of the IRB may serve to excuse an internal after action effort. The Board raises this issue because AARs should consistently be undertaken following an event of this significance.

The Commissioner's Response Guide breaks down the aspects of incident command deployment across a range of critical incidents. Appendix D of the Guide pertains to a departmental response to active shooter incidents. The last step offered in the Guide is that the department should *debrief, critique, and plan for improvement*; essentially, determine what lessons were learned from this incident. That introspection on the part of BPD did not occur. This may be excused in this situation given the IRB's review, but should occur internally whenever an external review is not commissioned.

RECOMMENDATION 5: BPD must engage in after action discussions and lessons-learned reports after significant events. The internet provides many templates and check-off lists to guide the conduct of these discussions.

4. The absence of an ICS and dedicated off-site command center led to a crime scene area with many high ranking BPD officials present, leading to confusion as to which officers were responsible for which duties

More than a dozen BPD executives at the rank of major or higher came to the command post on the first day of the incident. While this expression of concern and presence is both commendable and warranted under the circumstances of a suspicious on-duty death of one of their officers, it also inadvertently undermined the effective judgment and decisions of the Western Patrol District commander who had assumed and communicated his role as IC to the other officers at the scene. The attention of this IC was diverted to address simultaneous and sometimes conflicting priorities and orders from several operational, tactical, and investigative commanders at the command post.

As best as can be learned from the IRB interviews, aside from SWAT temporarily assuming tactical control to clear the crime scene area, none of these executive commanders assumed the role of IC. This led to confusion and interfered with or delayed the coordination of tactical search operations and the need to conduct expeditious forensic examination at the shooting scene. The pressures of managing an event in the face of shifting priorities, coupled with

ongoing responsibilities to manage operations and calls for service in the rest of the Western patrol district ultimately led the IC to request that he be replaced.

The IRB understands that there is a need for executive-level commanders at the scene of an incident to be involved in the decision-making process. Executive commanders must be the face of the department's response before the public and the media. They must be adequately briefed in all aspects of the incident and all actions taken towards its mitigation. An efficient way to accomplish this, without diverting precious attention or time to their presence at an incident scene or forward command post, would be to establish an Emergency Operating Center ("EOC") or ready room at headquarters. In so doing, the incident scene remains authoritatively under the control of the IC and his or her supervisory staff. The IC can then telephonically brief department leadership in the EOC as the incident progresses, elicit and incorporate their advice and counsel, and proceed in a thoughtful manner with instructions to the ICS leadership. The IC therefore maintains control as the authoritative figure on-scene, eliminating the confusion and delay of "too many cooks baking the same cake."[82]

[82] *See generally* Links, J., O'Conor, K., Sauer, L. (December 2015). Recommendations for Enhancing Baltimore City's Preparedness and Response to Mass Demonstration Events.

RECOMMENDATION 6: BPD should have an Emergency Operations Center or Ready Room at BPD Headquarters as a gathering point for executive leadership during significant events. Critical policy and operational decisions can be discussed with the IC from BPD Headquarters, without diminishing the authority of the IC in the field.

5. BPD should negotiate additional agreements to better provide for the needs of personnel assigned for lengthy shifts to the incident area

The midst of a crisis is no time to broker agreements to provide for the needs of personnel assigned for lengthy shifts to an incident area. The lack of "umbrella agreements" securing this support seems to be a recurring inadequacy of BPD in its response to major incidents.

The necessity for these agreements does not simply extend to law enforcement that we understand BPD has in place. Managing the sustenance for dozens or hundreds of responders should not be left to chance, as has reportedly been the case in past events. When that has previously occurred, some Baltimore food vendors, in collaboration with the FOP, have charitably and voluntarily come forward to nourish the ranks of first responders.

Union leaders interviewed by the IRB spoke of little or no planning for food, breaks, and bathroom facilities during the lengthy Harlem Park neighborhood shutdown. Officers apparently had to find food on their own,

travel to Western District headquarters to get a meal, or stop at a church or firehouse to use the bathroom facilities. Whether this is a warranted criticism on the part of the FOP is not addressed by factual reports; however, there are no records, invoices, or notes of appreciation to suggest the contrary or on which to base an accurate assessment of the care and welfare provided to officers standing lengthy dismounted posts on the perimeter.

BPD would be well-served to pre-arrange the support of the Red Cross and Salvation Army, who can respond quickly and efficiently to answer the needs of the rank and file. Whether donated or purchased, advance agreements with charitable and corporate entities can anticipate the costs of a lengthy ICS deployment and eliminate the last-minute ad hoc search for vendors and delivery arrangements.

RECOMMENDATION 7: BPD should engage in formal agreements with charitable organizations, such as the Red Cross and Salvation Army, or big-box wholesale vendors to provide food and beverages to those officers deployed at large-scale or critical incidents.

VI. REVIEW OF THE SUITER HOMICIDE INVESTIGATION

BPD maintains a file for each homicide (or closely-related homicides). The IRB reviewed the homicide file, interviewed investigators, witnesses and command staff, reviewed taped statements, video surveillance footage, BWCs and forensic

reports, and obtained community feedback. The IRB concludes that the homicide investigators conducted a thorough and professional investigation.[83] Leads were followed, physical evidence was secured and analyzed, and important video evidence was promptly identified and obtained. Nevertheless, we did find certain areas for improvement, which are detailed below.

The homicide detectives' efforts were hampered by communications challenges and the unique emotional challenges surrounding investigating the death of one of their members. As discussed in the Statement of Facts, the Commissioner made public statements that were factually inaccurate and provided extensive information about the developing evidence. This complicated the investigation; for example, one public citizen who claimed to be knowledgeable about the killer had garnered all his information from press reports. Additionally, as the Baltimore Sun contended in an editorial following Commissioner Davis's December 1, 2017, press conference, the conflicting and inconsistent information offered by BPD further undermined its credibility with the public.

[83] This conclusion does not include the cordoning off of the neighborhood in the days following the shooting, which is discussed elsewhere in this Report.

A. The unique circumstances of the shooting of a fellow homicide detective understandably placed significant additional pressures on the investigating detectives, which made the investigation both more challenging and susceptible to criticism

Within the first twenty hours after the shooting, BPD officials discussed whether they should reach out to a nearby county police force to conduct the investigation. It would have been good judgment to do so.

Other local or state law enforcement agencies (i.e. Baltimore County, Anne Arundel County or Maryland State Police) can handle investigations within Baltimore City pursuant to a Memorandum of Understanding. Most police departments handle their own police-involved shootings, which under normal circumstances does not present a problem. Here, however, the police victim was a colleague and friend of many in the homicide unit. The homicide detectives were well aware that if they found that Detective Suiter committed suicide, his wife and children would lose certain benefits. In cases where the victim may have close personal ties to a police officer, that officer is usually excluded from participating directly in the investigation.

It is quite understandable that BPD would want to retain this investigation. In the initial days following the shooting, particularly while BPD was operating under the misapprehension that the bullet entered Suiter's head from the left side (thereby making the shooting unlikely to be a suicide, as Suiter was right-handed),

it was only natural that the homicide unit would want to seek out the killer of their friend and colleague. But their close connection to the victim is precisely why this matter should have been referred to another agency for investigation. The resolution of this investigation may well have come sooner, and without the harm to BPD's credibility which ensued, if handled by a nearby agency.

RECOMMENDATION 8: BPD should refer homicide investigations of its homicide personnel to another state or local law enforcement agency.

B. The crime scene logs were not maintained properly, which could lead to substantial evidentiary problems in a prosecution

The crime scene logs are usually maintained by uniformed personnel.[84] The logs document who enters the crime scene and their length of stay. The crime scene log for Harlem Park does not contain any entry or exit times for the persons who entered the crime scene. Additionally, a crime scene log was maintained only for the day of the shooting, although the crime scene was secured for several days.

A complete crime scene log is essential to be able to prove the integrity of evidence recovered from, and observations of, the scene. Without a crime scene log, the police are susceptible to claims that someone planted or removed evidence, or otherwise altered the crime scene.

[84] In this case, they were maintained by an officer from the Western District Unit 7B21. These crime scene logs are not maintained or generated by the Crime Scene Unit.

It was only through an exhaustive review of the homicide investigative files that a single (though incomplete) crime scene log was found. This handwritten document was put together by a police officer designated as the scribe, who, in the first operational period beginning at 4:39 p.m. on November 15, 2017, apparently kept a relatively accurate accounting of all officers who participated in the initial response to the Suiter shooting and, utilizing the same log, those who visited the command post and incident area. *See* Appendix 9. The officer utilized BPD Form 98-229, identified as the BPD Crime Scene Log. This log was ten pages in length and indicated that a total of thirty police officers, supervisors, detectives and other assigned BPD personnel were present at the crime scene; 76 BPD, FBI, DEA, and ATF personnel visited the mobile command post and 45 BPD commanders and outside agency personnel announced their presence in the "incident area," including BPD Commissioner Kevin Davis and Baltimore Mayor Catherine Pugh. Throughout the log, the columns of the form denoting TIME IN and TIME OUT are conspicuously left blank. This omission is a violation of an amendment to BPD General Order G-3, Death and Serious Assault Investigations, which states:

> Assign an officer, other than the primary officer, to maintain a Crime Scene Log; Form #98-229; obtaining the names of all persons who respond and are allowed entry to the crime scene. Also note times of arrival and departure from the crime scene of all officials, to include the Crime Lab Technicians, Office of the Chief Medical Examiner's Office Technicians, etc.

Those visiting the command post and incident area were noted in the log beginning on page 2 and extending to the end of the log on page ten. The heading of all ten pages of the combined log displayed one date and time: 11-15-17, 16:39. Omitting specific arrival and departure times is not only poor accounting, but also carries operational, as well as legal, implications for BPD, if documented information on times, actions, and decisions are sought or testimonial evidence is required.

According to the log, there was no accounting of personnel who attended the command post or were deployed on the perimeter after November 15. As noted earlier in this report, the exceptions to these omissions were the very detailed records maintained by the Crime Scene, SWAT, and Homicide Units. Whatever other documents or logs that may exist are not referenced in any other part of the homicide investigation reports and have not been retrievable from BPD, although requested by the IRB. This lack of recordkeeping does a significant injustice in determining the effectiveness or inadequacy of the Suiter response and has left no

legacy document to assist BPD leadership and future IC in evaluating and improving their responses to similar incidents.

RECOMMENDATION 9: Crime Scene Logs should be properly maintained, throughout the duration of incidents.

C. The location and recovery of a critical piece of evidence was not properly documented

BPD failed to record where the fatal bullet was found and the precise reasons why the particular search was undertaken. This was a crucial piece of evidence. Its discovery and location should have been recorded as accurately as possible.

The IRB learned that this projectile was recovered by a member of the Homicide Unit. While the officer's sense of urgency to recover valuable evidence is understandable, the better practice is to have the person in charge of the scene notify the Crime Scene Unit immediately upon the discovery of the possible location of evidence, and let the Crime Scene Unit recover the evidence. Crime Scene Unit personnel have the expertise for recording the location of the evidence and photographing the recovery so that it can properly be admitted as evidence in court. In some homicide cases, a failure to exactly and reliably record the location

of recovered evidence may undermine important elements of proof, and jeopardize the success of the investigation.

RECOMMENDATION 10: BPD should document through photographs and sketches where all key evidence is found during the course of a criminal investigation.

D. The Baltimore Police Department did not timely photograph all material physical evidence

BPD could not produce photographs of the blood spatter pattern on Detective Suiter's right shirt sleeve cuff. The Crime Scene Unit should take photographs of key evidence immediately, as the appearance and nature of the evidence may change over time. In this case, an IRB member requested the retrieval of the clothes and then had photographs taken of the sleeve.

Similarly, the Crime Scene Unit should have photographed Detective Suiter's weapon at the scene prior to swabbing the barrel. Because there were clear indications early in the investigation that Detective Suiter's weapon was used to fire the fatal bullet, the appearance of the weapon as recovered was important.

The weapon was removed from the scene and placed in the trunk of a patrol car. Presumably this was done for safety reasons. Obviously, an unsecured weapon lying on the ground with a crowd of civilians at a crime scene would necessitate the weapon be secured immediately. In this case, however, the weapon

was secured the moment the weapon came into view. The security of the weapon could have been maintained until it could be properly recovered by the Crime Scene Unit.

RECOMMENDATION 11: All material evidence should be photographed prior to it being moved or recovered when it is safe and prudent to do so.

E. The lead detective was not kept informed of material evidentiary developments and investigative activity

The absence of an ICS contributed to several communications failures. Even in cases that do not warrant an ICS, however, it is imperative to communicate all significant developments to the lead investigator. That did not happen here.

Most notably, the Altima driven by Detective Suiter was impounded and searched. Detective Lloyd was never advised of the search. The search was carried out by FBI agents and witnessed by a BPD officer on loan to a multi-agency task force. As it happens, the FBI did not seize any evidence. But it appears that the FBI was looking for documents that Suiter might have been carrying in connection with his scheduled visit with his attorney on the evening of November 15. Had homicide detectives participated in the search, they would have had an opportunity to search for evidence relevant to their investigation.

Second, as noted in the Statement of Facts, Commissioner Davis failed to provide to his colleagues information he received from federal law enforcement officials indicating that Suiter may have been involved in criminal activities with GTTF members. This evidence was highly relevant to the issue of motive in connection with a potential suicide. The Commissioner, however, repeatedly stated that there was "no evidence suggesting that Detective Suiter was a dirty cop." It should go without saying that police officers should be candid and complete in sharing information about a potential homicide with the lead investigators.

RECOMMENDATION 12: It is vital to a successful investigation that the lead detective is apprised of all material developments.

F. The Baltimore Police Department made inaccurate and extensive public statements about the investigation that eroded credibility in the investigation

As set forth in Section III.E, Commissioner Davis was less than candid with the public on several occasions. At the root of BPD's challenges with the community it serves is a lack of credibility. This unfortunate episode served to further erode that credibility. The next Commissioner and his or her command staff must commit to being unfailingly truthful with the public.

The Commissioner provided inaccurate information on multiple occasions, which must be avoided in the future. There is an understandable impulse to assure the public that the police are making every effort to catch a killer and to try to calm a troubled community. But providing "real time" accurate information is fraught with risks. For example, BPD understandably believed initially that the shooting was not a suicide because an attending physician (not an expert in these matters) stated that the bullet entered the left side of Suiter's skull. This turned out to be incorrect. Similarly, the bullet recovered from the vacant lot was first thought to be a .38 caliber, rather than the .40 caliber that Suiter's weapon discharged. In a fast-moving investigation, initial impressions are often corrected as the evidence emerges.

Additionally, sharing information with the public can taint potential witnesses. Details disclosed to the media can (and were) used by witnesses seeking to recover the $215,000 reward. The better practice here would have been to assure the public that BPD was making every effort find out what happened, and to follow the evidence vigilantly. Had the Commissioner done so, the credibility of his police force might not have been further eroded by this tragedy.

RECOMMENDATION 13: BPD should be candid in all public statements and cautious about revealing information as to ongoing investigation.

G. The Baltimore Police Department's practice of requiring homicide detectives to perform other duties compromises the effectiveness of an already overtaxed unit

The BPD Homicide Unit was tasked with investigating 343 murders in 2017 and another 168 as of August 5, 2018. Homicide cases are complex; they must be prepared meticulously for cases to hold up under the scorching light of a jury trial.

The Board learned during its interviews that homicide detectives are utilized to work uniformed district assignments in addition to their normal investigative, administrative and testimonial duties. BPD's current shortage of uniformed officers makes this practice understandable, but it places BPD in a "rob Peter to pay Paul" situation. In 2017, the Baltimore City State's Attorney's Office states it obtained 78 convictions for murder.[85] Accordingly, three out of four killers were either never charged or unsuccessfully prosecuted. Certainly, this record suggests that homicide detectives should be allocated more time, not less, to solve these capital crimes.

[85] http://www.baltimoresun.com/news/maryland/crime/bs-md-ci-mosby-conviction-rates-20180410-story.html. The Board recognizes that homicides may be prosecuted in a different year than committed; for example, not all the 78 homicide convictions obtained in 2017 were for offenses committed in 2017. Still, even addressing timing differences, the annual disparities between murders and murder convictions are staggering.

RECOMMENDATION 14: BPD should permit homicide detectives to devote all their working hours to investigating homicides and other activities that come within the purview of the homicide unit.

VII. THE IMPACT OF THE BPD RESPONSE UPON THE SURROUNDING COMMUNITY

As noted in the "Scope and Methodology" section, the Consent Decree Monitoring Team reviewed the police activity in Harlem Park in the days following the shooting while the Board was performing its tasks. On July 18, 2018, it issued its first semiannual report. This report evaluated whether "BPD officers acted appropriately when they made stops, searches and arrests," and describes the impact on civil liberties of these practices.[86] To avoid overlap, the IRB has not analyzed this issue, but it incorporates by reference the work of the BPD Monitoring Team.

BPD kept the city informed about the investigation through public statements by the Commissioner. The only formal community outreach the Board could identify was a single meeting. This meeting was a town hall for state senate candidates, organized by the Heritage Crossing Association prior to the shooting but held after the shooting. The event was held in late

[86] First Interim Report at 57.

November on Fremont Street, just three blocks from the Bennett Place vacant lot. The organizers invited BPD to participate, and then-Deputy Commissioner DeSousa provided a ten- to fifteen-minute overview of the status of the investigation and took questions from the audience. According to radio talk show host Larry Young, who moderated the event, Deputy Commissioner DeSousa conducted himself well and there was a civil discussion of the events and their effect on the neighborhood.

IRB members toured the Bennett Place area in July 2018 and spoke with five residents who lived in the neighborhood and three persons of faith who worked in the community. The residents had lived in Harlem Park for as little as five and as long as thirty-two years.

Most of the group believed that the lockdown and protection of the crime scene was necessary, if an inconvenience. We asked every resident that we talked to how the BPD officers conducted themselves regarding the escorts in and out of the area; the near unanimous response was that they conducted themselves courteously and professionally. One resident complained about having to produce ID when leaving the area; he felt this was unreasonable.

One pastor we spoke to has been ministering in this community for 32 years. He stated that his church kept its doors open for police officers and community

members alike during the police lockdown, and he reported no problems. The pastor's view is that police-community relations have improved in the neighborhood over the past fifteen years, largely due to the dismantling of the nearby high-rise public housing and a "truce" the pastor negotiated with the non-law-abiding residents in the neighborhood.

One woman who lived close to the crime scene (almost directly across the street on Bennett Place) said that the police who searched her house were insistent and disrespectful. She said that when they asked her if she lived in the house with anyone, she told them "no;" then when they heard her dog running upstairs, they drew their guns and she became afraid they would kill her dog. She stated that the police spent about ten minutes searching her house. It is not clear whether the police produced a warrant.

Several of the interviewed individuals commented upon the confusing and inconsistent information that BPD provided about the tragedy. This confusion, they contended, spawned theories that Detective Suiter was the victim of an "inside job" by other members of BPD (presumably associated with the GTTF criminal conspirators) who wanted to silence Suiter before he testified before the grand jury. In some respondents' opinions, this contributed to the negative comments made by some community members regarding the police. Several residents expressed

concern that the case had not been solved yet and that the killer was loose and not being held accountable.

VIII. TRAINING ISSUES APART FROM THE INCIDENT COMMAND SYSTEM FAILURES

The Board's recommendations outlined below were reached after a review of available BPD policies**,** discussions with current and former members of BPD, as well as a review of the Police Officers Standards and Training Commission Standards for the State of Maryland, and a comparison with the investigative operations of other agencies outside Maryland.

The creation of any investigative guides, procedures, or manuals should be premised on the fact that every investigation is different, but the process is the same. The "process" is a review of the possibilities available, adapted to the situation at hand. An investigation is not a "written in stone" step-by-step procedure where criticism results if a step is not taken; it is a fluid and evolving process.

A. Training and professional development

This panel recommends the following:

RECOMMENDATION 15: Create a 40-hour training protocol for basic investigations.

RECOMMENDATION 16: Mandate 40 to 80 hours of yearly in-service training specific to investigations. This will enhance Detectives' awareness of evolving trends, legal updates and technological developments.

RECOMMENDATION 17: Fund and initiate "training time" and access to established, professional training beyond current "on the job" tutelage. (for example, the Glesner Lee School, National Homicide Investigator's Association, the National Forensic Academy Association, and internships at investigative projects such as the National Domestic Communications Assistance Center (NDCAC) and the Secret Service Technology-related training initiatives to develop issue-specific expertise within the Homicide Unit).

RECOMMENDATION 18: Develop a Handbook for detectives entering the Investigations Division. This should include a basic directory of how to proceed and where to go to access information and evidence. The guidebook should be specific to the State, County, and City investigative resources. The Handbook should be sufficiently comprehensive to include policies and procedures that cover the topics listed in Appendix 10.

RECOMMENDATION 19: In addition to standard, basic investigative training and general policies, BPD should periodically review its processes and update them as accepted norms and legal standards dictate. An excellent resource for this process is the "Model Policies" developed by the International Association of Chiefs of Police. Appendix 11 contains a list of topics currently covered by the "Model Policies."

B. Other potential reforms

BPD faces a significant credibility problem. To successfully serve and protect the citizens of Baltimore, BPD must regain their trust.

The Board is particularly concerned because some of the recommendations made in this report are substantially similar to those in reports that BPD has received on no fewer than five prior occasions. BPD's inability to learn from experience, time after time, does not inspire confidence that it can be fixed from within.

The Board is also mindful that it not exceed the scope of its duties. Yet issues of organizational culture permeated this review. BPD members described the department as a place where: 1) compliance with policies and rules is not sufficiently prioritized; 2) the atmosphere is one of "circle the wagons" rather than "see something, say something" when it comes to bad news; 3) there is a great deal of political jockeying and a lack of mutual trust at the command staff level; and 4) there is resistance to change.[87] The selection of the next police commissioner is a matter of historic civic importance given the current state of the department. The Board includes several members with extensive police leadership experience. See Appendix 1. The Board believes that it is imperative that BPD choose a strong

[87] The quoted terms are the Board's shorthand interpretation of the comments it received.

candidate with an established track record for leading comprehensive culture reform and reduction and prevention of crime through constitutional policing.

Yet a strong commissioner alone cannot rectify the issues observed. The deficiencies observed are institutional, not individual, in nature. Accordingly, the Commissioner should be allotted a robust number of exempt positions so that he or she is empowered to select his or her own team to drive the overhaul that is essential. The new commissioner should have the ability to pick his or her own command staff. He or she should also receive a strong, unequivocal mandate from the Mayor to aggressively pursue systemic reform and a new culture of compliance dedicated to following all BPD training, policies and practices.

Washington, D.C.'s police department may serve as an instructive example. There, Charles Ramsey was selected in 1998 as police commissioner. Ramsey had previously served in leadership in the second largest police force in the nation. He was provided a number of exempt positions to build his own leadership. During his stewardship, crime decreased by forty percent in the District.

BPD has many dedicated and professional officers. A comprehensive reformation of the department can happen here, just as it has occurred in other cities around the country. This will not occur, however, without a wholesale overhaul of BPD's culture. This culture, oft-criticized by BPD members as well as

outsiders, harms the many BPD members who attempt to serve everyday with distinction and honor.

IX. CONCLUSION

The Board urges that BPD be held accountable for the recommendations in this report. Unlike BPD's ongoing consent decree with the U.S. Department of Justice, BPD is under no compulsion to adopt the IRB's recommendations. BPD ignored or forgot many of the recommendations in the Torbit, Batts, PERF, FOP3 and Links reports. Had those recommendations been implemented, many, if not all, of the deficiencies recognized here may have been avoided. Accordingly, we urge BPD to incorporate this report's recommendations into the appropriate BPD policies being revised through the consent decree process. BPD has advised that it intends to do so, and has already initiated such efforts.

Numerous IRB interviews of executives, commanders, and detectives over the last few months have demonstrated that there is considerable administrative and operational talent within the BPD command staff and mid-level ranks. Yet virtually every BPD member we interviewed lamented the "culture" at BPD that stifles innovation, teamwork, and the development of best practices. BPD has the sufficient talent and wisdom in its ranks to be an

effective problem-solving, progressive, and nationally-recognized police department. But without strong leadership to model and enforce a new culture of compliance, BPD will continue to be plagued by credibility issues and operational missteps.

* * * * * * * * * *

It is the hope of the IRB that its findings regarding Sean Suiter's death brings some measure of closure. The community should not fear that a "cop killer" is on the loose. The homicide detectives who worked so diligently should not be considered unsuccessful in failing to find a non-existent killer. Officer Bomenka should recognize that his police actions were admirable under the greatest stress imaginable. He did all he could to save Detective Suiter's life. Finally, we can only offer our sincere sympathy to the Suiter family for their loss, and our apologies for the regrettable and largely avoidable confusion that followed.

APPENDIX 1

The IRB is comprised of seven experts in the fields of criminal justice, law, and policing. The members are listed below.

James ("Chips") Stewart (IRB Chair) is a nationally recognized expert on the criminal justice system, including use of force analysis, capabilities evaluation, and technological applications such as body-worn cameras. Throughout a long career examining law enforcement tactics and strategy, Stewart has helped many police departments develop and implement violence-reduction strategies involving gangs and drug dealers. He is currently a Senior Advisor to the Department of Justice's Smart Policing Initiative, which provides technical assistance and training to 35 local law enforcement agencies, from Baltimore to Los Angeles. He has also helped lead efforts by the DOJ's Community Oriented Policing Services Office to re-solve use of force incidents.

Prior to joining CNA, Stewart served as Commander of the Oakland Police Department's Criminal Investigations Division and as a White House Fellow during his time as a Special Assistant to the United States Attorney General. From 1982 to 1990, he was the presidentially appointed Director of the National Institute of Justice, the longest-serving director of the DOJ's research branch. Under his leadership, the institute developed soft body armor that has saved the lives of more

than 4,000 police officers. He has also worked one-on-one with several police departments to provide analysis on violent crime and neighborhood partnerships.

Stewart holds an MPA from California State University and a BA from the University of Oregon. He also earned a graduate certificate in police organizational management from the FBI National Academy.

Dr. James ("Chip") Coldren (Co-Chair) is the Managing Director for Justice Programs at CNA. In this capacity, he oversees all program research and technical assistance activities. He is the principal investigator for a national study of the effects of equipment modalities on correctional officer safety and recently completed a randomized experiment with body-worn cameras in the Las Vegas Metropolitan Police Department. He is also the national technical assistance project director for the Bureau of Justice Assistance's Strategies for Policing Innovation Initiative (formerly the Smart Policing Initiative), Public Safety Partnership (formerly the Violence Reduction Network), and Body-Worn Camera Training and Technical Assistance Program.

Prior to joining CNA, Dr. Coldren was a professor of criminal justice and leadership at Governors State University in Illinois, where he created a new MA program in criminal justice and a new online doctorate program in interdisciplinary leadership. He also served as the Interim Assistant Provost for Academic Affairs and as the director of the university's Office of Sponsored Programs and Research.

Dr. Coldren served for over four years as President of the John Howard Association for Prison Reform, a century-old nonprofit organization dedicated to monitoring and improving the conditions of confinement in prisons, jails, and juvenile detention centers, as well as creating fair, humane, and effective sentencing and correctional policies. He served as Deputy Director for the Harvard School of Public Health's Project on Human Development in Chicago Neighborhoods, as Director of the University of Illinois at Chicago Center for Research in Law and Justice, and in several research capacities for the Illinois Criminal Justice Information Authority.

Gary Childs is a Licensed Private Detective and Consultant at Dunlawin Investigations and Consultants, LLC. Gary has over 43 years of law enforcement experience; he spent over 21 years with the Baltimore County Police Department and retired in March 2018. Most recently, Gary served as a detective in the Homicide Unit. [RH1]Gary has also served as a precinct detective and a patrol officer for the Baltimore County Police Department. Prior to joining the department, he served as a criminal investigator at the Carroll County State's Attorney's Office, where he investigated child physical and sexual abuse cases and assisted local law enforcement agencies and the Maryland State Police in the investigation of various crimes. Gary also spent over 22 years with the Baltimore

City Police Department. While there, he served as a detective and sergeant in the Homicide Unit, where he supervised a squad of five detectives and was responsible for the investigation and trial preparation of all crimes against persons—murders, contract murders, all serious shootings, stabbings, beatings, suicides, kidnappings, extortions, and all police-involved shootings. In his time with the Homicide Unit, he supervised, investigated, or assisted in the investigation of over 600 homicides. While at the Baltimore City Police Department, Gary also served on the Drug Enforcement Administration Task Force, Narcotic Unit, Crimes Against Property Unit, and patrol. Gary also served with the Maryland Army National Guard for over 24 years. He holds an MS and a BA from the University of Baltimore, Maryland.

Rick Fuentes is a 39-year veteran of the New Jersey State Police. He served as colonel and then superintendent of the organization from 2003 to 2017. A gubernatorial appointee confirmed by the legislature, he has served four governors, both Democrats and Republicans. He also served as the State Director of the New Jersey Office of Emergency Management. Mr. Fuentes holds a PhD in criminal justice from John Jay College, City University of New York, and published a doctoral dissertation on the managerial style of Colombian cocaine cartels. During his tenure as superintendent, he sat on two advisory boards to the United States Attorney General—the Global Intelligence Working Group and the

Criminal Intelligence Coordinating Council. He was also a seated member of the Director of National Intelligence's Law Enforcement Advisory Board. As superintendent, Mr. Fuentes held a Top Secret Sensitive Compartmented Information security clearance issued by the Federal Bureau of Investigation.

Peter Modafferi served as a detective with the Rockland County District Attorney's Office for 45 years, the last 25 as Chief of Detectives retiring in 2017. Chief Modafferi is a graduate of the FBI National Academy (133rd session). He holds a Bachelor of Arts from Siena College, a Master of Arts in criminal justice, and has concluded the course work in the doctoral program from the City University of New York. In 1992 Chief Modafferi was awarded a Fulbright Fellowship for Graduate Study in the United Kingdom and is the recipient of numerous awards and commendations, including Rockland County Police Officer of the Year 1984. Chief Modafferi has also published articles and lectured at various universities and law enforcement academies on topics including managing criminal investigations, multi-agency investigations, intelligence-led policing, wrongful convictions, and other evolving issues in criminal justice. From 1990 until retiring in 2017, Chief Modafferi chaired the International Association of Chiefs of Police Investigative Operations Committee. Chief Modafferi sat on the Criminal Intelligence Coordinating Council, an advisory board to the United States Attorney General. He also served as the North East Regional Expert for the Office

of National Drug Control Policy Technology Transfer Program, and consulted with the Foreign Terrorism Tracking Task Force, which was established in October 2001.

In addition to serving on various local community boards, Chief Modafferi serves on numerous professional committees and working groups, including the Justice Intelligence Coordinating Council, the DOJ Identity Crimes Task Force, the Global Intelligence Working Group, the Law Enforcement Executive Forum, and the Information Technology Study Group.

Charlie Scheeler was federal prosecutor in the US Attorney's Office for the District of Maryland from 1984 to 1989, and now practices law at DLA Piper US LLP.

Marvin Sydnor has over 35 years of experience in law enforcement. For 25 years, Marvin served as a detective in the Baltimore City Police Department Homicide Unit, where he investigated over 500 homicides as the primary or secondary lead. He has also investigated police-involved shootings, suicides, questionable death cases, and threats against public officials. Marvin has also served as an expert in narcotic packaging and identification in United States Federal Court and as an expert in identification of gunshot wounds in Maryland State Courts. Prior to serving as a detective, Marvin was assigned to the department's DEA task force. Marvin holds a BA from Morgan State University.

Appendix 2

Baltimore Police Department -- General Order G-3 **May 1, 1996**
Subject: *Death and Serious Assault Investigations*
Remove from manuals/files and recycle/destroy: General Order 14-83 (G-3), "Death and Serious Assault Investigations", dated 14 September 1983.
Distribution "A"
Plus All Departmental Bulletin Boards

WHAT YOU WILL FIND IN THIS DIRECTIVE

- General Information
- General Responsibilities
- Investigation of Non-Violent Sudden Deaths
- Investigation of Homicides, Suspicious Deaths and Serious Assaults

GENERAL INFORMATION

! It is the policy of this Department, consistent with the law, to conduct an investigation when any person dies in Baltimore City, in any of the following circumstances:
  " As a result of violence, suicide, or injury;
  " Suddenly, when in apparent good health;
  " When unattended by a physician; or
  " In any suspicious or unusual manner.
! Members shall work cooperatively with the Office of the Chief Medical Examiner to ensure the successful conclusion of all such investigations.
! In cases of homicide and serious assault, where death is likely to occur, the authority and responsibility to coordinate the entire investigation shall rest with the Homicide Unit, Criminal Investigation Bureau.
! In cases of non-fatal shootings, not retained by the Homicide Unit, the authority and responsibility to coordinate the entire investigation shall be that of the Violent Crimes Task Force, Criminal Investigation Bureau.
! In cases requiring lengthy investigation, the district officer participating may be detailed to work with the Homicide Unit when the officer's assistance will contribute to the case. Details shall be terminated when it is decided that the officer's services are no longer needed. In those cases where it may be necessary to detail a district officer to the Homicide Unit after the initial investigation, the Commanding Officer, Crimes Against Persons Division will request approval of the Chief, Field Operations Bureau, via the Chief, Criminal Investigation Bureau.

GENERAL RESPONSIBILITIES

Member of the Agency

! When you arrive at the scene of a possible sudden death, immediately attempt to determine if the person is alive. Be governed by your observations of specific signs of death such as the development of rigor mortis or post mortem decomposition. **If these signs are present, pronounce the person dead, noting the time of the pronouncement**.
! Whenever there is any doubt as to whether or not a person is dead, request a Fire Department ambulance via Communications.
  NOTE: Baltimore City Ambulance personnel are not required to remove the deceased from the scene if they pronounce the person dead. In such instances the ambulance crew will provide the primary officer a copy of the Fire Department Ambulance Report . However, if the body is within public view and it is in the public interest, the ambulance personnel will remove the body.
! Until facts indicate otherwise, all deaths shall be investigated as homicides.

INVESTIGATION OF NON-VIOLENT SUDDEN DEATHS

Primary Investigating Officer

! When it is obvious from the onset that a death, in all probability, is not a homicide, furnish the following information, if available, to Police Services by telephone, for transmittal to the Medical Examiner:
  " Telephone number at which you can be contacted;
  " Deceased's name, address, sex, race and age;
  " Ambulance number and name of Fire Department member who pronounced the person dead or the name and unit number of the police officer, whichever is applicable;

" Date and time death was pronounced;
" Name and phone number of the deceased's personal physician who will sign the death certificate (if applicable);
" Name, address, and phone number of next of kin who has been notified, or a request that such notification be made; and
" Name, address and phone number of person to claim the body for burial.

NOTE: In all sudden death investigations where you or personnel from the Medical Examiner's Office find suspicious or unusual circumstances, you shall ensure the integrity of the scene and notify the Homicide Unit.

! In the absence of the next of kin, you shall secure and inventory all monies and valuable property of the deceased in keeping with General Order N-1, entitled "*Control of Property/Evidence*".
! Upon notification from the Medical Examiner's Office that the body may be released, advise the next of kin that the body may be released to a funeral director at the scene.
! If the body is not released by the Medical Examiner's Office, or in the absence of the next of kin:
" Release the body, a copy of the Ambulance Report when applicable, and all medicines or substances possibly taken by the deceased, which may be useful in establishing the cause of death, to the personnel from the Medical Examiner's Office and obtain a Receipt for Body Form;
" Ensure notification of next of kin is made.
! Prepare appropriate field reports, to include all pertinent facts, in keeping with established procedure.

Morgue Liaison Officer, Homicide Unit, Crimes Against Persons Division

! Follow up notifications of next of kin if the body is not claimed for burial within five days.

INVESTIGATION OF HOMICIDES, SUSPICIOUS DEATHS AND SERIOUS ASSAULTS

Primary Investigating Officer

! When necessary, administer first aid to injured persons, and ensure that they are transported to a medical facility.
" If the victim is taken to a medical facility, have the secondary unit respond with the victim. If you are the only officer on the scene, advise the Communications Division dispatcher to direct a unit to the medical facility.
! Assume responsibility for the protection of the crime scene(s);
" Clear the immediate area of the crime scene of all unauthorized persons;
" Ensure that nothing is touched or disturbed prior to the arrival of investigators from the Criminal Investigation Bureau;

EXCEPTION: Evidence may be taken into possession of the primary unit, if in the officer's judgment, the evidence may be lost or damaged if left in its original position. All evidence shall be marked and notations made to insure proper chain of custody.

" Leave the body in it's original position. Indicate the position of the body with chalk, crayon, or other means available and record same if it is necessary to remove the victim to a hospital or elsewhere.
" If there is more than one crime scene, ensure that additional officer(s) are dispatched to those locations to protect the scene.
! Notify your supervisor of the nature of the incident.
! Locate witnesses and ensure their availability. Every effort should be made to keep witnesses separated until the arrival of CIB investigators.
! Broadcast all available suspect(s) descriptions.
! Request, via Communications, that the Homicide Unit respond to the scene;
" Inform the Homicide Unit detectives, immediately upon their arrival at the scene, of all witnesses detained, of the evidence found and whether or not it has been handled or contaminated, and of all information obtained relative to the case.
" Remain with members of the Homicide Unit, under their supervision, until the conclusion of the investigation.
! Request, via Communications, that the Violent Crimes Task Force respond to the scene of all non-fatal shootings.

NOTE: Should investigators from the Violent Crimes Task Force be unavailable, handle the preliminary investigation in keeping with established procedure. The Violent Crime Task Force would be responsible for the follow-up investigation.

! Request a Mobile Crime Laboratory unit respond to photograph and process the crime scene.
! Ensure the victim's next of kin is notified as soon as it is reasonably possible;

NOTE: Notification shall be made in a humane, courteous and professional manner.

Telephone notification of death is prohibited.

- Submit all evidence in your possession to the Evidence Control Section.
- Complete the necessary offense reports recording all facts and information regarding the case, noting especially such things as:
  - Date and time of arrival;
  - Weather and lighting conditions;
  - Names and address of suspect, victim, witness;
  - Description and location of evidence;
  - Description of crime scene;
  - Position of body.
- Upon the arrest of a homicide suspect, the prisoner shall be transported at the direction of the Homicide Unit.

Secondary Units

- Assist the Primary Unit with:
  - The protection of the crime scene(s);
  - Crowd or traffic control if necessary;
  - An area canvass for witnesses.
- When accompanying the victim to the hospital:
  - Obtain all information relative to the assailant;
  - Promptly broadcast a description of the assailant over departmental radio;
  - Obtain complete statement of facts, including a dying declaration when necessary;
  - Take possession of all clothing removed from the victim, ensuring separate packaging of each item to protect its evidentiary value;
  - Recover all other available evidence;
  - Counsel hospital personnel regarding possible loss or destruction of evidence on any clothing left on the body;
  - Submit clothing and other evidence to the Evidence Control Section. All evidence shall be marked and notations made to insure proper chain of custody.

Supervisor/OIC

- Respond to incidents of importance in your sector.
- Ensure that the incident is being handled in an appropriate and professional manner.
- Provide guidance and direction, as needed, to subordinates conducting investigations.
- Assist the Medical Examiner, homicide detectives, and laboratory technicians in other phases of the investigation, when requested;
- When a homicide occurs, and members of the Homicide Unit are not immediately available, ensure that an investigation is conducted in conformity with the procedures outlined in this Order, and assume command until their arrival.

Member of Homicide Unit, Criminal Investigation Bureau

- Assume the authority and responsibility to coordinate the entire investigation, handling all phases of the investigation in keeping with the training and procedures of the Homicide Unit.
  NOTE: The district remains charged with the responsibility of continuing to protect the crime scene until the scene has been completely processed by the Medical Examiner, homicide detectives and laboratory technicians.
- When it is determined that the victim of a shooting will survive, you may transfer responsibility for the investigation to the Violent Crimes Task Force.

Member of Violent Crimes Task Force

- Assume responsibility for the investigation of all non-fatal shootings not retained by the Homicide Unit.
- In cases of serious shootings that may become fatal, provide assistance to the Homicide Unit investigator, until it is determined who will handle the investigation.
  NOTE: The Homicide Unit has the prerogative of retaining any shooting case.

Communications Division

- In addition to other required notifications, immediately notify the Violent Crimes Task Force of all non-fatal shootings.

Central Records Division

- Forward an information copy of all Assault by Shooting At, and Discharging of Firearms reports to the Violent Crimes Task Force.

By Order of Thomas C. Frazier, Commissioner

Baltimore Police Department -- Amendment to General Order G-3 **October 27, 1998**
Subject: *Death and Serious Assault Investigations*
Distribution "A"
Plus All Departmental Bulletin Boards

AMENDED INFORMATION

The following information shall be added under the INVESTIGATION OF HOMICIDES, SUSPICIOUS DEATHS AND SERIOUS ASSAULTS section of the order on page G-3-3. Add the information after the fifth bullet (**!**) under:

Supervisor/OIC

! Assign an officer, ***other than the primary officer,*** to maintain a Crime Scene Log; Form #98-229; obtaining the name of all persons who respond and are allowed entry to the crime scene. Also note times of arrival and departure from the crime scene of all officials, to include the Crime Lab Technicians, Office of the Chief Medical Examiner's Office Technicians, etc.

! Ensure that the Crime Scene Log, Form #98-229, is delivered to detectives upon release of the crime scene.

This Amendment shall be placed after page G-3-3

By Order of Thomas C. Frazier, Commissioner

Appendix 3

General Order T-7

Subject		
NATIONAL INCIDENT MANAGEMENT SYSTEM		
Distribution	Date Published	Page
"A"	**16 November 2010**	**1 of 4**

By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department to utilize the National Incident Management System (NIMS), when appropriate, to respond to and resolve incidents of a serious nature or to coordinate security for high profile events.

PURPOSE

The purpose of this General Order is to familiarize all members of the Baltimore Police Department with NIMS, its procedures and requirements, and the manner in which it will be implemented during qualifying emergency events.

BACKGROUND

The National Incident Management System, commonly referred to as "NIMS," is a single, comprehensive approach to domestic incident management that enhances the ability of the United States to prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other large-scale emergencies. NIMS was created by the United States Department of Homeland Security following publication of Homeland Security Presidential Directive 5 (HSPD 5) in February, 2003.

The purpose of NIMS is to provide a consistent, nationwide approach to incident management so that Federal, State, and local government agencies can work together, effectively and efficiently, throughout the course of any multi-agency response to a widespread critical incident.

The nationwide consistency provided by NIMS results from the establishment of a set of core concepts in areas such as terminology, technology, and training. These core concepts provide a level of standardization within the first responder and public service communities so that coordinated actions may begin immediately at the outset of any response to a critical incident.

DEFINITIONS

Incident Action Plan (IAP) - An oral or written plan containing general objectives that reflect the overall strategy for managing an incident. It may at times include the identification of operational resources and assignments.

Incident Commander (IC) - The individual with overall authority and responsibility for all incident activities, including the development of strategies and tactics, and the ordering, deployment, and release of resources.

Incident Command System (ICS) - A standardized, on-scene emergency management procedure designed to provide an integrated organizational structure, regardless of jurisdictional boundaries, during the response to and resolution of a critical incident.

National Incident Management System (NIMS) - A single, comprehensive approach to domestic incident management that enhances the ability of the United States to prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies.

Unified Command (UC) - An application of the Incident Command System used when there are combined response resources from multiple political jurisdictions, various levels of government, and public service entities (e.g., Baltimore Gas & Electric, Mass Transit Administration, etc.).

GENERAL INFORMATION

Implementation of NIMS by the Baltimore Police Department, or any decision to involve the Baltimore Police Department in another agency's implementation of NIMS, may only be authorized by a command-level member of the Department holding the rank of Deputy Major or above.

Depending on the complexity of the incident and the nature of the response assets available, the first step in any implementation of NIMS will either be the establishment of an Incident Command (IC) or a Unified Command (UC). In the event either of these Commands is established, the Incident Commander or Unified Commander, or his/her direct subordinate(s), may not necessarily be members of the Baltimore Police Department. As a result, there may come a time during a NIMS-related incident when it will be necessary for members of the Baltimore Police Department to take direction from, and to follow the orders of, personnel who: may not be members of the Baltimore Police Department; may not be sworn law enforcement personnel, or; may be outside the member's normal chain of command.

It may also become necessary to suspend the use of ten-codes, and/or the use of law enforcement-specific jargon or phrases, so that personnel from outside the Department may communicate using the Baltimore Police Department's radio system. The highest ranking on-scene member of the Baltimore Police Department will inform all subordinate members when they are to begin and end operating under either of these conditions.

REQUIRED ACTION

Member

1. Members will familiarize themselves with the NIMS protocols and terminology as defined in both this Order and during training sessions provided by the Education and Training Section.

2. If the Baltimore Police Department has been authorized to participate in an implementation of NIMS, and a Unified Command has been established:

    2.1. Follow the orders of the Unified Commander, or his/her designee, regardless of the person's actual employer or, when applicable, his/her lack of status as a sworn law enforcement officer.

    2.2. Continue to operate in this manner until advised by the Communications Section that the Baltimore Police Department is no longer a part of the Unified Command.

    NOTE: Members are required at all times to conform to the policies and procedures of the Baltimore Police Department, and to ensure that any police action they take is constitutionally permissible. Members are not to follow any order(s) issued by a Unified Commander, or his/her designee, if the order(s) conflict with Department policy or procedure.

3. When ordered to do so by the highest ranking on-scene member of the Baltimore Police Department, broadcast all radio communications in plain language, without the use of standard ten-codes or law enforcement-specific jargon.

Command Staff Member (Deputy Major and Above)

1. When present at the scene of a major incident or event, determine if implementation of NIMS will be necessary.

2. If it becomes necessary to implement NIMS and establish a Unified Command:

   2.1. Notify the Chief of Patrol, or his/her designee, and the Shift Commander, Communications Section, of this decision.

   2.2. Determine if the nature of the incident or event demands that Baltimore Police Department personnel should be directed to operate under the command of a member of another organization or agency.

   2.3. Assess the need to order members of the Baltimore Police Department to transmit all radio communications in plain language, without the use of ten-codes or law enforcement-specific jargon.

      2.3.1. If a change in regular radio communications is necessary, notify the Shift Commander, Communications Section.

3. Act in accordance with Departmental policies and procedures if appointed to an operational position under the command of an individual from another organization or agency.

Director, Communications Section

1. Coordinate any requests from outside agencies to merge their communications into the Baltimore Police Department's communications system.

2. Ensure that the appropriate Police Dispatchers broadcast any message from a member of the Department's Command Staff regarding:

   2.1. The beginning or end of the Baltimore Police Department's participation in a Unified Command.

   2.2. The beginning or end of any period where ten-codes and law enforcement-related jargon are not to be used.

Director, Education and Training Section

1. Ensure appropriate training in the National Incident Management System is provided through both the In-Service and Entry-Level curriculums.

RELATED PROCEDURE

United States Department of Homeland Security Presidential Directive 5, "Management of Domestic Incidents," dated 28 February 2003.

COMMUNICATION OF POLICY

Supervisors shall be responsible for communication of this General Order to their subordinates, and to ensure compliance. This Order is effective on the date of publication, is to be read at all roll calls for five consecutive days, and is to be posted on Departmental Bulletin Boards.

Appendix 4

Standard Operating Procedure

For: Response to Crowd Control Incidents

1 March 2012

INTRODUCTION

This document is intended for all members of the Baltimore Police Department when responding to an unanticipated, spontaneous crowd control incident within the City of Baltimore.

The contents of this Standard Operating Procedure (SOP) are intended to provide a framework around which any member acting as an Incident Commander during a crowd control incident can create and implement an Incident Action Plan.

However, at no time does the guidance provided by this document supersede or replace the policies and procedures of the Baltimore Police Department as defined in any applicable General Order or Police Commissioner's Memorandum.

POLICY

Proactive Crowd Assessment

Although certain crowd control incidents may occur with no warning, many venues throughout the City are known as popular destinations and can be monitored by Officers on patrol. Supervisors should direct their subordinates to gather intelligence at these venues through one-on-one contact with security and/or management personnel. Items of critical value are:

- Is the crowd size larger than can be handled by available sector Patrol fficers?
- Can the crowd dynamic be characterized as disruptive, hostile, or combative?
- Have there been any incidents of assault, property damage, etc., or is there a likelihood that they will occur?
- Is there any indication that members of opposing groups are present?
- Will direct police intervention be necessary to disperse the crowd, restore order, and protect property?

Incident Commander (IC)

Every crowd control incident will require the identification of an Incident Commander (IC) who will have absolute authority at the scene of the incident. The first officer on the scene will become the initial IC, and he/she will continue in that role until relieved by another member of higher rank.

As higher-ranking members assume the duties of IC they will ensure that an official transfer of command is broadcast by police radio. In order to prevent individual officers and supervisors from initiating random, uncoordinated actions in which no strategic purposes are served, the IC must always provide a plan of action to unite and direct all response efforts during the incident.

Incident Priorities

When resolving a crowd control incident, the following operational priorities should be examined:

1. Protection and preservation of life.

2. Immediate threats to the safety of the general public and responding Officers.

3. Incident stabilization / isolation (with the recording of actions taken).

4. Dispersal of the crowd, restoration of order.

5. Crime scene preservation and collection of evidence.

6. Restoration of unrestricted access to public services, transportation, infrastructure, etc.

Incident Action Plan

The Incident Action Plan is based on the Incident Priorities listed above and contains general objectives that reflect the Incident Commander's strategy for controlling/dispersing the crowd. It may be basic in nature, can be passed down to subordinates by way of direct verbal instructions, and includes the establishment of a Staging Area.

Incident Commanders can and should revise their Incident Action Plans based on status reports from subordinate supervisors. Any element of an existing Incident Action Plan that proves ineffective in serving the Incident Commander's strategic goals should be altered or discarded as necessary.

Staging Area

A location under the direct control of a permanent rank supervisor which serves as an assembly area for additional personnel and resources. It must have adequate space for police, fire, and utility vehicles, as well as areas in which specialized units such as SWAT may prepare for deployment.

PROCEDURES

Member

1. If you are present in the location of the crowd control incident prior to the arrival of a Supervisor:

    1.1. By police radio:

        1.1.1. Notify your District's Police Dispatcher that a crowd control situation is developing; give whatever information you believe will be most descriptive of both the situation AND the location in which it is occurring.

        1.1.2. Request that a Supervisor respond to your location.

    1.2. Do not take any direct police action unless you observe a threat that presents an imminent risk of serious physical injury or death.

    1.3. Continue to monitor the crowd until a Supervisor and back-up units arrive.

    1.4. If operating in a Non-Uniformed capacity:

1.4.1. Non-Uniformed officers will not engage in crowd control.

1.4.2. Non-Uniformed officers will not take enforcement action unless they observe a threat that presents an imminent risk of serious physical injury or death.

1.5. Upon the arrival of a Supervisor, relay any pertinent information.

1.5.1. At this time the Supervisor should announce by police radio that he/she is on the scene and assuming the duties of Incident Commander.

2. If you are not present in the location of the crowd control incident, DO NOT respond to the area unless directly ordered to do so.

2.1. If you are ordered to respond to the area, report ONLY to the location (or Supervisor) to which you have been directed.

2.2. If you are ordered to respond to a Staging Area, report directly to the Supervisor in charge of the Staging Area.

Incident Commander (IC)

1. Assess the situation and determine what resources/personnel will be needed.

1.1. Give clear direction by police radio as to where those back-up units will respond, or to whom they will report.

2. Ensure that a Permanent Rank Supervisor is performing the duties of Shift Commander for the current patrol shift.

3. Consider whether any need exists to activate the following:

3.1. A separate, dedicated radio channel.

3.2. A Command Post.

3.3. A Traffic Perimeter.

3.4. A Staging Area.

4. Make every reasonable effort to determine if any other on- or off-duty law enforcement or first responder personnel are present at the scene.

5. Determine if there is a need for outside expertise such as a Fire Marshall, VICE, or a Liquor Board Inspector.

6. If you believe that on-scene personnel will be sufficient to execute any necessary crowd control/dispersal actions:

6.1. Prepare a basic Incident Action Plan based upon the Incident Priorities.

6.2. Brief subordinate Supervisors on your overall plan and assign specific task(s) to each Supervisor.

6.3. Ensure each Supervisor clearly identifies him-/herself to the Officers for whom he/she is responsible.

7. If you DO NOT believe that on-scene personnel will be sufficient to execute a crowd control/dispersal plan:

   7.1. Request that a supervisor of the next higher rank respond to your location (lieutenant relieves sergeant, major relieves lieutenant, etc.).

   7.2. Direct available resources to a continuation of efforts to isolate and stabilize the situation.

   NOTE: Any response to a crowd control incident of extreme size or complexity shall be governed by General Order T-7, "National Incident Management System."

8. If you determine that the incident has been resolved, demobilize all resources by:

   8.1. Directing all personnel (except those who are injured or transporting/processing prisoners) to report back to the original Staging Area.

   8.2. Gaining exact accountability for all personnel deployed during crowd control incident.

   8.3. Notifying appropriate members of Senior Command Staff that the situation has been resolved and that District operations are returning to a normal status.

   8.4. Deactivating the dedicated radio channel.

   8.5. Organizing the collection of required after-action reporting.

Staging Area Supervisor

1. Immediately upon direction from the Incident Commander, respond to the designated Staging Area.

2. Assess its suitability in terms of size, sufficient space for vehicles, etc.

3. Advise all other responding units by police radio of a safe route by which they may reach the Staging Area.

4. Take charge of the following duties:

   4.1. Maintain a written Staging Area Log of arriving units that includes their names, call numbers, time arrived, time deployed, and time released/demobilized.

   NOTE: This will be crucial in accounting for all personnel prior to demobilization at the completion of the crowd control incident.

   4.2. Give a direct order to arriving units that they are to remain in the Staging Area until specifically authorized, at your direction, to depart.

   4.3. Ensure vehicles with priority tasks (i.e., ambulances and tow trucks) are parked in locations that will allow them to rapidly deploy from the Staging Area.

   4.4. If necessary, assign another member to assist you in these duties.

5. Group Officers and Supervisors into teams at the direction of the Incident Commander.

6. Deploy units/teams from the Staging Area at the direction of the Incident Commander.

    6.1. When units/teams are deployed from the Staging Area, update the Staging Area Log to reflect their time of departure and assignment.

7. Assist the Incident Commander with final accountability during the demobilization process.

District Commander

1. Ensure that all appropriate after-action reporting is collected by the final Incident Commander.

2. Arrange an after-action review of the crowd control incident.

    2.1. Determine what units or personnel should attend this review.

Special Operations Section

Units from the Special Operations Section will be utilized as follows:

SWAT - SWAT personnel will not perform basic crowd control tasks.

SWAT elements will respond to the Staging Area and, upon direction from the Incident Commander, deploy in support of the main crowd control effort. They will perform specialized actions such as directed arrests or downed-Officer rescues from within the crowd. SWAT will also prepare to assess and confront potential deadly force threats.

EVU - EVU will respond to the Staging Area and supply specialized equipment as required.

Mounted Unit - The Mounted Unit will report to the Staging Area and, at the direction of the Incident Commander, engage in primary crowd control measures.

Canine (K9) Unit - Canine units will respond to and remain at the Staging Area in order to provide security for personnel and equipment at that location. Canine handlers will not engage in crowd control and they will not take enforcement action within a crowd unless they observe a threat that presents an imminent risk of serious physical injury or death.

Aviation Unit (Fox) - The Aviation Unit will provide airborne surveillance at the direction of the Incident Commander and, upon request, utilize their ability to downlink video imagery of the incident to ground units.

Marine Unit - The Marine Unit will perform their regular mission of monitoring waterways unless directed to perform other activities by the Incident Commander.

After-Action Reporting and Analysis

At the conclusion of any activation of this SOP, a thorough accounting of actions taken and resources expended must be made in order to: (1) Document departmental activities for the purposes of prosecution and/or other legal action; (2) Provide the framework for an overall cost estimate; and (3) Allow for a post-incident debriefing and an analysis of the police response, emphasizing both lessons learned and the refinement of existing training paradigms.

After-Action Reporting will include, at a minimum:

1. Departmental Documentation: Copies of property/evidence receipts, crime scene logs, Employee's Incident Reports (EIRs), use of force packages, administrative reports detailing damage to departmental property, equipment, vehicles, etc.

2. Arrest/Booking Information: Copies of offense reports, statements of probable cause, statements of charges, witness information and statements, etc.

3. Staging Area Manager's Log: Names and unit numbers of all responding Officers, paramedics and fire department personnel, City tow truck drivers, etc. This log should include time arrived, time deployed, and time released/demobilized for all personnel.

4. Command Post Log: This will be the notes and entries made by the Incident Commander's recording assistant ("scribe"). It should include times and outcomes of notifications to City and Departmental leadership; requests for specialized units and/or subject matter experts (Fire Marshall, Liquor Board, VICE, etc.); and any official findings from the specialized units and experts.

Appendix 5

Policy 413

Subject	
MOBILE FIELD FORCE	
Date Published	Page
1 July 2016	**1 of 11**

By Order of the Police Commissioner

POLICY

The BPD shall maintain a specially trained and equipped Mobile Field Force (MFF) to effectively manage large crowds and/or riotous behavior, in order to:

1. Preserve life
2. Protect property
3. Allow safe ingress and egress throughout the City
4. Restore normal operations

DEFINITIONS

Chemical Agents – CS/CN gas, oleoresin capsicum (OC) spray, pepper spray/PepperBalls, MK-9 Pepper Fogger, smoke, etc.

Civil Disturbance – A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.

First Amendment Assemblies/Demonstration – A lawful assembly of persons organized primarily to engage in First Amendment activity. These may or may not be scheduled events that allow for law enforcement planning, such as marches, protests and other assemblies intended to attract attention.

Incident Commander (IC) – The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

Less-Lethal Launchers/Munitions (LL) – An apprehension or restraint tool that is neither likely nor intended to cause death or serious injury. (e.g., DS-3027 bean bag rounds, PepperBalls, conducted electrical weapon (CEW), FN-303, etc.)

Mass Arrest System – A system outside of normal arrest processing procedures that is activated in order to effectively and efficiently handle a high volume of arrests.

Mobile Field Force (MFF) – Members who are specially trained and equipped to provide a rapid, organized and disciplined response to a civil disturbance.

Mobile Field Force Commander – Permanent-rank supervisor responsible for the training, equipment and other logistical needs of the MFF.

Over Response – A large presence of law enforcement officers or perceived "heavy-handed" tactics. Protestors may take this as an opportunity to increase unlawful activity and accuse law enforcement of escalating the incident.

Under Response – Lack of law enforcement presence in sufficient numbers, and/or lack of a reasonably objective show of force may embolden protestors to increase their level of civil disorder due to a perception of law enforcement weakness.

GENERAL

Mobile Field Force

During periods of civil disturbance or riotous behavior, a disciplined and appropriate law enforcement response is necessary to successfully defuse the situation with the least amount of injury, force and damage to property. There are inherent dangers associated with an "Over Response" or an "Under Response."

1. The MFF shall be comprised of at least six platoons.

2. Each platoon shall consist of one lieutenant, four sergeants and 28 officers/detectives.

3. The MFF shall be led by the MFF Commander, under the direction of the Incident Commander.

4. Members shall be identified by their parent command for MFF training. Upon successful completion of MFF training, members will be MFF certified.

5. Aerial and/or other surveillance technologies shall be employed for training and intelligence purposes, to record the actions of the MFF and the individuals creating the disturbance.

6. Command members (Captain or above) may request the deployment of the MFF, via the Chief, Patrol Division. A full or partial deployment may be requested.

The MFF must work as a unified and well disciplined team. Individual actions may lead to unsuccessful and dangerous operations. The four key components to a successful MFF are:

1. Planning: Prior to responding to any large scale event, the BPD must plan deployment actions and the utilization of resources.

2. Discipline: All members must understand and fulfill their roles and responsibilities.

3. Training: All MFF members, regardless of rank, must be trained in the concept of team tactics and MFF.

4. Leadership: Strong leadership must be provided at all levels. This "on-the-ground" leadership lends itself to more timely and accurate decisions and flexibility to respond to rapidly unfolding situations.

Standardized Warnings

1. Give a Standardized Warning, Form 15/15, (See Appendix A) when warning individuals or crowds who are in violation of the law that they are subject to arrest if they do not disperse.

2. Communicate all standardized warnings via "bull horn," loud speaker or other similar communication device which ensures that members of the group can clearly hear the warnings being issued based on the size of the crowd and environmental conditions.

3. Station officers in a position to video and audio record all standardized warnings. Videographers will be embedded into the MFF platoons for this purpose.

4. Record the exact date, times and locations of the warnings given on the Standardized Warning, Form 15/15.

Use of Force

1. The BPD Use of Force policy does not change during periods of civil disturbance.

2. The deployment of LL launchers/munitions, OC Spray, baton strikes, etc., shall be investigated as a use of force. See Policy 1115, *Use of Force*, for reporting requirements.

3. If an individual has been subjected to impact by a less-lethal impact projectile, he/she will be provided with medical treatment. If the individual refuses medical treatment or leaves the location, document the actions taken to identify and render aid to the individual in the Use of Force review.

4. Any individual who complains of injury from other LL deployment (e.g., OC spray, CS/CN gas, etc.) shall receive medical treatment upon request, when safe to do so.

5. All use of force investigations shall be conducted in accordance with Policy 1115, *Use of Force*, when it is safe and practicable to do so.

Less-Lethal Launchers/Munitions

MFF members authorized and approved to deploy LL launchers/munitions shall obey all rules governing the deployment of these launchers/munitions per LL training. See Policy 414, *Less-Lethal Munitions and Chemical Agents*, Policy 409, *Firearms Regulations* and Policy 1115, *Use of Force*.

1. All MFF members shall be trained and certified to utilize certain LL launchers/munitions. (e.g., PepperBall rounds, FN-303, MK-9 Pepper Fogger, etc.)

2. Certain MFF members shall be trained and certified to deploy 37/40mm weapons/munitions as well as CS/CN gas and smoke.

Chemical Agents / Canines

The Incident Commander (IC) shall approve/disapprove the decision to deploy chemical agents, canines, or any use of force intended for dispersing groups of individuals. Before deploying such chemical agents/force the IC shall ensure:

1. Clear warnings that chemical agents, force, etc., will be utilized are communicated to the individuals subject to such force.

2. The individuals are provided sufficient opportunity to heed the warnings and exit the area.

3. The effect of such chemical agents, force, etc., will be minimized on those individuals who are complying with lawful enforcement commands.

4. There is a means of safe egress from the area available to the individuals.

5. At no time shall chemical agents or force be used to frighten or punish individuals for exercising their constitutional rights.

NOTE: Nothing in this Policy restricts a member from deploying chemical agents to protect his/her immediate safety or the safety of others. (See Policy, 1118 *Oleoresin Capsicum (OC) Spray*, Policy 1115, *Use of Force* and Policy 414, *Less-Lethal Munitions and Chemical Agents*)

Mass Arrest

1. Efforts shall be made to isolate and remove specific individuals or groups of agitators whose purpose is to incite the crowd before orders for mass arrest are issued in response to illegal behavior. Often times, removing agitators will cause others in the crowd to de-escalate activity or disperse without further law enforcement intervention. Only the IC shall issue a mass arrest order.

2. Members may be confronted with a situation where large numbers of individuals will be arrested for violations of the law. Issues to consider are:

    2.1. Number of officers;

    2.2. Number of protestors;

    2.3. Seriousness of violations;

    2.4. Demeanor of protestors; and

    2.5. Availability of arrest teams/prisoner transportation

3. Upon receiving an order to execute mass arrests, the IC shall:

    3.1. Ensure sufficient arrest teams are assembled, equipped and staged. Equipment shall include:

        3.1.1. Pre-packaged arrest packets including: CBIF wrist band, Charge Information Form 11/165, Flex Cuffs, etc.

    3.2. Stage a sufficient number of prisoner transportation vehicles;

    3.3. Notify Central Booking and Intake Facility (CBIF) to prepare to receive prisoners;

3.4. Identify an alternate facility prepared to accept additional prisoners beyond the capacity of CBIF; and

3.5. Assign personnel to process and charge prisoners.

Demobilization

Upon completion of a MFF operation, the IC shall:

1. Designate a member to supervise the demobilization process;

2. Ensure that all equipment and personnel are accounted for;

3. Conduct/complete an After Action Review (AAR) report.

MFF Member

Each member of the MFF, regardless of rank, shall:

1. Successfully complete basic Mobile Field Force Training approved by the Police Training Academy (PTA).

2. Successfully complete quarterly and/or additional mandated training as directed by the Mobile Field Force Commander or the Director, PTA.

3. Maintain certification for Less-Lethal weapons/munitions (e.g., Less-Lethal Shotgun, MK-9 OC spray, etc.).

4. Be issued, and maintain in a ready status at all times:

4.1. Personal Protective Equipment (PPE) commonly referred to as “Turtle Gear”;

4.2. Personal Protective Respirator (PPR) commonly referred to as a “Gas Mask”;

4.3. Riot shield;

4.4. Riot baton;

4.5. Riot helmet.

APPENDICES

A. Standardized Warning, Form 15/15.
B. Common Criminal Charges for Mass Arrest Situations.

ASSOCIATED POLICIES

Policy 409, *Firearms Regulations*
Policy 414, *Less-Lethal Munitions and Chemical Agents*
Policy 1115, *Use of Force*
Policy 1118, *Oleoresin Capsicum (OC) Spray*
Policy 1504, *Uniforms and Equipment*
Policy 1508, *Respiratory Protection Program*

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

APPENDIX A

Standardized Warning, Form 15/15

WARNING FORMAT FOR MASS ARRESTS

The below listed warning format is printed here for reference, and is to be used when preparing to make arrests in mass demonstration situations. The information contained in and any warnings that are given in mass arrest incidents must be documented and retained for reporting requirements and notifications.

WARNING

I am_____of the Baltimore Police Department
(Official's name & rank)

You are in violation of

_____

(State criminal offense)

If you do not cease your unlawful behavior at _____ and
(Exact Location)

disperse peaceably you will be arrested. The following routes of dispersal are available

_____.
(Provide exact routes to disperse)

You have 5 minutes to disperse.

DATE:_____ TIME: _____

_____

***Record the time that all warnings have been voiced to the violators.

1st Warning_____(Wait 5 minutes before reading 2nd warning)

2nd Warning_____(Wait 2 minutes before reading 3rd warning)

3rd Warning_____(Commence making arrests)

Warnings should be given with either a bullhorn or a police vehicle PA system, and they must be given in a loud and clear manner. All warnings must be documented by members with BPD issued video recorders.

APPENDIX B

Common Criminal Charges for Mass Arrest Situations (1 of 4)

BALTIMORE POLICE DEPARTMENT

FIRST AMENDMENT ASSEMBLIES AND MASS DEMONSTRATIONS ENUMERATED LEGAL CHARGES

Below are the criminal charges most likely to give rise to arrests resulting from expected protests, assemblies and demonstrations in the City of Baltimore. Members are encouraged to contact the State's Attorney's Office or the Legal Affairs Section should questions arise concerning the statute most applicable to a given situation.

OBSTRUCTING & HINDERING:
... did intentionally and knowingly obstruct and hinder Police Officer, _____ (victim), in the performance of [his/her] lawful duties, in violation of the common law.

CODE: Common Law Misdemeanor

RIOT:
... on or about (date) _____ at (location) in _____ Baltimore City, Maryland, did, together with at least two other persons, whose identities are unknown, unlawfully assemble to carryout a common purpose in such violent or turbulent manner as to terrify others, in violation of the common law of the State of Maryland, and against the peace, government, and dignity of the State.

CODE: Common Law Misdemeanor

DISTURBING THE PEACE/HINDERING PASSAGE:
... did willfully and without lawful purpose [obstruct/hinder] the free passage of another and others in a public place or on a public conveyance.

CODE: CR 10-201(c)(1) Misdemeanor $500 fine and/or 60 Days – Citation Eligible

REFUSE TO LEAVE PUBLIC BUILDING OR GROUNDS UPON REQUEST:
... did [refuse/fail to leave] _____, a property of the _____, a public agency, during regular closing hours, having no lawful business therein and having been requested to leave by _____ (name) an authorized employee.

NOTE: It must show that the acts took place after regular hours and while the property was closed. The facts must clearly demonstrate a lack of lawful business, but lawful business could cover a wide range of business or interests. There must have been an actual notice given. The unlawful activity must be clearly and specifically described.

CODE: CR 6-409(a)(2) Misdemeanor $1,000.00 fine and/or 6 Months

MALICIOUS DESTRUCTION PROPERTY VALUE $1000:
... did willfully and maliciously [destroy/injure/deface] _____ (describe), the [real/personal] property of _____ (owner/lessee, etc.), the amount of damage having a value of less than $1,000.

CODE: CR 6-301 Misdemeanor $500 fine and/or 60 Days – Citation Eligible

APPENDIX B

Continued (2 of 4)

MALICIOUS DESTRUCTION PROPERTY VALUE +$1000:
... did willfully and maliciously [destroy/injure/deface] _____ (describe), the [real/personal] property of ____ (owner/lessee, etc.), the amount of damage having a value of $1,000 or more.

CODE: CR 6-301 Misdemeanor $2,500 fine and/or 3 Years

THROWING MISSILES – OCCUPIED VEHICLE OF INSTRUMENTALITY OF PUBLIC TRANSPORATION:
... did unlawfully and willfully [throw/shoot/propel] a _____(describe object, see note) at or into a vehicle to wit: _____ (describe) occupied by _____ (see note).

NOTE: Item thrown or propelled may be a rock, stone, brick, a piece of iron steel, or other like metal; or any dangerous or deadly missile. The Acts of 1997 strike the term "fire bomb" from this section. A fire bombing as previously proscribed under this section is punishable Under CR 4-501(b). To qualify under this section, the vehicle can be any vehicle or instrumentality of transportation. To qualify under this section, the vehicle must be occupied by one or more persons. If one, state name. If more than one, state all names if known, or the name of driver, owner, or complainant followed by the words " ....and _____ other persons.

CODE: CR 6-302 Misdemeanor $500.00 fine and/or - 1 Year

ARSON – TRASH CONTAINER:
... did willfully and maliciously [set fire to/burn] the contents of a [dumpster/trash container/trash receptacle] belonging to another person in violation of CR 6-108 of the Annotated Code of Maryland.

NOTE: This applies to the contents only, and the trash container must belong to someone other than the defendant. It is not necessary to allege who it did belong to, merely that it did not belong to the defendant.

CODE: CR 6-108 Misdemeanor $500.00 fine and/or - 30 Days – Citation Eligible

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MALICIOUS BURNING – 1ST DEGREE:
...did willfully and maliciously [set fire to/burn] the personal property of _____ (name), to wit: _____ (brief description of property), the damage to the property being $1,000.00 or more, in violation of CR 6-104(b) of the Annotated Code of Maryland.

CODE: CR 6-104(b) Felony $5,000.00 - 5 Years

MALICIOUS BURNING – 2ND DEGREE:
... did willfully and maliciously [set fire to/burn] the property of_____ (name), to wit: _____ (briefly describe property), the damage to the property being less than $1,000.00, in violation of CR 6-105(b) of the Annotated Code of Maryland.

CODE: CR 6-105(b) Misdemeanor $500.00 fine and/or - 18 Months

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APPENDIX B

Continued (3 of 4)

ARSON – 1ST DEGREE:
... did willfully and maliciously [set fire/burn] a [dwelling/occupied structure], to wit: _____, (give address or describe structure as in "the dwelling house of _____(name)," or "the occupied barn of ____ (name)," or "the occupied garage of (name)."), in violation of CR 6-102(a) of the Annotated Code of Maryland.

NOTE: The dwelling or occupied structure may belong to the accused or another. Any structure that is attached to a dwelling house, such as an attached garage or shed, is a part of the dwelling house. Any structure not attached to a dwelling house must be an "Occupied Structure" (see definition, previous page) to qualify for this section. Any burning or charring of any portion of the dwelling or occupied structure will satisfy the statute.

CODE: CR 6-102(a) Felony $50,000.00 fine and/or - 30 Years

ARSON 2ND DEGREE:
... did willfully and maliciously [set fire to/burn] a structure, to wit: _____(give address or otherwise describe structure, as in above section), in violation of CR 6-103 of the Annotated Code of Maryland.

NOTE: The property may belong to the accused, or another.

CODE: CR 6-103 Felony $30,000.00 fine and/or - 20 Years

DANGEROUS WEAPON – CONCEALED:
... did [wear and carry] _____ (state weapon), a dangerous weapon, concealed [on/about] [his/her] person.

CODE: CR 4-101(c)(1) Misdemeanor $1,000.00 fine and/or - 3 Years

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DANGEROUS WEAPON – INTENT TO INJURE:
... did openly wear and carry _____ (state weapon), a dangerous weapon, with the intent and purpose of causing injury to [____(name/others] in an unlawful manner.

CODE: CR 4-101(c)(2) Misdemeanor $1,000.00 fine and/or - 3 Years

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ASSAULT – FIRST DEGREE:
... did [assault/attempt to assault] _____ (name) in the first degree in violation of CR 3-202, contrary to the form of the act of the assembly in such case made and provided and against the peace, government and dignity of the state.

CODE: CR 3-202 Felony 25 Years

ASSAULT – SECOND DEGREE:
... did assault_____ (name) in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the state

CODE: CR 3-203 Misdemeanor $2,500.00 fine and/or - 10 Years

ASSAULT SECOND DEGREE – LAW ENFORCEMENT:

APPENDIX B

Continued (4 of 4)

... did intentionally cause physical injury in the second degree to _____ (name), a [law enforcement officer/parole agent/probation agent] engaged in the performance of [his/her] official duties, in violation of CR 3-203.

NOTE: Law Enforcement Officer includes a correctional officer at a correctional facility, an officer employed by WMATA - Metro-transit police, subject to jurisdictional limitations.

CODE: CR 3-203(c)(2) Felony $5,000.00 fine and/or - 10 Years

HARM OR CAUSE DEATH TO LAW ENFORCEMENT ANIMAL:
... did intentionally inflict [bodily harm/permanent disability/death] on an animal used by a law enforcement unit, to wit: _____ .

NOTE: The intention of the General Assembly is that this section applies to all animals: Privately owned; strays; domesticated; feral; farm animals; corporately or institutionally owner; in privately, locally, state, or federally funded scientific or medical activities; or otherwise located in the state.

CODE: CR 10-606(a)(3) Felony $5,000 fine and/or - 3 Years

DISORDERLY CONDUCT – FAILURE TO OBEY:
... did willfully fail to obey a reasonable and lawful order of a law enforcement officer, to wit: _____, made to prevent a disturbance of the public peace.

CODE: CR 10-201 Misdemeanor $500.00 fine and/or 60 days

THEFT LESS THAN $100.00:
... did steal _____ (property or service of _____ (owner) having a value of _____, less than $100.00.

CODE: CR 7-104 (g)(3) $500.00 fine and/or 90 days – Citation Eligible

---

THEFT LESS THAN $1000.00:
... did steal _____ (property or service of _____ (owner) having a value of _____, less than $1000.00.

CODE: CR 7-104 (g)(2) $500.00 fine and/or 18 months

TRESPASSING – POSTED PROPERTY:
... did trespass and enter upon the property of _____ (owner), said property being posted against trespassers in a conspicuous manner.

CODE: CR 6-402 $500.00 fine and/or 90 days

TRESSPASSING – PRIVATE PROPERTY:
... did (enter upon/cross over) the land, private property, and premises of _____ (owner) after being duly notified not to do so by _____, (owner/agent of the owner).
CODE: CR 6-403 $500.00 fine and/or 90 days

Appendix 6

Policy 702

Subject	
HOSTAGE / BARRICADE / SNIPER INCIDENTS	
Date Published **8 May 2017**	Page **1 of 9**

By Order of the Police Commissioner

POLICY

1. **Sanctity of Human Life**. It is the policy of the Baltimore Police Department (BPD) to value and preserve human life when resolving all incidents, including Hostage/Barricade/Sniper Incidents.

2. **Peaceful Resolution**. The BPD shall employ negotiation, de-escalation, and skill in an effort to peaceably resolve every Hostage/Barricade/Sniper Incident.

3. **Firearms Discipline**. Members shall maintain firearms discipline at all times, being especially mindful of "sympathetic" or "contagious" fire.

DEFINITIONS

Barricade Incident – Any incident in which a person subject to arrest or apprehension is attempting to evade capture or avoid police contact by occupying a position from which he/she refuses to exit.

Barricaded Position – Any position occupied by a person subject to arrest or apprehension that delays or prevents police entry by means of fixed structures or objects, obstacles (natural or manmade), and/or intentional fortifications.

Command Post – The control center for all actions involved in the resolution of a Hostage/Barricade/Sniper Incident.

Emergency Action Team (EAT) – Members who have completed the EAT Training Program provided by the Police Training Academy (PTA) and who, at the scene of a critical incident involving an immediate, on-going threat to human life, can employ specialized small-unit tactics to locate, close with, and incapacitate or apprehend the person(s) creating that threat.

First Responder – Any law enforcement officer, fire/rescue personnel, or other public safety professional charged with responding to critical or hazardous situations affecting the general public.

Hostage Incident – Any incident in which an assailant, armed or unarmed, is by force or threat of force, unlawfully holding any number of persons (to include First Responders) against their will.

Hostage Negotiation Team (HNT) – A specialized team of highly trained members tasked with communicating with any suspect(s) during a Hostage/Barricade/Sniper Incident. In general, the team consists of a Team Leader/Coordinator, a Primary Negotiator, a Coach, an Intelligence Coordinator, a Chronographer, and a Team Technician.

Hot Zone – Area within a Hostage/Barricade/Sniper incident where the suspect(s) movements cannot be easily suppressed, and the danger to hostages, civilians and First Responders is greatest. Generally, this refers to a specific area within the Inner Perimeter, or the location of the suspect before an Inner Perimeter can be established.

Inner Perimeter – The area in immediate proximity to any Hostage/Barricade/Sniper Incident in which police personnel, First Responders, and the general public are vulnerable to direct gunfire or other harm from a suspect or police counter measures. The Inner Perimeter is also the area in which the presence of uninvolved civilians and/or media can create the greatest obstruction to police actions intended to resolve the incident. Only uniformed personnel may hold a permanent position on the Inner Perimeter.

Outer Perimeter – The area outside of the Inner Perimeter in which officers and the general public are not vulnerable to direct gunfire or harm from the assailant or police countermeasures. The Outer Perimeter is still under police control and will contain Entry Control Points, Staging Area(s), Logistics Depots, etc. Outer Perimeter positions may be staffed by plain-clothes personnel provided they are properly attired/equipped in accordance with current policy and procedures.

Sniper Incident – An incident where an assailant(s) is believed to be armed, and intends to shoot at or has shot at targets of opportunity. For the purpose of this policy, an ambush shall be considered a Sniper Incident.

Staging Area – An area out of the line of fire and designated as the reporting location for any additional units who respond to the situation.

Suppression Fire – Deliberate police gunfire delivered on a clearly identified target (or target area), for a limited period of time, in order to allow personnel to maneuver into, out of, or through an area exposed to on-going or imminent gunfire from an armed subject. The actual target engaged by suppression fire is situation-dependent and may either be a “point target” (such as a single window from which a suspect is or has been shooting) or an “area target” (such as an area of dense vegetation from which more than one suspect is or has been shooting).

GENERAL

1. If tactically feasible, members shall attempt to make contact with a Hostage/Barricade suspect at the earliest possible time in an effort to arrange the release of any hostage(s) and the peaceful surrender of the suspect. Once confirmed that a hostage is present immediately request the Hostage Negotiation Team (HNT) via the dispatcher.

2. While it is preferred that negotiations be conducted by HNT members, reasonable attempts to communicate with the suspect may be made by on-scene personnel (prior to the arrival of HNT) if it is believed that doing so may de-escalate or stabilize the situation.

Barricade Incidents

1. Any situation in which a suspect refuses to exit from a position that delays or prevents police access shall be considered a Barricade Incident, regardless of whether or not hostages have been taken. Members must apply the procedures described in this policy even in cases in which the suspect barricades him or herself in a non-typical position (such as a vehicle, boat, office boardroom, etc.).

2. The first officer(s) to discover or respond to a Hostage/Barricade/Sniper Incident must rapidly assess the nature of the threat posed by the suspect(s) to human life, and determine whether the best course of action is to make an immediate entry attempt or await the arrival of SWAT. The life and safety of any hostage(s) shall take priority when attempting to determine this best course of action.

3. If the best course of action is to await the arrival of SWAT, on-scene personnel shall make every effort not to withdraw from positions they have gained during the initial response, provided those positions offer sufficient cover from any weapon(s) believed to be in the suspect's possession.

4. On-scene supervisors shall then prioritize the identification of all positions held by officers, the safe collection of intelligence, and, if necessary, the evacuation of uninvolved persons /bystanders from the area(s) outside the suspect's barricaded position.

Command-and-Control

1. During the initial moments of the police response to a Hostage/Barricade/Sniper Incident, supervisors and commanders who have not yet arrived at the incident, and who do not have pertinent information related to the incident or the suspect, shall defer to the observations and assessments made by on-scene officers (regardless of rank). Subordinates shall be empowered to make immediate on-scene decisions that best protect the life and safety of hostages and bystanders.

2. Prior to the arrival of the Special Operations Division/Tactical (SOD) Commander, the highest ranking member on-scene shall have command over all aspects of the police response. Members shall assume and transfer command, assess on-scene resources, and execute other command and control functions.

3. Upon the arrival of the SOD Commander, command-and-control responsibilities shall be divided as follows:

    3.1. The ranking member of SOD shall be the Incident Commander and have direct control over the size and boundaries of the Inner Perimeter, the selection and placement of personnel within the Inner Perimeter, and all tactical measures taken to resolve the incident.

    3.2. The ranking on-scene member from the Patrol Division shall coordinate with SOD/SWAT in order to establish and staff an Outer Perimeter, Staging Area, Entry Control Points, etc. He/She shall request additional resources from other commands as necessary.

Suppression Fire

1. The purpose of suppression fire is to protect any personnel who must maneuver in an area in which an armed suspect can apply deadly force.

2. Suppression fire provides this protection by rendering the armed suspect's position temporarily ineffective by threatening the suspect with deadly force if he/she attempts to attack from or occupy that position while suppression fire is delivered.

3. Only a permanent-rank supervisor may order the use of suppression fire, and he/she must be able to articulate during any post-incident use-of-force investigation how the suppression fire was intended to support or protect personnel at the time it was ordered. General considerations for the employment of suppression fire are:

    3.1. The permanent-rank supervisor who calls for suppression fire is not required to be physically located with the officers who will actually fire their weapons. Target description and fire/cease-fire commands may be communicated by radio or some other means of signaling.

    3.2. While some extreme circumstances may require an instantaneous call for suppression fire, it is preferred that the permanent-rank supervisor who calls for suppression fire provide the following to the officers who will actually fire their weapons:

        3.2.1. A description of the target (or target area) at which they are to shoot;

        3.2.2. The left, right, and vertical limits of the target (or target area);

        3.2.3. A general understanding of what actions will be attempted by other personnel while the suppression fire is delivered;

        3.2.4. What signals or conditions will be used to begin and cease firing.

    3.3. Considerations related to backstop(s) and potential ricochets are situation-dependent and shall be evaluated in accordance with training provided by the Firearms Training Unit.

Initial Response to Scene

Primary Officer(s)

1. Upon discovering or responding to a Hostage/Barricade/Sniper Incident:

    1.1. Report to the Police Dispatcher the exact location in which the suspect is barricaded via police radio.

    1.2. Make every attempt to determine:

        1.2.1. If the suspect is armed and, if so, with what type of weapon, and;

1.2.2. Whether or not the suspect has taken hostages, or if there are uninvolved persons inside the location who could become hostages.

2. Evaluate the suspect's continuing actions to determine if he/she is preparing to cause immediate harm to any hostage, bystander, or First Responder.

3. Whenever possible, broadcast by police radio any developments in the incident in order to keep other officers, supervisors, and commanders updated on the tactical situation.

4. Determine whether the best course of action is to make an immediate entry attempt or await the arrival of SWAT.

NOTE: Any indication that a suspect is actively harming, or is preparing to harm, any hostage, bystander, or First Responder shall be considered sufficient cause to force entry and take appropriate actions to safeguard human life.

5. Render first aid, as needed.

6. Attempt to locate and secure witnesses.

Supervisor

1. If not on-scene during the initial discovery of, or response to, the incident:

   1.1. Monitor any developments broadcast by police radio and proceed to the location in an appropriate manner.

   1.2. Defer to the observations made by officers at the scene of the incident.

2. Assist on-scene officers in requesting or obtaining specialized equipment and additional personnel.

3. Upon arrival at the location, obtain a tactical debrief from officer(s) already on-scene.

4. Take charge of determining the appropriate follow-on course of action. This includes attempts to resolve the situation with available resources or initiating a SWAT activation.

Communications Unit Supervisor

1. Maintain communication with the caller until patrol units arrive on the scene.

2. Interview the caller and continue to providing updates to the Communications Shift Commander.

3. Secure as much detailed information as possible concerning the assailant(s) including:

   3.1. Name and description of the assailant(s),

   3.2. Exact location of the assailant(s) and description of the inside of the location/premises,

3.3. Type of weapon(s),

3.4. Number of shots fired (if applicable),

3.5. Knowledge of mental and/or physical impairments,

3.6. Possible motive or cause for the incident,

3.7. Presence of other persons (e.g., hostages, family members, children, etc.), and

3.8. Any injuries to the assailant(s) or others.

4. Once a Hostage/Barricade/Sniper Incident is confirmed, ensure the following notifications have been made:

4.1. SWAT

4.2. HNT

4.3. Duty Officer (Unit 41)

4.4. Commanding Officer – Special Operations Division

4.5. Chief – Special Operations Division

4.6. District Commander

4.7. CID Commander / CID Duty Supervisor

Communications Section Dispatcher

Upon receipt of information concerning the possibility of a Hostage/Barricade/Sniper Incident:

1. Assign and dispatch a Primary Unit, Secondary Unit, and the sector supervisor;

2. Order all other units to remain out of the area until requested to respond by a supervisor;

3. Notify the SWAT Duty Officer for monitoring of the initial call for service;

4. Notify all units to switch from the primary radio channel to an alternate channel, when requested to do so by an on-scene supervisor;

5. Monitor and assist responding units by advising of a safe route of approach to the Command Post or Staging Area; and

6. Ensure the requests of the Command Post are fulfilled.

If Immediate Entry Is Necessary

Primary Officer(s)

1. Broadcast by police radio that an immediate entry must be attempted. If possible, describe the actions taken (or being taken) by the suspect that make an entry attempt necessary.

2. In accordance with training and procedures, assemble an EAT (if available) or utilize available resources to form an ad hoc entry team and attempt to force entry on the location.

3. Once inside the location, if it is not possible to incapacitate or apprehend the suspect and the EAT or ad hoc entry team cannot advance further into the location:

    3.1. Evacuate any hostages who may have been surrendered or abandoned by the suspect, taking appropriate protective measures in the event a suspect is attempting to conceal him or herself as a hostage; and

    3.2. Make every effort to hold all ground gained during the entry attempt. Remain behind appropriate cover, and/or reinforce police positions with ballistic shields/blankets if available.

4. If the suspect is incapacitated or apprehended:

    4.1. Ensure appropriate restraint measures are applied;

    4.2. Request medical attention as required; and

    4.3. Conduct a follow-on search of the location for additional suspects, hostages, or injured persons.

Isolate, Contain, and Hold Response

1. If an immediate entry is not the correct course of action based on the criteria above, members shall then attempt to:

    1.1. Isolate the suspect(s)

        1.1.1. Utilizing cover and concealment when possible, position yourself or direct other members to position themselves between the suspect(s) and civilians.

        1.1.2. Evacuate, when possible, any person who may be in danger from the suspect to reduce the possibility of casualties or hostages.

    1.2. Contain the suspect(s)

        1.2.1. Utilize personnel, physical barriers (e.g., buildings, vehicles, etc.), and natural barriers (e.g., bodies of water, steep terrain, boulders, etc.), to restrict the movement of the suspect to the smallest possible area.

EXAMPLE: If the suspect is contained in one classroom of a school building, attempt to hold a position that would not allow the suspect to exit that room, as opposed to a position that would only restrict the suspect from leaving the school building.

1.2.2. Utilize personnel and physical and natural barriers to force the suspect into a desired location that would put the suspect at a tactical disadvantage, and allow First Responders to be establish points of advantage, to evacuate hostages, or to limit the potential damage the suspect may be able to cause.

EXAMPLE: Attempt to hold a location that would block the suspect from entering a crowded school building, but allowing the suspect to freely move about the sidewalk until additional First Responders can establish a perimeter.

1.2.3. Establish an Inner Perimeter, limiting the size of the Hot Zone as much as possible.

1.2.4. Establish an Outer Perimeter. When in doubt, the Outer Perimeter should be larger than may be required. The Outer Perimeter can always be reduced, but expansion may not be possible once established.

1.3. Hold the situation

1.3.1. Once the suspect(s) is contained, slow down and "hold" the situation until additional specialized resources arrive on scene.

1.3.2. Attempt to de-escalate the situation.

1.3.3. Establish a Command Post.

1.3.4. Identify a Staging Area.

1.3.5. Make any additional notifications that are necessary (e.g., Fire, EMS, Media Relations Section, HNT, Command, etc.)

1.3.6. Evaluate the situation to determine:

1.3.6.1. If additional resources are needed

1.3.6.2. If the situation should be de-escalated or escalated

Special Weapons and Tactics (SWAT) / Special Operations Division (SOD)

1. The ranking member of SOD/Swat shall assume the role of Incident Commander and have tactical command of the situation upon arrival on-scene.

2. Work toward the peaceful resolution of the situation, render the location safe, and return the District to normal operations.

Criminal Investigation Division (CID) Duty Officer / Commander (Captain or Above)

1. Immediately respond to the scene of a Hostage/Barricade/Sniper Incident when requested by the Incident Commander.

2. Remain on-scene until relieved by the Incident Commander.

3. Assume investigative control of the incident once the scene has been rendered safe by the Incident Commander.

4. Coordinate the appropriate CID response and follow-up investigative efforts.

5. Ensure sufficient CID and patrol resources are on-scene at the conclusion of the incident to relieve SOD/SWAT/HNT and other personnel of crime scene responsibilities.

ASSOCIATED POLICIES

Policy 707, *Bomb Threat or Suspicious Package – Call for Service*
Policy 1115, *Use of Force*

RESCISSION

Remove and destroy/recycle General Order G-2, *Barricade, Sniper, and Hostage Incidents*, dated 11 December 2002.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

Appendix 7

MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS
LESSON PLAN

COURSE TITLE: Incident Command System Practical Application

LESSON TITLE: Incident Command System Practical Application

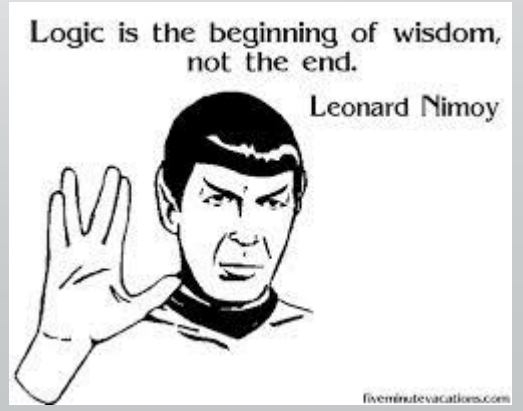
PREPARED BY: Sergeant Robert Himes G662 **DATE: 05 January 2018**
Sergeant Ryan Guinn G752

TIME FRAME	PARAMETERS
Hours: 11 hours Day/Time:	Audience: All levels of Police Officers to include Command Staff. Number: Space:

PERFORMANCE OBJECTIVES	ASSESSMENT TECHNIQUE
1. Discuss the role of a supervisor during a Critical Incident. 2. Discuss the Delegation of Task. 3. Review the Incident Management concept. 4. Review the hierarchy and organization of the Incident Management System. 5. Perform scenario practical exercises based on learned concepts.	1. Power point and lecture

Appendix 8

OPERATIONAL ICS



SENSEMAKING

- Have I seen this before
- Did I train to this?
- Have I heard of this?
- Does anyone around me have experience with this?
- What can I expect?

Suspect Driven

- LEO Driven

PLANNED

GRAND PRIX of BALTIMORE
PRESENTED BY SRT

NATURAL

FLUID/STATIC AND???

RELEVANT USE OF ICS

ON THE WAY
C.L.A.A.R

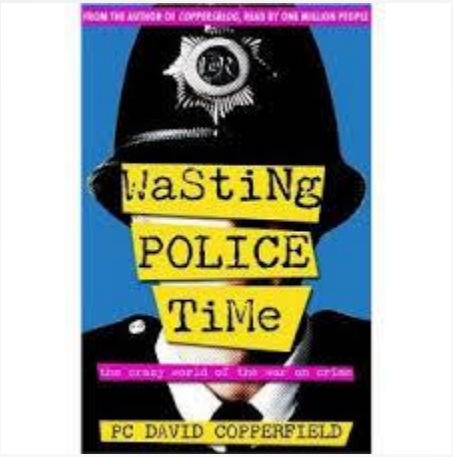
- CALM YOURSELF(Take a deep breath, relax, it will be ok)
- LISTEN (Radio, traffic etc. You will gather critical information if you just listen)
- ACCLIMATE UPON ARRIVAL (Chaos is normal)
- ACT (Clear, concise, calm commands. Radio demeanor is all important. If you can't sound calm, have someone else talk on the radio who can.)
- Repeat as necessary

DON’T MAKE IT DIFFICULT

- WHAT NEEDS TO BE DONE? (IS IT ALREADY BEING DONE?) FIND OUT
- WHO IS AVAILABLE (TIME TO PLAY FAVORITES?)
- DECISION MAKING
- FAILURE
- ADAPTABILITY
- NOISE AND I MEAN NOISE

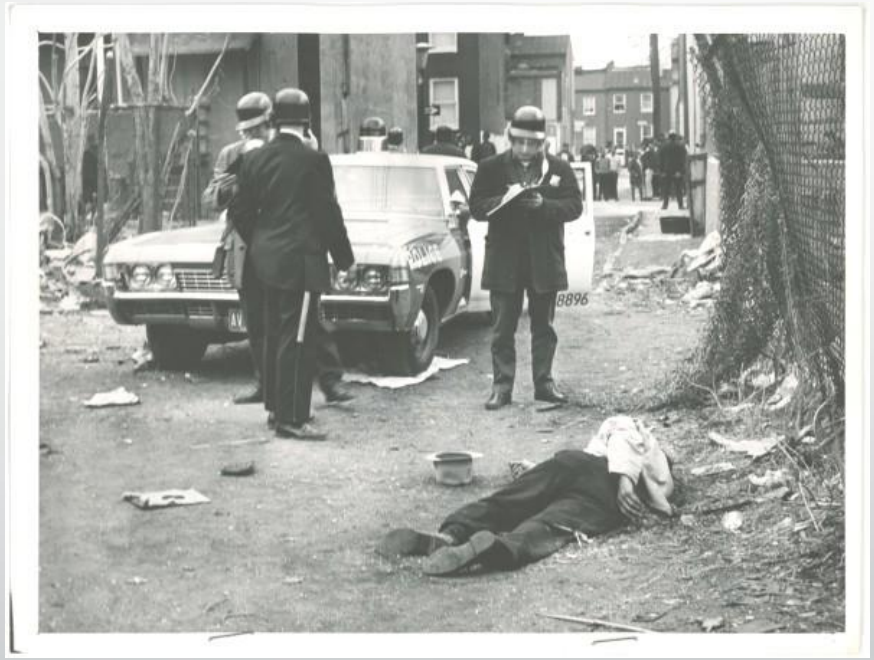
MUTUAL AID/ASSISTING RESOURCES

- Arriving resources. Where do you want them? What do you want them to do?
- How can they help you? What resources do they have that you need?
- How will communicate with them? Team up?
- Assign someone to them or you will wish you did later……..



- EARLY INTEL-SOURCE?
- LEVERAGE POINTS-REMEMBER JUST BECAUSE IT IS A CRISIS FOR THE SUSPECT, DOESN'T MEAN IT IS FOR US
- IDEAS-CONSIDER THEM

Where to set the CP



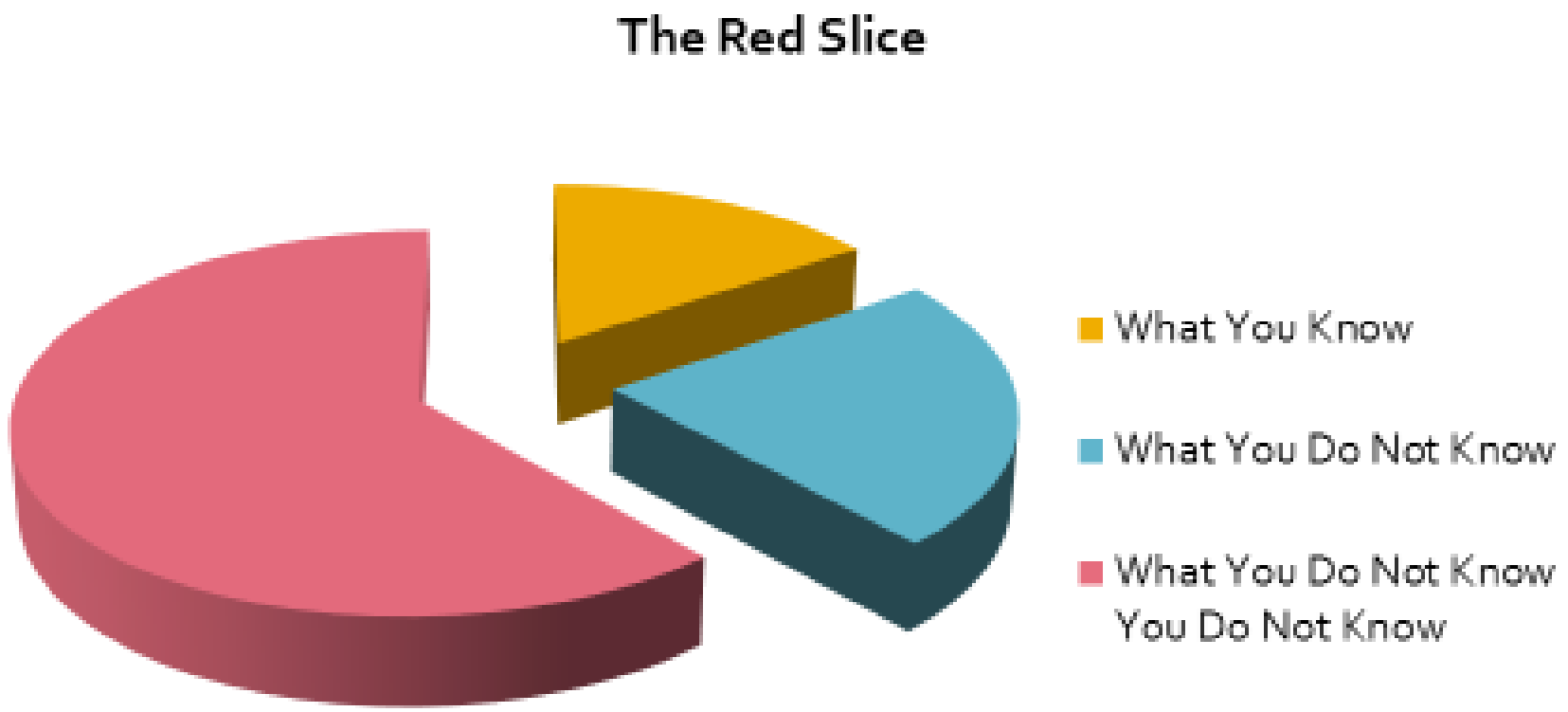
ORDERS

- Identify yourself as the Incident Commander-Make it clear
- Give simple orders whenever possible
- Don’t assume your orders were understood. Brief back-It only takes a second

EXPECTATIONS

- What are your expectations of your subordinates prior to your arrival?
- What are the expectations of your superiors upon their arrival?
- ADDRESSING THESE ISSUES AHEAD OF TIME WILL SAVE YOU A LOT OF GRIEF!!!!!

Red Slice


The Red Slice
What You Know
What You Do Not Know
What You Do Not Know You Do Not Know

ICS-WHAT TO USE

- OPS
- PLANNING
- LOGISTICS
- INTEL
- FINANCE
- MUTUAL AID
- FORWARD COMMAND (WHAT IS IT AND HOW DO I USE IT)
- TIME TO FORMALIZE??

DEBRIEF

- AT THE SCENE
- LATER IN A FORMAL SETTING
- WHO TO INCLUDE (DISPATCHERS, DEPT REPS, ETC)
- SEPARATE DEBRIEFS/SENSITIVE ISSUES ETC
- GOAL FOR DEBRIEF (TELL THEM)
- ACCEPT CRITICISM
- USE TO IMPROVE FUTURE PERFORMANCE

Appendix 9

Form 98-229
1160-27-24

BALTIMORE POLICE DEPARTMENT
CRIME SCENE LOG

(To be maintained at the crime scene and given to CIB Detectives upon release of the scene, *all* persons entering the crime scene *shall* be recorded.)

LOCATION	DATE & TIME	COMPLAINT NUMBER
900 Bennett Place	11-15-17 1639	7-171106043

NAME/RANK	TIME IN	TIME OUT	UNIT/AGENCY
P/O Florio			7B14 BPD
Sgt. Thompson			7B09 BPD
P/O Salyers			7B21 BPD
P/O Provow			7B34 BPD
P/O Santiago			BPD
P/O Lam			7B11 BPD
P/O McMillion			BPD
P/O Grant			J735 BPD
Flynn			H467 BPD
WAZ			J126 BPD
P/O Charles			J144 BPD
P/O Maddox			J805 BPD
P/O White			G331 BPD
P/O Tutt			H044 BPD
Jugan			G530 BPD
P/O Luke			J713 BPD
T. Lucci			Chaplain
McLaughlin			J717 BPD
P/O Rodriguez			H898 BPD

First Patrol Officer On Scene:_____ Sequence #: _____ Unit #: _____
Log Maintained By: SALYERS, A Sequence #: H184 Unit #: 7B21
Supervisor On Scene:_____ Sequence #: _____ Unit #: _____
Primary CIB Investigator(s):_____

0

Form 98-229
1160-27-24

BALTIMORE POLICE DEPARTMENT
CRIME SCENE LOG

(To be maintained at the crime scene and given to CIB Detectives upon release of the scene, *all* persons entering the crime scene *shall* be recorded.)

LOCATION	DATE & TIME	COMPLAINT NUMBER
900 Bennett Place	11-15-17 1639	7-171106043

	NAME/RANK	TIME IN	TIME OUT	UNIT/AGENCY
	P/O Catron			H102 BPD
	P/O Betz			J796 BPD
	P/O Krauss			H913 BPD
	Ortiz			BPD
	Det. Novack			J265 BPD
	P/O Persico			J105 BPD
	P/O Sanchez			J781 BPD
	P/O Marlus			I682 BPD
	Sgt. Blackmon			E336 BPD
	Jones			I376 BPD
	P/O Yampierre			I815 BPD
	"COMMAND POST"			
✓	Major Jones			F318 BPD
✓	Chief Hyatt			G203 BPD
✓	DPC DeSousa			BPD
✓	Jugan			G530 BPD
✓	Capt. Thompson			BPD
✓	Major Corbett			BPD
✓	Atwood			K-9 BPD

First Patrol Officer On Scene: _____ Sequence #: _____ Unit #: _____
Log Maintained By: Salyers, A Sequence #: H184 Unit #: 7821
Supervisor On Scene: _____ Sequence #: _____ Unit #: _____
Primary CIB Investigator(s): _____

9

"Command Post Cont."

Form 98-229
1160-27-24

BALTIMORE POLICE DEPARTMENT
CRIME SCENE LOG

(To be maintained at the crime scene and given to CIB Detectives upon release of the scene, *all* persons entering the crime scene *shall* be recorded.)

LOCATION	DATE & TIME	COMPLAINT NUMBER

	NAME/RANK	TIME IN	TIME OUT	UNIT/AGENCY
	Inspector Worley			BPD
	Inspector Bauer			BPD
	LT. DeVita			SWAT BPD
✓	DPC Palmera			BPD
✓	Major Dombroski			BPD
✓	Major Holman			G-535 BPD
	Sgt Bell			BPD
✓	Major Chris Jones			E782 BPD
	LT. Newton			C645 BPD
	Det. Brandt			BPD
	Sgt. Berry			BPD
	LT. Morris			BPD
	Sgt. Jackson			Sirt BPD
	Sgt. Harris			BPD
	Det. Silbert			F697 BPD
	Sgt. Mancuso			BPD
	Det. Roussey			G311 BPD
	Det. Boris			G170 BPD
	Det. Taylor			F724 BPD

First Patrol Officer On Scene:_____ Sequence #: _____ Unit #: _____
Log Maintained By: Salvatore, A Sequence #: H184 Unit #: 7821
Supervisor On Scene:_____ Sequence #: _____ Unit #: _____
Primary CIB Investigator(s):_____

(5)

"Command Post Cont."

Form 98-229
1160-27-24

BALTIMORE POLICE DEPARTMENT
CRIME SCENE LOG

(To be maintained at the crime scene and given to CIB Detectives upon release of the scene, *all* persons entering the crime scene *shall* be recorded.)

LOCATION	DATE & TIME	COMPLAINT NUMBER
900 Bennett Place	11-15-17 1639	7-17110643

NAME/RANK	TIME IN	TIME OUT	UNIT/AGENCY
Det. Rice			G909 BPD
Det O'Connor			I702 BPD
Kersey			G707 BPD
Sgt. Harris			F712 BPD
Agent Epkins			FBI
Agent Cerundolor			DEA
Director Ciccone			OPR BPD
Det. Azur			F296 BPD
Tech. Jackson			5839 BPD
Tech. Turner			5837 BPD
Tech. Harden			5835 BPD
Agent Daly			ATF
Det. Novack			J265 BPD
Agent Weaver			ATF
Agent Sullivan			ATF
Agent Aanonsen			ATF
Agent Smith			ATF
Agent Parker			ATF
Det. DeFranco			F922 BPD

First Patrol Officer On Scene:_____ Sequence #: _____ Unit #: _____
Log Maintained By: SILVERS, A Sequence #: 4184 Unit #: 7821
Supervisor On Scene:_____ Sequence #: _____ Unit #: _____
Primary CIB Investigator(s):_____

(4)

"Command Post Cont."

Form 98-229
1160-27-24

BALTIMORE POLICE DEPARTMENT
CRIME SCENE LOG

(To be maintained at the crime scene and given to CIB Detectives upon release of the scene, *all* persons entering the crime scene *shall* be recorded.)

LOCATION	DATE & TIME	COMPLAINT NUMBER
900 Bennett Place	11-15-17	7-17110604 3

NAME/RANK	TIME IN	TIME OUT	UNIT/AGENCY
Grob			DEA
SHutt			DEA
Det. Mc Million			H977 BPD
Det. Veney			E557 BPD
Det. Cruz			G751 BPD
Det. Middleton			H969 BPD
Det. West			F677 BPD
Det. H. Ilderbrandt			H983 BPD
Sgt. Davis			E824 BPD
Det. Neptune			I562 BPD
Det. Lilly			H642 BPD
Det. Delorenzo			AA Co.
Det. Tepper			AA Co.
Det. Hassan			J535 BPD
Agent Keay			ATF
Det. Chin			I873 BPD
P/O Mealey			H744 BPD
Det. Colling			G898 BPD
Sgt. Colburn			I641 BPD

First Patrol Officer On Scene:_____ Sequence #: _____ Unit #: _____
Log Maintained By: GALVEZ, A Sequence #: H184 Unit #: 7821
Supervisor On Scene:_____ Sequence #: _____ Unit #: _____
Primary CIB Investigator(s):_____

(6)

"Command Post Cont."

Form 98-229
1160-27-24

BALTIMORE POLICE DEPARTMENT
CRIME SCENE LOG

(To be maintained at the crime scene and given to CIB Detectives upon release of the scene, *all* persons entering the crime scene *shall* be recorded.)

LOCATION	DATE & TIME	COMPLAINT NUMBER
900 Bennett Place	11-15-17 1639	7-171106043

NAME/RANK	TIME IN	TIME OUT	UNIT/AGENCY
P/O Rivera			F447 BPD
Det. Metzler			Det/Howard Co.
Major Howe			D017 BPD
Det Johnson			H605 BPD
Sgt. Wheeler			I 148 BPD
Agent Hodnett			ATF
P/O Edgar			C934 BPD
Sgt. Landsman			G692 BPD
Agent Filbert			FBI
LT. Smith			G572 BPD
Sgt. Nicholl			F179 BPD
Chief O'Dell			BPD
"Incident Area"			
P/O Florio			7B14 BPD
P/O Salyers			7B21 BPD
Tech Turner			5837 BPD
Tech Jackson			5839 BPD
Tech Harden			5835 BPD
Tech Taylor			BPD

First Patrol Officer On Scene: _____ Sequence #: _____ Unit #: _____
Log Maintained By: SALYERS, A Sequence #: H184 Unit #: 7B21
Supervisor On Scene: _____ Sequence #: _____ Unit #: _____
Primary CIB Investigator(s): _____

(47)

" Incident Area Cont. "

Form 98-229
1160-27-24

BALTIMORE POLICE DEPARTMENT
CRIME SCENE LOG

(To be maintained at the crime scene and given to CIB Detectives upon release of the scene, *all* persons entering the crime scene *shall* be recorded.)

LOCATION	DATE & TIME	COMPLAINT NUMBER
900 Bennett Place	11-15-17 1639	7-171106043

NAME/RANK	TIME IN	TIME OUT	UNIT/AGENCY
P/O Krauss			H913 BPD
LT. Swinton			E634 BPD
Director Jaeger			BPD
P/O Persico			7B31 BPD
Det. Johnson			H 605 BPD
Sgt. Palmer			F534 BPD
Det. O'Connor			I702 BPD
Det. Albino			I 014 BPD
Capt. Herzog			I 248 BPD
LT. Gaines			G-927 BPD
Capt. Webb			701 BPD
Commissioner Davis			J758 BPD
DPC Palmeira			BPD
DPC Johnson			BPD
Mayor Pugh			
Chief Smith			W238 BPD
Det. Silbert			G 697 BPD
P/O Taylor			F172 BPD
Chief Robinson			F210 BPD

First Patrol Officer On Scene:_____ Sequence #: _____ Unit #: _____
Log Maintained By: Silvers, A Sequence #: #184 Unit #: 7B21
Supervisor On Scene:_____ Sequence #: _____ Unit #: _____
Primary CIB Investigator(s):_____

(8)

"Incident Area Cont."

Form 98-229
1160-27-24

BALTIMORE POLICE DEPARTMENT
CRIME SCENE LOG

(To be maintained at the crime scene and given to CIB Detectives upon release of the scene, ***all*** persons entering the crime scene ***shall*** be recorded.)

LOCATION	DATE & TIME	COMPLAINT NUMBER
900 Bennett Place	11-15-17 1639	7-171106043

NAME/RANK	TIME IN	TIME OUT	UNIT/AGENCY
Det. Moore			E071 BPD
Sgt. Lloyd			G619 BPD
Det. McDonnell			6454 BPD
Det. Jones			6452 BPD
Chief O'Dell			BPD
Inspector Bauer			BPD
Major Jones			BPD
LT. Newton			BPD
Sgt. Jones			BPD
Sgt. Mancuso			BPD
Det. Roussey			BPD
Det. Taylor			BPD
Det. Lambi			BPD
Det. Rice			BPD
Det. McMillion			BPD
Det. Veny			BPD
Det. Cruz			BPD
Det. Johnson			Sect BPD
Det. Jackson			Sect BPD

First Patrol Officer On Scene:_____ Sequence #:_____ Unit #:_____
Log Maintained By: SALYERS, A Sequence #: 4184 Unit #: 7821
Supervisor On Scene:_____ Sequence #:_____ Unit #:_____
Primary CIB Investigator(s):_____

"Incident Area Cont."

Form 98-229
1160-27-24

BALTIMORE POLICE DEPARTMENT
CRIME SCENE LOG

(To be maintained at the crime scene and given to CIB Detectives upon release of the scene, ***all*** persons entering the crime scene ***shall*** be recorded.)

LOCATION	DATE & TIME	COMPLAINT NUMBER
900 Bennett Place	11-15-17 1639	7-171106043

NAME/RANK	TIME IN	TIME OUT	UNIT/AGENCY
P/O Nocesi			T620 BPD

First Patrol Officer On Scene:_____ Sequence #: _____ Unit #: _____
Log Maintained By: Salyers, A Sequence #: H184 Unit #: 7821
Supervisor On Scene:_____ Sequence #: _____ Unit #: _____
Primary CIB Investigator(s):_____

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APPENDIX 10: ITEMS TO BE ADDRESSED IN HANDBOOK DESCRIBED IN RECOMMENDATION #18

- Basic Investigative Techniques
- Camera and CCTV Location List
- Collecting Video Evidence
- Confidential Informants
- Crime Scene Ballistics Match
- Crime Scene Unit Photos
- Crime Scene Policy Governing Viewing and Access
- Crime Scene Unit Response Protocol and Responsibilities
- Criminal Justice Data Base Inquiries, Required Documents
- Death Certificate, Official Final OCME
- Department of Motor Vehicles (DMV)—Photo Image Request
- Detective Bureau Activity Log Preparation
- Processing Recovered Video Evidence
- DNA—
    1. "Hit" / "Match"
    2. Collecting DNA Exemplar
    3. Abandonment Suspect Samples in a Non-Controlled Environment
    4. Consent Samples and DNA Exemplar Suspect
    5. Court Ordered Samples
    6. Abandonment Suspect Samples in a Controlled Environment
- Fingerprint Identification

- Firearm Ballistic Hit
- Homicide Investigations—
    1. Autopsy Report
    2. Hostage Negotiation Team
    3. Notification Protocol
    4. Notification Regarding Possible Suicidal Person
- Identification Procedure, Photo Array
- Interim Case Closing Guidelines
- Investigation Cards
- Internet Protocol Digital Video Surveillance
- Investigating Dead Body or Body Part
- Investigating Domestic Violence Offenses
- Investigating Incidents Occurring in the Mass Transit System Involving a Dead Body, Body Part, or Person Likely to Die
- Investigating Incidents Where a Person Dies or is Likely to Die as the Result of a Fire
- Investigating Child Abuse
- Investigating Cause Undetermined Pending Police Investigation
- Investigative Techniques, Basic
- Juvenile Delinquent Arrest Photographs and Photo Arrays
- Legal Bureau, Coordination with
- License Plate Readers
- Lineup Identification Procedure

- Photo Arrays—
  - **I.** Mugshot Photo Identification Procedure
  - **II.** Identification Procedure
  - **III.** Using Juvenile Delinquent Arrest Photographs
- Photo Image Request, DMV
- Police Laboratory Firearms Analysis Section
- Recovering Video Evidence
- Telephone/Financial Records
- Social Networks for Investigative Purposes
- Video/Audio Recording of Custodial Interrogations

APPENDIX 10: MODEL POLICY TOPICS

1. Domestic Violence
2. Electronic Recording of Interrogations and Confessions
3. Evidence Control
4. Executing Search Warrants
5. Eyewitness Identification
6. Identity Theft
7. Interrogations and Confessions
8. Interviewing and Interrogating Juveniles
9. Investigating Child Abuse
10. Missing Children
11. Missing Persons
12. Motor Vehicle Impoundment for Investigative Purposes
13. Motor Vehicle Inventories
14. Motor Vehicle Searches
15. Motor Vehicle Stops
16. Obtaining a Search Warrant
17. Polygraph Examinations
18. Sex Offenders
19. Sexual Assault
20. Stalking
21. Surveillance