



# Anatomy of the Gun Trace Task Force Scandal: Its Origins, Causes, and Consequences

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Steptoe



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# Executive Summary

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## A. Background

This Report is the culmination of a two-year investigation into the corruption scandal centered on the Baltimore Police Department's (BPD) Gun Trace Task Force (GTTF). On March 1, 2017, seven members of the GTTF – Wayne Jenkins, Momodu Gondo, Evodio Hendrix, Daniel Hersl, Jemell Rayam, Marcus Taylor, and Maurice Ward – were arrested on charges contained in an indictment returned the previous week by a federal grand jury. The 45-page indictment alleged in elaborate detail the crimes in which the defendants engaged that supported charges of racketeering conspiracy and racketeering, including specific acts of robbery, extortion, and overtime fraud during 2015 and 2016. The March 2017 indictment was only the first installment of a broader set of criminal charges against the original defendants and numerous other BPD members that would continue to make headlines periodically over the next several years.

The March 1 indictment described truly egregious acts of corruption attributed to the defendants. The crimes included robberies committed during street stops, traffic stops, and residential searches; false affidavits and police reports submitted to facilitate their crimes; and massive overtime fraud accomplished through lying about the hours worked by the BPD members. The indictment charged that the officers had transformed the GTTF – and BPD as a whole – into a racketeering enterprise, a charging framework usually reserved for cases against members of organized crime, not police officers. The charges were the result of an intensive investigation conducted by the Federal Bureau of Investigation's Public and Border Corruption Task Force (FBI Task Force), a unit comprised of FBI agents and trusted BPD members, working with the US Attorney's Office (USAO) for the District of Maryland. The FBI Task Force used court-authorized electronic monitoring to intercept phone calls and conversations among the corrupt officers, at times while they were in the process of committing crimes. Those conversations, and substantial evidence of other types, helped to build a formidable case against the seven original defendants.

The arrests and the indictment of these officers stunned BPD and the entire city of Baltimore. Immediately referred to as “the GTTF scandal,” it was characterized as the most extensive and damaging corruption scandal in the history of BPD. It was particularly damaging because it came to light at a time when the relationship between BPD and the residents of Baltimore – particularly communities of color – was especially fragile and strained. Several dimensions of the corruption scandal made it one without precedent in BPD's history: the depravity of the behavior, the range of crimes committed, the number of officers involved, and the duration of the corruption. And it turned out that the initial arrests and charges were just the beginning.

Over the next several months, Gondo, Hendrix, Rayam, and Ward began cooperating with the government. Their cooperation revealed that they had committed many more crimes than the government had been aware of, crimes that extended much further back in time than the starting point described in the original indictment. These defendants also identified other participants in their crimes, including most notably the GTTF's former sergeant, Thomas Allers. As the investigation continued, the government gathered evidence of additional acts of corruption and misconduct, involving five additional former BPD members – Keith Gladstone, Robert Hankard, Ivo Louvado, Victor Rivera, and Carmine Vignola. These defendants were charged with crimes that were only tangentially related to the original defendants and the original charges.

To date, 13 defendants have been charged with crimes growing out of the original federal investigation. These former BPD officers constituted not a single criminal gang, but instead a shifting constellation of corrupt officers who discovered each other during the course of their careers and committed their crimes individually, in small groups, and then in larger groups. Over the course of many years, they victimized vulnerable Baltimore residents who they trusted would either not complain, or would not be believed if they did. Until the federal investigation developed evidence of their criminal activity, the corrupt officers were correct: most of their carefully selected victims did not complain, and those who did were virtually never deemed credible when the allegations were denied by the officers.

Developments over the past four years have demonstrated that although referring to the “GTTF scandal” was a convenient shorthand, it failed to capture the fact that the defendants were committing crimes well before they joined the GTTF, when they were assigned to other plainclothes enforcement squads. In fact, four of the original seven defendants – Jenkins, Hendrix, Taylor, and Ward – did not join the GTTF until June 2016. Yet by their own admission, each of them had been engaging in corrupt activities and committing crimes against the public years before being transferred to that squad. The details of many of those crimes were folded into their plea agreements. By mid-October 2017, Gondo, Hendrix, Rayam, and Ward had all pled guilty to racketeering conspiracy and agreed to cooperate with the government, including testifying against the remaining defendants. In addition to the racketeering conspiracy charge, Gondo also pled guilty to a narcotics conspiracy charge contained in a separate indictment. These guilty pleas were only the first in a cascading set of admissions of criminal behavior by BPD officers that extended through the end of 2020. As of December 2021, as a result of the federal investigation, 10 former BPD members have pled guilty, two (Hersl and Taylor) were convicted at trial, and one non-GTTF member (Hankard) is awaiting trial.

In this Report, we examine the roots of the corruption scandal through a detailed review of BPD's recent history – its leadership, its shifting strategies, its successes, and its failures. The backdrop is Baltimore's longstanding fight against persistent and devastating violent crime. This struggle, and the impact it had on the culture of BPD



and its tolerance for misconduct and corruption, is not merely background and context. BPD's corruption problem cannot be fully understood without examining its relationship to the ongoing crime fight and the various strategies and tactics adopted to address the epidemic of violent crime.

This Report is a detailed examination and analysis of the ways in which BPD's various anti-crime initiatives over the past 20 years have played a central role in shaping the culture, values, and behavior within BPD. Over time, BPD developed and perpetuated a culture in which productivity – as measured at various times by some combination of the number of arrests, volume of narcotics seizures, and number of gun seizures – was enshrined as the most important yardstick for measuring success and failure, for the Department as a whole, for its police commissioners, and for individual squads and members. As a result, other important institutional needs and imperatives – such as training, supervision, and accountability – were never given adequate attention or supplied with adequate resources.

A police officer's duty to engage in lawful and ethical behavior should be stressed from the moment recruits apply to the Department until the day they depart. Recruitment efforts should be designed to screen out candidates who present unacceptable risks to the Department and Baltimore's residents. Training in the Academy and throughout an officer's career must repeatedly emphasize the need to follow the Constitution, the law, and BPD policies. Supervision at every level must insist that BPD members conduct themselves in conformity with the framework of rules, laws, and norms that govern their behavior, even in the most difficult circumstances, when the temptation to cut corners and bend the rules in the interests of fighting crime is greatest. And BPD must have a system of accountability, with investigative and disciplinary mechanisms, that is both respected and feared.

BPD has historically fallen short in creating and maintaining a culture of lawful and ethical behavior, from recruitment through the handling of allegations of misconduct. In the past, applicants were frequently pushed through the hiring process despite red flags that became apparent during the application process that should have proved disqualifying or at a minimum required additional follow-up and investigation. At the Academy, recruits were in some cases provided with the answers to test questions to ensure that all recruits graduated to meet BPD's insatiable demand for personnel. Academy classes that began with 50 recruits would frequently end with 50 graduates, regardless of test performance involving intellectual and physical ability, and regardless of evidence that recruits appeared to have other issues that their peers believed would prevent them from becoming effective officers.

Once out of the Academy, the development of rookie officers depended heavily on mentoring by senior officers and supervision by sergeants, BPD's first-line supervisors. Many officers who began their BPD careers in the 1990s and the early 2000s learned some very disturbing lessons at the outset of their careers. For example, if officers engaged in a foot pursuit, suspects would frequently be beaten once they were

caught, and in some cases deliberately sent to the hospital. Supervisors were aware of this behavior and did little to stop or limit it. BPD members conducted stops and made arrests without a sufficient factual or legal basis. Supervisors were aware of this behavior and did little to stop or limit it. Facts acquired through lawful investigations would often be supplemented by evidence acquired illegally or by information claimed to be based on the officer's actual observations but that had been obtained through other means. Supervisors were aware of this behavior and did little to stop or limit it. Officers were taught that their courtroom testimony should not vary from the incident reports or charging documents they had submitted, even if those documents were wrong. It was more important for testimony to be consistent with the written submissions than to be accurate. Again, supervisors were aware of this behavior and did little to stop or limit it—indeed, they encouraged it, sometimes to avoid having to testify themselves. These practices have long been embedded in BPD's culture and help to explain why it provided a nourishing environment for corruption and misconduct.

The historical failures of the accountability function are starkly illustrated in the experiences of the former BPD members who were prosecuted. Several of them engaged in misconduct that should have ended their BPD careers, but did not do so because of profound weaknesses in the system for investigating, charging, and adjudicating allegations of misconduct. Instead of suffering the consequences for their actions, these officers learned that there were inadequate institutional constraints and guardrails to prevent them from engaging in misconduct or punishing them if they did.

## **B. Our Investigation**

This Report explores the individual, institutional, and cultural factors that help explain the roots and development of the GTTF corruption scandal within BPD. Our investigation has demonstrated that any suggestion that the corruption was limited to a single, rogue squad misapprehends the scope of the corruption and the root causes that produced it.

We have cast our investigative net broadly. Just as the indicted officers engaged in corruption long before they joined the GTTF, our exploration and discussion of the causes of the scandal begin well before the creation of the GTTF.

The GTTF was created in 2007. It was originally designed to be an analytic and investigative unit focused on how the firearms used in violent crimes in Baltimore came into the hands of criminals. But we realized that using 2007 as the starting point for our review made little sense. The GTTF was only one chapter in a much more complicated story involving the adoption of different enforcement strategies and tactics embraced following the election of Mayor Martin O'Malley in November 1999, and his selection of two BPD commissioners—Edward Norris and Kevin Clark—who were recruited from the New York City Police Department (NYPD). Norris and Clark were selected in large part because of the sharp reductions in violent crime achieved in New York City in the mid-1990s, in the hope that the NYPD's strategies and tactics could be imported to

Baltimore. As our investigation developed, it became increasingly clear that the Department that produced the GTTF could not be properly understood without going back at least as far as 1999, while at the same time recognizing that the problems of corruption and misconduct in BPD existed even well before then.

From the outset, our investigation had two primary areas of focus. First, we sought to understand the individual BPD officers who engaged in the corruption and misconduct. Second, we explored the structural and organizational weaknesses within BPD that allowed that corruption to take root and continue for such an extended period of time before it was discovered and revealed.

As to understanding the motivations of the officers who committed these serious crimes, we sought to obtain the cooperation of the defendants themselves so that we could hear directly from them about the factors in their lives and careers that caused them to betray their oaths as law enforcement officers. We were unsuccessful in gaining the cooperation of any of the GTTF members. Despite their profuse apologies to BPD and the community at the time they were sentenced, these former GTTF members declined to back up those apologies with meaningful contributions that could help BPD and its members learn lessons from their personal experiences. We did obtain the assistance of one of the non-GTTF members who has been prosecuted, Victor Rivera, who fully cooperated with us and was a source of significant insight into his personal involvement in corruption and how it began.

We were also unsuccessful in gaining the cooperation from those family members of the defendants whose contact information we obtained. Our phone calls to family members resulted in unreturned voicemails, numbers no longer in service, and abrupt phone hang-ups once we identified ourselves. We had no ability to compel the cooperation of family members and no meaningful way to persuade them to assist us in obtaining relevant information about the defendants that might have yielded helpful insights into their backgrounds, character, and motivations.

The only remaining alternative for completing this part of our investigative task was to construct detailed portraits of the defendants through interviews and documents. We conducted interviews with BPD members who worked with the defendants at various stages of their careers. We undertook a comprehensive review of BPD records, including voluminous Internal Affairs (IA) files involving complaints made against the defendants throughout their BPD careers and how those complaints were resolved. We reviewed court filings made by lawyers for the defendants, as well as statements made by the defendants, family members, friends, and their lawyers at the time they were sentenced. Finally, we were able to consult two books written about the GTTF scandal whose authors were able to speak with some of the GTTF members.

For the second set of issues to be addressed by our investigation—the structural, organizational, operational, and leadership weaknesses within BPD that provided fertile soil for corruption to sink its roots and grow—we relied on documents we



obtained from BPD and an extensive set of witness interviews. For details of events that occurred as long as 20 years ago, we relied extensively on detailed, contemporaneous media coverage of BPD, provided primarily by a group of journalists from *The Baltimore Sun*. Although BPD was responsive to our document requests, we were handicapped by BPD's inconsistent and haphazard retention of records, and its difficulties in retrieving them. The fact that we were seeking materials that went back 20 years made the task of collecting relevant records more difficult, but we also encountered problems obtaining more recent records. We frequently were told that the records sought did not exist or could not be located. We have no reason to believe that any of these documents were deliberately withheld or concealed from us, and we are well aware of the historical deficiencies in BPD's recordkeeping systems.

The backbone of our investigation was witness interviews. We began conducting interviews in mid-December 2019. Between then and now, we have conducted more than 160 interviews, including every elected mayor from Martin O'Malley through Brandon Scott, and every BPD commissioner from Ed Norris through Michael Harrison. Because of the COVID-19 pandemic, we ceased conducting interviews in person after March 12, 2020, the date we interviewed former Commissioner Norris. From that point forward, we relied on interviews via videoconferences. Although in-person interviews are always preferable, we found video interviews more than adequately served our purposes during the pandemic.

Overall, the current BPD members whom we sought to interview were responsive to our requests. Within days of our selection, Commissioner Harrison circulated an internal memo requesting that BPD personnel cooperate with our investigation. Most current BPD members agreed to be interviewed, and the majority did so promptly and without objection. In those instances where our requests were initially ignored or met with resistance, BPD's chief legal counsel provided us with substantial assistance by encouraging the BPD member to cooperate. In a small number of instances, BPD commanders had to instruct recalcitrant BPD members of their obligation to do so. Because we lacked subpoena power, persuading former BPD personnel, including former commissioners, to cooperate with our investigation was more challenging. In the end, we were able to obtain the cooperation of all former commissioners and to persuade all but a very few former BPD members to cooperate. We had substantial difficulty locating a small number of former BPD personnel due to contact information that was incomplete, inaccurate, or outdated.

We have received the full cooperation we were promised at the outset of this investigation by BPD Commissioner Harrison and then-City Solicitor Andre Davis. In addition, we were aided by the work performed by the Commission to Restore Trust in Policing, an investigative body created by the Maryland General Assembly in May 2018 to focus on the GTTF.

### C. Zero-Tolerance/Quality-of-Life Policing Comes to Baltimore

In November 1999, Martin O'Malley was elected mayor of Baltimore. O'Malley's election led directly to important leadership and strategy changes for BPD. Prior to his election, O'Malley had spent years expressing concern about the spiraling levels of crime and violence in Baltimore. He blamed the passivity of past mayors and police commissioners for a collective failure to adequately address violent crime, and he focused his 1999 mayoral campaign on public safety issues. After learning about the zero-tolerance/quality-of-life approach to enforcement that had been used in New York City and credited with sharp drops in crime, O'Malley concluded that this strategy could work in Baltimore. To that end, he hired Ed Norris, a young NYPD executive, to serve as BPD's deputy police commissioner. When O'Malley's original choice for commissioner, BPD veteran Ronald Daniel, quickly flamed out and lost his job after 57 days, Norris took his place. His mandate was to implement the NYPD model.

By then, corruption was already an embedded part of BPD's culture. Victor Rivera, who was later prosecuted as part of the GTTF investigation, began engaging in thefts during the execution of search warrants in the late 1990s and did so on approximately a dozen occasions. Rivera did so because he yearned for acceptance by BPD officers whom he and other officers respected and admired – to gain admission into their informal club. Rivera knew what he was doing was wrong, but those around him were doing it, and he was swept along, confident that there would be no consequences. According to Rivera and many other BPD members we interviewed, corrupt officers were largely self-selecting, identifying those they believed would participate with them in misconduct and shunning those they felt could not be trusted to participate and keep their secrets. The reverse was also true: honest officers knew to stay away from their colleagues who they knew or suspected operated “in the gray area.” For various reasons, those honest officers kept their suspicions to themselves, or shared them only with other like-minded officers without reporting their suspicions to their supervisors or to IA.

A common form of corruption, which was not universally perceived by officers as inherently wrong, was making misrepresentations of fact to support law enforcement actions such as stops, arrests, and searches. Such misrepresentations were designed to mask the identity of informants, shield supervisors from needing to testify in court, and/or provide the extra pieces of information necessary to justify officers' actions. This category of misconduct took various forms. The BPD officer would falsely represent that an observation or set of observations had been made by the officer himself rather than by the supervisor or informant. Or the officer would fabricate the observation entirely. The falsehood would then be perpetuated through false testimony, if necessary, that would be consistent with the inaccurate written accounts of what had happened. One of the GTTF defendants, Maurice Ward, said that his own corruption started with such falsification of reports. Our investigation demonstrated that this type of corruption was casual, routine, and pervasive – and carried with it no

consequences. BPD members focused on the outcome – the arrest of someone they believed to be guilty – rather than the dubious means they used to achieve it.

Neither O'Malley nor Norris was under any illusion about the existence of corruption within BPD. O'Malley's mayoral campaign platform included a commitment to "police the police" to deal with corruption and misconduct that were already occurring, as well as the type of misconduct that could result from the more aggressive style of policing he sought to implement. In April 2000, O'Malley and Norris published the results of a broad review of BPD operations conducted by New York-based consultants, which included the results of a survey that included questions about the existence of corruption in BPD. Responses to the survey revealed that nearly one out of every four BPD members believed that as many as 25% of their fellow BPD members were engaged in stealing money or drugs from drug dealers – a stunning result. Presumably, if the definition of corruption had been expanded to include misrepresentations and lies in official police documents, which was common at the time, the number would have been even higher.

O'Malley and Norris knew they needed to enhance BPD's internal affairs function, which by late 1999 and early 2000 was in deep disarray. BPD had a massive internal investigations backlog and a dysfunctional system for investigating and punishing misconduct. IA was reviled and distrusted by the BPD rank-and-file, and as a result, it had great difficulty recruiting and retaining capable investigators. IA investigators received no formal training of any kind, which further degraded its reputation and discredited its work. BPD members were reluctant to report their colleagues to IA. Those who did risked retaliation and being labeled a "snitch." In cases that went to BPD's administrative trial boards, outcomes were frequently contrary to the evidence and favored the accused officer. Members of the trial boards frequently misunderstood – or claimed to misunderstand – the preponderance of the evidence standard they were required to apply; in other cases, they simply ignored it. Many BPD members believed that the outcome of trial boards depended more on whom you knew than on what you did. Simply put, the system that existed to deter, detect, and punish misconduct lacked credibility and both internal and external legitimacy.

Norris was generally respected as a knowledgeable street cop by rank-and-file BPD members. This allowed him to overcome the hostility that BPD members historically have shown towards commissioners who have come from outside the Department. Norris reconciled himself to the ubiquitous oversight exercised by City Hall, and by O'Malley personally. Norris's success in reducing crime helped keep O'Malley and City Hall at bay – among other accomplishments, the number of homicides in Baltimore fell from 305 in 1999 to 261 in 2000.

Norris addressed some of the most pressing violent crime problems by forming elite plainclothes units – initially labeled rapid response units. These units reported directly to Norris, who repurposed key members of his executive protection detail to lead them. Their mission was to focus on "the worst of the worst" and to take orders



directly from Norris on addressing emerging hot spots in the city. These units got results and were replicated through the creation of additional special purpose squads. On paper, these special plainclothes squads reported up through a conventional chain of command, but in reality, they took their marching orders directly from Norris. The units were loosely managed and perceived by some other BPD members as largely unsupervised: BPD officers described the bravado and arrogance of some members of these squads, and an attitude suggesting that the rules that applied to other BPD members did not apply to them. Although we documented no acts of corruption committed by members of these units, they established a dangerous precedent for proliferating specialized plainclothes units that had broad discretion to operate throughout the city, and that were not answerable to, or supervised by, the conventional BPD chain of command.

In New York, Norris had been integrally involved in the operation of CompStat – the computer-based system for collection of timely and accurate intelligence about crime, the development of effective tactics to address it, the deployment of appropriate resources, and appropriate follow-up and assessment. Norris’s familiarity with that system was one of the reasons O’Malley had recruited him to Baltimore. CompStat – renamed ComStat in Baltimore – was viewed by O’Malley and Norris as integral to the creation of a culture of accountability among BPD commanders. In the view of O’Malley and Norris, the numbers did not tell the entire complex story, but they also did not lie. Weekly ComStat sessions, during which commanders were expected to demonstrate detailed knowledge of criminal activity in their districts, were the focal points. O’Malley eventually extended the principles of ComStat to other parts of city government, but it was implemented first in BPD.

The ComStat version adopted in Baltimore was not a purely numbers-driven approach and was generally not as harsh as the New York version. Even so, the results of ComStat were mixed, and the process carried with it hidden costs – at times the efforts to enforce accountability veered into exercises in shaming and public humiliation. According to numerous current and former BPD members, ComStat became an all-consuming exercise that absorbed huge amounts of command staff time with the goal being to avoid embarrassment and other negative consequences. From the perspective of many BPD members, ComStat became more performative than anything else. Years later, Baltimore’s Fraternal Order of Police (FOP) would attribute responsibility to ComStat for much that was wrong with BPD because of the incentives it created to post numbers in various categories – arrests, gun seizures, etc. – for the sake of optics and to protect the careers of command staff members.

The pressure to achieve high arrest and gun seizure numbers created its own set of long-term problems. Corrosive incentive structures were created that were inextricably linked to the pressure to produce. BPD members and command staff were judged to a large extent based on the number of arrests and gun seizures they achieved rather than on whether those arrests and seizures led to successful prosecutions. When combined with inadequate training on the law of arrest and search and seizure, these

incentive structures produced unjustified stops and frisks, unlawful arrests, and gun seizures that did not result in successful prosecutions.

Although BPD's official position was that it established no quotas in any of these categories, BPD members in the trenches felt these pressures acutely. This does not for even a moment suggest that such incentive structures were more responsible than the choices of individual officers for the existence of corruption. But the reality is that the demand to produce numbers led some officers to cross the line and engage in enforcement actions that were unjustified – and, in many instances, illegal – and created incentives to shade or misrepresent facts in probable cause statements and search warrant affidavits. Moreover, individual officers were not evaluated on whether the arrests they made and the criminal citations they issued resulted in successful prosecutions, so the fact that a very high percentage of the arrests made by BPD members did not lead to prosecution by the Baltimore City State's Attorney's Office (SAO) did nothing to curb these damaging incentives. This incentive structure that emphasized arrest and gun seizure numbers, and the misconduct by some officers in response, profoundly damaged relationships between BPD and the community, especially Baltimore's Black community.

#### **D. Buy-and-Bust**

Norris left BPD at the end of 2002. His accomplishments in bringing change to BPD were later overshadowed by his own personal corruption involving the misuse of BPD funds, which led to Norris's subsequent prosecution, conviction, and incarceration. With Norris's departure, O'Malley recruited Kevin Clark from NYPD in the belief that Baltimore and BPD needed another NYPD veteran to continue the transformation of BPD and push forward with aggressive enforcement strategies based on the zero-tolerance/ quality-of-life enforcement model.

Clark centered his enforcement strategy on "buy-and-bust" – street-level narcotics enforcement – which produced large numbers of arrests of low-level drug dealers, but with little discernible impact on drug organizations that were responsible for a large share of violent crime in Baltimore. The strategy was strongly opposed by elements within BPD as pointless and damaging both to BPD and its relationship with minority communities. In retrospect, buy-and-bust came to be viewed as profoundly misguided even by those who initially supported Clark and the strategy.

The organizational instrument for implementing Clark's buy-and-bust strategy was the Organized Crime Division (OCD). OCD consisted of a larger number of undercover squads and plainclothes officers – over 20 squads at its peak. It folded in officers from narcotics and patrol, many of them young and inexperienced. These recruits included members who had joined BPD in the early 2000s during hiring surges that were accompanied by pressure on BPD's training Academy to push through flawed candidates. Those candidates could not pass various Academy tests without cheating, and such cheating was facilitated by Academy trainers. We interviewed BPD

members who were hired and trained during this period who reported that their Academy classes were provided with the answers to exam questions prior to the exams, and special “tutoring” and private tests administered to ensure that every BPD recruit who entered the Academy graduated. We asked BPD members whether they identified members of their recruit classes who should not have graduated and gone on to become officers because of shortfalls in physical skills, intellectual ability, emotional maturity, or anger management issues. Almost without exception, they recalled Academy classmates with such shortcomings. But without exception, they recalled that these classmates graduated from the Academy. Many of these classmates went on to have short careers marked by poor performance and episodes of misconduct.

Pressure to generate numbers continued under Clark, with continued micromanagement from City Hall focused largely on numerical metrics. Many BPD members felt that the alienation of important segments of the Baltimore community, especially the Black community, caused by the high volume of arrests for low-level quality-of-life offenses and minor narcotics crimes, took a toll on BPD’s ability to solve the most serious types of crimes, including homicides. Members of the community already feared retaliation and vengeance for providing evidence against violent criminals. Their reluctance to aid the police in important investigations was compounded by the sense that BPD members were stopping, frisking, and arresting them for no meaningful law enforcement purpose, and frequently without an adequate factual or legal basis. In addition to their growing distaste for and frustration with Clark’s buy-and-bust strategy, many BPD members had little regard for the former NYPD members Clark had appointed to key positions on his executive team.

The growth of plainclothes units within OCD was at the expense of the patrol function. Many BPD members viewed this as a devaluing of patrol to supplement the ranks of OCD. The plainclothes squads were viewed as the leading edge in the fight against crime, and therefore drew substantial interest from BPD members who were eager to participate in what were perceived as BPD’s elite units. OCD’s ranks were filled out with BPD members who had limited time on the job, and therefore lacked experience with applicable legal standards. Inexperienced BPD members flowed into units that were frequently loosely supervised and had wide discretion. The opportunities for unlawful and corrupt behavior grew larger, and the signs of such misconduct became more visible – with judges and members of the public noting the failure of BPD officers to make sustainable cases without relying on false or misleading information.

The war on drugs and the related war on guns took a toll on the observance of constitutional rights by BPD members. One of the tactics of the war on guns was the practice of “gun flips.” Officers would agree to release someone they had arrested in return for a gun – any gun – that the arrested person could produce directly or through a friend, relative, or associate – no questions asked. With no accountability in the system for an arrest that ultimately went nowhere, BPD members had little incentive to insist on having an adequate legal basis in the first instance to make the arrest.



Clark's tenure ended in late 2004. His handling of an alleged domestic incident and other disclosures about his private life, coupled with a rise in homicides and growing tension between Clark and City Hall, caused him to lose O'Malley's confidence. Clark's legacy included a rise in the number of arrests and a sharp increase in the number of criminal citations—60% of which were dismissed by SAO prosecutors as legally insufficient. The circumstances of Clark's departure meant that both Norris and Clark were associated in the minds of BPD's rank-and-file and the public with episodes that reflected poorly on their probity and integrity. Their departures did little to demonstrate the qualities so essential in the leader of a law enforcement agency whose members are sworn to uphold the rule of law.

#### **E. "Bad Guys with Guns"**

To replace Clark, O'Malley selected Leonard Hamm, who had a long history in BPD and had returned to the Department as deputy commissioner months earlier following Clark's domestic incident. With Clark's departure and Hamm's elevation, BPD had its fourth commissioner in five years, underscoring instability and a lack of leadership continuity at the top of BPD. Hamm was concerned about the size and broad discretion of plainclothes units and the degradation of the patrol function, but he made no serious changes in BPD's priorities and strategy.

The arrests of BPD officers William King and Antonio Murray in May 2005 marked the first major BPD corruption case of the 21<sup>st</sup> century. The case caused shockwaves among BPD members and the Baltimore public. King and Murray had spent time working narcotics cases in OCD before moving to BPD's public housing unit. Their corrupt conduct involved robbing drug dealers and selling the stolen drugs. Their reputation as dirty cops preceded their arrests. People in possession of money, drugs, or guns were aware that if they encountered King and Murray, they would likely be robbed, but that they would not be arrested. King and Murray kept their criminal activities secret from their fellow officers, who believed that the failure of King and Murray to make criminal cases was the product of laziness rather than corruption. The case was investigated by an FBI Task Force that was a predecessor of the unit that made the GTTF case many years later instead of BPD's Internal Affairs. Members of the FBI Task Force did not share information with IA because of its reputation for leaks and lack of operational security.

Although the King and Murray case received wide publicity and was known to every BPD member, it was never the subject of any meaningful institutional introspection by BPD. BPD produced no after-action report, conducted no lessons-learned exercise, and undertook no internal or external review that could have informed potential changes in policy, training, and practices. This established a pattern at BPD for the absence of constructive responses to subsequent scandals, including those involving Majestic Towing (2009), Daniel Redd (2012), and Kendell Richburg (2013). Although BPD members were fully aware of these corruption scandals from

media accounts and internal gossip, BPD failed to focus on them as events from which lessons could be learned and red flags identified.

The election of O'Malley as Maryland's governor in November 2006 led to significant changes in BPD enforcement strategies. When Sheila Dixon succeeded O'Malley as mayor, she turned away from zero-tolerance/quality-of-life policing. She concluded that BPD had been micromanaged by O'Malley and his City Hall colleagues, and that the obsession with numbers and statistics had damaged BPD and substantially impaired its relationship with the community. Dixon's crime plan was presented as an explicit departure from zero-tolerance/quality-of-life policing. Its focus was on violent offenders rather than on low-level drug transactions and public nuisance crimes. Dixon viewed not only her strategy but her role far differently than O'Malley had viewed his: she established the broad parameters of a crime plan and offered ideas, but left the implementation of the plan to BPD leadership.

Following a surge in homicides in the first half of 2007, Dixon concluded that Hamm was not capable of implementing the significant strategic changes that were necessary. Several months after announcing her crime plan, Dixon fired Hamm and selected Deputy Commissioner Fred Bealefeld to serve as acting BPD commissioner. Like Dixon, Bealefeld had grown disaffected with numbers-driven policing and was determined to significantly change the focus and priorities from those of the previous eight years. Bealefeld became the sixth BPD commissioner in eight years.

## **1. The Creation of the GTTF**

Central to Dixon's plan was a multi-pronged focus on guns. One element of the strategy was the creation of a Gun Offender Registry, designed to keep tabs on individuals convicted of firearms crimes; a second element was the creation of a task force, which became known as the GTTF – whose mission was to trace the origins of guns used during the commission of crimes in Baltimore. The GTTF was initially launched with grant money in 2007, and Bealefeld recruited the Maryland State Police (MSP) and the Baltimore County Police Department (BCPD) to serve as agency partners in the GTTF. He personally recruited BPD members who he thought were well-suited to the analytic and investigative tasks prescribed for the GTTF. The mission of the GTTF, memorialized in a May 2008 Memorandum of Understanding, was to: (1) gather intelligence to advance firearms-trafficking investigations; (2) work with gun dealers and pawn shops to investigate straw purchaser cases; and (3) partner with state and federal prosecutors to bring such cases. Bealefeld assured the GTTF's original BPD members that it would remain true to its mission and not become a street enforcement unit, but the squad was transformed over time into the opposite of what he had envisioned.

The creation of the GTTF was featured in BPD's 2007 Annual Report as one of BPD's signature initiatives in the fight against violent crime. That was, in a real sense, its high-water mark.

Almost from the start, the GTTF was plagued by significant problems. MSP delayed sending its complement of state troopers due to the lack of office space at BPD. BCPD was reluctant to assign manpower to the GTTF even though it had agreed to do so. The GTTF's original sergeant, Richard Willard, was not a hands-on supervisor. Willard was suspended for a domestic incident in early 2009, leaving GTTF without a sergeant responsible for supervising operational matters for close to six months.

The leadership of the GTTF was not stabilized until the second half of 2009, when Kevin A. Jones was selected as its sergeant. The selection of Jones was at a minimum unusual: he came from an operations and enforcement background with no prior experience doing analytic and investigative work. Jones acknowledged to us that his background was a bad fit for the GTTF's stated mission. To further complicate his assignment, Jones saw signs of ambivalence among members of the BPD command staff about what the GTTF should be doing. It was under Jones's leadership that the squad's mission began its transformation. Over time, the GTTF moved further and further away from its original mission.

## **2. The Rise of VCID**

The GTTF was initially part of OCD and then part of the Violent Crime Impact Division (VCID), which replaced OCD at the beginning of 2008. The focus of OCD starting in mid-2007 was on taking violent criminals off the streets. Within a two-month period in mid-2007, the number of BPD members assigned to the division had grown rapidly, from less than 180 to 270 BPD members. This growth was driven by the need to provide adequate manpower for specific enforcement initiatives that were part of BPD's strategic focus on violent offenders. This focus continued after the name change to VCID. The members of the GTTF, including those who had been told by Bealefeld that the unit would not become a street enforcement unit, experienced the unit morphing into exactly that. Its name no longer matched what it did. Members of the unit committed to the GTTF's original mission became increasingly disillusioned as they saw investigative leads neglected in favor of the type of street enforcement engaged in by other VCID squads.

BPD's agency partners in the GTTF withdrew at different times and for different reasons – MSP at the end of 2009, apparently because it received a more attractive offer from the Bureau of Alcohol, Tobacco, Firearms and Explosives, and BCPD in March 2011 because of very specific, long-simmering complaints about BPD's aggressive tactics and its departure from the original terms of the GTTF MOU signed by both agencies. BCPD's concerns had escalated over the course of 2010 and early 2011 as the result of numerous incidents in which BPD's GTTF members executed search warrants in Baltimore County based on thin probable cause and without providing adequate notice to its BCPD partners as required by the MOU. Although BPD leadership made isolated efforts to direct the GTTF back to its original mission, it became a stepchild within VCID – disconnected from its original mission and fully incorporated into VCID's aggressive approach to dealing with violent crime. Bealefeld, the GTTF's

original champion, was unable to exercise day-to-day oversight of it because of his broad management responsibilities. Anthony Barksdale, the deputy commissioner over VCID, had no interest in the GTTF's mission and paid little attention to what it was doing. Other command staff members exercised little or no oversight over the GTTF. Like every other unit within VCID, the GTTF came to be judged by its productivity and numbers.

VCID never amounted to more than 15% of BPD's sworn personnel at any time, but its enforcement squads were viewed as glamour units within BPD. The VCID enforcement squads attracted aggressive officers. BPD members who transferred into the GTTF under Jones did not express any special interest in – nor had they shown any aptitude for – the investigations and analysis needed to make cases against straw purchasers. The abandonment of the GTTF's original mission was reflected in various ways, including in the personnel selections made by Jones, which included Momodu Gondo and Jemell Rayam. Jones had previously supervised both men in an operations squad and felt comfortable with them, even though neither had shown any particular investigative or analytic talent.

Warning signs about both men were ignored. Only months after being recruited to the GTTF, Rayam was suspended because of allegations of corruption and deceit relating to an incident in June 2009 in which Rayam and another officer stole \$11,000 from a suspected drug dealer. The allegations were true. Rayam denied them throughout the IA investigation, admitting to them only after he was arrested in 2017. His suspension lasted approximately 18 months, but in the end, he was acquitted by a BPD trial board on technical grounds, almost three years after the underlying events. This was a significant systemic failure of BPD's accountability system in every respect – from a flawed investigation, to ambiguous communications with the SAO about potential criminal liability, to weaknesses in the case presentation, to a trial board decision on technical grounds never raised by Rayam's counsel. Though it was clear Rayam had lied to investigators, BPD failed to share that information with anyone in Rayam's supervisory chain, including his sergeant, Jones. BPD made no effort to manage the risk Rayam posed to the Department and to any case in which he was subsequently involved.

At the same time, Gondo's best friend going back to his childhood, Glen Kyle Wells, was a substantial heroin dealer. Gondo remained in close contact with Wells throughout Gondo's tenure with BPD and worked to protect him from law enforcement. That relationship was never identified as a risk to BPD.

A number of VCID's enforcement squads became incubators for corruption. A squad led by William Knoerlein included Keith Gladstone, Wayne Jenkins, Ivo Louvado, and Victor Rivera. A few months before the June 2009 incident involving Rayam, three members of a VCID enforcement squad – Gladstone, Rivera, and Louvado – diverted and stole three kilograms of cocaine from a much larger drug seizure. They then sold the drugs and split the profits. Though Jenkins was not



involved in the drug theft and sale, he had been mentored by Gladstone and learned many of the techniques, legal and illegal, that led to Gladstone being viewed as a productive officer, including “sneak and peeks.” “Sneak and peeks,” as that term was used at that time within BPD, were residential warrantless entries used to gather evidence to support search warrant affidavits. The affidavits were falsified to mask the unlawful source of the evidence. The warrantless searches were blatantly illegal, but they were used frequently.

The misconduct of certain members of VCID was known to their accomplices but not more broadly. Personnel continued to flow into VCID—which was renamed the Violent Crime Impact Section (VCIS) in early 2010, without any change in substance—based on their aggressiveness and productivity. Proposals to screen candidates more rigorously through the use of polygraphs and the administration of written exams were either rejected or ignored.

The pressure to produce was especially concentrated in certain special enforcement programs, such as BPD’s implementation of the Violent Repeat Offender (VRO) program. BPD’s VRO initiative established investigative targets and gave BPD members only 30 days to apprehend them. During that period, BPD members would have to observe the targets committing a crime or develop probable cause to search the target’s home. This assignment was challenging and the VRO squads were staffed with officers who were known for their aggressiveness and productivity.

In April 2010, while on assignment to one of the VRO squads, Jenkins was involved in a reckless vehicle pursuit that led to the death of an innocent motorist. Rather than deal with the consequences, Jenkins and members of his squad framed the two men Jenkins had been pursuing by planting drug evidence. They then stood by while the two men were sentenced to substantial terms of imprisonment for crimes they did not commit. The drug evidence planting was successfully concealed for more than seven years. The lesson Jenkins drew from the incident was that he needed to surround himself with other BPD members who were willing to place personal loyalty to him above their oaths as law enforcement officers. Once he became a supervisor in 2012, it was a lesson Jenkins imparted to the BPD members he supervised and with whom he worked.

### **3. Internal Affairs and the Creation of the FBI Task Force**

The struggles to make IA a competent and respected unit within BPD never ceased, but also never succeeded. By 2009, it was clear that the ability of IA to conduct timely and competent investigations had slipped even further. This view was shared by new arrivals in IA, members who had worked there previously, and other participants in the misconduct investigations process. The quality of IA investigators remained unacceptably poor. IA lacked operational security for its sensitive investigations. Leaks about investigations were common, and the vetting of new IA investigators was minimal. Training for IA investigators was non-existent. The same

was true for standard operating procedures and an investigations manual. A further obstacle to making viable criminal cases was a frayed relationship with the SAO, which was slow to process criminal referrals from IA. These referrals inevitably ended in declinations of prosecution, but frequently only after lengthy delays that adversely affected the ability of IA to pursue related administrative investigations in a timely manner because of its view that the two investigations could not proceed simultaneously. As a result of these continued shortcomings, Bealefeld's confidence in IA was sufficiently diminished that he asked the FBI for assistance with investigating cases involving suspected corruption by BPD officers.

The FBI Task Force created in response to Bealefeld's request, which included a small number of trusted BPD personnel, conducted major corruption investigations, including those that led to the prosecutions of BPD officer Daniel Redd and the BPD officers involved in the Majestic Towing scandal. But even those successful cases revealed the shortcomings that existed in BPD's ability to pursue corruption. Members of the FBI Task Force and prosecutors working with them were extremely concerned that the involvement of IA in the Majestic Towing case would compromise the investigation because of the risk of leaks. The Redd case was particularly striking as an example of missed opportunities. Redd had long been known to be a corrupt officer and yet continued to operate within BPD for many years until the FBI Task Force finally made a narcotics and firearms case against him. Earlier investigations by IA had met no success, and in one case, a report to IA that Redd was associating with a known criminal living in the basement of Redd's residence, backfired on the officer who reported the matter to IA. Instead of pursuing Redd, IA investigated the officer who made the report. Compounding the failures to successfully make a case against Redd was his close personal relationship with the head of IA, who was replaced when the relationship was exposed.

#### **4. "Bad Guys with Guns"**

Bealefeld served as BPD commissioner for five full years (2007-2012), a period of stability that contrasted with the periods of instability and shifting strategies that preceded his tenure. His successes were undeniable – the number of homicides dropped to levels that had not been achieved in decades, as did the number of non-fatal shootings. At the same time, the shift in strategy from zero-tolerance to a focus on the most violent offenders substantially reduced the number of arrests by BPD. In addition, because of the strong relationships Bealefeld forged with Mayor Dixon and, later during Bealefeld's tenure, with the SAO's Gregg Bernstein, there was less friction among City Hall, BPD, and the SAO than in previous years. With the repudiation of zero-tolerance and the tighter focus on the most violent offenders, the SAO was no longer swamped with minor cases. Finally, Bealefeld's success in forging partnerships with the FBI and the USAO, as well as other federal agencies, led to substantial progress not only in making successful corruption cases but also in violent crime prosecutions.

These advances were significant. But because of the relentless challenge of fighting violent crime, the culture within BPD continued to reward aggressiveness and productivity. Officers such as Jenkins and Gladstone were viewed by many BPD commanders as leaders and valuable assets because of their numerous high-profile seizures of guns and narcotics. Many BPD members wanted to work with them, and they were valued and praised by senior BPD members because their success reflected well on their supervisors. This was true despite the fact that some visible aspects of Jenkins's aggressive style were dangerous. Jenkins was notorious for his reckless driving, which led to numerous vehicle accidents, and which occasionally led to his being sidelined by BPD for short periods. But those interludes were brief and of no lasting consequence. Although Jenkins was only an officer at the time, his reputation as a cowboy and for his recklessness reached Bealefeld, who denied Jenkins a promotion to sergeant for the duration of his tenure as commissioner. Once Bealefeld resigned from BPD, Jenkins's champions within BPD no longer met with any significant resistance and he was promoted to sergeant in November 2012.

By the time of Bealefeld's departure in 2012, the GTTF no longer bore any resemblance to the unit he had created five years earlier. Because of his other responsibilities, Bealefeld had stopped paying close attention to it, and others at BPD either lost touch with the GTTF's activities or never believed in its mission. Its members no longer spent any significant amount of time reviewing ammunition logs, trying to make straw purchaser cases, or focusing on firearms trafficking organizations. Subject to the same pressures to produce as the other enforcement squads within VCID/VCIS, the GTTF – despite its name – had become just another street enforcement unit.

## **F. Return of the Outsiders: Anthony Batts and Kevin Davis**

With Bealefeld's departure in mid-2012, Mayor Stephanie Rawlings-Blake faced the choice of continuity or change in selecting a new BPD commissioner. She chose change (Anthony Batts) over continuity (Anthony Barksdale). Batts portrayed himself as a reformer, although his most recent leadership of a police department in Oakland, California, had not ended well. Even so, he cast himself as a change agent and someone committed to implementing reforms within BPD. By the time Batts took over BPD, criticisms that had been percolating under the surface came into the open. One criticism, which came from the rank-and-file and the FOP, related to ComStat and its focus on statistics to the exclusion of other measures of performance. A second criticism came from the community, which was increasingly concerned about the aggressive tactics used by BPD, especially the plainclothes units operating in VCIS.

Batts decided that he needed to change the size and identity of VCIS. He made some personnel cuts and renamed it the Special Enforcement Section (SES). Batts felt he could not make more substantial cuts because he knew that by some measures VCIS was effective – he believed that the number of homicides would rise if he more substantially downsized productive plainclothes units. But in shrinking and rebranding VCIS, Batts was not sufficiently knowledgeable about BPD personnel to

identify the detectives and supervisors whose histories and reputations suggested they posed the greatest risk of misconduct and corruption. And those who did possess that knowledge – including Dean Palmere, who had been elevated to deputy commissioner – had little interest in transferring some of the most productive BPD members, even those with troubling reputations within the Department. As a result, Jenkins, Gondo, Hendrix, Hersl, Rayam, Ward, and Taylor remained in SES enforcement squads. As to the GTTF itself, Batts had no commitment to its original mission. He apparently knew little about it, suggesting it was a waste of resources but apparently unaware that its name no longer reflected what it did.

From the beginning, Batts was viewed by the BPD rank-and-file, as well as many of its senior leaders, as a West Coast outsider with little knowledge or understanding of the special challenges of policing Baltimore. He was unable to forge close relationships with either the members of his own Department or with the community. At the urging of then-Governor O'Malley, Batts commissioned a top-to-bottom review of BPD to serve as the foundation for developing a strategic plan. The delivery of the plan was substantially delayed and, at Batts's insistence, included a list of unverified accomplishments for the first year of his tenure. The strategic plan established a reform agenda, but the agenda was overly ambitious by any reasonable measure and overwhelmed the capacity of BPD to implement it successfully.

## **1. The Efforts to Reform IA**

Batts recognized the profound – and perennial – problems with the internal affairs and accountability functions within BPD. To deal with them, he recruited an outsider from the Los Angeles Police Department, Jerry Rodriguez, to serve as deputy commissioner responsible for IA and related functions. Rodriguez took his mandate seriously, but his reform efforts were frustrated by the same resistance and barriers that had confronted his predecessors. IA investigators were inexperienced and poorly trained. The reputation of IA among the rank-and-file served as a powerful impediment to recruiting talented and committed BPD members to IA. Efforts to recruit talented officers into IA were blocked by commanders who devalued the accountability function. Trial board members rendered verdicts that were contrary to the weight of the evidence, resulting in a success rate for BPD of roughly 30%.

Ultimately, neither Rodriguez nor Rodney Hill, who ran IA on a day-to-day basis, felt they had sufficient support from Batts to make the accountability function more robust. The ambition to improve IA and the larger accountability system were subordinated to the exigencies of the fight against violent crime. Less serious allegations of misconduct continued to be the responsibility of commanders in the districts, who were uninterested in or unwilling to pursue them. Batts spent more time touting his unverified accomplishments than providing the level of support necessary to improve the accountability function.



## **2. The Walter Price and Demetric Simon Incidents**

Like Rayam's 2012 trial board acquittal stemming from his June 2009 theft from a suspected drug dealer, two incidents a month apart in 2014 involving Jenkins again revealed the inability of BPD to deal adequately with officer misconduct. The first incident took place in February 2014 and involved a Baltimore man named Walter Price. After a car stop based on information obtained from an informant, Jenkins claimed to have found cocaine in Price's car. Price was arrested and his girlfriend and their infant child were detained for many hours. IA's investigation of the incident resulted in several charges against Jenkins being sustained. Serious discipline was proposed, including a demotion, the transfer of Jenkins back to patrol, and a lengthy suspension. The case dragged on for many months and the sanctions were eventually reduced to a mild slap on the wrist—non-punitive counseling. That decision was made by then-Deputy Commissioner Darryl De Sousa, known throughout BPD as someone with little interest in or commitment to accountability. Somehow, Jenkins learned of the resolution of his case before almost anyone else, which confounded others involved in the process and suggested that someone had intervened on his behalf. Despite his escape from any meaningful sanctions, Jenkins complained about the investigation and about the conduct of IA. The lesson Jenkins had learned earlier was reinforced: success measured in drug and gun seizures trumped efforts to hold BPD members accountable, especially for productive BPD members such as Jenkins.

Jenkins further demonstrated his ability to insulate himself from accountability because of the assistance provided by BPD members who were willing to aid and abet his corruption and misconduct. Only a month after the Walter Price incident, in late March 2014, Jenkins engaged in a reckless pursuit of Demetric Simon, which resulted in Jenkins's car striking Simon, who was on foot at the time. Jenkins used his vehicle as a deadly weapon and immediately realized he needed a justification for having done so. One potential justification was that Simon was armed and constituted a substantial threat to Jenkins. The problem for Jenkins was that Simon was not, in fact, armed. To solve the problem, Jenkins called on Keith Gladstone, Jenkins's longtime mentor, who in turn enlisted other officers, Carmine Vignola and Robert Hankard, to plant a BB gun at the accident scene. Planting the BB gun provided a fabricated justification for Jenkins's use of the vehicle as a deadly weapon against Simon. The actions by those BPD colleagues—Gladstone, Vignola, and Hankard—implicated them in obstruction of justice, civil rights violations, and other crimes—but they did not hesitate to commit these crimes to cover up for the actions of one of their own.

This gun planting remained a well-kept secret until the federal investigation of the GTTF unraveled it many years later, even though Jenkins repeatedly recommended to members of his unit that they carry an extra gun or BB gun in case they needed to plant it on victims to justify their actions. At the time of the incident, BPD took no action against Jenkins, not even for the reckless use of his vehicle. BPD's newly created Use of Force Review Board found Jenkins's use of his vehicle to be justified and within

BPD policy. Members of the Board panel included two of Jenkins's most consistent champions, Dean Palmere and Sean Miller.

The power of both Jenkins and Gladstone within BPD was demonstrated by their ability to undermine the authority of personnel above them in the chain of command. At the time of both the Price and Simon incidents in 2014, Jenkins and Gladstone were supervised by Lieutenant Daryl Murphy. Murphy recognized value in a process by which SAO prosecutors were paired with BPD squads to review ongoing BPD investigations for legal and evidentiary sufficiency. Jenkins and Gladstone objected to this oversight and elevated their objections to Sean Miller, to whom Murphy reported. Miller sided with Jenkins and Gladstone rather than Murphy and terminated the process – thus removing worthwhile oversight by a prosecutor and at the same time undermining Murphy's authority. Murphy was transferred shortly thereafter. This was not the last time that Jenkins was able to subvert the chain of command. Senior members of BPD protected and coddled him for years because of his productivity in seizing guns and making arrests.

### **3. The Death of Freddie Gray and the Rise of Wayne Jenkins**

The death of Freddie Gray in April 2015 was a central event for the city of Baltimore and for BPD. It was also a key turning point for the corrupt BPD officers implicated in the GTTF scandal. BPD's widely criticized response to the protests and the riots caused a loss of confidence in Mayor Rawlings-Blake and Commissioner Batts. The prosecution of six BPD officers by the SAO in connection with Gray's death deepened the fissure between the SAO and BPD. Violent crime surged, and homicides rose steeply, in the months following Gray's death. In this environment, SES enforcement squads and the GTTF gained even greater stature within BPD because of their aggressiveness in making arrests and seizing guns, which contrasted with the passivity of many others in BPD. This confluence of factors created a vacuum that further increased the wide berth given to BPD enforcement squads, and expanded the opportunities for corruption. These factors also led directly to the termination of Batts in July 2015.

During the second half of 2015, plainclothes units, including Jenkins's SES unit and the GTTF at that point led by Sergeant Thomas Allers, came to be viewed by senior BPD commanders as a bulwark against chaos. Batts's replacement, Kevin Davis, replenished the ranks of plainclothes officers to deal with the rise in violence. Jenkins was often praised and pointed to as a positive example to be followed. He had the respect and admiration of high-level command staff members, including Sean Miller and Dean Palmere. Jenkins was given special privileges: he was assigned his own personal BPD vehicle, and he was allowed to equip the vehicle with a push bumper, whose main purpose was to ram other vehicles. In addition, he was held out as a model to other supervisors based on his productivity, and he was allowed to circumvent the chain of command, thus undermining the lieutenants who nominally supervised him.

By the first half of 2016, both Jenkins's SES squad and the GTTF were fully engaged in criminal activity, victimizing vulnerable targets whose involvement in drug dealing and other illegal activities meant they were unlikely to complain. Jenkins's squad stole sums of money on at least three occasions – the result of traffic stops, foot pursuits, or other street enforcement work. His squad's most profitable crime took place in March 2016, when it converted a street stop and arrest of Oreese Stevenson into the warrantless search of Stevenson's residence, resulting in the seizure and theft of drugs and hundreds of thousands of dollars in cash. By contrast, the crimes committed by GTTF members during this period – at least those that were subsequently discovered – were, with one exception, committed during the searches of residences.

Sometime during the first half of 2016, Allers became convinced that the GTTF was under federal investigation. He obtained a transfer to a Drug Enforcement Agency task force based on his longstanding relationship with Palmere, who facilitated the transfer. Because of the number of gun seizures Jenkins produced, he was an attractive candidate in the eyes of Palmere and Miller to replace Allers as head of the GTTF. For his part, Jenkins likely realized that the GTTF's historical use of residential search warrants would present opportunities for large-scale thefts of cash, drugs, and other items of value from arrestees' residences, which were potentially much more lucrative than most of the street-stop thefts being perpetrated by his SES squad, except when those street stops were converted into unlawful residential searches. Because of his clout within BPD, Jenkins was allowed to bring with him his own trusted squad members – Hendrix, Taylor, and Ward – who he knew would be willing to continue as accomplices in his crimes.

## **G. The Federal Investigation and Its Aftermath**

The federal investigation that brought down the GTTF members – and subsequently the group of officers in Gladstone's orbit – was the result of happenstance and luck, and not the proper functioning of BPD's accountability system. None of these officers' colleagues reported any of them to IA or the FBI. None of the complaints against the corrupt officers that were filed by their victims were taken seriously by IA or the corrupt officers themselves. Instead, a narcotics investigation conducted by two county police departments identified a tracking device illegally placed on a target's vehicle. That tracker, which was linked to John Clewell – ironically a member of the GTTF not involved in the unit's criminal activities – led to a referral to the FBI Task Force.

Within two months of their arrests, Gondo, Hendrix, Rayam, and Ward began negotiating with the government over possible plea bargains. As part of those negotiations, they were required to disclose the crimes they had committed – not only those with which they had been charged, but the full scope of their criminal activities during their tenure with BPD. The information they shared, as well as information provided by Jenkins during his ultimately failed efforts to cooperate with the government, pulled back the curtain on a rich vein of corruption within BPD.

Information supplied by Jenkins led to Gladstone, which in turn led to identifying BPD members who had committed crimes with Gladstone – Louvado, Rivera, Vignola, and Hankard. Those crimes included warrantless searches, the theft and sale of drugs, and planting drugs and guns to falsely incriminate suspects.

As part of their plea agreements with the government, the cooperating defendants admitted to wrongdoing going back many years, frequently starting very early in their careers. Those crimes, committed years before becoming members of SES squads and the GTTF, included falsifying probable cause statements, incident reports, and search warrant affidavits. Between July 21 and October 12, 2017, Gondo, Hendrix, Rayam, and Ward each pled guilty to racketeering conspiracy. Their respective plea agreements listed multiple robberies in which they had admitted participating – eight robberies for Gondo, three for Hendrix, nine for Rayam, and four for Ward. All of them admitted to engaging in overtime fraud, including occasions when they not only failed to work overtime, but also when they were out of town and on vacation. In early December 2017, Allers pled guilty to racketeering conspiracy and admitted participating in nine robberies while he was the GTTF's sergeant between March 2014 and May 2016.

Weeks before Jenkins, Hersl, and Taylor were scheduled to go to trial, Jenkins pled guilty. Whereas Gondo, Hendrix, Rayam, and Ward cooperated with the government and were only required to plead guilty to a single count of racketeering conspiracy, the government declined to enter into the same type of plea agreement with Jenkins. The prosecutors and FBI Task Force members concluded that Jenkins was unable to rise above his instincts for deception, manipulation, and lack of candor. As a result, the terms of Jenkins's plea agreement were far more onerous than the four other GTTF members who had earlier pled guilty. Jenkins was required to plead guilty to two racketeering charges and two robberies in the GTTF case, and two additional charges – civil rights violations and falsification of records – relating to the 2010 drug planting episode in which an innocent elderly man was killed. The trial of Hersl and Taylor, in which Gondo, Hendrix, Rayam, and Ward testified – as did many of their victims – ended in February 2018 with guilty verdicts against both defendants on the racketeering conspiracy, racketeering, and robbery charges.

The GTTF defendants' cooperation resulted in the unraveling of other historical crimes. These included not only the 2010 drug planting incident, but also the 2009 theft and sale of drugs by Gladstone, Louvado, and Rivera, and the 2014 BB gun planting episode involving Gladstone, Vignola, and Hankard. When Louvado, Rivera, Vignola, and Hankard were confronted with questions about their involvement in these incidents, they lied either during interviews with federal agents or in sworn testimony to a grand jury. Louvado, Rivera, and Vignola later admitted to having done so. Hankard has pled not guilty and is awaiting trial.

Corruption has been a festering problem within BPD for decades – acknowledged by some, minimized by others, and emerging at intervals as a cancer that

has never been adequately treated. We know of no way of determining the precise size and scope of BPD corruption over the past 20 years because such a small percentage of the acts of misconduct and corruption have ever become known. But some information is available regarding the magnitude of corruption within BPD and about some of its fundamental causes.

As mentioned above, the 2000 survey conducted by outside consultants found that nearly one out of every four BPD members believed that as many as 25% of BPD members were engaged in stealing money or drugs from drug dealers. The collective belief among BPD members has been that this type of corruption is far more prevalent among plainclothes squads which focus on narcotics enforcement and gun seizures, and therefore are confronted with more opportunities for corruption than patrol officers who focus on responding to calls for service. Members of plainclothes squads deal every day with people suspected of engaging in serious crimes, especially crimes involving narcotics where substantial sums of money are involved. During his debriefing by members of the FBI Task Force, Gondo estimated that 70% of BPD members working in plainclothes units were stealing money from suspects on the street or from their residences. One of the FBI Task Force agents, Erika Jensen, came to believe that Gondo's estimate was somewhat high, but nonetheless believed that corruption among these units was widespread. Even if those estimates substantially overstate the percentage of plainclothes units engaged in corruption by a factor of two or even three, it still suggests a scope and scale of historical corruption within BPD's plainclothes units that is deeply troubling.

## **H. Findings**

Our investigation set out to identify both individual and institutional explanations for the corruption and misconduct of the former members of the GTTF, and the other former BPD members who have been prosecuted as a result of the GTTF investigation.

Some of the officers had issues that arose during their background investigations, which if more fully explored might have affected BPD's decision to hire them. Gondo failed to disclose his relationship with a good friend who was substantially involved in drug dealing, which the BPD background investigation failed to discover. Some of the officers had financial issues, both before and after they joined BPD, that were inadequately explored when they were hired and not monitored while they were in BPD. And several defendants reported that they developed alcohol and substance abuse issues, as well as serious mental health issues as a result of their work as BPD officers that went unaddressed.

But inevitably many aspects of the personal lives of these officers remained hidden from view. Neither BPD nor any organization is capable of developing foolproof methods for screening employees when they are hired nor monitoring their personal lives after they have been hired. In our examination of BPD's history over the



past two decades, we identified significant persistent weaknesses in supervision and accountability, and a fundamentally flawed incentive system caused by the excessive reliance on numerical metrics. We found that these deficiencies undermined or eliminated guardrails that are necessary to deter and detect corruption.

What follows are the chronic weaknesses we found to have existed in BPD with respect to supervision, the overemphasis on statistical measures, accountability, and the existence of an “us vs. them” mentality.

As to supervision, we found the following:

- The relative lack of experience among many supervisors, and the lack of rigor of their supervision, generally degraded the quality of supervision within BPD, especially among plainclothes units.
- The lack of leadership training provided to officers when they are initially promoted to sergeant translated to shortcomings in the ability of supervisors, especially first-level supervisors, to effectively manage and lead their units.
- The unwillingness of supervisors to closely examine the underlying behavior of officers who are generating impressive statistics has meant that aggressive officers have frequently not been effectively controlled or managed. Just as underperformers require close and continuing scrutiny to identify the sources of their inadequate performance, so too do overperformers who generate impressive statistics that substantially exceed those compiled by their peers. Indeed, these overperformers constitute the greatest risk to BPD’s reputation if they are generating such impressive statistics through violations of BPD policy, state or federal law, or the Constitution. Instead, senior BPD leaders have historically chosen not to examine too closely how their top performers were achieving their results.
- Some supervisors have cultivated plausible deniability for the actions of their unit members. They have spent too little time directly observing personnel under their command, blaming the volume of paperwork and administrative tasks for absorbing their time. They have been more concerned about the bottom-line numbers than about how those numbers are generated.
- Supervisors have feared that addressing integrity and misconduct issues will diminish the productivity of their units, earn them enemies within their squads and more broadly within BPD, and create obstacles to their own future promotion. The incentives in BPD have been to conceal misconduct rather than report it.
- The existence of corrupt front-line supervisors – Jenkins, Allers, and Gladstone – made the detection of corruption within BPD plainclothes squads substantially more difficult because the supervisors above them in the BPD chain of command had spans of control that were far too large.

As to the excessive reliance on statistical metrics, we found the following:

- From at least 2000 through the 2017 arrests of the GTTF defendants, the central goal transmitted from the top down in BPD and from City Hall was to generate numbers—at various times, maximizing the number of arrests, narcotics seizures, and gun seizures. Maximizing the numbers in those categories was viewed as the most promising path to affecting the most important number of all—reducing the number of homicides.
- ComStat was transformed from its origins as a meaningful accountability tool into a crude scorekeeping tool that became an all-consuming focus of senior BPD members and determined the fate of BPD supervisors and squads.
- The success or failure of supervisors and their units was almost exclusively determined by numerical measures. Because numbers were the measure of success, supervisors had little incentive to investigate how the impressive statistics were being achieved, and many senior BPD commanders have not cared how the numbers were achieved.
- The logical consequence of this attitude was that the more productive a squad was in terms of generating impressive statistics, the less they were supervised and the more leeway they were permitted.
- The numbers that counted were arrests and seizures, not convictions. BPD members were not evaluated on whether their actions led to successful prosecutions. This created incentives to focus on the short-term goals of arrests and seizures and not on whether the methods used to achieve them were consistent with BPD policy, state and federal law, and the Constitution.
- Members of specialized units believed that achieving numerical goals was a necessity to obtain the approval of their supervisors and retain their positions in those units.
- Some command staff members coddled, promoted, and protected certain “golden boys” in specialized units—*e.g.*, Jenkins and Gladstone—when they consistently generated impressive numbers of narcotics and gun seizures.
- The broad message absorbed by many BPD members has been that the ends justify the means. This message has been inculcated early in the careers of BPD members, and is reflected in the fact that lying about the circumstances of an arrest or in a search warrant application was pervasive and viewed as necessary to address high levels of crime.

As to weaknesses in BPD’s accountability system, we found the following:

- BPD’s accountability system has never provided swift and consistent justice to BPD members accused of misconduct, or to civilians or BPD members who

report such misconduct. As a result, neither BPD members nor civilians have had confidence in the system.

- The internal affairs function within BPD has historically been deprived of the resources, talent, and leadership required to effectively deter and detect misconduct. The caseloads have frequently been overwhelming, the number of investigators has never been commensurate with those caseloads, and the efforts to improve IA have been sporadic and inconsistent. When asked which BPD commissioner over the past 20 years placed a high priority on deterring and detecting officer misconduct, many current and former BPD members answered, “none.”
- The internal affairs function has been viewed with disrespect, frequently crossing into contempt, by the vast majority of BPD members. Most BPD members have never considered applying for a position in IA, and affirmative efforts to recruit talented personnel have been largely unsuccessful.
- Until recent legislation repealed the Law Enforcement Officers’ Bill of Rights (LEOBR), its requirements and the limitations it imposed on the investigative process were viewed by personnel responsible for police accountability as a substantial impediment to developing a system that produces just and appropriate results.
- Administrative trial boards have historically been a flawed vehicle for achieving justice with respect to allegations of corruption and misconduct. Members of trial boards have been poorly trained, and they have been perceived as susceptible to efforts to intervene on behalf of accused members based on the power and connection of their patrons rather than on the substance of the case. Trial board members have feared the power of commissioners to increase the discipline imposed on officers found guilty and have responded in many instances by rendering not guilty verdicts that are contrary to the evidence.
- Most specifically, BPD’s accountability system failed repeatedly and disastrously in addressing the misconduct of Jenkins, Hersl, Rayam, and Hankard. In Jenkins’s case, at a minimum he should no longer have been a supervisor because of his actions in the Walter Price incident. In the cases of Hersl, Rayam, and Hankard, a properly functioning accountability system should have resulted in their termination from BPD.

As to the “us vs. them” mentality, we found that, while it is a less compelling explanation for the GTTF’s corruption and other episodes of corruption in BPD’s recent history than the other causes identified in this Report, it is still a significant factor that helps explain corruption in BPD:

- The levels of violence in Baltimore over the past several decades and the real and existential risks faced by BPD members as a result of that violence have led many to conceive of their jobs in terms of “us vs. them” – BPD vs. the forces of crime and violence. BPD members have been indoctrinated into viewing suspects, especially those involved in narcotics trafficking and violent crime, as the enemy. Cheating, which has historically begun with lying about events to support arrests or searches, is internalized as the price to pay to defeat the enemy.
- The corrupt GTTF officers referred to thefts of cash during street encounters as a “street tax.” This reflected the view that persons suspected of committing crimes, especially those involving narcotics, were viewed as not entitled to their property or their liberty.
- Language used by BPD members, beginning in the Academy, includes references to “battle buddies” and “going to war.” This mode of thought – that BPD is dealing with an “enemy” – can cause officers to view civilians as adversaries, and can lead some to justify or excuse various types of inappropriate and even corrupt conduct in service of their mission.

In addition to these factors, we note the following important considerations that arose frequently during our investigation. First, former leaders of BPD expressed grave concern about the degree to which city leaders have involved themselves in internal police department matters. We learned of sensitive BPD information shared by BPD members with elected city government officials to curry favor and in the hopes that they would receive a benefit in the form of an undeserved promotion or intervention in a disciplinary matter. There have been numerous attempts by city officials to influence promotions and assignments of BPD personnel, and to intervene in the disciplinary process. Such intervention is counterproductive and corrosive.

Second, we noted above that as a historical matter, there has been cheating and corner-cutting at the Academy in the interests of graduating as many recruits as possible. But even more significant than the cost of pushing every recruit through the Academy has been the cost of inadequate guidance to generations of BPD members about the central role ethics and integrity should play in determining their actions as a BPD officer. Current and former BPD members did not recall receiving any ethics training, and certainly nothing that stuck with them. Further, only recently under new leadership has BPD used as teaching tools any of the historical episodes of BPD corruption. Historically, BPD did not provide new officers with an adequate understanding of the challenges to their honesty and integrity they would face every day, including from their colleagues. Instead, new officers felt the pressures to make cases and generate numbers, and to be accepted by their colleagues. They frequently felt the pressure to tell lies and make misrepresentations. For many, that was where the corruption started. Indeed, that form of corruption was so deeply embedded in BPD’s culture as a necessary part of the business of policing that many BPD members did not view it as corruption at all. But it was the first step on a very slippery slope that, in the

case of the GTTF defendants and others, culminated in corruption and criminal activity on a massive scale.

## **I. Recommendations**

In addition to our central task of conducting a thorough investigation of the GTTF corruption scandal and its antecedents, we have a companion responsibility to formulate a set of constructive recommendations that could, if properly implemented, reduce the extent of corruption within BPD. Our goal has been to formulate practical recommendations that could meaningfully reduce the risk of corruption through prevention, deterrence, detection, and swift and certain accountability.

We are not writing on a blank canvass. The BPD consent decree, which has been in force since April 2017, contains scores of requirements that relate to hiring, training, supervision, and accountability, among many other issues. Our focus is different, though related to the goals of the consent decree. We have examined those subject areas through the lens of how deficiencies and weaknesses in those systems and processes made BPD more vulnerable to corruption, not on the much broader set of issues that are addressed in the consent decree. Our goal has been to identify practical steps and strategies that have the potential to reduce corruption.

### **1. Hiring**

Our recommendations relating to hiring are as follows:

- BPD should consistently follow established and standardized processes for conducting background investigations of applicants, and under no circumstances should it lower its standards, even in times of urgent need. (Recommendation #1)
- BPD should employ current or former BPD personnel to conduct the field investigation portion of the applicant background investigation, rather than relying on external contractors. (Recommendation #2)
- BPD should enhance the integrity testing component of the polygraph examination administered to BPD candidates, as well as ensure that the psychological examination focuses adequately on anger management and impulse control issues. (Recommendation #3)

### **2. Training**

Our recommendations relating to training are as follows:

- Trainers and administrators at the Academy should demonstrate that BPD has zero tolerance for cheating – whether by recruits or Academy personnel – in any aspect of Academy training. Probative evidence of cheating of any



- kind should lead to immediate expulsion of recruits and referrals to the Public Integrity Bureau (PIB), as appropriate. (Recommendation #4)
- The BPD Academy should establish an anonymous reporting mechanism for recruits to provide evidence that members of their Academy class have demonstrated their lack of fitness to serve as BPD officers. In addition, Academy leadership and trainers should carefully monitor recruits and identify candidates whose conduct or performance in the Academy raises concerns about their suitability to serve as officers. If not sufficient to terminate the recruit, those concerns should be shared with the candidate's Field Training Officers and initial field supervisors. (Recommendation #5)
  - BPD should incorporate into recruit and in-service training detailed presentations on the BPD corruption scandals of the past 20 years, the consequences for the officers who engaged in corruption, and the lessons that BPD and its members can draw from these episodes. (Recommendation #6)
  - BPD should incorporate into recruit and in-service training the first-hand experiences of former members of BPD who engaged in corruption. BPD should also incorporate the first-hand experiences of corruption victims. (Recommendation #7)
  - BPD should provide training explicitly focused on the critical importance of providing complete and truthful information in official police reports, documents submitted to judicial officers, and court testimony. (Recommendation #8)
  - BPD's Ethical Policing is Courageous (EPIC) training should become a foundational part of BPD's training program going forward. EPIC training itself should be provided on a periodic basis and should be updated to include new material. Its principles should be infused into a wide variety of BPD training programs. (Recommendation #9)

### **3. Supervision**

Our recommendations as to supervision are as follows:

- BPD should assign a mentor to each rookie officer for the first five years of that member's service in BPD. The mentor can—but need not be—one of the member's Field Training Officers. The mentor should provide informal advice and guidance on a range of matters, primarily but not exclusively work-related matters. Mentors should be carefully screened to ensure that they are suitable for the role. (Recommendation #10)
- BPD supervisors who are transferred to a new position in the Department should be provided with detailed briefings from the departing supervisor about the operations and personnel they are inheriting. To the extent possible, supervisors at every level should be required to shadow their

predecessors for a period of one week to learn as much as possible about the specifics of their new assignment and the strengths and weaknesses of the BPD members they will be supervising. (Recommendation #11)

- Senior command staff members must always work through the formal chain of command. They must not allow the needs of the moment, statistical productivity, or high regard for particular individuals or units to subvert the chain of command through issuing orders directly to lower-level personnel. (Recommendation #12)
- BPD must carefully screen members of plainclothes units. The process should include polygraphs, in-person interviews, and careful review of a candidate's disciplinary record. Members of plainclothes units should consent to discretionary financial audits for as long as they remain in these units. (Recommendation #13)
- Supervisors should promptly be advised whenever a BPD member under their supervision is the subject of an internal affairs investigation for serious misconduct, including but not limited to false statements or testimony, violations of constitutional rights, and theft. Supervisors should also promptly be advised when and how the matter has been resolved and whether the evidence developed during the investigation suggests a lack of integrity and honesty on the part of the member, even if the allegations are not substantiated. (Recommendation #14)

#### **4. Oversight and Accountability**

Our recommendations as to oversight and accountability are as follows:

- BPD should intensify its efforts to recruit top-flight personnel to serve as IA investigators. Those efforts should include providing financial inducements and specific advantages in the promotions process. If the use of positive inducements proves unsuccessful in attracting a sufficient number of quality candidates, BPD should consider establishing a minimum two-year rotation in PIB as a prerequisite for promotion. (Recommendation #15)
- BPD needs to more accurately track complaints and the officers involved in incidents that have given rise to complaints. Complaints initially received against an "unknown officer" should be changed in PIB's database once the investigation has identified the officers in question. Entries to the database for misconduct complaints should be sufficiently detailed such that subsequent complaints about the same incident against the same officers do not lead to the opening of duplicate cases. (Recommendation #16)
- BPD units that focus on seizing drugs and guns and make arrests at levels substantially higher than other units performing similar functions should be the subject of aggressive scrutiny by BPD top management and by BPD's

audits and inspections function. This enhanced level of scrutiny is to ensure that the statistical achievements are not the product of violations of the Constitution, federal or state law, or BPD policy. (Recommendation #17)

- BPD should focus on quality over quantity in assessing the value of cases investigated by BPD members. To that end, BPD should closely track by officer and by squad the rate at which arrests result in convictions. (Recommendation #18)
- BPD should rebuild its capacity to conduct targeted and random integrity stings to detect and deter officer misconduct. (Recommendation #19)
- BPD should provide specific targeted training to IA investigators to sharpen their interviewing and writing skills. Recommendation (#20)
- BPD should provide periodic training to sworn members and civilians who serve on administrative trial boards. Training should emphasize, among other things, the meaning of the preponderance of the evidence standard and the negative impact that verdicts inconsistent with the evidence have on accountability within BPD. (Recommendation #21)
- Participants in the trial board process should be vetted for potential conflicts of interest to ensure that the trial board panel is able to decide cases based solely on the evidence. (Recommendation #22)

## **5. Miscellaneous**

- BPD should conduct detailed exit interviews of every member of BPD who resigns, retires, or is terminated from the Department, with an emphasis on sworn personnel. The interviews should be comprehensive and designed to elicit as much constructive information as possible. Exit interviews of sworn personnel should be conducted by sworn personnel. (Recommendation #23)
- Incoming BPD commissioners should attempt to debrief their predecessors to gain insights into the challenges and opportunities they will face. Those discussions should continue as appropriate during the commissioner's tenure as specific issues arise that previously confronted BPD. (Recommendation #24)
- BPD commissioners should be provided with the latitude to run the Police Department with minimal operational interference from elected officials. Under no circumstances should elected officials become involved in investigative and personnel matters. (Recommendation #25)

## **J. Conclusion**

We began this investigation trying to answer this question: how did the GTTF come to be comprised of corrupt officers willing and able to commit crimes against the people of Baltimore? The answer is complicated. The new, more aggressive

enforcement strategies adopted at the beginning of the 21<sup>st</sup> century were layered on top of a culture that had a permissive attitude towards the excessive use of force and in a department that included pockets of officers engaged in misconduct and corruption. Officers willing to engage in misconduct gravitated to each other.

The rapid turnover of BPD commissioners from 1999–2007 meant frequent shifts in Department priorities. Norris's focus on open-air drug markets, major drug traffickers, and violent criminals was replaced by Clark's buy-and-bust strategy, which further increased the number of arrests by BPD. A major strategic shift took place in early 2007. At that point, BPD's strategy shifted from an emphasis on volume to a focus on violent criminals. The strategy change had a major impact on the homicide level in Baltimore: in 2011, after five years of implementing the strategy, homicides fell below 200 for the first time in 30 years.

Unfortunately, the success on the crimefighting front was not matched by improvements in BPD's accountability system despite occasional efforts to address its weaknesses. The internal affairs function continued to be dramatically understaffed and generally performed poorly. Fear and loathing among rank-and-file officers is a common view of internal affairs in many police departments, but in BPD those attitudes were accompanied by feelings of contempt and condescension. Most BPD officers never considered taking a job in IA, and there was no concerted leadership encouragement for them to do so.

In early 2008, VCID was formed largely with personnel from OCD, which had been formed under Clark. VCID became BPD's principal tool to fight violent crime and focused on targets believed to be responsible for Baltimore's most serious crimes. Although it never constituted more than about 15% of BPD's complement of sworn members, aggressive officers aspired to being selected for VCID and drew satisfaction from facing the challenge of handling high priority matters for a high prestige division. VCID members operated in plainclothes and conducted enforcement actions – street stops of suspects on foot and in vehicles; searches of vehicles; and searches of residences associated with suspects.

But there was a less visible, dark side to VCID: many of its members were engaging in misconduct and corruption. Because their victims were often involved in criminal conduct themselves, they were reluctant to file complaints against the officers. And because the infrequent complaints that were filed pitted the victims' word against the word of one or more officers, the complaints were seldom sustained: complainants with a criminal record did not have much of a chance. The lesson taught to officers and complainants alike was that the officers could engage in corruption and misconduct with no consequences. For the victims of misconduct, the potential benefits of lodging a complaint were substantially outweighed by the potential costs of retaliation by officers. Within BPD, the prevailing view was that complaints were frequently fabricated and were the predictable consequence of good, aggressive policing. There was a kernel of

truth in both of these claims, which blinded senior BPD leaders to the extent of actual misconduct and corruption in their ranks.

The death of Freddie Gray in April 2015 and the turmoil that convulsed Baltimore in its aftermath not only spelled the end of Anthony Batts's tenure as BPD commissioner but also caused an existing fragile relationship between BPD and the Black community to reach the breaking point. BPD members were angry with Batts for his lack of leadership during the turmoil; they became more passive and less responsive for reasons that included fury and resentment over the SAO's indictment of six BPD officers for their alleged roles in Gray's death; and violent crime spiraled to levels beyond anything that had been seen in Baltimore for quite some time.

These events opened the door even wider for corrupt officers. In the 18 months that followed, the BPD members subsequently charged and convicted of corruption committed no fewer than 21 separate crimes to which one or more of them ultimately admitted. The crimes included street thefts of cash and drugs, residential robberies, and warrantless entries into residences and storage units. There is simply no way to tell how many more crimes they may have committed, or how many other BPD members serving in plainclothes units committed similar crimes.

The aftershocks of the GTTF scandal continue to be felt to this day. Officers not directly associated with the GTTF have been charged and convicted in connection with events that occurred more than a decade ago. Many BPD members with close associations to the former members who have been prosecuted retired not long after the extent of the federal investigation became known. Scores of lawsuits have been filed by Baltimore residents claiming to have been the victims of corrupt acts committed by the GTTF members, with the amount paid to victims totaling more than \$13 million as of November 2021, with several cases still pending. The full costs of the scandal also include the more than 800 cases – both pending and closed – that have been dropped, and the convictions vacated, because they were tainted by the involvement of the GTTF members, as well the enormous damage to BPD's reputation and its relationship with the Baltimore community. Thus, the non-monetary costs of the corruption have been enormous.

Although BPD and the city of Baltimore have found it difficult to escape the dark shadow of the GTTF scandal, much has changed in the last several years. The US Department of Justice investigation led to the consent decree, which has now been in force for more than four years. Weaknesses in functions that our investigation has shown contributed to the GTTF corruption scandal – hiring, training, supervision, and accountability – are being addressed, and in many cases, are being methodically rebuilt from the ground up under the watchful eyes of a federal judge and an independent monitoring team. Body-worn cameras have become a powerful tool to deter and detect corruption and misconduct. The size of plainclothes units has shrunk dramatically, and BPD is providing far closer supervision over those units than it has in the past. It took decades for the cancer of corruption revealed in the GTTF scandal to spread as widely



as it did and to sink its roots so deeply into BPD; it will take years for BPD to demonstrate, in both words and deeds, that it has zero tolerance for corruption and misconduct.

But there are hopeful signs that BPD and the city have the will to do so. The city brought in as BPD commissioner an outsider, Michael Harrison, with a track record for making substantial improvements in a department operating under a consent decree. He assembled a management team that seems committed to the principles embodied in the consent decree and has a mandate to make the changes needed to transform the Department. BPD has made its EPIC training a foundational piece of the Department's culture, encouraging members to intervene with their colleagues to prevent misconduct, which has the potential to be transformational in defining what it means to be a good officer. Although EPIC has quite deliberately been kept separate from the internal affairs function, its principles are fully consistent with the goal of remaking an institutional culture that will become less tolerant of misconduct and corruption, and more aware of the costs of a code of silence. BPD has strengthened its ethics training and is working to further enhance it by confronting BPD members with the facts of the Department's historical corruption scandals, and with the devastating impact of those scandals. Facing those hard truths and adopting changes designed to reduce the risk of corruption and misconduct will take sustained commitment, hard work, and an effort to call on the best of the men and women in BPD to move the Department forward and turn the page on its troubled past.

The recent history of BPD, and the story told by our investigation and this Report, is that ethical, strong, and stable leadership matters. That crimefighting should never embrace or condone a credo that the ends justify the means. That an attitude that views the community writ large as an adversary rather than an ally and partner is dangerous and counterproductive. That cutting the corners of the Constitution, law, and BPD policy have a corrosive effect on the proper functioning of the Department. And that robust systems of supervision and accountability are prerequisites for a properly functioning police department. An important first step in reshaping BPD's future is to be honest about its past, and to learn the bitter but important lessons it teaches. We hope our work helps advance that important objective and points the way to a set of reforms that substantially improves BPD's ability to prevent, detect, and deter corruption, and that helps to restore the faith of the Baltimore community in its police department.

## I. Introduction

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On Wednesday, March 1, 2017, the members of an elite gun recovery unit in the Baltimore Police Department, the Gun Trace Task Force, arrived at BPD's Kirk Avenue location—the headquarters for the Department's Internal Affairs unit. They had been told to report at 9:00 a.m. The GTTF members—Sergeant Wayne Jenkins, and Detectives Momodu Gondo, Evodio Hendrix, Daniel Hersl, Jemell Rayam, Marcus Taylor, and Maurice Ward—had been told that Internal Affairs was investigating an alleged hit-and-run accident involving a vehicle used by GTTF members. That was not true.

The GTTF members arrived at Kirk Avenue, one at a time, expecting to be questioned about the accident. To add plausibility to the cover story, the members of another plainclothes unit had been summoned to Internal Affairs on the same pretext the day before, with the expectation that its members would share their experience with the GTTF members. This bit of intelligence would confirm to the GTTF members that they had, in fact, been summoned to answer questions about the hit-and-run accident. This air of plausibility about the unreported hit-and-run was necessary in order to get the GTTF members to lower their guard and arrive at Kirk Avenue under the belief that the matter was routine. That was especially important because GTTF members had heard rumors for months that they were under federal investigation.

In fact, the GTTF members had been directed to report to Kirk Avenue for reasons having nothing to do with a hit-and-run incident. They had been summoned so they could be arrested, under controlled circumstances, for the commission of a remarkable series of crimes they had committed during 2015 and 2016. For many months, the members of the GTTF had been the subject of electronic surveillance by a federal anti-corruption task force composed of FBI agents and trusted BPD members. Based on the fruits of that electronic surveillance, as well as substantial additional evidence, a federal grand jury had, on February 23, indicted the squad members for multiple crimes. The charges, unsealed later in the day on March 1, included, among other things, racketeering, racketeering conspiracy, robbery, extortion, and overtime fraud. The indictment described a stunning set of corrupt acts, including robberies and home invasions, allegedly committed by the defendants from November 2015 through early September 2016. It charged that the officers had transformed the GTTF – and BPD as a whole, according to the indictment – into a racketeering enterprise, a term and a set of charges most commonly used against gangs and members of organized crime, not police officers.

The ruse worked. The officers trickled into Kirk Avenue one at a time, with Detective Gondo arriving last at about 9:40 a.m. The second floor had been cleared of other BPD personnel; separate interrogation rooms had been prepared for each of the seven GTTF members. As they entered the building, each member surrendered his service weapon. That did not alarm the squad members because it was standard procedure for any BPD member entering the premises for an Internal Affairs investigation – and many of the GTTF members had vast experience dealing with Internal Affairs. It did not signal to the GTTF members what was to come. As each GTTF member came up to the second floor, he was immediately arrested, one at a time, by members of the FBI's SWAT team. Each GTTF member was taken to a separate room and questioned by two FBI agents who had been fully briefed on the investigation. The GTTF members had little to say, although for many of them that would subsequently change.

The arrests and the indictment unsealed that day sent shockwaves through BPD and the entire city of Baltimore. And those shockwaves have continued ever since – arrest by arrest, indictment by indictment, guilty plea by guilty plea. As stunning as were the original charges, they represented only the tip of the BPD corruption iceberg. The federal government, represented by the United States Attorney's Office for the District of Maryland and the FBI anti-corruption task force, unraveled a fabric of corruption that was as broad as it was deep, and as deep as it was long in duration.

Although BPD had experienced numerous corruption scandals over the years, the GTTF scandal from the outset was experienced as different by current and former BPD members and by the public. It was different for several reasons: the types of crimes the officers committed; the number of crimes they committed; the span of years during which the crimes were committed; and the number of BPD officers involved in the criminal activity.

Developments over the past four years, which have included the arrests, indictments, and guilty pleas of numerous other BPD officers, have made it clear that while referring to the “GTTF scandal” is a convenient shorthand, it dramatically understates the scope of the corruption that has existed within BPD. Jenkins, Hendrix, Taylor, and Ward had not joined the GTTF until June 2016, but they had been engaging in corrupt activities for many years before that, individually and in smaller groups. And as demonstrated by the August 2017 indictment and subsequent guilty plea of Thomas Allers, Jenkins’s predecessor as sergeant of the GTTF, members of the pre-Jenkins GTTF had been committing crimes going back at least as far as March 2014. Corruption was thus not limited to the GTTF; it existed more broadly among members of elite plainclothes squads who were the point of the spear for BPD’s crimefighting activities, and who were widely celebrated within BPD for the guns and narcotics they seized.

Corruption was not new to BPD. Far from it. Episodes of corruption involving BPD officers had come to light well before the March 1, 2017, arrests. Historically, episodes of BPD corruption were treated as isolated matters to be condemned and then quickly forgotten. The various BPD scandals over the past 20 years – King and Murray, Majestic Towing, Daniel Redd, Kendell Richburg – were not addressed as symptoms of more profound, systemic problems that needed to be addressed through reforms in hiring, training, supervision, and accountability. In response to these earlier scandals, BPD made no effort to identify and address the root causes of the misconduct and determine whether they implicated weaknesses and shortcomings in BPD that created openings for individual officers or groups of officers to engage in corruption. BPD commissioned no after-action reports and made no attempts to distill lessons learned for improving training, supervision, or accountability.

Preventing and detecting misconduct require multi-pronged efforts. The focus on lawful and ethical behavior must begin from the time recruits apply to become members of the Department. Unfortunately, as we learned during our investigation, cutting corners was part of BPD’s culture.

Background investigators were instructed to push BPD applicants through the hiring process regardless of troubling information in their applications that should have proved disqualifying. At the Academy, recruits were frequently provided with the answers to the questions that would appear on their tests – one of many tools used to ensure the processing of a sufficient number of recruits. Academy classes that began with 50 recruits would very frequently end with 50 graduates, regardless of the performance of recruits on tests involving intellectual and physical ability, and regardless of evidence of anger management and impulse control issues.

Once out of the Academy, the education of rookie officers depended heavily on the mentoring of senior officers and the supervision of sergeants. We interviewed a large number of officers who began their BPD careers in the 1990s and early 2000s. Though their experiences varied greatly, some of the lessons they learned were

disturbing. According to witnesses we interviewed, if suspects caused officers to chase them, the suspects would frequently be “roughed up” — beaten, and in some cases deliberately sent to the hospital — once they were caught. Inadequate legal bases for stops, arrests, and search warrants did not prevent enforcement action. Facts acquired through lawful investigations would often be supplemented by evidence acquired illegally or stretched beyond the officer’s actual observations. Officers were taught that their courtroom testimony should not vary from the incident reports or charging documents they or their colleagues had written, even if those reports were wrong: “There was an unwritten rule — whatever you wrote is what happened,” we were told by a senior BPD supervisor.

Our investigation and this Report explore the individual, institutional, and cultural factors that help explain how the GTTF corruption scandal took root in BPD and grew over time. It shows that any suggestion that the corruption was limited in time and scope to a single, rogue squad led by two corrupt supervisors, misunderstands the issue and the pervasiveness of the problems that produced the scandal. It also ignores the rich history of corruption that has plagued BPD for decades.

In this Report, we describe the longstanding battle against persistent violent crime in Baltimore and the responses to it by generations of Baltimore mayors and police commissioners. This is not merely background and context — BPD corruption cannot truly be understood without understanding its roots in the Baltimore crime fight and in the enforcement strategies that were adopted by BPD. We provide a detailed narrative and analysis of the ways in which the various anti-crime initiatives over the past 20 years — at least since the mayoral election of 1999 — shaped the culture and values within BPD. Those initiatives enshrined productivity as the core value to be pursued, as measured by number of arrests, volume of narcotics seizures, and number of gun seizures. BPD never devoted the necessary resources to ensuring the quality of BPD recruits, or the quality of their training. More importantly, over time, the quality of supervision in enforcement units deteriorated; groups of officers in BPD’s plainclothes units had broad discretion to operate as they saw fit as long as they produced the numbers desired by BPD’s top management. Most importantly, despite multiple attempts at rebuilding and re-engineering, the internal accountability function within BPD was loathed, disrespected, and largely viewed with contempt.

This Report is organized as follows. First, we describe how we conducted this investigation — the sources of information we relied on and the methods we used. Second, in a series of chapters, we describe in substantial detail the history of BPD over the past 20 years, with close attention to the issues relevant to analyzing the development and persistence of corruption within BPD. We discuss relevant enforcement initiatives, priorities of BPD under various commissioners and mayors, and prior BPD corruption scandals. Third, we describe the evolution and development of the GTTF itself, and how it was transformed from its original purpose as an investigative/analytic unit into a street enforcement unit, and then to a criminal enterprise. Fourth, we explore the lives and careers of the former BPD members whose



illegal conduct was exposed during the ongoing federal investigation of BPD corruption. Fifth, we describe and analyze the systematic abuses of overtime in BPD that were revealed in the prosecution of the BPD officers and that has been an enduring problem within BPD. Sixth, we provide findings and conclusions that emerge from the recent history of BPD and the corruption that has been revealed. Finally, we provide a set of recommendations that we believe will help reduce the risks of corruption within BPD.

Corruption can never be fully eliminated, but understanding its true causes can lead to a substantial reduction through the implementation of thoughtful reforms, including raising the risks of detection and punishment. Our goal has been to provide an unflinching and thorough investigation of the corruption scandal that has recently engulfed BPD. We have sought to analyze its origins, the forces and currents in the Department and the city that allowed corruption to take root and grow until it became in recent years a defining characteristic of BPD. We have also tried to take account of the recent changes in BPD ushered in by new leadership, and the reforms dictated by the federal consent decree. We are hopeful that the detailed story we tell in this Report, based largely on candid accounts of its members and by leaders inside and outside of BPD, will lead to a greater understanding of the complex phenomenon of BPD corruption, and help illuminate the path to reducing its occurrence.

In 1906, the Spanish philosopher George Santayana said, “Those who cannot remember the past are condemned to repeat it.” We would add that it is not enough to remember the past; one must learn from it as well – and so the history of corruption in the BPD must provide the knowledge and the tools to minimize it in the future. We hope this Report provides that necessary knowledge and tools by laying out a roadmap to a BPD defined by greater integrity and accountability.

## II. The Steptoe Investigation

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**From:** Commissioner Michael Harrison  
**Sent:** Wednesday, October 23, 2019 3:02 PM  
**To:** ALLBPD  
**Subject:** Cooperation with the Independent Review of the Gun Trace Task Force

**To all members of the BPD:**

Since my very first day on the job, I have recognized how vitally important it is to the Department to fully understand the circumstances and conditions that allowed the improper and illegal activities the Gun Trace Task Force (GTTF) engaged in, and what allowed it to go on for so long. We must learn everything we can about GTTF to ensure that it never happens again, and to help rebuild trust with the residents we serve. Our Department needs answers and Baltimore residents deserve them.

In order to accomplish this monumental task, I have been working in coordination with Judge Bredar, Solicitor Davis, and the Consent Decree Monitoring Team to select an independent firm that will conduct a full and independent review of the GTTF activities. Mr. Michael Bromwich, senior counsel in the DC office of the law firm Steptoe and Johnson, has been selected for this task. He is the former Inspector General at the Department of Justice, and he and his team have conducted similar reviews for police departments across the country. In my opinion, he is uniquely qualified to lead the review of GTTF.

The scope of the review will be established by Mr. Bromwich and his team. Mr. Bromwich will have full autonomy to conduct the review as he sees fit without interference from the BPD.

Commissioner Harrison October 23, 2019, Memo to BPD Personnel



Steptoe's Michael R. Bromwich and BPD Commissioner Michael S. Harrison at the October 23, 2019, press conference announcing the investigation

### A. Background

Following the initial arrests of the GTTF members on March 1, 2017, BPD conducted a limited review of the overtime issues raised by the allegations of fraud contained in the indictment. It did not launch a broader review of the entire course of

conduct engaged in by the defendants and their criminal accomplices, even in the face of concerns that the causes of the corruption needed to be fully explored and understood.

Those concerns were expressed most notably by the Honorable James K. Bredar, the federal judge presiding over the BPD consent decree. As a key element of the Court's consent decree oversight, Judge Bredar has held public meetings on a quarterly basis to discuss the status of reforms mandated by the decree. The first of these meetings took place on April 13, 2018, after Jenkins, Allers, Gondo, Hendrix, Rayam and Ward had all pled guilty to crimes of corruption, and less than three months after the jury had returned guilty verdicts against Hersl and Taylor. During the April 13 status conference, Judge Bredar stated:

Because when you've got a scandal like the GTTF scandal this City has gone through, you have to look at the process from start to finish, you have to go all the way to the roots of the problem, and how did people with this sort of capacity to commit felony offenses end up in such positions in the Department.<sup>1</sup>

Even more pointedly, at the January 24, 2019 quarterly status conference, Judge Bredar observed:

In addition to addressing integrity issues with individual officers, there must be critical self-evaluation on an institutional level to understand what went wrong within the Department to allow something like GTTF to happen. There must be a comprehensive retrospective investigation of what occurred, a post-mortem, an autopsy. This is essential to ensuring that nothing like GTTF ever happens again. I'm not persuaded that the Department can conduct this investigation or study on its own. I'm generally persuaded that outside help is going to be necessary to do this properly. Perhaps this assistance will come from the State of Maryland. Perhaps it will come from any of a number of other outside organizations that have expertise in this area. But this retrospective inquiry needs to occur. . . . And it would be such a mistake on the part of the City to not fully embrace it and engage and, just like a pathologist, conduct a post-mortem examination after the patient dies.

It's terrible that they lost the patient. But they don't stop there. They inquire as to what happened. What was the disease function? How did it progress? These GTTF officers, yeah, they all showed up in one unit together and then

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<sup>1</sup> Tr. of Quarterly Status Conference at 171, *United States v. Balt. Police Dep't*, No. 1:17-cv-0099-JKB (D. Md. Apr. 13, 2018), <http://online.fliphtml5.com/gbnn/uuzy/#p=171>.

engaged in this monstrously illegal activity that was exposed in this room. But there's a whole history behind that.<sup>2</sup>

Judge Bedar's view that a detailed post-mortem was important and necessary was widely shared.<sup>3</sup> Several months later, on October 23, 2019, then-City Solicitor Andre Davis and BPD Commissioner Michael S. Harrison announced the selection of Steptoe & Johnson LLP (Steptoe) to conduct the comprehensive investigation of the GTTF corruption scandal, with Michael R. Bromwich to serve as the leader of Steptoe's investigative team.

In the press conference announcing the selection, Commissioner Harrison stated that the firm had been hired to "conduct a full and independent review of the Gun Trace Task Force" corruption scandal, emphasizing that Steptoe would have full autonomy to conduct the investigation as it saw fit. In his remarks at the press conference, then-Solicitor Davis made clear that the role of BPD and the city would be limited to providing the resources and support needed by the investigative team, and that the contents of the Steptoe team's public report, which would contain findings and recommendations, would be entirely determined by the investigative team. He further noted, "We can burn off the stink of this horrific scandal only through the use of the disinfectant of full disclosure." In his press conference comments, Mr. Bromwich noted that neither the city nor BPD had placed limitations of any kind on the investigation.<sup>4</sup>

That same day, Commissioner Harrison disseminated a memo to all BPD members stating, "[I]t is vitally important that every member of the Department fully cooperates with Mr. Bromwich's efforts. I fully expect that all members of our Department will provide Mr. Bromwich and his team as much detailed information as possible, including providing information he or his team requests and appearing for interviews as needed."<sup>5</sup>

The comments of Commissioner Harrison and then-Solicitor Davis at the press conference, as well as the statements contained in Commissioner Harrison's note to all BPD members, made frequent references to the inextricable relationship between the investigation and the consent decree process, echoing Judge Bedar's observations on the subject. Further reflecting that relationship, the city filed a motion with the Court

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<sup>2</sup> Tr. of Quarterly Status Conference at 13-14, 38, *United States v. Balt. Police Dep't*, No. 1:17-cv-0099-JKB (D. Md. Jan. 24, 2019), <http://online.fliphtml5.com/gbnn/rxsm/#p=13>.

<sup>3</sup> Jessica Anderson, *Baltimore Police announce outside investigation into the Gun Trace Task Force scandal*, The Baltimore Sun (Oct. 23, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-gttf-review-20191023-j3iv365huzhxxbktbpdcrjopja-story.html>.

<sup>4</sup> *Attorney chosen to conduct independent review of GTTF*, WBAL-TV11 (Oct. 24, 2019), <https://www.wbalv.com/article/attorney-michael-bromwich-independent-review-gttf-gun-trace-task-force-baltimore-police/29562011>.

<sup>5</sup> Memorandum from Baltimore Police Commissioner Michael Harrison to All BPD Members (Oct. 23, 2019).

on October 23 requesting the Court's formal approval of the investigation. The motion reemphasized the need for the independent investigation, stating, "Only through a capable, comprehensive, and independent investigation, with conclusions and recommendations reported publicly and without Departmental influence, followed by transparency in BPD's response, can the BPD move forward collaboratively with the community it serves."<sup>6</sup>

The following day, the independent investigation was discussed at length during the consent decree quarterly status conference. In describing his expectations, Judge Bredar stated:

A credible independent investigation of the circumstances and conditions that gave rise to the corruption of the Gun Trace Task Force will assist the Police Department and the city in correcting underlying failures and deficiencies. And I'm persuaded that it will be a significant first step on the Police Department's journey with a solid majority of the residents of the city. . . .<sup>7</sup>

And in addressing Mr. Bromwich, the Court went on to say:

But you face a daunting challenge in successfully penetrating this police department, its culture and other circumstances that surround all that in the community, and actually unearthing the truth, the true history of what has gone on here and why things got to be as they were.<sup>8</sup>

## **B. Early Work**

From the outset, we received the cooperation and assistance that Commissioner Harrison and Solicitor Davis promised. We also received the assistance of the Commission to Restore Trust in Policing (Commission), an investigative body created by the Maryland General Assembly in May 2018 to focus on the GTTF scandal. The Commission was chaired by the Honorable Alexander Williams, Jr., a retired federal judge,<sup>9</sup> and within days of our selection, its counsel, Peter Keith, invited us to sit in on

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<sup>6</sup> Mot. for Other Relief to Approve Investigation of GTTF Scandal by Balt. Police Dep't at 2, *United States v. Balt. Police Dep't*, No. 1:17-cv-00099-JKB (D. Md. Oct. 23, 2019), ECF No. 251.

<sup>7</sup> Tr. of Quarterly Status Conference at 6-7, *United States v. Balt. Police Dep't*, No. 1:17-cv-00099-JKB (D. Md. Oct. 24, 2019), <http://online.fliphtml5.com/Qtokc/sacl/#p=6>.

<sup>8</sup> Tr. of Quarterly Status Conference at 32, *United States v. Balt. Police Dep't*, No. 1:17-cv-00099-JKB (D. Md. Oct. 24, 2019), <http://online.fliphtml5.com/Qtokc/sacl/#p=32>.

<sup>9</sup> S.B. 1099, Chapter 753, 2018 General Assembly (Md. 2018) (enacted).



interviews that had been scheduled with BPD members, including former members of the GTTF.<sup>10</sup>

In subsequent weeks, we received a detailed briefing from the US Attorney's Office (USAO) for the District of Maryland and members of the FBI's Public and Border Corruption Task Force on their investigation and prosecution of the GTTF members, aspects of which were ongoing. We also met with the members of the Baltimore Police Department Consent Decree Monitoring Team and lawyers from the US Department of Justice involved in the consent decree process to gain the benefit of their perspectives on issues relevant to our investigation.

We quickly understood that, unlike the criminal prosecutions of the GTTF defendants that were largely focused on events in late 2015 and 2016, our investigative net needed to be cast far more broadly. The GTTF was created in 2007. It was originally designed to be an analytic and investigative unit focused on how the firearms used in violent crimes in Baltimore came into the hands of criminals who used them – not the street enforcement unit it ultimately became. Early on, however, it became clear that using 2007 as a starting point made little sense. The GTTF was created as part of a set of broader enforcement strategies that could not be properly understood without examining their origins. Those origins related back to the crime fighting strategies that were implemented following the election of Mayor Martin O'Malley in November 1999, as well as the subsequent selection of two BPD commissioners – Ed Norris and Kevin Clark – who were recruited from the New York City Police Department. Those selections were based in substantial part on the strength of the sharp reductions in violent crime achieved in New York City starting in the mid-1990s, and the hope that some of that success could be imported to Baltimore by applying some of the insights and implementing some of the strategies of the New York experience. As our investigation proceeded, we were confirmed in our view that the Department that produced the GTTF could not be properly understood without going back at least as far as 1999, and for some purposes even before that.

### C. Issues

From the outset, the investigation had two primary areas of focus. First, we wanted to understand and explain the motivations of the individual police officers who engaged in the shocking acts of corruption while they were members of the GTTF. We worked to construct biographies based on their careers, from recruitment to arrest, with the goal of understanding what aspects of their lives and careers with BPD could help us understand and explain how they came to so egregiously violate their oaths to protect and serve the public. Second, we sought to understand the structural and organizational weaknesses within BPD that allowed the corruption that was exposed by

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<sup>10</sup> Counsel to the Commission were Peter Keith and Meghan Casey of the law firm Gallagher Evelius & Jones LLP. Mr. Keith and Ms. Casey were helpful and generous during the pendency of their work.

the federal government's GTTF investigation to take root and continue for such an extended period of time.

As to the first issue, we sought to obtain the cooperation of the defendants themselves. Through the federal Bureau of Prisons, we sent letters on January 14, 2020, to Jenkins, Allers, Gondo, Hendrix, Hersl, Rayam, Taylor, and Ward at the correctional facilities where each was serving his sentence. We did so again on July 28, 2020. Both of the letters explained our investigation and sought their cooperation through submitting to in-depth interviews.<sup>11</sup>

In response to the first set of letters, Mr. Bromwich received a phone call from Jemell Rayam on January 16, 2020. Rayam's refrain throughout the 13-minute call, which he repeated at least three times, was, "What's in it for me?" The answer he received was that the assistance that Steptoe could provide was limited and that Rayam's cooperation would have to be based on a desire to help BPD and its members better understand what motivated him to betray his oath. Apparently, that was not enough to satisfy him, notwithstanding the fact that Rayam had claimed profound remorse at the time he was sentenced. At that time, he apologized to the city and BPD, and had said, "[I]t's never too late to do the right thing."<sup>12</sup> The "right thing" apparently did not include assisting his former Department in fully understanding the root causes of his corrupt behavior that had so grievously stained BPD.

We also received a letter from Mr. Allers, dated January 17, 2020, declining our request for an interview:

January 17, 2020

Mr. Bromwich,

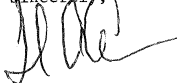
This will be my only letter I will be writing regarding this matter. I want peace for my family and myself period!!!

I'd like for you to ask the FBI & U.S. Attorney's Office the "tough" questions! Why did they have to lie on my indictment, I'll take my responsibility, but they didn't have to lie & put more into the indictment that wasn't true. And if they did this to me, who else are they doing this to? So when you receive the "truth" from the FBI & U.S. Attorney's Office, I'll answer your "tough" questions!!!

One last thing, this entire system is broken & I pray it will be fixed one day! You truly don't understand unless you, your family, or friends go through it!!!

May God bless you & your family!!!

Sincerely,



Thomas A. Allers

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<sup>11</sup> See Letters to Allers, Gondo, Hendrix, Hersl, Jenkins, Rayam, Taylor, and Ward, Jan. 14, 2020, <https://www.gtffinvestigation.org/letters-of-january-14-2020-sent-to-defendants>; Letters to Allers, Gondo, Hendrix, Hersl, Jenkins, Rayam, Taylor, and Ward, July 28, 2020, <https://www.gtffinvestigation.org/letters-of-july-28-2020-sent-to-defendants>.

<sup>12</sup> Tr. of Rayam Sentencing Hr'g at 31-32, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. May 28, 2019), ECF No. 518.

None of the other defendants responded to the first set of letters, even those defendants who had previously cooperated with reporters and authors.

We received no response to the second set of letters, except a much-delayed response from Mr. Jenkins several months later. As will be discussed in the body of the Report, Mr. Jenkins finally agreed to an interview in January 2021 to bolster his then-pending motion for compassionate release. He subsequently cancelled the interview when Steptoe would not allow him to record it, nor allow a non-lawyer or film producer to participate in it. Jenkins's cancellation of the interview came after months of intermittent contacts from a former federal inmate who purported to be Jenkins's non-lawyer representative and whose goals were commercial.

We were similarly unsuccessful in gaining the cooperation from members of the defendants' families whose contact information we were able to obtain. Our phone calls to them resulted in a combination of unreturned voicemails left on message machines, reaching numbers no longer in service, and abrupt phone hang-ups once we identified ourselves. We had no ability to compel the cooperation of family members and no meaningful way to persuade them to assist us in learning relevant information about the defendants.

Thus, to construct biographies of the defendants, we relied on a comprehensive review of their BPD personnel files, and on interviews with BPD members who worked with the defendants at various stages of their careers. In this review process, we paid special attention to the defendants' internal affairs files – many of which were voluminous – by identifying the allegations made against them throughout their careers and how those allegations had been resolved.

#### **D. Documents and Interviews**

As to the second central issue to be addressed in our investigation – the structural and organizational weaknesses within BPD that allowed corruption to take root and metastasize – our investigation relied on a massive quantity of documents we obtained from BPD and an extensive set of witness interviews. Our document collection was initially expedited because the Commission had made broad document requests, and BPD had responded with substantial document productions well before we began our work. As our investigation progressed, we made numerous additional document requests.

In the end, and despite BPD's cooperation, we were handicapped by BPD's haphazard retention of various categories of records, and its difficulties in retrieving those that it had. Those shortcomings have been noted elsewhere and need not be

further elaborated here.<sup>13</sup> Undoubtedly, the fact that we were, in some cases, seeking documents that went back 20 years made the task of collecting relevant records more difficult. At no point did we have cause to doubt the good faith of BPD personnel, especially those in BPD's Law Department, who responded to our requests. Through no fault of theirs, we frequently were told that the records we were seeking did not exist or could not be located.

The backbone of our investigation was witness interviews. As mentioned above, we were generously invited to sit in on interviews conducted by Commission counsel. Between late October and mid-December 2019, we sat in on 11 Commission interviews with various BPD members. These interviews were helpful in providing background and context, but the Commission advised the witnesses that the interviews were off-the-record. This meant that we could not use specific information provided during those interviews. Unfortunately, several of those witnesses retired shortly after their Commission interviews and either left incomplete contact information with BPD or did not respond to our requests to speak with them.

We began our own interviews on December 19, 2019. Between December 19, 2019 and March 12, 2020, we conducted 11 interviews, including in-person interviews with former BPD Commissioners Ed Norris, Leonard Hamm, Frederick Bealefeld III, and Kevin Davis, and in-person interviews with former Deputy Commissioners Anthony Barksdale, John Skinner, and Jason Johnson.

Because of the COVID-19 pandemic, we ceased conducting in-person interviews after March 12, 2020, the date we interviewed former Commissioner Norris, and turned to interviews via videoconferences from that point forward. Fortunately, that did not significantly delay or impede our work. From March 13 through June 30, 2020, we conducted 38 interviews, including with former BPD Commissioners Anthony Batts and Darryl De Sousa; former Deputy Commissioner Jerry Rodriguez; former Baltimore Mayors Sheila Dixon, Stephanie Rawlings-Blake, and Catherine Pugh; former Baltimore

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<sup>13</sup> US Department of Justice, Investigation of the Baltimore City Police Department (Aug. 10, 2016), at 134-38 (discussing serious deficiencies in BPD's supervision of its enforcement activities, including through data collection and analysis, which contribute to the Department's failure to identify and correct unconstitutional policing); Consent Decree at 94-95, 105, *United States v. Balt. Police Dep't*, No. 1:17-cv-0099-JKB (D. Md. Jan. 12, 2017), ECF No. 2-2 (requiring BPD to create a centralized data and records management system capable of storing all data required by the Decree, including documents relating to the "performance of [] supervisory duties"); Tr. of Quarterly Status Conference at 77-78, *United States v. Balt. Police Dep't*, No. 1:17-cv-0099-JKB (D. Md. Jul. 26, 2018), <http://online.fliphtml5.com/gbnn/ewjg/> (stating BPD's plan to implement a new record management system, and asserting that BPD's technological platform was "based somewhere around 1983 . . . and we need to get to 2018 . . ."); Tr. of Quarterly Status Conference at 156, *United States v. Balt. Police Dep't*, No. 1:17-cv-0099-JKB (D. Md. Apr. 13, 2018), <http://online.fliphtml5.com/gbnn/uuzy/#p=156> (asserting that: (1) BPD maintained multiple decentralized and disparate information silos that contained unreliable data; and (2) BPD "routinely uses paper forms, routinely engage in police activity without creating records, and often can't verify the accuracy of information provided from records that do exist.").

City State's Attorney Gregg Bernstein; and former United States Attorney Rod Rosenstein.

Between July 1, 2020, and December 31, 2020, we conducted interviews with 59 witnesses, including former BPD Commissioner Kevin Clark, a follow-up interview with former Commissioner Davis, former Acting BPD Commissioner Gary Tuggle, former BPD Deputy Commissioner Dean Palmere, and former Baltimore Mayor and Maryland Governor Martin O'Malley.

Finally, between January 1, 2021, and October 10, 2021, we conducted 51 interviews, including with current BPD Commissioner Michael Harrison and members of his senior leadership team, Baltimore City State's Attorney Marilyn Mosby, and former Baltimore City State's Attorney Patricia Jessamy. In all, we conducted 161 interviews, including every police commissioner since 2000, every Baltimore City state's attorney since 1995, every elected mayor from 1999–2021, and the US attorney who served from 2005–2017.

Overall, the witnesses we sought to interview were responsive to our requests. Aware of Commissioner Harrison's October 23, 2019 request for cooperation, current BPD personnel generally agreed to be interviewed, and most frequently did so promptly and without resistance. In those instances where our requests were initially ignored or rejected, BPD's chief legal counsel provided us with substantial assistance. In a small number of instances, BPD commanders had to remind recalcitrant BPD members of their obligation to cooperate. Because we lacked subpoena power, persuading former BPD personnel, including some former commissioners, to cooperate with our investigations was more challenging. We had substantial difficulty locating various former BPD personnel – frequently the contact information provided to us by BPD was incomplete, inaccurate, or outdated.

We met significant initial resistance from several former commissioners, including Hamm, Batts, and De Sousa, although all ultimately agreed to be interviewed. Their reason for resistance was consistent and revealing: their tenure at BPD ended badly from their perspective, and they had no interest in assisting Baltimore or BPD. We were ultimately able to persuade them, explaining that if they failed to cooperate, we would note that in our Report. In the case of one of the former commissioners, he agreed to cooperate only after his non-cooperation was reported by a member of the media. His lawyer contacted us the next day noting his willingness to be interviewed. Other former commissioners, notably Bealefeld and Davis, were extremely cooperative from the moment we contacted them. In addition, all of the former Baltimore mayors we interviewed were cooperative. Martin O'Malley was especially generous with his time and helpful in locating relevant documents that we were otherwise unable to obtain.

To protect the independence and objectivity of our investigation, we did not permit Fraternal Order of Police (FOP) counsel or BPD counsel to attend the interviews.



If a witness had individual counsel, which was the case in only a handful of instances, we permitted the lawyer to attend along with his or her client. With only a handful of exceptions, two members of the Steptoe team staffed the interviews—a senior lawyer to conduct the questioning, and a junior lawyer to take detailed notes. Those notes were then converted into an interview memorandum that was circulated only to members of the investigative team. We did not audiotape or video record the interviews, except those of Victor Rivera, a former BPD member who was prosecuted in 2020 as an offshoot of the GTTF investigation, and William King, a former BPD member who was prosecuted for corruption in 2005 and 2006. We videotaped those two interviews so that we could provide the tapes to BPD for its use in training.

We advised witnesses that they should consider their interviews to be on-the-record, meaning that we would be free to quote them in our Report or attribute their views to them by name. In order to encourage robust testimony and candor, and address concerns about recriminations and retaliation, we advised each witness that he or she should feel free to designate particular responses as off-the-record or confidential, and that we would note the designation in the interview memo and not use the statements in our Report. Fortunately, very few witnesses sought to designate information they provided as off-the-record or confidential. When they did so, the reasons were generally easy to understand. In addition, we told each witness that if we were planning to attribute specific statements or views to him or her by name, we would share those materials with the witness before publishing our final Report to ensure accuracy and proper context.<sup>14</sup>

Our witness interviews averaged more than three hours. Some were shorter, although not significantly so. Some were longer, sometimes substantially so. In advance of each interview, we searched for and collected relevant documents that we had obtained through document productions and that were available through publicly available sources. Given the broad temporal scope of our investigation, our interviews with current and former BPD witnesses covered the full range of their careers, from their Academy experience through each of their BPD assignments. The breadth of these interviews yielded a wealth of information. In addition, we frequently requested follow-up interviews with certain witnesses, generally on a more limited set of topics whose importance had become clear during the course of the investigation. To confirm or obtain another perspective on specific points of significance, we also sent scores of follow-up emails to witnesses.

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<sup>14</sup> In mid-November 2021, in order to ensure factual accuracy, we provided these attributions to each of the 125 witnesses whom we planned to cite as sources for specific pieces of information in our Report. We received responses from numerous witnesses and made a substantial number of changes consistent with those responses. In addition, we provided a draft of this Report to BPD, the city solicitor, the FBI, the Civil Rights Division of the Department of Justice, and the United States Attorney's Office for the District of Maryland to give them the opportunity to point out any factual errors in the draft Report.

As the investigation moved forward, we also conducted sets of interviews focused on specific important issues. Although the number of such issues was large, three examples stand out. First, we sought to understand when and how the mission of the GTTF changed. How did it morph from an analytic and investigative unit focusing on tracing the origins of guns used in crimes in Baltimore, to a street enforcement unit, and ultimately to an out-of-control jump-out squad? To answer that question, we interviewed witnesses who were present at the creation of the GTTF. We also interviewed members of the Maryland State Police and the Baltimore County Police Department (BCPD) to determine the reasons for the departures of those agencies from the GTTF at the end of 2009 and in March 2011, respectively. We learned that at least in the case of BCPD, the agency's withdrawal was directly tied to concerns about the conduct of the GTTF's BPD members and its leadership.

Second, we explored at length the reasons why Jemell Rayam was acquitted at a trial board in 2012 on charges of theft and lying to investigators in the face of evidence that seemed compelling. We came to believe that his case represented a microcosm of the failures of BPD's accountability system. To understand how an admitted liar was returned to the GTTF and remained free to commit the crimes with which he was subsequently charged and to which he pled guilty, we interviewed the IA investigator, members of the trial board, lawyers involved in the case, and prosecutors in the Baltimore City State's Attorney's Office who were consulted on the matter. We learned that Rayam was acquitted on statute of limitations grounds as defined by the Law Enforcement Officers' Bill of Rights, with the issue having been raised not by Rayam's lawyer but by the chair of the trial board.

Third, we investigated in detail the handling of a serious set of misconduct allegations against Wayne Jenkins. The allegations grew out of an incident in which drug evidence appeared to be planted and an innocent woman and her young child were unlawfully detained. We explored how the allegations that were substantiated as to Jenkins, and that led to a recommendation that he be demoted and suspended, ended with the slap-on-the-wrist sanction of written counseling. To understand that outcome, we interviewed the investigator, members of the IA chain of command, and other BPD members with specific knowledge about how such a serious, substantiated allegation had resulted in no meaningful consequences.

## **E. Other Sources**

Because we cast our investigative net so broadly, we sought to gain insights from major corruption scandals that BPD had experienced since 2000. As a result, we explored the King and Murray scandal (2004–2006), the Majestic Towing scandal (2009–2011), the Daniel Redd case (2011–2012), and the Kendell Richburg case (2012). For each, we spoke with prosecutors and investigators responsible for those cases. Very late in our investigation, we were contacted by counsel for William King, whose sentence had recently been reduced and who agreed to submit to an interview about his descent into corruption.

The goal of exploring these earlier corruption scandals was to gather information that went beyond the available public record information regarding the charges and dispositions, and that could aid in understanding the common features of, and differences between, those prior episodes and the GTTF scandal. In addition, we were interested in whether any after-action or lessons-learned inquiries were conducted in the aftermath of those scandals that might have provided helpful guidance to supervisors and command staff members about red flags that signal potential misconduct or corrupt behavior. We determined that no such actions had been taken: the incidents were generally treated as one-off episodes with no lessons to be learned.

We also interviewed several academics who worked in or with BPD over the years to gain their perspectives on the Department. These included Peter Moskos of the John Jay College of Criminal Justice (who served as a BPD officer and wrote a book about his experiences<sup>15</sup>), David Kennedy of the John Jay College of Criminal Justice, and Daniel Webster of Johns Hopkins.

We had the advantage of two books about the GTTF scandal written by reporters who had covered the saga from the outset—*I Got a Monster: The Rise and Fall of America's Most Corrupt Police Squad*, by Baynard Woods and Brandon Soderberg, published in July 2020; and *We Own This City: A True Story of Crime, Cops and Corruption*, by Justin Fenton, published in February 2021. We found these books to provide numerous leads for our work and information that was useful to our investigation. We interviewed Mr. Woods and received substantial helpful guidance from Mr. Fenton.<sup>16</sup>

Finally, we had access to a rich set of information about the criminal activity of the former BPD members involved in the scandal. This included the indictments and criminal informations that summarized the charges against them, the plea agreements that the defendants entered into with the USAO, the plea and sentencing proceedings for each of the defendants, and the full transcript in the trial of Hersl and Taylor,<sup>17</sup> in which Gondo, Hendrix, Rayam, and Ward testified against Hersl and Taylor. We also were given access to the FBI and USAO debriefing materials for various of the defendants. In addition, we conducted detailed interviews of the two FBI Task Force lead investigators, Erika Jensen of the FBI and John Sieracki III of BPD, and they remained responsive and helpful in response to numerous follow-up requests for specific pieces of information.

Given the breadth of our investigation, we had to make decisions on what avenues to pursue and how far to pursue them. We continuously had to make these judgments, balancing the value of pursuing an issue versus the time and resources

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<sup>15</sup> Peter Moskos, *Cop in the Hood: My Year Policing Baltimore's Eastern District*, 2008.

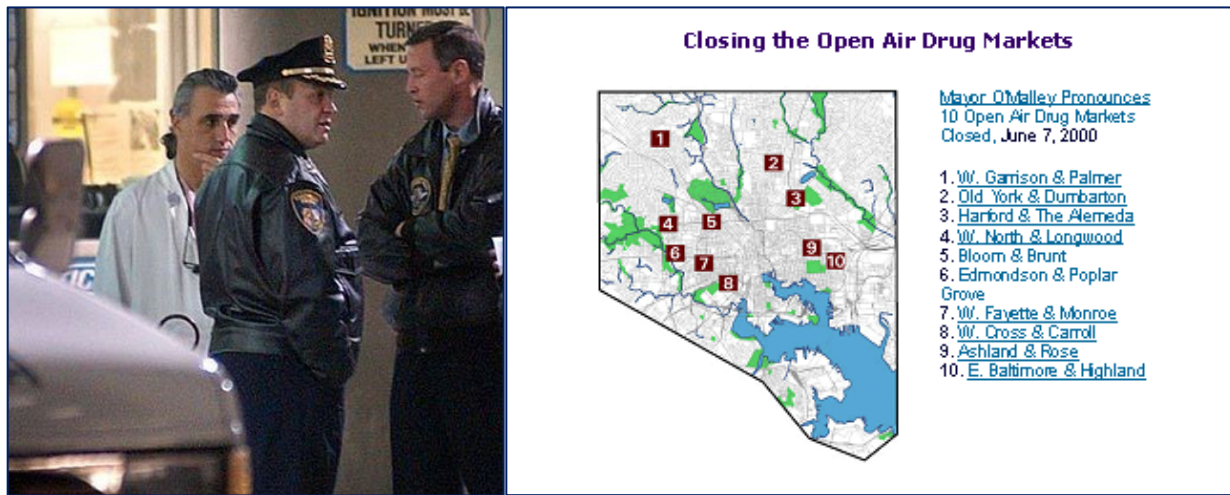
<sup>16</sup> This Report also contains numerous citations to newspaper articles and other publicly available sources. We have attempted to provide hyperlinks to all such sources, but some links may no longer be active or may be otherwise unavailable.

<sup>17</sup> *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 19, 2018).

likely to be expended in pursuing it. For example, numerous lawsuits have been filed against the city of Baltimore, BPD, and the individual BPD members who have been prosecuted. We could devise no simple and efficient means to get to the truth of those allegations and therefore did not attempt to do so. Similarly, although it is an important event in Baltimore's recent history, and is doubtless relevant to the conduct of the BPD members who committed crimes, we decided not to explore in detail the Freddie Gray uprising except insofar as it was directly relevant to our investigation. Similarly, we did not independently investigate the death of Sean Suiter because of the numerous investigations that had already taken place, and our judgment that the cost in time and resources necessary to do so could not be justified by the value it would add to our investigation. Instead, we have included a brief discussion of the circumstances of his death, and his relationship to the GTTF scandal, which relies on the work performed by others.

A popular claim for investigations, most often made by politicians and public officials, is that every lead will be followed, and no stone will be left unturned. No experienced investigator would make such a claim, and we make no such claim here. Indeed, that would be impossible in conducting an investigation of this type, covering this length of time and encompassing so many people and so many issues. Investigations are about making sound choices. We tried at all times to make informed choices of what we believed was worth pursuing and what was not. At all times, our goals remained focused on trying to determine what caused these former BPD members to engage in the shocking crimes they committed, and what weaknesses and deficiencies within BPD allowed them to do so.

### III. Zero-Tolerance Comes to Baltimore (1999–2002)



BPD Commissioner Ed Norris and Mayor Martin O'Malley

Map of Baltimore open air drug markets closed in 2000

#### A. Background: 1996–1999

For decades, crime has plagued Baltimore to a degree unmatched by almost any other city in the country. The exceedingly high levels of criminal activity, and the consistently high levels of violent crime, were fueled by many factors, but most of all by the surge of drugs flowing into Baltimore. According to many of the current and former BPD officers we interviewed, the crack epidemic in the late 1980s marked a deadly turning point, ratcheting up the level of violence to unprecedented levels. The number of homicides in Baltimore climbed from 213 in 1985, to an all-time high of 353 in 1993. That number was not an aberration. The number of homicides remained above 300 for the rest of the decade.<sup>1</sup>

Starting in the mid-1990s, Baltimore became a disturbing outlier: the level of violent crime in Baltimore remained high while violence in other major US cities was sharply declining. According to an analysis done by Steven D. Levitt, a professor of economics at the University of Chicago:

Crime fell sharply in the United States in the 1990s, in all categories of crime and all parts of the nation. Homicide rates plunged 43 percent from the peak in 1991 to 2001, reaching the lowest levels in 35 years. The Federal

<sup>1</sup> Maryland Statistical Analysis Center in partnership with MD iMAP, Violent Crime & Property Crime by County: 1975 to Present, <https://opendata.maryland.gov/Public-Safety/Violent-Crime-Property-Crime-by-County-1975-to-Pre/jwfa-fdxs> (provided by BPD).



Bureau of Investigation's (FBI) violent and property crime indexes fell 34 and 29 percent, respectively, over that same period.<sup>2</sup>

Although Baltimore achieved some modest drops in certain categories of crime during the first half of the 1990s, its gains paled in comparison to the progress achieved in almost every other major city, especially New York City. According to a December 1996 article in the *New York Times*:

New York City is on a pace to have fewer than 1,000 murders in a year, which would be the lowest total since 1968; 937 were reported by Dec. 15. The decline in major felonies—murder, rape, robbery, assault, burglary, grand larceny and auto theft—means that New York could end the year with the sharpest drop in such crimes since the end of Prohibition.

The numbers become even more striking when combined with those of previous years: since 1993, they show a decline of 39 percent in the seven felony categories.<sup>3</sup>

By 1996, elected officials in Baltimore had noticed New York's remarkable success in reducing crime. In August 1996, a delegation of Baltimore officials traveled to New York City to gather information about the enforcement strategies that had contributed to the city's sharp drop in crime. The delegation was led by Martin O'Malley, at the time the Chairman of the Baltimore City Council's Legislative Investigations Committee, and included other members of that Committee, including Councilmember Stephanie Rawlings. In addition to O'Malley, Rawlings, and their City Council colleagues, the Baltimore delegation included Baltimore City State's Attorney Patricia Jessamy and BPD officials. Commissioner Thomas Frazier, who had been frequently attacked by O'Malley for his stewardship over BPD, did not attend. Instead, Frazier sent representatives, including Colonel Ronald Daniel, who later became O'Malley's first BPD Commissioner.<sup>4</sup>

On its return to Baltimore, in October 1996, the Legislative Investigations Committee issued a report, drafted by O'Malley, entitled, "The Success of New York City's Quality-of-Life/Zero-Tolerance Policing Strategy" (1996 Zero-Tolerance Report).

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<sup>2</sup> Steven D. Levitt, *Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six that Do Not*, 18 J. of Econ. Perspectives 163, at 163 (2004). Levitt is the co-author of *Freakonomics*, a New York Times bestselling book published in 2005.

<sup>3</sup> Clifford Krauss, *New York Crime Rate Plummets to Levels Not Seen in 30 Years*, The New York Times (Dec. 20, 1996), <https://www.nytimes.com/1996/12/20/nyregion/new-york-crime-rate-plummets-to-levels-not-seen-in-30-years.html>.

<sup>4</sup> Robert Guy Matthews, *Zero tolerance on Baltimore crime pushed Some on City Council favor New York policy; mayor, Frazier don't*, The Baltimore Sun (Aug. 23, 1996), <https://www.baltimoresun.com/news/bs-xpm-1996-08-23-1996236059-story.html>; Committee on Legislative Investigations, *The Success of New York City's Quality-of-Life/Zero-Tolerance Policing Strategy* (1996) (1996 Zero-Tolerance Report).

The report described the New York City Police Department's (NYPD's) crime-fighting strategy under NYPD Commissioner William Bratton. That strategy had enshrined maintaining public order as the police department's central priority. Rather than focusing exclusively on violent crime, the NYPD's strategy was based on the idea that enforcing the laws against nuisance crimes would have important benefits for the fight against violent crime. Enforcing those laws that addressed public nuisances would at the same time address the deterioration in the quality of urban life that occurred when such crimes went unaddressed. The goal of the trip and of subsequent hearings held by the Legislative Investigations Committee was, in the words of the report, to "bring about the same dramatic reductions in crime for the people of Baltimore that has been experienced by the people of New York City."<sup>5</sup>

The 1996 Zero-Tolerance Report focused on a number of issues in addition to the central theme of enforcing quality-of-life crimes. It described the key role played by the NYPD's "CompStat" system for enforcing accountability within the NYPD, requiring commanders to demonstrate they were being attentive to crime trends in their areas of responsibility. CompStat itself, according to the report, was based on four principles: "timely intelligence, rapid deployment, effective tactics, and relentless follow-up and assessment." Despite its emphasis on quality-of-life crimes and crime control, the 1996 Zero-Tolerance Report did not ignore the issue of police misconduct. It noted that police misconduct is a problem that needs to be "constantly and vigilantly addressed." In addition, the report called for changes in other parts of the criminal justice system, including streamlining the booking process, expanding the authority of BPD officers to issue citations, and creating an arraignment court to expedite the processing of misdemeanors.<sup>6</sup>

A year later, O'Malley's Legislative Investigations Committee issued a progress report on the reforms recommended in the 1996 Zero-Tolerance Report. The 1997 report lamented the lack of substantial progress in implementing New York-style reforms, and placed the blame on various criminal justice actors, stating, "We have thus far been trying to add bells and whistles to an old car hoping it will run like new." Among the changes singled out for praise was the creation of a CompStat-like accountability process named "Crimestac," which the report credited for modest reductions in crime. Among the principal actors singled out for criticism was State's Attorney Jessamy, whom the report (which was again written by O'Malley) faulted for failing to subscribe to the zero-tolerance/quality-of-life strategy and failing to more aggressively pursue mandatory minimum sentences for violent repeat offenders. The

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<sup>5</sup> 1996 Zero-Tolerance Report at 1-4.

<sup>6</sup> *Id.*, *passim*.

report concluded by urging the public to pressure criminal justice officials to implement the elements of the zero-tolerance/quality-of-life strategy.<sup>7</sup>

Even before the release of the 1997 report criticizing the lack of progress, O'Malley and City Council President Lawrence A. Bell III had escalated their criticism of Commissioner Frazier. In February 1997, O'Malley and Bell criticized Frazier for failing to respond to a Community Relations Commission report finding that Black BPD officers were more likely to be fired and disciplined than white officers. O'Malley went further, calling for Frazier's resignation because of his alleged failure to address three issues he was hired to address: the persistently high homicide rate, open-air drug markets, and police corruption. This followed closely on the heels of a vote of no confidence from the police union and its demand that Frazier resign.<sup>8</sup>

Gary McLhinney, the head of BPD's police union during Frazier's tenure, recalled that Frazier "made my career" because his reform efforts were so unpopular with the BPD rank-and-file. According to McLhinney, Frazier's implementation of an unpopular rotation policy was intended to address possible corruption and racial discrimination issues, but it caused substantial damage to the Department because many veteran BPD members, especially experienced homicide investigators, left the Department rather than be rotated to some other assignment.<sup>9</sup>

O'Malley and Council President Bell continued in various ways to apply pressure on Baltimore Mayor Kurt Schmoke and Commissioner Frazier to adopt New York's zero-tolerance approach. For example, starting in January 1997, Baltimore City Council meetings began with a recital of the names and ages of people killed in the city during the previous week. Instead of following the New York model, Schmoke and Frazier embraced a modified approach that they described as "limited tolerance," which put a lower priority on minor offenses. Their opposition to the zero-tolerance approach was based on both the financial and human costs of stepped-up enforcement. Regarding the human costs, Baltimore City Health Commissioner Dr. Peter Beilenson observed that more than 50% of all Black males in Baltimore between the ages of 18 and 34 were in jail, on probation, or facing criminal charges. Zero-tolerance would simply make it worse.<sup>10</sup>

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<sup>7</sup> Committee on Legislative Investigations, *Improving Public Safety in Baltimore City: 1997 Progress Report on the Implementation of a Zero-Tolerance/Quality-of-Life Policing Strategy in Baltimore City* (1997).

<sup>8</sup> John Rivera, *O'Malley wants Frazier to leave Councilman lashes police commissioner for avoiding panel*, The Baltimore Sun (Feb. 11, 1997), <https://www.baltimoresun.com/news/bs-xpm-1997-02-11-1997042062-story.html>.

<sup>9</sup> Gary McLhinney Interview, May 19, 2020.

<sup>10</sup> Gerard Shields, *Roll call of victims never ends Their names are read; the killing continues*, The Baltimore Sun (Mar. 16, 1998), <https://www.baltimoresun.com/news/bs-xpm-1998-03-16-1998075024-story.html>.

By the end of 1998, according to BPD data, crimes such as auto theft, robberies, assaults, and larcenies had dropped significantly for three straight years, but the number that the media and public officials followed with obsessive focus – homicides – had not. Baltimore experienced 333 homicides in 1996, 313 homicides in 1997, and 315 homicides in 1998.<sup>11</sup> During that three-year period, while the national homicide rate dropped from 7.4 homicides per 100,000 residents to 6.3, Baltimore’s homicide rate rose from 46.5 per 100,000 residents to 47.6.<sup>12</sup> In other words, Baltimore’s homicide rate was more than seven times the national average.

On February 13, 1999, the *Baltimore Sun* published a remarkable two-page editorial of nearly 5,000 words entitled “An Editorial: Getting Away with Murder.” The *Sun* editorial stated:

Why has Baltimore failed when other cities have succeeded? No simple explanation exists. But Baltimore’s murder plague is linked to the relatively late arrival of crack cocaine—compared, for example, with New York City—and a crack curse that has yet to run its course. Even so, much of the blame for Baltimore’s inability to address its prolonged murder crisis lies in the breakdown of the normal defenses put into place to protect a city’s residents: police, prosecutors, courts and corrections institutions. As violence has numbed the public to fatalism, those agencies have been overrun by an avalanche of mundane, nonviolent cases. The system is so swamped it has lost its ability to treat killings as the No. 1 priority.

The result is disastrous: Killers are getting away with murder.

The criminal justice bureaucracies are in disarray. The presumably united front has dissolved into endless turf fights and finger pointing.

This must end.<sup>13</sup>

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<sup>11</sup> Maryland Statistical Analysis Center in partnership with MD iMAP, Violent Crime & Property Crime by County: 1975 to Present, <https://opendata.maryland.gov/Public-Safety/Violent-Crime-Property-Crime-by-County-1975-to-Pre/jwfa-fdxs>.

<sup>12</sup> *Id.*; FBI, Uniform Crime Data, <https://crimedataexplorer.app.cloud.gov/pages/explorer/crime/crime-trend>.

<sup>13</sup> Editorial, *An Editorial: Getting Away with Murder*, The Baltimore Sun (Feb. 13, 1999), <https://www.baltimoresun.com/bal-murder214feb13-story.html>. Two weeks later, the *Sun* printed responses to its editorial from a range of public officials including Mayor Schموke, Commissioner Frazier, and State’s Attorney Jessamy. See Editorial, *Getting Away with Murder: Responses Officials Respond to the Feb. 14 Sun editorial*, The Baltimore Sun (Feb. 28, 1999), <https://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/011900/011903/html/sun28feb2000.html>.

## B. The Banality of Corruption

In 1997, Victor Rivera had been a BPD officer for approximately three years. He wanted to be a police officer so badly that he had driven up and down the East Coast in search of a police department that would hire him. But his eyesight was so poor that he was rejected by multiple departments—he failed the eyesight portion of the physical exam each time. Faced with the alternatives of forgoing his career ambition or undergoing risky eye surgery, Rivera elected surgery. It was successful, and he entered on duty with BPD on July 11, 1994. He was 23 years old.<sup>14</sup>

Rivera's first assignment was Eastern District Patrol. Very quickly, Rivera said he learned some of the well-accepted and condoned practices in BPD—how to “get down and dirty.” According to Rivera, one of the most common ways to get “down and dirty” was to teach suspects who ran from BPD officers a hard lesson. If a suspect ran from Rivera and his colleagues, the suspect would be beaten when he was apprehended, and frequently sent to the hospital. Rivera viewed that practice as a virtual rite of passage for BPD officers. Rivera said that engaging in fights with suspects and administering beatings to them conferred legitimacy on him with his fellow officers and earned their respect, especially in the eyes of those who were viewed as rising stars in the Department.<sup>15</sup>

Starting in 1997, Rivera's conduct expanded from the routine use of excessive force to monetary corruption. During the execution of a residential search warrant, a senior officer, William Knoerlein, found some cash inside the home. According to Rivera, Knoerlein motioned to Rivera, pointed to the cash, and shrugged his shoulders as if to ask whether Rivera was okay with stealing the money. Rivera said he shrugged back, indicating he was okay with it. No words were spoken. After completing the search and leaving the home, Knoerlein shared some of the money with Rivera—a few hundred dollars, to the best of Rivera's recollection. It was that easy.<sup>16</sup>

Over the course of the next two years, according to Rivera, the thefts were repeated on approximately a dozen occasions. The pattern was the same: the execution of a search warrant at a residence, the discovery of cash by Knoerlein and Rivera, and the splitting of the proceeds between the two men. At some point, Knoerlein said to Rivera, “I've got dirt on you, and you've got dirt on me.” This made explicit what had previously been implicit: neither of them would report the other to IA. Rivera said his

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<sup>14</sup> Victor Rivera Interviews, May 8, 2020 and Feb. 10, 2021.

<sup>15</sup> *Id.* Sheree Briscoe, who joined BPD in 1994 and recently rose to the position of deputy commissioner of operations, described a harrowing incident involving such a beating. She recalled an incident when her BPD colleagues were administering a beating to a teenager. Briscoe said that when she arrived on scene, she threw herself on top of the teenager to stop the beating. She said the incident was so disturbing that she wanted to quit BPD but decided not to—she was the single mother of four children at the time. Sheree Briscoe Interview, Apr. 1, 2021. We heard similar accounts from other witnesses.

<sup>16</sup> Victor Rivera Interview, May 8, 2020, Feb. 10, 2021.



pact with Knoerlein made him feel accepted – one of the “good ol’ boys,” in Rivera’s words. When Knoerlein and Rivera were split up in approximately 2000 and Rivera was transferred to an elite headquarters unit under Anthony Barksdale, Rivera stopped engaging in thefts for almost a decade.<sup>17</sup>

This was the fabric of low-level corruption that existed in BPD in the late 1990s. We were unable to determine on a statistical basis whether Rivera’s experience was unusual or common, but our interviews suggest a widespread belief on the part of BPD members who served in the 1990s that individual officers and small groups of officers were engaging in thefts.

### **C. An Outsider’s View of BPD**

David Kennedy is a nationally recognized expert on policing and crime strategies, and a practitioner whom Baltimore has called on numerous times over the past 25 years to help address its crime problems. His first exposure to Baltimore and BPD came in approximately 1997 when he was invited by Mayor Kurt Schmoke to help deal with Baltimore’s homicide rate and gun violence. At the time, Kennedy saw a deeply troubled Department. He recalled that:

Baltimore was head-and-shoulders-order-of-magnitude-if-you-didn’t-see-it-you-would-not-believe-it-can’t-make-this-shit-up dysfunctional. I had been living and breathing police departments for 15 years. None of that prepared me for the reality of Baltimore. The situation on the ground [in Baltimore] was worse than anywhere in the world with respect to crime and violence with the exception of Chicago, and the chaos in Baltimore was unmatched. Baltimore was the only place where the heroin epidemic did not go away . . . and [by 1997] the crack epidemic had stacked on top of that.<sup>18</sup>

Kennedy described Baltimore as the first city in which he had worked where drug dealers openly sold drugs undeterred by the presence of police officers in marked cars. “Street drug markets,” Kennedy recalled, “had taken over maybe one-third to one-half of the city,” by the time he arrived in 1997. He told us that such “geographic expanse lost to street chaos was unprecedented.”<sup>19</sup>

Based on his observations, Kennedy believed that the level of drug dealing and violent crime in Baltimore had degraded BPD’s institutional capacity for doing police work. Its open-air drug markets were like nothing Kennedy had ever seen, and the impact on BPD was extraordinarily destructive. Kennedy recalled that when he first arrived in Baltimore in 1997, he found that, “Almost no one left in BPD knew how to do

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<sup>17</sup> *Id.*

<sup>18</sup> David Kennedy Interview, July 9, 2020.

<sup>19</sup> *Id.*

police work.” According to Kennedy, BPD officers did not know how to conduct drug investigations, nor did they know how to develop and manage confidential informants. He concluded that this lack of basic police know-how was due, in large part, to the ease with which officers could make arrests in Baltimore’s drug-ridden neighborhoods: “[Officers] did not have to do police work, investigate, or write warrants, because [they] just had to walk out the door. No one cared you were there. . . . In Baltimore, no one bothered with insulating themselves from the cops.” The existence of numerous open-air drug markets meant that BPD officers only had to go outside to make arrests, leading to the absence of the kind of professional experience and development he had observed in most departments.<sup>20</sup>

Finally, Kennedy observed that officers showed little concern for whether a drug arrest would later lead to a conviction. As a result, cases were often dismissed. He discerned no meaningful management or accountability within BPD. In his view, Frazier did not effectively run the Department, nor did he create clear expectations for his command staff. Rather, according to Kennedy, Frazier focused on matters such as supporting the Police Athletic League rather than focusing on truly important issues.<sup>21</sup>

#### **D. The Election of Martin O’Malley and the Selection of Ron Daniel**

In June 1999, Councilmember Martin O’Malley announced his candidacy for mayor of Baltimore, joining a crowded field of eight previously announced candidates. O’Malley did so only after concluding that the other candidates, including City Council President Bell and City Councilmember Carl Stokes, were incapable of bringing the necessary reforms to BPD.<sup>22</sup> The core of O’Malley’s campaign platform was public safety; indeed, one of the campaign’s two policy books (the “Blue Book”) was entirely about public safety, while the second (the “Green Book”) addressed everything else, including issues relating to housing and jobs. Shutting down Baltimore’s open-air drug markets was the centerpiece of his campaign.

O’Malley’s public safety platform advocated five basic reforms, set forth in some detail in his campaign’s “Blue Book”:

- Streamlining Booking and Charging Process
- Expanding Citation Authority
- Creating Arraignment Court at Central Booking
- Utilizing “Compstat Process” Citywide
- Using Existing Mandatory Penalties to Prosecute Repeat Violent Offenders

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<sup>20</sup> *Id.*

<sup>21</sup> Martin O’Malley Interview, June 30, 2020.

<sup>22</sup> Martin O’Malley Interview, June 30, July 3, and July 10, 2020.

In explaining the logic of expanded citation authority, O'Malley responded to arguments that zero-tolerance policing required imprisoning large numbers of people. He stated that the use of citations would make a larger number of arrests unnecessary and that, together with courthouse reforms that "keep innocent people and minor criminals from languishing in jail for weeks before trial, fewer people may actually be locked up using quality-of-life policing strategies."<sup>23</sup>

O'Malley's campaign document contained a brief section on "Policing the Police." In that section, he noted that corruption was a continuing problem in BPD that had not been adequately addressed:

There is nothing more harmful to effective law enforcement and more devastating to the morale of law-abiding citizens and law enforcement officers, than police misconduct. Police corruption, brutality, and other violations of civil rights, such as racial profiling and traffic stops for "driving while black," undermine the determined efforts of hardworking policemen and women who put their lives on the line to make our community safe.

We must allocate additional resources to efforts to police the police – who, after all, are only human – to ensure that temptation, unchecked anger and prejudice do not tarnish the moral authority necessary for a police department to effectively perform its job.<sup>24</sup>

In addition, O'Malley called for opening BPD's internal investigation process to assure the public that police misconduct and corruption issues were not being swept under the rug.

Largely on the strength of his public safety platform, O'Malley defeated Councilmembers Bell and Stokes in the September 14, 1999, Democratic primary in what had swelled to a 16-candidate field. He won with 53% of the vote and with a substantial share of the city's Black voters. This was attributable in part to significant endorsements from prominent Black community leaders, including Howard P. Rawlings, a powerful member of the Maryland House of Delegates and father of future

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<sup>23</sup> Martin O'Malley, *With Change There is Hope: A Blueprint for Baltimore's Future, Part One: Restoring Public Safety* (1999) (hard copy supplied by O'Malley).

<sup>24</sup> *Id.*

Baltimore mayor Stephanie Rawlings-Blake.<sup>25</sup> O'Malley won the general election on November 2, 1999, with 90.5% of the vote.<sup>26</sup>

For years, O'Malley had made clear his disdain for Commissioner Frazier. With O'Malley's election a near certainty, Frazier resigned in mid-September. According to media accounts of the time and our interviews with numerous BPD members who served under him, Frazier never gained the support of the BPD rank-and-file. Beyond the inevitable suspicion and distrust for an outsider – Frazier had spent 27 years with the San Jose, California Police Department – BPD members resented Frazier's lack of respect and regard for BPD's traditions. The impression he conveyed was that he wanted to change everything, even those practices and symbols that were meaningful to BPD members, such as BPD's distinctive espantoon (billy clubs).<sup>27</sup>

According to numerous BPD members, the hostility towards Frazier increased with his implementation, in 1994, of a broad rotation policy that required experienced members to rotate out of specialized units. As a consequence, many homicide detectives retired. Although Frazier had introduced the rotation policy for laudable reasons – addressing what he perceived to be “a good old boy system” that blocked the promotion of Black and female officers – it drew continuing opposition from BPD members and vocal opposition from the police union, Baltimore City Lodge #3 of the Fraternal Order of Police. The broad lack of support for Frazier was even manifested in the appearance of t-shirts following Frazier's resignation that read, “I survived Tom Frazier.”<sup>28</sup> But it also reflected a general hostility towards outsiders that would re-emerge in the response of BPD members to the hiring of future Commissioners from outside Baltimore.

O'Malley told us that he considered four candidates for BPD Commissioner – Ronald Daniel, BPD veteran John Gavrilis, NYPD's Ed Norris, and Jerry Oliver, the chief in Richmond, Virginia. O'Malley said he chose Daniel for multiple reasons. Among other things, O'Malley had developed a relationship with Daniel dating back to their August 1996 trip to New York, and Daniel had shown courage in standing up to

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<sup>25</sup> Gerard Shields Ivan Penn and Laura Lippman, *O'Malley overwhelms his Democratic rivals; Councilman to face GOP primary winner Tufaro on Nov. 2; Turnout exceeds 40%; Former prosecutor defeats 16 candidates, including Bell, Stokes*; PRIMARY 1999: MAYORAL RACE, *The Baltimore Sun* (Sept. 15, 1999), <https://www.baltimoresun.com/news/bs-xpm-1999-09-15-9909150010-story.html>.

<sup>26</sup> Maryland: The State Board of Elections, *1999 Baltimore City Election Results* (Sept. 14, 1999), <https://elections.maryland.gov/elections/baltimore/1999.html>.

<sup>27</sup> Peter Hermann, *As Frazier departs, city police brace for period of uncertainty; Department prepares for restructuring, major policy changes*, *The Baltimore Sun* (Oct. 4, 1999), <https://www.baltimoresun.com/news/bs-xpm-1999-10-04-9910040187-story.html>; Peter Hermann, *Baltimore police retire the twirling nightstick, ending a century of use*, *The Baltimore Sun* (Mar. 27, 1995), <https://www.baltimoresun.com/news/bs-xpm-1995-03-27-1995086030-story.html>.

<sup>28</sup> Jim Haner, *Police rotation is a roll of the dice, critics say*, *The Baltimore Sun* (Apr. 4, 1994), <https://www.baltimoresun.com/news/bs-xpm-1994-04-04-1994094089-story.html>; Gary McLhinney Interview, May 19, 2020; Timothy Devine Interview, Feb. 5, 2021.

Frazier — “a lonely task,” according to O’Malley. In addition, Daniel had been among a group of senior Black BPD members who had risked their future BPD careers by speaking out against racism and discrimination within BPD, especially with respect to promotions and discipline. Daniel had paid the price, in O’Malley’s eyes, by being “banished to the basement of police headquarters.” According to longtime O’Malley aide Sean Malone, O’Malley was also drawn to Daniel because the latter had provided honest answers to O’Malley’s questions about what was going on inside BPD.<sup>29</sup>

Daniel was nominated on December 22, 1999, with O’Malley describing the selection in this way: “It’s the biggest decision I’ve ever made in my life, and I don’t think that’s understating it.”<sup>30</sup> Many years earlier, Daniel had been head of BPD’s Internal Affairs (IA), which dovetailed with O’Malley’s interest in “policing the police.” Daniel offered the deep knowledge of Baltimore and BPD provided by someone who had grown up on the 700 block of N. Payson Street in West Baltimore and who had spent 26 years in BPD.

O’Malley was sufficiently taken with the NYPD model — and with Ed Norris himself — that he recruited Norris to serve as deputy commissioner. O’Malley wanted someone knowledgeable about CompStat to run it in Baltimore. Norris had run the CompStat session that the delegation from Baltimore observed during the August 1996 trip to New York, and O’Malley had been impressed. Norris recalled that at the time, he did not believe he would ever be a candidate for NYPD commissioner and therefore saw Baltimore as a promising opportunity. Norris was interviewed as a candidate for commissioner, and by some accounts performed better than any other candidate. However, even his NYPD mentor Jack Maple told O’Malley and his staff that he thought Norris was not yet ready to run a major police department. Norris was told after his panel interview that he had scored higher than any of the other candidates but that he could not be named commissioner because he was white. Norris was offered the position of deputy commissioner for Operations. Before accepting the position, he met with Ron Daniel in New York, at O’Malley’s request. Strangely, according to Norris, Daniel referred to himself as a rebel and told Norris that he did not work well with authority. Even so, Norris thought he could work well with Daniel and accepted the deputy commissioner job.<sup>31</sup>

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<sup>29</sup> Martin O’Malley Interview, June 30, July 3, July 10, 2020, and Apr. 27, 2021; Sean Malone Interview, June 2, 2020.

<sup>30</sup> Gerard Shields and Ivan Penn, *Col. Daniel to be city’s police chief; O’Malley expected to appoint veteran of 26 years on force; ‘Honest, straightforward’; Mayor’s choice supports philosophy of ‘zero tolerance,’* The Baltimore Sun (Dec. 22, 1999), <https://www.baltimoresun.com/news/bs-xpm-1999-12-22-9912220133-story.html>; Gerard Shields, *Chief strategist for a safer city; Police commissioner combines experience, crime-fighting plans,* The Baltimore Sun (Dec. 30, 1999), <https://www.baltimoresun.com/news/bs-xpm-1999-12-30-9912300155-story.html>.

<sup>31</sup> Martin O’Malley Interview, June 30, July 3, and July 10, 2020; Ed Norris Interview, Mar. 12, 2020; Sean Malone Interview, June 2, 2020.



## E. The April 2000 Maple/Linder Review

Even before selecting Daniel and recruiting Norris, O'Malley had hired New York-based law enforcement consultants to conduct a comprehensive review of BPD. Jack Maple was the architect of the NYPD's CompStat. He had become something of a legend in national law enforcement circles because of his work in developing the CompStat system of command accountability and sharing it with other cities, including New Orleans, Louisiana; Newark, New Jersey; and Birmingham, Alabama. O'Malley had read about Maple and his consulting partner, John Linder, and wanted them to conduct a full comprehensive evaluation of BPD. O'Malley connected with Maple before the November 1999 general election, but Maple said he was not taking on any new clients. O'Malley subsequently learned from Linder that Maple was dying of colon cancer but that the two of them would nevertheless undertake the BPD review.<sup>32</sup>

Before the review was launched in late November, Linder and Maple had provided a "preliminary assessment" of BPD as part of their proposal to obtain the consulting contract. The assessment was a 35-page document entitled, "Dramatically Reducing Crime in Baltimore." One of its central conclusions was, "The Baltimore Police Department is dysfunctional in effect and to no small degree corrupt." When questioned on how he and Maple could reach such a conclusion at the very outset of their work, Linder backed off the language, stating, "What it should have said was that it is the perception of some of the people we interviewed. That is obviously something we have no firsthand knowledge of."<sup>33</sup>

After spending several months conducting their review, the Maple/Linder report was published on April 4, 2000. Styled as a "Plan of Action," the report stated its purpose as two-fold: to 1) assess the Baltimore Police Department's assets and obstacles in carrying out the mission of rapid, dramatic, and lasting crime reduction; and 2) chart necessary changes in structure, operations, resources and rewards to transform the Baltimore Police Department into a high performance organization.<sup>34</sup> The 155-page report was based on focus groups, interviews, and a confidential survey. According to the report, the survey was distributed to all 3,012 sworn officers and was returned by 2,447, for a stunningly high reported response rate of 81%.<sup>35</sup>

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<sup>32</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

<sup>33</sup> Peter Hermann, *City police under review; O'Malley plans to hire consultants who compiled grim report*, The Baltimore Sun (Nov. 20, 1999), <https://www.baltimoresun.com/news/bs-xpm-1999-11-20-9911200350-story.html>. We attempted to contact John Linder multiple times to discuss the review he and Maple conducted. He failed to respond to any of the numerous attempts to contact him.

<sup>34</sup> Maple/Linder Group Inc., *Dramatically Reducing Crime in Baltimore – A Plan of Action for Transforming the Baltimore Police Department into a High Performance Organization 1* (2000) (Maple/Linder Report).

<sup>35</sup> *Id.* at 2.

The report was an odd, hybrid document. It set forth a series of conclusions. It prescribed a set of reforms, many of which it asserted were in the process of being implemented. And it advocated aggressively for the implementation of Mayor O'Malley's public safety agenda. Addressing morale, the report stated, "Morale at all levels of the organization has been low stemming from discipline and rewards systems viewed as capricious and unfair, leading to a police culture characterized by cynicism and distrust." One source of the poor morale, according to the report, was "[a] belief among officers that they will not be backed by the Department or the City [which] has driven many otherwise dedicated officers to avoid proactive policing."<sup>36</sup> The report also addressed a culture of vengeance within BPD:

Long removed from its once-proud reputation and achievements, the Baltimore Police Department now has an operating culture the instrumental values of which are individual survival, group loyalty, frustration, and resentment as needs and expectations have gone unfulfilled. Vengeance has appeared to many as the determinant in making personnel decisions. This culture of vengeance must end.<sup>37</sup>

The report criticized a disciplinary system that was governed by a matrix that eliminated discretion and imposed a crushing caseload burden on IA. To address the caseload burden, the report recommended that a high percentage of cases involving alleged minor infractions be returned to district command officials for investigation, adjudication, and discipline.<sup>38</sup>

When it turned to the issue of corruption, the Maple/Linder report presented its most shocking survey findings. Nearly half of the BPD officers surveyed said they believed that between 1% and 5% of BPD officers stole money or drugs from drug dealers. Worse, nearly a quarter of survey respondents said they believed that 25% *or more* of BPD officers engaged in such thefts. Put another way, close to one out of every four BPD officers said they believed that *at least* one out of four of their colleagues, sworn to uphold the law, were breaking the law and violating their oaths through thefts of money or drugs. And a total of 71.9% of the BPD officers surveyed believed that at least some of their colleagues were stealing money, drugs, or both from drug dealers.<sup>39</sup>

The Maple/Linder report recommended several steps to improve the functioning of IA and make it serve as "a caretaker of high professional conduct and a guardian of police corruption." These steps included authorizing IA investigators to make narcotics arrests and debrief the suspects for potential police involvement in narcotics crimes,

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<sup>36</sup> *Id.* at 3.

<sup>37</sup> *Id.* at 8.

<sup>38</sup> *Id.* at 16.

<sup>39</sup> *Id.* at 18-19, 76, 128.

and to develop a program of random and targeted integrity stings designed to root out corruption.<sup>40</sup>

The Maple/Linder report's shocking findings on the extent of corruption within BPD, as assessed by the officers themselves, left almost no trace with BPD officers. We interviewed many officers who were members of BPD at the time of the survey. We found almost none who recalled taking the survey or learning of the survey findings on corruption.<sup>41</sup> Most current and former BPD members we interviewed said they were shocked to learn of the estimates provided by those reported to have responded to the survey, and none provided the 25% or more estimate reportedly given by 23.2% of the survey respondents. What seems clear is that what should have been a call to arms to fight corruption within the agency left virtually no impression in the consciousness of BPD members.

## **F. The Fall of Ron Daniel and the Rise of Ed Norris**

When the Maple/Linder report was published on April 4, 2000, it was issued under the names of Mayor O'Malley and Acting Commissioner Ed Norris. The "biggest decision" of O'Malley's life in selecting Ron Daniel had turned out badly. After 57 days as BPD Commissioner, Daniel "resigned" — in fact, he was fired. In a statement issued on March 30, O'Malley said:

[W]e have come to the conclusion that our differences on how to get the job done make it impossible for us to collaborate in achieving that common goal. Therefore, the mutual commitment that brought us together now brings us to the inescapable conclusion that we must go our separate ways.<sup>42</sup>

Media accounts at the time noted clashes between Daniel and the Maple/Linder consulting team, and Daniel's substantive differences with many of their recommendations; he reportedly threatened not to put his name on the report they were

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<sup>40</sup> *Id.* at 145, 147.

<sup>41</sup> One notable exception to the failure to recall the survey was Peter Moskos, now a Professor at the John Jay College of Criminal Justice but a recruit at the BPD Academy at the time of the 2000 survey. Moskos was accepted into BPD as a part of his research for his Ph.D. in sociology at Harvard University. Moskos recalled the Maple/Linder survey and recalled that the responses were used in the Maple/Linder report to support the idea that there was broad corruption in BPD. Moskos was not overly impressed with the survey responses: he explained that just because a recruit, or anyone else in BPD, thinks corruption exists does not mean the person knows where it is. Moskos was suspicious of the number because a brand-new administration, including Norris, had a motive to paint the darkest picture possible of the existing state of affairs. Peter Moskos Interview, June 18, 2020.

<sup>42</sup> Peter Hermann and Gerard Shields, *Daniel quitting as police chief; Mayor says the two could not agree on how to get job done; Daniel held post 57 days; Friction with mayor, outside consultants leads to resignation*, The Baltimore Sun (Mar. 31, 2000), <https://www.baltimoresun.com/news/bs-xpm-2000-03-31-0003310068-story.html>.

drafting. More significantly, Daniel almost immediately created turmoil in BPD by removing most members of the command staff.<sup>43</sup> According to O'Malley, Daniel "was firing colonels very fast. I finally had to stop him [and] told him, 'Hey, man. Enough.'" O'Malley told Daniel to bring an end to the daily firings and let go of the past, even though he appreciated the need for Daniel to be able to surround himself with personnel he could trust. O'Malley viewed Daniel's firing spree as part of the culture of vengeance that existed within BPD and which Maple and Linder had noted in their report.<sup>44</sup>

According to Sean Malone, who had been installed by O'Malley as Chief of Legal Affairs at BPD, Daniel was fired primarily because of his unwillingness to implement ComStat consistent with the New York model. According to O'Malley, it was actually Daniel's efforts to evict Malone himself from BPD that was the straw that broke the camel's back. Prior to selecting Daniel as Commissioner, O'Malley insisted on three conditions – first, Daniel had to agree to let go of the past; second, he had to agree to accept a deputy commissioner who had experience with CompStat and integrity issues; and third, he had to accept Malone as Chief of Legal Affairs. According to O'Malley, Daniel had failed on all three dimensions: he would not let go of the past; he had not fully accepted CompStat and the zero-tolerance strategy, although he had agreed to work with Norris; and Daniel had thrown Malone out of BPD headquarters.<sup>45</sup>

After 57 days, Daniel's tenure as BPD commissioner was over. Norris immediately took over as acting commissioner and began a public campaign to keep the job on a permanent basis. He told O'Malley that, following Daniel's departure, he would not serve as the deputy commissioner to anyone else.<sup>46</sup> O'Malley lobbied heavily on Norris's behalf, and both O'Malley and Norris had to overcome early concerns about the zero-tolerance approach and its impact on the Black community in particular.<sup>47</sup> Norris held numerous meetings with Councilmembers and with community groups. Despite initial opposition to Norris's selection by certain Councilmembers, Norris was unanimously confirmed on May 8, 2000.<sup>48</sup>

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<sup>43</sup> *Id.*

<sup>44</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020; Maple/Linder Report, at 8, 114.

<sup>45</sup> Sean Malone Interview, June 2, 2020; Martin O'Malley Interview, Apr. 27, 2021.

<sup>46</sup> Ed Norris Interview, Mar. 12, 2020.

<sup>47</sup> Gerard Shields, *Council Requests Briefing by Norris; Officials seek answers from acting commissioner on alleged police abuses*, The Baltimore Sun, Apr. 11, 2000, at 2 ("Residents worry . . . that police officers will target law-abiding African-Americans living in poor neighborhoods, [Baltimore City] council members said. . . .CENTAC, a plainclothes undercover unit created in January, is making arrests for everything from panhandling to loitering. Youths in the region complain that they are often stopped without just cause by officers. Some claim officers taunt residents.").

<sup>48</sup> Gerard Shields, *Lobbying by Norris eases confirmation; Police commissioner won over skeptics by taking case to public*, The Baltimore Sun (May 10, 2000), <https://www.baltimoresun.com/news/bs-xpm-2000-05-10-0005100181-story.html>.

Norris told us that the version of ComStat<sup>49</sup> in use within BPD when he started in early 2000 was “soft” and did not function effectively. The questions for BPD commanders were scripted and none of them had to prepare meaningfully for the sessions. He was stunned by the generally cavalier approach of BPD investigators to investigating and closing cases—cases were deemed closed once offenders had been identified even if they had not been apprehended. His first impressions were that BPD was a department characterized by a politicized promotion system, laziness, and inert headquarters personnel. Norris blamed “political correctness” and good intentions gone awry as the causes for a formerly proud Department, with which he had worked in the late 1980s, having been degraded over the previous decade. He told us about specific episodes that reflected a lack of urgency among headquarters personnel, referring to them as “house mice” who lacked recent contact with what was happening on the streets of the city.<sup>50</sup>

## **G. Internal Affairs**

In 1998, while still a Councilmember, O’Malley had suggested moving the internal investigation and disciplinary process outside BPD to address allegations of racial disparities. His view was that Internal Affairs<sup>51</sup> had been used in a retaliatory way against Black officers. When Norris started at BPD, he recalled that there were approximately 800 open IA cases. A large percentage of BPD officers were under investigation, frequently as an instrument of retaliation for “petty crap.” Filing an IA complaint, petty or not, had the effect of freezing BPD members at their current rank and rendering them ineligible for promotion. According to O’Malley, the reason he designated Sean Malone as BPD’s Chief of Legal Affairs was to deal with the constellation of issues in IA.<sup>52</sup>

The Maple/Linder report summarized the ongoing issues in IA as follows:

The ratio of cases to investigators is extremely high by police department standards. Interviews with IID investigators indicated that the average length of an investigation is one year, with investigations of serious cases

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<sup>49</sup> NYPD’s version, and most other versions in use around the country, are called CompStat. From the beginning, BPD dropped the “p” and referred to it as ComStat. No one could explain to us why BPD dropped the “p,” particularly since the “p” carried with it the implication that computers were vital to its successful functioning. “ComStat” will be used in this Report to refer to Baltimore’s version.

<sup>50</sup> Ed Norris Interview, Mar. 12, 2020.

<sup>51</sup> Internal Affairs has gone through many name changes over the last 25 years. For example, in 2000 it was called the Internal Investigation Division (IID). For simplicity, we use the term “Internal Affairs” or “IA” throughout this report, except when citing contemporaneous documents.

<sup>52</sup> Martin O’Malley Interview, June 30, July 3, and July 10, 2020; Ed Norris Interview, Mar. 12, 2020.



taking even longer. . . . [O]ver 60% of cases investigated since 1995 have yet to be cleared.

. . .

The extraordinary number of unresolved cases are a major source of frustration and discord among officers who are the subjects of these investigations. Many officers interviewed individually or in focus groups remarked that they had open IID investigations pending against them—for one officer, the investigation had been open for over three years. Open IID investigations, among other things, prevent officers from transferring from the BPD to other departments. Several officers interviewed believed that this was one way of keeping officers in the BPD; officers who would have left for higher salaries in other jurisdictions feel they have been forced to remain.<sup>53</sup>

## **1. The Robert Richards Case**

When he became BPD's Chief of Legal Affairs, Sean Malone was directed by O'Malley to look into allegations of disparate disciplinary treatment of officers based on race. A group of more than two dozen Black BPD officers who had been terminated for alleged misconduct had filed suit with the federal Equal Employment Opportunity Commission (EEOC), claiming that they were unfairly disciplined or terminated. In 1998, the EEOC had found that BPD had violated civil rights laws by punishing Black officers more severely than white officers and retaliating against Black officers who complained. As a result, BPD moved to restore the arrest powers and jobs of a number of officers, including those accused of selling cocaine, groping women, lying in court, and assaulting their BPD colleagues.<sup>54</sup>

Malone personally litigated a number of trial boards, the administrative tribunals within BPD that adjudicated administrative charges against officers. One of the most high-profile cases he handled involved Robert Richards, a Black BPD helicopter pilot. Richards was accused by five female police officers under his command of sexual harassment—actions that included exposing himself. Intertwined with these allegations was that Richards was among the most vocal of the Black BPD members on the issue of racial discrimination. According to Malone, the sexual harassment case against Richards was supported by overwhelming evidence, but Richards was acquitted by a 2-1 vote of the trial board. When Malone asked the chair of the trial board to explain the verdict, the chair, a white commander, told him, "Sean,

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<sup>53</sup> Maple/Linder Report, at 78-79.

<sup>54</sup> Peter Hermann, *Police fight to fix racism found in past; Several officers who were dismissed have been reinstated; 'We've got to move on'; EEOC wants city to create panel to review firings*, The Baltimore Sun (May 29, 2000), <https://www.baltimoresun.com/news/bs-xpm-2000-05-29-0005290091-story.html>.

there are more Black officers in this agency than there are women, and I have to live in this agency. You weren't going to get a guilty."<sup>55</sup>

Prior to the trial board, BPD had entered into a settlement agreement with Richards that made the outcome of the discrimination suit contingent on the result of his trial board. If Richards lost his trial board, BPD would pay nothing in settlement of the discrimination suit, but if he won, BPD had to pay Richards's attorneys' fees and reestablish the helicopter unit, which had been eliminated. BPD's loss of the trial board thus had significant collateral consequences.<sup>56</sup> This case was an example of many cases over the years where the results were dictated by factors other than the facts. This reality, and its widespread perception within BPD, contributed to the pervasive and enduring lack of confidence in the internal investigations and disciplinary process within BPD.

## **2. The Brian Sewell Case and Its Consequences**

O'Malley, Norris, and Malone believed that integrity stings were a useful tool to help ferret out misconduct and corruption among BPD officers. Integrity stings take various forms, but at bottom, they test an officer's integrity through scenarios in which officers are exposed to the temptation of money or drugs—simply put, money and/or drugs are used as bait to test the officer's integrity. The test is whether the officer turns in the money or drugs he comes across, as required by BPD policies and procedures, or instead decides to mishandle or steal it. Integrity stings can be random or targeted. Targeted integrity stings are aimed at officers about whom allegations of misconduct have previously been made but could not previously be substantiated by sufficient evidence. Random integrity stings are not based on any prior allegations of misconduct against the officer.

Current and former BPD members we interviewed and who joined BPD in the 1980s and early 1990s recalled the use of integrity stings during their careers, but by the late 1990s such stings seem to have been largely discontinued.<sup>57</sup> In their review, Maple and Linder strongly advocated that a robust integrity sting process be instituted:

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<sup>55</sup> Sean Malone Interview, June 2, 2020.

<sup>56</sup> *Id.* When Malone spoke with Norris and John Stendrini, an aide whom Norris had brought from New York, he recalls Norris saying, "Richards will probably have child pornography on his computer in a few weeks." Malone understood that to be a suggestion that someone should plant child pornography on Richards's computer. Malone told us he was not sure whether they were joking. Eventually, Richards was fired by BPD for reasons having nothing to do with child pornography.

<sup>57</sup> O'Malley was subsequently quoted as stating that five integrity stings were conducted in 1999, and 35 in 2000, although we are unsure of the source of that data. See Peter Hermann and Gady A. Epstein, *Mayor fumes over Sewell*, The Baltimore Sun (Jan. 26, 2001), <https://www.baltimoresun.com/news/bs-xpm-2001-01-26-0101260188-story.html>.

Internal Affairs will undertake a focused and concentrated program to root out police corruption.

- IAD will begin to design and field proactive integrity tests, or stings, on both a random and targeted basis, to identify and remove BPD officers who have violated the public's trust; this will require training by consultants and/or other investigative agencies.
- Integrity tests will also be conducted to detect mishandling of evidence and other property; and other unprofessional conduct.<sup>58</sup>

One of the first integrity stings launched under Norris involved an officer named Brian Sewell. In September 2000, detectives planted a baggie containing drugs on a park bench and placed a call to 311 reporting that there was a drug dealer in the park with a stash of drugs. Sewell responded to the call and subsequently planted the drugs on an 18-year-old who was a small-time drug dealer in the neighborhood and who had frustrated BPD officers by successfully evading arrest. Sewell stated in his police report that he had seized the drugs from the 18-year-old and charged him with drug possession. Although there was no video of Sewell's actions in the park, four veteran detectives observed that no one was in the park when IA personnel deposited the drugs, and no one left the park after the drugs were deposited. This seemed to negate the possibility that anyone other than Sewell had seized the drugs.<sup>59</sup>

In October 2000, Sewell was criminally charged with perjury and criminal misconduct by the Baltimore City State's Attorney's Office (SAO). At a news conference the day charges were brought, Norris commented, "This is a horrible breach of the public trust." O'Malley said, "We said this city needs to do a better job policing our own police. We owe it not only to the people of this city, but we also owe it to the 99.9 percent of our officers who every day risk their lives to protect the rest of us."<sup>60</sup> The question was whether the Sewell case was isolated or symptomatic of wider corruption, as the Maple/Linder survey suggested and as Norris himself believed.<sup>61</sup>

The criminal case against Sewell was short-lived. On Christmas Eve 2000, a burglary occurred at the offsite location that housed the unit responsible for conducting

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<sup>58</sup> Maple/Linder Report, at 147. During O'Malley's first year as Mayor, IA conducted 24 integrity stings, followed by 100 integrity stings in 2001. PoliceStat Presentation, Jan. 8, 2002 (provided by Martin O'Malley).

<sup>59</sup> Peter Hermann, *City Policeman accused of false cocaine arrest*, The Baltimore Sun (Oct. 5, 2000), <https://www.baltimoresun.com/news/bs-xpm-2000-10-05-0010050093-story.html>; Sean Malone Interview, June 2, 2020; Martin O'Malley Interview, June 30, July 3, and July 10, 2020; Ed Norris Interview, Mar. 12, 2020.

<sup>60</sup> See Peter Hermann, *City Policeman accused of false cocaine arrest*, The Baltimore Sun (Oct. 5, 2000), <https://www.baltimoresun.com/news/bs-xpm-2000-10-05-0010050093-story.html>.

<sup>61</sup> Norris told us that he came to believe that 20-30% of the Department was corrupt. Ed Norris Interview, Mar. 12, 2020.

integrity stings. During the burglary, computers were destroyed and investigative files were stolen, some of which were recovered from a trash bin in Baltimore County. The Sewell file was among the files stolen and partially recovered, but several photographs of the sting were never recovered.<sup>62</sup> Although prosecutors initially said the theft would not compromise the case, on January 25, 2001, State's Attorney Patricia Jessamy announced she was dropping the case because it had been compromised – some of the officers who had investigated Sewell had become suspects in the break-in and destruction of evidence.<sup>63</sup>

O'Malley believed the decision to drop the case undermined his desire to “police the police.” He made no effort to conceal his views about Jessamy's decision:

[Jessamy] doesn't even have the goddamn guts to get off her ass and go in and try this case, and I'm tired of it. If she doesn't have respect for the police, if she doesn't have respect for the people of this city, maybe she should get the hell out and let somebody else in who's not afraid to do the goddamn job. . . . I talked to her before she dropped this case . . . begged her, pleaded with her and tried to persuade her to go forward with this case. She said, “No, too many red herrings.” I think the poor woman must have been attacked by red herrings when she was a child.<sup>64</sup>

O'Malley apologized, after a fashion:

I apologize for using inappropriate language. I do not, however, apologize for my outrage. . . . All of us should be angry when our State's Attorney will not go forward with cases involving police corruption and integrity.<sup>65</sup>

Twenty years after the event, O'Malley told us, “Part of my public anger was also to communicate to the broader public that I'm dead serious about going after police misconduct.” He said that the city had long tried to keep police misconduct matters out of the media, but that he wanted them to be covered by the media.<sup>66</sup>

The controversy over the Sewell case did not end there. After O'Malley's public criticism of Jessamy, the line prosecutor in the case, Elizabeth Ritter, called into a Baltimore radio program on which Sean Malone was a guest. Without revealing her

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<sup>62</sup> Peter Hermann, *Police halt operations of internal sting unit*, The Baltimore Sun (Jan. 19, 2001), <https://www.baltimoresun.com/news/bs-xpm-2001-01-19-0101190073-story.html>.

<sup>63</sup> Peter Hermann and Gady A. Epstein, *Mayor fumes over Sewell*, The Baltimore Sun (Jan. 26, 2001), <https://www.baltimoresun.com/news/bs-xpm-2001-01-26-0101260188-story.html>.

<sup>64</sup> *Id.*

<sup>65</sup> Peter Hermann and Gady A. Epstein, *O'Malley sorry for tirade, but not 'for outrage'*, The Baltimore Sun (Jan. 27, 2001), <https://www.baltimoresun.com/news/bs-xpm-2001-01-27-0101270248-story.html>.

<sup>66</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

identity, she aggressively questioned Malone about O'Malley's statements and about the backlog of BPD disciplinary cases—a sore subject for BPD. Ritter apologized to Jessamy for concealing her identity, but did not apologize to BPD.<sup>67</sup> This episode made overt the tension, distrust, and fraught relationships among O'Malley, Jessamy, and BPD, which was especially damaging to attempts to address police corruption. The collapse of the criminal case against Sewell and the ensuing public finger-pointing did nothing to increase public confidence in efforts to “police the police.”<sup>68</sup>

The BPD administrative case against Sewell did not move forward until November 2001.<sup>69</sup> After hearing the evidence, the trial board found Sewell guilty of six charges and recommended his termination. On December 11, 2001, Norris accepted the recommendation and fired Sewell, but a year later, the Maryland Court of Special Appeals vacated Sewell's termination, ruling that because O'Malley and Norris had publicly condemned Sewell and made clear they wanted him fired, Sewell was entitled to a trial board comprised of personnel from outside BPD.<sup>70</sup> Sewell resigned from BPD in early 2003 before a new administrative tribunal could be assembled.<sup>71</sup> As to the burglary, one of the IA officers involved in the sting against Sewell, Joseph P. Comma, Jr., subsequently admitted to a fellow officer that he had committed the burglary of the evidence in Sewell's case because he was angry at his bosses over a job transfer.<sup>72</sup>

The Sewell case and its aftermath laid bare the challenges of policing the police. The aggressive use of an integrity sting was destined for failure at the outset because of mistakes made by IA investigators, misinformation distributed by BPD, and the theft of evidence by a rogue IA investigator. Even after the criminal case was dropped, BPD

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<sup>67</sup> Sean Malone Interview, June 2, 2020; Laurie Willis and Caitlin Francke, *Prosecutor apologizes to boss*, The Baltimore Sun (Feb. 2, 2001), <https://www.baltimoresun.com/news/bs-xpm-2001-02-02-0102020215-story.html>. The case was further complicated by the fact that BPD's initial statements about the case were misleading. Although Sewell planted the drugs on the 18-year-old, he was not the one who initially seized the drugs from the park bench. See Peter Hermann and Caitlin Francke, *Sting case heightens animosity*, The Baltimore Sun (Feb. 2, 2001), <https://www.baltimoresun.com/bal-te.md.sewell02feb02-story.html>.

<sup>68</sup> Peter Hermann and Caitlin Francke, *Sting case heightens animosity*, The Baltimore Sun (Feb. 2, 2001), <https://www.baltimoresun.com/bal-te.md.sewell02feb02-story.html>.

<sup>69</sup> Del Quentin Wilber, *Police hearing for Sewell under way*, The Baltimore Sun (Nov. 2, 2001), <https://www.baltimoresun.com/news/bs-xpm-2001-11-02-0111020070-story.html>.

<sup>70</sup> *Sewell v. Norris*, 148 Md. App. 122 (Md. Ct. Spec. App. 2002), available at <https://mdcourts.gov/data/opinions/cosa/2002/1980s01.pdf>.

<sup>71</sup> In August 2003, Sewell was found dead in his room while on duty with the Maryland Army National Guard. No cause of death was reported at the time. See Scott Calvert, *Ex-officer accused in misconduct found dead*, The Baltimore Sun (Aug. 11, 2003), <https://www.baltimoresun.com/news/bs-xpm-2003-08-11-0308110062-story.html>.

<sup>72</sup> Joan Jacobson, *Sergeant implicated in internal affairs office break-in*, The Baltimore Sun (Nov. 14, 2003), <https://www.baltimoresun.com/news/bs-xpm-2001-11-14-0111140204-story.html>.



failed to make its administrative process work smoothly enough to fire Sewell in a manner that would be upheld by the courts.

The public fight over the Sewell case led, in March 2001, to the creation of the Police Ethics and Misconduct Division in the SAO, the first unit dedicated to addressing police misconduct. Previously, such cases had been handled by the SAO's economic crimes unit. Malone negotiated an MOU with the SAO and recalled that BPD paid for the unit. According to Jessamy, the delay in creating the unit was solely because of a lack of funding, not because she needed to be convinced of the value of such a unit. The unit was initially staffed by a lawyer and an investigator and worked with a specialized unit within BPD's Internal Affairs, which was the precursor to today's Ethics Section.<sup>73</sup>

John Hess was recruited into BPD's Internal Affairs in April 2001, just after the Sewell case and contemporaneously with the creation of the SAO's Police Integrity Unit,<sup>74</sup> and he served in IA until April 2004. He did not seek the transfer and was bitterly opposed to it because of IA's reputation within BPD. At the time, Hess had been in BPD for 18 years. According to Hess, IA made some meaningful and significant strides in pursuing police misconduct matters during his tenure. These included creating a network of "field associates" — command rank personnel who could be trusted with integrity-related information and would channel such information to IA. He credited Malone with creating Command Investigations Units in the districts, which were dedicated to investigating and resolving minor infractions and designed to avoid flooding IA with minor cases.<sup>75</sup>

Hess recalled that the leaders of IA reviewed every case for quality, that cases did not expire because of investigative delays, and that he began to see a developing pattern that police misconduct had meaningful consequences. Another supervisor in IA at the time, Robert Morris, was less experienced than Hess but thought IA was reasonably well run. Morris believed that Norris was genuinely committed to addressing police corruption and misconduct. He cited Norris's creation of the first anti-corruption task force with the FBI, and his recruitment of talented personnel to IA.<sup>76</sup>

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<sup>73</sup> Caitlin Francke and Peter Hermann, *New unit for police corruption cases near*, The Baltimore Sun (Feb. 22, 2001), <https://www.baltimoresun.com/bal-te.md.iad22feb22-story.html>; Sean Malone Interview, June 2, 2020; Patricia Jessamy Interview, Feb. 16, 2021.

<sup>74</sup> This unit was called various names over time, including the Police Integrity Unit and the Police Misconduct Unit. It is currently known as the Public Trust and Police Integrity Unit. To avoid confusion, this unit will be referred to as the "Police Integrity Unit" throughout this Report.

<sup>75</sup> John Hess Interview, Sept. 8 and 9, 2020.

<sup>76</sup> *Id.*; Robert Morris Interview, Sept. 17, 2020.

## H. Progress in the Crime Fight

In May 2001, a year into his tenure as BPD Commissioner, Norris joined O'Malley for a press conference to celebrate their collective accomplishments. Homicides had been reduced from 305 in 1999 to 261 in 2000 – progress but still far short of the ambitious goal of 200 that O'Malley set for the end of 2001, and 175 for calendar year 2002. In addition to the decline in homicides, there were other measurable improvements. Violent crime as a whole had dropped by 14%, non-fatal shootings had been reduced, and murder arrests had increased.<sup>77</sup>

In 2000, Norris had developed the Eastern District Initiative, which involved flooding the Eastern District, and subsequently the Western District, with substantial numbers of officers to address high levels of criminal activity. In East Baltimore, adding 120 additional police officers had helped drive homicides and shootings down by 62%.<sup>78</sup>

Morale improved substantially in the early days of Norris's leadership. His bluntness, aggressiveness, and articulated view that, "I want to let police be the police again" had broad appeal to BPD members. So did the pay raises proposed by O'Malley and approved by the City Council.<sup>79</sup> The fact that BPD's more aggressive tactics under Norris had not led to an increase in excessive force complaints suggested that zero-tolerance policing need not inevitably lead to abusive policing.

Kristen Mahoney, who began working for BPD under Frazier as BPD's grant director, recalled that early on Norris identified BPD's substantial equipment and technology deficits, which was a major source of poor morale. Many of those deficits had been identified in the Maple/Linder report, and Norris recognized the importance of addressing them. Mahoney recalled a meeting early in Norris's tenure where she told him that as a result of decisions made by Frazier, 27 vans were being purchased for the Police Athletic League, a pet project of Frazier's. Norris ordered the purchase to be halted and the funds redirected. Instead, Norris developed a list of equipment and technology necessary for the crime fight, including basic items such as radio chargers and standard-issued flashlights.<sup>80</sup>

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<sup>77</sup> Maryland Statistical Analysis Center in partnership with MD iMAP, Violent Crime & Property Crime by County: 1975 to Present, <https://opendata.maryland.gov/Public-Safety/Violent-Crime-Property-Crime-by-County-1975-to-Pre/jwfa-fdxs>.

<sup>78</sup> Peter Hermann, *Norris tells of progress after 1 year*, The Baltimore Sun (May 9, 2001), <https://www.baltimoresun.com/news/bs-xpm-2001-05-09-0105090374-story.html>; Anthony Barksdale Interview, Feb. 18, 2020.

<sup>79</sup> Peter Hermann, *Norris tells of progress after 1 year*, The Baltimore Sun (May 9, 2001), <https://www.baltimoresun.com/news/bs-xpm-2001-05-09-0105090374-story.html>; Anthony Barksdale Interview, Feb. 18, 2020.

<sup>80</sup> Kristen Mahoney Interview, July 14, 2020.

## 1. Rapid Response Units

One new weapon in the crime fight was the creation of specialized units within the Office of the Commissioner. Shortly after becoming commissioner, Norris formed a rapid response unit that worked out of the Commissioner's Office. Norris used the unit as his personal squad of police officers to deal with trouble spots in the city and address urgent issues. The members of the rapid response unit overlapped with the members of Norris's executive protection detail. Norris selected then-Sergeant Anthony Barksdale to serve as a member of Norris's protective detail, but Barksdale quickly tired of working at headquarters and told Norris he wanted to go back to street enforcement. Norris put Barksdale in charge of the unit that operated on the streets of Baltimore as a response unit that targeted the "worst of the worst." Its members could go anywhere they wanted, or more accurately wherever Norris ordered them to go. Norris used the specialized unit, based out of the Commissioner's Office, like a SWAT team to address problem areas.<sup>81</sup>

Because of the success of the rapid response unit, Norris created additional units with a similar mandate. According to Chris O'Ree, BPD referred to the squads as Special Enforcement, but the members of the squad called it, "We work for Ed Norris." He recalled that there were four squads based downtown, which remained in existence until the end of Norris's tenure in late 2002. Like Barksdale, Michael Mancuso was originally a member of Norris's detail. Mancuso recalled that the original detail included four men: Barksdale, Derek Mayfield, Tom Tobin, and himself. Mancuso recalled that for the first year he served as Norris's bodyguard, but that the enforcement responsibilities of the detail resulted from Norris's frustration with BPD's work in the hot spots of the city. As a result, Norris asked Barksdale and Mancuso to build squads that could address problems in those hot spots, which they proceeded to do. Although he believed Barksdale's squad was effective, Mancuso described it as a "run and gun" squad, and said his own squad identified "troublemakers" and deployed four or five undercovers to arrest those troublemakers. Mancuso and Barksdale divided their time between working in Norris's detail and managing their own squads; he noted that this arrangement lasted for about 18 months.<sup>82</sup>

By way of example, Mancuso said that Norris would tell him and Barksdale that five shootings and a murder had occurred in one location, and that he needed them to handle it. Mancuso said that he and Barksdale would discuss which of their squads was better equipped to handle the specific situation. According to Mancuso, Barksdale's squad responded more quickly, whereas his squad wanted to take its time and eliminate all the bad actors at once.<sup>83</sup>

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<sup>81</sup> Anthony Barksdale Interview, Feb. 18, 2020.

<sup>82</sup> Chris O'Ree Interview, Sept. 10, 2020; Michael Mancuso Interview, Oct. 1, 2020.

<sup>83</sup> Michael Mancuso Interview, Oct. 1, 2020.

Victor Rivera was a member of Barksdale's rapid response unit under Norris. At the time he was personally recruited by Barksdale, Rivera was working in the Eastern District, and recalls his recruitment as being handled as a cloak and dagger matter. Rivera recalled being called by Barksdale and told to come to Norris's office, but not to tell anyone. Rivera thought he was in trouble, but it turned out that Barksdale was recruiting him for the rapid response unit, which Rivera described as "almost like a Goon Squad." Rivera's understanding was that Norris planned to deploy the squad in areas that citizens of Baltimore complained to him about. Rivera recalled that Barksdale asked for a one-year commitment, and that Barksdale promised the members they could go anywhere in the Department after that one year. Rivera said one year turned into two years, before he transferred to a drug unit operating out of BPD headquarters.<sup>84</sup>

The original reporting structure for the rapid response units lacked a buffer between Norris and then-Sergeant Barksdale. In order to create that buffer, BPD nominally assigned Barksdale's unit to a drug unit commander and, on paper, included a lieutenant and a major between Barksdale and Norris. The chain of command was put in place solely for optics, and the instructions for the units came from Norris. As an example of the work of the rapid response units, they were deployed to deal with a well-known, violent drug dealer who had kidnapped several rival drug dealers, asked for a ransom, and then killed one of the dealers after receiving the ransom money. Norris deployed Barksdale's unit to capture the kidnapper, and Barksdale's unit worked for three to four days straight until the kidnapper was captured following a shootout.<sup>85</sup>

The rapid response units had the advantage of bringing together groups of aggressive, high-performing police officers to undertake special and sensitive assignments. The units were at the beck and call of Commissioner Norris and accountable to no one else. They did what he wanted. But the units came at a cost. They eliminated the normal chain of command and diminished the likelihood of accountability for any misconduct.

## **2. ComStat**

ComStat was a cornerstone of the reforms that O'Malley, Norris, and others sought to implement in Baltimore. Norris was himself skilled at implementing ComStat—it was O'Malley's observation of Norris's role in NYPD's CompStat in 1996 that convinced him to recruit Norris to Baltimore. Norris used ComStat as a proving ground, identifying talented BPD personnel through listening to their presentations and their ability to respond to questions about crime in their districts. He first observed Barksdale at ComStat; Barksdale immediately impressed Norris because he understood

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<sup>84</sup> Victor Rivera Interview, Nov. 18, 2020.

<sup>85</sup> *Id.*

good police work, had a deep knowledge of the city, and was passionate about crimefighting.<sup>86</sup>

Because of his familiarity with ComStat, Norris could not easily be fooled by slick presentations. He insisted on a genuine grasp of the realities on the street. According to Norris, he would call out presenters and expose their lack of knowledge. Presenters soon realized they had to be well-prepared, or they would be embarrassed. Norris believed that only by applying pressure to police leaders would they be made to feel accountable. On the other hand, Norris told us that he did not think he played “gotcha” with ComStat. He said he was a “modified numbers guy” and that he had to convince O’Malley, who initially favored a purer numbers approach to ComStat, to accept Norris’s modified version.<sup>87</sup>

Even before he became commissioner in March 2000, Norris had identified Barksdale as someone who could be a key part of running ComStat. As a result, he asked Jack Maple to tutor Barksdale on how to run ComStat the right way. Maple taught Barksdale about the entire ComStat process, including how to run ComStat sessions. According to Barksdale, Maple would drill him on looking twice as hard at a person or group if their statistics were impressive than if their numbers were ordinary or worse. Maple was an ally in allowing Norris to structure ComStat in the way he wanted, which was sometimes at odds with what O’Malley wanted. Barksdale said that he agreed with the description in Maple’s book: in the right hands, ComStat is Excalibur (the legendary sword of King Arthur); in the wrong hands, it is a butter knife.<sup>88</sup>

Barksdale would brief Norris on the details of about four to six cases in advance of each ComStat session, which enabled Norris and Barksdale to hold BPD commanders accountable during ComStat sessions. When shootings, homicides, or carjackings were on the rise, Barksdale would dig into the data and prep Norris on a district’s cases. Norris and Barksdale would determine what was happening in the district and specifically look at whether district leadership was both knowledgeable and truthful about the crime situation in their districts. If they were not, they would be called out, embarrassed, and risked being demoted. Some BPD officers viewed Barksdale as a traitor for demanding accountability from command staff members.<sup>89</sup>

John Skinner similarly recalled a balanced approach to ComStat in its early days working under Norris. Norris brought Skinner up to New York to watch a session of ComStat during which an NYPD major was lambasted. On the train ride back to Baltimore, Norris asked for Skinner’s thoughts on the process. Skinner told Norris that he thought the personal humiliation they had witnessed was horrible. Skinner told us

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<sup>86</sup> Ed Norris Interview, Mar. 12, 2020.

<sup>87</sup> *Id.*

<sup>88</sup> Anthony Barksdale Interview, Feb. 18, 2020.

<sup>89</sup> *Id.*



he never saw Baltimore's ComStat process mirror this type of humiliation ritual. During its initial implementation in Baltimore, Skinner said he thought ComStat struck an appropriate balance.<sup>90</sup>

O'Malley became such a believer in the ComStat process, based on what he had originally seen in New York, that he created numerous "Stat" systems to achieve accountability throughout city government. "CitiStat" occurred every two weeks and involved 10 different city departments, all of which would come to the CitiStat room in City Hall on a rotating basis. He explained that BPD's presentation rotated formats; BPD rotated between presenting on PoliceStat and IADStat, but the beginning of each meeting included follow up from the previous one.<sup>91</sup> BPD itself multiplied various "Stat" programs, including PoliceStat—a reduced and compressed form of ComStat for a broader audience—and IADStat, which focused on police misconduct.<sup>92</sup> Like Norris, O'Malley believed that the CitiStat process allowed good leaders to rise, while poor leaders made excuses. As to whether ComStat and the other BPD-centered stat programs applied excessive pressure on BPD personnel to generate numbers, O'Malley said:

Did the police department feel pressure to get guns off the street? I fucking hope so. I may sound like a broken record here, but even with the progress we were making, we remained the number one, two, or three most violent cities in the nation. [I was] so frustrated, outraged, motivated, focused, and offended by the injustice, [] carnage, and tears of mothers who I saw day in and day out.<sup>93</sup>

In O'Malley's view, ComStat and the related statistical programs should have created pressure for BPD personnel to produce results, but that pressure to produce was never an acceptable excuse for violating constitutional rights. In his view, his administration never communicated the idea that officers should be stopping people for no reason or using force inappropriately. Nor, in O'Malley's view, did his administration's focus on numerical measures have a negative impact on its commitment to addressing police misconduct.<sup>94</sup>

As an example of his intolerance for constitutional violations, O'Malley raised the 2002 episode involving a string of armed robberies at bus stops being committed by two black suspects in their early 20s. In response, Major Donald Healy told officers at

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<sup>90</sup> John Skinner Interview, Mar. 5, 2020.

<sup>91</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

<sup>92</sup> PoliceStat and IADStat numerical measures included an analysis of weekly crime rates, case closures, court attendance, citizen stops, IA complaints, disciplinary summaries, and staffing, among others.

<sup>93</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

<sup>94</sup> *Id.*

roll call that he wanted every 18- to 21-year-old Black male at bus stops stopped and interviewed until the suspects were found and arrested. When O'Malley heard about this, he directed Norris to investigate and they agreed that if the allegation was true, Healy would have to be terminated. Healy admitted to making the statement, explaining that he just wanted to catch the suspects. Healy resigned in lieu of termination.<sup>95</sup>

## **I. Focus on Guns**

The challenge of addressing violent crime led inevitably to a focus on understanding and dealing with gun violence. As early as 1997, Professor Daniel Webster of Johns Hopkins worked with BPD to examine data regarding non-fatal shootings. Webster was invited to assist with the project by BPD and the SAO, which were both intensifying their focus on gun violence. At the time, BPD had a "hot spot gun unit." The unit conducted the type of gun-tracing work that would subsequently become the core of the GTTF's original mission. According to Webster, the gun unit was deployed to the site of shootings. Webster was generally impressed with how the unit operated. The officers would approach people who they believed were carrying a gun and tell the suspect that the unit's members were not searching for drugs. The officers asked suspects for permission before conducting pat-downs, and they regularly spoke to crowds of community members who would often gather while the officers made arrests and conducted searches.<sup>96</sup>

O'Malley's pledge to dramatically reduce the number of homicides required sharp focus on seizing guns before and after they were used in crimes. It also required bringing criminal charges that would result in convictions and meaningful prison sentences. In response to the need to step up firearms enforcement, in February 2000, Patricia Jessamy worked to create a specialized Gun Court so that the same prosecutors and judges would handle gun cases from beginning to end. Jessamy said the Gun Court worked reasonably well but that its positive effects were limited by what she described as the chronic failure of BPD officers to appear for such cases.<sup>97</sup>

The Gun Court was a companion initiative to the creation, several years earlier, of a specialized gun prosecution unit in the SAO. In 1997, Jessamy had created the Firearms Investigation Violence Enforcement (FIVE) unit. Early on, it had a division chief and six line attorneys. Shortly after its creation, Assistant State's Attorney Doug

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<sup>95</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020; Gady A. Epstein, Ivan Penn & Laurie Willis, *City police major retires abruptly*, The Baltimore Sun (Mar. 6, 2002), <https://www.baltimoresun.com/news/bs-xpm-2002-03-06-0203060211-story.html>. According to O'Malley, Norris would later say O'Malley forced him to fire Healy but that Norris had a way of taking credit for the good and blaming O'Malley for the bad. Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

<sup>96</sup> Daniel Webster Interview, July 6, 2020.

<sup>97</sup> Patricia Jessamy Interview, Feb. 16, 2021.

Ludwig joined the unit and remained there until 2009, serving initially as the deputy and subsequently as chief. Progress in making cases was initially slow, in part because the unit initially compiled a list of 500 potential targets. The FIVE unit then narrowed its focus to attempted murder and handgun cases. According to Ludwig, the unit pursued cases based on the defendant's criminal record regardless of the relative strength of the case they were able to build. The unit pursued non-fatal shooting cases if the defendant had a prior record, but declined to pursue such cases if the defendant did not. Cases in the latter category were transferred to the SAO's General Felony unit. Although there were exceptions, the FIVE unit focused on taking "the worst of the worst off the street."<sup>98</sup>

By mid-June 2002, the FIVE unit and the SAO were the focus of public criticism for their lack of success in gun prosecutions. A review by the *Baltimore Sun* found that although the number of gun crime cases had increased by 65%, barely half of the cases handled by the FIVE unit—55%—resulted in convictions. The low conviction rate was attributable to multiple factors, including the growing reluctance of witnesses to testify in court, and weak cases for which there was probable cause to arrest but not proof beyond a reasonable doubt to convict. This gap between the incentive structure for police officers, who were judged in large part by their number of arrests, and prosecutors, who were focused on bringing successful cases in court, created stress in the system and caused tension between BPD and the SAO. In a statement she made at the time, Jessamy said, "The citizens aren't so interested in the fact that somebody's been arrested. They want that person convicted, especially when they are engaged in violent activity."<sup>99</sup> O'Malley pointed to lenient sentences for gun offenses as a key part of the problem.<sup>100</sup>

## J. Lost Cases, Loss of Confidence

Despite the significant drop in homicides beginning in 2000 and the closure of many of the open-air drug markets targeted by O'Malley and BPD, violent crime continued at a high level in Baltimore. An exhaustive review of murder cases by the *Baltimore Sun* in September 2002 described failures to bring murderers to justice, in many cases because of blunders by BPD officers. In summarizing its 18-month investigation, the *Sun* reported:

[I]n a crisis that has quietly mounted for more than five years, so many homicide cases are now lost in Court that the odds of getting away with murder in Baltimore are stacked decisively in favor of the killer.

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<sup>98</sup> Doug Ludwig Interview, Nov. 13, 2020.

<sup>99</sup> Caitlin Francke, *Punishment falling in city gun crimes*, The Baltimore Sun (June 3, 2002), <https://www.baltimoresun.com/news/bs-xpm-2002-06-03-0206030002-story.html>.

<sup>100</sup> Peter Geier, *Mayor blasts court's gun offense sentencing record*, The Daily Record (Baltimore, MD) (June 13, 2002), <https://thedailyrecord.com/2002/06/12/mayor-takes-aim-at-court/>.

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Of the 1,449 killings committed in the city between 1997 and the end of last year, 32 percent resulted in the arrest and conviction of a suspect on murder charges, a computer-assisted analysis shows.

In the remaining 68 percent of those murders, no one was ever arrested, or the people who were arrested either went free or were sent to jail for short periods of time on lesser charges.

In 37 percent of the 1,449 murders, no one was ever charged; in 7 percent of the cases, a suspect was charged but the charges were dropped; in 12 percent, the suspects were acquitted in court; and in the remaining 12 percent, a suspect was convicted of a lighter charge. On average, those defendants were sentenced to slightly more than two years in jail.<sup>101</sup>

The factors cited by the *Sun* included sharp declines in the quality of BPD investigative capabilities, poor relationships between BPD and the SAO, the reluctance of witnesses to testify, and growing cynicism and distrust on the part of jurors towards BPD witnesses.<sup>102</sup>

O'Malley's own analysis was not significantly different. He confirmed what media accounts at the time presented in detail as the absence of a professional alignment and collaborative relationship between the prosecutors and police. He said that he and Norris were extremely concerned with the SAO's decisions to drop serious cases, including non-fatal shootings and homicide cases. According to O'Malley, there was "sloppiness throughout the system," which included the judiciary and federal prosecutors who acted like "violent crime in a city with Black victims was beneath them." He added that the US Attorney's Office (USAO) worked a caviar import case for six months but did not have time for murder cases.<sup>103</sup>

When asked about the cause of the SAO's dropped cases and lost cases, O'Malley said the change was not sudden — that the decline in the success of prosecuting homicide cases had happened over the course of 20 years. Prosecutors had low expectations for witnesses and juries, and the "culture of excuses" was rampant within the SAO. When cases were dropped, officers who were working hard became demoralized and frustrated. According to O'Malley, Norris would also at times fall into the culture of excuses, but his excuses would be about having bad judges and a bad

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<sup>101</sup> Jim Haner, Kimberly A.C. Wilson, and John B. O'Donnell, *Cases crumble, killers go free*, The Baltimore Sun (Sept. 29, 2002), <https://www.baltimoresun.com/bal-te.murder29sep29-story.html>.

<sup>102</sup> *Id.*

<sup>103</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

SAO and USAO. O'Malley would remind Norris that his job was to run the police department, and O'Malley would work on the other things.<sup>104</sup>

For her part, Jessamy said that she never developed a constructive relationship with Norris. She recalled that they ignored each other, although contemporaneous media accounts suggest otherwise.<sup>105</sup> Jessamy recognized that both she and Norris were aggressive and said that she chose to interact with him as infrequently as possible. In response to accounts suggesting growing criticism from O'Malley of the SAO for lost murder cases, Jessamy said, "Oh yeah. Always everybody's fault but theirs." Responding to charges that there was a culture of excuses within the SAO that explained dropping or losing cases, Jessamy said O'Malley and BPD did little or nothing to assist the SAO: "All they ever did was complain."<sup>106</sup>

## **K. The Departure of Ed Norris**

On December 19, 2002, Norris announced his decision to resign as BPD Commissioner and take a job as Superintendent of the Maryland State Police (MSP). O'Malley issued a gracious statement, saying it was difficult to lose Norris: "But you can't take it personally when somebody gets a better job opportunity for their future and their family."<sup>107</sup> By all accounts from those around him, O'Malley took it quite personally. O'Malley's gracious words masked a far more complex reality, which included Norris's own misconduct that eventually resulted in his federal prosecution and conviction.

Several months earlier, Norris's use of an off-the-books account for personal expenses was made public as the result of a media freedom of information request. The documents produced pursuant to the request revealed that Norris and the members of his executive protection unit had spent approximately \$178,000 on various non-business items, including expensive meals and trips to New York. In addition, the members of his protective detail were paid approximately \$250,000 during an 18-month period, including \$67,000 paid to his driver.<sup>108</sup> Although the initial media coverage focused on the overtime payments, it was the secret fund that was the larger problem.

According to Sean Malone, Norris cultivated relationships with the press, which led to the disclosure of the off-the-books account. Malone said that when Norris took

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<sup>104</sup> *Id.*

<sup>105</sup> Laurie Willis and Caitlin Francke, *Prosecutor apologizes to boss*, The Baltimore Sun (Feb. 2, 2001), <https://www.baltimoresun.com/news/bs-xpm-2001-02-02-0102020215-story.html>.

<sup>106</sup> Patricia Jessamy Interview, Feb. 16, 2021.

<sup>107</sup> Del Quentin Wilber, *Norris quits, to lead state police*, The Baltimore Sun (Dec. 20, 2002), <https://www.baltimoresun.com/news/bs-xpm-2002-12-20-0212200250-story.html>.

<sup>108</sup> Del Quintin Wilber, *Overtime for aides of Norris: \$250,000*, The Baltimore Sun (Aug. 19, 2002), <https://www.baltimoresun.com/bal-te.md.overtime19aug19-story.html>.



several *Sun* reporters, including Del Quentin Wilber, to dinner one evening, he had a member of his protective detail, Tom Tobin, pay for the dinner. Tobin took out a thick wad of cash and explained to Wilber that he had a cash account to pay for entertainment and other items. When Wilber filed a formal request for information about the cash account, Malone reviewed the receipts and discovered that the account had been misused to pay for personal items, including purchases at Victoria's Secret, having nothing to do with police business. Malone said he reported it to Ellen Schwartz, a former New York judge whom Norris had brought on to improve Internal Affairs.<sup>109</sup>

Although the referral was buried and never pursued by Internal Affairs, it led to evidence of paranoia in Norris – he began requiring people who entered his office to first state whether they were providing “good news, bad news, [or] no news.” Malone recalled that Norris once threw a stapler at him and a few others when they knocked on his door and did not state the category of news they were bringing to him. According to Malone, O'Malley knew that Malone had referred the matter to Internal Affairs, but that O'Malley's instinct was to support his people when they fail, and he viewed Norris's actions as mistakes that could be forgiven.<sup>110</sup> Needless to say, this attitude was inconsistent with O'Malley's stated determination to police the police. Accountability starts at the top, and when top executives are exempted from consequences for misconduct, the message is that the system is infected with favoritism and special privileges for those with power and authority.

O'Malley's view was that Norris let his personal failings bring him down. Despite his growing concerns about Norris, O'Malley denied pushing Norris out, recalling that he first heard about Norris's departure through the media. O'Malley recalled that he contacted Norris after hearing the news on the radio. Norris admitted that the report that he was taking the MSP job was true.<sup>111</sup>

On December 10, 2003, following a USAO investigation, an indictment was unsealed charging Norris and his former chief of staff, John Stendrini, with federal crimes arising from Norris's misuse of the special fund to finance personal expenses,

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<sup>109</sup> Sean Malone Interview, June 2, 2020.

<sup>110</sup> *Id.*

<sup>111</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020. Norris claims he did advise O'Malley before the announcement. See Terrie Snyder, *Eddie*, Baltimore City Paper (June 8, 2005), <https://www.baltimoresun.com/citypaper/bcpnews-eddie-20150528-story.html>. According to Norris, tensions with O'Malley's staff, but not O'Malley personally, had been building for some time and he had been looking for a graceful exit for months. *Id.*

including trips with and gifts for multiple women.<sup>112</sup> Norris resigned as State Police Superintendent the same day. He and Stendrini both later pleaded guilty.<sup>113</sup>

## L. The Norris Years in Retrospect

Norris was a protean figure in BPD—he was widely admired by BPD rank-and-file officers for being a “cop’s cop.” According to Martin Bartness, who served as a member of Norris’s executive protection unit, Norris was smart, charismatic, and knew how to fight crime. Richard Worley of BPD recalled that Norris improved crimefighting in Baltimore and stood up for police officers when dealing with City Hall. Michael Mancuso described Norris as a street cop at heart who wanted to respond to calls and go out on the street. Mancuso said that the BPD’s rank-and-file loved that about Norris, and described his desire to be out on the street as infectious. When Norris would see an officer make an arrest, and tell the officer, “Great job, keep up the good work,” it would not only make the individual officer feel good, but the word would go out more broadly about what Norris had said and done. Daryl Murphy, who joined BPD in 1997, recalled that the new administration was good for the Department because it conferred a firm identity on BPD, which had been withering away under Frazier. Murphy said the generally positive view of Norris was widely shared throughout BPD. According to Murphy, O’Malley and Norris provided direct marching orders to BPD, which played well to the “macho, alpha-type police officers” in the Department.<sup>114</sup>

But even those BPD members who admired Norris noted that he only had episodic respect for process and procedure. In addition, Bartness told us of an incident in which Barksdale reported to Norris on an officer-involved shooting. According to Bartness, Barksdale provided a preliminary report on the facts of the incident by phone. In response, Norris told Barksdale that he was “clearing the shooting over the phone” and assured Barksdale that “no one is getting suspended.” Bartness explicitly linked that type of decision-making with many of BPD’s cultural issues: according to Bartness,

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<sup>112</sup> Jason Weinstein, a member of the Steptoe team, was an assistant US attorney in Baltimore from 2002 to 2009 and was one of the lead prosecutors in the Norris case. He did not participate in the interview of Norris.

<sup>113</sup> Peter T. Kilborn, *Police Superintendent Resigns in Maryland after indictment*, The New York Times (Dec. 11, 2003), <https://www.nytimes.com/2003/12/11/us/police-superintendent-resigns-in-maryland-after-indictment.html#:~:text=Edward%20T.,travel%20and%20visits%20with%20girlfriends>; Gail Gibson and Del Quintin Wilber, *Norris enters plea of guilty to corruption*, The Baltimore Sun (Mar. 9, 2004), <https://www.baltimoresun.com/bal-te.md.norris09mar09-story.html>; Press Release, United States Attorney District of Maryland, *Norris Sentenced to 6 Months in Prison For Misuse of Baltimore Police Account and Tax Fraud* (June 21, 2004), <https://www.justice.gov/archive/tax/usaopress/2004/txdv04Norris-StendriniSentencePR.pdf>.

<sup>114</sup> Martin Bartness Interview, May 12, 2020; Michael Mancuso Interview, Oct. 1, 2020; Daryl Murphy Interview, Oct. 15, 2020.

“A lot of powerful people grew up in that environment,” and as a result, BPD “ended up where [it is] now.”<sup>115</sup>

Former Mayor Stephanie Rawlings-Blake characterized her view of Norris as “complicated.” At the outset, she said she was optimistic about Norris’s ability to make significant changes in BPD. She recognized that the BPD rank-and-file liked and admired Norris, but she came to view his after-hours activities, widely known among people in Baltimore, as blurring his message. Rawlings-Blake said that Norris was a great cop from “9 to 5,” but he “went off the rails” after hours. She said that a growing rift between O’Malley and Norris in the last months of Norris’s tenure was attributable, in part, to rivalry for press attention. From her perspective, O’Malley wanted to tout the declining homicide rate as his accomplishment, but Norris’s showy and media savvy personality kept him in the spotlight.<sup>116</sup>

According to Professor David Kennedy, the O’Malley-Norris policing strategy further degraded BPD’s already poor street policing; investigations and strategic planning were cast aside in favor of street sweeps and mass arrests. According to Kennedy, unconstitutional policing was inevitable if BPD officers policed as Norris directed. Kennedy said that he was told by individuals close to the Department that Norris was often “missing in action” due to his extracurricular activities. Kennedy’s view was that Norris had been successful in New York but did not have a firm grasp on the challenges he would encounter in Baltimore.<sup>117</sup>

Richard Worley was critical of zero-tolerance policing, stating that it was “the worst thing we could’ve done,” although he blamed more of it on Norris’s successor, Kevin Clark, than on Norris. Worley saw a decline in hiring standards as a corrosive side-effect of the BPD hiring surge under Norris. BPD pushed applicants through because they needed officers on the street and were trying to build up the size of the force. Worley observed that between 1999 and 2006, very few recruits failed to make it through the Academy, to BPD’s detriment.<sup>118</sup> Many BPD members we interviewed shared that view.

Michael Wilhelm recalled that he sought to leave the narcotics division under Norris’s leadership because he did not like the zero-tolerance strategy with its large-scale narcotics arrests. He told us that when he joined narcotics in 1998, officers were allowed to work on investigations rather than being pressured to “put drugs on the table and make mass arrests.” When Wilhelm left a Drug Enforcement Agency task force and came back to BPD, senior BPD personnel “wanted lockups of corner-sellers,”

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<sup>115</sup> Martin Bartness Interview, May 12, 2020.

<sup>116</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>117</sup> David Kennedy Interview, July 9, 2020.

<sup>118</sup> Richard Worley Interview, Aug. 11, 2020.

which he attributed to the O'Malley-Norris strategy. He said the sea change away from investigations began under Norris.<sup>119</sup>

BPD member Sheree Briscoe told us that one's view of Norris depended on your place in society. His focus on aggressive policing did not bode well for the communities she served and lived in. Briscoe recalled that Norris spoke frequently about how BPD would "win the city back." She said that the way O'Malley and Norris described their philosophy of policing did not make sense to her and did not translate well for her communities.<sup>120</sup>

Despite O'Malley's misgivings about Norris, he was generally pleased with the progress that was achieved from 2000 through the end of 2002. Although homicides had not been reduced as far as O'Malley had predicted, they had been reduced from 305 in 1999 to 253 in 2002. In general, crime had been reduced – a 29% overall reduction, and a 28% reduction in violent crimes.<sup>121</sup> On the other hand, consistent with the focus on quality-of-life enforcement, arrests had risen substantially, from slightly less than 81,000 in 1999 to more than 103,000 in 2002 – an increase of 28%. In explaining why he ultimately turned to another NYPD executive rather than turning to credible internal candidates, O'Malley told us that he felt that the reforms being instituted in BPD were too fresh and fragile to be turned back to a member of the BPD "old guard." O'Malley recalled that an important moment in deciding who should replace Norris came when he ran into a patrol officer whom he knew from O'Malley's time as a prosecutor and asked him what officers were saying about Norris's departure. The officer told O'Malley that officers were okay with it because the officers could go back to the way things had always been before Norris arrived. The very next morning, O'Malley took a train to New York City to interview three different NYPD commanders, including Kevin Clark, who he thought would be capable of continuing the implementation of reforms in BPD.<sup>122</sup>

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<sup>119</sup> Michael Wilhelm Interview, Sept. 3, 2020.

<sup>120</sup> Sheree Briscoe Interview, Apr. 1, 2021. As she provided this criticism, Briscoe laughed, explaining that she was looking directly at a photo of herself, Norris, and O'Malley on her desk, recognizing the irony of valuing the photo while at the same time criticizing their approach. *Id.*

<sup>121</sup> Del Quentin Wilber, *Norris quits, to lead state police*, The Baltimore Sun (Dec. 20, 2002), <https://www.baltimoresun.com/news/bs-xpm-2002-12-20-0212200250-story.html>; Maryland Statistical Analysis Center in partnership with MD iMAP, *Violent Crime & Property Crime by County: 1975 to Present*, <https://opendata.maryland.gov/Public-Safety/Violent-Crime-Property-Crime-by-County-1975-to-Pre/jwfa-fdxs> (provided by BPD).

<sup>122</sup> Email from M. O'Malley to M. Bromwich, July 13, 2020, Re: Arrests in Baltimore over the years; Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

## IV. The Rise and Fall of Buy-and-Bust (2003–2007)

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BPD Commissioner Kevin Clark and Mayor Martin O'Malley, 2004

### A. The Recruitment of Kevin Clark

Kevin Clark had spent his entire 22-year law enforcement career in the New York City Police Department (NYPD), rising to the position of deputy chief by 2002.<sup>1</sup> Clark initially received a call from O'Malley as early as July or August 2002 suggesting that he visit Baltimore. After telling O'Malley that he was not interested, Clark received a call from Norris, whom he knew from NYPD. Norris said he was interested in having Clark serve as BPD's deputy commissioner for operations. According to Clark, Norris said he planned to leave BPD in the near future without specifying his plans.<sup>2</sup> O'Malley knew

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<sup>1</sup> According to Clark, the ranks above deputy chief in NYPD were, at that time, Assistant Chief (two stars), Bureau Chief (three stars), Chief of Department (four stars), Deputy Commissioner (civilian), and Police Commissioner (civilian). Kevin Clark Interview, Oct. 19, 2020.

<sup>2</sup> *Id.*



Norris had been looking around for other jobs and failed to persuade Norris to stay at BPD.<sup>3</sup>

Months after these discussions, O'Malley met with Clark and other NYPD commanders whom he was considering as replacements for Norris. O'Malley was only willing to consider candidates who were committed to continuing the use of ComStat—he believed it was the key to making progress in the fight against crime.<sup>4</sup> Clark recalled that O'Malley was explicit about the racial dimension of his selection, characterizing O'Malley's pitch as, "You're Black, and people need you."<sup>5</sup> O'Malley interviewed both Black and white NYPD commanders and concluded that Clark was the candidate best suited to deal with the continuing challenges Baltimore presented.<sup>6</sup> As part of his recruitment pitch, O'Malley spoke about his "Believe" campaign and told Clark that the two of them needed to save Baltimore together. Baltimore sounded like a worthy challenge to Clark, and he accepted O'Malley's request to visit Baltimore. Clark said that O'Malley met with him upon his arrival and showed him around the city. The visit became an impromptu interview.<sup>7</sup>

Before O'Malley's recruitment of Clark, personnel in BPD and the mayor's office were convinced that O'Malley would select the acting commissioner, John McEntee, to succeed Norris. In appointing McEntee as acting commissioner, O'Malley emphasized the need for stability. Key players on O'Malley's team were in the dark about O'Malley's courtship of Clark. Kristen Mahoney was preparing McEntee for the confirmation process while O'Malley was meeting with Clark.<sup>8</sup> Sean Malone was similarly unaware of O'Malley's recruitment of Clark. Malone recalled that he knew nothing about the recruitment of Clark until he received a phone call informing him that O'Malley had identified a new commissioner, and that it was not McEntee. This was the day after Malone, like Mahoney, had been working with McEntee on his confirmation hearing. According to Malone, aides to O'Malley asked Malone to inform McEntee that he was not going to get the job, which Malone declined to do.<sup>9</sup>

Clark was unaware that McEntee was viewed as the likely successor to Norris. He first met McEntee the same day he accepted the offer to serve as BPD Commissioner. Clark had pressed O'Malley's aides to arrange for him to meet the key members of

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<sup>3</sup> Tom Pelton, *O'Malley puts best face on Norris departure*, The Baltimore Sun (Dec. 20, 2002), <https://www.baltimoresun.com/news/bs-xpm-2002-12-20-0212200297-story.html>.

<sup>4</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020; Kevin Clark Interview, Oct. 19, 2020.

<sup>5</sup> Kevin Clark Interview, Oct. 19, 2020.

<sup>6</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

<sup>7</sup> Kevin Clark Interview, Oct. 19, 2020.

<sup>8</sup> Kristen Mahoney Interview, July 14, 2020.

<sup>9</sup> Sean Malone Interview, June 2, 2020.

BPD's command staff prior to accepting the offer, but he said the aides had deflected his request. After Clark accepted the job during a phone call, O'Malley told Clark to meet him at a restaurant at the Hilton Hotel, where O'Malley introduced Clark to McEntee as the next BPD commissioner. According to Clark, McEntee stood up, shook Clark's hand, and said, "Good luck, young man." Clark said that was the moment he realized that O'Malley's recruitment of him was a well-kept secret.<sup>10</sup> O'Malley announced his selection of Clark at a news conference on January 24, 2003.<sup>11</sup>

Almost twenty years later, and after much water under the bridge in his relationship with O'Malley, Clark claimed that had he known about the cloak-and-dagger manner of his recruitment, he would not have accepted the BPD commissioner job. He said he had "too much respect for McEntee" – even though he had never met him – and that he did not want to walk into a department whose command staff was populated with people loyal to McEntee. Clark anticipated that he would have problems with BPD loyalists starting on day one, both because McEntee was passed over for the job and because another outsider was being brought in as commissioner.<sup>12</sup> McEntee announced his own resignation from BPD in late April 2003.<sup>13</sup>

Clark understood that O'Malley wanted consistency at BPD, especially in the reliance on ComStat and the implementation of zero-tolerance. In retrospect, Clark acknowledged that he failed to understand the issues surrounding BPD's culture, which was very different from NYPD's, where, in Clark's view, performance and accountability were what counted. Clark later concluded that O'Malley simply wanted him to attend dinners and talk about the progress that BPD had made, rather than fix Baltimore's crime problems in his own way.<sup>14</sup>

Clark recalled that his ability to hit the ground running was impaired by O'Malley's directive not to communicate with Norris, who had become superintendent of the Maryland State Police after leaving BPD. Norris obviously had useful lessons of various kinds to transmit to Clark about the similarities and differences between NYPD and BPD, but Clark claimed that he was prohibited from speaking with Norris.<sup>15</sup> Norris's recollection matches Clark's: he said that O'Malley's bitterness at his departure from BPD meant that not only did O'Malley break off communication with him, but that Norris had no contact with Clark. Norris said this meant he could not place state

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<sup>10</sup> Kevin Clark Interview, Oct. 19, 2020.

<sup>11</sup> Del Quentin Wilber, *O'Malley taps N.Y. veteran to lead police*, The Baltimore Sun (Jan. 24, 2003), <https://www.baltimoresun.com/news/bs-xpm-2003-01-24-0301240077-story.html>.

<sup>12</sup> Kevin Clark Interview, Oct. 19, 2020.

<sup>13</sup> Del Quentin Wilber, *2 senior police officials confirm resignations*, The Baltimore Sun (Apr. 12, 2003), <https://www.baltimoresun.com/news/bs-xpm-2003-04-12-0304120380-story.html>.

<sup>14</sup> Kevin Clark Interview, Oct. 19, 2020

<sup>15</sup> *Id.*

troopers in the city or work productively with BPD.<sup>16</sup> Clark said he could not bring up Norris's name around O'Malley — it was like O'Malley “lost his first love.”<sup>17</sup>

## **B. The Embrace of Buy-and-Bust and the Creation of the Organized Crime Division**

Under Norris, significant progress had been made in closing some of the city's open-air drug markets by the end of 2002, but much remained to be done. Clark was a narcotics officer by background and promptly pivoted to the implementation of buy-and-bust as the centerpiece of his enforcement strategy. Buy-and-bust at its core focuses on undercover officers purchasing drugs on the street from drug sellers. It places a high priority on the immediate arrests of low-level drug dealers regardless of their size or significance within drug distribution networks. It was a major shift from a more hybrid strategy implemented by Norris and was clearly recalled by current and former BPD members whom we interviewed and who were in the Department at the time.

In explaining the logic of the buy-and-bust strategy, O'Malley recalled that he was committed to shutting down open-air drug markets. He said that ComStat helped demonstrate that drug dealers were adapting, and at a rate much faster than BPD was able to adapt its strategies in response. He recalled that Clark thought implementing buy-and-bust on a large enough scale would reduce shootings and homicides, which remained at unacceptably high levels. After a number of open-air drug markets had been closed, crime decreases achieved under Norris had begun to plateau, but the causes were unclear. Clark believed that BPD needed to drive drug transactions indoors through buy-and-busts. O'Malley acknowledged that buy-and-busts had been used previously as a component of a broader strategy but not to the extent implemented under Clark. He also acknowledged that over time, the buy-and-bust strategy led to diminishing returns.<sup>18</sup>

At the same time as he began implementing his buy-and-bust strategy, in February 2003, Clark created a new Organized Crime Division (OCD), which was at its core a rebranding and restructuring of an 82-member centralized unit called the Firearms Apprehension Strike Team (FAST). Prior to OCD, FAST's mission had focused on identifying and locating “trigger pullers” in areas that experienced high levels of crime, especially the Western and Eastern Districts. Dean Palmere, who joined BPD as a cadet in 1990 and entered the BPD Academy in 1992, worked under Barksdale as a lieutenant in FAST at the time Clark created OCD. Palmere told us that FAST personnel generated cases from the ground up and passed those cases on to federal

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<sup>16</sup> Ed Norris Interview, Mar. 12, 2020. The state's failure to provide resources to assist in the crime fight was noticed at the time. See Del Quentin Wilber, *State stalls on its offer of troopers to help city*, The Baltimore Sun (Apr. 30, 2003), <https://www.baltimoresun.com/news/bs-xpm-2003-04-30-0304300053-story.html>.

<sup>17</sup> Kevin Clark Interview, Oct. 19, 2020.

<sup>18</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

partners, most often Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in order to dismantle criminal organizations.<sup>19</sup> The personnel in FAST were supplemented by approximately 10 members of BPD's headquarters narcotics unit.<sup>20</sup>

By contrast, OCD was a larger centralized division with multiple units that included members transferred in from patrol and drug enforcement units in the Districts. By August 2003, OCD already had more than 110 members.<sup>21</sup> The entire Division focused on buy-and-busts. Palmere reported to Barksdale, who in turn reported to Anthony Romano, a former NYPD sergeant whom Clark had brought in as part of his management team.<sup>22</sup> After spending several months at the Federal Bureau of Investigation (FBI) National Academy in mid-2004, Palmere was promoted to Deputy Major; by that time, OCD had tripled in size, to over 300 BPD members. Consistent with OCD's emphasis on undercover work and buy-and-busts, most of OCD's members worked in plainclothes.<sup>23</sup>

Barksdale said that early on in Clark's tenure, he shared his view with Clark that the buy-and-bust strategy would not work in Baltimore because drug dealers in the city insulated themselves through multi-layered organizations. Buy-and-bust would result in large-scale arrests of low-level players, without a significant impact on the major players who were responsible for continued high levels of violence. Barksdale recalled getting into a heated exchange with Clark at a Baltimore-area hotel regarding the buy-and-bust strategy, which ended with Barksdale being kicked out of the hotel room. When Clark subsequently asked him to run ComStat, Barksdale continued to see the negative fruits of buy-and-bust—200 arrests per day with no significant reductions in the number of homicides. Barksdale said that based on what he was seeing at ComStat, he pointed out to Clark the weakness of a buy-and-bust strategy.<sup>24</sup>

Barksdale felt so strongly about the flaws of the strategy that he sent a memo to Clark that he dictated to then-Detective Sergeant Martin Bartness. According to Barksdale and Bartness, the memo provided the following reasons why the buy-and-bust strategy would fail:

- 1) It was not tailored to the realities of Baltimore's criminal justice system.

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<sup>19</sup> Dean Palmere Interview, Aug. 4, 2020.

<sup>20</sup> Chris O'Ree Interview, Sept. 10, 2020.

<sup>21</sup> Del Quentin Wilber, *Clark says strategies reducing city crime*, The Baltimore Sun (Aug. 1, 2003), <https://www.baltimoresun.com/news/bs-xpm-2003-08-01-0308010162-story.html>.

<sup>22</sup> Dean Palmere Interview, Aug. 4, 2020; Anthony Barksdale Interview, June 1, 2021.

<sup>23</sup> Dean Palmere Interview, Aug. 4, 2020.

<sup>24</sup> Anthony Barksdale Interview, June 1, 2021.

A) The [State's Attorney's Office] was not staffed to prosecute the number of jury trials defendants would request when facing lengthy sentences.

B) The judiciary would not give felony sentences to addicts for street-level sales.

2) It was not focused on violent offenders. Rather, it was arresting thousands of addicts who could be easily replaced on the corner every day. Violent offenders too often went unchecked.

3) It confused an effective tactic with a comprehensive strategy. . . .

4) It created a massive Organized Crime Division that was ripe for corruption and unethical conduct. Workdays were rarely eight hours long. Squads left work early to head for the bar after they met their daily arrest/case quota. It divided OCD from the rest of the agency.<sup>25</sup>

Clark had a very different recollection. He told us that Barksdale was an integral part of developing and implementing the crime plan with buy-and-bust as its centerpiece, and that he was a strong proponent of it.<sup>26</sup>

BPD members – both members of OCD and members of other units – have almost uniformly negative recollections of the value of OCD's mission and the impact of buy-and-bust on BPD and the city. Michael Wilhelm, who joined BPD in 1982, recalled that when Clark became commissioner, he changed the entire structure and function of the narcotics division, merging it into OCD. His perception was that while mass arrests began under Norris, they sharply accelerated under Clark. From Wilhelm's perspective, BPD stopped doing meaningful narcotics investigations and focused solely on buy-and-busts that targeted street dealers. Not only did Wilhelm personally detest the lower-level drug work, he believed it failed to reach higher-level participants in the drug trade. He also came to believe that it had long-term corrosive effects on BPD: the dramatic increase in the number of BPD officers working drug cases

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<sup>25</sup> Email from M. Bartness to M. Bromwich, Oct. 19, 2020, Re: Barksdale Letter to Kevin Clark. Neither Barksdale nor Bartness retained copies of the memo, but both said they clearly recalled its substance. After reviewing Bartness's summary of the memo quoted in full above, Barksdale said, "Martin [Bartness] is spot on with his recollection. I've nothing to add." Email from A. Barksdale to M. Bromwich, Oct. 19, 2020, Re: Barksdale Letter to Kevin Clark. When we asked Clark about the memo, he initially said Barksdale could never have written the memo because "police officers don't write that way." When advised that Bartness had drafted the memo, Clark said the memo never reached him. Kevin Clark Interview, Oct. 19, 2020.

<sup>26</sup> Kevin Clark Interview, Oct. 19, 2020. When asked about Clark's claim, Barksdale stated emphatically that he never supported buy-and-bust and that one of Clark's top aides, Anthony Romano, screamed at Barksdale about his dissenting memo. Anthony Barksdale Interview, Feb. 18, 2020.



meant an influx of inexperienced officers. The transfer of those young officers into OCD was an important source of the greater incidence of misconduct.<sup>27</sup>

Former BPD Lieutenant Michael Fries, who joined BPD in 1993 and was later a mentor to Wayne Jenkins, recalled that Clark's buy-and-bust strategy dramatically changed Fries's work on the street. Under the buy-and-bust strategy, an undercover officer made a drug buy and identified the seller. Officers made the arrest, submitted the marked money, and did the paperwork. Fries said he was no longer doing detective work and was instead looking for someone – anyone – who was selling drugs. It was a volume business that was perceived as a pure numbers game. And it had a pernicious trickle-down effect: it started as a buy-and-bust strategy at the command level and then trickled down to a sergeant whose orders were, "We are not leaving the street until we get this many arrests."<sup>28</sup>

Chris O'Ree, who joined BPD in 1996, was by 2003 an experienced undercover officer. He initially welcomed Clark's buy-and-bust strategy. He was one of the 10 members of the downtown narcotics unit initially transferred to OCD because of his skill as an undercover operative. O'Ree did drug buy-and-busts primarily in the Southeastern and Eastern Districts. He recalled that once OCD was operating at full strength, there were 21 separate buy-and-bust squads. Each squad had a sergeant, two undercover officers, and four to six detectives. The mission of each squad was to make it uncomfortable for open-air drug markets to operate, and to drive drug transactions inside. O'Ree recalled that BPD went from having only a dozen or so undercover officers in all of BPD to 42 undercover officers, two in each of the 21 OCD squads.<sup>29</sup>

On average, according to O'Ree, he and his undercover partner made at least four undercover buys per shift, so that a team of eight officers could produce 10 felony arrests in an eight-hour period. The problem, from O'Ree's perspective, was that nothing happened with the cases after the arrests. There were no follow-up search warrants or dismantling of drug crews; instead, the strategy took street-level drug dealers off the street in one-off cases. O'Ree and others believed that Clark's buy-and-bust tactics could be a useful part of a larger strategy, but instead they came to be viewed as the sum and substance of the entire strategy.<sup>30</sup>

According to BPD Lieutenant Sean Miller, his work changed dramatically with the creation of OCD. Instead of working major cases against ongoing criminal enterprises, Miller's work became focused on street-level drug buys. Miller recalled that buy-and-bust cases flooded the docket of the State's Attorney's Office and the

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<sup>27</sup> Michael Wilhelm Interview, Sept. 3, 2020.

<sup>28</sup> Michael Fries Interview, Oct. 8, 2020.

<sup>29</sup> Chris O'Ree Interview, Sept. 10, 2020.

<sup>30</sup> *Id.*

courts, bringing the system to a grinding halt. He viewed Clark's buy-and-bust strategy as the opposite of strategic enforcement and little more than a numbers game.<sup>31</sup>

Robert Cherry, a 28-year veteran of BPD and the former head of BPD's Fraternal Order of Police (FOP), recalled that in creating and vastly expanding OCD over a short period of time, Clark filled the Division with inexperienced officers, including many who came directly from patrol. Cherry regretted the mass arrest strategy implemented by Clark, believing it to be bad for BPD and bad for the city. At the time Clark became commissioner, Cherry was in the homicide unit. He became convinced that Clark's strategy was adversely affecting homicide investigations. Detectives in the homicide unit would attempt to interview a witness and the witness would say, "Why should I talk to you? BPD arrested me for drinking on my stoop last year."<sup>32</sup>

Cherry's criticism went well beyond Clark's buy-and-bust strategy and extended to enforcing quality-of-life offenses – in Cherry's view, the Department under Clark lost its way. It was one thing to target suspects who might have information that led to the arrests of serious criminals, but it was quite another to indiscriminately "arrest kids for drinking." Cherry came to believe that the surge in arrests that peaked under Clark was a powerful factor in destroying police-community relations. Under Norris, smaller, more specific units were created to combat violent crime. Under Clark, OCD became an enormous – and unhealthy – presence in the Department.<sup>33</sup>

Richard Worley joined BPD in 1998. When asked his view of the zero-tolerance strategy first implemented under Norris, Worley noted that moving to zero-tolerance was "the worst thing we could've done." However, Worley blamed Clark more than Norris for the damage inflicted on BPD. Under Norris, BPD was arresting "the right people for the right reasons" while Clark, with his buy-and-bust strategy, focused more on "cracking people on the street corners." Day-to-day crime-fighting did not change much until BPD started fully implementing a zero-tolerance strategy under Clark. Under Clark, Worley saw officers lock up suspects for "things they never should have been arrested for." Worley recalled occasions when he left the scene of an arrest because he did not want to be a part of what BPD was doing. He believes that his feelings of revulsion at BPD's large-scale arrests of suspects were widely shared within the Department.<sup>34</sup>

According to O'Malley, Clark believed that implementing an aggressive buy-and-bust strategy on a large enough scale would help reduce the shootings in Baltimore. O'Malley said, "I have no doubt that [there are] officers who said it was too much work and too much effort with too little result, in terms of the improvement of

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<sup>31</sup> Sean Miller Interview, Apr. 24, 2020.

<sup>32</sup> Robert Cherry Interview, June 9, 2020.

<sup>33</sup> *Id.*

<sup>34</sup> Richard Worley Interview, Aug. 11, 2020.

public safety.”<sup>35</sup> Our interviews with a wide range of BPD personnel who experienced the strategies implemented under Norris, and especially Clark, suggest that the disaffection with zero-tolerance and the vastly increased number of arrests that it entailed was more widely felt within BPD than O’Malley realized.

### C. Police Misconduct and the Judiciary

By the time Clark became BPD Commissioner, the police misconduct associated with aggressive narcotics enforcement practices by BPD officers was being revealed in local and federal courts in and around Baltimore.

On January 15, 2003, several weeks before Clark took over as BPD Commissioner, the Honorable Andre Davis presided over a suppression hearing in the case of *United States v. Weaver* in the United States District Court for the District of Maryland.<sup>36</sup> The case centered on events surrounding the arrest of the defendant, Mason Weaver, and the search of his apartment in Northeast Baltimore on October 9, 2002. The search yielded both a significant amount of heroin and more than \$ 3,000 in cash. The principal officer involved in the arrest and search was Thomas Wilson III; a second member of the team was Keith Gladstone.

At the suppression hearing before Judge Davis, both Wilson and Gladstone testified about the factual predicate for their investigation, the observations and information that led to the defendant’s arrest, and the search of Weaver’s residence pursuant to a warrant obtained from a Baltimore City judge.<sup>37</sup> After a two-day hearing, Judge Davis suppressed the evidence seized from Weaver’s apartment and delivered a withering attack on the conduct of Wilson, Gladstone, and their BPD colleagues.

Now, I will be glad to hear [government counsel], but I must tell you that in 15½ years of conducting suppression hearings, I have never, ever encountered a situation in which not only did the government’s witness contradict the Statement of Charges, which is under oath; not only did the government witness contradict the Warrant Affidavit, which is under oath; not only did the government witness contradict himself on the stand while under oath; but the second government witness contradicted the first government witness. I have never heard of that, I have never seen that, and I am anxious to hear [government counsel] argue it.

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<sup>35</sup> Martin O’Malley Interview, June 30, July 3, and July 10, 2020.

<sup>36</sup> Transcript of Proceeding at 1-2 (Jan. 15, 2003), *United States v. Weaver*, No. 1:02-cr-00491-AMD (D. Md. Mar. 11, 2003).

<sup>37</sup> Transcript of Proceeding, *passim* (Jan. 16, 2003), *United States v. Weaver*, No. 1:02-cr-00491-AMD (D. Md. Mar. 11, 2003).

It just weighs so heavily on my heart to see repeatedly, even three years after—I don't want to be too cynical, but this new head of the agency [Norris] came in and was supposed to bring about this new day in law enforcement in Baltimore City. And even now, as he has gone, as he has done his work and has moved on, in October of 2002, Baltimore City police officers are still not making cases. They are not out there working for people like [the prosecutor], to make [his] job a job that he can do well. They are not making cases. They're not building investigations. And I say that with all respect to Detective Gladstone. They are just making arrests. They are just making seizures.<sup>38</sup>

Calling on his prior experience as a local Baltimore City judge, Judge Davis concluded with a commentary on the disarray he had observed in BPD and the Baltimore criminal justice system more generally:

It's interesting to me, when I was on the Circuit Court for Baltimore City, while I conducted a number of suppression hearings, I never saw anything like this. Of course, the reason is— . . . the State's Attorney for Baltimore City is often criticized for the manner in which the criminal justice system is operated by that office under a number of State's Attorneys for Baltimore City. What people don't realize is that this is what this office has to deal with.

. . . .

Because if this case goes to state court, I am willing to bet it gets pled out. It gets pled out. The State's Attorney for Baltimore City doesn't prosecute these kinds of cases with these officers. They give the case away. And people criticize the office.<sup>39</sup>

The strength of Judge Davis's denunciation of the conduct of the officers in the *Weaver* case was explained in part because he had recently adjudicated another case that bore some of the same indicia of police misconduct. In that case, he characterized the BPD officers as follows:

They're fumbling and bumbling, and they don't understand the law. They don't understand the Constitution. They don't understand the limits that the law places upon them.<sup>40</sup>

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<sup>38</sup> *Id.* at 163, 206.

<sup>39</sup> *Id.* at 226.

<sup>40</sup> Gail Gibson, *U.S. judge rebukes city police after rejecting evidence*, The Baltimore Sun (Mar. 10, 2003), <https://www.baltimoresun.com/bs-xpm-2003-03-10-0303100276-story.html>; cf. Transcript of Proceeding, *United States v. Paige*, No. 1:02-cr-00336-AMD (D. Md. Jan. 22, 2003).

Judge Davis's criticism was so withering that the US Attorney's Office (USAO) took the extraordinary step of asking him to soften his criticism of BPD.<sup>41</sup>

Reflecting on his handling of these cases 17 years later, Davis told us that his approach to these two cases was informed, in part, by his experience serving on the Baltimore District Court (1987–1990) and Circuit Court (1990–1995). Those eight years demonstrated to him how poorly trained and unreliable many BPD officers were. On numerous occasions when he sat on the District Court bench, officers submitted problematic search warrant applications. In one instance, Davis recalled, a BPD officer submitted an affidavit in support of a search warrant that referred to another BPD officer as a confidential informant. Davis rejected the application, advising the officer that it was impermissible.<sup>42</sup>

Davis believed that the war on drugs, being fought in Baltimore and around the country, was spawning a corrosive drug war exception to the Fourth and Fifth Amendments. He blamed appellate courts' "unthinking, regressive approach to law enforcement," which caused them to overlook and excuse misconduct by police officers and to weaken probable cause standards. In addition, the war on drugs and accompanying civil forfeiture statutes provided strong incentives for police officers to search for and seize money.<sup>43</sup>

Davis was so troubled by his experiences in cases involving false and misleading statements by BPD officers, in search warrant applications and in sworn courtroom testimony, that he contacted Kevin Clark. According to Clark, Davis sent him copies of BPD search warrant applications that reflected a practice of cutting and pasting information from one search warrant affidavit to another. Davis told Clark he needed to "fix it."<sup>44</sup>

As for Wilson and Gladstone, Judge Davis's grant of the motion to suppress and his sharp criticism of the search warrant affidavit and their suppression hearing testimony as false and misleading led to Internal Affairs (IA) referrals. Wilson was found guilty at a trial board; he was docked five days of leave and was ordered to take a class in search and seizure.<sup>45</sup> Gladstone was not sanctioned.

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<sup>41</sup> Gail Gibson, *U.S. judge rebukes city police after rejecting evidence*, The Baltimore Sun (Mar. 10, 2003), <https://www.baltimoresun.com/bs-xpm-2003-03-10-0303100276-story.html>; cf. Motion for Reconsideration of Factual Findings, *United States v. Weaver*, No. 1:02-cr-00491-AMD (D. Md. Mar. 4, 2003).

<sup>42</sup> Andre Davis Interview, May 14, 2020.

<sup>43</sup> *Id.*

<sup>44</sup> Kevin Clark Interview, Oct. 19, 2020.

<sup>45</sup> Justin Fenton, *Baltimore police sergeant named by witness in corruption trial was cited for misconduct in past*, The Baltimore Sun (Feb. 9, 2018), <https://www.baltimoresun.com/news/crime/bs-md-ci-wilson-termination-20180202-story.html>; Email from S. Kirkpatrick to R. Hill, July 1, 2016, Re: Scanned from a



## D. The Evolution of Internal Affairs

The Sewell case, described in detail above, had an enormous impact on BPD and on IA in particular. Behind the scenes of the public feud between O'Malley and Patricia Jessamy about whether to prosecute Sewell was the reality that IA continued to be haunted by epic failures of personnel and process. Although Sean Malone and Mike Davey, counsel for the FOP, had together worked to reduce the backlog of cases that greeted Norris and Malone on their arrival in early 2000, fundamental and intractable problems remained by the time Clark became commissioner in early 2003.

Sean Malone recalled that IA regularly missed or did not complete investigative tasks. In the Sewell case itself, Malone recalled that IA detectives said they could not locate the 18-year-old on whom Sewell had planted the drugs. Malone and Marcus Brown of BPD, who at the time worked for Malone in the Chief Counsel's office, drove to the teenager's home address and found him there; he had been there all along because he was on home detention. Weak IA investigations continued to be a systemic problem. Malone recruited BPD officers who had attended law school to work directly for him to compensate for the deficiencies in IA's work product.<sup>46</sup>

To address some of the weaknesses with the accountability system, Malone created a charging committee to review IA investigations before officers were formally charged. The charging committee was designed to ensure consistency in the disciplinary process and conformity with BPD's disciplinary matrix. The charging committee was intended to address the fundamental problem that charges were simply not being brought against officers – according to Malone, “People would throw cases out because they didn't want to charge.” The charging committee would review and sign off on the charges it received, and the case would be transferred to Malone's office, which would initiate the administrative case. According to Malone, the charging committee functioned like a grand jury and would ask IA detectives questions about their cases before signing off on charges.<sup>47</sup>

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Xerox Multifunction Device (attaching Memo Re: Sergeant – Promotional Background Investigations) (email provided by BPD). In 2005, Wilson was convicted by a trial board of searching a residence without a warrant, obtaining a warrant after the fact, and then falsifying paperwork to suggest that the warrant had been obtained before the search was conducted. A trial board found Wilson guilty of misconduct and neglect of duty. Although termination had been recommended, Wilson instead received a 15-day suspension without pay. *Id.* Wilson was subsequently promoted to sergeant in 2016. Baltimore Police Department Annual Report (2016), at 51. During the GTTF trial of Hersl and Taylor in 2018, Wilson was accused by Donald Stepp of providing security for Stepp's meeting with his drug supplier. Stepp Trial Testimony at 43-44 (Feb. 1, 2018), *United States v. Gondo, et al.*, 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469. Wilson retired in July 2018. Email from L. Walden to M. Bromwich, Feb. 2, 2021, Re: Thomas Wilson III et al.

<sup>46</sup> Sean Malone Interview, June 2, 2020.

<sup>47</sup> *Id.*

Although the charging committee process should have helped improve IA's deficiencies, many of those weaknesses remained. The committee process shrunk the timeline of cases, and as a result, Malone no longer had witnesses who lacked a recollection of relevant events when he prepared cases for trial boards. In addition, the charging committee process facilitated identifying case patterns and officers who were repeat offenders. But it could not transform the quality of the work product provided by IA investigators, which remained inadequate. To compensate, Malone drafted experienced homicide and narcotics detectives to assist IA investigators on important cases.<sup>48</sup>

Mike Davey, the FOP's counsel, shared a less positive recollection of the charging committee. According to Davey, when the charging committee was first created by Malone, IA officers were required to present the evidence to the committee in person. During that period, the charging committee appeared to serve its intended function, but BPD leadership became impatient with the time consumed by the charging committee process. Eventually, according to Davey, the charging committee presentations were watered down to the point that they became a travesty. IA investigators no longer presented their cases in person and instead sent the evidence for each case to the committee. The committee consistently approved the recommendation to move forward with the case.<sup>49</sup>

John Hess joined IA in April 2001, was promoted to lieutenant in February 2003, and continued to serve in IA until April 2004. Hess told us that he was in his "13th inning" in IA when Zeinab Rabold was named head of IA, and that he voluntarily left when Rabold took over the division, in part because he believed she lacked independence from Clark. Even so, he had already observed a deterioration in IA, which then accelerated under Rabold. Hess also identified a structural problem that had unleashed a flood of cases coming to IA. As mentioned in Chapter III, Section G, BPD had recently created command investigation units in every BPD district and operational unit in an effort to make local BPD management accountable for investigating and adjudicating minor complaints and allegations. According to Hess, district commanders shied away from using these units and instead routed minor cases to IA, swelling IA's docket and the caseloads of IA investigators.<sup>50</sup>

Robert Morris initially joined IA in 2001 and remained there through the tenure of both Norris and Clark, departing when he was promoted to lieutenant in December

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<sup>48</sup> *Id.* Malone noted that Jack Maple wrote about the importance of having capable personnel in IA in his book, *The Crime Fighter*. Maple's book, for all its emphasis on crimefighting strategy, places strong emphasis on the importance of IA: "The chiefs' first priority should be putting together an Internal Affairs team that is nothing short of lethal." Chris Mitchell and Jack Maple, *The Crime Fighter*, 1999, at 234. Like O'Malley, who insisted that everyone on his team read the book, Malone treated *The Crime Fighter* as gospel.

<sup>49</sup> Mike Davey Interview, Mar. 12, 2020.

<sup>50</sup> John Hess Interview, Sept. 8-9, 2020.

2004. He worked for a frequently shifting cast of IA leaders during those four years. He initially worked under Ellen Schwartz, whom Norris had recruited from New York, and subsequently for George Mitchell, Walter Tuffy, Rabold, and then briefly for Marcus Brown. Morris described Mitchell as gruff but with high standards. Morris found Tuffy to be insufficiently independent and subject to influence by commanders, and unwilling to stand up for his investigators when they did good work. According to Morris, Rabold was arbitrary and demanding—for example, insisting that IA personnel arrive to the office early, while not arriving herself until much later, and then forcing investigators to work until 10 p.m. In any event, this level of instability in leadership was not conducive to making the needed improvements in IA.<sup>51</sup>

Morris worked in the Ethics Section in IA, where the most serious cases were handled. He had only a limited window into work done by the investigators in the General Section during this period of time. However, he was aware of their crushing caseloads, the lack of sufficient manpower, and the frequency with which investigations expired under the time limits established by the Law Enforcement Officers' Bill of Rights (LEOBR). He said the expiration date was jokingly referred to as the "amnesty period" because if the delay in investigating cases lasted more than a year, the case was no longer viable. No formal training was being provided to IA investigators, which meant that they received no investigative training of any kind, because BPD had no basic investigative training course offered either at the Academy or as part of in-service training.<sup>52</sup>

Clark said that he paid immediate attention to IA upon becoming Commissioner in 2003. He recalled reviewing the Maple/Linder report and being struck by the data from the focus groups about the prevalence of corruption in BPD. As a result, one of his first visits as Commissioner was to IA. IA personnel told him they were shocked that he had visited because previous BPD commissioners had not done so. Clark learned that IA had 4,000 open cases in a department of approximately 3,200 officers—more than one case for every officer.<sup>53</sup> Clark said he asked IA personnel how they were resolving those cases. He concluded that IA personnel did not know how to manage their caseloads due to a poor case management system in place, and they had not been properly trained when they were initially assigned to IA. Clark said he realized that he needed to revamp IA, and said he wanted to place a chief over the division.<sup>54</sup>

The natural—and almost universal—reluctance of officers to report the misconduct of their colleagues was a continuing impediment to IA doing its job to

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<sup>51</sup> Robert Morris Interview, Sept. 17, 2020.

<sup>52</sup> *Id.*

<sup>53</sup> Clark told us that there were only 2,000 BPD officers at the time, but that is surely incorrect. According to Clark's own April 2004 crime plan, BPD had 3,261 sworn members from 2003–2004. See Martin O'Malley and Kevin Clark, *Effectively Reducing Crime in Baltimore* (April 2004), at 62.

<sup>54</sup> Kevin Clark Interview, Oct. 19, 2020.

“police the police.” Virtually none of the veteran BPD officers we interviewed, current and former, said they ever considered joining IA despite its reputation as a 9-to-5 job with no work on weekends. The view of IA was expressed most pointedly by Timothy Devine, who joined BPD in 1985. He told us that he had little respect for IA investigators, in part because they had not worked the streets. Indeed, he said that if IA had been able to recruit officers from street enforcement units, he believed it would largely end corrupt behavior. Instead, in Devine’s view, IA was comprised of officers who wanted to work the day shift and supervisors who wanted take home vehicles. Devine acknowledged that he had numerous run-ins with IA – he said his picture was on the wall in IA as one of its top ten targets – but that IA was generally viewed as the enemy rather than playing an important role of enforcing the rules and rooting out corruption: “It was actually quite the opposite—they were the opposing force. They were as bad as the drug dealer.”<sup>55</sup>

This view of IA as the enemy was compounded by its reputation for leaking information about its investigations. According to Hess, such leaks were a grim reality and a continuing problem. He told us of one instance, after he left IA, where he referred a misconduct allegation and subsequently learned that his referral had been fed back to the suspected officer.<sup>56</sup>

## **E. The Jacqueline Folio Case**

As described above, Norris had been committed to integrity stings, and IA continued to perform them, at a level of approximately 100 per year, after the Sewell debacle. In March 2003, Jacqueline Folio, a 13-year veteran of BPD, was suspended after she falsely arrested Leon Burgess, 18, for possessing money and drugs that had been planted by IA detectives. This proved to be another case study in the frustration of trying to make misconduct cases stick within BPD.

According to John Hess and Rob Morris, both of whom were members of the video surveillance team that day, IA placed an anonymous call that provided a generic description of a man dealing drugs at the corner of Pratt and Ellwood in the Eastern District. The call specified that the stash of drugs was in a brown paper bag in bushes next to a corner house. Officer Folio responded to the call and found the bag containing cash and a substance she suspected was cocaine behind a bush. She directed members of her team to arrest Burgess, who Morris recalled was within a block of the bush at the time Folio directed officers to stop him. Folio was not specifically targeted based on any prior allegations of misconduct; this was a random, rather than a targeted, integrity

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<sup>55</sup> Timothy Devine Interview, Feb. 5, 2021. Devine’s view of IA as the enemy led to actively discourage an officer under his command from reporting an episode involving the planting of evidence to IA. When we confronted him about this episode, he expressed no regrets about discouraging the officer from reporting the incident, stating that by doing so he believed he saved the officer’s career. *Id.*

<sup>56</sup> John Hess Interview, June 4, 2021.

sting. The test was for whoever responded to the call.<sup>57</sup> According to a statement later made by Burgess, Officer Folio had a motive to arrest him: she had previously targeted him, cleared him off street corners, and threatened to arrest him for loitering.<sup>58</sup>

Folio claimed in her report and charging documents that she had seen Burgess “place an object onto the ground behind a bush located against the NW wall of that corner. This individual is further identified as the def[endant] Burgess.” Folio had seen no such thing, because IA had planted the paper bag with the drugs behind the bush. On June 6, 2003, Folio waived her rights under the LEOBR and gave a voluntary statement to IA denying any misconduct. Folio was indicted a week later by a grand jury for perjury and misconduct in office, a common law misdemeanor. Her defense was that the charges were based on her having prepared a sloppily worded charging document against Burgess, but that she had no intent to mislead, or to frame an innocent person. After a bench trial, she was acquitted in December 2003 by a Baltimore City Circuit Court judge who did not explain her verdict.<sup>59</sup>

After Folio’s acquittal on the criminal charges in December 2003, it took BPD a full year to bring administrative charges against her. In December 2004, she was charged with 18 administrative violations based on the same facts and circumstances at issue in the criminal trial – the alleged false statements in the arrest papers. A trial board was scheduled for March 2005 but then postponed. Ultimately, she was found guilty *in absentia* of 15 of the 18 charges against her, with 12 of the charges being termination offenses.<sup>60</sup> Asked why it took a full year after the criminal acquittal for Folio to be charged administratively, Hess speculated that it might well have been because she had influential connections within the Department.<sup>61</sup>

Although the administrative case against Folio seemed to have been straightforward, it turned out not to be. As part of the integrity sting, Burgess had been arrested, detained, and interrogated, even though BPD members who had set up the sting knew he was innocent of any crime. According to Morris, this was because before he and others saw Folio’s charging papers, they had to allow for the possibility that she

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<sup>57</sup> *Id.*; Robert Morris Interview, June 7, 2021.

<sup>58</sup> Del Quentin Wilber, *City officer accused in police sting suspended*, The Baltimore Sun (Mar. 29, 2003), <https://www.baltimoresun.com/news/bs-xpm-2003-03-29-0303290436-story.html>.

<sup>59</sup> Van Smith, *Cop Out: In Rousting Officer Jacqueline Folio, The Baltimore Police Department Has Raised Questions About its Own Internal Affairs*, Baltimore City Paper (Apr. 6, 2005), available at <https://vansmith.me/2018/03/01/cop-out-in-rousting-officer-jacqueline-folio-the-baltimore-police-department-has-raised-questions-about-its-own-internal-affairs/>.

<sup>60</sup> *Id.*; Van Smith, *Cops Stinging Cops: Absent With Cause*, Baltimore City Paper (Vol. 29 No. 19, May 11, 2005), reprinted in [http://www.careerpoliceofficer.com/PoliceandPolice/cops\\_stinging\\_cops/absent\\_with\\_cause.html](http://www.careerpoliceofficer.com/PoliceandPolice/cops_stinging_cops/absent_with_cause.html) (archived at [https://web.archive.org/web/20130607073934/http://www.careerpoliceofficer.com/PoliceandPolice/cops\\_stinging\\_cops/absent\\_with\\_cause.html](https://web.archive.org/web/20130607073934/http://www.careerpoliceofficer.com/PoliceandPolice/cops_stinging_cops/absent_with_cause.html)).

<sup>61</sup> John Hess Interview, June 4, 2021.



had grounds to arrest Burgess separate from the bag in the bush.<sup>62</sup> However, Folio and her counsel alleged publicly, and in a lawsuit filed in federal court, that the case against her was brought to cover up the illegal detention of Burgess.<sup>63</sup> Burgess himself had been arrested numerous times subsequent to the sting and prior to Folio's December 2003 trial, including for violent crimes, but Burgess was not charged by the Baltimore City State's Attorney's Office (SAO).<sup>64</sup> Folio subsequently filed suit against BPD, Leonard Hamm (who by then had become commissioner), Sean Malone, and Karen Kruger, an outside lawyer who had been recruited to pursue the administrative charges against Folio, charging them with illegally conspiring to remove her from her job.<sup>65</sup> Several months later, in August 2005, the lawsuit was settled on terms very favorable to Folio. BPD's files were purged of all information about the sting, she was officially deemed to have voluntarily retired rather than being terminated, and she was compensated for her attorneys' fees.<sup>66</sup>

The Folio case was an unfortunate sequel to the Sewell case. It showed the complexities and perils of using integrity stings as a weapon in the fight against police corruption. To succeed, cases based on integrity stings required careful planning and clean execution. Yet in two of the relatively few cases in which integrity stings resulted in identifying corrupt actions by a BPD member, the cases ultimately fell apart completely (Sewell) or largely collapsed (Folio) because of poor planning, flawed execution, or collateral matters that undermined the stings.<sup>67</sup> These episodes further underscored the weaknesses of IA's capabilities.<sup>68</sup>

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<sup>62</sup> Robert Morris Interview, June 7, 2021.

<sup>63</sup> Complaint at 5-10, *Folio v. Hamm*, 1:05-cv-01172-CCB (D. Md. Apr. 29, 2005).

<sup>64</sup> Van Smith, *Cops Stinging Cops: Absent With Cause*, Baltimore City Paper (Vol. 29 No. 19, May 11, 2005), reprinted in [http://www.careerpoliceofficer.com/PoliceandPolice/cops\\_stinging\\_cops/absent\\_with\\_cause.html](http://www.careerpoliceofficer.com/PoliceandPolice/cops_stinging_cops/absent_with_cause.html) (archived at [https://web.archive.org/web/20130607073934/http://www.careerpoliceofficer.com/PoliceandPolice/cops\\_stinging\\_cops/absent\\_with\\_cause.html](https://web.archive.org/web/20130607073934/http://www.careerpoliceofficer.com/PoliceandPolice/cops_stinging_cops/absent_with_cause.html)).

<sup>65</sup> Complaint at 24, *Folio v. Hamm*, 1:05-cv-01172-CCB (D. Md. Apr. 29, 2005).

<sup>66</sup> Van Smith, *Fine With Folio*, Baltimore City Paper (Aug. 31, 2005), reprinted in [http://www.careerpoliceofficer.com/PoliceandPolice/cops\\_stinging\\_cops/fine\\_with\\_folio.html](http://www.careerpoliceofficer.com/PoliceandPolice/cops_stinging_cops/fine_with_folio.html) (archived at [https://web.archive.org/web/20111017123510/http://www.careerpoliceofficer.com/PoliceandPolice/cops\\_stinging\\_cops/fine\\_with\\_folio.html](https://web.archive.org/web/20111017123510/http://www.careerpoliceofficer.com/PoliceandPolice/cops_stinging_cops/fine_with_folio.html)).

<sup>67</sup> One case in which an integrity sting successfully caught a corrupt officer and made it stick involved Myron Thornes, who stole \$500 from an undercover officer. Thornes was convicted, terminated from BPD, and given a probationary sentence. See Sun Staff Writer, *City police officer given probation for misconduct*, The Baltimore Sun (Oct. 2, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-10-02-0410020232-story.html>.

<sup>68</sup> Two other criminal prosecutions moved forward during Clark's first few months as BPD Commissioner. Officer Aleacia Hill was charged in March 2003 with drug and firearms offenses; she pled guilty to conspiracy to distribute narcotics in April 2004. See Allison Klein, *Ex-officer pleads guilty in drug case*, The Baltimore Sun (Apr. 17, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-04-17-0404170121-story.html>. Eduardo Munoz, Jr., an officer in BPD's intelligence unit, was charged in April 2003 with conspiracy to distribute substantial volumes of cocaine, and pled guilty to drug distribution in

## F. Clark's Leadership and Crime Plan

By early 2004, Clark was struggling to lead BPD and lacked trust in some of the key personnel around him. He had originally inherited personnel in important positions, including Sean Malone and Kristen Mahoney, who he believed were loyal to O'Malley rather than to him. Malone lasted only until late 2003, when he left to become the city's Labor Commissioner. He found it very difficult to work for Clark – he said that Clark had a bad temper and did not handle pressure well.<sup>69</sup>

Mahoney told us that her relationship with Clark deteriorated over time, in part because of her dual role as director of grants for BPD and head of the Mayor's Office on Criminal Justice. Clark grew distrustful of her because that dual role required her to report to City Hall as well as to Clark. In her view, Clark's struggle to do the job of commissioner was compounded by his personnel decisions.<sup>70</sup> Clark brought in two former colleagues from NYPD – Joel Francis as chief of staff and Anthony Romano as deputy commissioner – who many people in the Department viewed as unqualified for their jobs.

Mahoney's difficulties with Clark were exacerbated by her role in PoliceStat, the BPD component of the city-wide CitiStat process. City Hall analysts would call Mahoney to ask whether certain statistics would be worth exploring at the CitiStat meeting. This created a potential conflict, at least in Clark's eyes, because providing such information could be viewed as undermining Clark by identifying internal BPD weaknesses. Mahoney said she responded to City Hall's inquiries because her goal was to make BPD a better department. Clark apparently saw it differently: It became clear to Mahoney that Clark or members of his staff were monitoring her email. Mahoney recalled that on one occasion in 2004, within 20 minutes of exchanging emails with a City Hall analyst about potential issues to discuss at a PoliceStat meeting, Clark called an impromptu command staff meeting, to which Mahoney was invited, and asked each command staff member the exact same questions that Mahoney had just sent over to City Hall. Somewhat to her surprise, Clark did not scold her at that meeting for sharing information with City Hall.<sup>71</sup>

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September 2003. See Laurie Willis, *Ex-city officer pleads guilty to drug charge*, The Baltimore Sun (Sept. 25, 2003), <https://www.baltimoresun.com/news/bs-xpm-2003-09-25-0309250196-story.html>.

<sup>69</sup> Sean Malone Interview, June 2, 2020.

<sup>70</sup> Kristen Mahoney Interview, July 14, 2020.

<sup>71</sup> *Id.* As described in detail below, we developed compelling evidence that Clark, through Rabold, diverted substantial IA resources to place Mahoney under blanket, morning-to-night surveillance in an effort to embarrass O'Malley.

By April 2004, Clark was being publicly criticized for the homicide rate, which had risen from 253 in 2002 to 270 in 2003, and for failing to produce a crime plan.<sup>72</sup> John Linder, who had co-authored the 2000 document released by O'Malley and Norris, was under contract with the city to produce a plan for Clark and had completed a draft by August 2003. Clark rejected Linder's plan, believing it to be incomplete.<sup>73</sup>

Clark recalled that he attempted to work with Linder on the crime plan, but that Linder was not sufficiently available to work on it. A draft plan had been prepared for Norris more than a year earlier, but Clark would not endorse it because he wanted to revise it. Linder drafted a 200-page crime plan but it was never completed. Instead, Clark hired another outside consultant, John Monaghan, to help develop the plan. Clark said he developed his plan in consultation not only with Monaghan, but also with BPD personnel in focus groups and the field, as well as others outside of BPD. He described his plan as a combination of what he inherited as well as additional improvements.<sup>74</sup>

Clark's crime plan was finally published in April 2004. The plan, released under O'Malley's and Clark's names, was entitled "Effectively Reducing Crime in Baltimore."<sup>75</sup> The 88-page plan began as follows:

Under the leadership of Mayor Martin O'Malley, Baltimore tops the nation in the rate of violent crime reduction since 1999. Baltimore Police Commissioner Kevin P. Clark has developed a plan of action to sustain this extraordinary achievement through an innovative and comprehensive strategy to dismantle criminal drug organizations and remove professional criminals and recidivist offenders from Baltimore's communities.

Utilizing the Five Dimensions—Disrupt, Debrief, Deploy, Dismantle, and Deliver—Commissioner Clark's plan emphasizes operational procedures and tactics that progressively disrupt and dismantle criminal behavior. Through the effective application of these enforcement options, along with the development of change-oriented partnerships with community groups, private organizations, and other government agencies, the Baltimore Police Department will deliver comfort and security to Baltimore's neighborhoods.

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<sup>72</sup> Tom Pelton, *Answers sought on crime strategy*, The Baltimore Sun (Apr. 19, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-04-19-0404190093-story.html>.

<sup>73</sup> *Id.*

<sup>74</sup> Kevin Clark Interview, Oct. 19, 2020.

<sup>75</sup> Martin O'Malley and Kevin P. Clark, *Effectively Reducing Crime in Baltimore* (April 2004). The report was subtitled, "A five dimensional plan to eradicate the narcotics trade and improve the comfort and security of Baltimore's neighborhoods - the mission [sic] continues."

Commissioner Clark's approach to fighting crime in Baltimore is unprecedented. It affirms the nexus between criminal drug organizations and violence, and directs the Police Department's resources toward eliminating the gangs and individuals who are responsible for making Baltimore one of the nation's most violent cities.<sup>76</sup>

Much of the plan was devoted to describing the five dimensions. The plan also served as a report on accomplishments to date, which included overall crime reductions achieved under Norris and the first year of Clark's tenure, Clark's creation of the OCD a year earlier, and an increase by 5,000 in the number of arrests made in 2003 over 2002.<sup>77</sup>

Crime plans are public documents rarely disseminated among or explained to rank-and-file police officers, and largely formulated in response to public and media clamor for such a plan. Based on our interviews, Clark's April 2004 crime plan made little or no impression on BPD members. While virtually every current and former BPD member we interviewed recalled buy-and-bust as the cornerstone of Clark's strategy, none seemed to recall any aspect of "disrupt, debrief, deploy, dismantle, deliver." And although the plan claimed to "restore[] balance to the Department's enforcement strategy as it responds directly to the limitations of past practices," it neither identified those past practices nor described how Clark's strategy would restore the desired balance.<sup>78</sup> Clark's crime plan quickly dropped out of sight without a trace.

Corruption and integrity issues received only brief attention in the crime plan. Referring back to the shocking findings of the Maple/Linder report, the crime plan stated:

According to *Dramatically Reducing Crime in Baltimore*, published in April 2000, "About 70% of BPD officers responding to [an] internal survey believe[d] that at least some of their colleagues were shaking down drug dealers." Pursuant to this finding, the Internal Affairs Division initiated proactive targeted and random integrity testing to identify and root out corruption. Since 2000, Internal Affairs investigators conducted 336 tests and found only three criminal violations. To further proactively address areas of possible corruption, Internal Affairs will continue to develop innovative methods of testing officers' integrity.

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In August 2002, the Internal Affairs Division carried 2,300 open cases. As of February 2004, the division carried only 354 open cases, an 85% reduction. This is directly attributable to transferring complaints of

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<sup>76</sup> *Id.* at 3.

<sup>77</sup> *Id.* at 9.

<sup>78</sup> *Id.* at 24.

discourtesy and minor misconduct to an officer's command for investigation, allowing IAD detectives to focus their resources on investigating police corruption and misconduct. Furthermore, a computerized Citizen Complaint Intake System ensures the timely dissemination of information relating to complaints. These measures have reduced a detective's average caseload from approximately 65 cases to 20.<sup>79</sup>

We asked several BPD members who were serving in IA during 2003 and 2004 about these assertions. They generally confirmed the reduction in caseload and the transfer of less serious cases to the field, but they noted the extensive use of so-called "summary close-outs" and the lack of systems within BPD to ensure that matters transferred to the districts were handled in any meaningful way.

### **G. Clark's Domestic Incident**

In May 2004, a month after the release of Clark's crime plan, he was involved in a domestic incident, the first in a series of events that eventually led to his firing by O'Malley six months later. In the early morning hours of May 15, 2004, Clark's fiancé, Blanca Gerena, told members of Clark's BPD protective detail on duty outside Clark's condominium in North Baltimore, "He assault me."<sup>80</sup> Clark subsequently denied that he had assaulted Gerena but agreed to step aside while an investigation was undertaken by the Howard County Police Department. Strangely, the police report released at the time included neither Clark's name nor that of his fiancé.<sup>81</sup>

The incident shined a spotlight on Clark's private life, prompting disclosures that he was lawfully still married to someone else.<sup>82</sup> Within two weeks, the Howard County Police Department completed its investigation of the incident and turned its findings over to the Baltimore City Solicitor, who in turn reported them to O'Malley. At least publicly, the incident did not shake O'Malley's confidence in Clark: "I think he's a good and decent man, and he's one of the more talented police commissioners in America today and he's been a tremendous help in rolling the drug trade back off of the corners of our streets."<sup>83</sup>

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<sup>79</sup> *Id.* at 65.

<sup>80</sup> Sun Staff, *The split of a mayor and his commissioner*, The Baltimore Sun (Nov. 18, 2004), <https://www.baltimoresun.com/maryland/bal-clarktimeline1118-story.html>.

<sup>81</sup> Ryan Davis and Doug Donovan, *Commissioner to step down during probe*, The Baltimore Sun (May 19, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-05-19-0405190119-story.html>; *Baltimore police chief to temporarily step down during dispute probe*, The Associated Press State & Local Wire (May 18, 2004).

<sup>82</sup> Ryan Davis, *Clark's private life now under public scrutiny*, The Baltimore Sun (May 21, 2004).

<sup>83</sup> Brian Witte, *O'Malley receives results of probe into commissioner's domestic dispute*, The Daily Record (June 2, 2004), <https://thedailyrecord.com/2004/06/02/o8217malley-receives-results-of-probe-into-commissioner8217s-domestic-dispute/>.



Clark returned from his administrative leave in early June, with O'Malley stating, "I am confident this matter is now resolved. It is time to return our focus to the difficult work of ensuring public safety in Baltimore City."<sup>84</sup>

Although on the surface the Clark domestic incident appeared to have been settled with Clark able to move forward, the public portrayal of the episode masked serious internal turmoil within BPD. At the time of the incident, Kevin A. Jones was a patrol sergeant in the Northern District. On the evening of May 15, 2004, Jones received a call from a member of his squad who said he was at an apartment complex handling an issue relating to Clark. Jones recalled that he had learned early on in his career to pass a "hot potato" like this up the chain of command, so he called his lieutenant, who in turn pushed it up to the major who was working that night, Regis Phelan. Jones said that members of his squad told him there were signs of a domestic violence incident, and the female victim had reported to the officers that Clark had assaulted her. For reasons unknown to Jones, Clark's fiancé had been driven to a nearby gas station, and her statement had been taken there rather than at headquarters. According to Jones, "That was the beginning of the BS. Everything changed."<sup>85</sup>

There was a language barrier that resulted in questions about whether Clark's fiancé had in fact alleged that Clark assaulted her. Jones was interviewed multiple times during the investigation. He said that several high-ranking BPD commanders came to his home urging him to sweep the incident under the rug. Jones said that the executive commanders were not explicit, but that the point of the home visits was clear. Jones reported that the commanders said, "Look, I talked to [Clark]. He knows that you're on our side," and made additional comments, such as, "You'll be taken care of. You're one of our guys."<sup>86</sup>

Jones recalled that Major Phelan was under close scrutiny at the time, and that Jones had heard that Phelan was "soft shoeing" Clark's domestic incident as a way to show his allegiance to Clark, rather than following normal procedure by bringing Clark's fiancé downtown to conduct the interview and draft the report.<sup>87</sup> Jones said the pressure on him came from upper levels within BPD, and that it was a race issue. Jones

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<sup>84</sup> Ryan Davis, *Clark cleared of assault by investigation*, The Baltimore Sun (June 3, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-06-03-0406030483-story.html>.

<sup>85</sup> Kevin A. Jones Interview, Sept. 1, 2020.

<sup>86</sup> *Id.*

<sup>87</sup> In January 2004, five months before the domestic violence incident, "Clark found that Phelan was guilty of misconduct stemming from an incident at an October crime-trend meeting where he challenged a higher-ranking officer. Phelan lost seven vacation days and received a letter of reprimand, officials said." Stephanie Hanes, Doug Donovan and Laura Vozzella, *Friend rebuts assault account*, The Baltimore Sun (May 20, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-05-20-0405200138-story.html>. Three months after the incident, IA investigated Major Phelan and Lieutenant Elfago Moye for their handling of the incident. Ryan Davis, *Officers probed in Clark dispute*, The Baltimore Sun (Aug. 7, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-08-07-0408070174-story.html>.

told us that there were many “African Americans circling the wagons around [Clark] to protect him. It was a weird time.”<sup>88</sup>

Jones recalled that after the domestic incident, while he was still working midnights in the Northern District, he received an unusual call from a BPD colonel. The colonel requested that Jones drive Clark to a motel where a suspect in the shooting of a BPD officer had been found dead. It made no sense for Jones to chauffeur Clark, who had his own set of drivers. Jones concluded that this was an attempt by Clark to show that he could put his thumb on the scale and “touch” him anytime. Jones picked up Clark and drove him to the motel. Clark was completely silent during the ride. Although Jones thought his task was complete when he delivered Clark to the motel, Clark asked him to set up the media staging area at the motel. Jones was then directed to stand in the back row, “looking like I’m Team Clark.” In Jones’s view, Clark was trying to create the public perception that Jones, who was a witness to the domestic violence report, was now fully aligned with Clark.<sup>89</sup>

O’Malley recalled that he initially supported Clark in the immediate wake of the domestic incident, but that he felt compelled to bring in the Howard County Police Department to investigate. After all, the allegations involved the police commissioner himself, and the investigation needed to be conducted by an impartial entity to create the appearance and reality of independence and objectivity. During the Howard County investigation, O’Malley noticed that Clark generally became less forthcoming, including about a historical incident in Mount Vernon, New York, that came to light for the first time.<sup>90</sup> O’Malley recalled that he did his best to support Clark, who was increasingly isolated and was behaving in ways that reflected a lack of trust in the people around him, which bled into his performance as police commissioner.<sup>91</sup> Clark became distracted by the domestic violence allegation and lost his grip on a police department whose trust and confidence he had never truly gained. In the months that followed the May 2004 domestic incident, Clark’s own commanders lost confidence in him.<sup>92</sup>

Part of that loss of confidence was the result of Clark’s aggressive campaign against street-level drug dealing and quality-of-life crimes. Increasingly, BPD officers raised questions about the wisdom and effectiveness of the strategy. The numbers told the story: in 2002, BPD officers made approximately 102,000 arrests; in 2003, that number rose to more than 107,000 arrests, an increase of approximately 5 percent. The

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<sup>88</sup> Kevin A. Jones Interview, Sept. 1, 2020.

<sup>89</sup> *Id.* As Jones put it, “Why would [Clark] want a sergeant in an unmarked car that’s dirty drive [him] somewhere?”

<sup>90</sup> Ryan Davis, *Report describes domestic dispute involving Clark, his estranged wife*, The Baltimore Sun (Jan. 28, 2005), <https://www.baltimoresun.com/news/bs-xpm-2005-01-28-0501280101-story.html>.

<sup>91</sup> Martin O’Malley Interview, June 30, July 3, and July 10, 2020.

<sup>92</sup> *Id.*

increase in criminal citations – a criminal charge that does not result in an arrest – was more striking: in 2002, BPD officers issued approximately 5,200 citations for quality-of-life offenses that included loitering, possessing an open alcohol container, riding a bicycle on the sidewalk, and public urination; in 2003, the number of criminal citations reached 22,000, an increase of more than 300 percent.<sup>93</sup>

From the beginning of Clark's tenure, the number of cases brought to the State's Attorney's Office that were ultimately dismissed by prosecutors rose sharply – both those involving arrests and criminal citations. Because of a lack of training of BPD officers issuing citations, the majority of the citations were legally insufficient. According to data from the SAO, prosecutors dismissed more than 60 percent of the criminal citations over a nine-month period in 2003 and 2004. State's Attorney Jessamy asked the question: "What's the benefit? . . . We're at the point where we need to assess whether the plan has done what they designed it to do."<sup>94</sup>

The intense pressure to generate numbers, felt acutely by the BPD officers who were working in 2003 and 2004, occasionally took the form of explicit quotas. In July 2004, three sergeants in the Southwestern District ordered officers in their squads to make at least two arrests each week. In response, then-Deputy Commissioner Kenneth Blackwell issued a department-wide memo, stating:

Situations and circumstances occur, no matter how good intentioned [sic] they may be, that are misinterpreted and(/)or imply that the department is fostering and condoning quotas to achieve our goals. The department does not condone the use of quotas.

O'Malley added, "It's just no way to do law enforcement. We set benchmarks for crime reduction, but we don't set quotas for arrest."<sup>95</sup> That distinction was frequently lost in translation. According to Barksdale, squads were engaged in competition to achieve the highest numbers of arrests – in fact, Barksdale recalled competitions among

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<sup>93</sup> Ryan Davis, 'Quality-of-life' crime plan splits police, prosecutors, The Baltimore Sun (July 12, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-07-12-0407120001-story.html>. Under Maryland Code, Criminal Procedure § 4-101, a criminal citation is "a written charging document that a police officer or fire marshal issues to a defendant, alleging the defendant has committed a crime."

<sup>94</sup> Ryan Davis, 'Quality-of-life' crime plan splits police, prosecutors, The Baltimore Sun (July 12, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-07-12-0407120001-story.html>. To illustrate the issue of dropped cases, the Sun reporter tracked 246 citation cases that were on the docket of O'Malley's wife, Judge Catherine Curran O'Malley, in Baltimore District Court. Of the 246 citation cases, 182 were dismissed by the prosecutor. *Id.*

<sup>95</sup> Ryan Davis, *Police use of quotas denounced*, The Baltimore Sun (Aug. 3, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-08-03-0408030031-story.html>.

OCD squads to be the first squad to reach 100 arrests during various enforcement initiatives.<sup>96</sup>

The pressure to make arrests was accompanied by growing pressure to seize guns. In response, many BPD officers employed a controversial practice known as “gun flips.” Gun flips referred to the practice of allowing a suspect who had been arrested to go free if he produced a gun, even if the gun bore no connection to any criminal case. The practice took different forms: in some instances, officers would allow the suspect to lead them to a gun at a location under the control of the suspect; in other instances, the suspect could call a friend or associate, who would drop off a gun at a specified location, frequently a trash canister.<sup>97</sup>

The practice was widely known and selectively practiced within BPD, especially but not exclusively in minor drug cases. BPD members rationalized the practice by arguing that the trade of a gun for a foregone criminal case that would have resulted in little or no penalty made law enforcement sense. However, once the use of gun flips surfaced publicly, it was criticized by officials in the State’s Attorney’s Office, among others, as lawless and an abuse of discretion. Some high-ranking BPD officials, including Fred Bealefeld, who at the time was a district commander, defended the practice: “It was a worthwhile and beneficial effort to take crime guns off the street. I can’t apologize for our intentions. Our intention was 100 percent public safety.”<sup>98</sup>

Barksdale had a profoundly negative view of gun flips, stating that he found the practice “sickening.” He recalled that gun flips were done under prior commissioners, but they were done more widely under Clark, especially in the Southern and Eastern Districts. Barksdale disliked the practice because it was entirely stat-driven and meant letting suspects go free when in many instances they should have been going to jail. He had to look carefully for evidence of gun flips because officers wrote reports trying to disguise them. He said that if he found evidence of a gun flip, he would “chop somebody’s head off.” He recalled that the classic fake story was: “I was checking vacant houses in the area and found four guns,” or “A citizen walked up and advised me they saw someone put a gun under a car.”<sup>99</sup>

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<sup>96</sup> Anthony Barksdale Interview, June 1, 2021; Email from A. Barksdale to M. Bromwich, Nov. 26, 2021, Re: Anthony Barksdale Attributions in GTTF Report.

<sup>97</sup> Ryan Davis, *An Arresting Offer: guns for freedom*, The Baltimore Sun, Oct. 25, 2004, at 2. In a highly publicized 2006 murder case, Wayne Jenkins testified about BPD’s practice of engaging in gun flips. Jenkins Trial Testimony at 143-44 (Apr. 7, 2009), *United States v. Byers*, No. 1:08-cr-00056-RDB (D. Md. Nov. 16, 2009), ECF No. 380.

<sup>98</sup> Ryan Davis, *An Arresting Offer: guns for freedom*, The Baltimore Sun, Oct. 25, 2004, at 2.

<sup>99</sup> Anthony Barksdale Interview, June 1, 2021. Barksdale recalled that in his first ComStat meeting as Deputy Commissioner, in 2007, he threatened that if he caught officers engaged in gun-flipping, he would make sure they were punished. *Id.*

During Clark's tenure, the BPD members we interviewed reported unrelenting pressure to generate arrests and drug and gun seizures, with little regard for whether the cases were viable and would lead to convictions.

## **H. The Abuse of IA Resources**

As Clark's position within BPD and with O'Malley deteriorated in the months following the domestic incident, Clark's lack of trust and paranoia took institutionally dangerous forms. In the weeks immediately preceding Clark's firing on November 10, 2004, IA investigators were mobilized to conduct physical surveillance on Kristen Mahoney, BPD's grants director and head of the Mayor's Office on Criminal Justice.

In late October, IA detective Michael Corcoran was directed by Rob Morris to conduct surveillance on a specific female target. Corcoran was given a license plate number and a home address and told to provide continuous surveillance. When Corcoran asked about the identity of the woman, Morris said, "Doesn't matter, just follow her." Corcoran recalled that Morris did not tell him where the directive to conduct the surveillance originated. Morris recalled that his marching orders came from Rabold, the head of IA at the time who was known to be close to Clark.<sup>100</sup>

Based on those instructions, Corcoran conducted surveillance on Mahoney starting early each morning. Corcoran's instructions were to follow her into the BPD parking garage and to wait. Corcoran's entire day was spent waiting to see if she left her office during the day; if she did, his assignment was to follow her. He was instructed to document everything he observed but not to prepare official reports. He generated handwritten notes and gave those notes to Morris. No case number was associated with the surveillance, and Corcoran made clear that the assignment was "off the books." According to Corcoran, there were several additional members of the surveillance team—all IA personnel. Corcoran told us he believes the surveillance lasted two to three weeks.<sup>101</sup>

John Ferinde, another member of IA involved in the surveillance of Mahoney, recalled that it was part of a broader effort by Clark to save his job by generating embarrassing information on O'Malley and others who worked for him. Ferinde recalled that Clark knew O'Malley intended to fire him, and that Clark, in response, used investigators in IA's Ethics Section to create negative information on members of O'Malley's administration. Ferinde expressed certainty that the directive to surveil

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<sup>100</sup> Michael Corcoran Interview, May 13, 2021; Robert Morris Interview, May 25, 2021. Originally, we understood the target of the surveillance to be one of O'Malley's deputy mayors, but a series of interviews and the locations involved in the surveillance confirmed that the target was Mahoney.

<sup>101</sup> Michael Corcoran Interview, May 13, 2021.



Mahoney came from Clark, through Rabold, in an attempt to save his job. Ferinde recalled that Rabold issued the directive one month before O'Malley fired Clark.<sup>102</sup>

Ferinde recalled that at a meeting, Rabold chastised the surveilling detectives because they had followed Mahoney to a lunch meeting but did not go into the restaurant to determine with whom she met and what they discussed. According to Ferinde, Rabold told members of the surveillance team that next time, they should enter the restaurant, sit at the table next to Mahoney, and eavesdrop on the conversation. Ferinde further recalled that Rabold told the surveillance team that they should immediately pull Mahoney over for Driving Under the Influence if she drank any alcohol at lunch. Ferinde said he and the other detectives were stunned. Ferinde recalled that those involved in the surveillance subsequently held a meeting among themselves and agreed they would not pull over Mahoney as instructed by Rabold because they had no lawful basis for doing so—the IA detectives agreed to document that Mahoney drank iced tea if she drank any alcohol.<sup>103</sup>

When questioned about this episode in a series of emails, Clark denied knowing about the surveillance of Mahoney<sup>104</sup> and made several claims of his own:

Okay, so is someone alleging I misused IA. Do you have any substantive proof to better my memory here. I assure you I did not abuse any of my command responsibilities and was smart enough to understand how BPD works and still works.

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My records are my records that will be utilized if anything gets distorted.

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There are multiple cases in IA your sources conveniently have bypassed.

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<sup>102</sup> John Ferinde Interview, Mar. 17, 2021.

<sup>103</sup> *Id.* Corcoran's recollection was that the "lock her up" directive came from IA Lieutenant Johnny Delgado rather than Rabold. Michael Corcoran Interview, May 13, 2021. Delgado denied issuing the "lock her up" directive, but he did acknowledge instructing the members of the surveillance team to stop Mahoney if she drank and drove erratically. More generally, Delgado said he believed that there was a legitimate predicate for conducting the surveillance, which was directed by Rabold. He alleged that Mahoney was meeting secretly with reporters and leaking information about BPD. When asked for specifics of the alleged leaks, Delgado was unable to recall any, but he confirmed that Mahoney was viewed as a "spy" for O'Malley. Johnny Delgado Interview, May 19, 2021.

<sup>104</sup> When we initially put the questions to Clark, our understanding was that the subject of the surveillance was a deputy mayor rather than Mahoney, who was both a City Hall and BPD employee.

The problem with this department[']s IA is it[']s been considered a dumping ground for people the managers did not want around[.] [A] career dead-end with no support. [sic].<sup>105</sup>

Clark declined to provide contact information for Rabold and we were not able to contact her despite substantial efforts to do so.

Although the surveillance operation reflected the deteriorating relationship between O'Malley and Clark, it is of greater significance as an instance of the abuse of IA resources and the use of IA as an instrument of vengeance rather than as the key to ensuring integrity within the police department.

## **I. The Recruitment of Leonard Hamm**

Months before the surveillance of Mahoney, O'Malley recruited Leonard Hamm to serve as deputy commissioner. Hamm was a widely liked and admired figure within BPD and in the Baltimore community at large. He grew up in the Cherry Hill neighborhood and attended City College High School, a public magnet school in Northeast Baltimore, where he became a basketball star. After graduation, Hamm attended Philadelphia School of Textile and played Division II basketball. Hamm returned to Baltimore after spending time in Philadelphia and New York. He learned that BPD was hiring and believed that his chances to be hired were good because he was "a Black guy with no criminal history and a college degree."<sup>106</sup>

Hamm joined BPD in 1974 and spent 22 years in the Department before retiring as a major in 1996. In summarizing the impetus for his departure from BPD, he said, "Ronnie Daniel ran me out of the job." Daniel, the future (though brief) BPD Commissioner, was a colonel at the time. Hamm recalled that he and Daniel had a disagreement, and that Hamm threatened to throw Daniel out of an eighth-floor window. Hamm said he left BPD shortly after his falling out with Daniel. After leaving BPD, Hamm worked for the Downtown Partnership, for the Baltimore City School Police, and for approximately four years as Chief of the Morgan State University Police. Hamm was at Morgan State when O'Malley approached him about returning to BPD.<sup>107</sup>

At the time Hamm's return to BPD was announced in August, the participants — O'Malley, Clark, and Hamm — agreed that the public version of Hamm's recruitment to serve as deputy commissioner of operations would be that it was Clark's idea. At the news conference, Clark said that *he* had selected Hamm because the two had similar styles and philosophies, while Hamm said that he would not have accepted the job if

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<sup>105</sup> Email from K. Clark to M. Bromwich, Apr. 24 and Apr. 26, 2021, Re: Follow-up Questions.

<sup>106</sup> Leonard Hamm Interview, Feb. 4, 2020.

<sup>107</sup> *Id.*

Clark were about to leave.<sup>108</sup> In fact, Hamm knew that he was brought in to replace Clark. Hamm knew that Clark and O'Malley were increasingly at odds because O'Malley "always injected himself in police" business. According to Hamm, O'Malley "had to bring in a Black to replace a Black" to avoid recriminations for replacing Clark. Hamm recalled that when O'Malley contacted him about returning to BPD, it was the first step in replacing Clark, and that Clark sensed it as well.<sup>109</sup> According to Hamm, Clark did not respond well: he recalled that Clark refused to speak to him during the three months they overlapped.<sup>110</sup> O'Malley said he recruited Hamm because Hamm possessed relevant operational knowledge and offered stability to BPD. In his view, Clark had fallen into BPD's culture of vengeance as he became increasingly embattled in the Department.<sup>111</sup>

Clark was fired on November 10, 2004, along with Rabold.<sup>112</sup> O'Malley's decision was based on the deterioration of his relationship with Clark – the line of communication had been "taking its hits and was very strained, and it was time to move forward and to move on."<sup>113</sup> Attempting to make the best of the turmoil caused by having four BPD commissioners in four years (Daniel, Norris, Clark, and Hamm), O'Malley told us that Norris made certain improvements at BPD but was unsuccessful in fighting the scourge of open-air drug dealing. He said that Clark's strategies and tactics were, in his view, more successful in addressing the open-air drug trade.<sup>114</sup> But as described above, those successes came at a steep cost to BPD and its relationship with the community.

Reflecting more than 15 years later on his forced departure, Clark said he believed that his strong relationship with O'Malley deteriorated because of the malignant influence of First Deputy Mayor Michael Enright and Sean Malone, who tried to run BPD and undermined Clark's ability to do so. BPD commanders "ran

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<sup>108</sup> *Baltimore's new No. 2 says he doesn't want to head the department*, The Associated Press State & Local Wire, Aug. 20, 2004.

<sup>109</sup> Leonard Hamm Interview, Feb. 4, 2020.

<sup>110</sup> *Id.* Clark told us Hamm's claim about the absence of communication was false. He said Hamm himself was "MIA" when he rejoined BPD and that the two of them had briefings every day. Kevin Clark Interview, Oct. 19, 2020.

<sup>111</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020. When we advised O'Malley about the IA surveillance of Mahoney, he was unaware of it but suggested it exemplified the paranoid style that was on display following Clark's domestic incident.

<sup>112</sup> Doug Donovan and Ryan Davis, *Ousted chief sues mayor*, The Baltimore Sun (Nov. 18, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-11-18-0411180070-story.html>.

<sup>113</sup> *Baltimore Police chief fired, distractions over domestic abuse case cited*, The Associated Press State & Local Wire (Nov. 10, 2004). A week after his firing, Clark sued O'Malley and the city, asking for \$60 million in compensatory and punitive damages and claiming that his firing was unlawful. Doug Donovan and Ryan Davis, *Ousted chief sues mayor*, The Baltimore Sun (Nov. 18, 2004), <https://www.baltimoresun.com/news/bs-xpm-2004-11-18-0411180070-story.html>.

<sup>114</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

across the street to City Hall” on virtually a daily basis, whenever they had an issue with Clark’s directives and personnel decisions.<sup>115</sup> O’Malley and his colleagues played an outsized role in not only overall crime strategy but also in the day-to-day operations of BPD. This degree of City Hall involvement reflected O’Malley’s deep and abiding interest in the issues of violence and crime, but it also served to undermine his commissioners in the eyes of BPD personnel.

The BPD members we interviewed had an almost unanimously negative view of Clark’s tenure and the direction in which he took the Department. Part of that view may well have been shaped by BPD’s hostility to outsiders, which helped explain its antipathy to Tom Frazier and which was repeated years later, in 2012, after the hiring of Anthony Batts. But the explanation of reflexive hostility to outsiders fails to account for the counterexample of Norris, who won over the doubters in BPD fairly quickly. For the BPD rank-and-file, their negative view of Clark was shaped by his focus on buy-and-bust tactics. The strategy involved BPD members in a seemingly endless cycle of arresting low-level drug dealers. Those arrests flooded the criminal justice system, interfered with the ability to conduct long-term investigations, and increased the sense among the vast majority of BPD members that they were part of a numbers game to satisfy City Hall and feed ComStat. Whether true or not, the word widely circulating around BPD was that commanders and their top lieutenants spent Monday through Wednesday preparing for ComStat, which occurred every Thursday, leaving Friday to focus on actual police work. In addition, Clark’s creation of the Organized Crime Division fostered a culture shaped by large numbers of plainclothes personnel increasingly lacking in close supervision – especially first-level supervision.

By the end of 2004, Norris had pleaded guilty to corruption and tax charges related to his tenure as BPD commissioner, and Clark had been forced out in the aftermath of allegations of misconduct.<sup>116</sup> To the extent that the tone of every organization is set at the top, the example being set at the top of BPD was not one of honesty and integrity.

## **J. King and Murray**

Six months after Hamm took over as BPD Commissioner, in May 2005, BPD officers William King and Antonio Murray were arrested by federal agents on corruption charges. At the time of their arrests, King and Murray were serving in the public housing unit in BPD. They had both joined BPD in 1992, and over the course of their careers had served in FAST, and briefly in the Organized Crime Division working narcotics cases.<sup>117</sup>

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<sup>115</sup> Kevin Clark Interview, Oct. 19, 2020.

<sup>116</sup> Gail Gibson and Del Quentin Wilber, *Norris enters plea of guilty to corruption*, The Baltimore Sun (Mar. 9, 2004), <https://www.baltimoresun.com/bal-te.md.norris09mar09-story.html>.

<sup>117</sup> For additional information regarding the Organized Crime Division, see Chapter V, Section D.

For at least a year, they also had been robbing drug dealers and selling drugs. Davon Mayer was one of their informants. After working with King and Murray for some time—selling drugs and sharing the proceeds—Mayer decided to end the relationship. Mayer called the FBI tip line and began telling an FBI agent about King and Murray’s drug dealing and robberies.<sup>118</sup>

The activities of King and Murray were so well-known in West Baltimore that their names were featured prominently in the notorious “Stop Snitching” video that circulated starting in late 2004. The video showed a bearded man sitting on the steps of a West Baltimore rowhouse talking about a link between neighborhood drug dealers and King and Murray.<sup>119</sup> In an interview at the time of their arrests, the producer of the video, Rodney Bethea, said that many people in the neighborhood (Edmondson Avenue and Bruce Street) believed that King and Murray were dirty cops. According to Bethea, “Everybody that’s from that vicinity, they know. It’s not a secret to the people in that area.”<sup>120</sup>

The investigation of King and Murray was handled by the FBI’s Public and Border Corruption Task Force (FBI Task Force). Members of the FBI Task Force learned that the criminal activities of King and Murray were widely known on the street. Those involved in the drug trade knew that if they were stopped by King and Murray, they would be robbed of their money, guns, and drugs, but they would not be arrested. King and Murray were stealing the drugs and reselling them through Antonio Mosby, subsequently a star witness for the prosecution. According to David Copperthite, one of the federal prosecutors who investigated and prosecuted the case against King and Murray, Mosby was King and Murray’s “guy on the street.”<sup>121</sup>

Government investigators obtained court authorization for electronic surveillance on the phones of King and Murray, but the two officers were sophisticated enough that they did not use their phones to discuss their criminal activities. King and Murray used a beaten-up aqua blue Chevy as their BPD vehicle. FBI Task Force

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<sup>118</sup> Davon Mayer Trial Testimony at 111 et seq. (Mar. 15, 2006), *United States v. King*, No. 1:05-cr-00203-JFM (D. Md. Oct. 6, 2006), ECF No. 98; see Gregory Kane, *Trial sheds light on shadows of dope culture*, The Baltimore Sun (Mar. 29, 2006), <https://www.baltimoresun.com/news/bs-xpm-2006-03-29-0603290024-story.html>.

<sup>119</sup> The “Stop Snitchin’” campaign started in Baltimore in late 2004 and quickly gained national attention. It featured a number of men claiming to be drug dealers threatening violence against anyone who reported their crimes to authorities, especially those who cooperated with law enforcement to shorten their sentences. NBA star Carmelo Anthony, a native of Baltimore, made a brief appearance in the video, later claiming that his appearance was a joke and that the video’s message should not be taken seriously, although he admitted to having some sympathy for its sentiments. See Tom Farrey, *‘Snitching’ controversy goes well beyond ‘Melo*, ESPN.com (Jan. 18, 2006), [https://www.espn.com/nba/columns/story?columnist=farrey\\_tom&id=2296590](https://www.espn.com/nba/columns/story?columnist=farrey_tom&id=2296590).

<sup>120</sup> Matthew Dolan and Ryan Davis, *Rumors followed two officers*, The Baltimore Sun (May 14, 2005), <https://www.baltimoresun.com/news/bs-xpm-2005-05-14-0505140186-story.html>.

<sup>121</sup> David Copperthite Interview, July 7, 2020.



members were able to install a bug in the back seat of the vehicle. The bug was far more productive than the tapped phones: it captured key evidence, including live audio of robberies of drug dealers and drug trafficking. Copperthite and his colleagues were astonished. King and Murray rode around the city with the bug in their car for around sixty days. Eventually, the USAO and FBI felt pressure to conclude the investigation because of the ongoing potential for violence. Once the team had the electronic surveillance evidence, the task force arrested Mosby and obtained his cooperation against King and Murray.<sup>122</sup>

The government did not develop evidence that King and Murray's colleagues were aware of their corrupt conduct, much less participated in it. For the most part, King and Murray separated themselves from the rest of their unit.<sup>123</sup> While other members of the unit were making numerous drug arrests and seizures, King and Murray did not. They misled their colleagues and their supervisor by claiming that they were "working on this big target," but in retrospect, Copperthite believed that the disparity in the number of arrests and seizures should have been a tip-off to both their colleagues and supervisors.<sup>124</sup>

From the time of their arrests, King and Murray denied they had engaged in misconduct. As a result, the members of their unit initially rallied around them. Copperthite and his trial partner brought the members of the BPD Public Housing Section into the office to show them a recording of King and Murray robbing a suspect in the back of their police car and then reselling the drugs through Mosby. Until they listened to the recordings, the officers were convinced that King and Murray were lazy but not corrupt.<sup>125</sup> For investigative reasons, the FBI had delayed speaking to King and Murray's victims, just as the investigators would a decade later when conducting the GTTF investigation. The goal was to minimize the risks that King and Murray would be tipped off. Because King and Murray rarely arrested victims or drafted police reports, it took substantial time and effort to identify the victims and track them down.<sup>126</sup>

The federal investigative team did not seriously consider working with BPD's Internal Affairs because its members distrusted the ability of BPD to keep the

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<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> *Id.* This was the complete opposite of the GTTF officers more than a decade later, whose seizure numbers exceeded those of other similar units.

<sup>125</sup> *Id.*

<sup>126</sup> *Id.* Copperthite noted that he and his colleagues never caught the victims of King and Murray's robberies in a lie. Because of the bug in the police vehicle, the prosecutors and investigators had independent verification of what happened to the victims through the audio recordings. Copperthite said that the victims admitted to the fact that they possessed drugs and that the officers stole those drugs, without knowing that the transactions were on tape. The GTTF investigative team had a similar experience with victims more than a decade later.

investigation secret. This distrust was validated when they learned that a BPD officer had tipped off King and Murray about a parallel IA investigation. An IA detective had learned that King and Murray were stealing drugs, and he went to BPD's Evidence Control Unit and requested drug reports turned in by King and Murray. A BPD employee working in the Evidence Control Unit was friends with Murray and immediately contacted him about the IA detective's request. When Murray heard that they were under investigation by IA, he told King, "I'm not doing this anymore."<sup>127</sup> This disclosure highlighted the significant risks of handling serious corruption matters within BPD.

The initial indictment against King and Murray was unsealed on May 12, 2005, followed by a superseding indictment on November 10, 2005. They were charged with multiple narcotics conspiracy counts, numerous substantive narcotics distribution counts, multiple robbery and extortion (Hobbs Act) counts, and multiple counts of possession of firearms in furtherance of a narcotics crime or crime of violence.<sup>128</sup>

At trial, which began on March 14, 2006, the prosecution called then-Colonel Fred Bealefeld as the government's first witness. Copperthite said that both he and his trial partner had known Bealefeld for many years and viewed him as a good and honest police officer. They needed an officer with credibility to come and speak to the jury.<sup>129</sup> King and Murray's defense theory was that they did not have money to pay informants, so they resold drugs to pay them. Bealefeld testified that this was wholly improper and that if he had ever seen evidence that someone in his squad was participating in this type of activity, he would have reported the officer.<sup>130</sup>

The defense tried to call Ed Norris as a defense witness. By that time, Norris had served his sentence for the crimes to which he had pled guilty, and had returned to Baltimore. In an interview prior to the trial, defense counsel asked Norris whether the officers could steal to pay informants. Norris told them that whatever the circumstances, the thefts were a crime. According to Copperthite, Norris agreed with Bealefeld that officers cannot steal from drug dealers and use the funds to pay informants. Because Norris's prospective testimony was unhelpful, the defense chose not to call him as a defense witness. After several days of deliberations, on April 6, 2006, the jury returned guilty verdicts on all counts except a single marijuana count. Because of the federal sentencing regime that existed at the time, with federal guidelines sentences being mandatory rather than advisory and with the firearms

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<sup>127</sup> *Id.*

<sup>128</sup> Docket sheet, *United States v. King*, No. 1:05-cr-00203-JFM (D. Md. Apr. 28, 2005).

<sup>129</sup> David Copperthite Interview, July 7, 2020.

<sup>130</sup> *Id.*; Frederick Bealefeld III Trial Testimony at 20-28 (Mar. 14, 2006), *United States v. King*, No. 1:05-cr-00203-JFM (D. Md. Oct. 6, 2006), ECF No. 97.

charges carrying consecutive mandatory minimum sentences, King and Murray received staggeringly long sentences: 315 years for King and 139 years for Murray.<sup>131</sup>

Virtually all BPD personnel we interviewed clearly recalled the King and Murray case—both the crimes they were convicted of committing and the sentences that were imposed. However, other than some critical public comments by Commissioner Hamm at the time of the arrests, the King and Murray case made little lasting impact within BPD. The case did not become the subject of an after-action report by BPD, there was no attention to red flags that may have been missed by their supervisors or upper-level BPD management, and the case did not cause any reflection within BPD about the need to bolster training on ethics issues or strategies to deter and detect corruption. It was viewed as an unfortunate but isolated episode with no broader implications for BPD.

In June 2021, counsel for King approached BPD with an offer to share King's experiences as a corrupt police officer who has paid the price for his corruption over the past 16 years. BPD contacted us and asked whether we were interested in interviewing King about his experiences. With the cooperation of Bureau of Prisons personnel at the Bennettsville, South Carolina facility, we interviewed King on August 5, 2021.

King asked that he be allowed to provide a personal statement before answering questions. At the outset, King made clear that his willingness to speak about his experiences was not motivated by any expectation that he would be rewarded for doing so—his sentence had recently been shortened and he was scheduled to be released within months. King said his goal was to influence officers to “think twice before making bad decisions, think twice before going down the wrong path.” Directing his comments to BPD officers, King said:

It is my hope that you will avoid the pressures from those you encounter, either fellow officers or other individuals who yielded to temptation.

That temptation can come at any time, even in the midst of a successful career. Most of my tenure as a police officer was spent on the right side of the law. . . . For 12 years, I was on the right side of the law. And then I wasn't.

And as a result of my criminal acts, I was sentenced to serve 315 years and one month. . . . I will be released soon. My pending release, however, doesn't make me any less regretful for my past actions. While imprisoned,

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<sup>131</sup> David Copperthite Interview, July 7, 2020; Docket sheet, *United States v. King*, No. 1:05-cr-00203-JFM (D. Md. Apr. 28, 2005). Their convictions were affirmed by the Fourth Circuit in an unpublished *per curiam* opinion on March 19, 2008. *United States v. King*, 270 F. App'x 261, 262 (4th Cir. 2008). In January 2021, their sentences were reduced by a federal judge to 20 years. Justin Fenton, *These two Baltimore cops robbed, sold drugs and disgraced their badges. But is a combined 454 years in prison fair?* The Baltimore Sun (Jan. 11, 2021), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-king-murray-sentence-reduction-20210111-yb7ovx2q3vgy7ewyohfsanwgi4-story.html>.

I understand that the struggles between the BPD and the citizens of Baltimore have remained, the trust has broken, and that the relationship has grown more strained. I know that I contributed to that lack of trust between the department and the people it serves. For all that I have done and to all whom I have harmed, I humbly apologize.

I cannot change my past. But I can help to forge a better future, not just for myself but for my city. It's going to be a challenge. I begin that challenge today by sharing my story so that it remains my story only and not the story of others.<sup>132</sup>

During the interview, King spoke about his progression through BPD, including tours in Central District Patrol and various specialized units, including FAST. King said he first learned to operate “in the gray area” – a common BPD euphemism for various types of unconstitutional and illegal conduct-- while working in FAST. King acknowledged engaging in gun flips. He recalled that when he was transferred to the Organized Crime Division in 2003, the guidance that he and other BPD officers received was limited to “go out there and get some drugs,” with little on-scene supervision. According to King, officers in OCD operated even more frequently “in the gray area” than they had in FAST. He admitted stealing money during the execution of search warrants, as well as taking money from suspects at the time of their arrests. He was never concerned about any of his fellow officers reporting him to IA.<sup>133</sup>

Despite King's acknowledgement of these categories of wrongdoing, he had difficulty admitting the full extent of the crimes for which he was convicted, arguing that the corrupt relationships he developed with informants were initiated by the informants, as if that made a meaningful difference. Even after 16 years in custody, he appeared not to fully recognize the problem with obtaining money from the suspects he stopped in exchange for their release, whether he pocketed the money himself or used it to pay an informant.<sup>134</sup>

## **K. Hamm's Strategy and Stewardship of BPD**

Kevin Clark's dramatic exit did not immediately signal a sharp break from the crimefighting strategy that was centered on buy-and-bust. But while Clark was a divisive and polarizing figure, Hamm was the opposite. According to O'Malley, once he decided to fire Clark, he felt no need to look for another Commissioner – he had

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<sup>132</sup> William King Interview, Aug. 5, 2021.

<sup>133</sup> *Id.*

<sup>134</sup> *Id.* We have provided the video of our interview with King to BPD to be used in its discretion.

what he and the city needed in Hamm. He viewed Hamm as providing a stabilizing influence: Hamm was an honest man who had the respect of BPD officers.<sup>135</sup>

By the time he took over on an acting basis in November 2004, Hamm had already become concerned about many of the changes implemented by Clark. In Hamm's view, Clark had cannibalized the uniformed patrol division to implement the NYPD style of policing centered on buy-and-bust. As a result, patrol officers with only two years in the department were put in plainclothes units and would be "running around without a fucking clue" as to how to do their jobs.<sup>136</sup>

Hamm recalled that when he returned to BPD in 2004, he saw that officers did not know the legal standards for either stop-and-frisks or arrests. The various specialized units that had been created under Norris and Clark were designed to suppress crime, but the officers in these units did not know the basic laws of arrest and search and seizure. As a result, their arrests did not produce successful prosecutions. Hamm attributed many of these problems to ComStat. Although he thought ComStat was conceptually a good idea, it had become a personal humiliation ritual under Clark. Clark held ComStat meetings at 6:00 p.m. and ran them until 10:00 p.m. Hamm said he attempted to change the tone of ComStat.<sup>137</sup>

While O'Malley described Hamm as his best commissioner,<sup>138</sup> that was likely because Hamm made the fewest waves, and may have been more a commentary on O'Malley's retrospective views about Norris and Clark than about Hamm. It also was a reflection of the fact that Hamm was a more compliant commissioner than Norris or Clark, who had their own strong ideas on how to run BPD. In describing his relationship with O'Malley, Hamm described him as "a piece of work." He said he and O'Malley disagreed about almost everything, but they shared a love and concern for Baltimore. And although Hamm was not reluctant to share those views behind closed doors, O'Malley knew that Hamm would never publicly challenge him.<sup>139</sup>

## **L. A New Strategy**

Almost immediately, Hamm faced pressure because of the rising homicide levels. The homicide total for 2004 was 278, the highest total since 1999, up from 253 in

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<sup>135</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

<sup>136</sup> Leonard Hamm Interview, Feb. 4, 2020. In addition to concerns about Clark's strategy, Hamm had a dim view of the way Clark behaved. He said Clark would not let BPD officers get on an elevator with him, which Hamm recalled was consistent more generally with the way he dealt with BPD personnel. In addition to not communicating with Hamm, Clark frequently would not arrive at the office until 1:00 or 2:00 p.m. and would spend most days behind closed doors. *Id.*

<sup>137</sup> *Id.*

<sup>138</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

<sup>139</sup> Leonard Hamm Interview, Feb. 4, 2020.



2002 and 270 in 2003.<sup>140</sup> In response, Hamm and his new Deputy Commissioner, Marcus Brown, published a brief, nine-page crime plan that marked the beginning of a turn away from quality-of-life enforcement and buy-and-bust tactics.<sup>141</sup> The new plan focused on substantially increasing the manpower allocated to the Eastern, Western, and Northern Districts and focusing on homicides and shootings. At the same time, Hamm and Brown announced that they were shrinking Clark's Organized Crime Division from 260 to 160 sworn officers, signaling fewer resources allocated to buy-and-bust. Hamm and Brown noted two aspects of their crime plan: BPD would focus more intently on specific geographic areas of the city and on specific violent offenders.<sup>142</sup>

In June 2005, BPD added another component to its crimefighting strategy. With O'Malley's support, it launched a gun buyback program. This was an about-face for O'Malley, who in 2000 had dismissed buyback programs as a gimmick, stating, "I don't think gun buybacks are very effective at all." Five years later, with gun violence continuing at unacceptably high levels and community leaders pushing for a buyback program, O'Malley agreed to spend \$100,000 in asset forfeiture funds on a two-week long program.<sup>143</sup> The problem of gun violence was proving intractable, and crime data bore it out: statistics published by the FBI in June 2005 showed that for the first time since 1999, violent crime as a whole in Baltimore had increased. This data undermined the narrative advanced by O'Malley and others that even when the number of homicides had remained stubbornly high, and had increased in 2003 and 2004, violent crime had been substantially reduced. The FBI statistics told a different story: while violent crime in the country as a whole had dropped 1.7% between 2003 and 2004, during the same period it had risen in Baltimore by 4.3%.<sup>144</sup>

According to Hamm, an important aspect of BPD's retooled crime strategy was forging better relationships with federal and state law enforcement agencies. Hamm recalled that prior to his arrival, BPD did not have any meaningful partnerships—he blamed Clark for badly damaging them. Hamm recalled going to these agencies, hat in hand, apologizing for the state of those relationships. BPD's strategy, formulated by Hamm and Brown, included placing plainclothes BPD officers in task forces with federal and state partners, which allowed BPD officers to conduct investigative and

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<sup>140</sup> Ryan Davis, *Homicide Tally for '04 is the worst since 1999*, The Baltimore Sun (Jan. 1, 2005), <https://www.baltimoresun.com/news/bs-xpm-2005-01-01-0501010161-story.html>.

<sup>141</sup> We made numerous efforts over the course of many months to interview Marcus Brown, currently the Homeland Security Advisor to the Governor of Pennsylvania and head of Pennsylvania's Office of Homeland Security. Ultimately, Brown reported that he was not authorized by his superiors in Pennsylvania state government to be interviewed as part of our investigation.

<sup>142</sup> Ryan Davis, *High-crime areas are targets in police plan*, The Baltimore Sun (Jan. 29, 2005) <https://www.baltimoresun.com/news/bs-xpm-2005-01-29-0501290148-story.html>.

<sup>143</sup> Doug Donovan, *Despite broad criticism, city revives gun buybacks*, The Baltimore Sun (June 1, 2005), <https://www.baltimoresun.com/news/bs-xpm-2005-06-01-0506010120-story.html>.

<sup>144</sup> Ryan Davis, *Rise in violent city crime takes officials by surprise*, The Baltimore Sun (June 8, 2005), <https://www.baltimoresun.com/news/bs-xpm-2005-06-08-0506080089-story.html>.

enforcement activities outside the city limits. As part of a partnership agreement with the Drug Enforcement Administration (DEA), BPD received 70% of the proceeds from seizures and forfeitures, with DEA receiving 30%.<sup>145</sup> Complementing BPD's initiatives, O'Malley reached out to Rod Rosenstein, the newly confirmed US Attorney for Maryland, to seek assistance with the prosecution of gun crimes. The city agreed to fund two positions for prosecutors in the USAO who would focus on the prosecution of gun crimes that constituted violations of federal firearms laws.<sup>146</sup>

Despite Hamm and Brown charting a different path, the number of BPD arrests continued to reach extremely high levels, as did the percentage of cases dismissed by prosecutors as insufficient or unworthy to pursue. For example, in July 2005, there were 7,697 arrests, but the SAO declined to file charges in approximately 37% of those cases.<sup>147</sup> Jessamy recalled attending a community meeting with Hamm during which they heard a stream of complaints about the high level of arrests. At the meeting, according to Jessamy, Hamm acknowledged that BPD was arresting people without probable cause and claimed that BPD received its marching orders from O'Malley.<sup>148</sup>

The term for some of these cases was "abatement by arrest," meaning that the arrest itself served as the punishment for the alleged infraction. SAO officials estimated that as much as one out of every three declined prosecutions were so-called abatement by arrest cases. Some elected officials characterized it as a wave of illegal arrests.<sup>149</sup>

O'Malley was familiar with abatement by arrest, dating back to his days as a prosecutor and defense attorney. He recalled that the percentage of cases abated by arrest during his tenure was probably the same as it was back in 1995 or 1996, but during his mayoral administration, abatement was "done the right way," in early disposition court. Prior to the creation of early disposition court, arrested individuals were held in jail for 30 days on a case that would later be abated by arrest. O'Malley stated that because of the early disposition court, citizens no longer lost their jobs. He argued that critics have used the arrest number as evidence of illegal arrests and inadequate probable cause, but it is instead a reflection of the fact that prosecutors—

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<sup>145</sup> Leonard Hamm Interview, Feb. 4, 2020.

<sup>146</sup> Doug Donovan and Matthew Dolan, *City to aid federal prosecution of gun crimes; Baltimore funnels grant to set up 1-year program focusing on firearms*, The Baltimore Sun (Sept. 4, 2005), at 1. The agreement caused acrimony with the State's Attorney's Office. Jessamy threatened to recall a prosecutor she had detailed to the USAO to protest the city's agreement to fund two positions with the USAO rather than providing the funding to her office. See Matthew Dolan, *Federal prosecutor might lose city help*, The Baltimore Sun (Sept. 13, 2005), <https://www.baltimoresun.com/news/bs-xpm-2005-09-13-0509130178-story.html>.

<sup>147</sup> Gus G. Sentementes, *Arrests in city soared in July; Number highest since '02, but 37% of cases dismissed*, The Baltimore Sun, Sept. 29, 2005, at 1.

<sup>148</sup> Patricia Jessamy Interview, Feb. 16, 2021.

<sup>149</sup> Gus G. Sentementes, *Arrests in city soared in July; Number highest since '02, but 37% of cases dismissed*, The Baltimore Sun, Sept. 29, 2005, at 1.

who are elected to make those decisions — make choices not to prosecute cases for a variety of different reasons.<sup>150</sup>

Whether or not they were illegal, the high level of arrests highlighted a glaring disconnect in the Baltimore criminal justice system: BPD officers were not accountable for whether their arrests led to successful prosecutions. Numerous BPD members we interviewed confirmed that no part of their performance evaluations — or accountability assessments through ComStat — turned on whether their arrests resulted in successful prosecutions. Arrests, drug seizures, and gun seizures counted; convictions did not. This pattern continued to be a hallmark of BPD’s culture for at least another decade.

## **1. Stop and Frisk**

In late 2005, at about the same time as O’Malley announced his long-anticipated candidacy for Governor of Maryland, BPD’s rapidly escalating use of stop-and-frisk emerged as a major issue in Baltimore. Stop-and-frisk is the colloquial term for “Terry stops,” named for the Supreme Court case *Terry v. Ohio*. That case held that it is lawful under the Fourth Amendment for a law enforcement officer to stop a person if the officer has a reasonable articulable suspicion that the person being stopped had committed, was committing, or was about to commit a crime. Such reasonable articulable suspicion justifies the stop; the officer must have a further reasonable articulable suspicion that the person is armed and dangerous to justify a frisk.<sup>151</sup>

Stop-and-frisk was not unique to Baltimore. It was a widely employed practice in virtually every major city in the country at the time, including New York, Chicago, and Los Angeles, among many others. In late 2005, Baltimore residents complained that young Black men were frequently being stopped and frisked without reasonable suspicion. Patrol officers complained that stop-and-frisk was being overused as part of BPD’s excessive focus on statistics.

The precise dimensions of BPD’s stop-and-frisk program were unknown because BPD had not yet submitted reports on each stop to the Maryland State Police, as required by state law. Although the number of stop-and-frisks was subject to substantial disagreement, BPD’s records reflected that more than 130,000 stop-and-frisks were conducted during the first nine months of 2005. Deputy Commissioner Marcus Brown said at the time that the tactic was used primarily to disrupt drug corners, seize guns, and prevent violence. The head of Baltimore’s police union, Frederick V. Roussey, said, “We get calls all the time from officers saying ‘I just can’t

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<sup>150</sup> Martin O’Malley Interview, June 30, July 3, and July 10, 2020.

<sup>151</sup> *Terry v. Ohio*, 392 U.S. 1 (1968).

keep this pace up. . . . People are tired of me pulling up and harassing them.’ . . . It’s all about numbers and it doesn’t matter how you get them.”<sup>152</sup>

In Hamm’s view, the problems with stop-and-frisk reflected the fact that BPD officers did not understand the applicable legal standard. To address it, Hamm asked the State’s Attorney’s Office to provide relevant legal training, but Jessamy insisted that her office be paid to provide the training. Hamm then turned to the USAO, which agreed to do it without charge.<sup>153</sup>

## 2. Baltimore EXILE

In early 2006, BPD, the USAO and other agencies developed a strategy designed to address the continuing scourge of gun crimes. The plan, called Baltimore EXILE, was designed, among other things, to address aspects of the dysfunction in the local criminal justice system. Defendants arrested on gun charges were frequently released on bail and remained at large for as much as a year while awaiting trial. During that time, many committed additional crimes. In addition, bad police work and skeptical juries were leading to acquittals of defendants in firearms cases. Elements of the strategy included the USAO handling more firearms cases, and credibly creating incentives for defendants to plead guilty in Baltimore local courts or face swifter and harsher penalties in the federal system. The plan, unveiled in January by Rosenstein, Hamm, and Jessamy, focused on transferring more cases to the federal system, as well as improving coordination between federal and state prosecutors.<sup>154</sup>

Data from the first few months of the program showed increases in both federal and state gun cases. The USAO was prosecuting more firearms cases and threatening many other defendants with federal prosecution, causing an increase in the number of guilty pleas to state gun charges. The program was supplemented by an extensive public relations campaign, including ads on local buses threatening serious consequences for gun crimes.<sup>155</sup>

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<sup>152</sup> Gus G. Sentementes, *Police step up frisking tactic*, The Baltimore Sun (Nov. 13, 2005), <https://www.baltimoresun.com/news/bs-xpm-2005-11-13-0511130098-story.html>.

<sup>153</sup> Leonard Hamm Interview, Feb. 4, 2020.

<sup>154</sup> Matthew Dolan, *Separating criminals from guns*, The Baltimore Sun (Jan. 3, 2006), <https://www.baltimoresun.com/news/bs-xpm-2006-01-03-0601030024-story.html>. Jason Weinstein, a member of the Steptoe team, served as Chief of the Violent Crime Section at the US Attorney’s Office in Baltimore from 2005-2009. He created and led the Baltimore EXILE program and worked closely with local, state, and federal officials in that effort. He did not lead the interviews of any witnesses during this investigation.

<sup>155</sup> Matthew Dolan, *Rise in gun prosecutions projected*, The Baltimore Sun (June 1, 2006), <https://www.baltimoresun.com/news/bs-xpm-2006-06-01-0606010056-story.html>.

At the time, Hamm said publicly that the cooperation in Baltimore EXILE marked a watershed and an end to turf battles.<sup>156</sup> Rosenstein recalled that EXILE was only one component of a broader effort to bring the dysfunctional and combative factions of Baltimore city government together and rise above their parochial disputes. Rosenstein recalled that Hamm was easy to work with on EXILE and other matters, and consistently dealt with him in good faith. He observed that O'Malley micromanaged BPD during Hamm's tenure, and said Hamm had to clear every major decision with O'Malley's office. In addition, he noted that Baltimore's internal politics during Hamm's tenure continued to be bitter. Rosenstein's Republican affiliation made him non-threatening to the Democrats who, in his view, continued to fight among themselves. He recalled that O'Malley and Jessamy were at war in their approach to violent crime when he became US Attorney. Rosenstein viewed his job as engaging with everybody and unifying all parties in EXILE and on other law enforcement matters. He spent much time avoiding battles whenever possible.<sup>157</sup>

### **3. The Southwestern District Flex Squad and Southeastern District Special Enforcement Team**

In January 2006, several members of the Southwestern District's Flex squad, a plainclothes unit, were indicted and suspended from BPD on charges of rape, conspiracy to rape, and assault, among other charges. The three officers — Jemini Jones, Steven Hatley, and Brian Shaffer — had been BPD officers for between three and six years. The charges were based on allegations by a 22-year-old woman that she had been coerced to have sex with an officer in exchange for being released; Jones was charged with committing the rape, while Hatley and Shaffer reportedly stood by and watched. In addition to the charges, various types of drugs — heroin, cocaine, and marijuana — were seized in the Southwestern District stationhouse.<sup>158</sup>

In the search warrant application for the stationhouse, investigators asserted that Jones and another member of the Flex squad, Vicki Mengel, had planted drugs on suspects in order to create the legal basis for arrests and then stole property from those they arrested. Interviews with residents in the areas worked by members of the Flex squad suggested that many of its members were notorious for planting drugs, engaging in gun flips, and stealing cellphones. Residents described the allegedly corrupt activities of the squad members. As to Jones, a review of more than 60 of his probable cause statements showed that he had used almost identical language in every case: "Upon the def taking notice of our car and same realizing we were police officers as we pulled up beside him, I observed same def drop [drugs]." In court testimony, Jones

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<sup>156</sup> *Id.*

<sup>157</sup> Rod Rosenstein Interview, May 7, 2020.

<sup>158</sup> Julie Bykowicz and Gus G. Sentementes, *City police replace 'flex squad' amid criminal probe*, The Baltimore Sun (Jan. 10, 2006), <https://www.baltimoresun.com/news/bs-xpm-2006-01-10-0601100151-story.html>.



claimed, incredibly, that more than 90% of the suspects he approached dropped drugs when they saw him.<sup>159</sup>

In response, Hamm and O'Malley publicly condemned the officers. Hamm acknowledged that IA had investigated allegations against Jones and the other officers for planting drugs and stealing cellphones going back to 2002 but with no adverse consequences for the officers. Hamm pledged to implement a set of safeguards for Flex squads and other specialized units, including polygraph tests and drug testing. He also said the work of Flex squad members would be thoroughly reviewed and "periodically monitored" without describing the steps that would be taken to do so.<sup>160</sup>

Several months later, a second specialized unit – this one a Special Enforcement Team (SET) operating in the Southeastern District – was disbanded in the wake of allegations of misconduct, including lying in charging documents.<sup>161</sup>

Hamm recalled having heard numerous derogatory rumors about Jones and that the allegations against the Flex squad members led to the dismissal of numerous cases by the SAO. Hamm recalled that the Southeastern District SET team was dismantled because of community complaints about the way that members of the team were operating. When asked why he did not take broader steps to address issues with plainclothes units, Hamm said he was unaware of complaints against the plainclothes squads in the other districts. Asked whether these episodes caused him to question the value of plainclothes units, Hamm responded, "It tells me we need more supervision of those units. So, I put [the lieutenants] back in the Districts" rather than in headquarters where they had been previously located. He said he trusted ComStat to surface other issues of this type, although in fact that was never the function of ComStat.<sup>162</sup>

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<sup>159</sup> Gus G. Sentementes and Julie Bykowicz, *Questions raised for years about city 'flex squad,'* The Baltimore Sun (Jan. 15, 2006), <https://www.baltimoresun.com/news/bs-xpm-2006-01-15-0601150112-story.html>.

<sup>160</sup> Jennifer McMenamin, *Police promise integrity,* The Baltimore Sun (Jan. 17, 2006), <https://www.baltimoresun.com/maryland/bal-te.md.flex17jan17-story.html>. Jones was ultimately acquitted on the rape charge, as well as on a separate rape charge brought against him. He was subsequently convicted in 2007 on firearms charges and for unlawful flight. See Julie Bykowicz, *Officer convicted on gun charge,* The Baltimore Sun (May 18, 2007), <https://www.baltimoresun.com/news/bs-xpm-2007-05-18-0705180208-story.html>.

<sup>161</sup> Julie Bykowicz and Gus G. Sentementes, *Police unit is disbanded,* The Baltimore Sun (Sept. 13, 2006), <https://www.baltimoresun.com/news/bs-xpm-2006-09-13-0609130102-story.html>.

<sup>162</sup> Leonard Hamm Interview, Feb. 4, 2020.

## V. “Bad Guys with Guns” (2007-2012)



BPD Commissioner Frederick Bealefeld III and Mayor Sheila Dixon, 2007



Fruits of BPD drug, gun, and cash seizure

### A. The Transition to Sheila Dixon and a New Crime Strategy

Martin O'Malley was elected Governor of Maryland in November 2006, defeating the incumbent, Robert Ehrlich, with approximately 53% of the statewide vote and 75% of the vote in Baltimore.<sup>1</sup> During the campaign, Ehrlich had made crime in Baltimore a major campaign issue – he attacked O'Malley on the high levels of violent crime in Baltimore, O'Malley's failure to meet his goal of reducing Baltimore's homicide count to 175,<sup>2</sup> and the frequently shifting cast of commissioners at the top of BPD.<sup>3</sup>

With O'Malley's election, City Council President Sheila Dixon became Mayor of Baltimore. Before her election to the City Council in 1987, Dixon was an elementary school and adult education instructor with Head Start. Her original Council district included West Baltimore and portions of Northwest and Central Baltimore. After redistricting, her district was centered in Southwest Baltimore. After observing O'Malley and his senior staff for many years, Dixon had concluded that they were micromanagers who were obsessed with numbers, especially crime numbers. She told us that she had long been concerned with O'Malley's zero-tolerance strategy, especially its impact on Baltimore's minority communities. In response to her concerns, O'Malley had told her, “If we want to eliminate crime, we have to be tough on it.”<sup>4</sup>

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<sup>1</sup> Maryland State Board of Elections, *Official 2006 Gubernatorial General Election results for Governor / Lt. Governor* (2006), [https://elections.maryland.gov/elections/2006/results/general/office\\_Governor\\_\\_Lt\\_Governor.html](https://elections.maryland.gov/elections/2006/results/general/office_Governor__Lt_Governor.html).

<sup>2</sup> During O'Malley's two terms as mayor, the number of homicides fluctuated within a band between 253 (2002) and 276 (2004 and 2006). The rate of homicides per capita in Baltimore hovered at approximately seven times the national average. Adam Marton, *Baltimore homicides by year*, The Baltimore Sun (Nov. 17, 2017), <https://www.baltimoresun.com/news/crime/bal-baltimore-homicides-by-year-20161202-htmlstory.html>.

<sup>3</sup> John Wagner, *Ehrlich Ads Hammer O'Malley on Crime*, The Washington Post (Sept. 30, 2006), <https://www.washingtonpost.com/wp-dyn/content/article/2006/09/29/AR2006092901818.html>.

<sup>4</sup> Sheila Dixon Interview, June 25, 2020.

Even before she became mayor in January 2007, Dixon had concluded that the city's crime strategy needed to be modified. She said that throughout 2006, she conducted her own thoroughgoing review of BPD's policing strategy. Dixon believed that O'Malley's zero-tolerance approach was failing, and that the city needed a plan that would create consistency. She began formulating a crime plan that would incorporate community policing strategies, provide social services resources to ex-offenders, and broaden Baltimore's drug addiction treatment services. Dixon consulted with local academics and community leaders, including Johns Hopkins professors Daniel Webster and Philip Leaf. While she felt the need for some measure of continuity, Dixon felt even more strongly the imperative to make a clean break from O'Malley. She was not interested in retaining staff members who served on O'Malley's criminal justice team.<sup>5</sup> O'Malley made one significant decision for her: he almost immediately named BPD Deputy Commissioner Marcus Brown to head the Maryland State Transportation Police, which opened up the position of Deputy Commissioner for Operations. To replace him, Dixon turned to Fred Bealefeld, who at the time was Chief of the Criminal Investigation Division.<sup>6</sup>

In February 2007, Dixon hired Sheryl Goldstein to head the Mayor's Office on Criminal Justice. Goldstein had held a similar job in Baltimore County a couple of years earlier and was recruited by Otis Rolley, the head of Dixon's mayoral transition. When Goldstein started in the job, crime in Baltimore was spiraling. She quickly concluded that Hamm was not up to the challenge of leading BPD where it needed to go. Goldstein spent the first few months learning about the dimensions of the crime problem and providing Mayor Dixon with the grim crime statistics.<sup>7</sup>

On April 30, 2007, Dixon announced a new crime plan. The plan focused on concentrating law enforcement attention on the city's most violent offenders, seizing illegal guns, and strengthening community partnerships.<sup>8</sup> Dixon developed the crime plan along with a team that included Goldstein and a handful of others; the only BPD participant in the group was BPD Deputy Commissioner Deborah Owens. Hamm was not involved in developing the crime plan. Dixon recalled that she and her team reviewed crime plans from other cities and "pulled together pieces [of those plans] that would help Baltimore." It was specifically described – and designed – as a departure from zero-tolerance policing.<sup>9</sup>

Goldstein was herself a recent convert to anti-zero-tolerance policies. She acknowledged that she had not thought very much about zero-tolerance before she

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<sup>5</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

<sup>6</sup> *Id.*

<sup>7</sup> Sheryl Goldstein Interview, Feb. 24, 2020.

<sup>8</sup> Sumathi Reddy, *Dixon outlines city crime-fighting plan*, The Baltimore Sun (May 1, 2007), <https://www.baltimoresun.com/news/bs-xpm-2007-05-01-0705010207-story.html>.

<sup>9</sup> *Id.*; Sheila Dixon Interview, June 25, 2020.

began working for Dixon, but in Goldstein's view, if zero-tolerance were to be the strategy, the city needed a back-end system to help those who committed crimes once they were released from prison. No such system existed in Baltimore.<sup>10</sup>

Within days of the announcement of her overall crime strategy, Dixon announced a complementary set of initiatives specifically aimed at dealing with the plague of illegal guns, the source of so much of the violence in Baltimore. Dixon announced the creation of a Gun Offender Registry, which required city residents who had been convicted of firearms offenses to report their addresses to police, similar to the technique used in various jurisdictions for tracking sex offenders. Dixon also announced the development of GunStat, a statistical tool to track data on gun arrests, convictions, and sentences. And she announced the formation of a gun squad – which would become known as GTTF – whose goal was, among other things, to trace the origins of guns used in the commission of crimes in Baltimore and focus on firearms trafficking issues.<sup>11</sup>

The Gun Offender Registry was Goldstein's idea, and it had Bealefeld's full support. The original unit consisted of one sergeant, one detective, and a contract employee. Bealefeld handpicked the sergeant, Michael Wilhelm. Wilhelm and his squad were responsible for learning the identities of repeat gun offenders. The Registry's goal was to make gun offenders notorious within BPD, and to leverage those offenders on probation status with the threat of re-arrest if guns came into their hands. Eventually, the Registry focused on the top 200 repeat offenders, not the 75,000 individuals on the full probation list. BPD officers visited the homes of gun offenders, determined whether those individuals had violated their parole or probation, and arrested those who had.<sup>12</sup> Wilhelm traveled to New York with Goldstein and his lieutenant, Dan Lioi, to review New York's gun registry. When they returned, Wilhelm had two weeks to get the Baltimore Registry up and running.<sup>13</sup>

GunStat was the brainchild of Goldstein and Kristen Mahoney, and was a descendant of ComStat and PoliceStat, the system for regular reporting of BPD metrics to the mayor's office. Bealefeld recalled noticing immediately that O'Malley's and

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<sup>10</sup> Sheryl Goldstein Interview, Feb. 24, 2020. When we spoke with her, Goldstein provided context for why the zero-tolerance policy was widely supported at the time, stating that it was touted by its advocates as "the best thing happening." There was a widespread view that it was working in other places. Many policymakers thought that zero-tolerance was going to keep people alive. Goldstein said she thinks O'Malley truly considered it the right strategy at the time. But by 2007, she had concluded that a new strategy was called for. *Id.*

<sup>11</sup> Annie Linskey, *City Targets Guns*, The Baltimore Sun (May 3, 2007), <https://www.baltimoresun.com/news/bs-xpm-2007-05-03-0705030122-story.html>. The development of the GTTF over time will be addressed at length in Chapter VIII.

<sup>12</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

<sup>13</sup> Michael Wilhelm Interview, Sept. 3, 2020. When we interviewed him, more than a dozen years after he developed the Registry, Wilhelm was still in charge of the unit that maintained it.

Dixon's approaches towards PoliceStat differed greatly. O'Malley's administration believed PoliceStat could be used as a vehicle to tell BPD leadership how to police, whereas Dixon and her aides contented themselves with offering suggestions and ideas based on the data rather than directing BPD's activities. Bealefeld said, "The whole team functioned by staying in their respective lanes under Dixon." He added that GunStat was created because BPD and City Hall had begun to use PoliceStat more effectively under Dixon, and had learned which issues were appropriate for City Hall to manage.<sup>14</sup>

To staff the GTTF, BPD identified six members, with Sergeant Richard Willard as the front-line supervisor. At a press conference announcing the formation of the GTTF, Bealefeld responded to skepticism about the viability of the GTTF's mission, and to questions about whether this use of scarce resources made sense in view of the acknowledged difficulty of making cases based on secondary gun market transactions. He said, "Doggone right it is worth it. A huge number of guns are coming to Baltimore through the illegal secondary transfer."<sup>15</sup>

Explaining his support for the various gun initiatives announced by Dixon, Bealefeld recalled that members of the community were less afraid of drug dealers than they were of the gunmen who robbed them. Using one of his favorite metaphors, Bealefeld explained that the community wanted BPD to go fishing for sharks, and that BPD cast a broad net for sharks but that he and many others in BPD had come to realize that under zero-tolerance, BPD was only catching minnows. "If you want to catch sharks, you go to where they live, take a spear, and shove it down their throat." The Registry served as a psychological tool that put gun offenders on notice that BPD was watching.<sup>16</sup>

Dixon received help from Bealefeld and Barksdale in fleshing out her crime plan, including the gun initiatives, but she faced a major challenge selling her plan to the BPD rank-and-file. To do so, she called a meeting attended by nearly 500 BPD members. She wanted to "communicate to BPD from the ground up so everyone understood what the plan would be and their role in the plan and to get feedback."<sup>17</sup> At the meeting, she was challenged by then-Fraternal Order of Police (FOP) President Paul Blair, who claimed that officers were still making "quality-of-life arrests" under Dixon's plan just as they had under O'Malley's zero-tolerance approach.<sup>18</sup>

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<sup>14</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Sheila Dixon Interview, June 25, 2020.

<sup>18</sup> *Id.*; Annie Linskey, *Dixon, police meet over crime plan*, The Baltimore Sun (June 20, 2007), <https://www.pressreader.com/usa/baltimore-sun/20070620/281921653629600>.



## B. The Transition from Hamm to Bealefeld

By early July 2007, Dixon felt compelled to make a change at the top of BPD. A surge in homicides and non-fatal shootings had made Hamm's position as head of BPD precarious, and was creating vulnerabilities for Dixon as she prepared to run for a full term as mayor. Dixon had mixed feelings about Hamm, describing him as a nice person with a winning personal style but weak on substance. Dixon was aware that under O'Malley, then-Deputy Commissioner Marcus Brown—not Hamm—was the one truly running BPD's day-to-day operations. Dixon "needed people who were going to work 24/7, and that was not Hamm's style." She also needed people she could trust, and Hamm's continued loyalty to O'Malley was a significant concern.<sup>19</sup>

Barksdale recalled being summoned to a private meeting with Dixon at a restaurant prior to Hamm's firing. She turned the meeting into an interview, asking him a series of pointed questions about BPD and its crimefighting strategy. Barksdale said he had low expectations for the substantive knowledge of politicians, but he recalled that Dixon asked about all the right things. It was clear to Barksdale that Dixon was trying to decide whom to bring in as a new BPD Commissioner. Dixon asked whether Barksdale thought he could work for Charles Ramsey, the former chief of Washington DC's Metropolitan Police Department, or Bealefeld. Barksdale said he knew Bealefeld, and that he liked Bealefeld's "system" better.<sup>20</sup>

Bealefeld recognized that Hamm was unlikely to be retained by Dixon, but the timing of Hamm's firing surprised him. It had generally been assumed, including by Bealefeld, that Dixon would not make a change at BPD before the September Democratic primary, which was consistent with the statements she had made publicly for weeks prior to firing Hamm.<sup>21</sup> However, at some point, she decided an immediate change was necessary. Dixon called Hamm at 7 p.m. on July 17, 2007, and asked for his resignation. Hamm said he could have resisted being fired because he continued to have support from other city and federal officials, including his neighbor and widely respected congressman, Elijah Cummings, but he decided not to do so.<sup>22</sup> Bealefeld received a phone call the same day Hamm resigned, advising him that he would be named the acting commissioner that afternoon and that Dixon would be announcing a national search for commissioner.<sup>23</sup> When asked if he was surprised when Dixon

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<sup>19</sup> Sheila Dixon Interview, June 25, 2020.

<sup>20</sup> Anthony Barksdale Interview, June 1, 2021.

<sup>21</sup> Frederick Bealefeld III Interview, Jan. 27, 2020; Gus G. Sentementes and John Fritze, *Hamm Resigns*, The Baltimore Sun (July 19, 2007), <https://www.baltimoresun.com/news/bs-xpm-2007-07-19-0707190174-story.html>.

<sup>22</sup> Leonard Hamm Interview, Feb. 4, 2020.

<sup>23</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

named Bealefeld acting commissioner, Hamm said he was not and that Bealefeld would have been his choice as well.<sup>24</sup>

In an interview immediately following her selection of Bealefeld as acting commissioner, Dixon said he was committed to her decision to turn away from zero-tolerance and embrace the strategy of targeting the most violent offenders. Bealefeld said he expected to run BPD without interference from City Hall, a pointed reference to O'Malley's hands-on approach to BPD. As part of declaring a new era of cooperation in the fight against violent crime, Dixon named Patricia Jessamy to the national search committee that would seek a permanent BPD commissioner.<sup>25</sup>

After the September Democratic mayoral primary, Dixon recalled that she was inclined to select Ramsey as commissioner based on his stellar reputation and successful tenure as chief in Washington, DC. However, she became so impressed with Bealefeld's performance as acting commissioner that she selected him instead. She concluded that Bealefeld was the person best suited to implement change within BPD and execute her crime plan.<sup>26</sup>

### C. Bealefeld's Rise Within BPD

Bealefeld joined BPD in 1983 at the age of 19 and was promoted to sergeant when he was 24—reportedly the youngest BPD member ever promoted to sergeant. He transferred to the Southwestern District, where he supervised a patrol squad of young officers. Bealefeld was subsequently placed in a newly formed drug enforcement unit and then worked for a task force that included the Baltimore City State's Attorney's Office (SAO,) BPD, and the Drug Enforcement Administration (DEA).<sup>27</sup>

From there, Bealefeld worked briefly for a task force in the Southwestern District, and then served in homicide for several years, before heading a platoon in the Eastern District. Bealefeld first interacted with Ed Norris when Bealefeld was working in the

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<sup>24</sup> Leonard Hamm Interview, Feb. 4, 2020.

<sup>25</sup> Annie Linskey and Gus G. Sentementes, *'We will make this city safe,'* The Baltimore Sun (July 20, 2007), <https://www.baltimoresun.com/news/bs-xpm-2007-07-20-0707200146-story.html>. In a reflection of the mutual bitterness with O'Malley, Jessamy said, "In a period of almost eight years, the former mayor never sought my input on any crime strategy or plan, technology, or legislation that would help reduce crime in Baltimore. It is a refreshing and welcome change that Mayor Dixon sees the importance of such a collaboration." *Id.* After Bealefeld was selected in October, Jessamy declined to endorse him even though she had been named to the search committee, stating, "I wasn't part of the selection process." See John Fritze and Sumathi Reddy, *Bealefeld picked as commissioner*, The Baltimore Sun (Oct. 5, 2007), <https://www.baltimoresun.com/news/bs-xpm-2007-10-05-0710050154-story.html>.

<sup>26</sup> Sheila Dixon Interview, June 25, 2020.

<sup>27</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

Eastern District. Most of his interactions with Norris were negative. According to Bealefeld, Norris believed he could “wipe out crime with the back of his hand.”<sup>28</sup>

Bealefeld told Norris during a meeting that the number of gun-related homicides that were counted in official compilations vastly understated the magnitude of the gun violence problem, and that the true number of non-fatal shootings – which Bealefeld viewed as tantamount to failed homicides – was between 1,200 and 1,500 per year. Norris was disturbed to hear those numbers, but Bealefeld’s estimate got his attention. Shortly thereafter, Norris asked Bealefeld to run BPD’s narcotics unit and promoted him to major, a discretionary personnel action that had to be approved by the mayor. The promotion was approved, and Bealefeld became the head of citywide narcotics.<sup>29</sup>

When Clark replaced Norris, Bealefeld continued to concentrate on investigations of high-level drug traffickers while Clark, consistent with his focus on buy-and-bust, was more interested in the street enforcement work that Barksdale was doing. According to Bealefeld, “You were either a Bealefeld person from an investigative standpoint or a Barksdale person from an operations standpoint.” According to Bealefeld, Norris, Clark, and Palmere, who later rose to become deputy commissioner, preferred Barksdale’s aggressive style. At that time, there were substantial differences in the strategies favored by Bealefeld and Barksdale based on their experiences at BPD. After a dispute with Clark about an operation that Bealefeld believed would risk the safety of police officers, Clark removed him from his position and assigned him to the Southern District.<sup>30</sup>

Bealefeld, like Dixon, viewed Hamm as running BPD in name only – the reality was that Marcus Brown ran the Department. According to Bealefeld, Brown was O’Malley’s right-hand man; it was clear to everyone in BPD that Brown “ran the show since day one.” From Bealefeld’s perspective, O’Malley was a pure numbers guy who believed that more was better, and Hamm made no effort to depart from the playbook written by O’Malley and Brown. Bealefeld did not believe in this numbers-driven policing philosophy. When he replaced Brown as the deputy commissioner of Operations at the same time that Dixon replaced O’Malley at City Hall, Bealefeld initially followed the O’Malley-Brown playbook but felt the Department was going in the wrong direction. He said he knew how to fix it.<sup>31</sup>

At the time Bealefeld became acting commissioner in July 2007, homicide numbers were again rising rapidly, on pace to exceed 300 for the first time since 1999.<sup>32</sup>

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> John Fritze and Sumathi Reddy, *Bealefeld picked as commissioner*, The Baltimore Sun (Oct. 5, 2007), <https://www.baltimoresun.com/news/bs-xpm-2007-10-05-0710050154-story.html>.

Although Bealefeld had not been substantially involved with the development of Dixon's crime plan, he fully embraced it because he believed it was less numbers-driven and more strategic, focusing more specifically on violent offenders and "trigger pullers."<sup>33</sup>

Bealefeld recalled that it was extremely difficult to implement major strategic changes because BPD members had grown accustomed to the strategies and tactics of the previous eight years, even though they were detested by many as counterproductive or worse. Bealefeld compared changing course at BPD to turning an ocean liner. Whereas his predecessors believed that specialized strike teams with muscle would solve the most pressing problems of violent crime, Bealefeld put more faith in strategic partnerships, and noted that he leveraged his relationships with the SAO, the US Attorney's Office (USAO), and the Maryland State Police (MSP) to build such partnerships. This idea was driven by the failures of his predecessors, but also by the best practices recommended by both police professionals and academics with an expertise in policing, and successfully used by other police departments.<sup>34</sup>

Bealefeld saw his main challenge as getting BPD's law enforcement partners to take joint ownership with BPD of the city's homicide numbers. He had studied homicide cases closely and had concluded that the vast majority of those cases shared a common pattern: the defendant had previously been arrested with a gun, released, subsequently committed a murder or was rearrested with a gun, and was then placed on probation. As part of the strategy of cracking down on violent offenders, Bealefeld worked with personnel from the state's Department of Parole and Probation to leverage a gun offender's parole or probationary status to proactively prevent violent acts by repeat gun offenders. Probation violation cases were ready-made cases, and the standard for probation violations was not high. Bealefeld met with probation and parole officers who worked on Baltimore City cases and asked each of them to prioritize more closely monitoring one or two probationers or parolees on their respective lists, which meant helping BPD when its members asked for assistance in getting those probationers or parolees off the street. This mission was not readily accepted by all: Bealefeld said some parole and probation officers argued that their obligation was to the client, and not to BPD. Even so, Bealefeld recalled that he was ultimately able to work with these officers to identify individuals most likely to reoffend repeatedly and to offer job training and drug treatment services to help deter future violent criminal acts. Bealefeld credited the Parole and Probation Department for its significant contributions to the effectiveness of the strategy.<sup>35</sup>

Bealefeld said he was able to get BPD personnel engaged in the new strategy by proving to them that he knew what he was doing and that he "wouldn't sail them into

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<sup>33</sup> Sheila Dixon Interview, June 25, 2020.

<sup>34</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

<sup>35</sup> *Id.*

an iceberg.” One significant obstacle was convincing them that he would be in office long enough to implement the strategy: by mid-2007, most rank-and-file BPD officers believed they could outlast any BPD commissioner, and they had recent history to prove it. By the time he replaced Hamm, Bealefeld was the sixth commissioner since 1999. With that recent history, many BPD members took announced changes of strategic direction with a grain of salt. However, because of his many years with BPD in many different positions, Bealefeld believed he could overcome such skepticism.<sup>36</sup>

When Bealefeld became acting commissioner, he also realized that he needed a team of people to work with that he trusted. He trusted Sheryl Goldstein and Kristen Mahoney (who remained involved in BPD matters even though she now worked at the state level), despite BPD colleagues advising him not to work with them for multiple reasons. Among these reasons were that they were not BPD members, their views ran counter to the prevailing conventional wisdom, and they were women. Bealefeld was aware from the start that he had to navigate a delicate balancing act: he had to rely on BPD personnel to support him while at the same time working with City Hall and state personnel who were not respected within BPD.<sup>37</sup>

After serving as acting commissioner for three months, Bealefeld was named commissioner by Dixon in October 2007 following a national search, which included consideration of eight candidates. Dixon’s decision was driven by her experiences with Bealefeld during his three months as acting commissioner. A decline in the homicide rate and in the rate of non-fatal shootings provided evidence that his new strategy was working.<sup>38</sup> Another result of the strategic change was that arrest rates significantly declined for the first eight months of the year. Towards the end of 2007, Bealefeld publicly questioned the benefits of the steep rise in arrests in previous years—describing the rise as “mind-boggling” and asking, “Did we really accomplish a lot doing that? . . . We’re going to be much more focused.”<sup>39</sup>

#### **D. The Creation of VCID**

In mid-2007, shortly before Dixon cemented Bealefeld’s status as commissioner, the Organized Crime Division (OCD) was reorganized and rebranded as the Violent Crime Impact Division (VCID).<sup>40</sup> BPD’s 2007 Annual Report listed the creation of VCID

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> John Fritze and Sumathi Reddy, *Bealefeld picked as commissioner*, The Baltimore Sun (Oct. 5, 2007), <https://www.baltimoresun.com/news/bs-xpm-2007-10-05-0710050154-story.html>.

<sup>39</sup> Julie Bykowicz, *Police in City Arrest Fewer*, The Baltimore Sun (Nov. 24, 2007), <https://www.pressreader.com/usa/baltimore-sun/20071124/281874409059227>.

<sup>40</sup> The final OCD roster is dated January 30, 2008, and the first VCID roster is dated February 11, 2008. However, references to VCID are contained both in BPD’s 2007 Annual Report and 2007 organization charts. BPD rosters frequently lag behind public announcements and actual organizational changes. When we asked Bealefeld, Barksdale, Hess, and Palmere about the timing of the transition to



as one of the most significant accomplishments of the year, second only to the creation of the GTTF. According to the Annual Report:

In 2007 the Organized Crime Division was reorganized and restructured by Commissioner Bealefeld. The new Violent Crime Impact Division's (VCID) detectives were instructed to focus on certain zones within the city as well as target the most violent offenders. This new focus resulted in significant crime reductions in the latter half of 2007. Despite the Division accounting for only 9.7% of the total number of sworn officers in the Department, it produced the following in 2007:

- 15% of the total arrests.
- 56% of the total felony narcotics arrests.
- 18% of the total misdemeanor narcotics arrests.
- 2007 vs. 2006, the Division increased overall arrests by 42%, guns seized/recovered by 54%, felony drug narcotics arrests by 8% and misdemeanor narcotics arrests by 66%.
- Seized/Recovered over \$6 million in US Currency.<sup>41</sup>

As Bealefeld's Deputy Commissioner of Operations, Barksdale was instrumental in creating VCID. He agreed with Bealefeld that BPD's highest priority was targeting the most violent criminals and removing them from the streets of Baltimore. In addition to enforcement squads in the Eastern, Western, and Northwestern Districts, VCID also included under its organizational umbrella a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) task force, a High Intensity Drug Tracking Area task force, and an Federal Bureau of Investigation (FBI) task force. Barksdale recalled that his goal in developing and implementing VCID was to balance aggressive enforcement against the need to avoid suffocating communities.<sup>42</sup>

The reorganization and creation of VCID was designed to match structure to strategy. Under Hamm, BPD was divided into two Bureaus, Operations and Administrative, with OCD as one of four divisions within Operations.<sup>43</sup> OCD was itself divided into two branches—Investigations and Enforcement. With the formation of

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VCID, none of them were able to provide specifics. Email correspondence with Bealefeld, Barksdale, Hess, and Palmere, June 2021.

<sup>41</sup> BPD 2007 Annual Report, at 7.

<sup>42</sup> Anthony Barksdale Interview, Feb. 18, 2020.

<sup>43</sup> The three other divisions were Patrol, Detective, and Homeland Security.

VCID, various units from outside OCD were merged with OCD enforcement squads on both the Eastside and Westside, doubling the overall size of the enforcement squads.<sup>44</sup>

The original Eastside and Westside enforcement squads were supplemented with new Northwestern enforcement squads, which were drawn from the Northwestern and Northern Districts. By February 2008, the Eastside, Westside, and Northwestern enforcement squads transitioned to a scheme called zone enforcement. Zone enforcement was designed to focus BPD's efforts on the places where the most violent crime occurred, with each zone comprising four to six square blocks. The strategy was two-fold: to establish a consistent and significant presence in order to deter street-level crime, and to focus on conducting long-term investigations to address organized crime. The difference from prior enforcement efforts was the more extensive use of analytics and data to identify hot spots and bad actors—in Bealefeld's often-used and widely-repeated phrase, to target “bad guys with guns.”<sup>45</sup>

BPD members generally recalled having a favorable reaction to the formation of VCID and to the Bealefeld-Barksdale strategy because it was a more rational method for allocating resources and it produced measurable, positive results.<sup>46</sup> But at times, the aggressiveness of VCID's street enforcement efforts rankled community members and also raised concerns among BPD members.<sup>47</sup> According to BPD Sergeant Kenneth Ivery, members of his VCID squad regularly approached men on the street and searched them. He recalled that if a corner was known for drug activity and an individual known to them arrived at the corner, BPD officers would routinely make a stop.<sup>48</sup>

At the outset, the selection of VCID personnel was more careful and considered than it became later on. Former BPD Major John Hess recalled that he and Barksdale initially implemented a selection process that gave them substantial discretion.<sup>49</sup> Former Deputy Commissioner Dean Palmere recalled that in early 2008, former OCD members went through a vetting process that included checks with internal affairs and interviews. Members who made it through that process were then put on a list for human resources to prepare transfer orders.<sup>50</sup>

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<sup>44</sup> BPD Rosters, July 24, 2007.

<sup>45</sup> Sean Miller Interview, Apr. 24, 2020.

<sup>46</sup> This view was reflected in multiple interviews with members who served in VCID. *See, e.g.*, Ian Dombroski Interview, Apr. 1, 2020; Kenneth Ivery Interview, Mar. 2, 2021.

<sup>47</sup> Annie Linskey and Nick Madigan, *Killing Pace Slows in City*, The Baltimore Sun (June 29, 2008), <https://www.baltimoresun.com/news/bs-xpm-2008-06-29-0806280196-story.html>.

<sup>48</sup> Kenneth Ivery Interview, Mar. 2, 2021.

<sup>49</sup> John Hess Interview, Sept. 8-9, 2020.

<sup>50</sup> Dean Palmere Interview, Aug. 4, 2020.

Over time, Hess became concerned that he and Barksdale were losing control of the selection process as VCID was augmented with additional personnel and became faster-paced. Hess recalled that he and Barksdale made attempts to tighten up the recruitment process in 2009 but that those attempts failed – Hess did not recall whether the proposal was rejected or died on the vine. In the same vein, Hess attempted to reinstitute polygraphs and written exams in order to raise the bar for members entering VCID. Hess obtained Barksdale’s and Palmere’s support, but the proposals were never implemented.<sup>51</sup>

By the end of 2008, BPD could justifiably claim that VCID was a success story. From 2007 to 2008, the number of arrests made by VCID rose by 40%, with felony arrests increasing by 65%, at a time when overall arrests in Baltimore were declining.<sup>52</sup> By mid-2008, homicides and shootings were declining substantially, and the activities of VCID squads were viewed as a major factor in those achievements.<sup>53</sup> BPD officials credited VCID and its focus on the city’s most violent criminals as the key to the declines in shootings and homicides. BPD data reflected the surge of manpower into VCID and the Department’s greater internal focus on VCID’s mission: at the end of May 2007, the number of BPD personnel in OCD was approximately 180. By the end of July 2007, that number had swelled to 270 before rising further to approximately 300, where it remained throughout 2008 and 2009.<sup>54</sup>

## **E. The EXILE Program and Violent Repeat Offenders**

As discussed in Chapter IV, Section L, the Baltimore EXILE program was established in 2006 as a multi-agency strategy to combat gun crime in Baltimore. The initiative brought personnel and resources from no fewer than eleven local, state, and federal agencies—including BPD, the SAO, and the USAO—under one umbrella.<sup>55</sup> In April 2009, the participating agencies issued a press release documenting their accomplishments:

In 2008, 206 Baltimore EXILE defendants were charged with federal crimes. Over 60% of the cases indicted under the EXILE program during that period

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<sup>51</sup> John Hess Interview, Sept. 8-9, 2020. Hess was under the impression that Bealefeld vetoed these proposals. When we asked Bealefeld about this, he adamantly denied rejecting them. Email from F. Bealefeld to M. Bromwich, June 17, 2021, Re: VCID. However, Barksdale confirmed Hess’s recollection that he discussed these proposals with Bealefeld and they were rejected. Email from A. Barksdale to M. Bromwich, June 17, 2021, Re: VCID.

<sup>52</sup> BPD 2008 Annual Report, at 40.

<sup>53</sup> Annie Linskey and Nick Madigan, *Killing Pace Slows in City*, The Baltimore Sun (June 29, 2008), <https://www.baltimoresun.com/news/bs-xpm-2008-06-29-0806280196-story.html>.

<sup>54</sup> BPD Rosters, 2007, 2008, 2009.

<sup>55</sup> US Department of Justice, USAO Baltimore EXILE program, <http://www.usdoj.gov/usao/md/Exile/index.html>.

were based on referrals from the State's Attorney's FIVE<sup>56</sup> Unit. Many of the cases involved local gun arrests that resulted in lengthy federal prison sentences. The number of violent offenders charged in federal court has increased steadily in each year of the EXILE program's existence and represents a 67% increase over the number of such offenders prosecuted prior to the program's inception. In the first three months of 2009, 27 more Baltimore EXILE defendants have been prosecuted for federal crimes, more than a third of which were based on referrals from the FIVE unit.<sup>57</sup>

The release also described the Violent Repeat Offender initiative, which was a centerpiece of EXILE:

Under Baltimore EXILE's Violent Repeat Offender (VRO) initiative, a team composed of representatives of [seven state and federal agencies], BPD, the SAO, and the USAO meet regularly to identify some of the most violent individuals in the city—individuals who belong to violent gangs or organizations operating in Baltimore and individuals who have been charged with, or have been suspects in, shootings and murders . . . The members of the Violent Repeat Offender team determine the most effective strategy for arresting and detaining each individual or gang—including violations of parole or probation, aggressive prosecution of pending state or federal charges, or proactive investigations—and monitor the status of the pending case or investigation of each such individual or group.<sup>58</sup>

The participating agencies developed a VRO list, and targets were designated for investigation by the participating agencies, primarily by task force squads at ATF, DEA, and FBI, with cases to be prosecuted by the USAO or SAO. To further support this initiative, in February 2008, BPD enforcement squads for the Eastern and Western Districts and the Park Heights area of Northwest Baltimore were formed to help pursue targets on the VRO list.<sup>59</sup>

These enforcement squads, also referred to as VRO squads, served as early organizational homes for many of the officers who would later be prosecuted for corruption in connection with the GTTF investigation. For example, in early 2008, Mike Fries was the sergeant of the Northwest 1 squad that included Keith Gladstone and Wayne Jenkins; William Knoerlein was the sergeant of the Eastside 6 squad that

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<sup>56</sup> FIVE is the acronym for the SAO's Firearms Investigation Violence Enforcement unit.

<sup>57</sup> US Department of Justice, USAO Baltimore EXILE program, <http://www.usdoj.gov/usao/md/Exile/index.html>.

<sup>58</sup> *Id.*

<sup>59</sup> Press Release, US Attorney's Office, Baltimore Exile Partners Announce Continued Significant Progress Against Violent Repeat Offenders (Apr. 16, 2009), <https://archives.fbi.gov/archives/baltimore/press-releases/2009/ba041609.htm>.

included Ivo Louvado and Victor Rivera. Before being moved to lead the GTTF in mid-2009, Kevin A. Jones led a Northwest 1 squad that included Momodu Gondo and Jemell Rayam. Daniel Salefski led a Westside 6 squad that included Sean Suiter and Maurice Ward.<sup>60</sup> Both the Eastside and Westside squads were at various times located at The Barn, adjacent to the BPD Academy.<sup>61</sup>

According to Palmere, EXILE and the VRO initiative were consistent with Bealefeld's view that a small percentage of criminals were responsible for the majority of serious crimes committed in Baltimore – not only murders, but also auto thefts, robberies, and burglaries, among other crimes. Palmere recalled that the focus on violent repeat offenders caused him, and the officers with whom he worked, to rely on BPD units that had collected information about those offenders.<sup>62</sup> The work was important but also difficult because the VRO unit members were required to catch the target committing a crime or obtain probable cause to search the target's residence. BPD Lieutenant Chris O'Ree characterized his assignment to one of the VRO units as the most difficult of his 25-year BPD career.<sup>63</sup>

In March 2010, Ryan Guinn was transferred from the GTTF to a VRO unit. Guinn had been a BPD officer for 10 years at the time and had served in a variety of roles. Guinn learned of the VRO opportunity from Rick Willard, whom he knew from the GTTF. Willard told Guinn that BPD was creating special squads of VCID personnel – seasoned detectives who would be assigned target suspects. The squads had only 30 days to track down these targets and arrest them. Guinn recalled that the squad received a rolling list of names, and that members of the squad surveilled these targets, hoping to obtain enough evidence to arrest them or support a search warrant for their residence. Like O'Ree, Guinn found the assignment to be extremely difficult and, from his perspective, unsuccessful, despite official claims to the contrary. Guinn said his recollection was that his squad did not arrest any of the suspects on the list.<sup>64</sup>

Willard was the sergeant of Guinn's VRO squad, and Mike Fries was the lieutenant. Gladstone, Jenkins, Suiter, and Guinn were the members of the squad. Guinn had been warned about Jenkins and Gladstone by other BPD members. Although there were no assigned partners, Guinn rode with Jenkins most frequently. He characterized Jenkins as "go, go, go," "a cowboy," and reckless. Jenkins would frequently place Guinn in dangerous positions because he would pull up on suspects who had handguns. Jenkins would mock other officers as "pussies" if he felt like they were insufficiently aggressive. Guinn recalled Jenkins criticizing Suiter constantly for

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<sup>60</sup> VCID Roster, Dec. 3, 2008.

<sup>61</sup> Mike Fries Interview, Oct. 8, 2020.

<sup>62</sup> Dean Palmere Interview, Aug. 4, 2020.

<sup>63</sup> Chris O'Ree Interview, Sept. 10, 2020.

<sup>64</sup> Ryan Guinn Interview, Nov. 30, 2020.



being a “bitch” or “a pussy.” In addition, Jenkins would play psychological games by talking constantly about how he was not “dirty” and talking about other “dirty” cops. In retrospect, Guinn concluded that Jenkins conditioned other officers to think of him as aggressive but not corrupt because of his repetitive discussion of the issue.<sup>65</sup>

Guinn did not have a substantial relationship with Gladstone. Although Gladstone was reputed to be a successful drug cop, Guinn recalled riding with him only once during the VRO assignment. As for Suiter, Guinn said that he seemed like a “very gentle, nice guy.” Looking back, Guinn viewed the VRO group as an odd and mismatched collection of personnel. He left the VRO squad after several months and returned to the GTTF. Guinn’s view was that the squad had accomplished little before it was disbanded and its members returned to their previous assignments.<sup>66</sup>

Notwithstanding Guinn’s perception of the relative lack of productivity of the BPD VRO squads, the Baltimore EXILE VRO program as a whole resulted in the arrest and successful prosecution of 48 of the 61 targets on the list between 2006 and 2009, with most of those prosecutions resulting from cases made by ATF and DEA task force groups. The impact of focusing on the most violent criminals in the city and those with prior handgun violations was reflected in the declining number of homicides and shootings in 2008 and 2009.<sup>67</sup> The number of homicides in Baltimore dropped from 282 homicides in 2007 to 234 homicides in 2008, and 238 homicides in 2009, before falling even lower in subsequent years.<sup>68</sup> The number of non-fatal shootings fell sharply during the same period. This was a reduction in the number of homicides that had not been equaled in Baltimore since the late 1980s.<sup>69</sup>

## **F. The Trenell Murphy Case**

At least one of the VRO squads deployed to help remove violent criminals was itself comprised of criminals – but criminals with police badges. In February 2009, the VCID Eastside 6 enforcement squad was led by Knoerlein and included seven detectives: Bryan Campbell, Paul Geare, Craig Jester, Gladstone, Jenkins, Louvado, and Rivera.<sup>70</sup> On February 19, 2009, the squad conducted an enforcement action that resulted in the arrest of Trenell Murphy and the seizure of approximately 40 kilograms

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<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> Press Release, US Attorney’s Office, Baltimore Exile Partners Announce Continued Significant Progress Against Violent Repeat Offenders (Apr. 16, 2009), <https://archives.fbi.gov/archives/baltimore/press-releases/2009/ba041609.htm>.

<sup>68</sup> Justin Fenton, *Count falls, hopes rise*, The Baltimore Sun (Dec. 31, 2008), <https://www.baltimoresun.com/bs-xpm-2008-12-31-0812310026-story.html>.

<sup>69</sup> Peter Hermann, *Weekend’s Shootings Defy Recent City Trend*, The Baltimore Sun (Sept. 23, 2009), <https://www.baltimoresun.com/news/bs-xpm-2009-09-23-0909220085-story.html>.

<sup>70</sup> VCID Roster, Feb. 6, 2009.

of cocaine, with a wholesale value of about \$1 million. The drug seizure was celebrated at the time as a major triumph for BPD and VCID's effectiveness. Ten years later, in 2019, it would be revealed as an example of massive corruption that included the sale of some of the seized drugs by three members of the squad — Gladstone, Louvado, and Rivera.

On the evening of February 19, members of the Eastside 6 squad established surveillance in the 3000 block of Presstman Street in West Baltimore. Members of the squad observed Trenell Murphy leave his residence, located around the corner from Presstman Street in the 1400 block of Ellamont Street, and place a white plastic bag in his black Chevrolet truck. Members of the squad followed Murphy as he drove away and saw him pull over and throw a white plastic bag, which contained items covered by white residue, out of the truck. Squad members then sought and obtained a search warrant for Murphy's residence. During the search, members of the squad seized approximately \$12,000 in cash and the keys to the truck. Members of the squad looked in the bed of the truck and saw bags similar to the one that Murphy had earlier discarded. They searched the truck bed and discovered approximately 40 kilograms of cocaine. After the search, the officers obtained a search warrant for the truck. In subsequent court proceedings, Murphy's motion to suppress the warrantless seizure of the cocaine in the truck bed was denied. Murphy pled guilty to one count of possession with intent to distribute five or more kilograms of cocaine. On October 7, 2009, Murphy was sentenced to 20 years' imprisonment. In February 2019, after the government learned about the theft of cocaine by the BPD members, Murphy's sentence was reduced to 15 years. The search warrant affidavits and police reports regarding the operation were co-authored by Jenkins and Jester.<sup>71</sup>

Rivera recalled that once the members of his squad had executed the warrant on Murphy's residence, BPD's SWAT unit took over the scene. Rivera said that he subsequently entered the surveillance van and that Gladstone and Louvado were already there. Between the seats was a bag containing three kilograms of cocaine. Rivera stated that Gladstone looked down at the bag and gave Rivera a look of feigned surprise, saying, "Oh my God," as if he were surprised at the discovery. Rivera quickly surmised that Gladstone had taken the drugs from the larger seizure. Gladstone then asked Rivera to call one of his informants to determine if the informant could sell the cocaine. Rivera contacted his informant, who agreed to sell the drugs and share the proceeds. Around two weeks later, the informant gave Rivera approximately \$60,000 as his share of the proceeds of the sale. Gladstone, Louvado, and Rivera divided the

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<sup>71</sup> The summary of the facts is drawn from the district court opinion denying Murphy's 2014 petition pursuant to 28 U.S.C. § 2255. *United States v. Murphy*, 1:11-cv-01834-ELH (D. Md. April 1, 2014), [https://www.govinfo.gov/content/pkg/USCOURTS-mdd-1\\_11-cv-01834/pdf/USCOURTS-mdd-1\\_11-cv-01834-0.pdf](https://www.govinfo.gov/content/pkg/USCOURTS-mdd-1_11-cv-01834/pdf/USCOURTS-mdd-1_11-cv-01834-0.pdf); See Justin Fenton, *15th Baltimore Police officer charged in Gun Trace Task Force corruption fallout*, The Baltimore Sun (Apr. 15, 2020), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-gttf-rivera-charged-20200415-rntnu3xkzvavrg6b5xsmv2ck3q-story.html>.

money three ways. None of them expressed any concern at the time about the crime that they had committed.<sup>72</sup>

Rivera explained his participation in this episode and other crimes as driven by his continuing desire to be accepted by officers he admired – years earlier it had been Knoerlein; in this case it was Gladstone and Louvado. He wanted to be known as a “good cop” in the eyes of corrupt cops such as Knoerlein and Gladstone. He craved acceptance, which overtook all other considerations. Rivera claimed that this episode in February 2009 was the first and last time he engaged in the sale of drugs.<sup>73</sup>

## **G. The Burley-Matthews Drug Planting Incident**

A year later, a different crime was committed by Gladstone and another group of corrupt BPD officers. This time, the crime was not diverting and selling drugs seized from a major drug trafficker, but instead framing two men on drug charges to cover up for the recklessness of Wayne Jenkins. Members of the VRO squad that included Jenkins, Gladstone, Suiter, and Guinn were involved in a fatal vehicle accident, drug planting, and cover-up that would serve as a ticking time bomb for Jenkins, Gladstone, and Suiter for many years.

On August 28, 2010, members of the squad were operating in the neighborhood of Belle Avenue in Northwest Baltimore. In plainclothes and unmarked cars, the squad members observed Umar Burley driving his vehicle in the 3800 block of Parkview Avenue. Jenkins and Guinn were riding together and observed a second man, Brent Matthews, carrying an object and getting into Burley’s car. According to an affidavit submitted by Jenkins, “At this time, due to my training and expertise, I believed a narcotic transaction was possibly taking place.”<sup>74</sup>

Guinn radioed Suiter that he and Jenkins were going to attempt to stop Burley. The two police cars attempted to block in Burley. Jenkins ordered Burley and Matthews to show their hands; Guinn approached Burley’s vehicle with his gun drawn and ordered Burley not to move. Burley managed to navigate his vehicle around the two police cars and speed away. Jenkins, Guinn, and Suiter pursued in their vehicles. Guinn recalled that Suiter started to follow Burley and Matthews but lost them. Suiter told Guinn and Jenkins that there was something wrong with his gas pedal. At that point, Jenkins complained bitterly about Suiter and started “driving like a maniac.” Guinn suggested that they slow down and check side streets. Eventually, Jenkins did

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<sup>72</sup> Victor Rivera Interview, May 8, 2020.

<sup>73</sup> Victor Rivera Interview, Feb. 10, 2021.

<sup>74</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 3-7.

so. While on a side street, Guinn and Jenkins heard the sound of a crash and followed the sound to the scene of the crash.<sup>75</sup>

Guinn initially thought Burley's car had struck a fire hydrant. He saw the car doors pop open and Burley and Matthews flee the scene. Guinn chased and caught Matthews; Jenkins and Suiter apprehended Burley. When Guinn returned to the scene with Matthews, Jenkins was agitated and emotional.<sup>76</sup> The loud noise the officers had heard was not a collision with a fire hydrant, but the impact of Burley's car colliding with a car occupied by Elbert Davis, Sr., 86, and Phosa Cain, 81. Their car had been launched into the air by the impact of the crash and catapulted over a row of bushes. They were both badly injured, and Davis died later that day.<sup>77</sup>

According to Guinn, Jenkins was furious with Suiter, blaming him for the failure of the initial attempt to block in Burley's car. Jenkins directed Suiter to search Burley's car for evidence or contraband. Guinn recalled seeing Suiter walk over to the car, bend down, and seize a packet. The packet contained approximately 28 grams of heroin. The drugs did not belong to Burley and Matthews and had not been in their car; the drugs were planted by one of the BPD officers at the scene. Guinn claimed that he did not see the drugs being planted, and did not know they had been planted until many years later, when he was debriefed by members of the FBI's Public and Border Corruption Task Force (FBI Task Force), who told him Jenkins had confessed to planting the drugs. Only at that point, according to Guinn, did he begin to put the various pieces of Jenkins's suspicious conduct together. Following the vehicle crash, Jenkins had spent substantial time listening to taped jail calls from inmates. He became extremely concerned when he overheard jail calls from Burley and Matthews complaining that the drugs with which they had been charged had been planted. According to Guinn, Jenkins became "paranoid": he had his car searched for listening devices and claimed that he thought the FOP was following him, which made little sense.<sup>78</sup>

Only after his arrest in 2017, while negotiating a potential plea deal with the USAO, did Jenkins admit that the drugs had been planted at the scene of the accident. In the statement of facts attached to his January 2, 2018, plea agreement, Jenkins admitted the following facts, among others:

- Jenkins, together with Guinn and Suiter, engaged in a vehicle pursuit of Burley and Matthews.

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<sup>75</sup> *Id.*; Ryan Guinn Interview, Nov. 30, and Dec. 11, 2020.

<sup>76</sup> Ryan Guinn Interview, Nov. 30, and Dec. 11, 2020.

<sup>77</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 6-7, 44.

<sup>78</sup> Ryan Guinn Interview, Nov. 30, and Dec. 11, 2020.

- After Burley's vehicle struck the vehicle being driven by Elbert Davis, Jenkins found no drugs in Burley's car.
- Jenkins told Guinn to call Richard Willard, who had "the stuff" or "the shit" — referring to the drugs — in his car.
- Suiter subsequently "found" 28 grams of heroin in the car that had been planted.
- Jenkins drafted a sworn false statement of probable cause claiming that the heroin had been found in Burley's car when he knew it had been planted.
- After listening to Burley's and Matthews's jail calls, Jenkins told Guinn that he could not testify at a trial because "something had been put in the car."<sup>79</sup>

The lesson Jenkins drew from the Burley incident was not that planting evidence was wrong — but instead that he should always be prepared to plant evidence if that proved necessary and that he needed other BPD members with whom he worked to be prepared to do so as well. He imparted this guidance to BPD members who served under him from the time he became a supervisor in 2012 until his arrest in March 2017.<sup>80</sup>

In a telephone call with Jenkins in January 2021, we asked Jenkins who had planted the drugs in Burley's vehicle. Without hesitation, he said the following:

Sean Suiter — not at my direction, but he put drugs under the seat. I called Gladstone, not because I needed drugs, but because I was scared because a guy had died. When Gladstone got there, he said 'Make something happen.' Gladstone and I found, at the scene, four or five Ziploc[] [bags] of crack cocaine, so we wouldn't have needed to plant anything. Nobody put Sean up to planting the drugs.<sup>81</sup>

Jenkins said that after Burley's arrest, he spoke with Christine Celeste, an assistant state's attorney, who told him that Burley claimed he did not have drugs in the vehicle. After speaking with Celeste, Jenkins said he met with Suiter to discuss the Burley incident. According to Jenkins, Suiter said, "Fuck them n\*\*\*\*s [referring to Burley and Matthews]. They killed a man." Jenkins claimed that he and Suiter spoke at length about the matter, and that Suiter admitted without question that he had planted drugs in Burley's vehicle and that he "pulled [the drugs] out of Gladstone's trunk."

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<sup>79</sup> Jenkins Plea Agreement at 25-26, *United States v. Gondo, et al.*, 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254; Ryan Guinn Interview, Nov. 30, and Dec. 11, 2020.

<sup>80</sup> Jenkins Plea Agreement at 26, *United States v. Gondo, et al.*, 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254.

<sup>81</sup> Wayne Jenkins Interview, Jan. 20, 2021. This call was designed to be a brief prelude to a full-length interview. Jenkins ultimately cancelled the interview, scheduled for early March, because we would not permit a movie producer to participate in the interview.



Jenkins added that he later spoke with Gladstone, and that Gladstone knew Suiter had planted the heroin sometime after Burley's arrest. Jenkins claimed that he and other members of the GTTF regularly kept drugs they had confiscated from people on the street in their vehicles.<sup>82</sup>

Based on the planted evidence, Burley served more than seven years in prison and Matthews served more than three years prior to the disclosures that they had been framed by the BPD officers. Subsequently, the city entered into a settlement with Burley and Matthews in the amount of approximately \$8 million to compensate them for their wrongful convictions and prison sentences.<sup>83</sup>

## **H. Internal Affairs, Majestic Towing, and the FBI Task Force**

### **1. The Continuing Failures of Internal Affairs**

Although BPD made meaningful progress in reducing homicides starting in the middle of 2007, little progress was evident in addressing misconduct within the ranks of BPD and improving the functioning of Internal Affairs (IA).

Mike Davey, a lawyer for the FOP who has represented scores of BPD members accused of misconduct over the past two decades, recalled an overall decline in IA during the Clark and Hamm administrations. According to Davey, IA functioned poorly under both Clark and Hamm: cases moved slowly, and he saw no evidence that anyone in IA was trying to fix the systemic problems that were preventing its effective and efficient functioning. He witnessed a frequently changing cast of IA leaders – some from inside BPD, some from the outside – but he saw no significant improvements.<sup>84</sup>

Problems in handling misconduct allegations continued to proliferate, including issues that became public embarrassments and cast a harsh spotlight on IA. In April 2009, JoAnn C. Woodson-Branche, a lawyer responsible for handling trial board proceedings of IA investigations, was fired. She was alleged to have signed documents that, by internal policy, were required to be signed by members of the charging committee. In addition, she had reportedly backdated documents to extend the time for charging officers and thus improperly avoided having those cases expire as untimely

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<sup>82</sup> Wayne Jenkins Interview, Jan. 20, 2021. Needless to say, any statement made by Jenkins warrants substantial skepticism. His career was built, in substantial part, on an edifice of lies and he continued his deception even during his negotiations with the government following his arrest when he had every incentive to be honest. On the other hand, by the time we spoke with him, Jenkins had already pled guilty to participating in the planting of the drug evidence and therefore had no discernible motive to lie about it.

<sup>83</sup> Justin Fenton, *'The only good thing about this I see is that I'm still living': Baltimore approves more than \$10 million in GTTF settlements*, The Baltimore Sun (Nov. 18, 2020), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-gttf-boe-approves-burley-matthews-settlement-20201118-rymqdly5e5enji36fjlrh26rsi-story.html>.

<sup>84</sup> Michael Davey Interview, Mar. 12, 2020.

under the Law Enforcement Officers' Bill of Rights (LEOBR).<sup>85</sup> Davey recalled that the discovery of the backdating issue caused BPD to drop approximately 50 cases that were compromised as a result.<sup>86</sup> In response to the firing of Woodson-Branche and the disclosures regarding irregularities in internal affairs, Mayor Dixon referred to BPD's internal affairs as a "weak link."<sup>87</sup> In response to media accounts of her firing, Woodson-Branche held a news conference in which she alleged that the entire BPD accountability process – from investigations to charging to discipline – was marred by incompetence and improper command influence.<sup>88</sup>

Rob Morris had transferred out of IA in December 2004 when he was promoted to lieutenant. After a brief period in the Northeastern District, he spent most of the period from 2005-2009 in the Criminal Intelligence Section. He transferred back to IA in late 2009 as the lieutenant over the Ethics Section, the unit of IA that handled the most serious allegations of misconduct. Morris did not volunteer to return, but instead was involuntarily transferred at Bealefeld's request. Morris was told he was moved back to IA because command staff members had determined that IA was "messed up and it needed to be fixed." Morris was a logical candidate to help repair IA because he had developed a good reputation in IA as an investigator and supervisor.<sup>89</sup>

Morris said he noticed immediately that IA had deteriorated in the five years he had been away. He saw a sharp decline in intensity and urgency. During his previous service in IA, he had found the bosses to be demanding and to put pressure on IA personnel to know exactly what was going on in their cases, including insignificant details. When Morris returned, it was clear to him that expectations had been lowered. Morris attempted to raise expectations for the detectives who worked for him, pushing them to conduct quality investigations.<sup>90</sup>

Chad Ellis was one of the two sergeants in Ethics when Morris returned in 2009. Ellis had taken a very unconventional route to IA by the time he arrived in 2009. He was a 16-year veteran of BPD who had served in SWAT and, for the better part of seven years, as a member of O'Malley's mayoral and gubernatorial protective details. During a 2009 trip to Israel with O'Malley and Bealefeld, Ellis told Bealefeld he wanted to

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<sup>85</sup> Justin Fenton, *Police Probe Leader Fired*, The Baltimore Sun (Apr. 16, 2009), <https://www.baltimoresun.com/bs-xpm-2009-04-16-0904150132-story.html>.

<sup>86</sup> Michael Davey Interview, Mar. 12, 2020; Justin Fenton, *Ex-Official Lists Alleged Abuses in Police Dept.*, The Baltimore Sun (July 3, 2009), <https://www.baltimoresun.com/news/bs-xpm-2009-07-03-0907020100-story.html>.

<sup>87</sup> Justin Fenton, *Police Drop 12 Cases in Probes of Misconduct*, The Baltimore Sun (May 27, 2009), <https://www.baltimoresun.com/news/bs-xpm-2009-05-27-0905260066-story.html>.

<sup>88</sup> Justin Fenton, *Ex-Official Lists Alleged Abuses in Police Dept.*, The Baltimore Sun (July 3, 2009), <https://www.baltimoresun.com/news/bs-xpm-2009-07-03-0907020100-story.html>.

<sup>89</sup> Robert Morris Interview, Aug. 5, 2020.

<sup>90</sup> *Id.*

return to BPD – executive protection was not why he had chosen a career in law enforcement. During the trip, Ellis recalled discussing BPD internal affairs issues with Bealefeld, and listening to Bealefeld’s concern that some officers’ participation in misconduct was “making it very difficult to maintain trust” with the community. During the trip, Bealefeld told Ellis that he would like him to respond to an existing IA job posting. On his return to Baltimore, Ellis applied for the position and was selected. Immediately upon arriving in IA, Ellis recalled seeing “what to me felt like allowances for blatant violations of every rule there was.”<sup>91</sup>

At the time Ellis joined IA, Major Nathan Warfield was the commanding officer. In the General Section – known as the “pit” – six or seven sergeants and 40 detectives handled general cases. Before joining IA, Ellis had the impression that Ethics was an elite unit whose members worked the most serious cases. However, once he started working there, he came to the conclusion that Ethics was a far less effective instrument for rooting out misconduct than he had expected. Staffing in Ethics consisted of three sergeants and seven or eight detectives. He saw that the effective operation of Ethics – and IA generally – was being compromised by a combination of low morale, inadequately trained investigators, poor quality investigations, excessive caseloads, and interference with IA processes by personnel outside IA.<sup>92</sup>

Ellis recalled that some IA detectives were quite capable, but many were extremely unskilled. He was troubled by the fact that IA lacked any meaningful information security, and efforts to protect sensitive material were virtually non-existent. IA data was housed on a separate network drive in Lotus Notes, but Ellis learned that BPD employees outside of Ethics had access to the Ethics network drive.<sup>93</sup>

In addition, Ellis recalled that the ability to make criminal cases was hobbled by the lack of a strong relationship with the SAO. Ellis stated that when he first joined IA, the Chief of the SAO’s Police Integrity Unit was Doug Ludwig, the previous chief of the FIVE unit. Ellis recalled that Ludwig had an enormous backlog of IA referrals to be reviewed. The backlog of declination requests created a damming effect that frustrated Ethics detectives. Ellis recalled that one of the matters forwarded for potential prosecution included a case about overtime fraud in a District Detective Unit (DDU). Ellis’s review of the case revealed a shocking amount of overtime fraud. The particular DDU was a shooting squad whose members were supposed to be on call for court but in fact were at home “putting up Christmas lights,” all while collecting eight hours of overtime.<sup>94</sup>

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<sup>91</sup> Chad Ellis Interview, Apr. 16, 2020.

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*; BPD IA File 2006-1328 (provided by BPD). Declinations are decisions not to prosecute. A request for declination is made to a prosecutor’s office by a law enforcement agency, seeking the determination by the prosecutor that the case does not merit criminal prosecution. BPD IA personnel

Ellis recalled that in order to receive payment for overtime, an assistant state's attorney at the courthouse had to sign an officer's time slip. It was a common practice for officers to go to the courthouse and obtain the signature from an assistant state's attorney, who would sign the slip whether or not it bore any resemblance to overtime that had been worked. According to Ellis, thousands of dollars were paid out in fraudulent overtime because assistant state's attorneys never reviewed the slips. The SAO was uninterested in prosecuting any overtime fraud cases that implicated its own sloppy practices.<sup>95</sup>

According to Ellis, the SAO seemed more interested in processing declinations than in seriously considering the prosecution of meritorious cases brought to its attention. As a result, the Ethics detectives capable of building strong cases hoped for prompt declinations so they could at least pursue administrative charges against the accused officers. According to Ellis, that did not happen. Strong cases were not being prosecuted, nor were declinations being processed quickly.<sup>96</sup>

Ellis also recalled what he viewed as a misplaced emphasis on integrity tests. He said that the lieutenant in Ethics, Jeffrey Shorter, was focused on conducting badly scripted integrity stings, which followed the same scenario used on Ellis himself in a random 1994 integrity test.<sup>97</sup> Fifteen years later, IA was using the same time-worn scenario. One of these tests targeted Michael Sylvester, who became the focus of an integrity sting because of a series of complaints against him for stealing money, including an incident involving Jemell Rayam.<sup>98</sup>

In the Sylvester case, IA officers marked, logged, and photographed money that would be used for the sting, and then placed it in the console of a car driven by a BPD Academy cadet who was an undercover participant in the sting. The car was stopped, and Sylvester was dispatched to the scene. When he arrived, Sylvester placed the cadet on the curb, searched the car, and left. The cadet then called Shorter and told Shorter

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operated on the premise that declinations were required before IA could proceed administratively, but that is frequently not the case when the administrative investigation poses no risk to the criminal investigation.

<sup>95</sup> Chad Ellis Interview, Apr. 16, 2020.

<sup>96</sup> *Id.* The view that administrative investigation must await a criminal declination was unquestioned within IA at the time even though in many circumstances it is neither compelled by law nor appropriate.

<sup>97</sup> *Id.* In 1994, Ellis was dispatched to respond to a call describing a person selling drugs from a potato chip bag. Ellis arrived on the scene and observed a non-descript white plumber's van in the block and a potato chip bag leaning against a telephone pole. Ellis recognized the players on the street corner and was tipped off by one of them that surveillance was being conducted by personnel in the van. The chip bag contained vials filled with what was clearly drywall dust. The test was to determine what the officer being tested did with the contents of the chip bag—whether to turn it in to evidence control, sell it, or flush it down a sewer. *Id.*

<sup>98</sup> The incident involving Rayam is discussed at length below.

some of the money was missing from the console—specifically \$70 in marked bills. The IA detectives were unfamiliar with Northwest Baltimore and lost track of Sylvester. Ellis located him pulling out of a convenience store, but the IA detectives following Sylvester lost him a second time. They eventually located Sylvester and told the shift commander to order Sylvester back to his station. According to Ellis, once Sylvester returned to the station, the sting went “totally sideways,” including a flawed warrant for Sylvester’s locker, the search of the locker before the warrant was obtained, and a failure to count the money accurately.<sup>99</sup> The failed sting became the subject of detailed and embarrassing media coverage and led to the transfer of Shorter and Sergeant Ron Beverly out of Ethics to a unit responsible for building security.<sup>100</sup>

John Sieracki, who would later become one of the two main investigators on the GTTF case as part of the FBI Task Force, transferred into IA in January 2010 after being recruited by Rob Morris. By that time, Sieracki had been in BPD for more than 15 years and was following in the footsteps of his father, a highly respected 30-year BPD veteran who had retired in 2003. Sieracki did not know Morris or anyone else in IA, but when Morris was looking for qualified personnel to staff Ethics, he spoke with a mutual friend who recommended Sieracki.<sup>101</sup>

Sieracki said that the vetting process for moving to IA was minimal. From what he could discern, it involved little more than reviewing his IA history. His transfer was promptly approved. Once he had settled in at IA, Sieracki began recruiting other BPD members to join him. For the personnel he recruited, Sieracki would check their IA histories, conduct interviews, and facilitate their transfers into IA. Recruiting was extremely difficult—people were not “beating down the doors” to join IA because they did not want to be perceived as a “rat.” Old biases against IA died hard.<sup>102</sup>

When Sieracki joined IA, he received no specialized training for conducting IA investigations or formal training of any kind. He had to “learn everything on the fly.” At that time, command investigation units in each police district were conducting lower-level misconduct investigations, but IA had no oversight over those matters. To

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<sup>99</sup> Chad Ellis Interview, Apr. 16, 2020. Michael Corcoran participated in the integrity sting against Sylvester. Corcoran recalled that IA had wired a green Cadillac driven by the cadet with camera and audio. Corcoran said that IA always put the money with drugs to “make it look real.” Corcoran participated in the arrest of Sylvester, which took place immediately after he got out of his car at the end of his shift. Corcoran also recalled that confusion occurred regarding the charges against Sylvester because of IA’s search of Sylvester’s locker before the search warrant had been obtained. Michael Corcoran Interview, May 13, 2021.

<sup>100</sup> Justin Fenton, *How a city police ‘integrity sting’ came undone*, The Baltimore Sun (Dec. 17, 2009), <https://www.baltimoresun.com/maryland/baltimore-city/bs-xpm-2009-12-17-bal-md-ci-sylvester17dec17-story.html>.

<sup>101</sup> John Sieracki III Interview, Apr. 8, 2020.

<sup>102</sup> *Id.*



compound the lack of oversight, there were no clear guidelines regarding which cases should be handled by the districts and which should be handled by IA.<sup>103</sup>

Sieracki served for two-and-a half years in IA while Bealefeld was commissioner. Although he had limited visibility into the General Section in IA, Sieracki said that the backlog of cases in IA was constant. By the time Sieracki left IA to join the FBI Task Force in 2013, he and the four detectives on his squad in Ethics were each responsible for 30-40 cases. To handle the caseload, he was constantly submitting requests for more personnel. He struggled to keep his detectives on track with investigative timelines. When Morris transferred out, his position remained vacant for six months, placing a greater stress on Sieracki. He described an incident where three or four replacement officers joined IA one day, but by the end of the day, they had all been summoned back to their respective districts. Sieracki described that incident as a “pissing match between two colonels.” He said that the problem on the General side was never meaningfully alleviated. In order to compensate for personnel shortages, Sieracki said that he relentlessly pushed his officers in Ethics to keep up with their caseloads.<sup>104</sup>

When Sieracki initially joined IA, Warfield was its leader. Warfield remained in that role until July 2011, when his association with BPD officer Daniel Redd, whose prosecution for drug distribution crimes is discussed below, made Warfield’s position as head of IA untenable.<sup>105</sup> According to Sieracki, there had long been suspicion about the involvement of officers in the Northwestern District in criminal activity, which the case against Redd seemed to confirm.<sup>106</sup> After Warfield resigned, Grayling Williams was brought in by Bealefeld in early 2012 to head IA. At the time, Williams had recently retired from the DEA and was serving in the Department of Homeland Security.<sup>107</sup>

## **2. The Creation of the FBI Task Force**

Chad Ellis recalled that after the embarrassing collapse of the Sylvester sting, his frustration level reached new heights. It led him to distrust his colleagues in IA. He eventually met with Bealefeld to express his concerns, including his lack of trust in his IA chain of command. He recalled that Bealefeld did not seem surprised by what Ellis told him; by that time, Bealefeld and his senior leadership had similarly lost confidence

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<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*; Justin Fenton, *Amid questions, city police internal affairs commander reassigned*, The Baltimore Sun (July 25, 2011), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-redd-photos-20110725-story.html>.

<sup>106</sup> John Sieracki III Interview, Apr. 8, 2020. The investigation and prosecution of Redd are discussed below.

<sup>107</sup> Grayling Williams (2021) LinkedIn profile, <https://www.linkedin.com/in/grayling-g-williams-m-s-5a24845/>.

in IA.<sup>108</sup> Those concerns led directly to the creation of a new FBI anti-corruption unit—the FBI’s Public and Border Corruption Task Force (FBI Task Force).

Bealefeld recalled that testifying in the King and Murray case in early 2006 triggered his desire to combat BPD corruption and reform internal affairs. He said fighting police corruption cases as a commissioner is an inherently conflicted endeavor: he compared it to punching oneself in the eye. It is enormously painful and leaves a visible mark for everyone to see. His recruitment of Ellis in 2009 was a recognition of the problems in IA. Once Ellis reported the ongoing problems in IA and relayed concerns about IA’s integrity and security, Bealefeld contacted Richard McFeely, who at the time was the Special Agent-in-Charge (SAC) of the FBI’s Baltimore Division. Bealefeld told McFeely about his interest in working jointly with the FBI to address BPD corruption.<sup>109</sup>

Ellis was assigned to work with the FBI on BPD corruption matters, and Ellis recalled that his initial work with the FBI involved the first evidence of what blossomed into the Majestic Towing scandal. Because of Bealefeld’s and Ellis’s shared mistrust in IA, they told no one in BPD about Ellis’s assignment working with the FBI. For several months, Ellis worked during the day at IA, and then in the evening with FBI Agents Craig Maroney and Rob Guinn.<sup>110</sup> Effectively, he worked two jobs. Subsequently, Ellis was moved to the commissioner’s office, where he reported directly to Bealefeld. At its inception, in addition to Ellis, the FBI Task Force consisted of BPD officers Matthew Smith, Bill Nickoles, and Michael Corcoran; a Prince George’s County police officer; and six or seven FBI agents. They formed two squads.<sup>111</sup>

### **3. The Majestic Towing Scandal**

The sprawling Majestic Towing scandal, which in the end implicated more than 50 BPD officers, involved a bribery and kickback scheme. As part of this scheme, the two owners of the Majestic Auto Repair Shop made payments to BPD officers for referring motorists from accident scenes to Majestic, which was not one of the city-approved towing and repair companies. BPD rules provided for motorists to choose a towing company, or for the officer at the scene of the accident to contact an authorized and approved towing company. In official reports, the BPD officer participating in the scheme would either falsely claim that the motorist had selected Majestic as the towing company or leave blank that portion of the BPD form. Officers in fact were referring the motorists to Majestic, representing that the shop would help with the submission of the

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<sup>108</sup> Chad Ellis Interview, Apr. 16, 2020.

<sup>109</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

<sup>110</sup> Rob Guinn is not related to former GTTF member Ryan Guinn.

<sup>111</sup> Chad Ellis Interview, Apr. 16, 2020.

insurance claim and waive the deductible. The corrupt officers were paid \$300 for each vehicle referred to Majestic.<sup>112</sup>

Matthew Smith had joined BPD in 1994 and had worked in IA since 2001. For several years, starting under Norris, he had worked in a group that operated the audiovisual equipment used in integrity stings. Smith was in Ethics when the first information about the towing scandal came to his attention. Smith recalled that IA conducted preliminary interviews, reviewed towing records, and ultimately identified a connection between BPD officers and the towing company. According to Smith, Ellis and Bealefeld provided him with a software program that assisted with collating the data, which he then relayed to Rob Morris. Smith recalled that he and Morris realized that a wiretap was the next logical investigative step, which caused them to turn the case over to the FBI.<sup>113</sup>

By the time the case was transferred to the FBI Task Force, Smith had conducted surveillance and gathered time sheets that provided the factual basis for the wiretap. Throughout his work on Majestic Towing, Smith was very concerned about the operational security of the investigation. According to Smith, “I learned that if you tell one cop something, by the next week, 20 are going to know what you said. Very little is kept quiet.” As a result, Smith said he was initially hesitant to tell anyone within the Department about the investigation into Majestic Towing—he recalled being concerned that the investigation would be compromised if members of the command staff learned about it. To Smith’s surprise, the confidentiality of the investigation was maintained. Outside of IA’s Ethics Section, only Bealefeld and Warfield knew about it.<sup>114</sup>

Tonya “Ty” Kelly was one of the USAO prosecutors assigned to the Majestic Towing case. She shared Smith’s concerns about information leaking out to BPD and compromising the investigation. She recalled taking substantial steps to ensure that no information from the investigation flowed back to BPD. Kelly recalled a heightened concern about potential leaks and that Bealefeld took special precautions to maintain the integrity of the investigation; her communications with BPD members about the case were limited to Smith and Ellis. She added that keeping IA and BPD away from the investigation was as much a part of the case as the investigation itself because of concerns about leaks. Federal court-approved wiretaps were in place for approximately six months, capturing thousands of phone calls between one of the owners of the towing firm and various BPD officers.<sup>115</sup>

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<sup>112</sup> Danny Jacobs, *17 Baltimore officers charged in extortion scheme*, The Daily Record (Maryland) (Feb. 23, 2011), <https://thedailyrecord.com/2011/02/23/baltimore-officers-arrested-in-corruption-probe/>.

<sup>113</sup> Matthew Smith Interview, Oct. 23, 2020.

<sup>114</sup> *Id.*

<sup>115</sup> Tonya Kelly Interview, June 16, 2020.

On February 23, 2011, 15 BPD officers were arrested on federal charges of conspiracy to commit extortion in the course of their official police duties. The 15 officers were told to report to the BPD Academy for an “equipment check.” Instead, they were met by Bealefeld and McFeely. Bealefeld personally removed the badges from each of the 15 officers. In a press conference the same day, he said:

I personally took the badges from every one of those men who were arrested today. I did that as representative of all those dedicated and honorable men and women who serve and have worn this uniform. I did it for them.<sup>116</sup>

In post-arrest debriefings of some of those officers, the USAO and FBI Task Force learned of additional officers involved in the scheme. A total of 50 BPD officers were eventually implicated. In the end, of those 50 officers, 15 pled guilty to extortion conspiracy in federal court (including one who did so mid-trial), one pled guilty to related charges in state court, and one, Samuel Ocasio, was convicted at trial.<sup>117</sup> The last in the parade of corrupt officers was sentenced in August 2012. The prison sentences imposed on the corrupt officers ranged from eight to 42 months.<sup>118</sup> The cases that were not strong enough for criminal prosecution were referred to IA in early 2013.<sup>119</sup>

Although Bealefeld made public his disgust with the corruption of the Majestic Towing officers, virtually no one we interviewed could recall any Department-wide actions that were taken in the wake of the scandal, other than a revision and clarification of the BPD towing policy. The scandal was never used as a teaching tool of any kind. There was no after-action report, no lessons learned exercise, and no effort to address any systemic weaknesses that the scandal revealed.

There were also no consequences for the leaders of the Northeastern District; indeed, the second highest-ranking member in the district, Darryl De Sousa, continued to rise in the Department. When the major in the Northeastern District, Antonio Rodriguez, retired in the midst of the Majestic Towing scandal, Bealefeld yielded to pressure from the mayor’s office and acceded to De Sousa’s promotion as major for the

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<sup>116</sup> Sarah Brumfield, *17 Baltimore officers charged in extortion scheme*, The Miami Herald (Feb. 25, 2011), <https://www.pressreader.com/usa/miami-herald/20110225/281621006828173>.

<sup>117</sup> Tonya Kelly Interview, June 16, 2020. Ocasio took his case all the way to the US Supreme Court on the issue of whether the law permitted him to be convicted of Hobbs Act conspiracy when the “victims” of the extortion (the Majestic owners) were willing members of the conspiracy. By 5-3, the Supreme Court ruled that the law permitted such a conviction; Ocasio’s conviction was upheld. *Ocasio v. United States*, 136 S. Ct. 1423 (2016).

<sup>118</sup> Press Release, The Federal Bureau of Investigation, Baltimore Division, *Final Baltimore Police Officer Sentenced in Towing Extortion Scheme* (Aug. 3, 2012), <https://archives.fbi.gov/archives/baltimore/press-releases/2012/final-baltimore-police-officer-sentenced-in-towing-extortion-scheme>.

<sup>119</sup> Matthew Smith Interview, Oct. 23, 2020.

district. Bealefeld said that before becoming commissioner he did not believe he would ever “horsetrade” with City Hall about promotions, but once he became commissioner he felt he had little choice.<sup>120</sup>

Majestic Towing was in some ways a scandal that could be treated as a one-off. But the scandal was an accelerant to the development of the FBI Task Force, which turned out to be a vital tool in combating corruption within BPD going forward. Indeed, the empowerment of the FBI Task Force was in effect a justifiable vote of no confidence in the capabilities of internal affairs and the SAO to address serious misconduct within BPD.

## **I. The Transition from Dixon to Rawlings-Blake**

As noted above, by the end of 2008, the Dixon-Bealefeld crime strategy that focused on the most violent criminals and on firearms offenses was making significant progress in the fight against homicides and shootings. From 2007 to 2008, the number of recorded homicides dropped from 282 to 234, a reduction of 18% in a single year, and the lowest number of homicides since 1987. Non-fatal shootings dropped by 10% over the same period.<sup>121</sup> Significantly, the number of arrests dropped during this same period as well.<sup>122</sup> Media accounts at the time attributed much of the success to the work of VCID and the deployment of its manpower to the historically violent Eastern and Western Districts. For example, the 23 homicides in the Western District were the lowest in more than 30 years. However, at the same time, the number of non-fatal shootings in that district rose, and robberies increased by 37%.<sup>123</sup>

The positive working relationship that had developed between Dixon and Bealefeld ended when Dixon was forced from office by her own serious legal problems. In January 2009, after a three-year long investigation conducted by the Maryland state corruption prosecutor, Dixon was indicted on 12 counts of accepting illegal gifts during her tenure as City Council President and Mayor, as well as for theft, perjury, and official misconduct.<sup>124</sup> Dixon remained in office throughout 2009 while the criminal case against her moved forward. In December 2009, following a trial, Dixon was convicted on a single count of appropriating gift cards that were intended for poor Baltimore City residents; she was acquitted on the most serious felony theft charges, and the jury failed

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<sup>120</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

<sup>121</sup> Peter Hermann, *Weekend's Shootings Defy Recent City Trend*, The Baltimore Sun (Sept. 23, 2009), <https://www.baltimoresun.com/news/bs-xpm-2009-09-23-0909220085-story.html>.

<sup>122</sup> Luke Broadwater, *Arrests by Baltimore police continue years-long decline*, The Baltimore Sun (Feb. 8, 2018), at <https://www.baltimoresun.com/news/investigations/bs-md-ci-arrest-decline-20180208-story.html>.

<sup>123</sup> Justin Fenton, *Count falls, hopes rise*, The Baltimore Sun (Dec. 31, 2008), <https://www.baltimoresun.com/bs-xpm-2008-12-31-0812310026-story.html>.

<sup>124</sup> Annie Linskey and Julie Bykowicz, *Baltimore Mayor Dixon Indicted*, The Baltimore Sun (Jan. 10, 2009), <https://www.baltimoresun.com/politics/bal-md.ci.indict10jan10-story.html>.



to reach a verdict on an additional count.<sup>125</sup> The following month, Dixon entered into a plea agreement under which she pled guilty to a single count of perjury – which had been severed from the main case – and agreed to leave office in return for the prosecutor dropping the remaining charges.<sup>126</sup>

Pursuant to the plea agreement, on February 4, 2010, Dixon resigned and was succeeded as mayor by Stephanie Rawlings-Blake, the Baltimore City Council President. Many years later, reflecting on her conviction and resignation, Dixon recalled being concerned that although Bealefeld would continue to implement the crime plan that was making progress, Rawlings-Blake’s deputies “would try to micromanage just like O’Malley’s [deputies] had.”<sup>127</sup> That turned out to be a well-founded concern.

Stephanie Rawlings-Blake was born and raised in Baltimore. She grew up one block away from former Baltimore Mayor Kurt Schmoke, and around the corner from Daniel Redd, a corrupt BPD officer who was prosecuted in 2011, as described in detail below. Her aunt worked at BPD as part of the Department’s “Officer Friendly” program; those were the only interactions she recalled having with BPD during her childhood and adolescence. In 1995, after college and law school, she was elected to the Baltimore City Council and worked part time for the Legal Aid Bureau and the Office of the Public Defender for Baltimore City while serving on the Council. During her eight years serving as a public defender, she did not recall hearing any credible allegations of BPD officer misconduct from her clients or fellow defense lawyers. She attributed that in part to the fact that she primarily handled misdemeanors in which such allegations were less likely to arise.<sup>128</sup>

Rawlings-Blake became City Council vice president in 1999 and City Council President in 2007. Her knowledge and access to information regarding BPD’s internal problems increased as she attained higher office. She recalled that the City Council primarily focused on the homicide rate and enforcement issues rather than integrity matters, acknowledging that a constant theme across the mayoral administrations of O’Malley, Dixon, and herself was the intense focus on the homicide rate, which pushed long-term attention away from other BPD issues. When Dixon introduced her crime plan in early 2007 that focused on violent offenders and firearms offenses, Rawlings-Blake strongly supported it. She said it “was a combination of me liking the plan and also supporting [Dixon] as mayor.” In her view, there had been a broad move away from zero-tolerance policing – “times were changing” and Dixon’s crime plan

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<sup>125</sup> Julie Bykowicz and Annie Linskey, *Dixon convicted of embezzlement*, The Baltimore Sun (Dec. 1, 2009), <https://www.baltimoresun.com/maryland/baltimore-city/bal-dixon-trial1201-story.html>.

<sup>126</sup> Julie Bykowicz, *Dixon resigns*, The Baltimore Sun (Jan. 7, 2010), <https://www.baltimoresun.com/maryland/baltimore-city/bal-md.plea07jan07-story.html>.

<sup>127</sup> Sheila Dixon Interview, June 25, 2020.

<sup>128</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.

embodied a crimefighting strategy that “had been out there and made sense to me in the wake of what we had tried in the past.”<sup>129</sup>

Rawlings-Blake recalled that her relationship with Dixon soured after Dixon was indicted in early 2009. She said the environment became especially contentious in the summer of 2009, during the period between Dixon’s indictment and conviction. Rawlings-Blake described Dixon as the antithesis of O’Malley in terms of management. Whereas O’Malley micro-managed BPD, Dixon seemed to feel comfortable allowing Bealefeld to run BPD with minimal interference. Rawlings-Blake pointed out that she had forged independent relationships with Bealefeld and Barksdale; she had worked and even played ping-pong with them when she was a public defender in the Southern District. She also developed working relationships with Bealefeld, Barksdale, and Sheryl Goldstein as City Council President in the context of BPD budget requests and other issues.<sup>130</sup>

Rawlings-Blake was satisfied with the trajectory of BPD’s results over the course of Dixon’s tenure and the way in which BPD seemed to be achieving them. Like everyone else in Baltimore, she paid very close attention to the number of homicides. BPD’s success on that level in 2008 and 2009 was sufficient for her not to feel the need to dig more deeply into BPD’s internal problems. She recalled that the declining homicide rate felt like Baltimore was “doing the thing we were never able to do” in prior years and under previous police commissioners.<sup>131</sup>

Bealefeld told Rawlings-Blake about the FBI Task Force when it was created. She recalled Bealefeld advising her that the FBI Task Force was necessary because BPD needed to be aggressive on both the homicide rate and BPD’s internal issues. From her perspective, Bealefeld seemed to be serious about rooting out problems within BPD. Although Bealefeld did not describe in great detail all of the reasons for creating the FBI Task Force, Rawlings-Blake recalled that he felt the problems of corruption and misconduct were sufficiently serious that he needed to do so. On the day that Dixon’s plea agreement and resignation were announced, Rawlings-Blake confirmed that Bealefeld would remain BPD Commissioner. She recalled that the decision was a “no-brainer.” At the time, BPD was not on her radar as an agency that required major changes, including in its leadership.<sup>132</sup>

Despite Rawlings-Blake’s positive view of Bealefeld and the job he was doing, she was well aware of his difficult relationship with Patricia Jessamy and the SAO. Their relationship adversely affected the fight against violent crime in Baltimore. Bealefeld was not the only one who had trouble with Jessamy; Rawlings-Blake recalled

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<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

that everyone who worked with Jessamy on criminal justice issues in Baltimore, including herself, had a bad relationship with Jessamy. She was troubled that Jessamy seemed to have no interest in being a partner in the crime fight, and that Jessamy seemed to reject the notion that she or her office should be accountable for the SAO's shortcomings. According to Rawlings-Blake, Jessamy made clear that she "was going to do what she was going to do," and Rawlings-Blake noted that Jessamy's unwillingness to be a partner in the crime fight made it difficult to successfully implement a comprehensive crime strategy. In short, Rawlings-Blake's experience dealing with Jessamy and her office matched O'Malley's experience.<sup>133</sup>

## **J. Transition at the State's Attorney's Office**

Since her appointment as Baltimore City State's Attorney in 1995, Patricia Jessamy had successfully run for re-election in 1998, 2002, and 2006. In 1998, she ran unopposed in both the Democratic primary and general election; in 2002, she survived a hotly contested, three-way Democratic primary; and in 2006, she won re-election for the third time. Following her re-election victory in 2006, O'Malley, in one of his last acts as mayor, took the unusual step of obtaining approval for an \$83,000 salary increase for Jessamy, making her the highest paid employee in the city by a wide margin. It was widely interpreted, by Jessamy and many others, as an attempt to induce lawyers to run against her in the next election for State's Attorney.<sup>134</sup>

In the summer of 2010, Gregg Bernstein, a criminal defense lawyer and former federal prosecutor, announced he was running for State's Attorney against Jessamy in the Democratic primary.<sup>135</sup> He was not drawn by the salary increase for the State's Attorney announced by O'Malley, but instead recalled that he was deeply disappointed with the performance of the SAO and its impact on the functioning of the criminal justice system in the city. Before deciding to run himself, Bernstein said he expended substantial effort trying to find someone else to run. His preliminary polling suggested that Jessamy's support was "a mile wide but an inch deep." Bernstein focused on two issues during the abbreviated three-month campaign. First, he emphasized that the SAO was operationally dysfunctional, focusing on telling details such as the fact that the office did not even have voicemail. This meant that the SAO's lawyers could not competently attend to people trying to get in touch with the office, much less effectively prosecute crime. Second, he argued that the SAO's limited resources should be focused

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<sup>133</sup> *Id.*

<sup>134</sup> Patricia Jessamy Interview, Feb. 16, 2021; John Fritze, *Jessamy to be city's highest paid*, The Baltimore Sun (Dec. 21, 2006), <https://www.baltimoresun.com/news/bs-xpm-2006-12-21-0612210109-story.html>.

<sup>135</sup> Bernstein is the husband of Sheryl Goldstein, whose role in Baltimore criminal justice matters is described earlier in this chapter.

on violent repeat offenders, the people inflicting the most damage on the Baltimore community.<sup>136</sup>

The second argument dovetailed with the crime strategy formulated by Dixon and implemented by Bealefeld. Bernstein recalled that he and Bealefeld were fully aligned on the proper strategy, and they shared the view that Jessamy was an obstacle to its full implementation.<sup>137</sup> Bealefeld's relationship with Jessamy had deteriorated to the point that he placed a campaign sign for Bernstein in his yard after Bernstein announced his candidacy. Stephanie Rawlings-Blake recalled that she told Congressman Elijah Cummings how difficult working with Jessamy had become, but that Cummings did not believe it until he participated in a meeting with Jessamy and witnessed her "fly off the handle." As a result, although Cummings endorsed Jessamy in the primary, the endorsement was tepid – "weak and dispassionate," according to Rawlings-Blake. Rawlings-Blake herself maintained public neutrality during the campaign but said that Bealefeld would not have posted the Bernstein campaign sign without her consent.<sup>138</sup> Bernstein narrowly defeated Jessamy in the September 2010 primary. He was unopposed in the 2010 general election and took office in January 2011.

Police misconduct was not a focus of Bernstein's campaign, and it was not an issue to which he had given much attention before taking office. In his career as a federal prosecutor and defense lawyer, his exposure to BPD officers generally had been minimal. Other than his brief (less than 60 days) representation of Antonio Murray in the King and Murray case, he could not recall other matters he handled that involved BPD officers. However, almost immediately upon taking office, he was forced to confront the problem of police misconduct. During Bernstein's first week in office, Doug Ludwig, the head of the SAO's Police Integrity Unit, announced he was leaving the office. Ludwig told Bernstein that he had a case against three officers scheduled for trial in a couple of months but that he would not be staying on to try the case.<sup>139</sup>

Ludwig had taken over the SAO's Police Integrity Unit in February 2009. He was a reluctant head of the unit, having declined Jessamy's initial request to lead it. However, the position had already been vacant for six months and when Jessamy was unable to fill it for several additional months, Ludwig agreed to take the job. According to Ludwig, many of his colleagues only half-jokingly told him that his acceptance of the position was a career-ending move; he was not surprised to hear that view. When Ludwig took over the unit, it was thinly staffed with a single investigator and a secretary. He inherited a significant backlog of cases, and there was a steady stream of

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<sup>136</sup> Gregg Bernstein Interview, May 21, 2020.

<sup>137</sup> *Id.*

<sup>138</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>139</sup> Gregg Bernstein Interview, May 21, 2020.

cases flowing from IA, the vast majority of which lacked prosecutive merit. Ludwig did not recall the names of the BPD IA personnel with whom he dealt.<sup>140</sup>

Ludwig claimed that he developed 10 to 15 cases to recommend for indictment in the year before he left the unit, but that Jessamy asked him to hold off on indicting the cases until she secured approval for the SAO's budget. Ludwig surmised that Jessamy did not want to look like she was targeting the police department when her budget request was up for approval. Ludwig said that Jessamy then asked him to hold off on issuing indictments until after the State's Attorney primary in September 2010.<sup>141</sup> According to Ludwig, Bealefeld had gone public with his support for Bernstein and said Jessamy did not want people to think that she had targeted BPD in response. Ludwig said that, at Jessamy's request, he held off on indicting those cases for a three-to-four-month period.<sup>142</sup> When we asked Jessamy about Ludwig's assertion that she had directed him to hold off on indicting police misconduct cases for political reasons, she said she did not do so and would not have done so, before acknowledging that she might have had a conversation with Ludwig in which he misinterpreted what she intended. However, in the same interview, Jessamy said she did not recall – 10 years after she had left office – that Ludwig ever headed the Police Integrity Unit.<sup>143</sup>

Ludwig said that he turned over between 10 and 15 unindicted police misconduct cases to Bernstein because Ludwig believed the new State's Attorney should make the decision whether to prosecute.<sup>144</sup> The sole indicted police misconduct case inherited by Bernstein in January 2011 was the alleged kidnapping of two teenagers by three BPD officers, who transported one of the teenagers to a state park in Howard County and left him without his shoes or cell phone.<sup>145</sup> Bernstein decided to try the case himself. Once he began preparing for trial, Bernstein saw that the investigation was missing some important pieces and was generally of extremely poor

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<sup>140</sup> Doug Ludwig Interview, Nov. 13, 2020.

<sup>141</sup> After Ludwig reviewed the statements we would be attributing to him about the delay in seeking the indictments, he commented that he "agreed 100%" with the decision by Ms. Jessamy to delay the indictments and that he believed that none of the cases were compromised as a result. Email from D. Ludwig to M. Bromwich, Nov. 22, 2021.

<sup>142</sup> Doug Ludwig Interview, Nov. 13, 2020.

<sup>143</sup> Patricia Jessamy Interview, Feb. 16, 2021.

<sup>144</sup> Doug Ludwig Interview, Nov. 13, 2020. On December 1, 2020, we followed up by email with Bernstein on Ludwig's claim that at the time of his departure, he left 15-20 police misconduct cases that were ripe for indictment. Bernstein denied that such "prosecution-ready" police misconduct cases had been turned over by Ludwig and said that in response to our inquiry he had confirmed his recollection with people who had served as his top SAO deputies. As noted, Bernstein personally tried the one police misconduct case that Ludwig had indicted, and said that it was far from "prosecution-ready." Email from G. Bernstein to M. Bromwich, December 1, 2020, Re: Police Misconduct Cases.

<sup>145</sup> Justin Fenton, *City officers tied to kidnapping case turn themselves in*, The Baltimore Sun (May 5, 2010), <https://www.baltimoresun.com/maryland/baltimore-city/bs-xpm-2010-05-05-bs-md-ci-police-kidnapping-indictment20100504-story.html>.



quality. At trial, defense lawyers seized on the flaws and gaps in the IA investigation. Two of the three officers in the case were convicted of misdemeanor misconduct but found not guilty of the more serious kidnapping charge. The trial judge subsequently granted the defendants' requests for probation before judgment, in effect nullifying the convictions.<sup>146</sup>

Bernstein was not surprised by the trial outcome because the case was hobbled from the outset by the poor quality of IA's investigation.<sup>147</sup> After the criminal case concluded, BPD sought to remove the three officers through the administrative process. Rodney Hill, who was serving as Chief City Solicitor at the time, recalled that he worked hard internally to shore up the case, and that BPD succeeded in terminating all three officers.<sup>148</sup> Bernstein said he learned that it was normal in the SAO to work on cases with insufficient evidence. Bernstein described IA as "the land of the red-headed stepchild" and recalled speaking with Bealefeld about the poor quality of IA's investigations.<sup>149</sup>

Bernstein said that he never considered abolishing the SAO's Police Integrity Unit, despite media accounts to the contrary. He recognized that the unit was important to the SAO and the city and said he devoted substantial time and effort to strengthening it.<sup>150</sup> To prevent officers with serious integrity and credibility issues from tainting criminal prosecutions, Jessamy had many years earlier created a "do not call" list to prevent officers with such issues from testifying in criminal cases. She said that she did so because of the lack of internal accountability within BPD, and recalled that the list grew to include between 15 and 25 officers at various times.<sup>151</sup> Bernstein took a different tack: he said he directed SAO personnel to use BPD's IA files to identify potentially unreliable officers. The SAO developed software to run searches for the officers who were involved in a case. If the search turned up allegations of misconduct that related to the integrity and credibility of the officer, prosecutors would prepare a one paragraph summary for defense counsel. If the defense counsel thought the matter was significant, they could ask the court to make available the entire IA file. The court

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<sup>146</sup> Gregg Bernstein Interview, May 21, 2020; Ian Duncan, *Officers' convictions downgraded in misconduct case*, The Baltimore Sun (Sept. 19, 2013), <https://www.baltimoresun.com/news/crime/bs-md-ci-officer-convictions-probation-20130919-story.html>.

<sup>147</sup> Gregg Bernstein Interview, May 21, 2020.

<sup>148</sup> Rodney Hill Interview, Apr. 20, 2020.

<sup>149</sup> Gregg Bernstein Interview, May 21, 2020. After the trial, Bernstein circulated an email within the SAO about the case that sharply criticized the lead investigator. Bernstein was criticized for blaming the investigator and for using inappropriate prosecutor "locker room talk." See Justin Fenton, *In candid email, Bernstein criticizes police in officer misconduct case*, The Baltimore Sun (June 2, 2011), <https://www.baltimoresun.com/maryland/baltimore-city/bs-xpm-2011-06-02-bs-md-ci-bernstein-email-20110602-story.html>.

<sup>150</sup> Gregg Bernstein Interview, May 21, 2020.

<sup>151</sup> Patricia Jessamy Interview, Feb. 16, 2021.

would then rule on the request at a hearing attended by the prosecutors, defense attorneys, and BPD's legal department. According to Bernstein, this process became more finely tuned over time.<sup>152</sup>

In April 2011, Bernstein hired Janice Bledsoe to lead the SAO's Police Integrity Unit. Bernstein did not know Bledsoe personally, but said he was impressed when he stopped by a city courtroom one day and observed her conducting a skilled cross-examination of a police officer. He spoke with her and offered her the job. He believed she was a good fit because she was talented and had a passion for prosecuting corrupt officers based on her time as a defense attorney.<sup>153</sup>

Bledsoe had been trying criminal cases in Baltimore for approximately 10 years when she accepted Bernstein's offer. Her work as a defense lawyer had demonstrated that BPD investigators were generally sloppy and that they "lacked the ability to explain their sloppiness in an acceptable way." She had found that BPD officers would become combative or defensive on the stand, and that could be exploited by a capable defense attorney. Her experience was that BPD officers were far more focused on closing a case rather than on ensuring the investigation was sufficiently complete to produce a conviction. She said it was common knowledge among defense lawyers that "illegal arrests were always happening." Information about BPD officers stealing money usually involved officers in specialized plainclothes and narcotics units. On one occasion, one of her clients in a narcotics case who claimed that a BPD officer had taken his money, said, "Yeah, Jan, that's the price."<sup>154</sup>

Bledsoe was interested in heading the SAO's Police Integrity Unit because of her concerns about the consequences of police misconduct on the proper operation of the criminal justice system. According to Bledsoe, from the outset, she was hampered by the same resource constraints as her predecessors – like Ludwig before her, she had a single investigator and secretary – and those constraints impeded her ability to do her job.<sup>155</sup>

Bledsoe said that disclosing the contents of IA files to defense counsel should be a high priority. Although the SAO was held responsible by the courts for the contents of IA files, the SAO had no direct access to them. The SAO therefore had little information about the contents of IA files and derogatory information about officers – including allegations of corruption and untruthfulness – that resided in those files. Bledsoe characterized that dynamic as the "most ridiculous thing I have experienced in

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<sup>152</sup> Gregg Bernstein Interview, May 21, 2020.

<sup>153</sup> *Id.*

<sup>154</sup> Janice Bledsoe Interview, May 20, 2020.

<sup>155</sup> *Id.* The institutional memory of the unit was so weak that Bledsoe believed that the unit was relatively new: "No one had been doing this before." *Id.* In fact, the unit had been created in 2001 following the Brian Sewell incident.

the law.” Bledsoe said she spent every morning searching through IA’s recordkeeping application, which allowed her to view sequence numbers and brief descriptions of an officer’s alleged behavior. She then had to make an appointment with IA to review files containing problematic descriptions while being continuously watched by IA personnel. Until she began reviewing IA files, no one in the SAO was aware of the sorry state of IA’s recordkeeping. The IA characterizations of officer behavior were frequently inconsistent with the facts—for example, an IA file that characterized behavior as general misconduct masked the fact that an officer had made false statements, which bore directly on his credibility.<sup>156</sup>

Based on the information she found in IA files, Bledsoe created a spreadsheet regarding officers’ conduct. Prosecutors would share a brief description of the alleged misconduct of potential officer witnesses with defense counsel under a confidentiality agreement. From there, it would be up to defense counsel whether to seek additional information, and up to the court whether to grant that request. The decision whether to put an officer with allegations of misconduct on the witness stand was left to the individual prosecutor. In addition to reviewing IA files for disclosure purposes, Bledsoe also handled her own caseload of police misconduct investigations, which never exceeded 10 cases at any time.<sup>157</sup>

In September 2012, Bledsoe was given the option to resign or be fired. Although this took her by surprise, she later concluded that it related to a criminal investigation of BPD overtime she was conducting that focused on BPD lieutenants Robert Quick and Ian Dombroski. Several weeks earlier, Bledsoe had met with Bernstein, his Chief of Staff Paul Pineau, and Deputy State’s Attorney George Hazel to provide them with an update on the investigation. Bledsoe told Bernstein she had concerns about Bernstein’s continued involvement because of his prior legal representation of Quick several years earlier. Bledsoe said that Bernstein became visibly angry at the suggestion that he had a conflict of interest in overseeing a matter that related to Quick. When he approached her several weeks later and told her she had the option of resigning or being fired, she initially thought he was joking. He was not, and he said she had five minutes to decide. Bledsoe said that when she asked Bernstein why he was giving her an ultimatum, Bernstein reminded her that she was an at-will employee, stating, “I don’t have to give you a reason why.”<sup>158</sup>

We asked Bernstein about his decision to remove Bledsoe from her position, which risked slowing progress on police corruption matters. Bernstein declined to answer, stating that it was a personnel matter but that it had nothing to do with the

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<sup>156</sup> Janice Bledsoe Interview, May 20, 2020.

<sup>157</sup> *Id.* Bledsoe personally handled two spinoff cases from the federal Majestic Towing investigation that were referred to the SAO by the USAO.

<sup>158</sup> *Id.*

BPD overtime investigation involving Quick and Dombroski.<sup>159</sup> According to both Bernstein and George Hazel, then a member of Bernstein's front office staff and now a federal judge, Bledsoe had difficulty "landing the plane" — *i.e.*, bringing a police corruption matter to closure and making prosecution decisions. Several months after Bledsoe's departure, Bernstein hired Shelly Glenn, a lawyer in the Maryland State Prosecutor's Office, to head the SAO's Police Integrity Unit.<sup>160</sup> From Bernstein's perspective, the unit under Glenn further improved the disclosure system created by Bernstein and developed by Bledsoe.<sup>161</sup>

## K. The Daniel Redd Case

Shortly after the Majestic Towing investigation began, the FBI Task Force developed credible information that BPD Officer Daniel Redd was engaged in a drug trafficking scheme. Redd had joined BPD in 1994 and was fired in 2002 for sleeping on the job, but he was subsequently reinstated following a lawsuit contesting his termination.<sup>162</sup> He had been investigated by IA numerous times, including for allegations of excessive force, but nothing significant had ever stuck to him. According to Chad Ellis, at the early stage of the investigation into Redd, Ellis brought preliminary information directly to Bealefeld. Ellis recalled that Bealefeld was excited to have credible incriminating information about an officer who had long been suspected of corruption but against whom IA had been unable to assemble a sustainable case. Ellis recalled that in his early days with the FBI Task Force, BPD leadership developed a list of officers who had been the recipient of numerous complaints. Redd was at the top of the list.<sup>163</sup>

Peter Nothstein was an assistant United States attorney in Maryland and was one of the two prosecutors responsible for the investigation and prosecution of Redd. He recalled that the investigation into Redd began in 2010 with an arrest of a heroin dealer. That arrest led to the investigation of Abdul Zakaria, a Ghanaian man accused and later convicted of running a drug organization that imported drugs from West Africa,<sup>164</sup> and ultimately to Redd. Nothstein recalled that members of the FBI Task Force who worked on the case included Ellis, Smith, Sieracki, and Nickoles. Nothstein said that the team working on the case had substantial integrity concerns about IA, especially because

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<sup>159</sup> Gregg Bernstein Interview, May 21, 2020.

<sup>160</sup> *Id.*; George Hazel Interview, Apr. 30, 2020.

<sup>161</sup> Gregg Bernstein Interview, May 21, 2020.

<sup>162</sup> Justin Fenton, *Baltimore police officer charged in heroin conspiracy*, The Baltimore Sun (July 19, 2011), <https://www.baltimoresun.com/maryland/baltimore-city/bs-xpm-2011-07-19-bs-md-ci-officer-drug-arrest-20110719-story.html>.

<sup>163</sup> Chad Ellis Interview, Apr. 16, 2020.

<sup>164</sup> Justin Fenton, *Baltimore police officer Daniel Redd sentenced for drug dealing*, The Baltimore Sun (Sept. 19, 2012), <https://www.baltimoresun.com/news/crime/bs-md-ci-officer-redd-sentenced-20120919-story.html>.

Nathan Warfield was known to have a personal relationship with Redd. As a result, investigative details were not shared with anyone in IA; they were shared only with Bealefeld.<sup>165</sup>

Beginning in early 2011, the USAO and FBI Task Force obtained multiple wiretaps for Redd's phones. Based on intercepted calls, Nothstein and his investigative partners learned that Zakaria was supplying heroin to Redd. In turn, Redd was distributing the heroin to various customers, as well as his girlfriend, Shanel Stallings. In one instance, Redd met Stallings on the side of a road and gave her a brick of heroin to sell. In another, the wiretap provided evidence of a heroin transaction taking place in the parking lot of the Northwestern District. Nothstein recalled that when the investigators had gathered evidence of that transaction, they came to him and said, "You're not going to believe this," referring to the brazen nature of conducting a drug transaction on the grounds of a BPD facility.<sup>166</sup>

While investigating Redd, the FBI Task Force corroborated his relationship to Warfield. Ellis recalled that they established that Redd and Warfield played cards together at Baltimore area restaurants and clubs. The FBI Task Force developed additional evidence of the relationship between Redd and Warfield, as well as between Redd and a sergeant in Ethics, thus reinforcing the need to keep IA at arm's length. Ellis explained the situation to Bealefeld who, shortly after Redd's arrest, reassigned Warfield out of IA.<sup>167</sup>

In July 2011, Redd was indicted on federal narcotics and firearms charges. The indictment centered on three transactions in March 2011.<sup>168</sup> In March 2012, Redd pled guilty and was sentenced in September 2012 to 20 years' imprisonment. By pleading guilty, Redd avoided the possibility of two consecutive 25-year sentences. At the time of the sentencing, FBI SAC McFeely said, "The investigation is still ongoing on multiple fronts . . . [Baltimore police] internal affairs guys are tied in close to the hip with us."<sup>169</sup> Assuming this statement was a reference to the BPD officers who were members of the FBI Task Force, it was true—but overall, the prosecutors and investigators working on the case had made every effort to keep IA in the dark, in part because of Warfield's relationship with Redd and in part because of an almost complete lack of trust in other IA personnel.

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<sup>165</sup> Peter Nothstein Interview, July 21, 2020.

<sup>166</sup> *Id.*

<sup>167</sup> Todd Moody Interview, May 22, 2020; Chad Ellis Interview, Apr. 16, 2020.

<sup>168</sup> Daniel Redd Indictment, *United States v. Redd, et al.*, No. 1:11-cr-00371-ELH (D. Md. July 7, 2011), ECF No. 1.

<sup>169</sup> Justin Fenton, *Baltimore police officer Daniel Redd sentenced for drug dealing*, The Baltimore Sun (Sept. 19, 2012), <https://www.baltimoresun.com/news/crime/bs-md-ci-officer-redd-sentenced-20120919-story.html>.



In the years before Redd's indictment and conviction, there had been ample warning signs of his criminal associations and activities. As far back as the mid-1990s when Redd was a junior officer, Matt Smith—later a member of the FBI Task Force that investigated Redd—was warned by his field training officer to stay away from Redd. Rodney Mobley, who later served on the GTTF, was given the same warning.<sup>170</sup> When Marjorie German was asked to take over a Northwestern District squad in which Redd was a member, she balked because she had been told by other BPD members to stay away from Redd.<sup>171</sup>

One of the most glaring missed opportunities involving Redd traced back to 2005. At the time, John Burns was a detective in the Eastern District. In June 2005, Burns was told by a confidential informant about a suspect in multiple shootings. Burns conducted surveillance on the suspect and observed him selling narcotics from his vehicle. Burns subsequently determined that the suspect lived in the basement of a house in Northeast Baltimore that belonged to Redd. The suspect was arrested on murder charges, and drug paraphernalia was seized during a search of his basement residence. Instead of using the information gathered by Burns to investigate Redd, members of IA who were friendly to Redd questioned Burns for hours as to why he had not alerted Redd about the search. Burns subsequently asked BPD's IT department to pull Redd's emails, which demonstrated that Redd had reviewed emails about the suspect. According to Burns, IA questioned Redd about reviewing the emails, which Redd denied: "Nothing happened to Daniel Redd. And years later, feds raided the same house." Once the FBI Task Force's investigation began, Burns was asked to provide the materials he had collected about Redd and not to discuss the request with anyone in BPD.<sup>172</sup>

Nothstein recalled that members of the investigative team were well aware of the importance of determining whether other BPD officers were involved in Redd's narcotics distribution activities. Although Redd had frequent conversations with BPD colleagues on his wiretapped phones, Nothstein and members of the FBI Task Force found no evidence that his narcotics activities were undertaken in conjunction with other BPD members.<sup>173</sup>

Nothstein found the media's focus on Redd's drug dealing rather than on his corruption and the betrayal of his oath to be disappointing. In his dealings with Redd, Nothstein was unable to put his finger on what elements of Redd's career path or life history best explained his descent into corruption. Nothstein said that this riddle was part of what frustrated him about the case and why he found it ultimately unsatisfying.

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<sup>170</sup> Matthew Smith Interview, Oct. 23, 2020; Rodney Mobley Interview, Aug. 28, 2020.

<sup>171</sup> Marjorie German Interview, Sept. 15, 2020.

<sup>172</sup> John Burns Interview, Feb. 26, 2021.

<sup>173</sup> Peter Nothstein Interview, July 21, 2020.

Redd never explained himself at all. Even at the sentencing hearing, he provided no meaningful explanation for his actions.<sup>174</sup>

Although the investigation and apprehension of Redd, and his 20-year prison sentence, were celebrated as victories in the fight against BPD corruption, a closer look revealed that the failure to apprehend him years earlier reflected chronic weaknesses in BPD's ability to root out misconduct. Redd had been reinstated after being fired; serious allegations dogged him throughout his career but never resulted in adverse consequences; and he had friends in high places in IA. As a result, until the FBI Task Force undertook its investigation, Redd continued to commit serious crimes, including on the grounds of BPD facilities.

Like the corruption cases that came before it—King and Murray, Majestic Towing, and others—the Redd case was never made the subject of any after-action report or lessons learned exercise. Nor was the Redd case incorporated into any type of training for BPD recruits or existing members. It was viewed as another embarrassing one-off that was quickly placed in BPD's collective rear-view mirror.

## **L. The Rayam Trial Board**

In June 2009, Jemell Rayam and two other BPD officers conducted a traffic stop during which the officers stole \$11,000 from a suspected drug dealer. IA conducted an investigation during which Rayam lied to investigators. He was suspended, tried before a BPD trial board, and acquitted on technical rather than factual grounds. This episode is one of the most powerful examples of the overall failure of BPD's systems to effectively address misconduct. It also explains specifically how one of the corrupt GTTF officers slipped out of the grasp of BPD and was allowed to continue committing crimes for many more years.

Gary Brown was driving with a passenger on Eutaw Street just north of State Center at around 4:30 p.m. on June 8, 2009, when he was pulled over by two unmarked BPD vehicles, allegedly for not wearing a seat belt. One of the BPD vehicles was driven by Michael Sylvester; the other by Rayam and his partner, Jason Giordano. At the time, Rayam and Giordano were detectives assigned to the Northern District; BPD records showed that Sylvester was not on duty at the time of the incident.<sup>175</sup>

The officers first asked Brown if there was anything illegal in the car, and then searched the vehicle. In the trunk, they found \$11,000 in cash inside a brown paper bag. According to Brown, Giordano removed the bag, looked inside, and placed it on the ground. The officers asked Brown to whom the money belonged, where he was headed, and where he lived. According to Brown, Rayam asked him if he had any information about illegal activity in the area, and then asked if he could get Rayam a

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<sup>174</sup> *Id.*

<sup>175</sup> BPD IA File 09-1060 (provided by BPD).

gun – a “gun flip.” Brown said he could not. According to Brown, Sylvester picked up the money and put it in the back seat of his vehicle. “You can pick this up from evidence control,” Sylvester said, according to Brown. But the money was never turned in to Evidence Control Unit.<sup>176</sup>

Brown filed a complaint with two different BPD districts and ultimately with IA. On June 11, 2009, Brown was interviewed by Barbara Price of IA. Brown claimed he was given the money by a friend to deposit. Price recalled believing from the outset that the \$11,000 were the proceeds of drug transactions and that the reason Brown was lodging the complaint was to demonstrate to whomever he owed the money that he was not the thief. But Brown’s motive was a collateral issue in the IA investigation. Price recalled that Brown was adamant about his story and recalled the details vividly; he also showed her the flex cuffs that had been used by the officers.<sup>177</sup>

On June 16, 2009, Rayam appeared for an interview at IA and acknowledged that he had participated in the stop of Brown. Rayam told Price that a BPD officer whose identity was unknown to him had flagged him down to assist with the stop; he did not know the reason but assumed it was drug-related. He claimed he did not know the officer (Sylvester) who waved him over to help with the stop. He also claimed that he knew nothing about the taking of any money. Price recalled that Rayam was uncooperative and evasive, which was not unusual among officers responding to allegations, in part because they are confident that civilian complainants will generally not be believed. Price recalled that from the outset she was suspicious of Rayam’s account.<sup>178</sup>

In late September 2009, Price subpoenaed phone records for Sylvester, Gary Brown, and Rayam and conducted an exhaustive review of those records. Price found approximately 500 contacts between Rayam and Sylvester during the period for which she had obtained the records and a large number of contacts between Sylvester and a man named James Brown, who was also in touch with Gary Brown. Based on her detailed review of the phone records, Price suspected that James Brown was an associate of Gary Brown who also served as an informant for Sylvester. She suspected that James Brown had tipped off Sylvester that Gary Brown was in possession of cash at the time Sylvester stopped him. As the investigation proceeded, Price came to believe that Rayam was in on the stop and theft from the beginning. She said that “everything was too coincidental,” explaining that Rayam and Giordano worked in the Northern District and yet were in West Baltimore near Sylvester’s location immediately before the car stop. The phone records reflected that Rayam and Sylvester spoke on the phone

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<sup>176</sup> *Id.*

<sup>177</sup> Barbara McClairn Interview, Oct. 21, 2020. Ms. McClairn went by Barbara Price at the time of the Rayam investigation. We refer to her as Barbara Price for the purposes of this Report.

<sup>178</sup> *Id.*

repeatedly before the stop took place. Her working theory became that Sylvester and Rayam were both involved in the theft.<sup>179</sup>

Price re-interviewed Rayam on February 9, 2010. During this interview, Rayam admitted that he knew Sylvester and acknowledged that they were in the same Academy class. He tried to justify his failure to identify Sylvester during the initial IA interview by claiming that Price never asked him to provide the name of the officer, and he explained away his failure to select Sylvester from a photo array by claiming that he did not focus sufficiently on the photos and that they were in black and white. On July 14, 2010, Rayam and Giordano were administered polygraph exams; both men failed. Price recalled that the results of the polygraph exams did not influence her decision to charge them. She believed that it was further confirmation of their guilt but said she would have charged them even if they had not taken the polygraph.<sup>180</sup>

Following the authorization of administrative charges, Sylvester resigned from BPD in 2012, and Giordano accepted a 30-day suspension as part of a settlement. Rayam chose to take his case to a trial board. The trial board spanned three days—two in December 2011 and the final day on May 3, 2012. Despite compelling evidence that Rayam was factually guilty of the charges, the trial board composed of Major Eric Russell, Lieutenant Michael Newton, and Detective Daniel Montalvo unanimously found Rayam not guilty because the charges had not been brought within the timeframe established by the LEOBR.<sup>181</sup> Price recalled that the statute of limitations argument had been raised by Rayam’s counsel, but our review of the transcript, and the recollection of Newton, reflect that the issue was first raised at the conclusion of the proceedings by Major Russell, the chair of the trial board.<sup>182</sup>

Section 3-106 of the LEOBR, in effect at the time of the trial board, provided as follows:

LIMITATION ON ADMINISTRATIVE CHARGES (a) In general.—Subject to subsection (b) of this section, a law enforcement agency may not bring administrative charges against a law enforcement officer unless the agency files the charges **within 1 year after the act that gives rise to the charges comes to the attention of the appropriate law enforcement agency official.** (b) Exception.—The 1-year limitation of subsection (a) of this

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<sup>179</sup> *Id.* Jason Giordano denied any knowledge of the pre-existing relationship between Sylvester and Rayam, and any knowledge about the theft. Jason Giordano Interview, Feb. 2, 2021.

<sup>180</sup> Barbara McClairn Interview, Oct. 21, 2020.

<sup>181</sup> Trial Board Transcripts, IA Case No. 09-1060 (provided by BPD).

<sup>182</sup> Barbara McClairn Interview, Oct. 21, 2020; Trial Board Transcripts, IA Case No. 09-1060 (provided by BPD); Michael Newton Interview, Nov. 3, 2020.

section does not apply to charges that relate to criminal activity or excessive force. (emphasis added)<sup>183</sup>

Major Russell asked Price numerous questions seeking to establish when Rayam's lies during his initial interview "[came] to the attention of the appropriate law enforcement agency official" for the purposes of starting the one-year clock. Although the precise timing was murky, Russell and the other members of the trial board concluded that the charges had not been brought within a year of the time Price knew that Rayam had lied to her during his initial June 16, 2009, interview, which was sometime after she had received and reviewed the phone records.<sup>184</sup>

An additional wrinkle in the case was whether the time limitations under the LEOBR had been tolled while the case was reviewed for potential criminal prosecution by the SAO. The "criminal activity" exception in § 3-106b applies to the time during which possible criminal charges are being considered. There was no doubt that a criminal case against Sylvester had been considered but ultimately declined – the SAO had issued a declination letter on June 14, 2010. The open question was whether the referral to the SAO had been only for Sylvester, or also for Rayam and Giordano. The caption of the declination letter listed only Sylvester but the case number was the same for Rayam and Giordano. Price's testimony on this issue was confusing and she stopped well short of asserting that the SAO had been considering criminal charges against Rayam.<sup>185</sup>

Newton recalled that the case was very odd because both Giordano's and Rayam's trials began at the same time in December 2011, with evidence presented before two separate trial boards. When the case was postponed for a few months and the Rayam trial board reconvened, the Giordano trial board did not because Giordano had reached a settlement. Newton said that Rayam's case kept dragging on and recalled that "this was the trial board that just won't quit."<sup>186</sup>

Newton said that during Price's testimony on May 3, 2012, Russell stopped the trial and conferred with Newton and Montalvo regarding the statute of limitations issue. According to Newton, Russell had himself worked in IA for a long time, had recently left IA, and concluded that IA had taken too long to complete the investigation and initiate charges. Newton said that he and Montalvo agreed that Russell's

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<sup>183</sup> Md. Code Ann., Pub. Safety, § 3-106 (2010), <https://law.justia.com/codes/maryland/2010/public-safety/title-3/subtitle-1/3-106/>.

<sup>184</sup> Trial Board Transcripts, IA Case No. 09-1060 (provided by BPD).

<sup>185</sup> *Id.*

<sup>186</sup> Michael Newton Interview, Nov. 3, 2020.



explanation made sense and believed the case was brought beyond the statute of limitations.<sup>187</sup>

When we reviewed the facts of the case with him, Newton said his recollection of parts of the case was vague but that he recalled certain aspects quite clearly. Newton said there was no doubt in his mind that Rayam would have been found guilty by a preponderance of the evidence if not for the timing issue. When asked whether he believed that Rayam was acquitted based on a pure technicality, Newton replied: “Absolutely.” Newton was not surprised to learn that even though the facts strongly supported Rayam’s guilt, there was no notification of his supervisors, and nothing was done to ensure that he was never put in a position where he was required to testify in court. Newton said that it should have been the responsibility of Legal Affairs or IA to notify Rayam’s chain of command.<sup>188</sup> There is no evidence that was ever done.

Rodney Hill was the Chief Solicitor at the time of the Rayam trial board and was present for portions of the hearing. Hill recalled that he was frustrated with the way the trial board proceeded and the way it ended. He said BPD kept incomplete records in the case, including when materials were sent to the SAO. He said that IA had a reputation for sending cases to the SAO solely to extend the statute of limitations, but noted that such cases tended to be obvious—for example, where the complaint was forwarded to the SAO 11 months after receiving it. Hill said that he thought it was very odd for the chair of the trial board to raise a legal issue that had not been raised by Rayam’s counsel and found Russell’s readiness to help the defense “very surprising.”<sup>189</sup>

The May 3, 2012, transcript reflects an effort by Hill, after Russell initially raised the statute of limitations issue, to introduce into the record a document he had just received from the SAO, which bore directly on the timing issue. Hill argued to the trial board that the document should be considered for that reason.<sup>190</sup> After reviewing the transcript at our request, Hill said that he recalled reading the document but did not recall its precise contents. Hill added that he thinks it was another declination letter from the SAO confirming that its criminal investigation had included Rayam. Hill believed that the document would have made a difference in the result: if Rayam had been under criminal investigation, that time would have been tolled under the LEOBR and there would have been no statute of limitations violation.<sup>191</sup>

Doug Ludwig was the SAO prosecutor who signed the June 14, 2010, declination letter that listed only Sylvester’s name but carried the BPD IA case number that also included Giordano and Rayam. After reviewing relevant materials from the case,

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<sup>187</sup> *Id.*

<sup>188</sup> *Id.*

<sup>189</sup> Rodney Hill Interview, Apr. 20, 2020.

<sup>190</sup> Trial Board Transcripts, IA Case No. 09-1060 (provided by BPD).

<sup>191</sup> Rodney Hill Interview, Jan. 21, 2021.

Ludwig said he could not recall whether IA asked him only to consider Sylvester for prosecution, or to consider Sylvester, Rayam, and Giordano. Ludwig gave contradictory answers on whether he would have issued one declination letter or three separate declination letters for an IA case involving three BPD officers. But he said that if a declination letter applied to three officers, it would have been unlikely to name only one of the officers in the case caption.<sup>192</sup>

Beyond the specific conduct of the Rayam case, Newton said he does not think BPD members sitting on trial boards fully understand and appreciate the preponderance of the evidence standard. Newton added that even if they do understand the standard, they “probably don’t care.” Based on Newton’s experience, when officers sit on trial boards, they require far more proof than the preponderance of the evidence. Trial board members believe that if BPD is going to fire someone, the Department “needs to be on their A-game.” Trial board members are reluctant to punish officers if they do not feel that the Department has fully proven its case. And because they are more familiar with the beyond a reasonable doubt standard of the criminal justice system, they require more proof than required by the preponderance standard.<sup>193</sup>

The Rayam trial board represents a microcosm of the pervasive failures of BPD’s internal disciplinary system: overworked IA investigators who take too long to investigate cases; poor recordkeeping concerning even very significant cases; lack of training for IA investigators, as a result of which they are not sufficiently aware of legal requirements such as the statute of limitations under the LEOBR; inadequate communications between IA and the SAO; and an almost total failure to disseminate information relevant to the integrity and credibility of BPD members. BPD had compelling evidence that Rayam had engaged in a theft of cash and then had lied about it to IA investigators. He was able to prolong the administrative process for close to three years, and then was acquitted based on a technicality rather than on the evidence against him. In this case, IA’s failure had dramatic real-world consequences. It not only reinforced that BPD was incapable of punishing serious misconduct, but it also gave Jemell Rayam a new lease on life within BPD, which he used as a license to commit additional crimes.

## **M. The Conclusion of Bealefeld’s Tenure: Progress and Setbacks**

From the time he became Commissioner in July 2007, Bealefeld and his team achieved undeniable and remarkable results through the implementation of Dixon’s crime plan, which was subsequently inherited and reaffirmed by Rawlings-Blake. The number of homicides dropped from 238 in 2009 to 223 in 2010 and all the way to 196 in

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<sup>192</sup> Doug Ludwig Interview, Nov. 13, 2020.

<sup>193</sup> Michael Newton Interview, Nov. 3, 2020.

2011 – the lowest number since 1977. In addition, non-fatal shootings had been substantially reduced, from 725 in 2000 to 381 in 2011.<sup>194</sup>

Bealefeld credited much of the success in reducing the number of fatal and non-fatal shootings to the adoption of the strategy that focused on “bad guys with guns,” and an enforcement effort spearheaded by the specialized enforcement units that comprised VCID and that leveraged partnerships with the USAO and federal agencies. He also cited his ability to leverage his relationships with the SAO, USAO, and MSP to build strategic partnerships.<sup>195</sup> Recognizing the continuing problems within IA despite his efforts to change its personnel, Bealefeld also partnered with the FBI to create the FBI Task Force as part of an aggressive effort to pursue police corruption.

Despite these accomplishments, Bealefeld knew that Rawlings-Blake had inherited rather than selected him as BPD Commissioner. Because of the progress BPD had made in addressing violent crime on his watch, Bealefeld knew his position was, at least initially, reasonably secure: he believed Rawlings-Blake “could not hurt a hair on my head” when she became mayor in early 2010. But Bealefeld believed that specific command staff members were at various times lobbying Rawlings-Blake to replace him, especially after a sequence of events in 2011 beginning with the fatal shooting of an off-duty police officer by fellow officers outside a nightclub.<sup>196</sup> The Majestic Towing and Daniel Redd scandals both blossomed within months of each other in the first half of 2011 and remained in the news through the rest of the year. Although Bealefeld deserved credit for the creation of the FBI Task Force that made both of those cases, the cases pulled back the curtain on corruption and misconduct that existed within BPD. In the immediate wake of Majestic Towing and the Redd case, the press reported that questions were being raised about Bealefeld’s leadership and ability to weather these incidents.<sup>197</sup>

Ganesha Martin joined Rawlings-Blake’s staff as a special assistant in early 2012. From the time she started her job, she became aware of enormous tension between Bealefeld and Rawlings-Blake’s top advisors – Deputy Mayor Kaliope Parthemos and

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<sup>194</sup> Justin Fenton, *Baltimore has fewer than 200 killings for first time in decades*, The Baltimore Sun (Jan. 1, 2012), <https://www.baltimoresun.com/news/bs-xpm-2012-01-01-bs-md-ci-year-end-crime-20120101-story.html>; Adam Marton, *Baltimore homicides by year*, The Baltimore Sun (Nov. 17, 2017), <https://www.baltimoresun.com/news/crime/bal-baltimore-homicides-by-year-20161202-story.html>.

<sup>195</sup> Frederick Bealefeld III Interview, Jan. 27, 2020. VCID itself was renamed the Violent Crime Impact Section (VCIS) in early 2010 without meaningfully changing its focus or function. VCIS Roster, Jan. 4, 2010.

<sup>196</sup> Frederick Bealefeld III Interview, Jan. 27, 2020; Justin Fenton, *Officer among six shot, two killed outside city club*, The Baltimore Sun (Jan. 9, 2011), <https://www.baltimoresun.com/news/bs-xpm-2011-01-09-bs-md-ci-select-lounge-shooting-20110109-story.html>.

<sup>197</sup> Justin Fenton, *Some question top leadership in recent city police scandals*, The Baltimore Sun (July 20, 2011), <https://www.baltimoresun.com/maryland/baltimore-city/bs-xpm-2011-07-20-bs-md-ci-bealefeld-police-crisis-20110720-story.html>.

Deputy Chief of Staff Kim Washington. Martin said that Parthemos and Washington had each grown up with Rawlings-Blake and were personally close to her. Parthemos and Washington were hostile to Bealefeld and worked to undermine him with Rawlings-Blake; they did the same to Sheryl Goldstein and others who were threats to their influence with Rawlings-Blake.<sup>198</sup>

Goldstein recalled that she was surprised that Rawlings-Blake retained her as head of the Office on Criminal Justice following Dixon's January 2010 resignation. Although she never developed as close a relationship with Rawlings-Blake as she had with Dixon, the relationship was cordial and professional. It was Rawlings-Blake's staff – Parthemos and Washington – who created problems. As to BPD, Goldstein thought it was clear that Rawlings-Blake's staff wanted Bealefeld fired. She thought there were racial issues at play – Bealefeld had used terms such as “knuckleheads” to describe criminals and she sensed that Washington and Parthemos found that offensive. At one point, Rawlings-Blake's staff wanted the mayor to replace Bealefeld with Darryl De Sousa, but that effort failed. Goldstein recognized that dealing with the constant antagonism from the mayor's office was painful and unpleasant for Bealefeld.<sup>199</sup>

Eight years after Bealefeld's resignation, Rawlings-Blake acknowledged that Parthemos and Washington worked to undermine Bealefeld and tried to have him fired. Rawlings-Blake said she tried explaining to staff members who were hostile to Bealefeld that Baltimore had finally made substantial progress reducing the homicide rate, and that she would look bad if she fired the first BPD commissioner in a long time who had a substantial record of accomplishment.<sup>200</sup>

Goldstein and Bealefeld had worked closely with Deputy Mayor Christopher Thomaskutty, whom O'Malley had hired in 2003 as part of his CitiStat office. In the spring of 2012, Thomaskutty told Bealefeld and Goldstein that he was leaving city government to take a position with Mercy Health Services.<sup>201</sup> Bealefeld had described Thomaskutty, Goldstein, and himself as three legs of a stool – accurately, in her view. When Thomaskutty told them he was leaving, Goldstein decided it was time for her to leave City Hall as well. With Thomaskutty and Goldstein leaving, Bealefeld knew that he would immediately become vulnerable and decided it was time for him to leave BPD.<sup>202</sup> Bealefeld said that because he had a target placed on his back by the mayor's

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<sup>198</sup> Ganesha Martin Interview, Apr. 2, 2020.

<sup>199</sup> Sheryl Goldstein Interview, Feb. 24, 2020.

<sup>200</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>201</sup> Julie Scharper, *Deputy mayor to leave City Hall post*, The Baltimore Sun (Mar. 2, 2012), <https://www.baltimoresun.com/politics/bs-md-ci-thomaskutty-resigns-20120302-story.html>.

<sup>202</sup> Sheryl Goldstein Interview, Feb. 24, 2020.

office, he decided to resign before he could be fired.<sup>203</sup> On May 3, 2012, Bealefeld announced his resignation as BPD Commissioner.<sup>204</sup>

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<sup>203</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

<sup>204</sup> Peter Hermann, Julie Scharper and Justin Fenton, *Baltimore Police Commissioner Bealefeld resigns*, The Baltimore Sun (May 3, 2012), <https://www.baltimoresun.com/latest/bs-md-ci-bealefeld-resigns-20120503-story.html>.



## VI. Old Wine in New Bottles, the Death of Freddie Gray, and the Rise of Bad Cops (2012–2015)



Commissioner Anthony Batts (r.), Deputy Commissioner Dean Palmere (middle), Deputy Commissioner Jerry Rodriguez (l.)



Demonstration following Freddie Gray's death

The simultaneous departures of Bealefeld, Goldstein, and Thomaskutty in the late spring of 2012 left a large void for Rawlings-Blake to fill. She needed to assemble a team to establish and implement criminal justice policies that would build on the successes in reducing homicides, non-fatal shootings, and the number of arrests, while addressing some of the deep-seated problems that continued to exist within BPD and the city.

The Fraternal Order of Police (FOP) was ready with some suggestions. In July 2012, the union released a report entitled “Blueprint for Improved Policing” (the Blueprint). It was highly critical of many of the policies and practices of BPD:

The current BPD management strategy remains outdated, ineffective, and reactive. A look at the headlines, including the downtown crime crisis in the Inner Harbor, shows a police agency lurching from one crisis to another due to a misapplication of resources, corruption within the BPD, a breakdown in command structure, and various other reasons.<sup>1</sup>

The 15-page Blueprint made recommendations in the areas of hiring, education, training, leadership, and deployment, among others. Among its specific recommendations were the creation of minimum education standards (either two years of college or military service), the tightening of recruiting standards (to avoid accepting “marginal candidates as seen in the various corruption scandals of late”), and the creation of a civil service-protected rank of captain to more fully shield the promotional

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<sup>1</sup> The Baltimore City Fraternal Order of Police, Lodge 3, Blueprint for Improved Policing (July 11, 2012), <https://fop3.org/wp-content/uploads/2019/09/blueprint.pdf>, at 1.

system from political influence.<sup>2</sup> The report reserved especially severe criticism for ComStat:

Comstat numbers drive everything in the BPD, which has led to misplaced priorities. As a result, officers in the BPD feel pressure to achieve numbers for perception's sake, be it for increased federal funding or to keep up appearances in the media for the administration's sake.

The focus on assigning blame for less-than-satisfactory numbers during Comstat, rather than problem-solving, is completely unproductive and weakens the collective morale of the BPD. If restored to its original intent, Comstat has the potential to be an extremely constructive use of time.<sup>3</sup>

Robert Cherry was one of the principal authors of the Blueprint. Cherry was elected head of the FOP in 2008 and remained in that position until 2014. He had joined BPD in 1993 and had served in patrol, operations, and, from 1999 forward, in BPD's homicide unit. Cherry recalled that he and his deputy, Gene Ryan, began drafting the Blueprint before they knew Bealefeld was leaving BPD. After Bealefeld's retirement announcement, the FOP decided to defer releasing the report until his departure. At that point, the goal was to have it serve as the start of a conversation with the new commissioner. Cherry said the harsh criticism in the Blueprint was an indictment of Rawlings-Blake's leadership as much as Bealefeld's, noting that in his view and the view of many of the FOP members, Rawlings-Blake was uninterested in engaging with the FOP or considering its suggestions. Cherry and his members were already alienated from Rawlings-Blake because of her 2010 decision to make major changes in BPD's pension system. Those changes had substantial adverse effects on many within BPD and were viewed at the time as the cause of a large exodus of experienced BPD members.<sup>4</sup>

Cherry claimed to be speaking for a large number of BPD members in his criticisms of ComStat. Statistical benchmarks had become its sole focus, and it had come to be viewed as a "gotcha" tool with which to punish certain members. The strictly numbers-based approach identified with ComStat stressed quantity over quality, and in many cases looked at the wrong set of numbers—for example, ComStat focused on the number of arrests rather than the number of convictions, and was useless in explaining why BPD was losing 70% of its gun cases. However, despite the

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<sup>2</sup> *Id.* at 2-6, 8.

<sup>3</sup> *Id.* at 8-9.

<sup>4</sup> Robert Cherry Interview, June 9, 2020; Peter Hermann, *Police Face a Shortage of Officers*, The Baltimore Sun (July 22, 2010), <https://www.baltimoresun.com/maryland/baltimore-city/bs-xpm-2010-07-21-bs-md-police-staffing-shortage-20100721-story.html>. According to Rawlings-Blake, her decisions on the pension issues were matters of necessity, not choice, and she was disappointed by the lack of support she had received from Bealefeld on the issue and the attacks she received from the FOP. Stephanie Rawlings-Blake Interview, June 23-24, 2020.

broad scope of the Blueprint's suggestions and recommendations, and despite its passing reference to corruption, it had virtually nothing to say about the failure of accountability systems within BPD. When asked about this gap, Cherry said the Blueprint was a starting point and was not designed to be a comprehensive menu for BPD reform.<sup>5</sup> In fact, accountability was a sensitive issue for the FOP. Increasing accountability within BPD would mean more members were competently investigated, more consistently disciplined, and in some cases terminated.

## A. Selecting a Successor to Bealefeld

Within days of Bealefeld's May 3, 2012 announcement of his resignation, Rawlings-Blake announced that she was launching a national search for his replacement. Almost immediately she selected Barksdale to serve as acting commissioner while the search took place. Many city officials assumed Barksdale would be Bealefeld's permanent successor because of his prominent role in developing the operational strategies implemented during Bealefeld's tenure. Rawlings-Blake had known Barksdale for a long time and felt comfortable with him serving in the interim role, and she was well aware of his aspiration to be commissioner.<sup>6</sup>

Rawlings-Blake formed an eight-member advisory panel led by Kenneth Thompson, a partner at the Venable law firm, to help with the selection of the new commissioner. On August 27, 2012, after a process of screening applications and multiple rounds of interviews, Rawlings-Blake announced the selection of Anthony Batts, the former chief of the Long Beach, California and Oakland, California police departments.<sup>7</sup>

Batts had spent 27 years with the Long Beach Police Department, rising through the ranks to become chief in 2002. In 2009, Batts was named chief of the Oakland Police Department, a historically troubled department that had been operating under a consent decree since 2003. Batts spent only two years in the Oakland job before resigning, in large part because he had antagonized Oakland's mayor and the department's rank-and-file by covertly applying for the chief's position in nearby San Jose just over a year after taking the Oakland job.<sup>8</sup> In addition, Batts had quickly become frustrated with the limitations on his authority resulting from the presence of

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<sup>5</sup> Robert Cherry Interview, June 9, 2020.

<sup>6</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>7</sup> Justin Fenton, *Rawlings-Blake names panel to look for Bealefeld replacement*, The Baltimore Sun (June 10, 2012), <https://www.baltimoresun.com/news/crime/bs-xpm-2012-06-10-bs-md-ci-mayor-police-commissioner-search-20120610-story.html>; Julie Scharper, *Some city leaders question pick of outsider as commissioner*, The Baltimore Sun (Aug. 27, 2012), <https://www.baltimoresun.com/news/crime/bs-xpm-2012-08-27-bs-md-ci-new-commissioner-reaction-20120827-story.html>.

<sup>8</sup> Simone Weichselbaum, *The Rise and Fall of Anthony Batts, He was more at home at Harvard than on the streets*, The Marshall Project (July 10, 2015), <https://www.themarshallproject.org/2015/07/10/the-rise-and-fall-of-anthony-batts>.

the Oakland Police Department's consent decree monitor and, more broadly, with the dysfunction in Oakland's local government.<sup>9</sup> At the time of Baltimore's search for a new commissioner in the summer of 2012, Batts was serving as a law enforcement consultant and was completing a one-year fellowship at Harvard University's John F. Kennedy School of Government.<sup>10</sup>

Batts recalled initially learning about the opening in Baltimore during a community policing conference at Harvard. He was one among several finalists who went through a multi-stage selection process. The first stage was appearing in a question-and-answer session before a panel that included CEOs of Baltimore-based companies, university presidents, and other members of the city's establishment. That was followed by an interview with a high-ranking city official, and subsequently an interview with Rawlings-Blake. In addition to the interviews, Batts recalled that he conducted his own "walk arounds," speaking with BPD officers and community members who, according to Batts, did not know that he was interviewing for the commissioner position. Batts said that he had an unnamed friend call the *Baltimore Sun* to gather information on how the media outlet viewed BPD, the mayor, and the city as a whole.<sup>11</sup>

Based on the information gathered through these efforts, Batts said he understood that "Baltimore had deeply-rooted corruption." Before accepting the job, Batts sought assurances from Rawlings-Blake that he would be able to maintain his independence in leading BPD and that he would have direct contact with the mayor whenever he needed it. Batts further told the mayor that he needed her to be his "champion."<sup>12</sup> Rawlings-Blake made the selection of Batts with her eyes at least partially open as to what she termed "[Batts's] own set of issues." She admired his personal story of academic and professional achievement and his stated commitment to reform.<sup>13</sup> She also had the initial impression that Batts valued the minority communities that she thought Bealefeld had taken somewhat for granted.<sup>14</sup>

Although she had experienced a long and positive relationship with Barksdale, Rawlings-Blake said that he was his own worst enemy during the selection process. He performed so poorly during the first round of interviews that the selection panel recommended against his inclusion in the second round. She rejected the panel's recommendation, but Barksdale's performance did not improve, either stylistically or substantively, in the second round – he was unable to demonstrate he would be "cool,

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<sup>9</sup> Anthony Batts Interview, Mar. 17-18, 2020.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>14</sup> *Id.*

calm, and collected” as commissioner. As much as Rawlings-Blake liked Barksdale personally, selecting him would, in her view, have subverted the selection process she had established.<sup>15</sup>

Barksdale perceived that all along Rawlings-Blake wanted to “go a different way” following Bealefeld’s resignation – that is, she wanted to reform the agency. He felt demeaned by having to compete for the commissioner’s position and devoted little time to preparing for the interviews. He recalled thinking that Rawlings-Blake had probably already made up her mind, and that he was more interested in doing police work than preparing for interviews. His performance reflected his lack of preparation.<sup>16</sup>

After Batts’s selection, Barksdale met with him to evaluate whether they could work well together. According to Barksdale, Batts told him that he needed to take it easy on people in the ComStat process. For his part, Barksdale believed the positive results of ComStat spoke for themselves. Barksdale concluded that Batts was the wrong fit for the job. He met with Batts three different times, and their relationship went from bad to worse. When Batts called to tell Barksdale that the relationship would not work, Barksdale said he agreed. He saw himself as an alpha male who did not want to relinquish the operational autonomy he had enjoyed under Bealefeld.<sup>17</sup>

Shortly after his discussions with Batts, Barksdale went out on medical leave due to heart and stress issues. He remained on leave for the remainder of 2012 and through the end of 2013. In January 2014, Barksdale retired from BPD.<sup>18</sup> Rawlings-Blake said the commissioner selection process clearly hurt Barksdale’s feelings; she viewed his decision to close out his BPD career on medical leave as support for her concerns that Barksdale would not have been able to rise to the challenges of being commissioner.<sup>19</sup>

## **B. The Transition to Batts**

Sheryl Goldstein recalled that she anticipated that Batts would be in for a rude awakening when he became commissioner. Based on some of the successes achieved under Bealefeld, Batts likely thought he was inheriting a relatively well-functioning police department, whereas the truth, in Goldstein’s view, was that a small number of

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<sup>15</sup> *Id.*

<sup>16</sup> Anthony Barksdale Interview, June 1, 2021; Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>17</sup> Anthony Barksdale Interview, June 1, 2021.

<sup>18</sup> *Id.*

<sup>19</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.



talented people had been holding it together. However, many of those people were leaving, taking their experience and institutional knowledge with them.<sup>20</sup>

According to Batts, he learned early on that BPD was “top to bottom broken.” He pointed to multiple incidents that reflected some of BPD’s deficiencies: (1) the failure of contingency planning in connection with the parade following the Baltimore Ravens’ victory in the 2014 Super Bowl; (2) the accidental killing of a BPD trainee;<sup>21</sup> (3) an off-duty BPD officer who shot and killed his girlfriend;<sup>22</sup> and (4) a BPD officer who violently killed a civilian’s dog without any apparent justification.<sup>23</sup> Referring to these incidents, Batts said that it became apparent early in his tenure as commissioner that BPD’s issues were severe and widespread.<sup>24</sup>

Batts said that when he joined BPD, he learned that the Violent Crime Impact Section (VCIS), the 2010 rebranding of the Violent Crime Impact Division (VCID), was led by Barksdale, and had been given a mission in effect to stop crime at all costs. Batts also said he quickly learned that John Hess was Barksdale’s right-hand man and the key command staff member responsible for VCIS’s operations. Deputy Commissioner Skinner and Colonel Jesse Oden were listed on the organization chart as command staff members responsible for overseeing VCIS, but Batts saw no evidence that they had operational control. Batts viewed VCIS as fundamentally unaccountable and loosely supervised. He set its dismantling as an early goal. Hess knew of Batts’s intention to dismantle VCIS and gave notice of his retirement in December 2012.<sup>25</sup>

A month earlier, in November 2012, Batts had transferred 40 officers from VCIS to the Patrol Division, then led by Dean Palmere, and replaced VCIS with the Special Enforcement Section (SES). Batts said he could not dismantle VCIS without replacing its function; otherwise, he knew the homicide level would rise, which no BPD commissioner could survive for long. Batts recalled that he sought to remove what he characterized as the core of VCIS and replace it with younger officers who he believed

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<sup>20</sup> Sheryl Goldstein Interview, Feb. 24, 2020.

<sup>21</sup> Justin Fenton & Jessica Anderson, *Police officer shot in training exercise at former hospital site*, The Baltimore Sun (Feb. 12, 2013), <https://www.baltimoresun.com/news/crime/bal-baltimore-police-trainee-shot-in-training-exercise-at-former-hospital-site-20130212-story.html>.

<sup>22</sup> Justin George & Ian Duncan, *Family members say victim, police officer were engaged*, The Baltimore Sun (May 8, 2013), <https://www.baltimoresun.com/news/crime/bs-md-officer-charged-20130508-story.html>.

<sup>23</sup> Justin George, *Officer charged with killing dog set out to 'gut' it, witnesses said*, The Baltimore Sun (June 19, 2014), <https://www.baltimoresun.com/news/crime/bs-md-ci-police-dog-killing-20140618-story.html>.

<sup>24</sup> Anthony Batts Interview, Mar. 17, 2020.

<sup>25</sup> John Hess Interview, Sept. 8-9, 2020; Justin Fenton, *Two top Baltimore Police commanders signal intent to retire*, The Baltimore Sun (Dec. 13, 2012), <https://www.baltimoresun.com/news/crime/bal-two-top-baltimore-police-commanders-file-retirement-papers-20121212-story.html>.

would be more likely to police within the bounds of the law. The key to transforming VCIS, in his view, was installing the proper leadership over the unit.

Not surprisingly, the aggregate productivity of the SES squads initially decreased from what it had been with the larger complement of officers assigned to VCIS, but excessive force complaints and officer shootings also decreased. At bottom, given the absolute necessity of keeping the city's homicide rate down, Batts felt limited in the changes he could make. Batts said that in eliminating VCIS and creating SES, he focused on removing VCIS's "most problematic people" and sought to refocus the mission of SES and the Patrol Division on "doing things based on legality."<sup>26</sup> Batts did not explain how he identified the "most problematic people," and there is no evidence he did so. In fact, even with the reduction in force resulting from the shift from VCIS to SES, by the end of 2013, the SES squads included Hersl (Eastside 3), Hendrix and Jenkins (Northwest 4), Taylor and Ward (Westside 4), and Gondo and Rayam (GTTF).<sup>27</sup>

Rawlings-Blake recalled discussions with Batts regarding his decision to shrink and reconfigure VCIS. Batts told her that the reconfiguration, shrinking, and rebranding of VCIS as the SES "would have an impact on the numbers," but he said it was necessary because the officers in VCIS were "cowboys operating with little accountability." Batts explained to Rawlings-Blake that the bulk of BPD's excessive force and officer misconduct issues were linked to the VCIS units, and that they needed to change their tactics. Batts expressed confidence that BPD would remain focused on violent offenders despite eliminating the VCIS structure and reducing the numbers of BPD members assigned to SES.<sup>28</sup>

With respect to the GTTF, Batts recalled that he spoke with Professor Daniel Webster of Johns Hopkins about the unit.<sup>29</sup> Batts viewed the unit as a "waste of time," but said that others at BPD and certain city officials were supportive of its mission. Further, according to Batts, he had too many other issues on his radar to pay much attention to the GTTF. Batts's strategic plan, issued in late 2013 and discussed at length below, raised questions as to whether the number of officers devoted to GTTF made

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<sup>26</sup> Anthony Batts Interview, Mar. 17, 2020.

<sup>27</sup> Although he claimed not to recall the specifics, Batts said that to "get a feel" for GTTF, he visited GTTF arrestees to ask for information. Batts stated that this visit occurred during his first year at BPD but could not recall any additional details. Batts stated that he was accompanied by a security unit, including an unnamed sergeant (possibly lieutenant) that led the unit and a team of two or three officers. Batts said that no high-ranking officers accompanied him on the excursion. Anthony Batts Interview, Mar. 17, 2020. We were unable to corroborate this claim.

<sup>28</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>29</sup> When we asked Professor Webster in July 2021 whether he ever discussed the GTTF with Batts, Webster said he had no specific recollection of such a conversation, but he could not rule it out given his own continuing focus on guns and his historical knowledge of the GTTF. Telephone conversation with Professor Webster, July 9, 2021.

sense in terms of resource allocation and expenditures. Batts said these questions in the strategic plan about the GTTF sounded like one of his “internal questions.”<sup>30</sup>

From the beginning, there were signs that Batts was a poor fit with Baltimore and the BPD. Almost immediately he lost credibility with a substantial portion of the rank-and-file by claiming that he had witnessed a drug deal involving drugs concealed in a red balloon.<sup>31</sup> The claim received only glancing notice at the time in a generally positive media profile of Batts, but many years later it was widely recalled by many BPD members we interviewed as a fraudulent claim: West Coast drug dealers, where Batts had spent his entire career, used red balloons; drug dealers in Baltimore did not. For a police department whose members generally distrusted outsiders, this was a quick confirmation of reasons not to trust their new commissioner. Rawlings-Blake recalled the red balloon incident and said it was one of the first of many episodes in which she saw Batts as more interested in putting on a show than in dealing with matters of substance. “Shows were part of his setup,” she recalled.<sup>32</sup> Rawlings-Blake came to believe that Batts’s “showy persona” impaired his ability to lead BPD, and that he projected a closer relationship with Rawlings-Blake than actually existed between them as a way of communicating to BPD that he was secure in his job.<sup>33</sup>

### C. The Kendell Richburg Case

Batts had been serving as Commissioner for less than six months when the first corruption scandal of his tenure was disclosed to the public.

Kendell Richburg was a member of a Northwestern VCIS squad when he committed a series of crimes beginning at least as early as June 2011. Richburg had registered a confidential informant with BPD with whom he developed a mutually beneficial—and corrupt—relationship. Richburg would warn the informant of law enforcement threats to his heroin, cocaine, and marijuana distribution activities. In return, the informant would identify his customers for Richburg to arrest. According to Richburg’s plea agreement, “In order to remain in a VCIS unit, Richburg was expected to maintain a high level of arrests of drug traffickers and violent offenders.”<sup>34</sup> To protect the informant, Richburg would regularly falsify charging documents that concealed the informant’s role in identifying suspects arrested by Richburg. In one instance captured in an electronically monitored conversation, Richburg told the

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<sup>30</sup> Anthony Batts Interview, Mar. 17, 2020.

<sup>31</sup> Justin Fenton, *New Baltimore Police Commissioner Batts seeks fresh start*, The Baltimore Sun (Sept. 22, 2012), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-batts-profile-20120922-story.html>.

<sup>32</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>33</sup> *Id.*

<sup>34</sup> Richburg Plea Agreement at 10, *United States v. Richburg*, No. 1:13-cr-00022-RDB (D. Md. Mar. 11, 2013), ECF No. 21.

informant, “I’ll write it up like I saw hand to hand,” when in fact the information was provided by the informant. In addition, Richburg would give some of the seized drugs back to the informant for him to sell and would skim some of the money recorded as being paid to the informant.<sup>35</sup>

The investigation of Richburg was, like other BPD corruption investigations, conducted by the FBI Task Force and the US Attorney’s Office. It included wiretaps of Richburg’s phone over the course of several months. The intercepted calls demonstrated that Richburg’s corruption extended beyond facilitating the informant’s narcotics business. Richburg and his informant also conspired to plant firearms on innocent civilians so that Richburg could gain credit for gun seizures. In addition, Richburg directed the informant to steal money from Baltimore residents. In one such theft admitted to by Richburg, the informant stole money and drugs from a victim targeted by Richburg.<sup>36</sup>

On January 17, 2013, Richburg was indicted on federal narcotics and firearms charges. He pled guilty on March 11, 2013. Notably, the factual statement in the plea agreement specifically included a reference to the need to generate a high level of arrests to remain in a BPD specialized enforcement unit. At the time of Richburg’s plea, his lawyer, Warren Brown, emphasized the point:

I listened to hundreds of hours of wiretapped conversations in the case. And I can tell you that if the curtain was pulled back, you would see that his M.O. was standard operating procedure. That’s the way a lot of them work, because they’re being judged by those numbers.<sup>37</sup>

Though the pressure to generate numbers was made explicit in the plea agreement, and specifically mentioned in court proceedings by the prosecutor, David Copperthite, US Attorney Rosenstein, and Batts both condemned Richburg’s conduct in unequivocal terms without mentioning the pressure to generate numbers. BPD’s spokesman explicitly walked back any suggestion that the pressure to generate numbers helped explain, even if it did not excuse, Richburg’s conduct: “To justify his actions under the guise of pressure is absurd.”<sup>38</sup>

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<sup>35</sup> Justin George, *Cases handled by officer convicted of drug charges in jeopardy*, The Baltimore Sun (Mar. 24, 2013), <https://www.baltimoresun.com/news/crime/bs-md-ci-cop-investigation-20130324-story.html>.

<sup>36</sup> Richburg Plea Agreement at 14-18, *United States v. Richburg*, No. 1:13-cr-00022-RDB (D. Md. Mar. 11, 2013), ECF No. 21.

<sup>37</sup> Justin Fenton, *Baltimore officer pleads guilty to armed drug conspiracy*, The Baltimore Sun (Mar. 11, 2013), <https://www.baltimoresun.com/news/crime/bs-md-ci-police-officer-plea-richburg-20130311-story.html>.

<sup>38</sup> *Id.*

Richburg had been originally recruited into VCID by veteran BPD lieutenant Timothy Devine. Devine recalled that he had selected Richburg because he was knowledgeable about the Northwestern District in a way that Devine was not. Devine said he never had any inclination of Richburg's corrupt and criminal activities.<sup>39</sup> Because he trusted Richburg, Devine had accorded him significant responsibility, including with respect to confidential informant funds. According to Devine, "Never did I think what he was doing was what he was doing."<sup>40</sup>

In retrospect, Devine said he realized that Richburg had made him an unwitting participant in his criminal scheme. Richburg repeatedly falsified charging documents that masked the informant's role in narcotics transactions, including describing as his own actions taken and observations made by his informant. Once he was arrested, Richburg sought to blame Devine for pressuring him to produce arrests and seizures, and for allowing him to do end-runs around an informant payment system that lacked adequate oversight and controls. In Devine's words, "[Richburg] blamed me for [that shortcutting,] and maybe there is some truth to that." Devine confirmed that he pushed his officers hard to generate numbers.<sup>41</sup>

On October 24, 2013, Richburg was sentenced to eight years' imprisonment.<sup>42</sup> Although several BPD officers were suspended for short periods of time in connection with the Richburg investigation, no charges were brought against any other BPD member.

The Richburg case was the third major corruption investigation conducted by the FBI Task Force within its first three years of operation. It pointed to a corruption problem of serious proportions. But as with Majestic Towing and Daniel Redd, BPD leadership treated the Richburg case as an embarrassing one-off that required no examination of the weaknesses in supervision and oversight it revealed. As with the other corruption scandals that preceded it, BPD commissioned no after-action report, no lessons-learned exercise, and no incorporation of the Richburg case in any aspect of BPD training.

#### **D. Jerry Rodriguez and the Attempt to Remake Internal Affairs**

Early in his tenure, Batts recognized that Internal Affairs (IA) – and accountability more broadly – was a BPD function badly in need of repair. When Batts was named commissioner in September 2012, IA – officially known as the Internal Affairs Division at the time – was headed by Grayling Williams, the former Drug

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<sup>39</sup> Timothy Devine Interview, Feb. 5 and 8, 2021.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Katie Lange, *City officer sentenced in drug-dealing plot, Kendell Richburg conspired to help drug dealer to make more arrests*, WBALTV.com (Oct. 25, 2013), <https://www.wbal.tv.com/article/city-officer-sentenced-in-drug-dealing-plot/7083243>.



Enforcement Administration (DEA) official recruited by Bealefeld in the wake of the Daniel Redd scandal. Williams was never a good fit in BPD, and Batts recalled that IA was operating slowly and inefficiently under Williams. IA investigations were frequently taking more than a year to complete, and officers were rarely being held accountable. Even when investigations were completed and charges against officers were sustained, trial boards would not follow through by sustaining the most serious charges – instead settling on minor charges. Batts concluded that Williams did not possess the requisite experience or skills to lead IA. As a result, in early 2013 Batts recruited Jerry Rodriguez, a “pitbull captain” from the Los Angeles Police Department (LAPD), to be responsible for IA and related functions.<sup>43</sup>

Batts first learned of Rodriguez through his chief of staff, Judy Pal, who had previously worked with Rodriguez on a project in Chile. From the outset, Rodriguez understood that his mandate in BPD was to build a credible and competent internal affairs function, which BPD so obviously lacked.<sup>44</sup> Batts recalled that he told Rodriguez that his mandate was to “clean the Department up,” and to reform the Department’s internal affairs processes from top to bottom. Batts recalled that his objectives included shortening the turnaround time for completing IA investigations, improving the skill levels of IA investigators, and incorporating ethics training into Academy training programs. This menu of reforms was a very tall order given the accountability function’s state of disrepair at the time.<sup>45</sup>

Rodriguez recalled that “everything was broken” when he arrived at BPD in January 2013. Even before his arrival, Rodriguez reviewed a handful of BPD internal investigations and identified major investigative flaws. Investigators failed to interview relevant witnesses, frequently asked leading questions, and did not have their interviews transcribed. BPD supervisors overused the charge of insubordination, which in Rodriguez’s view should have been viewed in any law enforcement organization as the equivalent of a felony, but that appeared to be taken lightly within BPD. In addition, he found Maryland’s Law Enforcement Officers’ Bill of Rights (LEOBR) to be far more restrictive than California’s version – for example, California’s version allowed immediate interviews following an officer-involved shooting; Maryland’s version required waiting up to 10 days before being able to speak with the officer.<sup>46</sup>

Some IA investigations were backlogged waiting for settlements or trial boards for as much as two to three years. Many internal investigations were being closed prematurely, after only 30 days, and in many cases before any meaningful investigation had taken place. Rodriguez found the personnel in IA to be both underqualified and poorly trained. The contrast in his experience with LAPD was stark; in BPD, officers

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<sup>43</sup> Anthony Batts Interview, Mar. 17, 2020.

<sup>44</sup> Jerry Rodriguez Interview, Mar. 23, 2020.

<sup>45</sup> Anthony Batts Interview, Mar. 17, 2020.

<sup>46</sup> Jerry Rodriguez Interview, Mar. 23, 2020.

were working under extremely challenging conditions, with a high level of community distrust and inadequate training and equipment. Because the pay and conditions were so poor, field personnel who had oversight responsibilities chose, in Rodriguez's words, to "look the other way." As one example of this mentality, Rodriguez pointed to instances in which officers were clocking into secondary employment jobs at Johns Hopkins while they were still on-duty at BPD. He described this practice of "double-dipping" as "criminal."<sup>47</sup>

Rodriguez was also troubled by the way the BPD trial boards operated. In LAPD, the department in which he had spent his entire career, accused officers were assigned sergeant advocates. In BPD, the officers were represented by civilian counsel, who converted the administrative trial boards into something very much like courtroom proceedings. Rodriguez found the trial board members in the proceedings he initially observed to be both overwhelmed and undertrained. He immediately instituted training for trial board members but with little noticeable effect. The trial board conviction rate hovered around 30%. With such a low success rate, BPD was unable to demonstrate, either internally within BPD or externally to the outside world, that it was capable of policing itself.

Even after providing training for trial board members, Rodriguez continued to be dissatisfied with trial board results. He described the problem as "junk in and junk out": poor investigations led to poor results before the trial boards. In addition, he said he found the recordkeeping in IA to be abysmal. Rodriguez embraced the idea that law enforcement agencies have a duty to make public data relating to administrative investigations, but he distrusted the internal numbers he received about the results of IA investigations. He recalled that if he asked three different people for statistics about IA cases, he would receive three different responses. Rodriguez attributed these discrepancies to competence rather than integrity issues, but it meant that he did not feel comfortable relying on numbers he received about these cases.<sup>48</sup>

Over time, Rodriguez became frustrated with his inability to recruit BPD members to IA who possessed both talent and, in his words, "an ethical compass." He said that his selections would frequently be blocked by other executives within BPD. As a result, he did not see significant improvements in investigative capacity and quality during his two-year tenure. In Rodriguez's view, to function well, IA required experienced officers. Instead, BPD's IA was forced to rely on junior personnel who were generally ill-equipped to conduct vigorous and rigorous internal investigations. Rodriguez attributed the difficulty in recruiting more senior personnel to the culture of BPD—a culture of poor accountability that was typical of policing culture common throughout the country in the 1960s and 1970s, but much less so a half-century later. He saw the lack of accountability within BPD as a deeply entrenched part of the culture, and

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<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

unresponsive to changes implemented by BPD leadership that were viewed by both command staff members and the rank-and-file as transitory. Members of the Department appeared secure in the knowledge that they could simply outlast leaders, like Rodriguez, who were attempting to reform the Department.<sup>49</sup>

Rodriguez raised with Batts on more than one occasion the problems with IA recruitment, but the issue was never resolved to his satisfaction. He recalled feeling that he was walking on eggshells about the recruitment issue, which he acknowledged is not his style. Rodriguez did not have a close relationship with Dean Palmere, then the colonel leading the Criminal Investigations Division, but believed that Palmere seemed to attach little or no importance to internal investigations of officer misconduct and to be interested only in fighting crime.<sup>50</sup>

Rodriguez joined BPD at the deputy commissioner level and was assigned to oversee several components in addition to IA. To manage IA matters on a day-to-day basis, Batts and Rodriguez recruited Rodney Hill. Hill was a former police officer, a 20-year veteran of the Montgomery County (Maryland) Police Department, and a former county prosecutor. At the time he was asked to lead IA, Hill was serving as a lawyer in the City Solicitor's office responsible for BPD legal issues.<sup>51</sup>

From his vantage point in the City Solicitor's office, Hill had closely observed the operation of IA under Grayling Williams. He had been unimpressed. Williams had spent the bulk of his career in DEA and had never worked in an urban police department. As a result, he had no experience working with the Maryland LEOBR, which placed numerous constraints on how IA investigations could be conducted. Hill had a broad but unspecific mandate to improve IA – neither Batts nor Rodriguez gave him instructions on how they wanted him to go about doing so. He therefore felt he had the latitude to develop and implement his own strategy for improvement.<sup>52</sup>

Hill recalled that he maintained a positive relationship with both Batts and Rodriguez, but found that his ability to make the necessary improvements was quite limited. Hill asked Batts on multiple occasions to eliminate the need for IA investigators to participate in so-called “all outs” – deployments in which IA investigators worked alongside other BPD members. Beyond the obvious potential conflict posed by IA investigators working alongside the BPD members they were investigating, Hill was told numerous anecdotes by IA investigators about the mistreatment they suffered at the hands of other BPD members, including instances in which BPD members declined to back up IA investigators involved in street-level

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> It was in Hill's role as solicitor that he was involved in the Rayam trial board described in Chapter V, Section L, of this Report.

<sup>52</sup> Rodney Hill Interview, Dec. 16, 2020.

operations. In other instances, BPD members would make transparent efforts to befriend an IA investigator during a deployment, which made the IA investigator uncomfortable.

In addition, according to Hill, he made numerous requests to supplement the manpower in IA in order to reduce the caseloads of individual IA investigators, all of which were rejected by Batts. Hill understood that competing demands for manpower made it difficult for Batts to provide him with additional manpower, but the lack of adequate resources was a continuing source of frustration for Hill and others responsible for managing IA.<sup>53</sup>

Like Rodriguez, Hill saw little evidence that accountability and discipline were accepted as important values within BPD – either at the command staff or rank-and-file level. He fully recognized that policing in Baltimore presented enormous challenges, but perceived that the singular focus on crime bred a mentality where any actions that helped eliminate crime, even unethical actions, were excused. He saw this most clearly in the operation of the BPD trial boards. In his years of observing the trial boards, both as a solicitor and as head of IA, he saw that trial boards were frequently willing to find the offending officer not guilty despite, in many cases, overwhelming proof of guilt. This occurred even in those cases that had been fully and properly investigated. Such outcomes were extremely demoralizing to IA investigators. Hill recalled that the trial board success rate improved under Rodriguez, but the results in many cases were still frustrating.<sup>54</sup>

When Hill took over IA in the spring of 2013, he inherited a unit whose members had never received training in how to conduct internal investigations. Moreover, because general investigations training was not part of the BPD training curriculum at any level, IA investigators lacked even that very basic foundation in how to conduct investigations, much less any instruction on the specific challenges faced by internal investigators in a law enforcement organization. To remedy those glaring deficiencies, Hill created an investigations checklist for IA personnel. To Hill's knowledge, no previous IA leader had developed such a checklist or set of standard operating procedures; in any event, none existed as of 2013. Instead, investigators passed along their individual investigative strategies and procedures by word of mouth. Hill recalled that he put together an "investigations manual," which was in fact less a comprehensive manual than a compilation of memos and advisories he distributed, along with the text of the LEOBR. Hill was surprised and disappointed with the lack of familiarity with the requirements of the LEOBR displayed by IA investigators.<sup>55</sup>

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<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

Hill observed numerous ways that the BPD accountability system allowed BPD members to evade accountability. For example, numerous cases were dismissed outright, under the puzzling label “notwithstanding.” This meant that if the original investigation addressed excessive force and the investigator subsequently found other, lower-level violations but could not sustain the excessive force allegations, the excessive force case would be closed, and the lower-level violations would be transferred to command investigations units that resided in the BPD districts. Those units were ostensibly responsible for handling lower-level violations, but they did not do so in any meaningful sense. Hill changed this system, forcing IA investigators to prosecute the lower-level violations that stemmed from investigations of original, more serious charges.<sup>56</sup>

Beyond the IA responsibilities that were Hill’s day-to-day assignment, Batts and Rodriguez also sought to transform the way BPD handled serious uses of force, borrowing various reforms that LAPD had implemented under a consent decree in the early 2000s. In August 2014, Batts established a Use of Force Board and Force Investigation Team (FIT), which investigated serious uses of force, including officer-involved shootings.<sup>57</sup> FIT was required to investigate serious uses of force within 48 hours of occurrence. FIT would then present its findings and recommendations to the Use of Force Board, which would then approve or disapprove FIT’s suggested findings and proposed remediation. The Board generally required that its decisions be implemented within 30, 60, or 90 days, depending on the type of case. Cases would be sent to IA and put on “urgency track” when the use of force appeared to constitute misconduct.<sup>58</sup>

In early 2014, Rodriguez commissioned an audit of IA. The audit was performed by Karen Kruger, a Baltimore-area lawyer who had spent many years dealing with law enforcement agencies as an assistant county attorney in Harford County, and representing the Maryland Transportation Authority Police Department.<sup>59</sup> Rodriguez requested the audit in order to provide external validation for the reforms he wanted to implement and to overcome the internal resistance he faced, in part because of his outsider status.

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<sup>56</sup> *Id.*

<sup>57</sup> Anthony Batts Interview, Mar. 17, 2020.

<sup>58</sup> Batts noted that these changes were denounced by the FOP. He recalled that FOP leadership advised officers not to volunteer for serving on the Board or as a member of FIT. Batts’s efforts to recruit officers with homicide experience for both roles were unsuccessful. Anthony Batts Interview, Mar. 17, 2020.

<sup>59</sup> Americans for Effective Law Enforcement, <https://www.aele.org/kruger.pdf>. Kruger was related to BPD by marriage. She was married to Gary McLhinney, who spent more than 20 years in BPD and two terms as president of the FOP. He left BPD in 2003. Gary McLhinney Interview, May 19, 2020.



Kruger's audit findings were fully consistent with Rodriguez's own views. Among her findings were the following:

- IA was understaffed and was badly in need of additional resources.
- IA investigators lacked adequate investigative training.
- The system for developing and approving charges using the Charging Committee was inefficient and ineffective.
- IA investigators were frequently pulled from their IA duties to engage in collateral activities, which created potential conflicts of interest and was a diversion of IA's resources.
- IA investigators used written questionnaires to obtain information rather than in-person interviews, which would frequently be answered by lawyers rather than the witnesses.<sup>60</sup>

In addition to the shortcomings identified in Kruger's audit, Rodriguez shared Hill's concerns about BPD's system for handling less serious allegations of misconduct. The district-based command investigations units made sense as a method for sorting allegations, but in Baltimore the system had become a means for sweeping allegations of various kinds under the rug. Because not all complaints were being accurately documented, IA was often unaware of allegations because the decision whether to retain the cases was made in the districts, without any IA oversight or input. Communication between IA and the district-level units was non-existent, and neither the allegations themselves nor their resolutions were being accurately tracked.<sup>61</sup>

During his two years as deputy commissioner, Rodriguez found dealing with BPD's culture to be extremely frustrating and exhausting. Although he enjoyed the support of Batts at the beginning of his tenure, he came to view Batts as unwilling or unable to advocate for the deeper reforms that Rodriguez viewed as critical to the improvement of the accountability function. In early 2015, Rodriguez decided to leave BPD, and formally left at the end of April. Although he was asked to stay on to help with the aftermath of Freddie Gray's death, he declined to do so—he had no desire to stay on board what he deemed to be “a sinking ship.”<sup>62</sup>

Ganesha Martin had served as a special assistant and later assistant deputy mayor to Stephanie Rawlings-Blake. Beginning in early 2014, she served as Batts's chief of staff. From that vantage point, she observed the tension between Batts and Rodriguez over IA reform. She recalled Rodriguez's growing frustration with Batts's

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<sup>60</sup> Karen Kruger, *Audit Report*, 2014; Mark Puente, *Baltimore police should revamp misconduct probes, audit says*, The Baltimore Sun (Sept. 20, 2014), <https://www.baltimoresun.com/news/investigations/bs-xpm-2014-09-20-bs-md-police-audit-20140920-story.html>.

<sup>61</sup> Jerry Rodriguez Interview, Mar. 23, 2020.

<sup>62</sup> *Id.*

tepid commitment to meaningful accountability reform, and said that Rodriguez's departure from BPD was due to the absence of that full commitment. At times, Batts would direct Rodriguez to fix the problems in IA, but when Rodriguez spoke to Batts about his specific IA concerns, Batts refused to make the necessary decisions or provide further guidance. Martin believed that Batts's failure to act stemmed from his desire to be liked by BPD members. Martin said that while Batts did not want to be complicit in police misconduct, she saw on numerous occasions Batts's refusal to make the hard decisions to root out misconduct.<sup>63</sup>

## **E. Batts's Strategic Plan**

Just as Rodriguez used the audit of IA to validate his concerns about IA, Batts had early in his tenure commissioned a broader review of BPD that was intended to support his vision for transforming the Department. Robert Cherry, the co-author of the FOP's "Blueprint for Improved Policing," recalled meeting with Batts soon after he became commissioner to discuss the FOP's July 2012 report and its prescriptions for change. Batts praised the FOP's report, describing it as "a page out of my book," and said there were several action items from the report that he wanted to include in the next round of labor negotiations.<sup>64</sup>

In January 2013, several months into his tenure, Batts launched a process to hire outside consultants to conduct a comprehensive review of BPD and work with him to formulate a multi-year strategic plan. Martin O'Malley, who had been serving as governor for close to six years at that point but had retained intense interest in Baltimore's crime issues, recalled that he originated the idea of bringing in William Bratton and his colleagues to conduct the review of BPD. O'Malley stated that he hoped to be able to work with Batts because he saw the city moving backwards on BPD matters at the start of Batts's tenure. Shortly after Batts's selection, O'Malley met with Batts in Annapolis and expressed his concerns about BPD. Batts was interested in O'Malley's idea of having Bratton conduct the review of BPD, similar to the review Maple and Linder had done in 2000, but Batts said that the city lacked the money because of both the recession and the fact that BPD had just completed a reorganization. O'Malley told Batts that the state would help with funding the review. When Batts failed to follow up, O'Malley asked Kristen Mahoney to reach out to Batts. Batts agreed to the study, so long as the state paid for part of it. O'Malley recalled that Batts shrewdly insisted that BPD be the primary client, even though the state was helping to fund the study, because that meant Batts ultimately controlled the final product.<sup>65</sup>

The request for proposals to conduct the review required the consultant to have conducted similar assessments for police departments within the prior three years and

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<sup>63</sup> Ganesha Martin Interview, Apr. 2, 2020.

<sup>64</sup> Robert Cherry Interview, June 9, 2020.

<sup>65</sup> Martin O'Malley Interview, June 30, July 3, and July 10, 2020.

to complete the review within 90 days.<sup>66</sup> The procurement process dragged on for several months and became mired in controversy when BPD selected Strategic Policy Partnership, LLC, a consulting firm associated with Bratton, even though it was the highest-cost bidder. Batts had sufficiently close personal and professional ties to Bratton that both he and his chief of staff, Judy Pal, recused themselves from the selection process. The selection panel was led by Deputy Commissioner John Skinner and former BPD Deputy Commissioner Marcus Brown, who at the time was the Maryland State Police Superintendent. The choice of Bratton was not universally praised. Then-Councilman Brandon Scott said the following:

We all know that Mr. Bratton is the grandfather of zero-tolerance and stop-and-frisk. That should worry everybody. We've been there before. That is not a strategy that works in Baltimore. . . . [My constituents] don't understand why a brand-new police commissioner who was brought here to look at things with an outside eye now needs someone else to come here and look at things with an outside eye.<sup>67</sup>

Although Bratton's was the name associated with the review, and his separate consulting firm was formally a subcontractor, he spent comparatively little time on the project. Bratton came down to Baltimore for the kickoff meeting and subsequently kept in touch from time to time with the members of the team who were focusing on operations. The review was headed by Robert Wasserman, a longtime associate of Bratton's dating back to their service with the Boston Police Department in the 1970s. Wasserman had held a variety of high-level positions in police departments around the country, including in Boston, Houston, and New York, and had served for decades as a consultant for numerous law enforcement agencies.<sup>68</sup>

Wasserman recalled that the BPD consulting possibility came to him at least in part because of his relationships with Bratton and Batts. He had dealt with Batts when Batts was the chief in Oakland.<sup>69</sup> Wasserman understood that the assignment was to develop an action plan for BPD. He acknowledged that he had discussions with Batts

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<sup>66</sup> Justin Fenton, *Baltimore police seek contract for outside consultant*, The Baltimore Sun (Jan. 17, 2013), <https://www.baltimoresun.com/news/crime/bs-md-ci-baltimore-police-consultant-evaluation-20130117-story.html>.

<sup>67</sup> Justin Fenton & Luke Broadwater, *City police seek \$285,000 to hire consultant*, The Baltimore Sun (Apr. 16, 2013), <https://www.baltimoresun.com/maryland/baltimore-city/bs-xpm-2013-04-16-bs-md-ci-police-consulting-contract-20130416-story.html>.

<sup>68</sup> Robert Wasserman Interview, Aug. 6, 2020.

<sup>69</sup> Wasserman noted that he later learned that Batts had been very ineffective during his tenure in both Long Beach and Oakland. Wasserman observed that Batts is a "very articulate guy, who talks a good game" and that he had performed well during the interviews for the Oakland position. According to Wasserman, "It was clear soon after he was appointed [in Oakland] that he was a disaster." Robert Wasserman Interview, Aug. 6, 2020.

during the proposal period about Batts's vision for the project – notwithstanding Batts's supposed refusal from the selection process.<sup>70</sup>

In carrying out the assignment, Wasserman met with BPD's command staff and asked for their assistance in collecting information. He interviewed command staff members and local government officials – including Rawlings-Blake – and community leaders in an effort to understand BPD's strengths and weaknesses. One of his colleagues, Pat Hartnett, spent considerable time speaking with rank-and-file BPD members. As the project moved forward, it “evolved into a plan of action.”<sup>71</sup>

The report was published in November 2013 as “Public Safety in the City of Baltimore: A Strategic Plan for Improvement” (Strategic Plan).<sup>72</sup> According to Wasserman, Batts told him not to include the name of Wasserman's firm, Strategic Policy Partnership, on the cover of the report “because it was not [Batts's] name.”<sup>73</sup> Wasserman said he failed to grasp how his firm could be paid close to \$300,000 to develop the report and then publish the report without the firm's name included. Batts did not object to – or seek to modify – any of the recommendations included in the initial draft, but he was displeased when the draft did not tout the accomplishments of his first year.

The Strategic Plan was a dense and complex 192-page document. It included a section entitled “Strategic Pillars for a Safer Baltimore – Accomplishments and Initiatives,” which somewhat awkwardly blended claimed accomplishments during Batts's first year and future strategy. The pillars were described as:

- Concentration on Violent Offenders, Gang Members and Guns
- Community Engagement
- Actionable and Timely Intelligence
- Data Sharing
- Ethics, Integrity and Accountability

This 17-page section was the material that Batts had insisted be included, but that was not verified either by Wasserman or any member of his review team. It was followed by the body of the report, which was presented as a series of strategic challenges:

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<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> Anthony Batts, Public Safety in the City of Baltimore: A Strategic Plan for Improvement, 2013.

<sup>73</sup> Strategic Policy Partnership, LLC, and Bratton's separate firm, Bratton Group, LLC, were mentioned in Batts's foreword to the document. *Id.* at 2.

- Targeting gangs, guns, violent repeat offenders, and the conditions that allow crime to flourish
- Developing and maintaining relationships and working collaboratively
- Improving information sharing and quality to provide actionable and timely intelligence
- Maintaining the highest standards of ethics, integrity, and accountability
- Becoming a learning organization that is capable of acting with expertise in all areas of law enforcement

The Strategic Plan included 49 “strategic objectives,” with detailed background and strategy sections for each objective.<sup>74</sup> Under these 49 strategic objectives, the document identified 164 so-called “priority actions.” Each priority action included an implementation timeframe, an assessment of its fiscal impact, and the assignment of command staff responsibility for implementation. The Strategic Plan also called for the development of 46 new policies and 21 new forms.<sup>75</sup>

The Strategic Plan appeared to ignore the axiom that “when everything is a priority, nothing is a priority.” Although the document compiled some useful information about BPD and outlined many important issues, it was not a plan that was capable of being successfully implemented by any law enforcement organization—much less one as overwhelmed and under-resourced in many of its key functions as BPD. In retrospect, it was more of a vanity project for Batts, aided and abetted by outside consultants, than a workable blueprint for reform.

Wasserman said that Batts disagreed with certain portions of the report, but that he received significantly more pushback from O’Malley, who “disliked the report intensely.” Wasserman said he had discussions with O’Malley every two or three weeks during the development of the Strategic Plan. As one of the funders of the project, the state had equities in the review. When Wasserman sent O’Malley the initial draft of the report, O’Malley insisted that he change the plan and referred to the draft as “mush.”<sup>76</sup>

O’Malley recalled that he met with Bratton shortly before the public release of the study, and they went through different initiatives his mayoral administration had hoped to institutionalize within BPD, including integrity stings, publication of excessive force complaints, and having 5% of the BPD sworn force serve in IA. According to

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<sup>74</sup> *Id.* at 49-98.

<sup>75</sup> *Id.* at 44, 99-123.

<sup>76</sup> Robert Wasserman Interview, Aug. 6, 2020.



O'Malley, Bratton told him that BPD could not remember the last time it had done an integrity sting and that there was little evidence that the other accountability-related initiatives were being pursued.<sup>77</sup> Equally troubling to O'Malley was that the Commissioner's note introducing the draft report stated that BPD was overcoming a prior policy of mass arrests. O'Malley stated that he promptly called Batts, who immediately started backpedaling and suggesting that some staffer had added the "mass arrests" language; Batts told O'Malley that this language would be removed. It was.<sup>78</sup>

O'Malley recalled that he had texted Bratton after the release of the final report and asked him where the "real report" was. Confused, Bratton said he had already furnished a copy to O'Malley. O'Malley said he asked for the "real one" that discussed the IA issues they had discussed in Annapolis – the dismantling of policies aimed at policing the police, including integrity stings.<sup>79</sup> O'Malley subsequently said he very much regretted ceding editorial control over the document to Batts, which allowed the points about IA dysfunction to be softened or eliminated. According to O'Malley, when he complained to Bratton about the soft treatment of IA, Bratton pointed to Batts as responsible for the content of that section.<sup>80</sup>

Consistent with O'Malley's view, there were striking omissions in the sections of the report that dealt with ethics and accountability. Nowhere in the report was there any mention of corruption. Nowhere in the report were the cases involving Majestic Towing, Daniel Redd, and Kendell Richburg mentioned, even in passing. The problems in ethics and accountability were treated simply as procedural and managerial issues, without any reference to the scope or scale of misconduct that had come to light through the investigation and prosecution of those cases. Although Batts had not been commissioner for long, his strategic plan, which he referred to as his "Bible,"<sup>81</sup> had adopted BPD's well-worn practice of ignoring the lessons that could be learned from prior cases revealing the corruption within its ranks, and failing to use those episodes to focus on ways to deter and detect misconduct going forward. Once Batts decided that the document was not going to be exclusively forward-looking, there was no justification for the failure to address prior corruption scandals and the threat that type of conduct posed to BPD.<sup>82</sup>

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<sup>77</sup> This was not true. Even though the number of integrity stings had substantially declined over time, stings were still being conducted. Robert Morris Interview, Sept. 17, 2020. Internal BPD documents reflect that approximately 30 stings were conducted in 2012 and between 10 and 12 in 2013.

<sup>78</sup> Martin O'Malley Interview, June 30, 2020.

<sup>79</sup> *Id.*

<sup>80</sup> Emails from M. O'Malley to M. Bromwich, July 13-14, 2021.

<sup>81</sup> Anthony Batts Interview, Mar. 17, 2020.

<sup>82</sup> Months before the release of the Strategic Plan, Batts published an op-ed in response to a *Sun* editorial. He summarized each of the five strategic pillars subsequently included in the Strategic Plan but

Wasserman recalled that although his review showed that the Department was “starting to do good crime analysis,” BPD had numerous and profound weaknesses:

There were a number of good people who wanted to see things change, but they never seemed to gain any traction. Districts in the city were terribly run and did not have a strategy that cops could buy into. The mayor was problematic in the minds of [the Department’s] officers . . . and there were no accountability measures throughout [BPD].<sup>83</sup>

Wasserman recalled that the initial draft of the document was exclusively forward-looking, and that sections of the final version of the Strategic Plan, including the report’s “Strategic Pillars for a Safer Baltimore” and “Year One Accomplishments and Initiatives” sections, had not been included in the initial draft. Batts insisted that Wasserman add these sections, even though, as mentioned above, Wasserman’s team had not independently validated the claims Batts was making.<sup>84</sup>

Wasserman recalled that his team found an “absolute non-existence of accountability at any level” within the Department. The quality of IA’s investigations was poor, and the consulting team found no evidence that members engaging in wrongdoing were held accountable and appropriately disciplined. Confirming what Batts and Rodriguez had learned, and consistent with what Karen Kruger found many months later, Wasserman found that IA investigators were insufficiently trained in conducting investigations into misconduct, and that investigators were often ostracized within the Department.<sup>85</sup>

A year after the publication of the report, on December 8, 2014, Rawlings-Blake and Batts released a statement regarding BPD’s progress in implementing the Strategic Plan. Wasserman was quoted praising BPD’s commitment to the plan as “impressive.”<sup>86</sup> When asked about this comment, Wasserman acknowledged that he had no meaningful evidence on which to base that judgment. He recalled that Batts’s chief of staff, Judy Pal, sent him some material that listed items to be implemented and affirmed BPD’s commitment to the plan. Based on those materials, Wasserman provided the favorable quote. In retrospect, Wasserman said he should have asked for

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devoted only three brief sentences to the ethics and accountability pillar: “The last of our five focus areas is that of ethics, integrity, and accountability. A police agency is only effective if it has the support of the community it serves. It is our job to earn and maintain that trust.” Anthony Batts, Editorial, *Police Commissioner: BPD is as focused as ever on violent crime*, The Baltimore Sun (Mar. 31, 2013), <https://www.baltimoresun.com/opinion/op-ed/bs-ed-batts-homicide-20130330-story.html>.

<sup>83</sup> Robert Wasserman Interview, Aug. 6, 2020.

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> Press Release, Office of the Mayor of Baltimore City, *Reflecting on Year One of Baltimore Police Strategic Plan* (Dec. 8, 2020), <https://mayor.baltimorecity.gov/news/press-releases/2014-12-08-reflecting-year-one-baltimore-police-strategic-plan>.

supporting evidence. He said he was not sure if Batts followed up on the Strategic Plan in any meaningful way. Rawlings-Blake's December 8 statement included the following: "I am pleased to report that in the year since we released this strategic plan, we have kept our word to the people of Baltimore and implemented the majority of recommendations to make this department better."<sup>87</sup> Given the number of recommendations in the Strategic Plan, that claim was wholly implausible. When we asked Rawlings-Blake about the factual basis for that statement, she said she could not recall it.<sup>88</sup>

Wasserman later concluded that the Strategic Plan's proposed reforms were "unsustainable." In his view, the document should have emphasized an overall strategy for BPD rather than breaking it down into such a large number of particulars. In addition, more attention should have been paid to dealing with BPD's cultural issues—its insular and self-protective character and its insufficient attention to the lives and well-being of the citizens of Baltimore. In addition, Wasserman said he regretted the failure to comment on the need to establish a management development process that would create a pipeline for future leaders of the Department. The review team found that BPD promoted people without any regard to whether they were capable of functioning in a leadership position. At bottom, he found BPD to be more dysfunctional than other police departments with which he had previously worked.<sup>89</sup>

In retrospect, Wasserman said the review was made difficult in large part due to Batts's unavailability. He found it very difficult to speak with Batts because he "was always doing something else." Wasserman observed that BPD was more resistant to outsiders than any of the other police departments with which he had worked, and he developed grave doubts about Batts's leadership qualities: "Batts was not the kind of guy who could bring people together within the Department. When the rubber hits the road, he does not really have anything to say." He noted that "[Batts] is on Facebook and LinkedIn all the time, constantly forwarding things other people say. He never actually says anything," and "his words did not resonate with anyone."<sup>90</sup>

As an example of Batts's failure to lead BPD, and its resistance to his leadership, Wasserman recalled that Batts conducted management conference calls with the command staff each day, typically at 10:00 or 11:00 a.m. Wasserman advised Batts to schedule these calls for first thing in the morning to discuss events of the previous evening. Batts told Wasserman that he scheduled the meetings for the mid-morning because many members of the command staff did not arrive earlier than that. Batts refused to reschedule the meeting for an earlier time for fear of alienating his command staff. According to Wasserman, the lack of discipline during these calls was striking:

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<sup>87</sup> *Id.*

<sup>88</sup> Email from S. Rawlings-Blake to M. Bromwich, July 14, 2021, Re: 2013 BPD Strategic Plan.

<sup>89</sup> Robert Wasserman Interview, Aug. 6, 2020.

<sup>90</sup> *Id.*

“Everyone was lazy about it,” which “drove me insane.” He said that no one seemed to care about the calls, and that he eventually gave up on efforts to revamp them.<sup>91</sup>

## **F. Transition at the Baltimore State’s Attorney’s Office and the Police Integrity Unit**

Marilyn Mosby had served as an assistant state’s attorney in the Baltimore City State’s Attorney’s Office (SAO) from 2005 to 2011, before leaving to work for an insurance company. She decided to run for Baltimore City State’s Attorney in 2014 because she was unhappy with the way Gregg Bernstein was managing the Office. According to Mosby, Bernstein did not value the talent at SAO and attempted to recruit candidates with elite credentials who often moved on after several years rather than making their careers in the SAO. Mosby said that Bernstein’s approach had changed the culture of the office in ways she viewed as undesirable. In addition, she believed that Bernstein was disconnected from the community, which was especially problematic during a time when there was substantial mistrust of police, prosecutors, and judges. In her view, Bernstein had failed to break down the barriers of mistrust.<sup>92</sup>

Mosby recalled that she made police misconduct an issue in the 2014 State’s Attorney campaign. Mosby’s focus on police misconduct was abetted by media coverage of Bernstein’s 2011 firing of Janice Bledsoe as head of the SAO’s Police Integrity Unit during her investigation of BPD overtime abuse.<sup>93</sup> Mosby said her only prior exposure to police misconduct was in her first Baltimore City District Court trial many years earlier when two BPD officers provided trial testimony that was completely contradictory; one of those officers was Thomas Wilson III, the same officer criticized by Judge Andre Davis in 2002.<sup>94</sup> She said that episode taught her she could not stake her reputation on the credibility of BPD officers.<sup>95</sup> On June 24, 2014, Mosby defeated Bernstein in the Democratic primary with 54% of the vote.<sup>96</sup>

Mosby enjoyed a honeymoon of approximately 100 days before Freddie Gray’s arrest on April 12, 2015, and his death a week later. As two of her top executives, she hired Michael Schatzow and Bledsoe, who had been a vocal supporter of Mosby’s during her campaign against Bernstein. Bledsoe recalled initially discussing her potential return as part of Mosby’s senior team sometime in December 2014. Schatzow was a close friend of Bernstein’s who had been planning to serve as his chief deputy if

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<sup>91</sup> *Id.*

<sup>92</sup> Marilyn Mosby Interview, Jan. 13, 2021.

<sup>93</sup> Edward Ericson, Jr., *State’s Attorney accused of conflict of interest*, The Baltimore Sun (June 20, 2014), <https://www.baltimoresun.com/citypaper/bcp-blog-22003-20140620-story.html>.

<sup>94</sup> For more information on this incident, see the discussion at Chapter IV, Section C.

<sup>95</sup> Janice Bledsoe Interview, May 20, 2020; Marilyn Mosby Interview, Jan. 13, 2021.

<sup>96</sup> *Mosby Defeats Bernstein In Close Race For Baltimore City State’s Attorney*, WJZ13.com (June 24, 2014), <https://baltimore.cbslocal.com/2014/06/24/bernstein-mosby-fight-for-baltimore-city-states-attorney-primary-seat/>.

Bernstein had been re-elected. Even so, Schatzow accepted Mosby's offer to serve as her chief deputy.<sup>97</sup>

When she became State's Attorney, Mosby viewed the Office's Police Integrity Unit as a "complete and utter mess." Mosby said the unit was without any lawyers, and that Bernstein's staff had not prepared transition memos, requiring Mosby's team to "go in and figure everything out themselves." Mosby said that Bledsoe had to identify which cases were open and which were closed, as well as designing the unit's structure and selecting its personnel.<sup>98</sup> In addition to police integrity, Bledsoe was assigned responsibility for juvenile matters and criminal investigations. Bledsoe recalled that she and Mosby later created a new unit called the Evidence Review Unit that dealt with body-worn camera (BWC) footage once BWCs began to be rolled out to BPD members in May 2016.<sup>99</sup>

Bledsoe said that when she arrived, the Police Integrity Unit was staffed only with a law clerk and part-time administrator. Bledsoe said she spent the first couple of months assembling the unit, but had difficulty staffing it internally. Because of those difficulties, Bledsoe eventually posted ads regarding open positions but was prevented from filling the positions. Bledsoe said that early on she ran the unit by herself and focused on disclosures of impeachment material for BPD members who were involved in pending cases.<sup>100</sup> To that end, she discussed with Mosby ways to expand disclosure policies. She consulted with the Office of the Public Defender, and sought to resolve issues in dispute, including what exculpatory materials prosecutors were required to disclose to defense counsel under *Brady v. Maryland*.<sup>101</sup> Bledsoe expanded *Brady* disclosure categories to include information on false arrests, theft, excessive force, and illegal searches and seizures. Bledsoe said she remembered that the process coincided with the Freddie Gray uprising.<sup>102</sup>

Mosby and Bledsoe hired StacyAnn Llewellyn as a division chief of the Police Integrity Unit in May 2015. Llewellyn had been serving as an assistant state's attorney in Prince George's County. She first became aware of the SAO vacancy in the Police Integrity Unit in March or April 2015. Llewellyn applied for the job just before Freddie Gray's death in April, and was interviewed after the riots had ended. Llewellyn was hired and started work in June 2015.<sup>103</sup>

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<sup>97</sup> Marilyn Mosby Interview, Jan. 13, 2021.

<sup>98</sup> *Id.*

<sup>99</sup> Janice Bledsoe Interview, May 20, 2020.

<sup>100</sup> *Id.*

<sup>101</sup> *Brady v. Maryland*, 373 U.S. 83 (1963).

<sup>102</sup> Janice Bledsoe Interview, May 20, 2020.

<sup>103</sup> StacyAnn Llewellyn Interview, Feb. 25, 2021.



When Llewellyn joined the SAO, the Police Integrity Unit was staffed with one lawyer and a law clerk. Until she started in her new job, Llewellyn said she was not aware of the pervasiveness of corruption within BPD. She recalled telling herself, “This isn’t PG County anymore.” The volume of cases assigned to the unit was much higher than she had anticipated – a large backlog had accumulated between the departure of the unit’s former chief under Bernstein, Shelly Glynn, and Llewellyn’s arrival. When she began engaging with BPD members, she recalled meeting a high level of resistance. She attributed some of that resistance to the prosecutions by the SAO of six BPD officers in the Freddie Gray case, but she learned that BPD’s lack of cooperation with the SAO preceded those prosecutions and was a continuing feature of the relationship.<sup>104</sup>

Almost immediately, Llewellyn noticed the poor quality of the IA investigations referred to the SAO. Due to the immense and disorderly backlog she inherited, Llewellyn recalled that, like Bledsoe when she rejoined the SAO, she spent several of her first weeks on the mundane tasks of organizing files and creating a structure for determining which cases had been investigated and which cases remained open. Throughout her tenure with the unit, which lasted almost four years, she interacted with members of IA’s General and Ethics Sections, and primarily dealt with senior members of BPD’s IA management, including Rodney Hill, Ian Dombroski, and Stephanie Lansey.<sup>105</sup>

With the support of Mosby and Bledsoe, Llewellyn sought to expand the size of the Police Integrity Unit so that it could more capably handle its caseload. Those efforts were hampered by turnover within the unit and difficulties in recruiting prosecutors who were interested in working on police misconduct cases. During her tenure, Llewellyn implemented a policy that required a written analysis of every police misconduct case reviewed by her unit. The SAO publicly explained the reasons for its declinations in officer-involved shooting cases and later expanded the practice to include all police misconduct matters. During her time with the SAO, Llewellyn recalled that her unit prosecuted roughly 50 officers for various offenses, including use of excessive force and timesheet fraud.<sup>106</sup>

## **G. The Walter Price Case**

In 2014, more than two years before he became the sergeant in charge of the GTTF, Wayne Jenkins was involved in a case while sergeant of another squad that was revealing about his misconduct – but even more revealing about the inability of BPD to effectively address such misconduct.

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<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

On February 19, 2014, Walter Price, 29, was driving his car in the 300 block of Gay Street in downtown Baltimore. He was stopped by BPD officers, including Jenkins and Benjamin Frieman, a member of Jenkins's Westside 2 enforcement squad. Frieman had received specific information that an informant had arranged to buy cocaine from Price at a set time and location. Frieman had arrested the informant several days earlier, and the informant had provided information about Price and others involved in drug trafficking, which Frieman claimed that he confirmed by consulting BPD databases. After being stopped by BPD members, Price was held at the scene for over an hour while the officers searched his car. After lengthy searches by multiple officers, Jenkins produced cocaine that he claimed to have found in the car. During the period Price was being held and questioned, Price's girlfriend and infant son had arrived on the scene. Price was placed under arrest. Price, as well as his girlfriend and infant child, were transported to the Western District station. Price's girlfriend and her infant child were detained for several hours before they were released at approximately 5:00 p.m.<sup>107</sup>

Assistant State's Attorney Molly Webb was assigned to prosecute the narcotics case against Price. Despite her initial reservations about the informant's lack of a track record and Frieman's misleading characterization of him as "reliable," Webb decided to move forward with the case. She met with Frieman to obtain more details. Frieman told her that on February 19, 2014, the informant had ordered drugs from Price. Frieman said that based on information provided by the informant, Frieman and his colleagues had conducted physical surveillance of Price at his home and observed Price leaving his home to consummate the drug sale to the informant. But instead of proceeding to the location where he had agreed to meet the informant, Price had briefly reentered his house before heading back out a second time. After Price entered his car the second time, Frieman claimed he saw Price reach up and place something in the car's headliner before driving away from his residence. Price was stopped by BPD officers midway between his home and the location where the sale was to take place. Based on the information she obtained from Frieman and evidence of the drugs seized from Price's car, Webb moved forward with the indictment of Price.<sup>108</sup>

Webb subsequently learned that Price's defense counsel had obtained CCTV footage that captured the sequence of events surrounding the stop of Price's car. She viewed the footage and grew concerned that Frieman had lied about the stop of Price and the seizure of the drugs. Among other things, the video showed a substantial delay between the time Price was stopped and the supposed recovery of the drugs by Jenkins. After sharing this information with her supervisors, Webb was told to turn the case

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<sup>107</sup> Michelle Bolden Interview, Nov. 25, 2020; BPD IA File 2014-0177 (provided by BPD).

<sup>108</sup> BPD IA File 2014-0177 (provided by BPD).

over to the Police Integrity Unit. She advised Frieman that she had done so and dropped the narcotics case against Price.<sup>109</sup>

Initially, a prosecutor with the Police Integrity Unit worked jointly with Michelle Bolden of BPD IA in the investigation of Jenkins and Frieman. In a proffer session with the SAO and IA, Price admitted that he was a drug dealer, but adamantly denied that he possessed drugs at the time of the February 19 stop and arrest. He explained that the reason he had returned to his house the first time was because he had noticed that he was being surveilled; he returned to the house in order to leave the drugs behind. When Frieman was interviewed, he was unable to provide satisfactory answers about the alleged recovery of the drugs from Price's car, claiming that he did not see Jenkins seize the narcotics. Even though the SAO was troubled by the evidence it had developed, it declined prosecution of Frieman by letter dated May 28, 2014.<sup>110</sup>

Bolden pursued the IA investigation of Jenkins and Frieman. She submitted her investigative report 10 months after the declination, on March 23, 2015. As part of her investigation, Bolden reviewed the CCTV footage, conducted witness interviews, and reviewed the documents prepared by Frieman, including his probable cause statement and search warrant affidavit. Based on her investigation, Bolden concluded that, among other things, Frieman had misrepresented his relationship with the confidential informant, who had no proven record of reliability. In fact, the incident involving Price was the first and only instance in which Frieman had worked with that informant. In addition, Bolden concluded that Jenkins had failed to properly supervise Frieman. The specifics of the failure to supervise included the submission of Frieman's false and misleading statement of probable cause, and the illegal and improperly documented detention of Price's girlfriend and child at the site of Price's stop and at the Western District station. Based on her investigation, Bolden firmly believed Jenkins had planted the drugs in Price's vehicle, but she did not have sufficient evidence to prove it. The IA report somewhat cryptically concluded:

[I]t was revealed that Sergeant Jenkins failed to ensure that Detective Frieman, his subordinate, provided complete or accurate information related to his seizure of narcotics from Mr. Price's van. Furthermore, it was revealed that Detective Frieman failed to provide complete or accurate information related to the seizure of narcotics from Mr. Price's van.<sup>111</sup>

The investigative report sustained allegations against Jenkins for misconduct, neglect of duty, and failure to supervise in connection with the seizure of narcotics from

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<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> *Id.* Before her transfer to IA, Bolden had worked with Jenkins in the Southeastern District. At that time, she had not heard that Jenkins was a dirty cop, but well before the Price incident, she had learned that when Jenkins called for backup, many BPD members did not show up because "something probably was not right." Michelle Bolden Interview, Nov. 25, 2020.

Price's van and the detention of Price's girlfriend and child. The allegations against Frieman for the misrepresentation of his relationship with the informant, and for his role in the improper detention of Price's girlfriend and infant son, were also sustained.<sup>112</sup>

Following the submission of the IA report, BPD's charging committee recommended that Jenkins be demoted, transferred to the Bureau of Patrol, receive a severe letter of reprimand,<sup>113</sup> and lose 15 days of leave – an extremely significant set of sanctions.<sup>114</sup> The charging committee sent its recommendation to Deputy Commissioner Rodriguez for his approval. According to Martin Bartness, who at the time was serving as Rodriguez's executive officer, Rodriguez substituted a 20-day suspension for the charging committee's recommendation of 15 days' loss of leave – an increase in severity because most veteran officers had sufficient unused leave time such that loss of leave was not a meaningful punishment.<sup>115</sup> Bartness recalled that Rodriguez believed that Jenkins was a "bad apple" and thus "wanted to come down hard on him." The more serious recommended sanctions – demotion, transfer to Patrol, and severe letter of reprimand – were left undisturbed by Rodriguez.<sup>116</sup>

Following Rodriguez's review, on March 30, 2015, Stephanie Lansey, who was then a sergeant in the Office of Administrative Hearings, served the recommendation on Jenkins, who requested a trial board. The trial board was scheduled for September 30, 2015, but it never took place. According to a January 15, 2016, internal BPD memo from Daniel Beck of the Legal Affairs Section, the sanctions proposed by the charging committee, and approved (and enhanced) by Rodriguez, were reduced to almost nothing. The only sanction imposed on Jenkins was non-punitive written counseling. The outcome was the product of a settlement between BPD and Jenkins's counsel, and was ultimately finalized on February 11, 2016, two years after the incident.<sup>117</sup> Several months later, in August 2016, Frieman reached a less generous settlement with BPD: a five-day suspension, a middle letter of reprimand, training in report-writing, and a transfer from his SES squad.<sup>118</sup>

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<sup>112</sup> BPD IA File 2014-0177 (provided by BPD).

<sup>113</sup> For a description of the letter of reprimand categories, see Appendix B: Internal Affairs Investigations and Related Matters.

<sup>114</sup> BPD IA File 2014-0177 (provided by BPD).

<sup>115</sup> *Id.*; Martin Bartness Interview, Feb. 25, 2021.

<sup>116</sup> BPD IA File 2014-0177 (provided by BPD); Martin Bartness Interview, Feb. 25, 2021.

<sup>117</sup> BPD IA File 2014-0177 (Order to Affect Disciplinary Action signed by M. Bartness on behalf of then-Commissioner Kevin Davis) (provided by BPD).

<sup>118</sup> *Id.*

Jenkins was dissatisfied with this outcome. On the same day as Beck's memo confirming the settlement, he submitted a statement to Captain Kevin A. Jones alleging that the IA investigation "was conducted unprofessionally." Jenkins wrote:

The evidence and statements available regarding this case could lead the most untrained and inexperienced investigator to this case being closed as a non-sustained case not only against me but Detective Benjamin Frieman (I847) as well.

After making factual arguments claiming that he at no time failed to supervise Frieman, and was not at fault for the hours that Price's girlfriend and infant son were involuntarily detained, Jenkins closed his memo with an attack on IA:

In closing, I'm only excepting [sic] this non-punitive counseling out of fear that if I don't except [sic] it our Internal Affairs Division can continue to investigate recklessly and unprofessionally to target me and other dedicated members of our department who refuse to give up against the crime in Baltimore City.<sup>119</sup>

The sharp reduction in Jenkins's punishment was authorized by then-Deputy Commissioner for Administration Darryl De Sousa. When we asked De Sousa about his decision to approve a settlement that dramatically reduced Jenkins's punishment from what had been proposed, De Sousa claimed to be unfamiliar with the underlying facts. He said he was pleased to finally hear from us the full story for the first time. De Sousa said he merely ratified a settlement that the law department had reached with counsel for Jenkins, relying on the attorneys to do the due diligence and recommend the most appropriate outcome.<sup>120</sup> De Sousa claimed that he would "never" recommend reducing discipline from demotion to non-punitive counseling, but that appears to be precisely what he did.<sup>121</sup> Daniel Beck's memory was that De Sousa was fully conversant with the facts and had counseled him, "You're not going to win at the trial board, so take what you can get."<sup>122</sup> Beck recalled that the case against Jenkins was weakened by the fact that BPD had vague general orders defining the responsibilities of supervision. That reduced the likelihood that supervisors serving on a trial board would find a sergeant culpable based on a theory of supervisory responsibility.<sup>123</sup>

We explored with various witnesses the resolution of the Price case. Bartness, who served as Rodriguez's executive officer at the time of the proposed discipline, and

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<sup>119</sup> *Id.*

<sup>120</sup> Darryl De Sousa Interview, May 26, 2020.

<sup>121</sup> *Id.* De Sousa somewhat lamely said he had "no clue" that any of the GTTF members were "involved in any of this," and that he would have increased the punishment if he had known.

<sup>122</sup> Daniel Beck Interview, Jan. 8, 2020.

<sup>123</sup> Daniel Beck Interview, July 19, 2021.



as Kevin Davis's chief of staff when the case was resolved in 2016, recalled that Jenkins had been portrayed as a hero within the Department due to his actions during the 2015 riots that followed Freddie Gray's death. Bartness recalled that the Department awarded Jenkins a Bronze Star for commandeering a van in the middle of the riots when officers were being attacked and needed to be rescued. He viewed the case against Jenkins as a casualty of the period when Baltimore was consumed with Freddie Gray's death and the events that followed.<sup>124</sup>

As head of IA, Rodney Hill was very much involved in the Price case and signed off on Bolden's investigative report substantiating the charges against Jenkins and Frieman. He recalled that De Sousa oversaw the disciplinary process at the time, with the responsibility delegated to De Sousa by then-Commissioner Kevin Davis. Hill recalled going over the case with De Sousa and reminding him that Jenkins and Frieman had previously been on IA's radar. Hill concluded that there was insufficient evidence to recommend termination, but he felt that the set of sanctions approved by Rodriguez were appropriate. De Sousa had the authority to reduce the discipline imposed on Jenkins and was generally lenient in imposing discipline. Hill said he was sufficiently concerned about the disposition that he spoke with Ganesha Martin about it, who said she would raise his concerns about De Sousa's disciplinary leniency with Commissioner Davis.<sup>125</sup> Davis said he had no recollection of any discussions about the resolution of the case against Jenkins.<sup>126</sup>

When Stephanie Lansey had served Jenkins with the original charges in March 2015 and informed him of the discipline BPD was proposing, Jenkins confidently told her, "I'll see you in a couple weeks—it'll be written counseling." She recalled thinking that written counseling was inconceivable given that demotion, suspension, and a written reprimand had been approved. When the settlement was reached ten months later, she was stunned that Jenkins had accurately predicted the outcome. She said she had no insight into how the outcome was reached or who might have influenced it, but she, like many others, speculated that Palmere had weighed in on Jenkins's behalf.<sup>127</sup>

In almost every respect, the Price case revealed the profound weaknesses in BPD's accountability system. The case was deemed insufficiently strong to be criminally prosecuted, even in the face of what appeared to be a series of clearly false statements provided by Frieman. The IA investigator assembled circumstantial evidence that Jenkins had planted the evidence in Price's car and believed that he had done so, but concluded it could not be proven—even by a preponderance of the evidence standard—to a trial board inclined to be sympathetic to officers.

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<sup>124</sup> Martin Bartness Interview, Nov. 23, 2020.

<sup>125</sup> Rodney Hill Interview, Dec. 16, 2020.

<sup>126</sup> Email from K. Davis to M. Bromwich, July 20, 2021, Re: Walter Price.

<sup>127</sup> Stephanie Lansey Interview, Mar. 18, 2021.

Moreover, the investigation took almost a year to complete. In this case, unlike scores of others we reviewed where little or no discipline was ever recommended, serious sanctions were proposed, and then enhanced by Deputy Commissioner Rodriguez. Because of the death of Freddie Gray and its aftermath, the case languished for many months until it was belatedly resolved with an extremely lenient result for Jenkins, the result of a settlement approved by De Sousa, a Deputy Commissioner known for being excessively lenient on discipline. The viability of the case was to some extent hobbled by the absence of robust requirements defining BPD supervisory responsibilities. In the end, Jenkins received less than a slap on the wrist, and then complained about his treatment at the hands of IA. It reinforced the lessons that he had learned repeatedly before – that BPD was incapable of requiring accountability for misconduct, especially with respect to a productive officer.<sup>128</sup> And in this instance – like with its failure to take action against Rayam in 2009 in the face of clear evidence that Rayam had committed a theft and then lied about it – BPD’s inaction allowed Jenkins’s criminal activities to continue for several more years.

## H. The Demetric Simon Gun Planting Incident

A month after the arrest of Walter Price, in March 2014, Jenkins and Frieman were involved in another incident that would only ripen several years later. When it did, it served as the basis for criminal charges against one of Jenkins’s mentors, Keith Gladstone. It was an incident reflecting common threads in Jenkins’s behavior: his wild and reckless driving; his disregard for the safety of himself, his BPD colleagues, the subjects of his vehicle pursuits, and the public; and his willingness to resort to corrupt acts in order to provide a veneer of legitimacy to his reckless and unlawful actions.

On March 26, 2014, Demetric Simon was driving his car in Northeast Baltimore when he noticed that he was being followed by BPD members operating an unmarked car. Simon parked his car and started walking away. When Jenkins pulled alongside and asked to speak with him, Simon ran from the scene, with Frieman chasing him on foot, and Jenkins giving chase in his vehicle. As Simon continued running, he turned his head and saw Jenkins’s car airborne. The car landed on steps in the front yard of a residence at Anntana Avenue and Bel Air Road, with the car wheels spinning near Simon’s face. According to Simon, who was subsequently interviewed by Justin Fenton of the *Sun*, Jenkins and Frieman were standing over him, and Jenkins said to Frieman, “Don’t freeze up on me.” Jenkins patted Simon down repeatedly and asked him multiple times, “Why’d you run?”<sup>129</sup>

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<sup>128</sup> Commenting on Jenkins’s criticism of IA after having received virtually no punishment, Bartness commented, “Knowing what I now know, it doesn’t surprise me. He’s the kind of guy that doesn’t admit fault and points an accusatory finger at others. It’s histrionic nonsense . . . I’ve seen it in some of the more frequently accused officers – ‘frequent flyers.’ They develop a persona of a martyr in a corrupt system.” Martin Bartness Interview, Nov. 23, 2020.

<sup>129</sup> Justin Fenton, *Documents show investigators didn't know Baltimore officer accused of planting gun had ever been at the scene*, The Baltimore Sun (Mar. 7, 2019),

The statement of probable cause, filed by Frieman, alleged that the officers started following Simon after observing what appeared to be a drug transaction. In his probable cause statement, Frieman said that after Simon began walking away from his car, Frieman observed Simon holding his midsection, and that Frieman and Jenkins “recognized this activity to be consistent with characteristics of an armed individual.” According to the probable cause statement, Jenkins observed Simon holding a dark-colored handgun in his right hand and looking back at Frieman, who was chasing him on foot. It added, “At this time Detective Sergeant Jenkins who was in great fear for Detective Frieman’s life drove into the driveway and struck Simon with the front of his vehicle.”<sup>130</sup>

The incident was investigated by FIT, whose creation Batts had previewed in his November 2013 Strategic Plan, and which had become operational in early 2014. The investigators noted that nine officers were ultimately at the scene, and that one of them, Benjamin Hernandez, had discovered the gun allegedly belonging to Simon while conducting a search of the scene.<sup>131</sup>

The gun was not a real gun, and it did not belong to Simon. Jenkins likely recognized that he lacked a sufficient basis for conducting the vehicle pursuit and certainly lacked the basis for using the vehicle as a deadly weapon against Simon. To create a cover story for his actions, Jenkins immediately contacted Keith Gladstone to ask for help. As Gladstone later admitted, at the time of the accident, Gladstone was having dinner with Carmine Vignola at a Baltimore restaurant. Gladstone received the call from Jenkins, who was “in a panic.” Gladstone stepped outside the restaurant to speak more freely. Jenkins told Gladstone that he had struck a civilian in the front yard of a home in Northeast Baltimore and that he needed help to justify what he had done.

Gladstone returned to the restaurant and asked Vignola whether he had a BB gun. Vignola said he did not, but agreed to call his partner, Robert Hankard. According to the statement of facts in Gladstone’s plea agreement, Hankard told Vignola that he had a BB gun at his residence. Gladstone and Vignola drove to Hankard’s residence and picked up the BB gun. They then drove to the location where Jenkins’s car had struck Simon. At the scene, Gladstone planted the BB gun near a pickup truck and then pointed it out to Jenkins and another officer — “It’s over by the truck.” After Gladstone left the scene with Vignola, Jenkins asked one of the other

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<https://www.baltimoresun.com/news/crime/bs-md-ci-gttf-gladstone-simon-investigation-20190306-story.html>.

<sup>130</sup> BPD IA File 14J-0008 (provided by BPD).

<sup>131</sup> BPD Dispatch Tape excerpt included in Justin Fenton, *Documents show investigators didn't know Baltimore officer accused of planting gun had ever been at the scene*, The Baltimore Sun (Mar. 7, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-gttf-gladstone-simon-investigation-20190306-story.html>.

officers to move the BB gun closer to Simon before another officer picked it up, as if it had been there all along, and turned it over to the crime lab.<sup>132</sup>

Simon was transported to the hospital where he was found to be in possession of drugs. He was subsequently taken to Central Booking and charged with drug offenses and with the possession and use of the BB gun planted by Gladstone. When Simon read the charging papers alleging that he possessed the BB gun, he claimed that he contacted IA to lodge a complaint.<sup>133</sup> Jenkins then drafted the statement of probable cause in Frieman's name, which Frieman submitted. As Frieman's supervisor, Jenkins approved the statement of probable cause that he had drafted. Simon remained in custody until early April 2014. The charges against him, including the drug and BB gun charges, were dismissed in January 2015.<sup>134</sup>

On February 10, 2015, the investigation into Jenkins's use of his police vehicle as a deadly weapon was presented to a Use of Force Review Board panel. The panel was comprised of six members, including Deputy Commissioners Rodriguez, Davis, and Palmere, and Lieutenant Colonel Sean Miller. The minutes of the hearing reflect a very brief discussion, all based on the false premise that Simon possessed a gun at the time Jenkins's vehicle struck him. Irrelevant information on Simon's criminal record was part of the presentation. Although the minutes suggest that an analysis of the use of force was presented, the substance of the analysis is not reflected in the minutes. Deputy Commissioner Rodriguez asked a series of questions about the facts, focusing on questions about the gun and Jenkins's unchallenged claim that Simon had the (BB) gun in his right hand. No other member of the Board asked any questions. After 21 minutes, the Board determined that Jenkins's use of lethal force was "in policy as he only used force as a last resort, and it was done in an effort to protect the life of Officer Frieman. No further action is needed." While it is surprising that BPD's use of force policy at the time apparently could support the use of a vehicle as a deadly weapon in these circumstances, no member of the Board knew that the gun found to justify the use of deadly force had been planted by Gladstone.<sup>135</sup>

At the time of both the Price and Simon cases, Daryl Murphy was the lieutenant in the chain of command above both Jenkins and Gladstone. Murphy was an Air Force

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<sup>132</sup> Gladstone Plea Agreement at 8-9, *United States v. Gladstone*, No. 1:19-cr-00094-CCB (D. Md. June 3, 2019), ECF No. 19; Indictment, *United States v. Gladstone*, No. 1:19-cr-00094-CCB (D. Md. Feb. 27, 2019), ECF No. 1.

<sup>133</sup> We found no IA documentation that Simon actually filed such a complaint.

<sup>134</sup> Justin Fenton, *Documents show investigators didn't know Baltimore officer accused of planting gun had ever been at the scene*, The Baltimore Sun (Mar. 7, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-gttf-gladstone-simon-investigation-20190306-story.html>. According to Simon, while he was still in custody the next day, Jenkins and Frieman searched his mother's home and recovered a gun, ostensibly based on information from a "confidential source." *Id.*

<sup>135</sup> BPD IA File 14J-0008 (provided by BPD).

veteran in his 18<sup>th</sup> year with BPD. According to Murphy, Sean Miller assigned Jenkins and Gladstone to Murphy and vouched for their productivity, saying: “They’re gonna make you look like a superstar.” Murphy was unaware of the precise nature of the relationship between Gladstone and Jenkins but learned later that Gladstone had been a mentor to Jenkins. Murphy recalled that Jenkins had been extremely productive with his previous squad and as a result, was highly regarded by members of the BPD command staff. Jenkins was known to be a particular favorite of Miller’s. Murphy recalled that although Miller claimed to have no use for officers who risked bringing shame to BPD, Miller applied that standard unevenly. In one instance not involving either Gladstone or Jenkins, Murphy recalled Miller being unwilling to hold an officer accountable for misconduct and making numerous excuses not to do so. The complaint against that officer disappeared.<sup>136</sup>

One of the practices of the SES at that time was that an assistant state’s attorney was assigned to every SES lieutenant, with the idea that the prosecutor would review BPD ongoing investigations for legal and evidentiary sufficiency. Murphy saw merit in this system and worked productively with Assistant State’s Attorney Keri Borzilleri, whom he found particularly helpful regarding the law of search and seizure. Even when other units stopped the practice, Murphy continued to conduct these weekly reviews with Borzilleri and his sergeants to discuss open cases. Borzilleri was open about her distrust of both Gladstone and Jenkins based on rumors she had heard about Gladstone and the perception that he and Jenkins were close.<sup>137</sup>

Murphy recalled that he would, with some frequency, go out on calls with Gladstone and Jenkins. He said he rode with Jenkins at least three times and sometimes showed up to his crime scenes to observe the activities of his squad and Jenkins himself. Murphy said he never observed anything that would confirm Borzilleri’s suspicions. He therefore concluded that her views were based on unsupported rumors circulating in the SAO. In any event, it was clear that Gladstone and Jenkins were uncomfortable with having a lawyer review their cases. They complained to Miller, who took the issue to Murphy and directed him to discontinue the case reviews. Murphy recalled that his interactions with Miller on this issue made their own relationship unsustainable – in Murphy’s view, Miller had backed Gladstone and Jenkins and undermined Murphy’s authority as a supervisor. Shortly thereafter, Murphy left SES for an assignment in Intelligence. Murphy came to believe that Palmere and Miller were highly protective of Gladstone and Jenkins because of their productivity.<sup>138</sup>

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<sup>136</sup> Daryl Murphy Interview, Oct. 15, 2020.

<sup>137</sup> Murphy recalled Borzilleri referring to Gladstone as “a dirty bastard” and Jenkins as “dirty.” When we interviewed Borzilleri, she did not recall using that phrase for Gladstone and said it was not a phrase she would typically use, but said she was suspicious of him and Jenkins based on their reputations in the SAO. Kerri Borzilleri Interview, Oct. 28, 2020.

<sup>138</sup> Daryl Murphy Interview, Oct. 15, 2020.



## I. Use of Force Cases and Civil Settlements

In September 2014, the *Sun* published the results of a six-month investigation into sizable monetary payouts by the city in cases involving the excessive use of force and civil rights violations by BPD officers. The 6,000-word story described the details of numerous cases involving BPD officers—including cases involving severe beatings—resulting in payouts approaching \$6 million over the course of the previous four years. In addition, the article disclosed that the city did not have a system to track lawsuits arising from the conduct of BPD officers, nor a system to track officers who were repeatedly sued.<sup>139</sup> The power and impact of the piece stemmed from the detailed account of case after case in which Baltimore residents were injured, in some cases severely, with extensive quotations from the victims of these uses of force.

The investigation found that members of plainclothes units operating in VCID/VCIS were frequently the officers engaging in the conduct at issue, and noted that Batts had disbanded VCIS and replaced it with the SES. SES was roughly half the size of VCIS, and Rodriguez was quoted as saying, “It’s not just a philosophical and name change. What is acceptable has changed.” The evidence to support that contention, if any existed, was left unmentioned. The article noted that many Baltimore residents were reluctant to speak publicly because of non-disclosure provisions in their settlement agreements and fears of retaliation from BPD officers. The article came on the heels of nationwide publicity and protests in response to the August 9, 2014, killing of Michael Brown by a police officer in Ferguson, Missouri.<sup>140</sup>

City officials had been briefed on the results of the *Sun*’s investigation months earlier. Within days of the *Sun*’s exposé, Rawlings-Blake and Batts announced that the US Department of Justice had agreed to enter into a collaborative reform agreement with Baltimore. The initial media coverage suggested that the US Department of Justice was conducting a far-reaching civil rights pattern or practice investigation, when the reality of collaborative reform, which was voluntary and did not lead to mandatory reforms, was quite different. In a line he repeated on numerous occasions, Batts said, “I didn’t break it but I’m here to fix it.” Rawlings-Blake said almost the same thing, “I didn’t create these problems, but as the mayor in charge today I take seriously my

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<sup>139</sup> Mark Puente, *Sun Investigates - Undue Force*, The Baltimore Sun (Sept. 28, 2014), <http://data.baltimoresun.com/news/police-settlements/>.

<sup>140</sup> *Id.*

responsibility to try and fix them.”<sup>141</sup> The initial *Sun* article was followed a week later by another 6,000-word article containing the details of many additional cases.<sup>142</sup>

On October 6, 2014, within days of the announcement of the collaborative reform project, BPD issued a 41-page document entitled, “Preventing Harm: Conduct in the Community.” The document specifically addressed the *Sun*’s reporting. It emphasized that the vast majority of the cases described in the articles preceded Batts’s tenure as Commissioner and that Batts and Rodriguez were in the process of implementing reforms, including “doing the hard work of reforming the internal discipline process so that bad actors are punished and bad cops are fired.”<sup>143</sup> In one of a number of claims that aged poorly, the “Preventing Harm” report said:

The burden on taxpayers of paying court judgments and settlements to plaintiffs will be greatly reduced in the near future, when the suits filed today are concluded. The payments now are based on what happened several years ago. The past cannot be changed but the Department is intent on changing the future.<sup>144</sup>

In assigning responsibility to past leadership, the report strongly criticized the city’s previous zero-tolerance approach launched under O’Malley. It pointed to the fact that arrests in 2005 had exceeded 100,000 and argued, “The mistrust that zero-tolerance policies caused continues to contribute to the perception that the BPD has a serious problem with the use of force.”<sup>145</sup>

“Preventing Harm” suggested that broad reforms had already taken place in IA under Batts and Rodriguez, including “Training in the area of internal investigations and interview and interrogations skills,” and “Holding supervisors accountable when investigations revealed they failed to take corrective action.”<sup>146</sup> Based on our interviews of numerous investigators and supervisors who served in IA during this period, we are aware of no such training provided to IA investigators. Indeed, the training provided

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<sup>141</sup> Mark Puente, *Justice Department to probe allegations of police misconduct in Baltimore*, The Baltimore Sun (Oct. 3, 2014), <https://www.baltimoresun.com/maryland/bs-md-justice-investigation-20141003-story.html>.

<sup>142</sup> Mark Puente, *Some Baltimore police officers face repeated misconduct lawsuits*, The Baltimore Sun (Oct. 4, 2014), <https://www.baltimoresun.com/news/investigations/bs-md-police-repeaters-20141004-story.html>.

<sup>143</sup> Baltimore Police Department, *Preventing Harm: Conduct in the Community*, at 3 (2014); Luke Broadwater & Mark Puente, *Baltimore officials offer plan to curb police brutality*, The Baltimore Sun (Oct. 7, 2014), <https://www.baltimoresun.com/news/investigations/bs-md-police-report-20141007-story.html>. The report touted the abolition of VCIS, “which was responsible for an overwhelming majority of citizen complaints,” without acknowledging that it survived, although in reduced numbers, in SES.

<sup>144</sup> *Preventing Harm* at 4.

<sup>145</sup> *Id.* at 7.

<sup>146</sup> *Id.* at 9.

to BPD internal investigators in the spring of 2021 appears to be the only comprehensive internal investigations training offered in at least the past 20 years. And the resolution of the Walter Price case by itself severely undermined the claim that supervisors were truly being held accountable. The conclusion to “Preventing Harm” credited the author, Commissioner Batts, with launching “a series of dramatic and long-sought-after reforms” that, together with his Strategic Plan, were working to “fulfill [Batts’s] confirmation promise to bring the Baltimore Police Department into alignment with the expectations of the citizens it serves.”<sup>147</sup> Batts’s claims to be implementing his strategic plan and fulfilling the pledges of his “Preventing Harm” report were upended several months later.

## **J. Death of Freddie Gray and the Aftermath**

The death of Freddie Gray in April 2015 was a seminal event in the history of Baltimore and BPD. It marked a new low point in the fraught relationship between the BPD and Baltimore’s Black community. It also has great significance in explaining the trajectory of misconduct engaged in by Jenkins and the other BPD members both before and after he became the sergeant of the GTTF in June 2016.

On April 12, 2015, four BPD officers on bicycles attempted to stop Gray, 25, at the intersection of W. North Avenue and N. Mount Street, in West Baltimore.<sup>148</sup> After making eye contact with BPD Lieutenant Brian Rice, Gray ran from the scene but eventually stopped voluntarily and was apprehended by BPD officers. BPD charging documents alleged that Gray “fled unprovoked upon noticing police presence.”<sup>149</sup> Gray possessed a knife, but the knife was not discovered until after he was apprehended. The officers who apprehended Gray requested a van to take Gray to the police station. A bystander’s video showed Gray being dragged into the police van, legs dangling, and crying out in apparent pain.<sup>150</sup> Contrary to BPD policy, Gray was not secured in the back of the van while being transported to Baltimore’s Western District police station.

The details surrounding Gray’s transport to the Western District station became the source of sustained debate and controversy – and, less than a month later, the basis

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<sup>147</sup> *Id.*

<sup>148</sup> Adam Marton & Emma Patti Harris, *Freddie Gray arrest timeline*, The Baltimore Sun (Apr. 21, 2015), <https://www.baltimoresun.com/maryland/baltimore-city/bal-map-freddie-gray-arrest-timeline-20150421-htmlstory.html>; Sheryl Gay Stolberg & Jess Bidgood, *Mapping the Clashes Between Baltimore Police and Protestors*, New York Times (Apr. 28, 2015), <https://www.nytimes.com/interactive/2015/04/24/us/freddie-gray-and-the-baltimore-police-department-timeline.html>.

<sup>149</sup> Justin Fenton & Jessica Anderson, *Freddie Gray repeatedly asked for medical care, police said Monday*, The Baltimore Sun (Apr. 20, 2015), <https://www.baltimoresun.com/news/crime/bs-md-ci-freddie-gray-arrest-documents-20150420-story.html>.

<sup>150</sup> CNN, *Video shows important moment during Freddie Gray arrest*, YouTube (Apr. 22, 2015), <https://www.youtube.com/watch?v=xXMTPGf3fFM>.

for criminal prosecutions of six BPD officers. The BPD officers who arrested and transported Gray in the police van were alleged to have given Gray a deliberately “rough ride” in the van with the intention of hurting him.<sup>151</sup> After several stops, including a stop to pick up a second prisoner, the van arrived at the Western District station. By the time the van arrived, Gray was unconscious, and his spinal cord had nearly been severed. He was subsequently taken to the University of Maryland Shock Trauma Center where he lapsed into a coma and, despite extensive surgery, died a week later on April 19.<sup>152</sup>

As video of Gray’s arrest began circulating, members of the community responded. Initially, prior to Gray’s death, a peaceful demonstration was held outside the Western District station. Subsequent to his death, demonstrations took place on multiple consecutive days in West Baltimore and at City Hall.<sup>153</sup> The demonstrations continued to grow in size but initially remained largely peaceful. Batts, Rodriguez, and Deputy Commissioner Kevin Davis held numerous press conferences to provide information as BPD continued to gather information on the events relating to Gray’s arrest and the actions of the police officers involved in transporting him to the Western District. They acknowledged that BPD officers had made numerous mistakes, including failing to provide Gray with immediate medical attention and not securing him in the van with a seatbelt.<sup>154</sup>

On April 25, 2015, what had been peaceful demonstrations turned violent. Demonstrators smashed windows on police cars, broke restaurant windows, and looted convenience stores.<sup>155</sup> Community and political leaders attempted to calm the evolving and increasingly charged situation. At a news conference, Fredericka Gray, Freddie Gray’s sister, rejected violence, saying “violence does not get justice” and would not be

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<sup>151</sup> Adam Marton & Emma Patti Harris, *Freddie Gray arrest timeline*, The Baltimore Sun (Apr. 21, 2015), <https://www.baltimoresun.com/maryland/baltimore-city/bal-map-freddie-gray-arrest-timeline-20150421-htmlstory.html>; Sheryl Gay Stoldberg & Jess Bidgood, *Freddie Gray Died From ‘Rough Ride,’ Prosecutors Assert*, New York Times (June 9, 2016), <https://www.nytimes.com/2016/06/10/us/caesar-goodson-trial-freddie-gray-baltimore.html>.

<sup>152</sup> Sheryl Gay Stoldberg & Jess Bidgood, *Mapping the Clashes Between Baltimore Police and Protestors*, New York Times (Apr. 28, 2015), <https://www.nytimes.com/interactive/2015/04/24/us/freddie-gray-and-the-baltimore-police-department-timeline.html>.

<sup>153</sup> Justin George, *Tensions remain high over Gray’s death*, The Baltimore Sun (Apr. 22, 2015), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-freddie-gray-follo-20150421-story.html>; Colin Campbell & Jessica Anderson, *Protesters take to Baltimore’s streets for a fifth day*, The Baltimore Sun (Apr. 23, 2015), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-freddie-gray-protests-20150423-story.html>.

<sup>154</sup> Luke Broadwater, *Baltimore police acknowledge mistakes in Freddie Gray’s death*, The Baltimore Sun (Apr. 24, 2015), <https://www.baltimoresun.com/maryland/bs-md-freddie-gray-protest-prepare-20150424-story.html>.

<sup>155</sup> Yvonne Wenger et al., *After peaceful start, violence mars Freddie Gray protest in Baltimore*, The Baltimore Sun (Apr. 26, 2015), <https://www.baltimoresun.com/sports/bal-protesters-rally-for-freddie-gray-hundreds-to-march-20150425-story.html>.

what her brother wanted.<sup>156</sup> Rawlings-Blake said those seeking to incite violence were taking inappropriate advantage of the city's desire to permit peaceful demonstrations.<sup>157</sup>

Hours after Gray's funeral on April 27, the protests escalated sharply, becoming more violent than those held two days earlier. Groups of young men confronted members of BPD in the streets, causing numerous serious injuries to BPD officers, and broke into businesses to steal various types of merchandise. Before nightfall on April 27, and in response to viral but unfounded social media rumors of a purported "purge,"<sup>158</sup> Batts sent 300 officers in riot gear to confront a group of demonstrators on the West Side near Mondawmin Mall, a widely used transit hub.<sup>159</sup> Transportation service near the mall was shut down, which prevented the crowds from dispersing and further escalated the situation, triggering violent confrontations between community members and law enforcement. During these confrontations, rocks and bricks were thrown at police officers; 144 cars and 15 buildings were set on fire.<sup>160</sup> In response, Maryland Governor Larry Hogan declared a State of Emergency, activated the Maryland National Guard, and requested 5,000 additional police officers for the area. Rawlings-Blake instituted a nightly curfew, and Baltimore schools were closed.<sup>161</sup> The *Sun* headline summed up the situation: "Riots erupt: Baltimore descends into chaos, violence, looting."<sup>162</sup>

On May 1, 2015, amidst continuing demonstrations, Marilyn Mosby announced that the SAO had charged six BPD officers for their actions in connection with Gray's death. The charges included second degree murder, involuntary manslaughter, and

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<sup>156</sup> Yvonne Wenger, *Freddie Gray's twin sister: 'please stop the violence'*, The Baltimore Sun (Apr. 26, 2015), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-freddie-gray-sister-20150426-story.html>; Peter Hermann et al., *After peaceful start, protest of Freddie Gray's death in Baltimore turns violent*, The Washington Post (Apr. 25, 2015), [https://www.washingtonpost.com/local/baltimore-readies-for-saturday-protest-of-freddie-grays-death/2015/04/25/8cf990f2-e9f8-11e4-aae1-d642717d8afa\\_story.html](https://www.washingtonpost.com/local/baltimore-readies-for-saturday-protest-of-freddie-grays-death/2015/04/25/8cf990f2-e9f8-11e4-aae1-d642717d8afa_story.html).

<sup>157</sup> Jon Greenberg, *In Context: What Baltimore's mayor said about space for rioters*, PolitiFact (Apr. 28, 2015), <https://www.politifact.com/article/2015/apr/28/context-baltimores-mayor-space-rioters/>.

<sup>158</sup> This was a reference to a 2013 movie, "The Purge," a dystopian thriller in which all crimes become temporarily legal. Wikipedia, *The Purge* (2013 film), [https://en.wikipedia.org/wiki/The\\_Purge\\_\(2013\\_film\)](https://en.wikipedia.org/wiki/The_Purge_(2013_film)).

<sup>159</sup> Police Executive Research Forum, *Lessons Learned from the 2015 Civil Unrest in Baltimore* (2015), at 10.

<sup>160</sup> Jessica Anderson, *Baltimore riots lead to 235 arrests, 20 injured officers*, The Baltimore Sun (Apr. 28, 2015), <https://www.baltimoresun.com/news/crime/bs-md-ci-baltimore-riots-what-we-know-20150428-story.html>.

<sup>161</sup> Police Executive Research Forum, *Lessons Learned from the 2015 Civil Unrest in Baltimore* (2015), at 10.

<sup>162</sup> Kevin Rector, Scott Dance & Luke Broadwater, *Riots erupt: Baltimore descends into chaos, violence, looting*, The Baltimore Sun (Apr. 28, 2015), <https://www.baltimoresun.com/news/crime/bs-md-ci-police-student-violence-20150427-story.html>.



less serious charges. The FOP labeled the charges as politically motivated and an egregious “rush to judgment.”<sup>163</sup> After six days, the National Guard began withdrawing from Baltimore, and Governor Hogan lifted the State of Emergency on May 6, 2015.

Batts subsequently commissioned a review of BPD’s response to the demonstrations and riots by the Police Executive Research Forum (PERF), which had a long relationship with Batts. The report faulted BPD for a variety of shortcomings in its response, including weaknesses in planning and preparation; incident command, control, and communication; logistics; equipment; unclear mutual aid policies; and training, among other things.<sup>164</sup> According to the PERF report, these shortcomings contributed to a situation that allowed events to spiral out of BPD’s control. Despite having a week’s notice that large-scale demonstrations would take place on April 25, BPD had no Incident Action Plan in place.<sup>165</sup> Instead, BPD relied on an operational order that was insufficiently comprehensive to respond to such an event.<sup>166</sup> Furthermore, key commanders within the Department were unfamiliar with the operational plan, which in any event lacked guidance and clarity on arrest policies.

On the controversial issue of whether BPD members had been instructed to stand down rather than confront people engaging in violence and looting, the report concluded:

One factor contributing to the confusion during the rioting was a lack of clarity about orders being given by BPD commanders. PERF was told of rumors that officers were ordered by commanders to “stand down.” However, the issuance of such an order could not be substantiated through PERF interviews with BPD personnel. Several patrol officers said that they were told “not to engage” with the protesters, or to “stand-by.” The officers said they interpreted these orders to mean “stand down.” Other personnel interviewed said they heard orders to “hold the line. . . .” [P]atrol officers interviewed by PERF felt the term “hold the line” was instead being used to tell officers not [to] engage with unruly crowds. In those situations, some of the officers believed they should have been able to break the line to make arrests of individuals committing criminal acts. . . . [I]n cases where officers were fully equipped and prepared to arrest violent agitators committing

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<sup>163</sup> Alan Blinder & Richard Pérez-Peña, *6 Baltimore Police Officers Charged in Freddie Gray Death*, New York Times (May 1, 2015), <https://www.nytimes.com/2015/05/02/us/freddie-gray-autopsy-report-given-to-baltimore-prosecutors.html>.

<sup>164</sup> See generally Police Executive Research Forum, *Lessons Learned from the 2015 Civil Unrest in Baltimore*, 2015.

<sup>165</sup> *Id.* at 4.

<sup>166</sup> *Id.* at 16.

criminal acts, not allowing them to engage should not have been a universal command.<sup>167</sup>

The report found that as the situation evolved, there was no clear direction for when arrests should be made, and that some BPD commanders were reluctant to allow arrests “even in situations where it was necessary.”<sup>168</sup> More broadly, BPD officers were insufficiently trained to deal with large-scale civil unrest. Combined with a lack of clear direction from headquarters, this lack of training contributed to the volatile situation.<sup>169</sup> In sum, the PERF report was a damning indictment of BPD’s performance during the unrest and riots that followed Freddie Gray’s death and funeral.

By early May, the situation had on the surface calmed, but the impact of the demonstrations sparked by Gray’s death had profound and enduring consequences. One of those consequences was a major surge in violent crime. Baltimore recorded 43 homicides in May 2015, its second deadliest month on record.<sup>170</sup> At the same time, arrests declined by 50%, allegedly because of a deliberate “pullback” by BPD personnel following the charges filed against the six officers—a combination of fear of the consequences of taking police action and anger at the treatment of their colleagues.<sup>171</sup>

Things were at their worst in the Western District. Among other things, the aftermath of Freddie Gray’s death and the riots created a leadership vacuum in the district. Sheree Briscoe was at the time a captain in the Northwestern District. She recalled that no one was willing to step forward to lead the Western, so she agreed to do so. When she first arrived there in May, she recalled that her officers were fearful and reluctant to leave their vehicles. Many officers wanted to quit, the community was making demands, and officers could not leave their vehicles without having multiple cameras pointed at them. She recalled that her officers seemed traumatized—they felt abandoned, unsupported, and vulnerable—and she felt unsupported by her colleagues in BPD.<sup>172</sup>

## **K. The End of Batts’s Tenure**

Although Rawlings-Blake and Batts publicly presented a united front in the days following Freddie Gray’s death and the riots that followed, Rawlings-Blake had grown increasingly dissatisfied with Batts’s leadership of BPD. She had concluded that he was more of a “showboat” than she had expected, and she had grown concerned with what

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<sup>167</sup> *Id.* at 6.

<sup>168</sup> *Id.*

<sup>169</sup> *Id.* at 58.

<sup>170</sup> Alec MacGillis, *The Tragedy of Baltimore*, New York Times Magazine (Mar. 12, 2019), <https://www.nytimes.com/2019/03/12/magazine/baltimore-tragedy-crime.html>.

<sup>171</sup> *Id.*

<sup>172</sup> Sheree Briscoe Interview, Apr. 1, 2021.

she viewed as his insincerity in public and his growing failure to deliver on his ambitious promises to reform BPD. He had also failed to build strong relationships inside BPD, which set him apart from prior commissioners including Norris and Bealefeld.<sup>173</sup>

Most significantly, Rawlings-Blake was disappointed and frustrated with Batts's performance during the events following Freddie Gray's death. She said Batts was overly interested in "covering his ass" and failed to accept responsibility for the decisions he made during the Freddie Gray unrest. She concluded that what she had heard from BPD personnel – that Batts was "good for the show but not for the work" – was true.<sup>174</sup> On July 8, 2015, Rawlings-Blake forced Batts to resign, stating "Too many continue to die on our streets, including three just last night and one lost earlier today. Families are tired of feeling this pain, and so am I. . . . We need a change."<sup>175</sup> Her decision was made the same day that a harshly critical after-action report on the demonstrations and riots was issued by the FOP that specifically faulted Batts's leadership during the crisis as inadequate.<sup>176</sup> In addition, according to media reports, the Baltimore City Council was poised to send Rawlings-Blake a letter calling for Batts to be replaced.<sup>177</sup>

Less than three weeks before he was forced to resign, Batts made the public case for his tenure as Commissioner in a lengthy op-ed in the *Sun*. Batts argued that he had inherited a department infected with corruption, making specific references to the King and Murray and Majestic Towing criminal prosecutions. He stated that at the beginning of his tenure, "The cycle of scandal, corruption and malfeasance seemed to be continuing without abatement," without specific reference to the more recent corruption scandals involving Daniel Redd and Kendell Richburg. Batts noted that his administration had forced out 72 members for misconduct issues and added, "Our reform efforts will very likely see more police officers arrested." In an odd turn of phrase, Batts stated, "I will not apologize for bringing professionalism and integrity to the forefront while eliminating greed, corruption, and intolerance from the rank-and-file." He closed by defending his tenure, extolling his commitment to reform, and

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<sup>173</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>174</sup> While critical of Batts, Rawlings-Blake expressed satisfaction that BPD limited looting and property damage to a single night. She said that no city, past or present, has been able to contain looting and property damage the way Baltimore did. Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>175</sup> Yvonne Wenger, *Baltimore Mayor Rawlings-Blake fires Police Commissioner Anthony W. Batts*, The Baltimore Sun (July 10, 2015), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-batts-fired-20150708-story.html>.

<sup>176</sup> Baltimore City Fraternal Order of Police Lodge #3, *After Action Review: A Review of the Management of the 2015 Baltimore Riots* (2019), <https://fop3.org/wp-content/uploads/2019/08/AAR-Final.pdf>.

<sup>177</sup> Yvonne Wenger, *Baltimore Mayor Rawlings-Blake fires Police Commissioner Anthony W. Batts*, The Baltimore Sun (July 10, 2015), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-batts-fired-20150708-story.html>.

reminding his audience that, “Reform is not easy. It comes with a cost. It is a cost we should be willing to pay for the future of our city.”<sup>178</sup>

Batts told us that he was not surprised he was forced to resign less than three weeks after the op-ed was published. He thought that because of the widespread criticism of BPD’s response to the riots and looting, Rawlings-Blake needed to distance herself from him for her own political purposes. Despite having commissioned a multi-year strategic plan, Batts claimed that he was only planning to remain BPD commissioner until sometime in 2016, which confirmed doubts held by many of his colleagues that he never viewed Baltimore as his final professional destination.<sup>179</sup> In addition, Batts said that when Jerry Rodriguez had notified him at the beginning of 2015 of his intention to leave BPD, Batts believed that the person he recruited as deputy commissioner would be his likely successor. For that reason, Batts said that he looked for someone who would be able to comply with a consent decree, which he viewed as inevitable for BPD, and who would also be capable of implementing a community policing program. Batts had met Kevin Davis when Davis was serving as chief of the Anne Arundel County Police Department and had convinced Davis to come to Baltimore as a deputy commissioner in January 2015.<sup>180</sup>

Davis recalled that Batts could not recover from the aftermath of Freddie Gray’s death. Following the riots, Batts appeared to be in retreat rather than embracing the challenge of leading BPD through a difficult time. Batts was scheduled to take a trip to Greece a day or two after Gray’s funeral on April 27, 2015. Even in the midst of escalating turmoil in Baltimore, Batts remained intent on taking the trip. Batts was on his way to the airport when Rawlings-Blake called him and told him to turn around. Davis marked this as a critical moment in the deterioration of Rawlings-Blake’s relationship with Batts. He also recalled the issuance of a BPD press release, presumably approved by Batts, stating that gangs and other organizations had threatened to attack police officers, which, according to Davis, was patently false.<sup>181</sup>

On the day Batts was forced to resign, Davis received a call from Rawlings-Blake’s office, and was asked whether he would accept the position of BPD commissioner if it were offered. Davis said he would. He said he was not surprised to receive the request. Immediately after that call, Rawlings-Blake asked Batts to resign. Rawlings-Blake never explicitly told Davis why she had forced Batts to resign, but the

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<sup>178</sup> Anthony Batts, Opinion, *Baltimore police commissioner: There is a cost to reform*, The Baltimore Sun (June 19, 2015), <https://www.baltimoresun.com/opinion/op-ed/bs-ed-batts-0621-20150620-story.html>.

<sup>179</sup> Numerous people we interviewed, including many on his staff, held this view.

<sup>180</sup> Anthony Batts Interview, Mar. 17, 2020. Batts recalled that he also interviewed Darryl De Sousa for the Deputy Commissioner position but that De Sousa had performed poorly in the interviews.

<sup>181</sup> Kevin Davis Interview, Dec. 20, 2019; Justin Fenton, *Baltimore police say gangs 'teaming up' to take out officers*, The Baltimore Sun (Apr. 27, 2015), <https://www.baltimoresun.com/news/crime/bs-md-ci-freddie-gray-gang-threat-20150427-story.html>.

reasons seemed obvious. She told Davis that he could not allow Baltimore to experience another riot.<sup>182</sup>

By the time Batts was forced to resign in early July 2015, BPD was in acute crisis. Six of its members were being prosecuted by the SAO for their involvement in the events surrounding Freddie Gray's death. The Department of Justice had launched an extensive pattern or practice investigation to determine whether BPD had violated the civil rights of its residents. Serious crime was spiraling to truly alarming levels. And there was a leadership crisis at BPD caused by the widely perceived failures of Batts's handling of the protests following Freddie Gray's death.

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By the time Batts was forced to resign, a group of BPD officers and supervisors were already actively committing crimes against Baltimore residents, although those crimes would remain hidden until much later.

On April 3, 2015, Thomas Allers, Momodu Gondo, and Jemell Rayam of the GTTF executed a search warrant at a residence in Baltimore City. During the search, the officers found approximately \$7,000 in a bedroom closet. The majority of the cash — \$5,700 — was stolen and split among Allers, Gondo, and Rayam. Allers approved a false statement submitted by Clewell that contained false statements about the amount of money seized from the residence.<sup>183</sup> This was not the first crime of this kind committed by Allers, Gondo, Rayam; others stretched back a full year earlier.<sup>184</sup>

Meanwhile, that spring, Wayne Jenkins was the sergeant leading the Northwest 2 SES squad while Marcus Taylor and Maurice Ward were members of the Southwest 3 SES squad. During the first half of the year, Jenkins poached both Taylor and Ward to work overtime with Jenkins and his squad. On one occasion, Jenkins, Taylor, and Ward interrupted a marijuana sale taking place at the Belvedere Apartments in Baltimore, seizing between 20 and 25 pounds of marijuana from the seller and between \$20,000 and \$25,000 from the buyer. After seizing both the money and the drugs, Jenkins, Taylor, and Ward drove to a wooded area at Northern Parkway and Liberty Road, where they split the money. Jenkins subsequently gave the marijuana to Donald Stepp, a longtime friend of Jenkins's and convicted drug dealer, who sold it and shared the proceeds with Jenkins.<sup>185</sup>

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<sup>182</sup> Kevin Davis Interview, Dec. 20, 2019.

<sup>183</sup> Indictment, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Aug. 24, 2017), ECF No. 1; Rayam Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196.

<sup>184</sup> For further discussion of the officers' 2014 crimes, see Chapter VIII, Section I.

<sup>185</sup> Superseding Indictment at 8, *United States v. Jenkins, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137; Jenkins Plea Agreement at 19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB



By the second half of 2015, within months of Batts's firing, Jenkins had assembled Hendrix, Taylor, and Ward in his SES squad. Allers was supervising the GTTF, which included Gondo, Rayam, and, towards the end of the year, Daniel Hersl. The crimes of these men would continue in the second half of 2015 and throughout 2016.

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(D. Md. Jan. 5, 2018), ECF No. 254; Ward Trial Testimony at 122-133 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464. Ward testified that at the time of this incident, he and Taylor were members of Jenkins's SES squad. However, BPD's records suggest that, if this incident happened in the spring of 2015, both men were still working for Kenneth Ivery, and that they did not transfer into Jenkins's squad until August (Ward) and October (Taylor). However, for months before their transfer, Ward and Taylor were being drafted by Jenkins to work with him on an overtime basis after their regular shifts had ended.

## VII. The BPD Crime Wave and the Federal Investigation (2015–2017)



Commissioner Kevin Davis



GTTF members making an arrest, August 2016

### A. Kevin Davis and His Leadership Team

Kevin Davis had only served as a BPD deputy commissioner for several months when Mayor Rawlings-Blake named him interim commissioner in July 2015. Prior to being recruited by Batts, Davis had spent more than 20 years with the Prince George’s County Police Department, where he eventually rose to the number two position. He later served as chief of the Anne Arundel County Police Department from July 2013 to December 2014. When he joined BPD in January 2015, Davis became the deputy commissioner responsible for overseeing its Investigations and Intelligence Bureau. At the time, Jerry Rodriguez was deputy commissioner over the Professional Standards and Accountability Bureau, and Dean Palmere was the deputy commissioner over the Patrol Bureau.<sup>1</sup>

Even before joining BPD, Davis had formed preliminary impressions of the Department based on his extensive experience in Maryland law enforcement. He described BPD as arrogant and insular – as one example, Davis said that BPD executives routinely shunned statewide law enforcement events. By boycotting such events, they created the impression that they had nothing to learn from law enforcement colleagues in other agencies. Davis took that to mean that multiple generations of BPD leadership held the view that because BPD was the biggest police department in the state, it was also the best.<sup>2</sup>

From the beginning of his tenure at BPD, Davis recalled facing enormous challenges and continuing resistance to new ideas. Batts warned him that he would need to ask at least five times before anyone in BPD would do what he asked, which Davis found to be consistent with his own experience throughout his tenure as deputy commissioner and his two-and-a-half years as commissioner. Although law

<sup>1</sup> Kevin Davis Interview, Dec. 20, 2019.

<sup>2</sup> *Id.*

enforcement agencies are generally resistant to change, in the three years he spent in BPD, Davis found it to be far more resistant to changes of any kind than the two other agencies in which he had spent most of his career.<sup>3</sup>

Within days of his being named interim commissioner, Davis took several steps designed to reassure both the BPD rank-and-file and the Baltimore community. He met with plainclothes officers and told them that being aggressive crimefighters and repairing relationships with the community were not mutually exclusive: “Can we be assertive and effective crime-fighters and keep the community happy? That’s the million-dollar question. I think the answer is yes.”<sup>4</sup> In addition, he announced the creation of a “War Room” that would be staffed by BPD commanders around the clock to bring greater focus and intensity to the fight against crime. Davis said the War Room would remain in place “as long as it needs to be in place and until we start identifying and arresting those folks that are harming this city.”<sup>5</sup>

The ongoing harm in Baltimore was enormous: 42 homicides were recorded in May 2015 in the immediate aftermath of Freddie Gray’s death and the unrest and rioting that followed. The number rose to 45 homicides in July, which matched the record for homicides in a month, which had been set 43 years earlier in 1972. Never before in Baltimore’s history had there been a year in which the number of homicides exceeded 40 in two different months. To deal with the relentless surge in violence and homicides, Davis announced that he was reversing Batts’s initiative to shrink the number of personnel in plainclothes, and that he had obtained the commitment of federal resources from the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and the Bureau of Alcohol, Tobacco, Firearms and Explosives to deal with violent crime. Davis stated publicly that BPD officers had confiscated approximately 20% more guns than in the prior year, but the increase in seizures was making no noticeable dent in the amount of violence generally, or more specifically in the number of murders.<sup>6</sup>

The War Room announced by Davis was designed to marshal resources to deal more effectively with the surge in violent crime and homicides. In August 2015, Lieutenant Colonel Sean Miller was assigned to lead the War Room. According to Miller, Davis described the War Room as “an analytical engine” for the BPD—the entity

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<sup>3</sup> *Id.*

<sup>4</sup> Kevin Rector, Justin George and Mark Puente, *Baltimore’s new police commissioner has a full plate – and an opportunity*, The Baltimore Sun (July 12, 2015), <https://www.baltimoresun.com/maryland/bs-md-davis-challenges-20150711-story.html>.

<sup>5</sup> Kevin Rector and Natalie Sherman, *Baltimore police, partners create around-the-clock 'war room' to address crime surge*, The Baltimore Sun (July 12, 2015), <https://www.baltimoresun.com/news/crime/bs-md-violence-strategy-20150712-story.html>.

<sup>6</sup> Colin Campbell, *Federal agents to embed with Baltimore homicide cops to quell unprecedented violence*, The Baltimore Sun (Aug. 2, 2015), <https://www.baltimoresun.com/news/crime/bs-md-ci-violence-20150802-story.html>.

that would review all relevant data and help the command staff develop priorities and deployment strategies. Rather than having the various districts operate in siloes, the War Room was designed to be a BPD data aggregator – Miller characterized it as BPD’s “think tank.”<sup>7</sup>

The War Room was only one of Davis’s early initiatives. Though he had no illusions about his chances of a lengthy tenure with BPD, Davis moved forward with significant organizational and personnel changes.<sup>8</sup> He flattened BPD’s structure so that more personnel were reporting directly to him rather than through deputy commissioners. He hired Jason Johnson, initially as the Director of Strategic Development and then promoted him to Deputy Commissioner of the Strategic Services Bureau. Davis assigned Ganesha Martin to be the point person to deal with the US Department of Justice’s (DOJ) pattern or practice investigation, which had been announced almost immediately following Freddie Gray’s death and the turmoil that followed. And he hired TJ Smith as his media spokesman. He also promoted Darryl De Sousa to deputy commissioner, not because he viewed De Sousa as particularly deserving, but because Davis was aware of the racial politics of Baltimore and knew that De Sousa was politically well-connected within the city.<sup>9</sup>

Jason Johnson had worked with Davis for many years in the Prince George’s County Police Department, where his final assignment was as the head of the department’s internal affairs. Johnson joined BPD in October 2015 as Director of Strategic Development. Davis initially asked Johnson to spend several months assessing the state of BPD and identifying areas in need of reform. When he brought suggestions to Davis, Johnson recalled that they were generally accepted, and he was given the authority to implement them. Initially, Johnson’s recommendations focused largely on the disciplinary process and administrative hearings. The recommendations included providing training for trial board members and changing some of the procedural rules for trial boards, including the process by which members could challenge their composition. Johnson tried but failed to create a permanent head of the trial board system to ensure consistency and continuity. Johnson viewed the disciplinary system as broken, in part because BPD executives ignored disciplinary decisions and in part because personnel responsible for overseeing the implementation of discipline failed to monitor whether discipline imposed on paper was implemented in fact.<sup>10</sup>

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<sup>7</sup> Sean Miller Interview, Apr. 24 and May 1, 2020. Miller continued to run the War Room when BPD promoted him to Colonel in July 2016.

<sup>8</sup> Kevin Davis Interview, Dec. 20, 2019. Davis recalled that a Baltimore radio host, Larry Young, had advised him to “rent, not buy” because of the likelihood that he would have a brief tenure as commissioner. *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Jason Johnson Interview, Dec. 19, 2019.

Ganesha Martin had already served in various roles in BPD when Davis became interim commissioner in July 2015. She had served as Batts's chief of staff and later as Director of Legislative Affairs and head of the Bureau of Community Engagement. Following Batts's departure, Martin assisted with Davis's transition. Martin said that Davis "showed up early and stayed late" at community meetings and in that respect, among others, Davis was "the complete opposite of Batts." As a result, Martin said, Davis's relationship with the community was from the outset far better than Batts's had been. Following the August 2016 publication of DOJ's report on the results of its year-long pattern-or-practice investigation, Davis asked Martin to lead BPD's team responsible for developing reforms and negotiating the terms of a consent decree.<sup>11</sup>

TJ Smith had worked with Davis in the Anne Arundel County Police Department in 2013 and 2014. When Smith joined BPD, Davis allowed him to assemble a small team of BPD officers to work on communications issues and increase BPD's transparency with the media. From the outset, Smith had to deal with the widely accepted view that during the summer and fall of 2015, BPD officers had been "taking a knee" following the unrest and riots after Freddie Gray's death.<sup>12</sup> That idea was advanced by Batts, among others, who suggested in early September 2015 that BPD officers had allowed crime to increase in Baltimore not because they were undermanned and demoralized but instead to expedite his departure. At a panel discussion at Mount St. Mary's University, Batts asked, "Is this going to be the tactic, where the police don't feel supported, so they allow the crime rate to go up, and the reformers lose their jobs?"<sup>13</sup>

Davis publicly rejected Batts's suggestion. Smith concluded that the best antidote was to publicize the efforts of officers whose work was described in internal police reports. Because of the rise in handgun violence, Smith focused specifically on gun seizures, which eventually put him in contact with Wayne Jenkins, who was producing a large number of such seizures. Smith contacted Jenkins on numerous occasions to gather additional information on his cases because the charging papers would in many instances have "a hole in the probable cause," according to Smith, who was himself an experienced police officer. Jenkins's consistent response was that he was concerned that providing additional information and getting press attention could potentially have an adverse impact on ongoing investigations. Although he found Jenkins's responses frustrating, Smith had no reason to believe that Jenkins's reluctance was prompted by reasons other than protecting his cases. Only in retrospect, after the

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<sup>11</sup> Ganesha Martin Interview, Apr. 2, 2020.

<sup>12</sup> TJ Smith Interview, May 6, 2020.

<sup>13</sup> Jessica Anderson, *Davis says Baltimore police officers 'take offense' at Batt's comments*, The Baltimore Sun (Sept. 3, 2015), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-davis-response-to-batts-20150903-story.html>.



arrests of Jenkins and his co-defendants on March 1, 2017, did Smith realize the true reason for Jenkins's reticence.<sup>14</sup>

## **B. The Chain of Command Over Jenkins's SES Squad**

In August 2015, a month after Davis became interim commissioner, Jenkins was leading the Special Enforcement Section (SES) 2 squad. His direct supervisor was Lieutenant Marjorie German. After a period during which Jenkins poached Taylor and Ward from Kenneth Ivery's squad to work overtime, they both transferred to Jenkins's squad – Ward in August 2015 and Taylor in October 2015. German recalled that Jenkins had said to her that he needed “fast black guys” on his squad to catch suspects in foot chases. Although Taylor's departure violated Ivery's sense of loyalty, Taylor and Ward fit Jenkins's needs. In contrast, other members of Jenkins's squad, Greg Fisher and David McCauley, did not. According to German, Jenkins formed a negative view of both because they did not want to “run and gun” and were therefore a poor fit with Jenkins's style. The pair went on light duty in early 2016 and never returned to his squad. This was part of a pattern. Previously, in approximately October 2015, Jenkins forced out two other members of his squad – Bandele Charles and Warren Benn – because they did not fit Jenkins's requirements. They were not fast runners or “heavy hitters.” Jenkins was not unique in being able to pick and choose the members of his squad. As a general matter, sergeants were accorded substantial deference to staff their squads as they saw fit.<sup>15</sup>

From the very outset in 2015, German recalled that supervising Jenkins was extremely stressful. He created problems for her on a continuing basis. Although BPD generally required each SES squad to stay within its assigned zone, that requirement conflicted with Jenkins's desire to roam throughout Baltimore and beyond. According to German, Jenkins would stray out of his assigned Northwest zone without informing her, and then recover three guns in East Baltimore. Instead of being chastised for working outside his assigned zone, she recalled Jenkins being commended by Sean Miller for the gun seizures. Miller's praise for Jenkins's production frustrated German because Jenkins was being rewarded despite not following orders and adhering to zone enforcement.<sup>16</sup>

German recalled receiving calls from Miller instructing her to “just leave him alone” because Jenkins was so productive. She recalled many conversations with Jenkins about the issue. Jenkins was unfailingly polite – she described it as “yes ma'am” – but Jenkins always did what he wanted to do and was not discouraged from doing so. According to German, Jenkins pleaded with her: “Don't

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<sup>14</sup> TJ Smith Interview, May 6, 2020.

<sup>15</sup> Kenneth Ivery Interview, Mar. 2, 2021; Marjorie German Interview, Sept. 15, 2020; OIS Roster (Mar. 10, 2016).

<sup>16</sup> Marjorie German Interview, Sept. 15, 2020.

put me in a box. Let me do what I do. I will give you so many guns.” She recalled that Jenkins constantly complained about being kept “in a box,” the geographic enforcement area assigned to Jenkins; in fact, he routinely escaped the box without being held accountable for doing so. German had been warned by her colleague Suzanne Fries that because of Jenkins’s connections within BPD and his productivity, German would be his supervisor on paper but not in reality. That turned out to be an accurate forecast of German’s experience, a frustration she recalled sharing with numerous people within BPD.<sup>17</sup>

A significant example of Jenkins’s success in subverting German’s authority was her failed efforts to force Jenkins to move his squad to The Barn, the BPD facility adjacent to the Academy where German’s other squads were based. On multiple occasions, she ordered Jenkins to move his squad from BPD headquarters on Fayette Street to The Barn, but she was blocked from doing so. When she tried, she would receive a call from Sean Miller, who stated that Jenkins was “good where he is,” at headquarters. According to German, this subversion of her authority was routine—when German challenged what Jenkins was doing or where he was doing it, he would go over her head to Miller or Palmere. German recalled that she was frequently out of the loop about decisions Miller or Palmere made that affected Jenkins and his squad. Jenkins told German and others on numerous occasions that he was acting on the basis of direct orders or assignments from Palmere.<sup>18</sup>

Palmere denied having a close relationship with Jenkins, or that he directly gave Jenkins assignments. He said he was puzzled about where that idea originated. Palmere said he had good relationships with Miller, German, and Chris O’Ree, all of whom were at various times in Jenkins’s chain of command. Palmere said that none of them ever advised him that Jenkins was not listening to them or not obeying orders. He said that contrary to the suggestion that he and Jenkins had a close relationship, he did not know Jenkins very well at all. This did not square with what O’Ree and German heard from Miller, which was that Palmere was giving Jenkins specific assignments and directives. For his part, Palmere said that he did not recall a single one-on-one conversation with Jenkins. To the extent Jenkins claimed to his supervisors that such conversations had occurred, Palmere said Jenkins was lying. Palmere expressed disappointment that none of Jenkins’s supervisors—in particular German or O’Ree—ever approached him directly to ask whether he had in fact directed Jenkins to carry out a particular assignment.<sup>19</sup>

German acknowledged that it was possible that Jenkins had lied to her repeatedly about receiving direct assignments from Palmere. She never asked Palmere directly whether it was true, but she rejected the suggestion that Jenkins was making

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Dean Palmere Interview, Aug. 4 and 16, 2020.

things up out of whole cloth. German recalled that on numerous occasions she would arrive at work Monday morning and see emails about gun arrests made by Jenkins's squad on Sunday. When she texted Jenkins to question him about working on Sunday, Jenkins would text her back stating that Palmere told him bodies were dropping and that he needed to bring in his squad to address the problem. German said she told Jenkins to give her a heads up the next time Palmere gave him such an instruction. She would then tell Miller, in substance, "Tell your buddy Palmere to let me know when he calls my guys in." According to German, Miller would respond, "Oh yeah. I was supposed to text you, my bad." This suggests that Miller knew – or at least believed – that Palmere was communicating with Jenkins and was directing some of his activities.<sup>20</sup>

As evidence of the special status she said Jenkins enjoyed, German pointed to Palmere having authorized a BPD Chevy Impala for Jenkins prior to Jenkins's joining her squad. German recalled that on a day she had scheduled a supervisors meeting, she noticed a Chevy Impala with a push bumper blocking the entrance. German recalled asking, "Whose stupid car is blocking the door?" Jenkins responded that Palmere had given him the car as a reward for all of the guns he had recovered. German contacted the BPD office responsible for vehicle assignments, which confirmed that the Chevy Impala was registered to Jenkins individually. German said that she required all of her squads to provide periodic vehicle inspection reports, but until that day she had no idea Jenkins had the Chevy Impala.<sup>21</sup> When asked about authorizing the Impala, Palmere acknowledged that he had done so, but said that the vehicle assignment had been made at Miller's request, and that he did not recall the car being assigned to Jenkins personally as opposed to his squad.<sup>22</sup> This vehicle assignment suggests that there was more of a relationship between Palmere and Jenkins than Palmere acknowledged but, at a minimum, it was further evidence to German that Jenkins had substantial influence with Palmere and Miller, which undermined her authority.

The Chevy Impala issue had an additional twist. German noticed that Jenkins had installed a push bumper on the vehicle. German said she told Jenkins to remove

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<sup>20</sup> Marjorie German Interview, Sept. 15, 2020.

<sup>21</sup> *Id.* BPD emails reflect that Jenkins requested an Impala in December 2015. Email from D. Palmere to S. Miller, K. Davis, M. Bartness, TJ Smith, S. Brandford, K. A. Jones, Re: HGV X 4, Dec. 23, 2015; Email from W. Jenkins to D. Palmere, Re: Thank you, Dec. 27, 2015.

<sup>22</sup> The following is the specific question and answer from Palmere on this issue:

Q. What do you recall about personally approving a Chevy Impala for Wayne Jenkins, which was assigned to him personally rather than to his squad? It has been described by some witnesses as your "gift" to Jenkins.

A. My recollection is that a Chevy Impala was assigned from my office to the squad at the request of Sean Miller. I do not recall the car specifically being requested for Jenkins.

Email from D. Palmere to M. Bromwich, Oct. 27, 2020, Re: Follow-up Questions.

the push bumper, reminding him that BPD officers are not trained to “pit” cars and that push bumpers were against BPD policy.<sup>23</sup> Jenkins said he had paid for the push bumper himself and persuaded German to let him keep it if someone above her signed off on it. According to German, Kevin A. Jones was consulted about the bumper, but German was uncertain whether Jones ever formally signed off on it.<sup>24</sup> German added that to her knowledge no other BPD-issued car had a push bumper installed at that time.<sup>25</sup> Although Palmere’s approval of the Impala and Jones’s knowledge of the push bumper may seem like minor matters, it is remarkable that someone with Jenkins’s record of reckless driving and penchant for dangerous vehicle pursuits would have been given tools to drive even more recklessly than he did as a matter of course.<sup>26</sup> It reflected in microcosm the enormous influence Jenkins had with his superiors and the amount of deference senior BPD members accorded him.

The reason for the influence and deference was, at least in large part, due to Jenkins’s perceived talent and productivity as a gun cop. That was undeniable to those who worked with him. According to German, in approximately November 2015, Jenkins approached German and asked her to ride with him in his car. Sean Miller had told Jenkins he could only continue to work overtime if a supervisor rode with him. German recalled that BPD had “benched” Jenkins for some period of time; she was uncertain whether that was because Jenkins had been involved in another accident, or because Jenkins had done something else that momentarily angered Miller. BPD did not suspend Jenkins, but Miller said that Jenkins was “temporarily offline.” German was puzzled that Jenkins asked her to ride with him given their fraught relationship, but she agreed to do so.<sup>27</sup>

German rode in Jenkins’s car on two separate occasions. According to German, the stops made by Jenkins were based on reasonable articulable suspicion, the legal

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<sup>23</sup> “Pitting” a car is a pursuit tactic in which the pursuing vehicle forces a fleeing vehicle to turn sideways, thus causing the driver to lose control and stop. Tim Darnell, *What is the PIT, or Precision Immobilization Technique?*, Atlanta Journal-Constitution (Mar. 17, 2021), <https://www.ajc.com/news/nation-world/what-is-the-pit-or-precision-immobilization-technique/NWVO77TYKNF7ZNGWYQIPTW4VNQ/>.

<sup>24</sup> Our review of text messages between German and Jones reflects that Jones was certainly aware of the push bumper but does not prove conclusively that he affirmatively approved it. When asked what he did about the push bumper, Jones said he could not recall. Emails from K. A. Jones to M. Bromwich, Oct. 12, 14, 2020, Re: Chevy Impala.

<sup>25</sup> Marjorie German Interview, Sept. 15, 2020.

<sup>26</sup> As an example, in an email to Kevin A. Jones and Sean Miller, German reported that Jenkins “tapped the rear bumper” of a suspect’s car during a police pursuit, which resulted in BPD’s accident investigation team responding to the scene. Miller responded, “The tapping of the bumper we will discuss Tuesday upon your return.” Email from M. German to K. A. Jones and S. Miller, Feb. 14, 2016, Re: Assault on Police/Legal Intervention/HGV 1900 Wolfe (email provided by BPD). For additional discussion of Jenkins’s driving history, see Chapter X, Section A.

<sup>27</sup> Marjorie German Interview, Sept. 15-16, 2020.

basis for a street stop. German observed Jenkins pulling up to individuals sitting in a car, rolling his window down, and introducing himself. Jenkins would calibrate his next step based on the response he received. German and Jenkins drove from district to district throughout the city. He introduced her to “door pops,” Jenkins’s technique for suddenly popping open his car door as he approached a group of people in the street or on a sidewalk, causing every member of a group to flee the scene. On the first of two occasions she rode with Jenkins, German recalled being extraordinarily impressed with Jenkins’s talent as a street officer — she later said that he was the best gun cop she had ever seen. Indeed, she was so impressed that, to her subsequent embarrassment, she would defend the legitimacy of Jenkins’s gun seizures to anyone who accused him of being corrupt because of her own experience riding with him. Based on those experiences, German believed that Jenkins recovered guns aggressively but properly. Nor was German the only BPD supervisor impressed with Jenkins’s talent: Miller and Melissa Hyatt, who was Chief of Patrol and later Chief of Special Operations, tried to arrange for Jenkins to teach a training course on gun seizures.<sup>28</sup>

Chris O’Ree said he also saw evidence of Jenkins’s influence with high-level BPD officials. Like German, O’Ree recalled waking up in the morning and seeing emails about gun seizures on days when Jenkins was scheduled to be off duty. According to O’Ree, he asked Jenkins why he was working on a scheduled day off and was told by Jenkins that he had come in specifically at Palmere’s request. O’Ree recalled telling Jenkins that he needed to keep his chain of command informed of his whereabouts and activities for a number of reasons, including to ensure that his supervisors knew he was working if he became involved in a shooting or some other significant incident. Like German, O’Ree did not take the issue to Palmere because he viewed it as “ancillary stuff” that was not worth bothering a deputy commissioner about. He said that Palmere’s position and his forbidding manner discouraged open communication on an issue such as this. O’Ree said he did raise the issue with Miller but did not know whether Miller followed up.<sup>29</sup>

O’Ree recalled a specific incident in which Miller extolled Jenkins as a model of someone who got things done. While Miller headed the War Room, BPD had identified a target who was a suspect in three murders. The Homicide unit was having difficulty solving the case and BPD had obtained information that violence between the suspect and other drug dealers was imminent. Miller told O’Ree to assign a squad to investigate the suspect with the goal of promptly arresting him to avoid violence. When O’Ree’s squad made little progress after two weeks, Miller chastised O’Ree and told him he was “failing.” Miller turned to Jenkins with the instruction, “Go get this guy.” Within three days, Jenkins had arrested the suspect on a handgun violation.

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<sup>28</sup> *Id.*

<sup>29</sup> Chris O’Ree Interview, Sept. 10, 2020. Both German and O’Ree said they had spoken with Miller about various matters relating to Jenkins and the GTTF and found that he had selective recollection for certain key events. Miller claimed he was unaware O’Ree or German had accused him of having selective amnesia. Sean Miller Interview, Nov. 17, 2020.



Miller's response to O'Ree and others was, "That's leadership. I gave this to Wayne Jenkins and he got the guy in three days." O'Ree said he was convinced that Jenkins used the information collected by O'Ree's squad, but that Miller and other command staff treated Jenkins as a conquering hero. In retrospect, O'Ree had some doubts as to the legality of Jenkins's work in making the arrest.<sup>30</sup>

Although Miller denied holding Jenkins out as a model of productivity to other members,<sup>31</sup> he apparently did so on numerous occasions. In addition to the incident recounted by O'Ree, Gerald Hensley, a BPD officer since 1982, recalled Miller hectoring sergeants during this period for not being as productive as Jenkins. He said Miller would explicitly compare the statistics of Jenkins's SES squad with those of the other units. Hensley and his colleagues believed that the numbers Jenkins was producing could not be done lawfully, and Hensley said so: "We said those guys are not playing by the rules. There is no one in drug work that can come up with those numbers every night." In addition to basing that judgment on years of police work, Hensley said that informants had described the unlawful conduct of Jenkins and his squad.<sup>32</sup>

Ironically, Hensley's vocal criticism of Jenkins resulted in his transfer to IA, after he was openly criticized by Lieutenant Timothy Devine. According to Hensley, Devine met with Hensley's squad and criticized its members for taking excessive amounts of time to complete investigations – Devine said investigations could and should be finished within two weeks. Hensley told Devine that a two-week timetable was not feasible if an investigation required surveillance and subpoenas for cell phone data. According to Hensley, Devine responded, "Jerry, you have to start cutting corners on search warrants." Hensley said, "I don't do that," to which Devine replied, "No matter what it takes to get into peoples' houses, whether it is legal or not, you need to start doing it." Hensley recalled saying, "Hey, you do not know me. I do not work like Jenkins. I do not work like the ones you put up on a pedestal."<sup>33</sup>

According to Hensley, Devine told him that because the two of them did not see eye to eye on how to do drug work, Hensley needed to "find another home."<sup>34</sup> When Hensley arrived at IA in mid-2015, he reviewed on his own initiative numerous probable cause statements written by Jenkins and asked to open an investigation based on what he described as a pattern of Jenkins including false and misleading information in the probable cause statements. His supervisor in IA's Ethics Section, Rob Morris,

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<sup>30</sup> Chris O'Ree Interview, Sept. 10, 2020.

<sup>31</sup> Sean Miller Interview, Nov. 17, 2020.

<sup>32</sup> Gerald Hensley Interview, Oct. 14, 2020.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* Devine had little use for Hensley on a personal level, but he acknowledged that in an agency in which it was extremely common to "fudge things" in submitting probable cause statements, search warrant affidavits, and other documents, Hensley was an officer who refused to do so. Timothy Devine Interview, Feb. 5 and 8, 2021.

advised Hensley that Ethics was a reactive rather than a proactive unit and that IA would need to wait for a complaint to be filed. Hensley said he found the work in IA boring and transferred to an FBI Safe Streets enforcement team in March 2016.<sup>35</sup>

### **C. The Crime Surge in Late 2015: Baltimore, Jenkins, and the GTTF**

The last six months of 2015 were an extremely difficult period for Baltimore and for BPD. In early September, the city approved a \$6.4 million settlement with Freddie Gray's family. In announcing the settlement, Mayor Rawlings-Blake said it provided "a measure of closure for the Gray family, the community and the city" and avoided protracted civil litigation.<sup>36</sup> The settlement exceeded the aggregate amount paid by the city – in judgments or settlements – in over 100 lawsuits filed since 2011 involving allegations of misconduct against BPD officers. Although the settlement was praised by city officials and some members of the community, it was harshly criticized by the Fraternal Order of Police (FOP). Gene Ryan, the then-president of the FOP, described it as a "ridiculous reaction," and further commented:

Just as Baltimore is returning to its pre-riot normalcy, this news threatens to interrupt any progress made toward restoring the relationship between the members of the Baltimore Police Department and the Baltimore city government.<sup>37</sup>

Speaking on behalf of the Maryland Chiefs of Police Association, Karen Kruger, the lawyer who had conducted the 2014 Internal Affairs audit for Rodriguez,<sup>38</sup> said,

Claims that are settled so quickly and for such a great deal of money are of a concern for police chiefs and sheriffs because these events may have a chilling effect on the work of officers who will perhaps feel that their city or town does not support or value their work.<sup>39</sup>

In fact, there were few signs that Baltimore was "returning to its pre-riot normalcy," and the "chilling effect" had already become an established fact inside BPD.

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<sup>35</sup> Gerald Hensley Interview, Oct. 14, 2020.

<sup>36</sup> Keith L. Alexander and Dana Hedgpeth, *Baltimore city officials approve \$6.4 million settlement for family of Freddie Gray*, The Washington Post (Sept. 9, 2015), [https://www.washingtonpost.com/local/crime/baltimore-city-officials-approve-64-million-settlement-for-family-of-freddie-gray/2015/09/09/9e00c112-56eb-11e5-abe9-27d53f250b11\\_story.html](https://www.washingtonpost.com/local/crime/baltimore-city-officials-approve-64-million-settlement-for-family-of-freddie-gray/2015/09/09/9e00c112-56eb-11e5-abe9-27d53f250b11_story.html).

<sup>37</sup> Yvonne Wenger and Mark Puente, *Baltimore to pay Freddie Gray's family \$6.4 million to settle civil claims*, The Baltimore Sun (Sept. 8, 2015), <https://www.baltimoresun.com/news/crime/bs-md-ci-boe-20150908-story.html>.

<sup>38</sup> For additional information regarding the 2014 audit, see Chapter VI, Section D.

<sup>39</sup> Yvonne Wenger and Mark Puente, *Baltimore to pay Freddie Gray's family \$6.4 million to settle civil claims*, The Baltimore Sun (Sept. 8, 2015), <https://www.baltimoresun.com/news/crime/bs-md-ci-boe-20150908-story.html>.

By the middle of November, the number of murders in Baltimore exceeded 300 and the available data reflected substantial increases in robberies, carjackings, and burglaries.<sup>40</sup> Kevin Davis described the cause of the “chilling effect” as the “YouTube effect” – the proliferation of cell phone cameras that had made officers increasingly reluctant to engage in proactive, discretionary policing. Such policing was the bread and butter of specialized plainclothes units, including the SES squad headed by Jenkins and the GTTF headed at the time by Allers. As a counterpoint to the concern about the high levels of violent crime, Davis and other BPD officials repeatedly stressed as an important accomplishment the increase in gun seizures in late 2015 over the previous several months.<sup>41</sup> It was the one metric that showed some measurable success in fighting violent crime. It was also the metric that allowed Jenkins’s star to shine even more brightly.

Jenkins had become widely celebrated within BPD for his actions during the most violent events following Freddie Gray’s death. On April 27, 2015, Jenkins came to the aid of injured officers near the Mondawmin Mall and metro station by driving to a nearby park and then commandeering a van. He drove to the scene where officers had been injured, helped them board the van, ordered an officer to drive them to safety, and then took a position at the front of the police line confronting a hostile crowd. Later that same day, Jenkins paid \$600 out of his own pocket to feed BPD officers. According to one officer, “He pretty much fed the department for a day. It was a huge morale booster.” That night, multiple drugstores and pharmacies were broken into and looted, with an estimated 315,000 doses of drugs being stolen.<sup>42</sup> Jenkins improperly seized – and worked with a local drug dealer to sell – some of the drugs looted that night.

### **1. Jenkins’s Drug Distribution Crimes with Donald Stepp**

At the same time as he exhibited bravery in coming to the aid of his colleagues, Jenkins used the disorder and chaos to expand the scope and scale of his criminal activities. Through his older brother, Jenkins had come to know Donald Stepp, a bail bondsman with a substantial criminal record. For many years, the two men had participated in card games and other social activities, along with other BPD members.<sup>43</sup>

Beginning in late 2012 or early 2013, Jenkins began bringing drugs he had seized to Stepp’s house for him to store and sell. At various times, the drugs included heroin,

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<sup>40</sup> Justin Fenton and Kevin Rector, *Westside stabbing and Westport shooting mark Baltimore’s 300th and 301st homicides*, The Baltimore Sun (Nov. 14, 2015), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-300-reactions-context-20151114-story.html>.

<sup>41</sup> Kevin Rector, *Baltimore violence continues at torrid pace not seen since the 1990s*, The Baltimore Sun (Nov. 9, 2015), <https://www.baltimoresun.com/news/crime/bs-md-ci-homicides-approach-300-20151109-story.html>.

<sup>42</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 71-74.

<sup>43</sup> Donald Stepp Interview, Aug. 16, 2021.

cocaine, and marijuana, among other drugs. Jenkins would deposit the drugs in a shed at Stepp's home or in his garage. According to Stepp, this occurred with great frequency. The night of the riots, following his acts of bravery and generosity, Jenkins gave Stepp two garbage bags containing thousands of pills. Jenkins had stopped people who were engaged in looting pharmacies earlier in the evening, took the drugs they had stolen, and brought them to Stepp for him to sell. According to Stepp, his narcotics-based relationship with Jenkins continued throughout 2015 and into 2016.<sup>44</sup>

Surprisingly, the federal investigation of the GTTF, which included the cooperation of two members of Jenkins's SES squad – Hendrix and Ward – produced no evidence that, as a group, they were committing crimes during the second half of 2015. At least according to the public record, Jenkins and the members of his SES squad – Hendrix, Ward, and Taylor – did not admit to committing thefts, home invasions, or other crimes during the last six months of 2015. Jenkins continued his dealings with Stepp but for whatever reason did not include the members of his squad in those transactions until 2016.<sup>45</sup>

## **2. Crimes Committed by Gondo, Rayam, and Hersl**

While the other members of Jenkins's SES squad appear not to have engaged in crimes during the second half of 2015, the same was not true for Gondo and Rayam, who were already members of the GTTF, or for Hersl, who engaged in multiple street robberies before joining the GTTF in late December 2015.

- On July 31, 2015, Allers, Gondo, and Rayam stole approximately \$9,000 during the execution of a residential search warrant in Anne Arundel County.<sup>46</sup>
- On October 5, 2015, Gondo and Rayam, together with Gondo's childhood friend Glen Kyle Wells, broke into a Baltimore apartment belonging to Aaron Anderson. They stole 800 grams of heroin, between \$12,000 and \$14,000 in cash, a gun, and a Rolex watch.<sup>47</sup>

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<sup>44</sup> *Id.*; Donald Stepp Trial Testimony at 68-69 (Feb. 1, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469 (Stepp Trial Testimony).

<sup>45</sup> Donald Stepp Interview, Aug. 16, 2021.

<sup>46</sup> Allers Plea Agreement at 15, *United States v. Allers*, No. 1:17-cr-0452-CCB (Dec. 6, 2017), ECF No. 20 (Allers Plea Agreement); Rayam Plea Agreement at 13-14, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (Oct. 10, 2017), ECF No. 196 (Rayam Plea Agreement). More detailed accounts of this incident and the other crimes summarized below are presented in Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>47</sup> Gondo Plea Agreement at 13, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (Oct. 13, 2017), ECF No. 200 (Gondo Plea Agreement); Rayam Plea Agreement at 14.

- On November 27, 2015, Hersl and other officers arrested Herbert Tate on Robb Street in East Baltimore. Hersl stole \$314 of the \$530 seized from Tate, falsely reporting that he seized only \$216.<sup>48</sup>
- On November 28, 2015, Hersl and his fellow officers arrested Antonio Santiful on Aiken Street in Northeast Baltimore. Hersl stole \$482 of the \$700 he seized from Santiful, falsely reporting that he had seized only \$218 from Santiful rather than \$700.<sup>49</sup>

Thus, by the end of 2015, Jenkins and Stepp were involved in a narcotics distribution arrangement on a regular basis; Allers, Gondo, and Rayam were stealing money and drugs; and Hersl was stealing money from people he arrested. While Baltimore was struggling under the weight of a relentless wave of violent crime, these officers were committing numerous unreported crimes of their own, further damaging the fragile relationship between BPD and the community.

#### **D. Rayam Testimony in Franks Hearing**

In addition to the crimes he committed during the second half of 2015, Rayam was a central participant in a case in which he submitted a search warrant affidavit that was found to contain false statements, and provided courtroom testimony that was found not to be credible. The trial judge in the case charitably characterized Rayam's testimony as being "loose with the facts." A less charitable view is that he lied. Because of Rayam's lack of candor, the criminal case was dismissed and an IA investigation was commenced.

On April 8, 2015, Rayam and Gondo conducted a traffic stop at 24th and Barclay Street in East Baltimore and arrested a man named Gary Clayton shortly after Clayton had left his residence. Rayam and Gondo then drove the short distance to Clayton's residence, where they were joined by Allers and John Clewell. Rayam, along with Allers, Gondo, and Clewell, entered the residence without a warrant. Subsequent to their warrantless entry, Rayam submitted a sworn affidavit in support of a search warrant for the residence, obtained the search warrant, and seized narcotics inside the home. The GTTF members arrested Clayton on drug charges.<sup>50</sup>

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<sup>48</sup> Herbert Tate Trial Testimony at 154-222 (Jan. 30, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 467.

<sup>49</sup> Antonio Santiful Trial Testimony at 131-168 (Feb. 1, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469. When we interviewed Sergeant Burns, he initially rejected the idea that Hersl had stolen money from Santiful, saying that he believed that Santiful had fabricated the allegation. When confronted with evidence corroborating Santiful's account, Burns said he had no use for officers who stole money. John Burns Interview, Feb. 26, 2021.

<sup>50</sup> BPD IA File 2015-0723 (provided by BPD).



Seven months later, Judge Barry Williams of the Baltimore City Circuit Court held a *Franks* hearing<sup>51</sup> to determine whether Rayam's statements in the search warrant affidavit were necessary to the finding of probable cause and were either knowingly and intentionally false, or made in reckless disregard of whether they were true or false. On November 12, 2015, Rayam testified at the hearing that he had received information from a confidential informant that Clayton illegally possessed a handgun. Rayam testified that his car stop of Clayton was based on the informant's information, and that Gondo then observed drug paraphernalia in plain view in Clayton's vehicle. Rayam said he and Gondo detained Clayton and drove him back to the residence, which he shared with his fiancée. Rayam claimed that when he arrived at the residence, he was able to see through the open front door a white powdery substance located on the living room table. Rayam stated that Clayton's fiancée attempted to hide the contraband, at which point he and his squad entered and secured the house. Hours later, Rayam obtained a search warrant.<sup>52</sup>

During the *Franks* hearing, Judge Williams found that Rayam had detained Clayton and driven him to his residence without placing him under arrest or providing him with *Miranda* warnings. Judge Williams also found that various representations in Rayam's search warrant affidavit were implausible and conflicted with his testimony at the hearing. Finally, Judge Williams found that Rayam made "numerous factual misrepresentations" during his testimony and concluded that Rayam's testimony was not credible. In suppressing all the evidence seized pursuant to the search warrant, Judge Williams concluded: "There may come a time when I would take [Rayam's] word. But based on the way he presented himself today, this court is unable to take his word for anything." As a result, the State dropped all the charges against Clayton.<sup>53</sup>

Within a week of the *Franks* hearing, on November 20, 2015, Clayton's fiancée filed a complaint with IA, leading to a nearly yearlong investigation. Subsequent to the initial complaint, the Baltimore City State's Attorney's Office filed a second complaint based on the same incident. In October 2016, unaware of the crimes Rayam was continuing to commit with other members of the GTTF, IA sustained allegations of Neglect of Duty and Misconduct against both Rayam and Allers. The BPD Charging

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<sup>51</sup> In *Franks v. Delaware*, 438 U.S. 154 (1978), the Supreme Court held that where a warrant affidavit contains false information that the affiant made knowingly and intentionally or with a reckless disregard for the truth, the court must then determine whether there is adequate evidence to support probable cause once the false statements have been excluded. If there is not adequate evidence, the warrant is invalid and all items seized pursuant to the warrant must be suppressed. A *Franks* hearing is a court proceeding in which the court is asked to make these determinations.

<sup>52</sup> BPD IA File 2015-0723 (provided by BPD).

<sup>53</sup> During his interview with the investigation team, Dan Beck said he spoke with Judge Williams around the time of Rayam's settlement negotiations. He recalled that Judge Williams believed that Rayam was "simply loose with the facts" rather than lying. Dan Beck Interview, Jan. 8, 2020. See also BPD IA File 2015-0723 (provided by BPD); Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 297 (quoting Judge Williams).

Committee recommended that Rayam receive a 10-day suspension without pay, a severe letter of reprimand, transfer to Patrol, and training on probable cause and search warrants. Upon receipt of the charges and recommended punishment, Rayam requested a trial board.<sup>54</sup>

On February 12, 2017, less than a month before Rayam was arrested on racketeering and related charges, he reached a settlement with BPD. Pursuant to the settlement, Rayam received a severe letter of reprimand, five-day suspension without pay, mandatory training on probable cause and search and seizure warrants, and an involuntary transfer, although the documentation does not clearly establish whether the transfer was to Patrol or elsewhere. Dan Beck, the former head of BPD's Office of Legal Affairs who handled the settlement negotiations, recalled that he thought Rayam should have been terminated as a result of his testimony, and that Rayam's testimony was "horrible."<sup>55</sup>

In this instance, as in the 2009 incident in which Rayam was acquitted after a trial board, BPD was unable to act promptly and decisively to deal with Rayam's misconduct. Undeterred by Judge Williams's finding that his testimony was not credible and the case had to be dropped and that an IA investigation was ongoing, Rayam continued to commit crimes in conjunction with other members of the GTTF. As described below, no more than three months passed between Judge Williams's ruling in the *Franks* hearing and a February 10, 2016 robbery of a residence in which Rayam, Allers, and Gondo all participated.

## **E. Structural and Organizational Changes Within BPD**

Within one of month of becoming Commissioner, Kevin Davis had reorganized BPD into two bureaus – the Administrative Bureau under Darryl De Sousa, and the Operations Bureau under Dean Palmere. Two levels below Palmere, Lieutenant Colonel Sean Miller was the assistant chief of the Criminal Investigation Division (CID), and Kevin A. Jones, then a captain, was head of the Operational Investigation Section (OIS). OIS was the umbrella entity that housed BPD task forces (including High Intensity Drug Trafficking Area (HIDTA) teams) and Special Enforcement Units. The lieutenants under Jones included German and O'Ree.<sup>56</sup>

One year later, in July 2016, Davis created a standalone Operational Investigations Division (OID) under Miller, who had been promoted to colonel and elevated from Assistant Chief of CID to Chief of OID. OID was the umbrella entity for all BPD proactive enforcement and investigations units and federal task forces.

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<sup>54</sup> BPD IA File 2015-0723 (provided by BPD). IA found that Allers, who arrived on the scene after Clayton and the complainant were detained, was negligent in that he failed to properly supervise the investigation and to ensure that all evidence was properly collected and documented. *Id.*

<sup>55</sup> BPD IA File 2015-0723 (provided by BPD); Dan Beck Interview, Jan. 8, 2020.

<sup>56</sup> BPD Org. Charts (2016).

Although the structure made organizational sense, the division had close to 300 members, more than one tenth of the manpower of the entire Department. During that time, Miller was also still running the War Room.<sup>57</sup>

Miller recalled that the strategy underlying the reorganization and creation of the OID was to pull resources together to better coordinate with the War Room. Once the War Room identified an issue, OID would be able to deploy resources efficiently to deal with it. During his tenure as head of OID, Miller was repeatedly promised two majors to assist in supervising the division, but they were never assigned. Miller was the chief of OID for only eight months, ending with the arrests of the GTTF members.<sup>58</sup>

As described elsewhere in this report,<sup>59</sup> in June 2016, Palmere arranged for Allers's transfer from the GTTF to a HIDTA task force and made it clear to Miller that he wanted Jenkins to replace Allers as the new sergeant for the GTTF. Palmere acceded to Jenkins's demand that he be permitted to bring Hendrix, Ward, and Taylor with him. Miller said that he understood that Palmere wanted Jenkins in the GTTF because of the numbers he generated. Jenkins had at various times made two or three handgun arrests in a single night, which was a "unicorn," according to Miller. Miller recalled that Jenkins's unit was generating that level of production multiple times per month.<sup>60</sup>

As a result of the same July 2016 reorganization that elevated Miller, Jason Johnson was promoted to deputy commissioner for the newly created Strategic Services Bureau. Johnson's direct reports included various divisions and functions, including Hill's Office of Professional Responsibility (OPR), which housed IA, Melissa Hyatt's Special Operations Division, and the recruitment and training function. The organization chart listed De Sousa as a deputy commissioner, but Davis had convinced him to take a one-year fellowship with the International Association of Chiefs of Police

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<sup>57</sup> Sean Miller Interview, April 24 and May 1, 2020. According to rosters at the time, OID had about 230 officers at its inception in July 2016 and about 250 at the end of 2016. OID Roster (July 21, 2016 and Dec. 10, 2016).

<sup>58</sup> Sean Miller Interview, April 24 and May 1, 2020.

<sup>59</sup> For additional information, see Chapter VIII, Section J, and Chapter X, Section H.

<sup>60</sup> Sean Miller Interview, April 24 and May 1, 2020. In what appears to be a piece of revisionist history, Miller claimed that the numbers Jenkins and his squad were generating were so extraordinary during 2016 that he spoke with Rodney Hill, the head of the Office of Professional Responsibility, and asked him to do integrity stings on *all* of the 280-290 operational officers in the Division. Miller said that he was assured by Hill that IA would do the integrity stings. Sean Miller Interview, April 24 and May 1, 2020. Hill said he recalled no such extraordinary request and that if Miller had said anything of the kind, it would have been as a joke. According to Hill, it was widely known that Internal Affairs operated under severe resource constraints, and therefore such an extensive integrity sting program would have been impossible. Hill further noted that Miller was not by any means a champion of the internal affairs function. Email from R. Hill to M. Bromwich, July 6, 2021, Re: Integrity Stings.

in the hopes that it would equip De Sousa with better management skills. De Sousa remained on the fellowship and away from BPD throughout 2016.<sup>61</sup>

Johnson had quickly come to the same conclusion about IA, and more broadly about BPD's accountability functions, as had his predecessors, as well as every commissioner since Norris. IA — now under the OPR umbrella — was grossly understaffed, poorly trained, had abysmal record-keeping practices, and had a dysfunctional culture. Its personnel struggled to complete investigations within the one-year period required by the Law Enforcement Officers' Bill of Rights (LEOBR), in large part because of inadequate staffing. The result was that on average each investigator was carrying unmanageable caseloads. Johnson requested more staff, but because of Department-wide resource constraints and personnel shortages, those requests were denied. Johnson found those constraints extremely frustrating.<sup>62</sup>

Johnson was intrigued by the idea of hiring retired police officers with internal affairs backgrounds, but he was stymied by provisions in the LEOBR that at the time limited the ability of non-sworn members to conduct IA investigations.<sup>63</sup> However, Johnson was able to hire some recently retired Baltimore police officers as "contract specialists." Johnson recalled having few options to deal with poor performers in IA — he recalled having to negotiate with Palmere for every staffing transfer, which hampered his ability to recruit capable investigators.<sup>64</sup>

Johnson also determined that the Force Investigation Team (FIT) created by Batts,<sup>65</sup> the unit that investigated the Demetric Simon incident,<sup>66</sup> was inadequate for its assigned role. Batts had allowed command staff members, who had no investment in creating an elite investigative unit, to select the FIT members. Because no BPD command staff member wanted to relinquish a talented member of his or her unit, Johnson learned that FIT was staffed with mediocrities. FIT had performed extremely

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<sup>61</sup> Kevin Davis Interview, Dec. 20, 2019; BPD Org. Charts (July 13, 2016 and Oct. 5, 2016).

<sup>62</sup> Jason Johnson Interview, Dec. 19, 2019.

<sup>63</sup> See MD Code, Pub. Safety, § 3-104(b) (*repealed by* Maryland Police Accountability Act of 2021 – Police Discipline and Law Enforcement Programs and Procedures, 2021 Maryland Laws Ch. 59 (H.B. 670)) (requiring an investigating or interrogating officer to be "a sworn law enforcement officer" or "if requested by the Governor, the Attorney General or Attorney General's designee"). There is a lack of clarity whether this is a wholesale ban on the participation by civilians (including former law enforcement officers) in administrative investigations, or whether this provision has a more limited purpose and is designed to ensure that a sworn officer participates in the questioning of the accused. The statutory language is ambiguous.

<sup>64</sup> Jason Johnson Interview, Dec. 19, 2019. Toward the end of his tenure, which ended with Davis's firing in January 2018, Johnson was also working on putting civilians in "trustee" positions to work under the supervision of sworn officers, but he did not obtain approval for this proposal prior to his departure. *Id.*

<sup>65</sup> For additional information on the FIT, see Chapter VI, Section D.

<sup>66</sup> This incident is discussed in further detail in Chapter VI, Section H.

poorly in the Freddie Gray investigation. As a result, Davis and Johnson abolished FIT and reconstituted the function in the form of the Special Investigative Response Team.<sup>67</sup>

## **F. Crimes by Jenkins's Squad and the GTTF, January-May 2016**

As a matter of strategy, by the beginning of 2016, BPD was focusing with even greater intensity on violent criminals. As summarized by Palmere in late January, "What we are saying is, we are obviously prioritizing who the community fears in their neighborhoods and what our analysis and investigations are telling us."<sup>68</sup> Neither revisions to BPD's strategy nor changes in its organizational structure had any discernible impact on the willingness and ability of officers in Allers's GTTF squad and Jenkins's SES squad to engage in a remarkable, and remarkably brazen, crime spree.<sup>69</sup>

- On February 4, 2016, Jenkins, Hendrix, and Ward conducted a traffic stop of a taxicab, arrested the cab driver, and stole between \$1,500 and \$2,000.<sup>70</sup>
- On February 10, 2016, Allers, Gondo, and Rayam executed a search warrant at a residence in Baltimore. They stole approximately \$8,300, falsely claiming in an incident report that only \$ 1,684 was seized.<sup>71</sup>
- On February 17, 2016, Jenkins, Taylor, and Ward initiated a foot chase in the Southern District in Baltimore. They recovered a gun from the suspect and stole approximately \$500.<sup>72</sup>
- On February 23, 2016, Allers, Gondo, and Rayam executed a search warrant at a residence in Baltimore County. During the search, they stole \$7,000 in cash that they discovered in a bedroom.<sup>73</sup>

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<sup>67</sup> Jason Johnson Interview, Dec. 20, 2019.

<sup>68</sup> Kevin Rector, *Amid shift in drug strategy, police bust Northwest Baltimore heroin operation*, The Baltimore Sun (Jan. 27, 2016), <https://www.baltimoresun.com/news/crime/bs-md-ci-drug-bust-strategy-20160127-story.html>.

<sup>69</sup> The crimes summarized below are described in greater detail in Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>70</sup> Jenkins Plea Agreement at 20, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254 (Jenkins Plea Agreement). Jenkins admitted to the robbery as part of his plea agreement. Because this incident involved neither Hersl nor Taylor, it was not the subject of testimony at their trial in early 2018, where the evidence largely focused on crimes in which Hersl and Taylor participated.

<sup>71</sup> Allers Indictment at 7, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Aug. 24, 2017), ECF No. 1 (Allers Indictment); Gondo Plea Agreement at 13-14; Rayam Plea Agreement at 14.

<sup>72</sup> Maurice Ward Trial Testimony at 137-40 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464 (Ward Trial Testimony); Ward Plea Agreement at 11, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 161 (Ward Plea Agreement).

<sup>73</sup> Gondo Plea Agreement at 14; Rayam Plea Agreement at 14-15; Allers Indictment at 7-8.



- On March 2, 2016, Allers, Gondo, Rayam, and Hersl executed a search warrant at a residence in Baltimore city. Approximately \$7,000 in cash was recovered during the search but only \$1,624 was turned in to BPD.<sup>74</sup>
- On March 9, 2016, Jenkins, Hendrix, Taylor, and Ward arrested a suspect and stole approximately \$1,000 in cash.<sup>75</sup>
- In March 2016, Jenkins, Taylor, and Ward split approximately \$1,500 taken during a search of a residence on Water Street.<sup>76</sup>
- On March 22, 2016 – in an incident that was the subject of extensive testimony at the 2018 trial of Hersl and Taylor – Jenkins, Hendrix, Taylor, and Ward stole approximately \$6,500 in cash from a bag inside a vehicle belonging to Oreese Stevenson.<sup>77</sup> The officers then used Stevenson’s keys to enter his residence and seized two kilograms of cocaine and \$80,000 in cash from a safe. To conceal their theft of cash from a basement safe, Jenkins directed Ward and Taylor to make a video of opening the safe as if it were the first time when in fact they had already broken into the safe and stolen a substantial amount of cash. Jenkins gave the cocaine taken from Stevenson’s residence to Donald Stepp to sell.<sup>78</sup>
- On April 28, 2016, Allers, Gondo, Rayam, and Hersl conducted a vehicle stop of a suspect, Davon Robinson, and then claimed to have obtained consent to search Robinson’s residence from his girlfriend. The officers stole approximately \$10,000 in cash. Just over a month later, Robinson was murdered outside his grandmother’s house because of his failure to pay a drug-related debt, as his girlfriend looked on.<sup>79</sup>

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<sup>74</sup> Allers Indictment at 8-9.

<sup>75</sup> Superseding Indictment at 9, *United States v. Jenkins, et al*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137 (Superseding Indictment).

<sup>76</sup> Ward Trial Testimony at 175-78; FBI FD-302 of Maurice Ward (May 10, 2017).

<sup>77</sup> Jenkins Plea Agreement at 20; Ward Trial Testimony at 140-177; Oreese Stevenson Trial Testimony at 22-44 (Jan. 31, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 468.

<sup>78</sup> Ward Trial Testimony at 159-175. After their arrests in March 2017, Jenkins told the others to lie about the amount that was taken and to lie about the circumstances in which the staged video was created. *Id.*

<sup>79</sup> Allers Plea Agreement at 16-17. Despite eyewitness testimony, the man accused of killing Robinson, Antwon Frasier, was subsequently acquitted by a Baltimore jury when Robinson’s cousin recanted his prior claim that he had seen the defendant shoot Robinson. Justin Fenton, *Man acquitted in fatal shooting of man who was robbed by Gun Trace Task Force*, The Baltimore Sun (Sept. 20, 2018), <https://www.baltimoresun.com/news/crime/bs-md-ci-gttf-frazier-acquitted-20180920-story.html>.

- On May 11, 2016, Gondo, Rayam, and Hersl conducted a traffic stop of Nicholas Deforge and Megan Ader. During the stop, Rayam stole approximately \$700 from Deforge.<sup>80</sup>
- On May 28, 2016, Allers, Gondo, Rayam, and Hersl arrested a suspect and then brought him to the house in Anne Arundel County where he was residing. They obtained consent from the suspect's grandmother to search the house and stole approximately \$700.<sup>81</sup>

## G. The Federal Investigation of the GTTF Begins

Erika Jensen was the lead federal agent in the GTTF investigation. She joined the FBI in 2004 and, as of the end of 2015, had served in various roles in the agency. She worked drug cases for five years in Chicago and had served as a member of Attorney General Eric Holder's security detail from 2009 through 2012. Jensen transferred to the FBI's Baltimore field office in 2012, where her first assignment was investigating an extensive corruption scandal at the Baltimore City Detention Center. Her involvement in that investigation spanned close to three years.<sup>82</sup> After a brief period working gang cases, she moved to the Baltimore office's Public and Border Corruption Task Force (FBI Task Force) in late 2015. At the time she joined the squad, it had eight members, including BPD officers John Sieracki and Matt Smith.<sup>83</sup>

Jensen recalled that the initial information that would form the basis of the GTTF investigation was the product of a joint narcotics investigation conducted by the Harford County and Baltimore County police departments into Antonio Shropshire's narcotics distribution organization.<sup>84</sup> During their investigation, the county narcotics investigators had discovered an unauthorized tracking device attached to the car of a suspect associated with Shropshire's organization. The county investigators advised the FBI that their investigation, which included wiretaps, had established connections among Shropshire, Momodu Gondo, and Gondo's childhood friend Glen Kyle Wells.

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<sup>80</sup> Indictment at 6-7, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Feb. 23, 2017) (Indictment); Rayam Plea Agreement at 15.

<sup>81</sup> Allers Plea Agreement at 17; Gondo Plea Agreement at 14; Rayam Plea Agreement at 15. The Gondo and Rayam plea agreements stated that the search had been conducted pursuant to a warrant. The subsequent Allers plea agreement alleged that the search had been conducted pursuant to consent provided by the suspect's grandmother.

<sup>82</sup> Christina Jedra, *Forty-four charged in Baltimore jail scandal; here's how cases ended*, The Baltimore Sun (July 11, 2015), <https://www.baltimoresun.com/news/investigations/bs-md-sun-investigates-jail-20150711-story.html>.

<sup>83</sup> Erika Jensen Interview, May 13, 2020.

<sup>84</sup> The origins of the Shropshire narcotics investigation are described in Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 95-106.

The FBI received information from the county investigators about the unauthorized tracking device, which records indicated belonged to John Clewell of the GTTF.<sup>85</sup>

Jensen recalled that she worked with Matt Smith during the early stages of the investigation. Although the unauthorized tracker was troubling, Jensen had worked with Clewell on numerous cases and did not believe he was corrupt. During her attempts to gather further information about the unauthorized tracker, Jensen came across material in the FBI's files that included an anonymous complaint from a BPD officer about members of the GTTF. Matt Smith told her that Ryan Guinn was the source of the complaint, and that at the time it was received, it had been deemed an insufficient basis to launch an investigation. In December 2015, Jensen and Smith interviewed Guinn, who characterized Gondo as a drug dealer and Rayam as a thief. Following the interview, and unknown to Jensen or Smith at the time, Guinn contacted Jenkins to advise him that the FBI was investigating Gondo.<sup>86</sup>

The December 2015 interview of Guinn provided some of the evidence that supported the federal wiretap of Gondo's phone that was launched several months later. In a multi-agency meeting in December, representatives from Baltimore County, Harford County, DEA, FBI, and the US Attorney's Office (USAO) shared information that had been gathered on Gondo. They discussed safeguards to preserve the secrecy of the investigation. Over the next few months, Jensen collected financial records, examined phone records, and reviewed other documents. Among other things, the phone records showed extensive contacts among Gondo, Shropshire, and Wells. Jensen viewed this as significant evidence in support of potential federal wiretaps on the phones of Gondo and perhaps Rayam, who at the time were the sole subjects of the FBI Task Force's investigative interest.<sup>87</sup>

An incriminating call between Shropshire and Gondo in late March 2016, intercepted on the county wiretap of Shropshire, bolstered the factual basis for a wiretap on Gondo's phone. The FBI believed that Gondo was in fact a drug dealer working with Shropshire's narcotics organization. On April 28, 2016, based on an affidavit drafted by Jensen, the USAO obtained court authorization to conduct electronic surveillance on Gondo's personal phone. According to Jensen, the early fruits of the wiretap were disappointing, revealing various aspects of Gondo's extracurricular activities – that he traveled extensively to Washington, DC, that he spent substantial sums of money, and that his girlfriend secured tables for him and Wells at DC. nightclubs – but capturing little incriminating information.<sup>88</sup>

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<sup>85</sup> Erika Jensen Interview, May 13, 2020.

<sup>86</sup> *Id.*; Matthew Smith Interview, Oct. 23, 2020.

<sup>87</sup> Erika Jensen Interview, May 13, 2020.

<sup>88</sup> *Id.*

The wiretap on Gondo's phone yielded its first compelling evidence of criminal activity on May 11, 2016. Intercepted calls reflected contact between Gondo and an informant, who arranged for Nicholas Deforge and Megan Ader to travel from Harford County to DC to sell pills and a gun. The GTTF subsequently conducted a traffic stop on Deforge and Ader, and the wiretap captured numerous calls involving Gondo, Allers, Clewell, Rayam, and Hersl during that stop. During those calls, the GTTF members discussed their difficulty in finding the gun the informant had said Deforge would have in his possession. Based on those calls, Jensen obtained video footage of the stop from Baltimore CitiWatch cameras, which showed that it took the GTTF members 20 minutes to find the suspect's gun.<sup>89</sup> The police report for this incident, submitted by Gondo and approved by Allers, falsely stated that Hersl had observed Deforge reaching from his front pants pocket and placing a gun into a backpack.<sup>90</sup> The CitiWatch video also showed Rayam searching Deforge and taking money from his pocket, which prompted Jensen to gain access to Deforge's and Ader's jail calls. On those calls, she heard Deforge complain that the GTTF members had stolen his money. Based on Deforge's demeanor on those calls, Jensen was convinced that he was telling the truth. It marked the first time she came to realize that the misconduct of the BPD officers extended to stealing from suspects. That shifted the investigation to a more specific focus on thefts by GTTF members and false statements in probable cause statements. On the strength of the evidence of corruption that the monitored conversations had revealed, the investigators renewed the wiretap in early June 2016.<sup>91</sup>

## **H. The Department of Justice Pattern or Practice Report – August 2016**

On May 6, 2015, in the immediate aftermath of Freddie Gray's death and the tumultuous period that followed, Mayor Rawlings-Blake had requested that the DOJ expand the scope of its involvement with BPD by launching a comprehensive pattern or practice investigation pursuant to the legal authority conferred on the Attorney General under federal law. Two days later, on May 8, 2015, Attorney General Loretta Lynch announced that DOJ's Civil Rights Division would conduct a pattern-or-practice investigation to determine whether BPD had violated the civil rights of Baltimore residents.<sup>92</sup>

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<sup>89</sup> *Id.*

<sup>90</sup> Police Incident Report, Complaint No. 8-160504678 (May 11, 2016).

<sup>91</sup> Erika Jensen Interview, May 13, 2020. In early June 2016, the FBI Task Force sought to create an integrity sting involving the placement of cash in a recreational vehicle. However, when the GTTF was contacted by Hartford County about searching the vehicle, intercepted calls showed that Rayam and Gondo suspected that it might be an IA integrity sting. As a result, the FBI Task Force had to abort the operation. *Id.*

<sup>92</sup> Luke Broadwater, *Baltimore mayor seeks federal investigation of police department*, The Baltimore Sun (May 6, 2015), <https://www.baltimoresun.com/politics/bs-md-ci-doj-partnership-20150506-story.html>; Press Release, US Dep't of Justice, Justice Department Opens Pattern or Practice Investigation

On August 10, 2016, after a 14-month investigation, DOJ issued a 163-page report finding “reasonable cause to believe that BPD engages in a pattern or practice of conduct that violates the Constitution or federal law.” More specifically, DOJ found that BPD had engaged in a pattern or practice of:

- (1) making unconstitutional stops, searches, and arrests;
- (2) using enforcement strategies that produce severe and unjustified disparities in the rates of stops, searches, and arrests of African-Americans;
- (3) using excessive force; and
- (4) retaliating against people engaging in constitutionally protected expression.

The DOJ investigation found that these unconstitutional practices were driven by “systemic deficiencies” in BPD’s policies, training, supervision, and accountability policies, procedures, and practices. Based on its investigation, DOJ concluded that the relationship between BPD and the communities it served was “broken.”<sup>93</sup>

DOJ’s findings were the product of a review of five years’ worth of data on a wide range of issues including stops, searches, and arrests; use of force, including deadly force; and IA investigations. The report attributed much of the responsibility for the constitutional violations it had identified to the zero-tolerance policies initially adopted after O’Malley was elected mayor in 1999.

Starting in at least the late 1990s, however, City and BPD leadership responded to the City’s challenges by encouraging “zero-tolerance” street enforcement that prioritized officers making large numbers of stops, searches, and arrests – and often resorting to force – with minimal training and insufficient oversight from supervisors or through other accountability structures. These practices led to repeated violations of the constitutional and statutory rights [sic], further eroding the community’s trust in the police.

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into the Baltimore Police Department (May 8, 2015), <https://www.justice.gov/opa/pr/justice-department-announces-findings-investigation-baltimore-police-department>.

<sup>93</sup> US Dep’t of Justice, Civil Rights Div., *Investigation of The Baltimore City Police Department* (Aug. 10, 2016) at 3 and 157, <https://www.justice.gov/crt/file/883296/download>. See also US Dep’t of Justice, Civil Rights Div., *The Civil Rights Division’s Pattern and Practice Police Reform Work: 1994-Present* (Jan. 2017), at 1, <https://www.justice.gov/crt/file/922421/download>.



BPD's legacy of zero-tolerance enforcement continues to drive its policing in certain Baltimore neighborhoods and leads to unconstitutional stops, searches, and arrests.

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Starting in the late 1990s, Baltimore City and BPD leadership expressly adopted a policing model that embraced the principles of "zero-tolerance" street enforcement. According to City and BPD leaders past and present, as well as media reports, Baltimore City based its approach in part on tactics developed by the New York Police Department and brought in consultants from NYPD's program to oversee its implementation in Baltimore.

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From the beginning, some community members and policymakers questioned the value of the policy, arguing that it could lead to harassment of residents without an appreciable reduction in crime. Zero-tolerance enforcement made police interaction a daily fact of life for some Baltimore residents and provoked widespread community disillusionment with BPD, as well as calls from activists, former police officers, and state officials to adopt new practices. The strategy also created disillusion within the Department. According to the police union president at the time, some officers referred to the stop-and-frisk program as a "VCR detail," standing for "violation of civil rights."<sup>94</sup>

The DOJ report relied on both data analysis and the details of specific incidents to support its findings and conclusions. It traced the large number of stops, searches, and arrests — many without a factual and legal basis — to a culture that prized statistics above all else. In the words of the DOJ report, "arresting large numbers of people for minor offenses was central to BPD's enforcement paradigm." DOJ found that the continued focus on numerical metrics, including arrests and numbers of guns seized, warped the priorities of BPD and encouraged unconstitutional behavior by rewarding statistical achievements without adequate concern for the methods by which they were obtained. It found that BPD's approach to street-level enforcement had contributed to BPD making "thousands of unlawful arrests" over the five years covered by its review.<sup>95</sup>

In assessing specific BPD use-of-force practices, the DOJ report addressed, among other things, the prevalence of foot pursuits that had long been a feature of BPD's street enforcement culture. Foot pursuits were in fact a cornerstone of the street enforcement tactics used by Jenkins's SES squad and later the GTTF. The DOJ report

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<sup>94</sup> US Dep't of Justice, *Investigation of The Baltimore City Police Department*, at 5, 40-41.

<sup>95</sup> *Id.* at 17, 34, 65-66.

found that BPD officers engaged in foot pursuits without an adequate factual basis for believing that the person had committed a serious crime, and then used excessive force at the conclusion of such pursuits. DOJ found that the level of force used by officers was in many cases wholly disproportionate to any suspected crime and any threat posed by the person who was pursued.<sup>96</sup>

Finally, the DOJ report was sharply critical of every aspect of BPD's accountability system, finding that it was plagued by "systemic failures." Those failures both explained and caused 1) the reluctance of civilians and officers to file complaints, 2) delays and deficiencies in conducting investigations, and 3) the failure to discipline officers for misconduct, even egregious misconduct. In DOJ's view, these failures were intimately connected to an organizational culture that rejected the importance of accountability:

[A] cultural resistance to accountability has developed and been reinforced within the Department. This culture further undermines accountability by discouraging officers from reporting misconduct and discouraging supervisors from sustaining allegations of it. BPD's persistent failure to hold officers accountable for misconduct contributes to an erosion of the community trust that is central to effective law enforcement.<sup>97</sup>

In addition to these cultural issues, the DOJ report identified additional failures in BPD's processes for investigating complaints. The report pointed to the failure of investigators to adequately consider information that contradicted the statements of officers accused of misconduct, and found that interviews of accused officers were insufficient. The DOJ report assigned responsibility for these accountability failures to the inadequate training of IA investigators and insufficient supervision and oversight within IA.<sup>98</sup>

As to BPD's trial boards, the DOJ report characterized the trial board process as a deeply flawed instrument for enforcing accountability – pointing specifically to lengthy delays in scheduling trial boards, and concerns about the ability of the accused officer to shape the composition of individual trial boards through the use of peremptory strikes.<sup>99</sup> According to the DOJ report, these deficiencies had fatally compromised BPD's accountability system:

The longstanding deficiencies in BPD's systems for investigating complaints has contributed to a cultural resistance to accountability that

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<sup>96</sup> *Id.* at 91-93.

<sup>97</sup> *Id.* at 139.

<sup>98</sup> *Id.* at 139-53.

<sup>99</sup> *Id.* at 144-49. Peremptory strikes are disqualifications of potential trial board members without the need to give a reason.

persists in the Department. The cultural opposition to meaningful accountability within the Department is reflected by the lack of discipline for serious misconduct and widespread violations of minor policy provisions; the failure to take action against officers with a known reputation for repeatedly violating Department policy and constitutional requirements; and the reluctance of officers to report observed misconduct for fear that doing so will subject them to retaliation.<sup>100</sup>

In releasing the DOJ report, Attorney General Lynch summarized the findings of the investigation and announced that DOJ had reached an agreement in principle to work towards negotiating a consent decree to address the deficiencies found during the investigation.<sup>101</sup> In response to the report, Commissioner Davis said, “We have begun this journey to reform long-standing issues in many real, tangible ways. DOJ’s findings will serve to solidify our road map.”<sup>102</sup> Two months later, Davis published an op-ed in the *Baltimore Sun* pledging that reforms that were being implemented in BPD, including the implementation of a Department-wide body-worn camera program and other steps to address the findings of the DOJ investigation, would transform BPD into “one of the most progressive, accountable, and transparent departments in the nation.”<sup>103</sup>

Though broad in scope, the DOJ report only made a glancing reference to criminal conduct by BPD officers, and then only in the specific context of officers allegedly targeting sex workers.<sup>104</sup> It did not address the rich history of corruption in the Department over the previous 15 years, nor draw the connection between the failures of BPD’s accountability system and that history of corruption. Ironically, at the same time as DOJ was completing and issuing its thoroughgoing condemnation and critique of BPD, the GTTF was stepping up its criminal activity under the leadership of Wayne Jenkins.

## **I. Crimes By GTTF Members, June-October 2016**

As described in more detail in Chapter VIII, Section J, in June 2016, the GTTF experienced a transition in leadership. By early June, Allers had learned that the GTTF was being investigated. He requested that Palmere move him to a HIDTA task force that had not been staffed with a BPD sergeant for approximately two years. Palmere

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<sup>100</sup> *Id.* at 149.

<sup>101</sup> Press Release, US Dep’t of Justice, Justice Department Announces Findings of Investigation into Baltimore Police Department (Aug. 10, 2016), <https://www.justice.gov/opa/pr/justice-department-announces-findings-investigation-baltimore-police-department>.

<sup>102</sup> Del Quentin Wilber and Kevin Rector, *Justice Department report: Baltimore police routinely violated civil rights*, The Baltimore Sun (Aug. 9, 2016), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-doj-report-20160809-story.html>.

<sup>103</sup> Kevin Davis, *Baltimore Commissioner: BPD undergoing ‘serious reform,’* The Baltimore Sun (Oct. 24, 2016), <https://www.baltimoresun.com/opinion/op-ed/bs-ed-kevin-davis-20161024-story.html>.

<sup>104</sup> US Dep’t of Justice, *Investigation of The Baltimore City Police Department*, at 149-50.

arranged for the transfer. To replace Allers, Palmere and Miller selected Jenkins to lead the GTTF. As described previously, Jenkins was well aware of the power he wielded in the Department because of his productivity. He therefore boldly conditioned his willingness to accept the transfer on his ability to bring members of his SES squad – Hendrix, Taylor, and Ward – with him to the GTTF. After consulting with Palmere, Miller acceded to Jenkins’s demand.<sup>105</sup> The transfer brought Jenkins, Hendrix, Taylor, and Ward together with Gondo, Rayam, and Hersl in the midst of the FBI Task Force’s wiretap on Gondo’s phone. That electronic surveillance over the course of the next several months, corroborated by information developed through other investigative steps, provided evidence of numerous crimes committed by members of the newly reconstituted GTTF.

From June 2016 through early October 2016, the members of the GTTF committed, at a minimum, the following crimes:<sup>106</sup>

- Sometime after Jenkins became the sergeant of the GTTF in mid-June, Jenkins, Gondo, and Rayam conducted a vehicle stop in Baltimore. They drove to the motorist’s residence, entered without a warrant, and seized a 9 mm handgun and a pound of marijuana. Gondo helped Rayam sell the gun through one of his criminal associates, and they shared the proceeds of the sale.<sup>107</sup>
- On June 24, 2016, Jenkins, Gondo, Hendrix, and Ward executed a search warrant at a residence in East Baltimore. They stole a total of \$17,000 in cash but left behind the heroin they discovered.<sup>108</sup>

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<sup>105</sup> Marjorie German Interview, Sept. 15 and 16, 2020; Chris O’Ree Interview, Sept. 10, 2020.

<sup>106</sup> The crimes summarized below are described in greater detail in Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>107</sup> Gondo Plea Agreement at 14-15; Rayam Plea Agreement at 15-16; Superseding Indictment at 11. There is a discrepancy concerning the date on which the traffic stop, warrantless entry, and seizures took place, as well as a difference in the specified location. Gondo’s plea agreement, dated June 9, 2017, and signed on June 14, 2017, states that the traffic stop, warrantless entry, and seizure of the gun and marijuana took place in June 2016. The superseding indictment of Jenkins, Hersl, and Taylor, dated June 22, 2017, also places this event in June 2016. Gondo’s plea agreement and the superseding indictment pinpoint the location as North Forest Park Avenue and Dickey Hill Road. However, Rayam’s plea agreement, dated June 28, 2016 and not signed until many months later, does not specify a date [Rayam’s plea agreement states “Fall 2016”], and identifies the location as Dickey Road near Forest Park. According to Rayam’s plea agreement, Rayam used the proceeds of the sale to repay a debt to Jenkins. Because Jenkins did not take over the GTTF until mid-June 2016, it is unlikely that Rayam incurred any debt to Jenkins so quickly. It is more likely that these events—including the warrantless entry and subsequent sale of the gun and drugs—did not occur until sometime later. FBI Task Force members confirmed that Jenkins, Gondo, and Rayam all discussed this incident in their proffers to the government, but the specific timing could never be determined. Emails from J. Sieracki III and E. Jensen to M. Bromwich, Aug. 2, 2021, Re: Vehicle Stop and Warrantless Entry.

<sup>108</sup> Indictment at 8; Hendrix Plea Agreement at 11-12, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 158; Ward Plea Agreement at 11-12; Superseding Indictment at 11; Maurice Ward Trial Testimony at 206-07. Because neither Hersl nor Taylor was involved in the

- On July 8, 2016, Jenkins, Gondo, Hersl, and Rayam conducted surveillance on Ronald Hamilton and his wife, before conducting a traffic stop. During the stop, Rayam stole approximately \$3,400 from Hamilton. The GTTF members forced Hamilton to bring the officers to his residence in Carroll County, where they stole approximately \$20,000 more. Jenkins asked Hamilton if he knew of the existence of major drug dealers in the area whom Jenkins and the other officers could rob.<sup>109</sup>

Sieracki and Jensen recalled the events of July 8 as a key turning point in the investigation. In addition to robbing the Hamiltons, the officers lied on their probable cause statements and claimed they had been conducting physical surveillance during the morning when in fact they were eating breakfast and monitoring Hamilton remotely using the unlawful tracking device. Based on the intercepted calls, Sieracki and Jensen were confident that the Hamiltons had been robbed during the execution of the search warrant. Jensen recalled that some of the best intercepted calls of the entire investigation occurred the night of July 8; they involved Rayam and Gondo arguing about the distribution of the stolen money.<sup>110</sup>

- On July 25, 2016, Hersl, Gondo, and Jenkins executed a search warrant at a Boston Street condo. Hersl took a \$5,000 designer handbag and gave it to Gondo.<sup>111</sup>
- On August 8, 2016, Jenkins, Hersl, Rayam, and Clewell conducted a vehicle pursuit and subsequent foot pursuit of Dennis Armstrong after he fled during an initial vehicle stop. Hersl and Rayam stole approximately \$5,000 from Armstrong's minivan.<sup>112</sup> Jenkins contacted Donald Stepp and instructed him to break into Armstrong's storage unit, where Stepp found approximately  $\frac{3}{4}$  of a kilogram of cocaine. Stepp subsequently sold the cocaine and split the proceeds with Jenkins.<sup>113</sup>

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robbery, Ward's trial testimony was limited to acknowledging the bare fact that he participated in a robbery on that date in connection with the execution of a search warrant, along with Jenkins, Gondo, and Hendrix. In addition to the theft of cash, the GTTF members fraudulently claimed overtime on the day of the search.

<sup>109</sup> Indictment at 9-12; Rayam Trial Testimony at 191-209, (Jan. 29, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 466 (Rayam Trial Testimony).

<sup>110</sup> John Sieracki III Interview, Apr. 8 and Apr. 28, 2020; Erika Jensen Interview, May 13, 2020; Indictment at 9-12; Rayam Trial Testimony at 191-209.

<sup>111</sup> Gondo Trial Testimony at 46-53, (Feb. 5, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 470.

<sup>112</sup> Rayam Trial Testimony at 209-12; Dennis Armstrong Trial Testimony at 225-36 (Jan. 30, 2017), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 467. Rayam testified that he and Hersl split \$1,000—\$500 for each. Armstrong testified there was about \$5,000 missing.

<sup>113</sup> Jenkins Plea Agreement at 22; Stepp Trial Testimony at 59-68.



- On August 24, 2016, Jenkins, Gondo, Hendrix, Hersl, Rayam, and Ward conducted a traffic stop on Aaron Fields. The officers seized narcotics and \$1,700 in cash. Hendrix shared the seized cash with Ward.<sup>114</sup>

Fields took the unusual step of filing a complaint with IA, alleging that the officers, some of whom he named, had stolen money and drugs from him but had not arrested him. Because there was no arrest, the GTTF officers generated no paperwork. IA personnel reviewed CCTV footage and identified Gondo, Hendrix, Hersl, and Rayam as the officers involved in the vehicle stop and theft. Although IA was not aware of any details of the FBI Task Force’s ongoing investigation, Rob Morris, the Ethics Section lieutenant and nominally Sieracki’s boss, was generally aware of the FBI Task Force’s interest in the GTTF officers. Sieracki had told Morris to hold off on pursuing any complaints against them for the time being in order not to interfere with the FBI Task Force’s investigation.<sup>115</sup>

- Also on August 24, 2016, Hersl, Gondo, and Rayam conducted a vehicle stop of John Butler after they observed him leaving his apartment. Rayam searched Butler’s car and entered his residence without a warrant. Rayam stole approximately \$1,500 from Butler’s residence.<sup>116</sup>
- On September 7, 2016, Jenkins, Gondo, Hersl, Rayam, Taylor, and Ward stopped Sergio Summerville as he was leaving the parking lot of a storage facility in Baltimore. At least one of the officers falsely identified himself as a DEA agent. The officers claimed they had an arrest warrant, but that was false—they did not know Summerville’s name. They seized Summerville’s keys and convinced the manager of the storage facility to provide them with entry into Summerville’s storage unit, where he said he had \$4,800 in cash. Rayam and Taylor entered the storage unit without a warrant and stole the cash from a sock where it had been hidden. Rayam gave Taylor some of the money he had retrieved from the sock.<sup>117</sup>

In an intercepted conversation following the robbery, Rayam told Gondo that he had only “taxed [Summerville] a little bit” and because they had not arrested him, Rayam predicted Summerville would not complain. Rayam was right: despite the theft of his

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<sup>114</sup> Indictment at 21.

<sup>115</sup> John Sieracki III Interview, Apr. 8 and Apr. 28, 2020.

<sup>116</sup> Rayam Plea Agreement at 18. By this time a bug had been installed in Gondo’s car, but the microphone only picked up fragments of the relevant discussions. Those fragments, together with an interview of the victim several months later, allowed the FBI Task Force members to understand what had happened. John Sieracki III Interview, Apr. 8 and Apr. 28, 2020.

<sup>117</sup> Rayam Plea Agreement at 18-19; Sergio Summerville Trial Testimony at 99-116 (Jan. 31, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018) ECF No. 468 (Summerville Trial Testimony); Rayam Trial Testimony at 214-17.

cash, Summerville never did complain, in part, as he later testified, because he was concerned he would be charged with possession of the drugs that were in his unit.<sup>118</sup>

- On October 3, 2016, Jenkins, Gondo, Hendrix, Rayam, Taylor, and Ward conducted a high-speed vehicle pursuit. During the pursuit, the driver threw approximately nine ounces of cocaine out of the window of his car and then crashed it near the Mondawmin Mall. Jenkins retrieved the cocaine and gave it to Rayam to sell.<sup>119</sup>

## **J. The End of the FBI Task Force Investigation and the March 1, 2017 Takedown**

On August 19, 2016, five days before the two August 24 incidents described above, the FBI installed a bug in Gondo's BPD vehicle. The bug had full audio and video capabilities, although the video turned out to be largely useless. Because the tap on Gondo's phone had failed to capture FaceTime communications, the FBI Task Force members feared they were missing substantial relevant information that was being communicated via FaceTime. The bug was monitored by FBI Task Force members in real time. In addition, because Jenkins had become a target of at least as much interest as Gondo, and because on the occasions he was in Gondo's car he did not stop talking, Jensen, Sieracki, and other members of the FBI Task Force were interested in planting a bug in Jenkins's vehicle as well. They obtained the necessary approvals to install a bug in a GTTF vehicle primarily used by Jenkins – the Chevy Impala with the push bumper.<sup>120</sup>

In early November 2016, Sieracki attempted to drive Jenkins's car out of the parking garage in the early morning hours so that FBI technicians could install the bug. When Sieracki began driving the Impala, he realized that the car had major mechanical problems that made driving it difficult. Despite the mechanical issues, the FBI Task Force members went forward with installing the bug, and the Impala was then returned to the lot. The problem was that Jenkins and the other members of the GTTF were no longer using the Impala because they knew it was inoperable.<sup>121</sup>

At Sieracki's request, Rob Morris of IA arranged to have the car towed and fixed, but that plan was stymied when Hendrix saw Morris working with the tow truck and reported it to Jenkins. Jenkins asked Morris why the car was being towed. Morris explained that the car was involved in a hit and run accident, and the car needed to be processed. Given that the car had not been driven in two weeks, the reason provided for towing it made little sense. In any event, the mechanical problems with the car were

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<sup>118</sup> Summerville Trial Testimony at 99-116.

<sup>119</sup> Rayam Plea Agreement at 19.

<sup>120</sup> Erika Jensen Interview, May 13, 2020; John Sieracki III Interview, Apr. 8, 2020 and Apr. 28, 2020.

<sup>121</sup> John Sieracki III Interview, Apr. 8, 2020 and Apr. 28, 2020.

repaired and it was returned to the parking lot, but the suspicions of the GTTF officers had been aroused. Shortly thereafter, Jenkins drove the car to the Northern District and left it there; the GTTF members never used it again. Together with the rumors then circulating that the GTTF was under investigation, this effort to tow one of their vehicles caused additional concern among the GTTF members.<sup>122</sup>

Also in early November, Jenkins went out on medical leave in connection with the birth of his child. He had given notice to his lieutenant at the time, Marjorie German, that he would be on leave through January 2017. German recalled several conversations with Jenkins prior to his paternity leave in which he claimed to have grown tired of “running and gunning” – he told her it was not worth it anymore and that he needed to be available to his family. Jenkins had told German that he was tired. German believed that extended beyond his BPD work to the off-the-job activities he was involved in, including gambling and womanizing. He had mentioned that he had taken the lieutenants’ test<sup>123</sup> and German later concluded that he had done so because he wanted to get out of the GTTF. German supported Jenkins’s lengthy paternity leave, especially because Jenkins had lost his infant son the year before, but she recalled that Miller had a different view, and she learned that Palmere shared Miller’s view.<sup>124</sup>

Almost immediately after Jenkins went out on paternity leave, the productivity of the GTTF began a steep decline. By the end of November 2016, alarmed by the lack of productivity, Miller contacted German. Miller told her that Jenkins was not returning his phone calls. He asked German to call Jenkins and find out when he planned to return to work. She declined to do so. At the time of her conversation with Miller, even after a full month of Jenkins’s absence, the GTTF’s gun seizure statistics for the year remained higher than those of any other unit under her supervision. Miller called German on more than one other occasion, complaining that the GTTF was not working hard enough, that the GTTF had stopped “hitting the streets” and that “bodies were dropping” in Baltimore as a result of the GTTF’s lack of productivity. German also recalled Miller relaying a question from Palmere asking when Jenkins was scheduled to return to work. She replied that Jenkins would return at the end of January, as he had previously specified. During this period, German was from time-to-time exchanging text messages with Jenkins, but without relaying the inquiries from Miller or Palmere. During Jenkins’s absence, Ward was at least nominally the officer in charge of the GTTF. German communicated with him more frequently than with other members of the unit.<sup>125</sup>

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<sup>122</sup> *Id.*; Robert Morris Interview, Sept. 17, 2020; Marjorie German Interview, Sept. 15-16, 2020.

<sup>123</sup> Jenkins took the lieutenants’ test in August 2015 and scored in the middle of the group who took the test – 24 out of 50. Email from M. Bartness to BPDALL, Dec. 21, 2015, Re: Police Lieutenant Promotional List (email provided by BPD).

<sup>124</sup> Marjorie German Interview, Sept. 15-16, 2020.

<sup>125</sup> *Id.*

Donald Stepp has claimed that Jenkins's "paternity leave" was in fact something very different from what Jenkins had represented to German and others at BPD. Stepp alleged that during Jenkins's paternity leave, he and Jenkins were working on a "project" that involved targeting a group of major drug traffickers who were planning a large shipment of cocaine. Jenkins and Stepp were planning to steal the drugs and then sell them. According to Stepp, if the plan had succeeded, it would have netted them a massive profit, and Jenkins said he would retire. Other members of the GTTF heard isolated pieces of information about this plan, which some later shared with members of the FBI Task Force during post-arrest debriefings.<sup>126</sup>

Jenkins returned from paternity leave in late January 2017. Shortly thereafter, Jenkins and Hersl separately came to German's office to advise her that they wanted to transfer out of the GTTF. Jenkins requested a transfer to the Warrant Apprehension Task Force (WATF); Hersl requested a transfer to the City-Wide Shooting unit. As to Jenkins's request, the WATF fell under Miller's supervision and German was not surprised when the transfer request was neither rejected nor granted; it was not acted upon, which had the same effect as rejecting it. In German's view, Miller would not consent to Jenkins leaving the GTTF. In contrast, Hersl's request to transfer to the City-Wide Shooting unit was granted.<sup>127</sup>

Just over a month later, on March 1, 2017, the GTTF members—Jenkins, Gondo, Hendrix, Hersl, Rayam, Taylor, and Ward—were arrested at the IA offices on Kirk Avenue. The ruse by which the officers were induced to report to Kirk Avenue involved the same Chevy Impala (assigned to Jenkins by Palmere) with the push bumper in which the FBI Task Force had installed a listening device several months earlier. Each GTTF member in turn was met on the second floor of the building by members of the FBI's SWAT team. Each GTTF member was taken to a separate room on the second floor and questioned by FBI agents.<sup>128</sup> For the moment, the members of the GTTF had little to say—but that would change.

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<sup>126</sup> Donald Stepp Interview, Aug. 16, 2021; Email from E. Jensen to M. Bromwich, Sept. 7, 2021, Re: Donald Stepp.

<sup>127</sup> Marjorie German Interview, Sept. 15-16, 2020.

<sup>128</sup> Email from J. Sieracki III to M. Bromwich, Aug. 6, 2021, Re: Bug for the Impala; Marjorie German Interview, Sept. 15-16, 2020; John Sieracki III Interview, Apr. 8 and Apr. 28, 2020.

## VIII. The History of the GTTF: Its Creation, Transformation, and Corruption (2007–2017)

**Baltimore Police Department**



### 2007 ACCOMPLISHMENTS

#### GUN TRACING TASK FORCE

Established on June 1, 2007, the Gun Tracing Task Force, made up of members of the Baltimore Police Department, Maryland State Police, Baltimore County Police Department and Bureau of Alcohol, Tobacco, Firearms & Explosives, endeavors to suppress gun trafficking and unlawful firearms possession by targeting straw purchasers and gun dealers who fail to comply with state and federal laws.

Task Force investigations can be in-depth and time-consuming, and may involve extensive database analyses and street surveillance to prepare a case for indictment and prosecution. Among a variety of investigative avenues to pursue, task force members inquire into the identity of the original buyers of firearms that are seized from criminal suspects; determine the amount of time between the original purchase of the firearm and law enforcement's seizure of it; investigate the relationship between the original purchaser of the firearm and the criminal suspect; and review ammunition records at retail outlets to learn if convicted felons have attempted to purchase firearms ammunition.

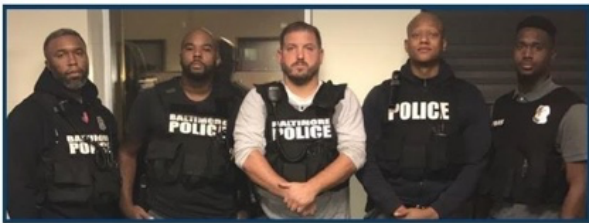
*Since inception: 205 guns seized, 49 search warrants, 21 arrests for gun violations.*

\*Source: Violent Crime Impact Division (June 1, 2007 – December 31, 2007)

Excerpt from 2007 BPD Annual Report

### Gun Trace Taskforce

By Lieutenant Chris O'Ree, ATF Taskforce



Left to right: Det. Evodio Hendrix, Det. Marcus Taylor, Sgt. Wayne Jenkins, Det. Jemell Rayam, Det. Maurice Ward

It should go without saying that this is an extremely challenging time for law enforcement nationally. Officers are questioning themselves and their role in society, and the changing law enforcement landscape. Against this backdrop, I am extremely proud to showcase the work of Sergeant Wayne Jenkins and the Gun Trace Task Force. This team of dedicated detectives has a work ethic that is beyond reproach.

Under the supervision of Chief Sean Miller, the War Room staff and our crime analysts developed a set of individuals known as the "Trigger Pullers." The Trigger Pullers are people who, based on crime data and other analytics, are the most likely to be involved in a murder or non-fatal shooting or to be a victim of violence themselves. A common background characteristic of the Trigger Pullers is multiple handgun violations.

In an effort to prevent the next murder or shooting, the Operational Investigation Division has focused their efforts on the Trigger Pullers. Sergeant Jenkins and his team are responsible for arresting handgun violators; as well as, tracking the origins of guns and how they get into the hands of Trigger Pullers.

Ten and a half months into the year and Sergeant Jenkins and his team have 110 arrests for handgun violations and seized 132 illegal handguns. This is no small task. Their relentless pursuit to make our streets safer by removing guns and arresting the right people for the right reasons has made our City safer.

I couldn't be more proud of the strong work of this team.

Article in BPD Newsletter, October 2016

### A. The Origins of the GTTF

The GTTF was the brainchild of Fred Bealefeld and Sheryl Goldstein. According to Goldstein, who joined the Mayor's Office on Criminal Justice in February 2007, she



shared with Bealefeld an interest in using gun tracing and ballistics to determine the source of guns that were used in the commission of violent crimes in Baltimore.<sup>1</sup> Similar specialized units had been established in police departments in New York, Chicago, and Los Angeles. In addition, academic studies had shown that focusing on unlicensed gun shops and middlemen had the potential to interrupt the flow of guns to the streets.<sup>2</sup> Gun tracing was not completely new to BPD. As we described in Chapter III, Section I, in the late 1990s, BPD had a “hot spot gun unit” that went to where shootings had occurred and made it known that it was risky to be walking around with a gun. The unit’s activities were focused solely on guns and included a combination of street work and gun tracing.<sup>3</sup>

Bealefeld had reviewed data demonstrating that the average amount of time between a gun entering Baltimore and its use in the commission of a crime was two years. To him, this meant that a gun likely passed through multiple hands before being used in a crime committed in the city. As he conceived its purpose, the GTTF was to investigate the complete ownership history of guns entering Baltimore and identify their secondary and tertiary transfer.<sup>4</sup> Based on his discussions with Goldstein about the potential value of such analytic and investigative work to identify the sources of guns, she submitted grant applications to various federal grant programs to support these efforts. Initial grant funding was obtained in 2007.<sup>5</sup>

Even before grant monies were obtained, Bealefeld himself made personnel selections for the GTTF. At a meeting attended by Goldstein in May 2007, Bealefeld brought together the initial members of the GTTF: Elizabeth Geiselman, Ryan Guinn, and the GTTF’s first supervisor, Richard Willard.<sup>6</sup>

Elizabeth Geiselman joined BPD in 1981 and had cycled through a variety of assignments during her 26-year BPD career by the time she was recruited by Bealefeld for the GTTF. She served in the Western District for 21 years in a variety of roles, including patrol, special operations, and domestic violence. From 1995 to 2002, she worked in the Western District’s Crime Analysis unit, before joining Firearms

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<sup>1</sup> Sheryl Goldstein Interview, Feb. 24, 2020.

<sup>2</sup> Daniel Webster Interview, July 6, 2020.

<sup>3</sup> *Id.*

<sup>4</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

<sup>5</sup> Sheryl Goldstein Interview.

<sup>6</sup> Recollections differ about whether Cassidy Kapfhammer or Donald Haskins attended this initial meeting. Geiselman said that Kapfhammer was present, but Kapfhammer told us she did not join the GTTF until later on and was confident she did not attend this meeting. Elizabeth Geiselman Interview, Aug. 13, 2020; Cassidy Kapfhammer Interview, August 21, 2020. Guinn recalled that Donald Haskins attended this kickoff meeting, but Haskins recalled that he joined the GTTF after it already included Geiselman, Guinn, and Kapfhammer. Ryan Guinn Interview, Nov. 30, 2020 and Dec. 11, 2020; Donald Haskins Interview, Aug. 21, 2020.

Apprehension Strike Team in 2002, and subsequently performing analytic work for Anthony Romano, one of Kevin Clark's deputies. Bealefeld knew of Geiselman's analytic work because he was a police cadet when she was doing such work in the Western District.<sup>7</sup>

Ryan Guinn joined BPD in 2000 and worked patrol in both the Northern and Southern Districts. He had also worked in the Southern District's warrant squad and district drug unit before being assigned by Bealefeld to the headquarters non-fatal shooting unit in 2004.<sup>8</sup>

At the May 2007 meeting, Bealefeld and Goldstein described the mission of the GTTF and its objectives. Geiselman and Guinn recalled various aspects of the meeting that stuck with them. According to Geiselman, Bealefeld described the GTTF as an "investigative enforcement unit," and noted that it would coordinate with outside agencies, including its eventual agency partners in the GTTF, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Bealefeld described the unit as "strictly investigative." Members of the unit would not be "riding around, jacking people up." He said that its members would pursue straw purchasers and track illegal gun transfers.<sup>9</sup>

Guinn recalled that he specifically asked both Bealefeld and Willard, either at the initial meeting or shortly afterwards, whether the GTTF members would "jump out on suspects;" he recalled that both Bealefeld and Willard assured him they would not. The GTTF was to be an investigative and analytic unit, not a street enforcement unit. Consistent with the GTTF's investigative and analytic mission, Guinn recalled that the squad members would, with the assistance of the Department of Probation and Parole, search for suspects who were on probation and unlawfully possessed firearms. In addition, the squad would identify suspects who had slipped through background checks, run the serial numbers of guns used in crime scenes, and follow up with witnesses concerning the guns reported by their owners as lost that had been used in crimes. The central goal of the GTTF was to get guns off the street and identify the distribution channels through which they travelled.<sup>10</sup>

Donald Haskins was another early member of the GTTF. Haskins joined BPD in 1986. Before joining the GTTF in late 2007, Haskins had spent his entire 21-year BPD career in the Western District, primarily in various drug enforcement units. He recalled that when he was transferred to the GTTF in late 2007 or early 2008, Willard was the sergeant and the GTTF included Geiselman, Guinn, and Cassidy Kapfhammer. At the time, the GTTF already included several Maryland State Police (MSP) troopers and a

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<sup>7</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>8</sup> Ryan Guinn Interview, Nov. 30, 2020 and Dec. 11, 2020.

<sup>9</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>10</sup> Ryan Guinn Interview, Nov. 30, 2020 and Dec. 11, 2020.

sergeant from the Baltimore County Police Department (BCPD). Haskins was not accustomed to doing analytic work and acknowledged that, at least for him, investigative gun tracing did not provide the same satisfaction as street work. He recalled that Geiselman played a key role in gathering information about where firearms originated and providing investigative leads for the other members of the squad.<sup>11</sup>

Haskins said that one of his roles was to make undercover straw purchases. He was provided with a Maryland driver's license bearing the name of a man with a criminal record. When gun shops ran the name, it would show that the person whose identity Haskins had assumed was ineligible to purchase a firearm. Haskins recalled that he would visit the gun shops with Kapfhammer and try to convince the salesperson to sell the gun to Kapfhammer after the salesperson ran the checks on Haskins's alias and realized he was a prohibited purchaser. Haskins made sure his application had red flags that would result in a denial. He would then propose bribing the salesperson to ignore the disqualifying characteristics. In addition to the undercover work, Haskins was involved in seizing guns from domestic violence offenders, interviewing people who purchased a firearm and then reported it as "stolen" as part of a straw purchasing scheme, and interviewing purchasers of handguns that were used in various crimes.<sup>12</sup>

At its inception in May 2007, the GTTF had been solely comprised of BPD members, but by the time Haskins joined the unit it had become a genuine task force with representatives from multiple law enforcement agencies. Bealefeld realized that the GTTF's effectiveness would be substantially enhanced by the participation of other agencies. Therefore, at the same time as he began recruiting the BPD members of the GTTF, he personally contacted executives in BCPD and MSP. According to Bealefeld, he obtained immediate positive responses from both agencies, but because of logistical issues—primarily the lack of dedicated office space—BPD's agency partners were not fully integrated at the outset.<sup>13</sup> Even so, BPD's 2007 annual report featured the creation of the GTTF as one of BPD's signature accomplishments for the year. According to the report:

Established on June 1, 2007, the Gun Tracing Task Force, made up of members of the Baltimore Police Department, Maryland State Police, Baltimore County Police Department and Bureau of Alcohol, Tobacco, Firearms & Explosives, endeavors to suppress gun trafficking and unlawful firearms possession by targeting straw purchasers and gun dealers who fail to comply with state and federal laws. Task Force investigations can be in-depth and time-consuming, and may involve extensive database analyses

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<sup>11</sup> Donald Haskins Interview, Aug. 21, 2020.

<sup>12</sup> *Id.*

<sup>13</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

and street surveillance to prepare a case for indictment and prosecution. Among a variety of investigative avenues to pursue, task force members inquire into the identity of the original buyers of firearms that are seized from criminal suspects; determine the amount of time between the original purchase of the firearm and law enforcement's seizure of it; investigate the relationship between the original purchaser of the firearm and the criminal suspect; and review ammunition records at retail outlets to learn if convicted felons have attempted to purchase firearms ammunition.<sup>14</sup>

The accomplishments of the GTTF for 2007 were listed as 205 guns seized, 49 search warrants, and 21 arrests for gun violations.<sup>15</sup>

In May 2008, after both Haskins and Kapfhammer had joined Geiselman, Guinn, and Willard as members of the GTTF, the member agencies signed a Memorandum of Understanding (MOU) that set forth the purpose and methods of the GTTF. The MOU memorialized that the GTTF's mission was focused on "making a more concerted effort to identify and suppress illegal possession, purchasing, or trafficking of guns," which would have a "direct impact on the reduction of violent crime in the metropolitan area."<sup>16</sup> Among the methods and means of the GTTF, the MOU listed the following:

- Interview those arrested for gun offenses by patrol officers and using the information collected to assist in the furtherance of firearm trafficking investigations and the application of appropriate charges.
- Work in partnership with gun dealers and pawn shops within the Baltimore Metropolitan region.
- Work with the United States Attorney's Office (USAO) for the District of Maryland and the State's Attorney's Office (SAO) to successfully prosecute cases involving firearms violations.<sup>17</sup>

According to the MOU, BPD's personnel commitment to the GTTF was one sergeant and five detectives, all of whom reported to a lieutenant in the Violent Crime Impact Division (VCID). MSP's commitment was five troopers. BCPD's commitment was one sergeant. The MOU provided that each agency was responsible for the supervision

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<sup>14</sup> Baltimore Police Department 2007 Annual Report, at 6 (pages of report are not numbered). This Annual Report referred to the Gun Tracing Task Force rather than the Gun Trace Task Force. Other documents, including grant funding applications and the 2008 and 2009 Memoranda of Understanding with other agencies, used the two formulations interchangeably within the same document. Eventually, references to the Gun Tracing Task Force disappeared, and Gun Trace Task Force became the accepted name for the unit.

<sup>15</sup> *Id.*

<sup>16</sup> 2008 GTTF Memorandum of Understanding, at 1.

<sup>17</sup> *Id.* at 2.

(and potential discipline) of its own personnel assigned to the GTTF. The personnel were to be co-located on the 7<sup>th</sup> floor of BPD headquarters.<sup>18</sup>

The MOU summarized one of the main anticipated benefits of a multi-agency task force from BPD's perspective:

Under the Maryland Code Annotated, Public Safety § 2-102(b), a police officer may make arrests, conduct investigations . . . throughout the State without limitations as to jurisdiction when the officer is participating in a joint investigation with other law enforcement officials in which at least one of which has local jurisdiction.<sup>19</sup>

In other words, BPD's participation in the GTTF conferred broad geographic jurisdiction on its investigations. Because of the recruitment of MSP and BCPD to the Task Force, BPD's gun tracing investigations could be conducted anywhere in Maryland.

Almost from the beginning, various factors prevented the GTTF from achieving the original vision of Bealefeld and Goldstein. Although BCPD executives had approved their department's participation in the GTTF, BCPD personnel assigned to the GTTF were less than enthusiastic participants. The MSP personnel delayed their integration into the GTTF because its members were not initially allocated office space. In addition, MSP's mission was perceived by BPD members to be different from the GTTF's because MSP focused on retrieving guns that had been sold to prohibited persons in Maryland rather than conducting investigations. The ATF agent assigned to the GTTF rarely reported to the GTTF office and provided an assortment of excuses as to why he was not participating. As a result, ATF was never a meaningful GTTF partner and was not a signatory to either the 2008 or 2009 MOUs.<sup>20</sup>

After Kapfhammer and Haskins joined the original core group of BPD members in late 2007 and early 2008, additional BPD members joined the GTTF during the first six months of 2008. Rodney Mobley joined in February, Beth Boots joined as a civilian analyst in April, and Kevin E. Jones (not be confused with Kevin A. Jones, who became the GTTF's sergeant in August 2009) joined the GTTF in June 2008.<sup>21</sup>

Mobley, who had joined BPD in 1999 and had spent most of his time with BPD in the Northern District, described his initial work in the GTTF as including "straw purchaser cases, backdoor gun shop deals, and silencers."<sup>22</sup> Kevin E. Jones, who joined

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<sup>18</sup> *Id.* at 3.

<sup>19</sup> *Id.* at 4.

<sup>20</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>21</sup> Rodney Mobley Interview, Aug. 28, 2020; BPD Rosters (2008).

<sup>22</sup> *Id.*



BPD in 1996 and who had spent most of his time with BPD in the Southern District, recalled that his responsibilities included processing guns that were found or recovered from an arrest. He would then attempt to match the serial number, caliber and other identifying characteristics to confirm the identity of the gun. He recalled that his tasks were almost exclusively office rather than street work.<sup>23</sup> When asked whether the GTTF conducted activities consistent with its stated mission during his tenure, Kevin E. Jones said the GTTF's BPD members received no meaningful direction from BPD. He said that he did not meet the GTTF's supervisor, Sergeant Willard, until weeks after he joined the unit and that his initial observations suggested, incorrectly, that an MSP sergeant was in charge.<sup>24</sup>

For some of the original members of the GTTF, the work was challenging and interesting. To others, it was difficult and frustrating. Robert Quick, who at two different times served as the lieutenant over the GTTF, told us that the unit faced obstacles inherent in gun tracing. Gun dealers have little interest in turning down customers who they suspect may be straw purchasers, and even when straw purchasers were identified, criminal cases were hard to make and convictions were hard to secure.<sup>25</sup> Although ammunition logs were considered a valuable source of information, their efficacy as an investigative tool was diminished because gun shops were not required to keep them; the maintenance of such logs was left to the discretion of gun shop owners.<sup>26</sup> In general, making gun trafficking cases was difficult and time-consuming. As a result, state and federal prosecutors brought comparatively few illegal gun transfer cases even in cases where suspects were connected to multiple guns.<sup>27</sup>

MSP participants joined the GTTF several months before the May 2008 MOU. Greg Hahn joined as an MSP corporal in August 2007 and served in that assignment for approximately a year. At the time he joined the unit, Hahn was briefed on its mission by other MSP members. He recalled that investigations were conducted based in part on the review of ammunition logs at gun stores for those stores that maintained them.

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<sup>23</sup> Kevin E. Jones Interview, Aug. 24, 2020.

<sup>24</sup> *Id.* The fact that Kevin E. Jones was still in BPD at all was surprising. He had been charged criminally for allegedly assaulting a suspect in 2000 while the suspect was in handcuffs and leg irons. He was acquitted at trial, with no action taken by BPD administratively. In 2004, he was charged with lying in a search warrant affidavit but reached a settlement with BPD, receiving a reprimand. Jones's police powers were suspended for four years while the case ran its course within BPD. Even though Jones was placed on the SAO's "Do Not Call" list, he was in fact called multiple times as a trial witness by the SAO. *Id.* James Giza, *City officer charged in assault at courthouse*, The Baltimore Sun (June 16, 2001), <https://www.baltimoresun.com/news/bs-xpm-2001-06-16-0106160072-story.html>; Allison Klein, *Probe puts city cases in jeopardy*, The Baltimore Sun (Oct. 4, 2004), <https://www.baltimoresun.com/bs-xpm-2004-10-04-0410040122-story.html>. None of these episodes prevented him from being assigned to the GTTF.

<sup>25</sup> Robert Quick Interview, Jan. 24, 2020.

<sup>26</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>27</sup> Daniel Webster Interview, July 6, 2020.

He recalled that the members of BPD, BCPD, and MSP assigned to the GTTF generally worked together amicably and cooperatively.<sup>28</sup> Dante Briley of the MSP joined the unit in December 2007. Briley recalled the ammunition log investigative work, which included running name checks on ammunition purchasers and following up in cases where the purchaser was prohibited from possessing a firearm. Although the GTTF attempted to develop cases against straw purchasers, Briley confirmed that successful cases were uncommon because they were so difficult to assemble and prove.<sup>29</sup> In BPD's 2008 Annual Report, the GTTF had a far lower profile than in the 2007 report, with a single paragraph devoted to its accomplishments. The report credited the GTTF with the seizure of 268 guns, the execution of 62 search warrants, and 41 arrests for gun violations.<sup>30</sup>

Because of his longstanding interest in gun violence, Professor Daniel Webster of Johns Hopkins had substantial contact with the GTTF members from the unit's inception. He recalled observing that not long after the GTTF's formation, the complexity and tedium of gun tracing investigations was creating frustration among many GTTF members. In particular, he recalled that Lieutenant Dan Lioi, who had supervisory oversight of the GTTF from February through September 2008, became frustrated with the intrinsic difficulty of gun investigations. More broadly, Webster observed that the GTTF members gradually became demoralized.<sup>31</sup>

In addition, the supervision of BPD's GTTF members lacked stability. The unit's first sergeant, Richard Willard, was suspended in February 2009 for a domestic incident; he was assigned elsewhere when his suspension ended in approximately July 2009.<sup>32</sup> Willard was replaced on an interim basis by Michael Wilhelm, the sergeant who supervised the Gun Offender Registry Unit. Lieutenant Robert Quick asked Wilhelm to take on the GTTF but only on an interim basis. Wilhelm agreed to supervise GTTF administratively but told Quick that he could not supervise the GTTF's operations or its investigations because of his other responsibilities. Wilhelm made his agreement to handle the administrative side of GTTF with his eyes open—he was well aware of Willard's reputation as an administrative disaster. Wilhelm confirmed that Willard's reputation was well-deserved when he began to sift through the volume of paperwork in Willard's office.<sup>33</sup>

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<sup>28</sup> Greg Hahn Interview, Sept. 25, 2020.

<sup>29</sup> Dante Briley Interview, Sept. 25, 2020.

<sup>30</sup> Baltimore Police Department 2008 Annual Report, at 41.

<sup>31</sup> Daniel Webster Interview, July 6, 2020. We made several attempts to interview Lioi, who retired from BPD in April 2014. After initially agreeing to an interview, Lioi broke off communications without any explanation.

<sup>32</sup> VCID Roster (July 31, 2009); Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>33</sup> Michael Wilhelm Interview, Sept. 3, 2020.

By the time Wilhelm assumed administrative responsibility for the GTTF in February 2009, the Anne Arundel County Police Department (AAPD) had at least nominally joined the GTTF and was represented by a corporal.<sup>34</sup> Based on the accounts of the BPD members of the GTTF, the AAPD was never fully integrated into the GTTF and instead played solely a liaison role. AAPD's participation in the GTTF was valuable for the same reason as BCPD's: Anne Arundel County was the site of numerous gun shops. Therefore, the AAPD's participation was useful in investigations involving guns that originated in Anne Arundel County.<sup>35</sup>

Because of Willard's departure and Wilhelm's limited supervisory responsibilities, until Kevin A. Jones became the GTTF's sergeant in August 2009, the GTTF was without an operational supervisor. The absence of operational supervision lasted for approximately five months. Though Bealefeld created the GTTF, he acknowledged that the magnitude of his responsibilities caused him to lose touch with its personnel and activities, and that he left day-to-day supervision to the people beneath him in the chain of command.<sup>36</sup> However, he was not the only one who lost touch with the GTTF. Consistent, close, and credible supervision of the GTTF was a problem that took root almost from the beginning – and continued to be a problem that was not adequately addressed inside BPD.

## **B. The Recruitment of Kevin A. Jones**

By the time he became the GTTF's sergeant in August 2009, Kevin A. Jones was a 15-year veteran of BPD. A native of East Baltimore, he joined BPD in 1994 at the age of 21. He worked patrol in the Northwestern District for approximately five years, when it was one of the most violent districts in the city.<sup>37</sup> After two years in patrol, Jones worked in a plainclothes operations team focused on drug and crime suppression. When Ed Norris formed BPD's Warrant Apprehension Task Force (WATF), Jones joined the unit and spent approximately three years searching for and arresting suspects with open warrants. Following his 2003 promotion to sergeant, Jones in rapid succession worked the midnight shift in the Northwestern District, in the Eastern District, and on an operations squad in the Northern District.<sup>38</sup> Towards the end of 2007, Jones's squad, which was leading the department in gun seizures and gun arrests, was transferred to a VCID unit in the Northwestern District. After being absorbed into VCID, Jones's squad was responsible for an area in the Northwestern District with extremely high levels of

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<sup>34</sup> 2009 GTTF Memorandum of Understanding.

<sup>35</sup> Daniel Webster Interview, July 6, 2020.

<sup>36</sup> Frederick Bealefeld III Interview, Jan. 27, 2020.

<sup>37</sup> Kevin A. Jones Interview, Sept. 1, 2020.

<sup>38</sup> It was while working the midnight shift in the Northern District in May 2004 that he was involved in dealing with Kevin Clark's domestic incident, described in Chapter IV, Section G.

violence. He headed that squad for approximately 18 months before being transferred to the GTTF on August 13, 2009.<sup>39</sup>

Before being approached by Robert Quick about supervising the GTTF, Jones knew nothing about it. Quick told him that the prior sergeant (Willard) had misconduct issues and that BPD needed “someone strong to get GTTF back on track.” Jones recalled that Quick told him that the GTTF conducted “next level” and “real” investigations with e-tracing, “not street rips,” and because Jones was having success with handgun recoveries, he would be a natural fit for GTTF. As Jones later realized, he was not a good fit for the GTTF because he lacked experience conducting the types of investigations at the core of the GTTF’s mission.<sup>40</sup> We found no evidence that anyone above Quick had a role in recruiting Jones to the GTTF.

Jones recalled that on his arrival, he observed that GTTF members were investigating ammunition log cases and conducting follow-up investigations on handgun violations. Jones told us, “I could see the framework for what GTTF was supposed to be.” When Jones was asked whether the unit had already strayed from its original mission, Jones responded, “I don’t know.”<sup>41</sup> Jones was prevented from getting a fast start in his new position: on his second day with the GTTF, he suffered a broken leg while executing a search warrant. He was placed on medical leave and remained there for several months.<sup>42</sup>

At the end of 2009, MSP terminated its relationship with the GTTF. Dante Briley of MSP recalled that all of his agency’s personnel, himself included, left the GTTF in December 2009, and were reassigned as a group to an ATF task force (Group 6). Unlike the GTTF, Group 6 members were federally deputized and brought local and state cases to the ATF for federal prosecution. Neither Briley nor any other MSP personnel worked with the GTTF after that date. Briley said he was not aware of the reason for the transfer of the MSP personnel out of the GTTF but had no reason to think it was based on concerns about its operations. From his perspective, the relationships among the MSP, BCPD, and BPD members of the GTTF had remained relatively harmonious.<sup>43</sup>

### **C. The Shift in the GTTF’s Mission**

Donald Haskins recalled that when Kevin A. Jones became GTTF’s sergeant in July 2009, the change in GTTF was “almost immediate.” He said that prior to Jones’s

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<sup>39</sup> Kevin A. Jones Interview, Sept. 1, 2020. BPD’s rosters reflect that Jones’s assignment to the GTTF occurred a month earlier, on July 14, 2009, but Jones was quite certain of his GTTF start date, and we found numerous instances where BPD documents and records were inaccurate and/or incomplete.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*; Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>43</sup> Dante Briley Interview, Sept. 25, 2020.

arrival, if a drug case was not gun-related, GTTF did not investigate it; the GTTF only investigated drug cases that were likely to lead to the recovery of firearms, and even then, such investigations were infrequent. As it became increasingly clear that firearms issues were often intertwined with drug cases, more of the GTTF's caseload came to consist of drug cases. Haskins recalled that the GTTF shifted from doing analysis and office work to more street enforcement, especially when Momodu Gondo and Jemell Rayam joined the unit in March 2010.<sup>44</sup>

Elizabeth Geiselman similarly noticed a marked shift in mission starting with Jones's arrival. Up to that point, she had continued gathering evidence and generating investigative leads consistent with the GTTF's original mandate. She provided those leads directly to Jones but recalled that she rarely heard anything back from him. She concluded that he was uninterested in pursuing them. Geiselman added that she became the only person in the group generating reports and opening case files based on investigative leads, the work that she viewed as central to the GTTF's original purpose.<sup>45</sup>

Ryan Guinn saw the same shift as Haskins and Geiselman. His recollection was that the changes did not begin immediately with Jones's arrival, but in his words, "the weight shifted" over time. He concluded that BPD command officials wanted the GTTF to move away from desk work that involved running serial numbers and instead switch to drafting search warrants. GTTF members came to understand, based on direction from Jones and apparently from those above him in the chain of command, that they were expected to follow up gun seizures with searches of the residences belonging to suspects. Guinn recalled that tension between BPD and its GTTF partners, especially BCPD, was "immediate when Jones came in." Guinn recalled "blowout fights" between BCPD personnel and Jones that began shortly after Jones's arrival. Guinn also recalled BCPD personnel expressing frustration with the squad's pivot to street work rather than continuing to focus on long-term investigations. According to Guinn, BPD members were jumping in their cars, going out to the street, and jumping out to arrest "random suspects." Guinn said that he felt like he had returned to the 2004 era of aggressive street enforcement. It was contrary to the assurances he had obtained from Bealefeld and Willard, but Bealefeld was preoccupied with other matters and Willard was gone. Increasingly, street enforcement for the GTTF meant stopping suspects for any kind of suspicious activity and then trying to obtain a search warrant for the suspect's home.<sup>46</sup>

Although the MSP personnel denied in our interviews that their departure was linked to the GTTF's mission shift, Guinn recalled with a high degree of certainty that the MSP members, like those from BCPD, were displeased with the way the GTTF was

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<sup>44</sup> Donald Haskins Interview, Aug. 21, 2020.

<sup>45</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>46</sup> Ryan Guinn Interview, Nov. 30, 2020.



being run.<sup>47</sup> The fact that the MSP personnel who withdrew from the GTTF immediately joined another gun-related task force adds weight to that view.

According to Guinn, GTTF members were on call 24 hours a day, seven days a week, for any handgun violation. When other BPD squads would recover handguns, they would call and, if the handgun owner was a prohibited person, GTTF officers were expected to write a search warrant, even if the arrest was far from the suspect's home. Guinn said his search warrants were always accurate about where the suspect was actually apprehended. He believed that the goal of the GTTF was shifting to street arrests, and the nexus to the suspect's home for which search warrants were sought was frequently non-existent.<sup>48</sup>

Reflecting on the evolution of the GTTF, Guinn said that from 2007 to mid-2009, none of the BPD members of the unit participated in street rips, but that this changed dramatically under Jones. Guinn recalled that he was not the only BPD GTTF member who was unhappy with the GTTF's change of direction. He said that Geiselman, Haskins, and Kapfhammer were also troubled by the squad's devolution into a street enforcement squad.<sup>49</sup>

In November 2009, the conflict over the GTTF's mission, and its turn towards street enforcement, rose to the surface. In an email to all GTTF members on November 18, 2009, Jones wrote the following:

**From:** KevinA Jones  
**To:** Carhart, John; GTTF SQUAD  
**Date:** 11/18/09 3:28PM  
**Subject:** Upcoming Schedule Changes

In an effort to come in line with other VICD enforcement teams we will be working one week of night work every 28 day period. This night shift will consist of crime suppression/ and targeted street enforcement focusing on handgun violations and seizures. The exact placement of this week will be finalized next week when all GTTF supervisors can get together. This week of night work will be worked by all personnel assigned to this unit.

Attention also needs to be given to lateness, barring any unforeseen circumstances you are expected to be at work as close to the time specified as possible. If you are working on a specific case and will be late please notify any of the GTTF supervisors of your whereabouts.

Big things are expected of us, and I plan on delivering.

When asked what he meant when he wrote, "Big things are expected of us, and I plan on delivering," Jones said it was a reflection both of his personality and of the expectations of members of BPD command. Jones believed that a gun squad, especially

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<sup>47</sup> *Id.*; Dante Briley Interview, Sept. 25, 2020; Greg Hahn Interview, Sept. 23, 2020.

<sup>48</sup> Ryan Guinn Interview, Nov. 30, 2020.

<sup>49</sup> *Id.*

one with “gun” in the unit’s name, had to focus on guns. He said that he has a Type A personality and was focused on getting guns off the street and investigating how guns came into the city. He added that he felt pressure to produce and pointed specifically to an email sent by Major John Hess and forwarded to him by another officer, in which Hess had expressed impatience with Jones. The email said that Jones had been brought in to the GTTF for the sole purpose of seizing guns, but by mid-November had been sidelined for three months because of his leg injury. Jones was sufficiently concerned with the email that he forwarded it to the head of the Fraternal Order of Police.<sup>50</sup>

About 10 days later, on November 27, 2009, Hess sent a very different email to Jones, Lieutenant Herbert Timberlake, and Sergeant Michael Wilhelm, with copies to Geiselman, Guinn, Haskins, and Eric Jansen, who had recently joined the GTTF:<sup>51</sup>

**From:** John Hess  
**To:** Jones, Kevin A; Timberlake, Herbert; Wilhelm, Michael  
**Date:** 11/27/09 2:45PM  
**Subject:** GTTF

For starters, I just want to say that we appreciate your efforts, in fact we love the effort on your parts. However, this is what we want coming from GTTF; real investigations i.e. straw purchases, illegal transfers, rent a gun, and etc. We do not want the group turned into a rip squad. We have outside partnerships who are very much dedicated to the original design of the team and we must be cognizant of that fact and have equal dedication.

The team has taken some hits lately with personnel issues from LOD to retirement. We need to get investigators built back up and into the group. The gun cases are out there! We want your team to know which people in MD have purchased the most handguns and how many end up as part of Baltimore's crime equation. You need to have a strong relationship with ATF which can be extremely beneficial for statistical reasons as well as intelligence reasons.

We want investigations not street rips. We want logs checked, surveillance on target locations where ammo is purchased (which will lead to great cases), develop relations with US postal, UPS, FedEx all transport ammo via purchases on the web. Norm Meads maybe able to assist. Develop informants, conduct thorough interviews of arrestees for HGV, follow up with search warrants etc. Writ them out of CBIF if need be. I know you have been trying very hard with the notification process but we all know that is not 100% and no fault on your end. So if you need to, use the writ system.

Herb, I know your off so when you get back, get with both of your sergeants pick some gun investigators and lets get rolling. Cut back on the night work, and work very close with our partners putting the spokes back in the wheel and cases on the table. We need this team to work as designed and I know you need people which I will give you, but they need to be investigators. Lets plan to meet on Thursday when I return. We can get together after the Marty Ward Memorial Service. Do not take this email as a negative, its all good, we just need to get back on track.

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**CC:** Geiselman, Elizabeth; Guinn, Ryan; Haskins, Donald; Hess, John; Jansen, Eric

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<sup>50</sup> Kevin A. Jones Interview, Sept. 1, 2020; Email from K. A. Jones to J. Carhart, Nov. 18, 2009, Re: Upcoming Schedule Changes (email provided by BPD).

<sup>51</sup> Email from J. Hess to K. A. Jones, H. Timberlake, M. Wilhelm, CC: E. Geiselman, et al., Nov. 29, 2009, Re: GTTF (email provided by BPD).

When we asked Hess about this email, he said he was uncertain what had precipitated it, but confirmed that it reflected the way he felt at the time, even though it conflicted with his impatience about the need to seize guns. He said he wanted to make sure everybody got the message that the GTTF should not be centering its work on street enforcement. Hess recalled that he never felt that he had complete control over the GTTF, and said he believed others in the chain of command, extending up to Bealefeld, had far more control. Hess added that he had zero visibility into the GTTF, and noted that VCID/Violent Crime Impact Section (VCIS) had “nothing to do with” the GTTF despite the fact that the GTTF appeared on his VCID/VCIS roster until 2011. Hess said that the GTTF was subjected to competing pressures and had been given considerable latitude to operate without close supervision above the sergeant level. He believed that it needed to be reined in. According to Hess, Jones knew that Hess was not in the loop when Jones joined the GTTF in 2009, and that Jones brought him into the loop because he “knew I was the major and didn’t want me to get blindsided.”<sup>52</sup> This lack of supervisory clarity and cohesion above the sergeant level was a problem from the outset and remained a problem throughout Jones’s tenure.

Jones characterized the email from Hess as an attempt to “check me.” Jones asserted that when he took over the GTTF, he started holding its officers accountable for the first time. As a result, according to Jones, GTTF members went above him in the chain of command and “cried to daddy.” Jones stated that Hess sent this email as a signal to GTTF officers that he would exercise some control over Jones. He recalled that when he assumed control over the GTTF in August 2009, the GTTF officers were complacent and had “little to no oversight.” Because he expected the officers to go on the street to conduct investigations, the officers started to think that he wanted the GTTF to be a street unit. Jones stated that he told the officers that was not the case, but that they did need to “get out there.”<sup>53</sup>

Jones believed that there was tension and disagreement at the command level about the mission of the GTTF. One segment of command wanted more enforcement action, such as “street rips” and quicker gun recoveries, while another wanted analytic work and long-term investigations. According to Jones, “There was a struggle above me about the dynamics and what the unit wanted to be.” He was unsure which command members were proponents of which side, and he recalled conversations with Lieutenant Timberlake about the fact that command members were confused about what they wanted. To Jones’s understanding, Hess was generally a proponent of the investigative work while Lioi, Quick, and Palmere were proponents of the street rip work. None of them were immune to the pressure to generate numbers.<sup>54</sup>

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<sup>52</sup> John Hess Interview, Sept. 8-9, 2020.

<sup>53</sup> Kevin A. Jones Interview, Sept. 1, 2020.

<sup>54</sup> *Id.*

Jones suspected that although Hess's email likely reflected Hess's true feelings, the email was more about Haskins and Guinn trying to get Jones to back off from the pressure he was applying to make cases. According to Jones, "[Hess] may have framed it as investigations, but he was saying I was getting on the nerves" of officers in the unit. He perceived Hess's email as a shot across his bow at the unit's new sergeant who was holding the unit's members accountable. The officers wanted to put Jones in his place and show him that they could reach the major anytime they wanted, and that Jones was a mere sergeant. As to the part of the email focusing on the "outside partnerships who are very much dedicated to the original design of the team," Jones said he did not recall opposition from BPD's agency partners about doing street rips.<sup>55</sup>

Guinn said that he did not specifically recall seeing Hess's November 27 email at the time but thinks it was likely sent to appease the other agencies. Guinn did not believe that Hess actually wanted the GTTF to significantly change its operations and may have copied Guinn and the other members of the squad because he expected the email to be shared with BPD's agency partners. Jones did not have the power to make decisions about the squad's direction on his own. Guinn believed that someone above him must have been pushing the squad in a more aggressive direction.<sup>56</sup>

Jones's perception of confusion and competing objectives for the GTTF at the command level was confirmed by a meeting he had with Robert Quick in March 2010. Quick requested an "off the record" conversation with Jones. After the meeting, as a measure of self-protection, Jones drafted a memorandum summarizing the meeting:<sup>57</sup>

Lt. Quick advised that he wanted to speak off the record, and began saying the following: He mentioned how GTTF was never a favorite of the division but was created by the Commissioner and City Hall. He mentioned that there was a riff between the Commissioner and the Dep. Commissioner. He reiterated that he has never wanted to have GTTF because it has always been a mess and agreed that the unit since its inception has been dysfunctional. The Commissioner advised that GTTF was not to be messed with, which caused the VCIS Division to take the stance that they were going to not fully support the unit and basically let it self destruct.

The Commissioner recently however gave control back to the DC and Mjr and that's why resources have been directed back to GTTF, and now it is expected not only to succeed but excel. He went on to advise that he cannot speak for previous actions before now but that I was and am still his pick to lead the unit and will be allowed to run it.

Quick said he only recalled broad generalities about the GTTF and was unsure of the periods during which it was in his chain of command. BPD rosters and other

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<sup>55</sup> Kevin A. Jones Interview, Sept. 1, 2020. Guinn firmly denied reaching out to Hess, and Haskins said he had no recollection of the email. Ryan Guinn Interview, Nov. 30, 2020; Donald Haskins Interview, Aug. 21, 2020.

<sup>56</sup> Ryan Guinn Interview, Nov. 30, 2020.

<sup>57</sup> Kevin A. Jones, Mar. 15, 2010 Memorandum (provided by BPD).

organizational documents reflect that Quick was directly supervising Jones and the GTTF during parts of 2009, 2010, and 2011. Although he viewed Jones as instrumental in changing the focus of GTTF to an enforcement squad, Quick did not claim responsibility for changing the mission, nor share with us during our interviews his view of the GTTF reflected in Jones's March 2010 memorandum.<sup>58</sup>

#### **D. The Recruitment of Gondo and Rayam**

In March 2010, Jones recruited Momodu Gondo and Jemell Rayam to the GTTF. Jones knew them both well: he had supervised them for several years, in Jones's Northern District operations squad, and in VCID before Jones moved to the GTTF. Although he viewed Rayam as immature, Jones believed that Rayam was a good street cop and that he would grow out of his immaturity. He said he never saw evidence that Rayam was engaged in improper or illegal conduct. As to Gondo, Jones said he was unaware of Gondo's childhood friendship with Glen Kyle Wells, a well-known Baltimore drug dealer.<sup>59</sup> We found no evidence that either Rayam or Gondo had shown any inclination or aptitude for the type of analytic and investigative work that defined the core of the GTTF's original mission.

Elizabeth Geiselman knew from experience that sergeants in new roles frequently recruited personnel they knew and with whom they felt comfortable. That is how she perceived Jones's recruitment of Gondo and Rayam. Based on overhearing conversations among the three of them, she believed they had a close relationship. When Rayam was suspended only a few months after joining the GTTF—in connection with the 2009 Gary Brown incident, described in detail in Chapter V, Section L—Geiselman recalled being puzzled about why BPD would assign someone with integrity issues to the GTTF. Geiselman noticed that Gondo and Rayam spent money freely, and she recalled lecturing both of them about their spending habits. She said they laughed it off. Geiselman recalled that Gondo drank heavily, and that he had been involved in an altercation with an MSP trooper. According to Geiselman, the trooper stopped Gondo's female friend, who was driving at the time. Gondo was sitting in the passenger's seat and was intoxicated. Gondo was rude and disrespectful to the trooper. Geiselman added that Gondo's reported demeanor during this episode was consistent with the behavior she observed.<sup>60</sup>

Geiselman was concerned that Gondo and Rayam were living beyond their means. She recalled that they were extremely secretive about financial matters; for example, she was aware that Gondo received money as the result of a settlement arising from an on-duty shooting, but he refused to answer questions about the amount. Both Gondo and Rayam were contemptuous of her law enforcement-related advice even

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<sup>58</sup> Robert Quick Interview, May 28, 2020; BPD Rosters (2009, 2010, 2011).

<sup>59</sup> Kevin A. Jones Interview, Sept. 1, 2020.

<sup>60</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.



though she had served in enforcement roles for many years before becoming primarily an analyst. Like other members of the GTTF, Rayam and Gondo did not follow up on the investigative leads that Geiselman generated, which reflected the GTTF's changing mission under Jones.<sup>61</sup>

Haskins recalled conducting traffic stops with Gondo and Rayam. He questioned the factual and legal basis for their stopping particular cars. Their response was frequently, "We know this guy." Haskins said he did not question them further because he was unfamiliar with some of the areas of the city in which they were operating. On a number of occasions, about halfway through the day, Gondo and Rayam would drop Haskins off at the office but then return to the street to stop more cars. According to Haskins, "Now, after the fact, I think I know why they were dropping me off. When I was questioning what they were doing – that made them uncomfortable." Haskins said that Gondo and Rayam were both street-smart and that in some ways they reminded him of himself at an earlier stage of his career. However, Haskins recalled that at some point he became increasingly uncomfortable with the fact that Gondo and Rayam wanted to focus on seemingly random car stops and street rips.<sup>62</sup>

Guinn recalled that Gondo and Rayam were brought into the GTTF just before he temporarily left the unit to take on a short-term assignment with the Violent Repeat Offender (VRO) squad in early 2010, which we described in Chapter V, Sections E and G, in the context of the Matthews-Burley drug planting incident. Guinn said that both Gondo and Rayam "rubbed me the wrong way." He found Gondo to be unprofessional in his demeanor and conduct and distrusted Rayam, in part because Guinn soon became aware of the ongoing IA investigation of Rayam relating to the Gary Brown matter.<sup>63</sup>

Rodney Mobley was familiar with Rayam and Gondo prior to their joining the GTTF. When Rayam was suspended shortly after joining the unit, Mobley recalled wondering why an officer facing suspension would have been transferred to the GTTF. During Rayam's suspension – which lasted for over a year, from approximately October 2010 until he was acquitted by a BPD trial board in May 2012 – Mobley recalled that Gondo would typically conduct investigations with Kevin Rowland, who joined the unit at about the same time as Rayam and Gondo; Rowland was himself suspended for a full year starting in approximately March 2011.<sup>64</sup> Mobley was impressed with Gondo's street skills: "He knew what he was doing and had a good eye."<sup>65</sup>

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<sup>61</sup> *Id.*

<sup>62</sup> Donald Haskins Interview, Aug. 21, 2020.

<sup>63</sup> Ryan Guinn Interview, Nov. 30, 2020.

<sup>64</sup> BPD Rosters (2010, 2011).

<sup>65</sup> Rodney Mobley Interview, Aug. 28, 2020.

## **E. The Creation of a Second GTTF**

At about the same time that the GTTF was turning away from its original mission and towards street enforcement work, in January 2010, BPD created a second Gun Trace Task Force, referred to as “GTTF 2.” The impetus behind the creation of GTTF 2 is unclear, especially given the conflicting pressures buffeting the original GTTF. John Hess recalled that the idea for GTTF 2 originated with Dean Palmere and described it as a “street” version of the original GTTF. In other words, at least according to Hess, GTTF 2 was created as a “street” version of GTTF at almost the same time Hess was cautioning Jones in his November 27, 2009 email *not* to allow the original GTTF to become a “street” version of a gun unit.<sup>66</sup>

The core members of GTTF 2 were the former members of the Eastside 6 drug squad involved in the 2009 Trenell Murphy case: William Knoerlein was the sergeant, and Keith Gladstone, Wayne Jenkins, Ivo Louvado, and Victor Rivera were the detectives. Knoerlein reported to Robert Quick. The BPD senior leaders above Quick in the chain of command were Hess, Palmere, and Barksdale. Rivera recalled being assigned to GTTF 2 in early 2010. His recollection was that Barksdale, for whom he had worked years earlier in his rapid response unit, was personally involved in creating the squad. For his part, Barksdale denied any role in creating GTTF 2 and said that in fact he had little use for the work of either GTTF squad because they did little to identify killers and reduce Baltimore’s homicide rate.<sup>67</sup>

As Rivera understood it, the mission of GTTF 2 was to respond to every handgun arrest, and interview every suspect involved in the arrest, with the goal of gathering information about the origins of the handgun. In short, it was described in almost identical terms as the mission of the original GTTF. Rivera said that before he was assigned to GTTF 2, he had been unaware of the existence of the original GTTF.<sup>68</sup>

As quickly as it had appeared, GTTF 2 disappeared. Within a few months of its creation, it was dissolved, with its members dispersed to various units in BPD. It left no legacy of any kind.

## **F. Baltimore County Police Department Withdraws from the GTTF**

As discussed above, MSP’s withdrawal from the GTTF at the end of 2009 was relatively amicable. The relationship between the BCPD and BPD was, from the beginning, far more difficult. And with the shift in mission under Jones, the relationship frayed further, characterized by frequent and bitter disagreements.

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<sup>66</sup> VCIS Roster (Jan. 14, 2010); John Hess Interview, Sept. 8-9, 2020.

<sup>67</sup> Victor Rivera Interview, Nov. 18, 2020; Anthony Barksdale Interview, June 1, 2021.

<sup>68</sup> Victor Rivera Interview, Nov. 18, 2020.

Rustin Price was the major in charge of the BCPD's Criminal Investigation Division from the time the GTTF was formed in 2007 through BCPD's withdrawal in March 2011. Price recalled that he was contacted by then-BCPD Chief James Johnson in 2007 about partnering with BPD and MSP in the GTTF. Chief Johnson and Price decided to contribute a BCPD sergeant as a full-time member. During BCPD's more than three year participation in the GTTF, three different BCPD sergeants served in that role—Steve Gabis, Allen Meyer, and Al Hamby.<sup>69</sup>

Like BPD, BCPD had its own gun unit. That unit's five to six members would from time-to-time work with the GTTF. BCPD's gun unit reported to Peter Grippi, who had broad oversight responsibilities over all BCPD's gun-related investigations and therefore dealt with the GTTF more frequently than Price himself. Price recalled that one of the reasons he and Johnson decided to join the GTTF was to make sure that actions taken by the GTTF in Baltimore County, including the execution of search warrants, did not prejudice the BCPD's ability to bring criminal cases based on the GTTF's activities. As part of that agreement, Price recalled that BPD agreed to share search warrants that related to Baltimore County addresses with BCPD before the warrants were executed. That agreement—and BPD's failure to abide by it—became a major flash point in the relationship and ultimately led to BCPD's withdrawal from the GTTF.<sup>70</sup>

William Ryan was a member of BCPD's gun unit from the time it was created in 1995 until his retirement in 2016. Although he was never assigned to the GTTF, he had extensive dealings with its members from the time the GTTF was launched. Ryan recalled that the relationship between the two departments in the GTTF partnership was troubled and characterized by conflict from the very start. In part, that was because so much of the GTTF's activities took place in Baltimore County. But in large part, it was because of the way the GTTF under Jones treated its agency partners. Ryan attributed Jones's chronic failure to notify BCPD of the planned execution of a search warrant to the desire of Jones and the GTTF to get sole credit for the fruits of the search. Ryan recalled that he had tried to explain to Jones that BCPD and the BPD members of the GTTF could work together. They could share credit, while GTTF could still take photos, hold press conferences, and count statistics as it pleased. According to Ryan, these discussions had no effect on the GTTF's actions. The members of Ryan's gun unit would frequently receive calls from other BCPD officers or civilians about guns seized during the execution of search warrants at Baltimore County residences that the BCPD gun unit had nothing to do with—and knew nothing about—only to learn that it was the work of the GTTF.<sup>71</sup>

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<sup>69</sup> Rustin Price Interview, July 14, 2020.

<sup>70</sup> *Id.*

<sup>71</sup> William Ryan Interview, July 16, 2020.

Ryan said he participated in at least 30 search warrants with the GTTF during his tenure on the BCPD gun squad. He estimated that in roughly half of those searches, BCPD received timely notification, which allowed BCPD to set up, organize, and accompany the GTTF members when they entered a Baltimore County residence. His participation in the other half of the 30 search warrants resulted from “accidental” notifications, which came not from the GTTF but from other BCPD personnel. Ryan estimated that he played no role at all in the execution of approximately two dozen additional GTTF warrants because the BCPD gun unit received no notification from either the GTTF or from other BCPD personnel. Ryan never found Jones’s explanations for the failure to notify BCPD – or those of Jones’s successor, Thomas Allers – to be credible.<sup>72</sup>

Based in part on Ryan’s reports and in part on his own observations, Peter Grippi, Ryan’s supervisor, was troubled by the practices of the GTTF in obtaining search warrants for Baltimore County residences. According to Grippi, the search warrants arose in cases without an obvious nexus to Baltimore City. In addition, BCPD was scrupulous about following guidelines and procedures – and making the required notifications – when search warrants were executed; BPD was not. Over time, Grippi recalled having numerous issues with the GTTF when the unit was under Jones, and then under Allers. In addition to the GTTF’s failure to provide timely notifications of planned Baltimore County searches, Grippi found the search warrant applications to be weak on supporting facts even though warrants had been issued by Baltimore City judges. According to Grippi, many of the warrant applications would have been rejected by Baltimore County judges because the evidence to support the warrant was insufficient.<sup>73</sup>

Equally troubling to Grippi – and Ryan – was the manner in which GTTF members under Jones would execute searches of Baltimore County residences. GTTF members would “wander[] off into rooms by themselves,” which was unacceptable to Grippi because of the lack of oversight and control over items that were seized. At the time, this struck Grippi more as breaching protocol than creating a risk that GTTF members were stealing. When he raised these issues of practice, procedure, and protocol, he recalled that Jones was consistently unresponsive. Grippi said that on multiple occasions he recommended to his superiors that BCPD withdraw from the GTTF so that BCPD would not be complicit in its actions. He recalled specific instances in which he received blowback from Baltimore County residents, channeled through other BCPD units, as the result of GTTF searches of their homes.<sup>74</sup>

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<sup>72</sup> *Id.*

<sup>73</sup> Peter Grippi Interview, July 15, 2020.

<sup>74</sup> *Id.*; William Ryan Interview, July 16, 2020. One of those incidents – recalled by Price, Grippi, and Hamby – involved the warrantless search of a Cockeysville residence belonging to the cousin of a former BCPD detective. According to the BCPD personnel, Jones and three other members of the GTTF enlisted a BCPD patrol officer to join the search of the residence without notifying Hamby or members of

The incident that ultimately led to BCPD's withdrawal from the GTTF occurred on March 23, 2011. Hamby recalled that he was off duty that evening and received a call from Jones. Jones told him that he and other GTTF members were in the Woodlawn area of Baltimore County and planned to execute a search warrant. Hamby requested information about the target residence and asked to review the warrant and warrant application because of his longstanding concerns about the factual sufficiency of the GTTF's warrants. According to Hamby, Jones said he did not require BCPD's approval to execute the search. Hamby then traveled with the on-duty shift commander to the Woodlawn residence. By the time they arrived, Jones and his squad members had already kicked in the door, searched the residence, placed a suspect in custody, and recovered several rifles and a handgun with an obliterated serial number.<sup>75</sup>

Hamby characterized the episode as his mess to clean up. He prepared charging documents for the target and as part of that process belatedly reviewed the warrant application. The warrant application revealed that the GTTF was relying on an informant with no demonstrated record of reliability and with no corroboration to support his assertions. When Hamby pointed out to Jones that the GTTF MOU established that BCPD called the shots in Baltimore County, Jones replied that he did not care about the provisions of the MOU. All of the evidence seized at the Woodlawn location was taken into custody by the BCPD and turned over to BCPD's seized evidence room.<sup>76</sup>

The following morning, Jones called and left a series of messages with Hamby about coordinating a joint BCPD/BPD press conference about the Woodlawn search and firearms seizures. Hamby passed the message up through his chain of command.<sup>77</sup> Rustin Price recalled learning about BPD's plans to hold a press conference that would display the money, drugs, and guns that had been seized. Price recommended that neither BCPD Chief Johnson nor Baltimore County State's Attorney Scott Shellenberger attend the press conference. They did not. When Price watched the press conference later that day, he was baffled by the display of evidence allegedly seized during the Woodlawn raid. After viewing the press conference, he confirmed with BCPD personnel that the money, drugs, and guns seized at the Woodlawn location were still

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BCPD's own gun squad. Price said this was part of a pattern of enlisting an unsuspecting BCPD patrol officer rather than either BCPD's member of the GTTF or a member of the BCPD gun squad. The Cockeysville search incensed Grippi and Price and underscored their escalating concerns with the GTTF. Rustin Price Interview, July 14, 2020; Peter Grippi Interview, July 15, 2020; Alan Hamby Interview, July 21, 2020.

<sup>75</sup> Rustin Price Interview, July 14, 2020; Alan Hamby Interview, July 21, 2020.

<sup>76</sup> Alan Hamby Interview, July 21, 2020.

<sup>77</sup> *Id.*



in the custody of BCPD.<sup>78</sup> We were unable to determine the origins of the evidence displayed at the press conference.

A month or two prior to the Woodlawn incident, Price had shared his concerns about the GTTF's conduct with BPD's John Hess, including the routine failure of the GTTF to notify BCPD before executing search warrants in Baltimore County. The Woodlawn incident confirmed Price's view that BCPD needed to withdraw from the GTTF. Hamby said he was directed to pull out within a week or two after the Woodlawn search. Price said he waited to hear from BPD about the decision to pull Hamby from the GTTF, but he never did.<sup>79</sup>

Hamby prepared a lengthy memorandum on the Woodlawn incident and shared it with Kristen Blumer, who at the time was an Assistant State's Attorney in Baltimore County. Hamby recalled that he documented the issues with the GTTF's informant, BPD's disregard of the MOU provisions, and the failure to conduct surveillance before executing the search.<sup>80</sup> Blumer was sufficiently concerned with the materials she had received from Hamby that she spoke with Ryan Guinn of the GTTF and asked for more information about the informant relied on in the search warrant application. According to Blumer, Guinn declined to provide it, citing advice he said he had received from BPD's Law Department. Blumer's review of the warrant signed by the Baltimore City judge left her unpersuaded that there was sufficient evidence to authorize the warrant—she characterized the application as “very, very flimsy.” As a result, the Baltimore County State's Attorney's Office dismissed the case.<sup>81</sup>

Even before BCPD withdrew from the GTTF, Guinn knew the relationship with Baltimore County was deteriorating badly. He vividly recalled one argument in particular. His office was close to Jones's office and he heard Jones and the BCPD sergeant screaming back and forth. As to the Woodlawn incident, Guinn observed, “Everything with GTTF was all a dog-and-pony show with press conferences and stacking guns on the table instead of conducting legitimate investigations.”<sup>82</sup>

John Hess recalled that he and Dean Palmere had met with Price prior to the Woodlawn episode. Price's concerns went beyond the GTTF to focus more broadly on BPD search warrants that were executed in Baltimore County. From Hess's perspective, BCPD had no business rejecting warrants obtained from city judges for Baltimore County residences. He was concerned that the delays entailed by BCPD's review of the warrants created risks that suspects might be tipped off and could dispose of evidence

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<sup>78</sup> Rustin Price Interview, July 14, 2020.

<sup>79</sup> Alan Hamby Interview, July 21, 2020; Rustin Price Interview, July 14, 2020.

<sup>80</sup> Alan Hamby Interview, July 21, 2020.

<sup>81</sup> Kristen Blumer Interview, June 19, 2020.

<sup>82</sup> Ryan Guinn Interview, Nov. 30, 2020.

and contraband in targeted houses. And the complaints went both ways: Hess recalled that Jones had drafted a memo complaining about Hamby. That said, Hess recalled being frustrated with his own personnel's failure to prepare adequately supported search warrant applications. He recalled that BPD had arranged in-house training, as well as training provided by the USAO, regarding the requirements for proper search warrant applications. BPD officers appeared not to be following their training. Hess and Price had discussed those issues during the meeting that preceded the Woodlawn episode.<sup>83</sup> Despite Hess's recollection that Palmere had attended this meeting, Palmere said he did not recall any complaints at all from Baltimore County about the GTTF in advance of BCPD's withdrawal.<sup>84</sup>

When we asked Jones about the Woodlawn search and BCPD's withdrawal from the GTTF, he stated, "I did not know any of that or anything about a press conference. I don't remember, not to my knowledge." He acknowledged the ongoing tension with BCPD about search warrant notifications but not about the way GTTF members conducted searches: "We bumped heads because I was playing in their backyards." More importantly, Jones said he did not recall that the Woodlawn incident had prompted BCPD's withdrawal from the GTTF. He also said he did not recall being informed about Hamby's departure from GTTF and was not sure why Hamby had stopped showing up.<sup>85</sup>

By March 2011, in addition to the manifold problems with BCPD that led to its withdrawal from the GTTF, the GTTF had become something of an orphan within BPD. Bealefeld's broad responsibilities had long prevented him from exercising any meaningful oversight over its activities. Organizationally, GTTF was part of VCID (and then VCIS) under Barksdale, but Barksdale said he had no meaningful authority over the GTTF because it was so closely associated with Bealefeld and because he was fundamentally uninterested in its mission. Barksdale said he was unaware of why BCPD stopped participating in the GTTF because he "stayed away from it."<sup>86</sup> Hess said Barksdale did not like the fact that he did not have power over the GTTF despite its nominal placement under VCIS on the organizational chart. Hess's impression was that Jones had substantial latitude in making selections for the unit.<sup>87</sup> In short, no one above the sergeant level was exercising meaningful oversight over the GTTF.

## **G. Wayne Jenkins's First Tour in the GTTF**

Shortly after the Woodlawn incident, Wayne Jenkins was transferred to the GTTF. He had taken the sergeant's exam in October 2008 but had not yet been

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<sup>83</sup> John Hess Interview, Sept. 8-9, 2020.

<sup>84</sup> Dean Palmere Interview, Aug. 4 and Aug. 16, 2020.

<sup>85</sup> Kevin A. Jones Interview, Sept. 1, 2020.

<sup>86</sup> Anthony Barksdale Interview, June 1, 2020.

<sup>87</sup> John Hess Interview, Sept. 8-9, 2020.

promoted. Most recently, he had served in the Westside 9 VCIS enforcement squad under Mike Fries and Robert Velte, and then briefly in a VRO squad before his reassignment to the GTTF.<sup>88</sup>

Jones said he was not fully aware why Jenkins had been assigned to the GTTF in the middle of 2011. He thought it was related to a major controversy surrounding a search warrant. Jones's understanding was that command staff had put Jenkins and the other participants in that incident "on the shelf," which meant keeping them in VCIS but away from engaging in risky activities that could further damage their careers. When Jones found Jenkins unresponsive to the assignments he was given, Jones confronted him. Jenkins told Jones that command had sidelined him, and he was placed in GTTF – ironically in terms of what came later – to stay out of trouble. Jones recalled that Jenkins was never insubordinate and was very respectful, but that he was "sitting on the sideline, biding his time." Jenkins was of little use to Jones during his assignment to the GTTF – "a bump on the log that I had to deal with and . . . motivate," which he acknowledged he failed to do.<sup>89</sup>

Ryan Guinn recalled Jenkins's 2011 assignment to the GTTF, although he had little insight as to the reason for Jenkins's transfer into the unit. Jenkins was already known to be a favorite of BPD command staff members. Guinn initially assumed that Jenkins was in GTTF to bring his aggressiveness to the squad. Jenkins made clear to Guinn that he did not believe in the mission of the GTTF, which was likely too tame even in its modified form for Jenkins, and Guinn observed him butting heads with Jones. Even though the GTTF had long since turned to street enforcement work, that did not appear to be good enough for Jenkins. He wanted to target major drug dealers. Guinn recalled that Jenkins made a small number of gun seizures while assigned to the GTTF, but he was not doing any of the investigative work that had originally been the unit's core mission. Jenkins's assignment to the GTTF remained a puzzle to Guinn: Jenkins could go wherever he wanted within BPD and he had made that abundantly clear. Guinn believed that Jenkins was transferred to GTTF because members of BPD command thought he was a "gun magnet" and the "messiah of productivity." If that was the motive, the move backfired: instead of Jenkins's presence increasing GTTF's productivity, his assignment to the GTTF decreased his own productivity.<sup>90</sup>

There may well have been another reason for Jenkins being "parked" in the GTTF for several months in 2011. Historically, BPD members on the cusp of promotion were frequently placed in units where they were unlikely to receive allegations of misconduct that might jeopardize their chances of promotion.<sup>91</sup> In 2011, even though

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<sup>88</sup> Timothy Devine Interview, Feb. 5, 2021 and Feb. 8, 2021; BPD Rosters (2008).

<sup>89</sup> Kevin A. Jones Interview, Sept. 1, 2020.

<sup>90</sup> Ryan Guinn Interview, Nov. 30, 2020.

<sup>91</sup> Luis Ruiz Interview, Sept. 22, 2020; Kevin A. Jones Interview, Sept. 1, 2020; Antonio Hopson Interview, Sept. 18, 2020; Timothy Devine Interview, Feb. 5, 2021 and Feb. 8, 2021.

the GTTF had long since morphed into something far different from what Bealefeld and Goldstein had envisioned, its work was less consistently proactive and aggressive than other enforcement squads. However, in retrospect, the GTTF would appear to have been the wrong place to park an officer awaiting promotion. In any event, and apparently unbeknownst to Jenkins, Bealefeld had blocked Jenkins's promotion to sergeant.<sup>92</sup>

## **H. The GTTF Without Agency Partners Under Jones: 2011-2013**

By the time BCPD withdrew from the GTTF in March 2011, the members of the squad were Elizabeth Geiselman, Momodu Gondo, Ryan Guinn, Donald Haskins, Eric Jansen, Rodney Mobley, Jemell Rayam, Kevin Rowland, and Thomas Wilson III.<sup>93</sup> Rayam was suspended for all of 2011, and Rowland was suspended beginning in March. Above Jones in the chain of command were Quick, Hess, Palmere, Barksdale, and Bealefeld.

The substantial shift in the GTTF's mission, which continued for the duration of Jones's tenure as sergeant, was attributable to several causes. In addition to the inherent difficulty of the original mission and the diminishing support from leadership, Jones made significant personnel changes in the squad. The original GTTF members, including Geiselman and Guinn, found satisfaction in the review and analysis of documents, and in conducting "knock and talks" to trace the human transmission chain of stolen guns. This analytical approach was quite different from the use of more proactive, aggressive tactics in which BPD members worked to identify a drug transaction or similar crime-in-progress, with the expectation that guns would be involved. Street stops, stop and frisk, and surveillance of criminal suspects on the streets could well lead to the seizure of guns, without any significant follow-up effort to determine how the suspect had come to possess the gun. Jones, who generally had broad latitude in personnel matters, recruited BPD members who did not have an analytic bent, and who were much more interested in the action on the street. Mission change drove personnel changes, and those personnel changes drove further changes to the mission.

With the departure of Bealefeld and Goldstein in the spring of 2012, the GTTF, which had largely lost its way, also lost its original champions. Barksdale became the acting commissioner. He had never been an advocate of – or a believer in – the GTTF's original mission. Barksdale's view was that the GTTF was not focused on activities that

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<sup>92</sup> This is discussed in further detail in Chapter X, Section A.

<sup>93</sup> In 2003, as discussed previously in Chapter IV of this Report, Wilson had been the subject of harsh criticism from Judge Andre Davis for his conduct and testimony in the case involving Mason Weaver. He had also survived an attempt to terminate him in 2005 for conducting a search without a warrant and then falsifying documentation to suggest the warrant had been obtained. *See* Chapter IV, Section C. When we asked Jones whether he knew about Wilson's past allegations of misconduct and dishonesty, Jones said, "I was aware of some issues with Wilson (rumor mill) but not specifics." Email from K. A. Jones to M. Bromwich, July 1, 2021, Re: GTTF Personnel.

were directly relevant to the most pressing problems of addressing violent crime. The GTTF was under Barksdale on the organization chart, but he never had genuine ownership of it, nor did he want to. From his perspective, there were good reasons to question its value. The GTTF had been forced into BPD's operational plan without a significant impact on the flow of firearms into the city. Even with its move to street enforcement, its productivity was not as great as ATF task force groups that not only traced guns, but also made historical and conspiracy cases that resulted in federal prosecutions. In light of the productivity yardsticks that mattered within BPD, there was reasonable cause to raise questions about the value of the GTTF.<sup>94</sup>

As discussed in Chapter VI, soon after becoming commissioner in September 2012, Anthony Batts hired consulting firms associated with former New York City Police Department Commissioner and Los Angeles Police Department Chief William Bratton to conduct a comprehensive review of BPD.<sup>95</sup> That review addressed a broad range of issues and touched on the GTTF only in passing. In their brief reference to the GTTF, the consultants missed the changes that had taken place in the GTTF's mission and were somewhat incoherent in their prescription. In describing the collection of units and task forces that had been brought together in the newly formed Operational Intelligence Section, the report stated:

Questions remain as to the productivity of these units and whether they are staffed properly. The Gang Unit, for instance, has one sergeant and four detectives, while the Cyber Crimes Unit has one sergeant and eight detectives. Presently, there are as many detectives in Asset Forfeiture as there are in Gangs. *Between the six detectives in the Gun Trace Task Force and four in the Gun Registry Unit, there are 10 investigators doing largely administrative work on guns. While tracing and registering guns are important, is the priority of these units targeting and arresting those individuals selling and buying guns illegally.* [sic]<sup>96</sup>

In fact, the top priority of the GTTF had moved far away both from “administrative work on guns” and from “individuals selling and buying guns illegally.” The GTTF had become virtually indistinguishable from many other plainclothes enforcement squads and had almost completely shed its identity as an analytic and investigative unit.

Kevin A. Jones identified Kevin E. Jones as the only quality officer in the GTTF during the years he supervised it, characterizing him as a good detective who was

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<sup>94</sup> Anthony Barksdale Interview, June 1, 2020.

<sup>95</sup> A more detailed discussion of the review commissioned by Batts is contained in Chapter VI, Section E.

<sup>96</sup> Stephanie Rawlings-Blake & Anthony W. Batts, *Public Safety in the City of Baltimore: A Strategic Plan for Improvement* (2013), at 58 (emphasis added). This same language appeared in a lengthy appendix. *Id.* at 165.



“squared away.” He was only dimly aware of the damaging allegations of misconduct against Kevin E. Jones many years earlier, or that the latter had been investigated for perjury and placed on a “Do Not Call” list by the SAO. Kevin A. Jones characterized the other members of the unit, including those he had recruited, as “mediocre officers” but denied he had any reason to believe they were corrupt or engaging in misconduct. Reflecting on his tenure as the supervisor of the GTTF, Jones said that because he came from an operations background, he probably was not well-suited to be the supervisor of the unit. He saw that the GTTF officers got accustomed to the “ripping and racing and street stuff because they knew it,” and anything that took them outside of that comfort zone was difficult for them.<sup>97</sup>

Although we found no evidence that Kevin A. Jones was aware of the corrupt behavior of Gondo and Rayam, we were made aware of one troubling incident sometime before Jones was promoted and left his position as supervisor of the GTTF. The case involved the BCPD, which as described above maintained a liaison relationship with the GTTF in gun cases even after it withdrew its representative from the task force. William Ryan of the BCPD recalled that the GTTF was assisting BCPD in connection with a property crime in the county that implicated a residence in Baltimore City. Ryan recalled that Jones had told Ryan and the other BCPD officers to wait outside while he went to the front door of the target residence. When Jones returned, he said, “You’re going to want to get a search warrant.” From all of the facts and circumstances, Ryan concluded that Jones had entered the residence and conducted a warrantless “sneak and peek,” including a search of file cabinets.<sup>98</sup> When we asked Jones about this incident, he requested more specifics and said he could not recall it, stating “no specific incident comes to mind.”<sup>99</sup>

## **I. Thomas Allers’s Leadership of the GTTF**

Kevin A. Jones was promoted to lieutenant in mid-2013 and became a shift commander in the Western District. Jones said that he had no role in choosing Thomas Allers as his successor in GTTF and knew him only because Allers had worked directly for then-Chief of VCID Dean Palmere. When asked if he thought Allers was a good choice as his successor, Jones said he did not have a view one way or the other. Just as he received no information from either Richard Willard or Michael Wilhelm in 2009 when he became the sergeant for the GTTF, he had no recollection of either meeting or speaking with Allers to familiarize him with the GTTF’s operations or its personnel.<sup>100</sup>

Immediately before becoming the sergeant over the GTTF, Allers had been serving as a VCID sergeant in the Southern District. Allers had served on Palmere’s

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<sup>97</sup> Kevin A. Jones Interview, Sept. 1, 2020.

<sup>98</sup> William Ryan Interview, July 16, 2020.

<sup>99</sup> Email from K. A. Jones to M. Bromwich, Oct. 1, 2021, Re: Follow-up.

<sup>100</sup> Kevin A. Jones Interview, Sept. 1, 2020.

staff in 2009 and 2010, and had also worked for Barksdale, who originally introduced him to Palmere. Palmere recalled that Allers's responsibilities included preparing him for ComStat meetings and performing various other administrative functions. In addition, Allers at various times served as Palmere's driver.<sup>101</sup> Allers applied for the GTTF sergeant's position in the spring of 2013 and was selected over Wayne Jenkins and three other applicants. BPD documents reflect that Palmere submitted the transfer request for Allers "to replace the vacancy within GTTF created when [Jones] was promoted," but it is not clear whether Palmere unilaterally made the selection or accepted the recommendation of someone else.<sup>102</sup>

When Allers arrived in July 2013, he inherited a squad that included Geiselman, Gondo, Guinn, Hopson, Jansen, Rayam, and Ruiz. However, within a few months of Allers's arrival, many of the GTTF members moved on to other assignments, leaving a substantially diminished squad.<sup>103</sup> Guinn and Hopson transferred out of the GTTF within months, and Ruiz followed shortly thereafter.<sup>104</sup> We were unable to determine whether the reduction in size of the GTTF at that time was by design or a matter of happenstance. None of the command staff members we interviewed seemed to recall that development, much less claim responsibility for it.

When he joined BPD as its commissioner in September 2012, Batts knew nothing about the GTTF. Nor was this surprising. The GTTF consisted of a handful of BPD members in a department numbering close to 3,000. As mentioned in Chapter VI, Section B, Batts recalled speaking with Daniel Webster of Johns Hopkins about the GTTF. Batts said he was not a champion of its mission, but he paid little attention to it. When asked about the comments in his strategic plan about whether the number of officers devoted to GTTF made sense in terms of resource allocation and expenditures, Batts said that sounded like a question he would ask but had no specific recollection of doing so.<sup>105</sup> No one we spoke with connected Batts's apparent disdain for the GTTF with the fact that its size decreased dramatically during his tenure.

Other than Gondo and Rayam, Geiselman was the only member of the GTTF who was in the squad when Allers arrived in July 2013 and was still there when Allers departed in early 2016. She recalled having numerous "heart-to-heart talks" about Allers's desire to move Gondo and Rayam out of the squad because of concerns about their conduct.<sup>106</sup> That may have been prompted in part by warnings shared by Guinn with Allers that Allers needed to watch Gondo and Rayam carefully. Indeed, Allers

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<sup>101</sup> Dean Palmere Interview, Aug. 4 and Aug. 16, 2020.

<sup>102</sup> BPD Personnel File for Thomas Allers (provided by BPD).

<sup>103</sup> SES Roster (July 23, 2013).

<sup>104</sup> Ryan Guinn Interview, Dec. 11, 2020; Antonio Hopson Interview, Sept. 18, 2020; Luis Ruiz Interview, Sept. 22, 2020.

<sup>105</sup> Anthony Batts Interview, Mar. 17-18, 2020.

<sup>106</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.

reportedly called a meeting of the squad in the woods and told Gondo and Rayam that whatever had been going on with the squad needed to stop.<sup>107</sup>

Allers told Geiselman that unnamed people above him in the chain of command had rejected his request to transfer Rayam and Gondo. Geiselman never became aware that Allers had apparently decided that if he could not rid himself of Gondo and Rayam, he would join in their corrupt criminal activities.<sup>108</sup> Because we had no opportunity to speak with Allers, we do not know whether his stated desire to have Gondo and Rayam transferred was genuine, or whether he had been lying to Geiselman all along.

From Geiselman's perspective, Gondo and Rayam were not advancing the GTTF's mission as she still conceived it—*i.e.*, conducting gun tracing investigations. Geiselman would provide Gondo and Rayam with investigative leads for them to follow up on, which they consistently ignored and allowed to languish. At the time, Geiselman was a contract employee and avoided complaining about Gondo and Rayam because she feared that her contract could be terminated if she became an irritant to them.<sup>109</sup>

By the spring of 2014, the GTTF's shrunken roster consisted of Allers, Gondo, Rayam, Geiselman, and a new addition, John Clewell. Geiselman described Clewell as a Marine and a "stand up guy." He placed a plaque above his desk saying, "Never lie, cheat, or steal," and Geiselman's strong impression was that he lived by those words. She became aware that Clewell refused to ride or work with either Gondo or Rayam, and so he largely partnered with Allers. She recalled that Clewell also declined to execute search warrants alone with either Gondo or Rayam.<sup>110</sup> Other than Clewell's improper use of a GPS tracker for investigative purposes, the federal investigation of the GTTF found no unlawful conduct by Clewell, even though he was involved in searches during which Allers, Gondo, and Rayam stole money.<sup>111</sup>

BCPD continued to interact with the GTTF in Baltimore County matters. Peter Grippi of the BCPD recalled having the same issues with Allers as he had with Jones; in fact, Grippi recalled Allers introducing himself in the same call as he announced the GTTF's intention to execute a Baltimore County warrant.<sup>112</sup>

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<sup>107</sup> Ryan Guinn Interview, Dec. 11, 2020.

<sup>108</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.* Clewell had resigned from BPD by the time we began our investigation. Through counsel, he declined our request to interview him.

<sup>111</sup> Erika Jensen Interview, May 13, 2020.

<sup>112</sup> Peter Grippi Interview, July 15, 2020.

Sometime after that introductory phone call, in March 2014, Grippi recalled receiving a call from Allers about a search warrant the GTTF was intending to execute in Woodlawn. Allers initially was equivocal about the timing – “maybe tomorrow, maybe tonight” – and Grippi told Allers he wanted to be informed in a sufficiently timely manner so that he could deploy a BCPD team to participate in the search. Very late that night, Grippi received a second call from Allers, alerting him that the GTTF search team was at the residence; Grippi requested that Allers wait until he and William Ryan could meet the search team there. Allers ignored the request. By the time Grippi and Ryan arrived at the residence, Allers and the members of his squad were preparing to leave. Grippi was told that they had spoken to the target of their investigation and that they had recovered no guns. Grippi recalled that the GTTF members left in a hurry. John Clewell stayed behind at the residence while BCPD officers who had joined Grippi and Ryan at the scene completed their search.<sup>113</sup>

After Allers, Gondo, and Rayam departed, the BCPD search team found large amounts of cash at various locations in the residence. The cash was transported to BCPD headquarters and counted the next morning. According to Grippi, it took BCPD personnel 17 hours to count all of it – it amounted to approximately \$350,000, the largest cash seizure in BCPD history. Alerted to the BCPD’s cash seizures by Clewell, Allers called Grippi numerous times over the next few hours to ask how much money BCPD had seized: “How much did you guys get?” At the time, Grippi had no idea that Allers, Gondo, and Rayam had stolen \$60,000 from the residence before BCPD personnel had arrived. Allers admitted to the robbery as part of his guilty plea in December 2017. Neither Grippi nor Ryan knew about the GTTF’s robbery until Allers was charged with it in August 2017.<sup>114</sup> At that point, Allers’ frantic calls that night made far more sense – Allers, Gondo, and Rayam had not realized how much cash they had left behind.

This search was noteworthy to Ryan for another reason – the presence of an unidentified participant who turned out to be Allers’s son. When Ryan asked Gondo and Clewell to identify this individual, they declined. Rayam told him, “You got to ask Sarge.” Clewell told him, “Look, man, I don’t want to get involved in that. Talk to Sarge.” When Ryan asked Allers, he replied, “Don’t worry about him.” This led to a screaming match between Grippi and Allers on the front porch of the house.<sup>115</sup>

Almost two years later, in February 2016, only months before Allers transferred out of the GTTF, Ryan and other members of the BCPD participated in a search of another Baltimore County residence that was robbed by Allers, Gondo, and Rayam. By the time Ryan and his colleagues responded to the search location, the GTTF members – Allers, Gondo, Rayam, and Clewell – had already executed the warrant, and

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<sup>113</sup> *Id.*

<sup>114</sup> *Id.*; Allers Plea Agreement at 13-14, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20; William Ryan Interview, July 16, 2020.

<sup>115</sup> William Ryan Interview, July 16, 2020.

Allers, Gondo, and Rayam had stolen \$7,000. Ryan recalled the homeowners' belongings being strewn in a pile on the floor, one of the constant features of a GTTF search that rankled Ryan and his BCPD colleagues. The homeowner spoke with Ryan but never said anything about the theft of money. This incident, too, was included as part of Allers's December 2017 plea agreement.<sup>116</sup>

Daniel Hersl joined the GTTF at the end of 2015. Geiselman knew nothing about Hersl until he arrived; he "just sort of showed up." She found him to be awkward and socially distant. She was unaware of his reputation for brutality in the Eastern District, or anything about his history with BPD.<sup>117</sup>

Chris O'Ree, who served as the lieutenant over the GTTF from December 2015 until July 2016, was directly involved in Hersl's transfer to the squad. O'Ree recalled that Hersl was transferred in December 2015 because of the number of excessive force complaints that had accumulated against him in the Eastern District. O'Ree was aware that Hersl had been the subject of numerous allegations of excessive force and discourtesy, and at least two for theft. Hersl had defended himself by saying the complaints were fabricated and originated from drug dealers. At one point, O'Ree recalled, Hersl had provided evidence of fabrication—jail calls from people Hersl had arrested reflecting their intention to manufacture complaints against him. Those calls were sufficient to cause IA to close certain matters. Together with Sean Miller, and with Dean Palmere's consent, O'Ree developed a plan to transfer Hersl to the GTTF to get him away from the Eastern District, where Hersl had served for so long. Under O'Ree's plan, if the complaints continued, Hersl would be pulled off the streets entirely; but if they did not, it would suggest that the complaints were the work of drug dealers trying to rid themselves of an aggressive cop, but one who stayed within the bounds of the rules. As a condition of Hersl's assignment to the GTTF, Allers was required to conduct evaluations of Hersl at 30-day intervals, which were then submitted to IA.<sup>118</sup>

Hersl participated in four robberies conducted by some combination of Allers, Gondo, and Rayam during the period from March 2, 2016, through May 28, 2016, shortly before Allers transferred out of the GTTF in June 2016.<sup>119</sup>

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<sup>116</sup> *Id.*; Allers Plea Agreement at 15-16, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20.

<sup>117</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>118</sup> Chris O'Ree Interview, Sept. 10, 2020.

<sup>119</sup> Allers Plea Agreement, *United States v. Allers*, No. 1:17-cr-0452-CCB (D. Md. Dec. 6, 2017), ECF No. 20; Gondo Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Dec. 13, 2017), ECF No. 200; Rayam Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Dec. 10, 2017), ECF No. 196.



## **J. Allers Requests a Transfer and Leaves the GTTF**

When Allers first told Geiselman in June 2016 that he was leaving the GTTF, he said he was happy to be moving to a federal task force. Geiselman was not aware of the machinations behind the transfer.<sup>120</sup> O'Ree was. According to O'Ree, who had known Allers since they were Academy classmates in 1996, not long before the transfer, Allers came to O'Ree's office and said, "I want you to hear this from me. I think Rayam and Gondo are being investigated by the FBI. I'm hearing rumors. I don't know it to be true, and if they're doing something cruddy, it's certainly not at work." That was false—they had committed many of their crimes together with Allers. Allers told O'Ree, "I asked Palmere to move me, and he's moving me to Group 52 (HIDTA) sergeant." O'Ree contacted Lieutenant Colonel Sean Miller, who initially said he knew nothing about the Allers transfer but subsequently confirmed it after speaking with Palmere. Group 52 had not had a BPD sergeant in close to two years. This was a soft-landing spot for Allers facilitated by Palmere.<sup>121</sup>

Marjorie German, who had been in the same Academy class as Allers and O'Ree, was in O'Ree's office at the time of his conversation with Allers. Like O'Ree, she recalled Allers reporting the rumor about the investigation into the GTTF and saying that he "wanted out." Allers said he did not want "any part of this stuff," and that he had called Palmere to request a transfer out of the GTTF. After Allers left O'Ree's office, German recalled that she and O'Ree joked that it "must be nice to call someone and get a position created for you" that had not been filled for an extended period, referring to the long-vacant sergeant's position in Group 52. German noted that this transfer was part of a pattern of decisions affecting the GTTF without input from those with supervisory responsibilities for the unit.<sup>122</sup>

Palmere claimed to have a different recollection of Allers's transfer. He said he did not recall having a direct conversation with Allers and said he did not "personally recall moving Allers out" of the GTTF. Instead, he said he recalled O'Ree telling him that Allers was interested in transferring to a task force and telling O'Ree that he could work the transfer out with Miller. Palmere said it was possible he had a conversation with Miller about Allers's transfer but said he did not recall it. In addition, Palmere said he recalled that Allers affirmatively wanted to transfer to a Drug Enforcement Agency task force rather than wanting to escape from the GTTF. Given that the BPD sergeant's position in the task force had not been filled for some time, it was at a minimum an odd request. Based on the firm recollections of O'Ree and German, it

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<sup>120</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>121</sup> Chris O'Ree Interview, Sept. 10, 2020.

<sup>122</sup> Marjorie German Interview, Sept. 15-16, 2020.

seems clear that Palmere had a far more active role in Allers's transfer out of the GTTF than he acknowledged.<sup>123</sup>

## **K. Jenkins Becomes the GTTF Sergeant**

Shortly after German learned that Allers was transferring out of the GTTF, Miller directed her to ask Jenkins whether he wanted to take over the GTTF. At the time, Jenkins was the head of a small Special Enforcement Section squad that included Evodio Hendrix, Marcus Taylor, and Maurice Ward. Jenkins said he would only take over the GTTF if he could bring Hendrix, Taylor, and Ward with him. When German relayed that response to Miller, he responded angrily, "Who does he think he is, that he can take a whole squad with him?" Miller said he would need to check Jenkins's request with Palmere. Miller called German back and said Palmere had acceded to the request: Jenkins could take Hendrix, Taylor, and Ward with him.<sup>124</sup> Miller recalled that Palmere had a strong desire to move Jenkins to the GTTF because of his continued productivity.<sup>125</sup> Palmere said he did not think he personally made the decision to transfer Jenkins to the GTTF and could not recall who did, although he acknowledged that he would have had to sign off on the transfer.<sup>126</sup> The evidence strongly supports the conclusion that Palmere not only signed off on the transfer but that he was the moving force behind it.

Jenkins took over the GTTF in June 2016. This meant that Jenkins was no longer under German's supervision, which came as a relief to her because she viewed him as an administrative and supervisory nightmare. The relief was short-lived, however, because she once again became Jenkins's supervisor in August 2016.<sup>127</sup>

During June and July 2016, O'Ree was responsible for supervising Jenkins and the GTTF. During this time, O'Ree made multiple complaints to Miller that he was unable to supervise the squad adequately. Among O'Ree's concerns was Jenkins's dangerous driving, which had led to numerous vehicle accidents. Jenkins was notorious among his colleagues and throughout BPD for his reckless driving. Command staff members—Miller, Palmere, and others—knew that Jenkins was involved in dangerous vehicle pursuits on a continuing basis, as well as engaging in the dangerous practice of blocking in cars as a way of apprehending suspects, as he had

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<sup>123</sup> Dean Palmere Interview, Aug. 4 and Aug. 16, 2020. Commenting on Palmere's denial in public testimony of a direct role in Allers's transfer, Miller said, "I'm not going to say he is lying, but some of the things I know not to be true, such as transferring Hersl and Jenkins and those guys to GTTF and transferring Allers to HIDTA." He added that Palmere's remarks suggesting the decision to transfer an officer is up to a sergeant or lieutenant is also not true. Sean Miller Interview, Nov. 17, 2020.

<sup>124</sup> Marjorie German Interview, Sept. 15-16, 2020.

<sup>125</sup> Sean Miller Interview, Apr. 24, 2020.

<sup>126</sup> Dean Palmere Interview, Aug. 4 and Aug. 16, 2020.

<sup>127</sup> Marjorie German Interview, Sept. 15-16, 2020.

tried to do with Burley and Matthews in 2010. The pursuits violated BPD policy that prohibited chasing a vehicle unless deadly force was involved. In addition, Jenkins was not willing to take direction from O'Ree. Rather than working in the geographic areas where O'Ree needed him, Jenkins and the members of his squad were going wherever Jenkins thought they could make a gun case.<sup>128</sup>

The other supervision problem, shared by O'Ree and German, was lack of physical proximity. O'Ree's office was in an ATF building, while Jenkins and his GTTF squad members were based at BPD headquarters. O'Ree was frequently unaware of the whereabouts of Jenkins and his squad. On those occasions when he would go to GTTF's offices in headquarters, no one from the squad would be there. When O'Ree contacted them, the officers would say they were on the street nearby. O'Ree said he shared these concerns with Miller and said he did not want to supervise GTTF anymore. He said he was not certain whether his complaints played a role in the GTTF being transferred back under German in August 2016. O'Ree said that because of Jenkins's extraordinary productivity in seizing guns, Jenkins could do no wrong in the eyes of upper-level command staff members. At times, O'Ree had the feeling that Miller was similarly powerless to control Jenkins, suggesting that Jenkins's protection was being provided by Palmere.<sup>129</sup>

When German resumed supervision over the GTTF in August 2006, her observations were that Gondo, Rayam and Hersl, the GTTF holdovers from Allers, had fully embraced Jenkins's leadership, and that Hendrix, Taylor and Ward had blended in seamlessly with the other GTTF members.<sup>130</sup> Although German was unaware of any tension between Jenkins, Gondo, and Rayam, in fact the Federal Bureau of Investigation's Public and Border Corruption Task Force (FBI Task Force) had been made aware of discord between Jenkins and Gondo as a result of the wiretap on Gondo's phone and the bug in his BPD vehicle. Indeed, the FBI became so concerned about some of the threatening statements made by Gondo about Jenkins that it disclosed some of that information to BPD Commissioner Kevin Davis.<sup>131</sup> They did so even though the FBI was aware that even a limited disclosure tailored to the assessment of the threat ran the risk of compromising its investigation.

Marjorie German reassumed supervision over the GTTF in August. Jenkins's position as head of the GTTF allowed him unlimited ability to conduct operations throughout Baltimore without being restricted to one sector of the city. Like O'Ree, one of German's continuing concerns about Jenkins and his squad was their continued refusal to work out of The Barn, where she and her other squads were based. She believed it was important to be able to deal with her squads in person, especially one

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<sup>128</sup> Chris O'Ree Interview, Sept. 10, 2020.

<sup>129</sup> *Id.*

<sup>130</sup> Marjorie German Interview, Sept. 15-16, 2020.

<sup>131</sup> Erika Jensen Interview, May 13, 2020.

headed by a sergeant as difficult to manage as Jenkins. But Jenkins insisted on working out of BPD headquarters. German recalled complaining on numerous occasions to Miller, Acting Captain Sue Fries, and Kevin A. Jones about Jenkins's unwillingness to work out of The Barn. German recalled Miller responding, "He's fine, leave him alone." German recalled that the GTTF eventually moved into an office at The Barn, but that it continued to maintain separate offices at BPD headquarters. At one point, Jenkins and the GTTF occupied a third set of offices in the Citywide Shooting unit.<sup>132</sup>

The favoritism shown to Jenkins became even more awkward when Miller decided in August 2016 to rebrand two additional enforcement squads as "GTTF squads" in an attempt to refocus them on handgun arrests. The new GTTF squads were rebranded as "GTTF-2" and "GTTF-3," and were supervised, respectively, by Sergeant Charles Manners and Sergeant Ezekiel Abdi. Although all three squads reported to Lieutenant German, and all three were labeled GTTF squads, they were treated quite differently. Jenkins's squad worked during the day and had weekends off, while Manners's and Abdi's squads rotated day and night shifts and worked weekends. Unlike Jenkins's squad, the other GTTF squads were required to work out of The Barn; only Jenkins's squad was permitted to operate out of BPD headquarters. When German subsequently pointed out to Miller the disparate treatment of the three squads, she recalled Miller replying, "Well, they don't get guns like Jenkins does." No one paid particular attention to the fact that none of the three squads had anything to do with tracing guns.<sup>133</sup>

German became convinced that Jenkins did not want to work out of The Barn because he wanted to keep supervisors as far away from him as possible. She said she never saw Jenkins or anyone in the GTTF unless she called for them. At that point, they would show up, but at no other time. German wanted Jenkins and the GTTF to work out of The Barn for a second reason: she did not want the other squads she supervised to believe that the GTTF was being accorded preferential treatment.<sup>134</sup> Maurice Ward testified that Jenkins articulated an additional reason for not wanting to work out of The Barn: he believed it was "wired up" by federal investigators.<sup>135</sup>

Jenkins led the GTTF for only five months before going out on paternity leave. During those five months, Jenkins and the members of the GTTF committed the

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<sup>132</sup> Marjorie German Interview, Sept. 15-16, 2020.

<sup>133</sup> *Id.*; Sean Miller Interview, Apr. 24, 2020.

<sup>134</sup> Marjorie German Interview, Sept. 15-16, 2020.

<sup>135</sup> Ward Trial Testimony at 179-180 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464.

following crimes, as subsequently alleged in the indictments filed in federal court, and described in greater detail elsewhere in this report:<sup>136</sup>

- On June 24, 2016, Jenkins, Hendrix, and Ward stole approximately \$17,000 during the execution of a search warrant.
- On July 8, 2016, Jenkins, Rayam, Gondo, and Hersl arrested Ronald and Nancy Hamilton, transported them to their home, and stole approximately \$23,400.
- On August 8, 2016, Jenkins and Hersl stole \$7,000 from a vehicle that Dennis Armstrong had been driving, after conducting surveillance at a storage facility rented by Armstrong. Jenkins subsequently stole two kilograms of cocaine from Armstrong's storage unit.
- On August 24, 2016, Jenkins, Gondo, Rayam, Hendrix, and Hersl stopped and detained Aaron Fields and stole \$1,700.
- Also on August 24, 2016, Jenkins, Gondo, Rayam, Hendrix, and Hersl stopped John Butler, forced him to take them to his apartment, and stole \$1,500.
- On September 7, 2016, Jenkins, Gondo, Hersl, Rayam, Taylor, and Ward stopped Sergio Summerville, conducted a warrantless search of his storage facility, and stole in excess of \$1,500.
- On October 3, 2016, Jenkins, Hendrix, Gondo, Taylor, and Ward engaged in a high-speed chase during which the person being chased threw approximately nine ounces of cocaine out of his car window. Jenkins gave the cocaine to Rayam and asked him to sell it.<sup>137</sup>

On October 5, 2016 – two days after the October 3 high-speed chase and recovery of cocaine – Rayam and Gondo discussed information that Jenkins had received that the GTTF was under investigation. The discussion was captured on the bug installed in Gondo's car. Gondo told Rayam that unnamed people had described him as the "biggest drug dealer in the Department," but he expressed skepticism to Rayam about some of the information he had received, including that the rumored investigation had been ongoing for many years. Gondo specifically mentioned King and Murray, Michael Sylvester, and Kendell Richburg – other, well-known corrupt BPD officers.<sup>138</sup> This

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<sup>136</sup> For more information on the GTTF members' crimes, see Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>137</sup> Indictment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Feb. 23, 2017), ECF No. 1; Superseding Indictment, *United States v. Jenkins, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137. For additional information regarding the GTTF members' crimes, see Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>138</sup> Superseding Indictment at 23, *United States v. Jenkins, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137.



information about a possible federal investigation appeared to confirm information Allers had reported to Rayam several months earlier — that Jenkins was under investigation and that Rayam needed to be careful. Erika Jensen and her FBI colleagues thought it was likely that Allers had overheard something about the FBI’s investigation of the GTTF while in a “wire room” where wiretaps from multiple cases were being conducted. The failed attempt by the FBI Task Force to plant a bug in Jenkins’s Chevy Impala, described in Chapter VII, Section J, likely further fueled the GTTF members’ suspicion that they were under investigation.<sup>139</sup>

Jenkins went out on paternity leave in early November 2016. Prior to beginning his paternity leave, Jenkins mentioned to German his desire to take the lieutenants’ test, which German later concluded was Jenkins’s exit strategy from the GTTF.<sup>140</sup> At the same time that Jenkins claimed he was exhausted and needed a break, BPD continued to celebrate his accomplishments. In July 2016, Derek Loeffler, an administrative officer to BPD Commissioner Kevin Davis, solicited articles for an upcoming BPD newsletter. In response, Miller, who had recently become the colonel in charge of the Operational Intelligence Division, directed O’Ree to prepare an article on the GTTF for the BPD newsletter, stating that Palmere had requested it.<sup>141</sup> When O’Ree delayed doing so because he did not want to put in the time to draft it, Miller continued to push. The newsletter article was published in October 2016, under O’Ree’s byline:

It should go without saying that this is an extremely challenging time for law enforcement nationally. Officers are questioning themselves and their role in society, and the changing law enforcement landscape. Against this backdrop, I am extremely proud to showcase the work of Sergeant Wayne Jenkins and the Gun Trace Task Force. This team of dedicated detectives has a work ethic that is beyond reproach.

Under the supervision of Chief Sean Miller, the War Room staff and our crime analysts developed a set of individuals known as the “Trigger Pullers.” The Trigger Pullers are people who, based on crime data and other analytics, are the most likely to be involved in a murder or non-fatal shooting or to be a victim of violence themselves. A common background characteristic of the Trigger Pullers is multiple handgun violations.

In an effort to prevent the next murder or shooting, the Operational Investigation Division has focused their efforts on the Trigger Pullers.

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<sup>139</sup> Erika Jensen Interview, May 13, 2020; John Sieracki III Interview, Apr. 8, and Apr. 28, 2020. At the trial of Hersl and Taylor, Gondo testified that Allers had been the conduit for information that he (Gondo) was under investigation. Allers told Rayam, who told Gondo. Gondo Trial Testimony at 123-124 (Feb. 5, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 470.

<sup>140</sup> Marjorie German Interview, Sept. 15-16, 2020.

<sup>141</sup> Sean Miller Interview, Nov. 17, 2020.

Sergeant Jenkins and his team are responsible for arresting handgun violators; as well as, tracking the origins of guns and how they get into the hands of Tigger Pullers.

Ten and a half months into the year and Sergeant Jenkins and his team have 110 arrests for handgun violations and seized 132 illegal handguns. This is no small task. Their relentless pursuit to make our streets safer by removing guns and arresting the right people for the right reasons has made our City safer.

I couldn't be more proud of the strong work of this team.<sup>142</sup>

O'Ree later described it as one of the most elegant pieces he had ever written, but for the wrong people.<sup>143</sup>

Once Jenkins returned to the GTTF in January 2017, German saw some measure of panic in both Jenkins and Hersl. At separate times, Jenkins and Hersl told her they wanted to transfer out of the GTTF. Jenkins asked her to help with his requested transfer to the WATF; Hersl asked for her assistance in moving to the Citywide Shooting unit and asked whether she thought he would be a good fit with that unit. German relayed Jenkins's transfer request to Miller, but it was never acted upon because Miller and Palmere wanted Jenkins to remain in the GTTF.<sup>144</sup>

James Kostoplis joined the GTTF in October 2016 and was pleased about the assignment because he viewed it as an elite unit. He had originally joined BPD in 2011, departed in 2015 to take a job with a railroad police department in northern New Jersey, and then returned to BPD in February 2016. During his initial time with BPD, Kostoplis had worked for Jenkins in the Northeastern District. Jenkins had recognized Kostoplis's talent for drafting search warrants and said that Kostoplis reminded him of his younger brother. At the time, Jenkins told Kostoplis that he operated with two rules: "You don't take money, and you don't put shit on people."<sup>145</sup>

When Jenkins sought to bring him into the GTTF in 2016, Kostoplis was pleased; he had enjoyed working for Jenkins previously and thought working for him again would redound to his benefit because of Jenkins's connections and influence within BPD. During the first two weeks that he was assigned to GTTF, before Jenkins's paternity leave, the unit was extremely active, chasing down suspects and targeting vehicles. That changed dramatically when Jenkins went on leave. According to Kostoplis, the GTTF members were doing no police work at all: "They just wanted to sit

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<sup>142</sup> Chris O'Ree, *Your BPD News*, Vol. 2, Issue 5, Oct. 2016, at 3.

<sup>143</sup> Chris O'Ree Interview, Sept. 10, 2020.

<sup>144</sup> Marjorie German Interview, Sept. 15-16, 2020.

<sup>145</sup> James Kostoplis Interview, May 8, 2020.

in the office and play Xbox and didn't want to do anything while [Jenkins] was gone." To Kostoplis's surprise, that did not change when Jenkins returned in late January 2017. He understood that Jenkins was hoping to be promoted to lieutenant and had a large number of open IA complaints against him, which threatened to block his promotion. As a result, Jenkins seemed uninterested in going out on the street and doing police work.<sup>146</sup>

At the trial of Hersl and Taylor, Kostoplis testified that shortly after Jenkins's return, he asked Kostoplis to take a quick ride with him and Hersl. They drove a short distance to a side street near BPD headquarters, where Jenkins told Kostoplis to leave his phone and equipment in the van. At the rear of the van, Jenkins asked Kostoplis what he thought about investigating a high-level drug dealer, determining where he kept his money, and stealing it. According to his sworn testimony, Kostoplis said, "No. That's a terrible fucking idea. You know, you can't have a badge on your chest and do things like that."<sup>147</sup> Shortly after that conversation, Kostoplis was transferred out of the GTTF. At the time, Jenkins told Kostoplis it was because he knew Kostoplis wanted to engage in street enforcement activity and the GTTF was not doing so because of Jenkins's concerns about his IA complaints. Only later did Kostoplis fully realize that the conversation with Jenkins and Hersl was a test to see whether Kostoplis was willing to steal money with Jenkins and the other GTTF members.<sup>148</sup>

In mid-February 2017, approximately two weeks before the planned takedown of the GTTF members, Commissioner Davis and a senior member of his staff were briefed at the FBI's Baltimore field office about the FBI Task Force investigation and the plan to arrest the seven members of the GTTF – Jenkins, Gondo, Hendrix, Hersl, Rayam, Taylor, and Ward. The reason for notifying Davis at that time was because the arrests were going to be made at a BPD facility. The briefing included senior FBI personnel, John Sieracki, and Erika Jensen. Davis offered to provide whatever support the investigators needed. Rodney Hill, the head of BPD's IA, and Rob Morris of IA's Ethics Section, were later briefed on the arrest plans and helped formulate the specifics of how to effectuate the arrests and conduct the initial interrogations at the Kirk Avenue location.<sup>149</sup>

On March 1, 2017, the seven GTTF members arrived at Kirk Avenue for what they believed was part of an IA investigation into a supposed hit and run accident, only to be arrested on charges arising from their operation of the GTTF as a criminal

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<sup>146</sup> *Id.*

<sup>147</sup> Kostoplis Trial Testimony at 69-76 (Feb. 6, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 471.

<sup>148</sup> *Id.* at 77-78.

<sup>149</sup> John Sieracki III Interview, Apr. 8 and Apr. 28, 2020.

enterprise. The GTTF, which had begun with high expectations and promise in 2007, died on March 1, 2017, almost 10 years to the day after its creation.

## IX. The Aftermath (2017-2019)

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Jury finds Hersl and Taylor guilty, February 12, 2018



Mayor Catherine Pugh selects Darryl De Sousa as BPD Commissioner, January 2018

The March 1, 2017, arrests of the seven GTTF defendants were based on a sealed grand jury indictment returned on February 23, 2017, which remained sealed until the day of the arrests. The 45-page indictment charged the defendants in two counts. The first count charged a racketeering conspiracy, in violation of 18 U.S.C. § 1962(d). The second count charged the defendants with racketeering, in violation of § 1962(c). The substantive racketeering count (Count Two) included 34 separate racketeering acts, including 10 specific acts of robbery/extortion and 24 instances of wire fraud involving fraudulent overtime.<sup>1</sup>

The means and methods of the conspiracy used by the defendants were alleged to include the following:

- Stealing money, property, and drugs from individuals stopped on the street.
- Entering residences to steal money, property, and drugs.
- Conducting traffic stops to steal money, property, and drugs.
- Submitting false affidavits to obtain search warrants to facilitate such thefts.
- Preparing false incident reports, arrest reports, and seized property reports.
- Evading court proceedings to avoid being questioned about their activities.
- Obstructing law enforcement investigative efforts by sharing information about potential investigations, coaching one another to give false testimony to investigators, and turning off their body-worn cameras (BWC).
- Committing overtime fraud by submitting false time and attendance records.<sup>2</sup>

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<sup>1</sup> Indictment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Feb. 23, 2017), ECF No. 1.

<sup>2</sup> *Id.* at 5-6.



The indictment set forth details of the specific robberies the government had learned about through the wiretap of Gondo's phone and the bug installed in his car. The chronology of corrupt incidents described in the indictment – although these were certainly not the only corrupt acts engaged in by the defendants – began with the May 11, 2016, robbery of Nicholas De Forge, and extended through the September 7, 2016, robbery of Sergio Summerville at his storage unit. In addition, the indictment alleged that Gondo and Rayam had schemed to provide misleading information to IA in a matter that involved Thomas Allers; that Gondo had deliberately and improperly turned off his BWC during a September 2016 incident; that Gondo, Rayam, and Jenkins discussed committing additional major robberies in late September 2016; and that Jenkins had informed Gondo that they were under federal investigation.<sup>3</sup>

In addition to the indictment of the seven GTTF members, Gondo was indicted in a separate narcotics conspiracy case charging him, along with five other defendants who were members of the Shropshire drug trafficking organization – including his childhood friend Glen Kyle Wells – with conspiracy and substantive narcotics offenses involving the distribution of heroin and cocaine, including the distribution of heroin that led to fatal overdoses. Gondo was alleged to have provided the members of the organization with sensitive confidential information about law enforcement operations, enabling them to evade law enforcement.<sup>4</sup>

The March 1 arrests drew broad and intense condemnation from federal and local law enforcement officials. In a press conference the day of the arrests, US Attorney Rod Rosenstein said the defendants had engaged in a “pernicious conspiracy scheme” that “tarnishes the reputation of all police officers.” Rosenstein added, “Prosecuting criminals who work in police agencies is essential both to protect victims and to support the many honorable officers whose reputations they unfairly tarnish.” In a prepared press statement, then-BPD Commissioner Kevin Davis said, “The police officers charged today with crimes that erode trust with our community have disgraced the Baltimore Police Department and our profession.” In addition, Davis said:

These seven police officers acted disgracefully, they betrayed the trust we have and are trying to build upon with our community at a very sensitive time in our city's history. They acted in a manner that betrayed their fellow police officers. I've said on more than one occasion: good cops hate to work with bad cops.

The impact of the arrests on pending cases in which the GTTF members were involved was immediate. Rosenstein announced that five cases involving the GTTF members had been dropped during the federal investigation because of the impact of the GTTF's criminal conduct on their credibility, and therefore on the viability of the

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<sup>3</sup> *Id.* at 6-26. In addition to the racketeering charges, the indictment included a RICO forfeiture count.

<sup>4</sup> *United States v. Shropshire, et al.*, No. 1:16-cr-00051-CCB (D. Md. Feb. 23, 2017), ECF No. 123.

prosecutions; any case they touched became suspect and any case in which they had substantial involvement was unsustainable. Baltimore City State's Attorney Marilyn Mosby said that the GTTF charges would have "pervasive implications on numerous active investigations and pending cases."<sup>5</sup>

Although Davis had some advance notice of the federal investigation, he was not aware of all the specifics until very close to the time of the arrests. Immediately following the arrests, Davis confronted each of the GTTF members by staring at them without saying a word, which he believed was the best way to communicate his anger and sense of betrayal. He recalled that when he did so, each of the officers lowered his head, except Jenkins, who stared defiantly back at Davis.<sup>6</sup>

Within a week, Davis called an all-staff meeting to announce that most of BPD's plainclothes enforcement units would be put back in uniform and reassigned to patrol. Despite past public statements expressing support for plainclothes units, and despite having restored some of Batts's cuts in the strength of those plainclothes units, Davis said that he had never been especially supportive of such units because he thought that, in most cases, they were neither productive nor necessary to operational success. Davis said he was never a fan of police officers working in baseball hats, shorts, jeans, and outer tactical vests. In his view, that type of plainclothes apparel creates a slippery slope: once an officer stops looking like a police officer, that officer is less likely to behave like a police officer.<sup>7</sup>

In the wake of the arrests, the only significant personnel action taken by Davis was to demote Sean Miller from colonel to lieutenant, a three-level demotion. Davis said he did so largely because of the overtime fraud, which he believed Miller should have known about. He did not suspect that Miller knew about the other categories of corruption engaged in by the GTTF members. When Davis personally told Miller of his demotion, Miller said nothing, according to Davis, and made no effort to change his mind, which struck Davis as odd. Davis took no action against former Deputy Commissioner Dean Palmere even though, other than Davis himself, he was the highest-ranking member of BPD with direct command responsibility over the GTTF. Davis believed that Palmere had been carefully reviewing overtime and was "on top of that," making the lack of any sanction imposed on Palmere even less understandable in the face of Miller's demotion. The only IA investigation that Davis commissioned in the immediate wake of the GTTF arrests focused exclusively on fraudulent overtime, and it

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<sup>5</sup> Justin Fenton and Kevin Rector, Seven Baltimore Police officers indicted on federal racketeering charges, *The Baltimore Sun* (Mar. 1, 2017), <https://www.baltimoresun.com/news/crime/bs-md-ci-baltimore-police-indicted-20170301-story.html>; Press Release, US Dep't of Justice, US Attorney's Office, Dist. of Md., Seven Baltimore City Police Officers Arrested for Abusing Power in Federal Racketeering Conspiracy (Mar. 1, 2017), <https://www.justice.gov/usao-md/pr/seven-baltimore-city-police-officers-arrested-abusing-power-federal-racketeering>.

<sup>6</sup> Kevin Davis Interview, Dec. 20, 2019.

<sup>7</sup> Kevin Davis Interview, Dec. 8, 2020.

focused on the lieutenants in the GTTF's chain of command – Chris O'Ree and Marjorie German – rather than on Miller and Palmere.<sup>8</sup>

Miller knew nothing about the federal investigation of the GTTF members until just before the arrests. He recalled being angry and disappointed when he learned about the scope of the corruption. He contacted an acquaintance at the Federal Bureau of Investigation (FBI) to congratulate him on making the case; according to Miller, the acquaintance said, "Sean, you would not believe the shit they were doing." Miller said he spoke with Davis and Palmere, but did not want to ask too many questions out of concern that the investigation might be ongoing. He wanted to find out why the system he thought existed to track overtime had failed, but he never did discover this. Oddly, he said he never read the indictment to learn the details of the crimes the GTTF members were accused of committing, either before he was demoted, which occurred the week after the arrests, or afterwards. He said he was simply too "pissed off" to read it.<sup>9</sup>

Miller recalled that Palmere was out of town when Davis demoted him. According to Miller, Davis called him into his office and handed Miller the demotion/transfer letter in a folder. When Davis tried to offer words of consolation, Miller told him not to bother. He recalled that he did not want to argue with Davis or do anything that might have resulted in his termination. In fact, according to Miller, if there had not been lieutenant vacancies, Davis would have had the power to terminate him. Miller said that Palmere called Miller later on to say that he would recover from the demotion, but Miller believed that Palmere was complicit in it, did nothing to protect him, and was in fact unconcerned with Miller's fate. Miller said he never understood why he was the only person in the GTTF's chain of command, either below him (Kevin A. Jones, O'Ree, and German) or above him (Palmere) who was held accountable in a meaningful way. More than three years after his demotion, Miller said he still did not understand why he was singled out. He felt that he had been demoted "for no reason," and although he received words of sympathy from many of his BPD colleagues, he could not make sense of what happened to him.<sup>10</sup>

Palmere said he was appalled at the conduct of the GTTF members and never imagined that an entire squad would become corrupt: "What those guys did bothers me every day. I don't like it, I don't stand for it. And I think about it often." When asked whether he thought it was fair to single out Miller as the only person in the chain of command to suffer any serious adverse consequences, Palmere claimed that he did not "know everything that was going on at the time," and that there could have been "additional underlying issues" that contributed to Miller's demotion. Contrary to Palmere's claim, we found no evidence of any such additional underlying issues

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<sup>8</sup> *Id.*

<sup>9</sup> Sean Miller Interview, May 1, 2020.

<sup>10</sup> *Id.*

involving Miller. Palmere said he had mixed feelings regarding Miller's punishment, stating, "I guess, in a way, we are responsible." Palmere then pivoted to others who should be held accountable: "If you're looking at who should take a hit, you have to look at IA and think about why [the GTTF corruption] wasn't picked up." Palmere also sought to blame the lack of GTTF oversight on staffing shortages that caused the chain of command to shrink in size, broadening the span of control of senior executives such as Miller. As a result, the command structure was left in a weakened state. Palmere acknowledged that Miller did not have a major working under him during the period that the GTTF committed crimes under Jenkins. He said that his requests to place a major under Miller were never fulfilled.<sup>11</sup>

On March 7, the day after Miller was demoted, Davis announced that he was disbanding all of the BPD plainclothes enforcement units that were housed in the Major Crimes Section of the Operational Intelligence Division—the squads supervised by German, O'Ree, Devine, and Miller. Davis said that his intention was not to eliminate plainclothes policing entirely, but instead to do away with plainclothes *enforcement*. In its place, Davis created District Action Teams (DATs), which deployed plainclothes officers to district patrol stations where they operated in a "specialized patrol capacity." Davis maintained that he did not fully eliminate plainclothes policing—BPD officers continued to execute covert operations in plainclothes.<sup>12</sup>

Further, Davis denied having misled BPD personnel about his intentions regarding the plainclothes enforcement units by previously voicing support for these units and then largely disbanding them. He contended that the moment demanded that he do something dramatic in response to the GTTF indictments. He thought the best solution was to move BPD away from the "loosey goosey plainclothes nonsense."<sup>13</sup> His goal was to replace centralized plainclothes enforcement with uniformed, decentralized enforcement. Davis created a DAT for each district, as well as three special DATs focused on Monument Street, the Pennsylvania Corridor, and the Tri-District. The DAT officers were "all in uniform, all the time."<sup>14</sup> The goal of the DATs

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<sup>11</sup> Dean Palmere Interview, Aug. 4 and 16, 2020.

<sup>12</sup> Justin Fenton and Tim Prudente, Commissioner Davis says plainclothes policing in Baltimore is over, *The Baltimore Sun* (Mar. 8, 2017), <https://www.baltimoresun.com/news/crime/bs-md-ci-plainclothes-policing-ends-20170308-story.html>; Kevin Davis Interview, Dec. 8, 2020.

<sup>13</sup> Kevin Davis Interview, Dec. 8, 2020. German recalled that Davis had assured plainclothes detectives who assembled in an auditorium at BPD headquarters for the all-staff meeting in the wake of the GTTF indictments that he believed they policed correctly and that he had no intention of "throwing the baby out with the bathwater." As she recalled it, Davis then went on television that same day to say that in essence he intended to throw the baby out with the bathwater. She recalled watching Davis on television with her squads and said that everyone watching felt that Davis had misled them. Marjorie German Interview, Sept. 15-16, 2020.

<sup>14</sup> Kevin Davis Interview, Dec. 8, 2020. Davis said that after he was fired in January 2018, Darryl De Sousa reversed the "all in uniform, all the time" directive, and that De Sousa allowed DAT officers to wear khaki pants. Davis said, "Cops don't wear khaki pants." *Id.*

was to provide district commanders with discretionary resources to address challenges specific to the areas under their control on an as-needed basis, and to provide those commanders with additional control and flexibility to handle unique issues.<sup>15</sup> According to other members of BPD, the DATs were far less than advertised: they were little more than a rebranding of district operations squads—like the shift from Violent Crime Impact Section to the Special Enforcement Section five years earlier, it was old wine in new bottles.<sup>16</sup>

## **A. The Cases Against the Original GTTF Defendants – Debriefings, Plea Agreements, Trial, and Sentencing**

Within a few weeks of the March 1 arrests, lawyers for the defendants contacted the federal prosecutors who were handling the case, Leo Wise and Derek Hines, to discuss the possibility of plea agreements and cooperation with the government’s investigation. The level and type of detail in the indictment, including the details of phone conversations, signaled to the defendants and their lawyers the strength of the government’s case and undoubtedly motivated the defendants to come forward to obtain the best deal they could. Along with the prosecutors, John Sieracki and Erika Jensen, who led the FBI’s Public and Border Corruption Task Force’s (FBI Task Force) investigation, participated in an extensive set of debriefings of the defendants, assessing the quality and quantity of information the defendants had to offer and their strength as potential witnesses.

### **1. Ward**

Although Ward was not the first defendant to be debriefed, he quickly impressed Jensen and Sieracki with both the quality of his memory and his attitude once he made the decision to cooperate. Ward provided a substantial amount of information about his colleagues in the GTTF and about his experience working with Jenkins and Taylor before they were transferred to the GTTF. Sieracki recalled that Ward was the only one of the cooperating GTTF members who volunteered information in his debriefing sessions rather than simply responding to questions. Ward would make notes before his debriefing sessions and bring them to the sessions to share his recollections with the investigators. He provided the investigators with information about incidents previously unknown to them.<sup>17</sup>

Jensen believed that Ward was the most conflicted and reluctant of the participants in the GTTF’s crimes and that he was simply too weak to resist Jenkins’s unrelenting pressure to participate in criminal activities. This explained the crimes Ward committed with Jenkins, but not the others he acknowledged committing without

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<sup>15</sup> Jason Johnson Interview, Dec. 19, 2019.

<sup>16</sup> John Herzog Interview, Sept. 3, 2021.

<sup>17</sup> John Sieracki III Interview, Apr. 28, 2020; Erika Jensen Interview, May 13, 2020.



Jenkins. Ward told the investigators that BPD's culture encouraged dishonesty in matters large and small—he said that his first memory of engaging in misconduct involved being instructed to write a report as though he had made certain observations, when in fact a supervisor had made the observations. Ward was directed to omit any reference to the supervisor to ensure that he did not have to testify about the incident. Ward told Jensen and Sieracki that this incident was emblematic of BPD's culture that encouraged lying. Ward explained his own involvement in criminal activity by claiming that criminal activity by officers was “pervasive,” and that everyone around him was doing it.<sup>18</sup>

Sieracki and Jensen said they never caught Ward in a lie during the debriefings, and that they came to believe his versions of certain events that they had initially viewed with skepticism. These included Ward's claims that he had disposed of his share of the March 2016 Oreese Stevenson residential robbery by throwing approximately \$20,000 away in the woods near his home, and that he had placed his \$5,000 share of a separate robbery in the trunk of Jenkins's vehicle. Jensen and Sieracki both noted that Ward's reluctance to profit from the robberies in which he participated was due at least in part to the fact that he was extremely fearful that his girlfriend, Kyesha Coleman, who was herself a BPD officer, would learn of his criminal activity. Ward was unwilling to bring home money whose origins he could not readily explain to her. The investigators were convinced that Coleman had no knowledge of Ward's illegal activities.<sup>19</sup>

On July 21, 2017, Ward pled guilty to racketeering conspiracy. Ward signed a plea agreement by which he agreed to cooperate with the government and in which he acknowledged his involvement in the racketeering enterprise, his participation in four robberies,<sup>20</sup> and his involvement in overtime fraud. Ward was the government's first witness in the trial of Hersl and Taylor in January 2018, testifying over the course of two days. On June 8, 2018, Ward was sentenced to seven years' imprisonment followed by three years of supervised release, a sentence substantially reduced because of his cooperation with the government's investigation and prosecution.<sup>21</sup>

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<sup>18</sup> John Sieracki III Interview, Apr. 28, 2020; Erika Jensen Interview, May 13, 2020.

<sup>19</sup> John Sieracki III Interview, Apr. 28, 2020; Erika Jensen Interview, May 13, 2020. We interviewed Coleman and found no reason to believe she was aware of Ward's criminal behavior. She told us that many of the representations about her relationship with Ward that were included in Ward's sentencing memo, the contents of which she was previously unaware, were false and misleading in the depiction of her relationship with Ward. She said the relationship was rocky throughout, largely because of his chronic infidelity. Kyesha Coleman Interview, Jan. 27, 2021.

<sup>20</sup> The dates of the robberies were: Feb. 17, 2016; Mar. 22, 2016; June 24, 2016; and Aug. 24, 2016.

<sup>21</sup> Ward Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 161; Ward Plea Transcript, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 22, 2018), ECF No. 306; Ward Sentencing Transcript, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 8, 2018), ECF No 411.

## 2. Gondo

According to Jensen, Gondo was very matter of fact and direct in furnishing information during his proffer sessions. He described the operation of the GTTF and his experience with BPD's culture. Gondo told the investigators that he participated in corruption starting very early in his career. He recalled that his first involvement in corruption occurred when he arrived on the scene of a search warrant and a BPD member handed him some cash that had been found during the search. Gondo said he learned from that early experience that there was a peculiar norm observed in cash thefts from residences: the officer responsible for the warrant was responsible for dividing the cash recovered during the search. According to Gondo, the quirky honor system of such thefts was the understanding that no officer should take money during the execution of a search based on another officer's warrant. It was that officer's decision whether to steal and how to distribute the money that was stolen.<sup>22</sup>

More broadly, Gondo described corruption among BPD officers as casual and almost routine. He estimated that 70% of officers in plainclothes units were stealing money on the job. The investigators never found Gondo to be untruthful during the course of his cooperation, but both Jensen and Sieracki lacked full confidence that Gondo was telling them everything he knew. They could not rule out that he was holding back information, especially as to people with whom he had personal relationships.<sup>23</sup>

On October 12, 2017, Gondo pled guilty to the GTTF racketeering conspiracy charge, and to the narcotics conspiracy charge in the Shropshire narcotics indictment. Gondo signed a plea agreement in which he agreed to cooperate with the government and in which he acknowledged, among other things, his involvement in the racketeering enterprise, eight robberies,<sup>24</sup> and overtime fraud. Gondo was the last of the four cooperating witnesses to testify for the government in the trial of Hersl and Taylor. On February 12, 2019, Gondo was sentenced to a term of 10 years' imprisonment for his racketeering and narcotics conspiracy crimes, followed by four years of supervised release – a sentence that, like Ward's, was substantially reduced from what it otherwise would have been because of his cooperation.<sup>25</sup>

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<sup>22</sup> John Sieracki III Interview, Apr. 28, 2020; Erika Jensen Interview, May 13, 2020.

<sup>23</sup> John Sieracki III Interview, Apr. 28, 2020; Erika Jensen Interview, May 13, 2020.

<sup>24</sup> The dates of the robberies were: Mar. 11, 2015; July 31, 2015; Oct. 5, 2015; Feb. 10, 2016; Feb. 23, 2016; May 28, 2016; July 8, 2016; and another robbery listed as June 2015 but that likely took place later in 2015. Gondo Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13, 2017), ECF No. 200.

<sup>25</sup> Gondo Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13, 2017), ECF No. 200; Gondo Plea Transcript (Oct. 12, 2017), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Mar. 1, 2018), ECF No. 362; Gondo Sentencing Transcript (Feb. 12, 2019), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Feb. 12, 2019), ECF No. 488.

### 3. Rayam

The members of the FBI Task Force found Rayam to be a more difficult cooperating witness to deal with than Ward or Gondo. Jensen and Sieracki found that he would provide useful information, but only when the investigators had specific knowledge or evidence with which to confront him. Unlike Ward, he did not volunteer information. Jensen said she could not determine whether Rayam was dealing with cognitive issues, and Sieracki noticed that Rayam would seem to conveniently forget about certain incidents or events unless he was provided with specific evidence about them. Sieracki described him as a “Jekyll and Hyde” character, with a very different persona when he was dealing with the investigators compared to when he spoke to family members during jail calls that were monitored.<sup>26</sup>

Jensen’s view was that Rayam was a criminal before he joined BPD. He had an out-of-control lifestyle and had serious impulse control issues. In addition, he would break into the cars of drug dealers while they were inside nightclubs with Rayam’s girlfriend. During his time with investigators, Rayam claimed to have found Jesus – he claimed to have “seen the light.” At one point, he tried to convince the FBI to take him on a road show around the country so he could speak to others about his personal salvation.<sup>27</sup>

On October 10, 2017, Rayam pled guilty to racketeering conspiracy. Rayam signed a plea agreement in which he agreed to cooperate with the government and in which he acknowledged, among other things, his participation in the racketeering enterprise; his involvement in nine robberies that were specified in the plea agreement;<sup>28</sup> and his planning of additional robberies that never came to fruition. Rayam testified over the course of two days during the trial of Hersl and Taylor. On May 28, 2019, Rayam was sentenced to a term of twelve years’ imprisonment followed by three years of supervised release, a more severe sentence than the Court imposed on Gondo, who in addition to the racketeering charge, had pled guilty to the narcotics distribution charge.<sup>29</sup>

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<sup>26</sup> John Sieracki III Interview, Apr. 28, 2020; Erika Jensen Interview, May 13, 2020.

<sup>27</sup> John Sieracki III Interview, Apr. 28, 2020; Erika Jensen Interview, May 13, 2020. When Rayam responded to a letter we sent to him in January 2020 requesting his cooperation, he declined to do so. In a telephone conversation, Rayam repeatedly asked what benefit he would receive for his cooperation. Without any guaranteed reward for agreeing to be interviewed, Rayam declined to assist with our investigation. He mentioned nothing about wanting to share his journey of salvation. Telephone call with Jemell Rayam, Jan. 16, 2020.

<sup>28</sup> June 27, 2014; Mar. 11, 2015; Apr. 3, 2015; July 31, 2015; Oct. 5, 2015; Feb. 10, 2016; Feb. 23, 2016; May 11, 2016; and May 28, 2016; Rayam Plea Agreement at 11-19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No.196.

<sup>29</sup> Rayam Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No.196; Rayam Plea Transcript, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md.

Not surprisingly, Rayam was disappointed at the length of his sentence; according to Jensen, Rayam believed that the extent of his cooperation had earned him a much more lenient sentence. She noted that during the car ride transporting Rayam from his sentencing back to the county jail in which he was being held, Rayam was sullen and refused to speak to anyone. Even so, as with the other cooperating co-defendants, his sentence was less severe than it would have been without his cooperation with the government.<sup>30</sup>

#### 4. Hendrix

Hendrix did not provide the investigators with any significant new information beyond what they had already learned during their investigation and from the other cooperating witnesses, although he generally corroborated that information. The investigators found him to be honest when prompted with specific information, but not eager to volunteer information. Jensen noted that Hendrix plainly had a drinking problem—he carried an open bottle of Hennessy Cognac in his police vehicle. The investigators observed Hendrix to be quiet and lacking strong verbal skills, which affected his ability to convey information. They learned that he had five children and a turbulent domestic life.<sup>31</sup>

On July 21, 2017, Hendrix pled guilty to racketeering conspiracy. He signed a plea agreement in which he agreed to cooperate with the government and acknowledged, among other things, his participation in the racketeering enterprise; his involvement in three robberies;<sup>32</sup> and his involvement in overtime fraud. Hendrix provided more abbreviated testimony during the trial of Hersl and Taylor than Ward, Gondo, and Rayam, but he provided testimony that was generally consistent with the testimony of the others with respect to specific incidents. On June 8, 2018, Hendrix was sentenced to a term of seven years' imprisonment—the same custodial sentence as Ward, and less than those imposed on Gondo and Rayam—to be followed by three years of supervised release. As with the other cooperating co-defendants, Hendrix's sentence was less severe than it would have been without his cooperation with the government.<sup>33</sup>

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Jan. 26, 2018), ECF No. 320; Rayam Sentencing Transcript, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 26, 2019), ECF No. 516.

<sup>30</sup> Erika Jensen Interview, May 13, 2020.

<sup>31</sup> *Id.*; John Sieracki III Interview, Apr. 28, 2020.

<sup>32</sup> Mar. 22, 2016; June 24, 2016; and Aug. 24, 2016.

<sup>33</sup> Hendrix Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 158; Hendrix Plea Transcript (Jan. 29, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 466; Hendrix Sentencing Transcript (June 8, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 2, 2020), ECF No. 564; Hendrix Judgment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 13, 2018), ECF No. 420.

## 5. Jenkins

By mid-October 2017, Ward, Gondo, and Rayam had pled guilty, which left only Jenkins, Hersl, and Taylor with charges that had not yet been resolved. From the beginning, Jensen believed that Jenkins was the least likely defendant to cooperate. When members of the investigative team first met with Jenkins and his counsel at a local jail, the members of the team had mixed views of his credibility and his potential value as a cooperating witness. In a subsequent meeting, they came to believe that Jenkins was both supremely manipulative and delusional – he seemed to believe many of his own lies. For example, Jenkins maintained that the video showing members of the GTTF opening the safe at Oreese Stevenson’s house was the first time the safe was opened, rather than a staged reenactment. The investigators were convinced by compelling evidence, including testimony from Ward and a video recorded by Taylor’s phone, that it was a reenactment. The members of the government team continued to believe that, even though they caught him in some lies during the debriefing process, Jenkins could still prove to be an extremely productive witness in providing evidence against other corrupt officers. However, in their view, he seemed to be constantly playing various angles and working to minimize incriminating information about the BPD members closest to him whom he sought to protect.<sup>34</sup>

Before his second debriefing in late July, the investigators told Jenkins he had one final opportunity to prove his honesty and value as a cooperating witness. Sieracki and Jensen went so far as to meet in person with Jenkins’s brother to underscore the importance of the upcoming debriefing session. In that second session, Jenkins provided significant new information, including information about events dating back more than 10 years to his earliest acts of corruption in a plainclothes unit. He admitted his involvement in the 2014 BB gun planting episode involving Demetric Simon that implicated Keith Gladstone and others. But Jenkins was unable to persuade the prosecutors and investigators that he was providing them with full, complete, and accurate information. He continued to minimize his own conduct and protect some of his BPD colleagues. Jensen found the sessions with him to be physically exhausting because of Jenkins’s manipulation and duplicity, as well as ultimately unsatisfying and inconclusive.<sup>35</sup>

On January 5, 2018, a few weeks before the scheduled start of the trial of the remaining GTTF defendants, Jenkins pled guilty to multiple charges. Unlike the defendants whose agreements required them to plead guilty to only a single count of racketeering conspiracy in recognition of their cooperation, Jenkins was required to plead guilty to racketeering conspiracy, a substantive count of racketeering, and seven

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<sup>34</sup> John Sieracki III Interview, Apr. 28, 2020; Erika Jensen Interview, May 13, 2020.

<sup>35</sup> John Sieracki III Interview, Apr. 28, 2020; Erika Jensen Interview, May 13, 2020.



robberies.<sup>36</sup> In addition, based on his role in the 2010 incident involving the planting of drugs at the scene of the accident involving Umar Burley and Brent Matthews, Jenkins's plea agreement required him to plead guilty to two additional counts – submitting a false statement of probable cause and depriving Burley of his civil rights by fabricating evidence that he possessed drugs in his vehicle.<sup>37</sup> Jenkins did not appear as a witness at the trial of Hersl and Taylor.

On June 7, 2018, Jenkins was sentenced to 25 years' imprisonment – 20 years for the racketeering charges and the robberies committed while he led the GTTF, and five additional years for the incident involving the 2010 drug planting incident. The term of imprisonment will be followed by three years of supervised release.<sup>38</sup>

## 6. Hersl

Hersl was debriefed twice following the March 1 arrests, encouraged to do so by his lawyer. During the investigation, the FBI Task Force had amassed substantial evidence that Hersl frequently used excessive force and stole small amounts of money. He kept cash in his police vehicle, most likely the result of small-bore thefts from people he stopped on the street. Ultimately, plea negotiations with Hersl broke down because he could not bring himself to fully admit his criminal conduct, although in his second debriefing session, he did admit to his participation in several crimes.<sup>39</sup>

## 7. Taylor

Based on Taylor's relative youth, his level of education, and the fact that he came from a military family, the investigators believed that Taylor was the most likely defendant of the seven initial defendants to cooperate. They were wrong. Other than acknowledging that he received overtime pay to which he was not entitled as part of the overall overtime fraud scheme, Taylor denied any other illegal activity or misconduct. Jensen recalled that the interviews with Taylor began promisingly, but then soon deteriorated into a series of adamant denials. Taylor never showed interest in genuinely cooperating with the government's investigation and negotiating an

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<sup>36</sup> May 11, 2011; July 11, 2014; Spring 2015; Feb. 4, 2016; Mar. 22, 2016; July 8, 2016; and Aug. 8, 2016.

<sup>37</sup> Jenkins Plea Agreement, *United States v. Gondo, et al.*, 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254.

<sup>38</sup> Jenkins Sentencing Transcript, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 27, 2018), ECF No. 20.

<sup>39</sup> Erika Jensen Interview, May 13, 2020. After his conviction and sentencing, Hersl sent more than 20 letters to the Commission to Restore Trust in Policing proclaiming his innocence. More recently, in response to a series of motions to vacate his sentence pursuant to 22 U.S.C. § 2255, the government filed portions of FBI 302s that included Hersl's admissions that he participated in various crimes with which he was charged. Gov't Response to Def.'s Motion to Vacate, Set Aside, or Correct a Sentence, *United States v. Gondo, et al.*, 1:17-cr-17-00106-CCB (D. Md. June 1, 2021), ECF No. 663.

agreement. Jensen concluded that Taylor was in many respects delusional and may have been under the influence of Jenkins in deciding not to cooperate.<sup>40</sup>

## 8. The Trial of Hersl and Taylor

The trial of Hersl and Taylor began on January 23, 2018 before United States District Judge Catherine C. Blake, and lasted ten days. The core of the case against Hersl and Taylor was presented through the testimony of the four cooperating former GTTF members – Ward, Rayam, Hendrix, and Gondo – and through the testimony of numerous victims of the defendants’ crimes. Many of those victims had substantial criminal histories and were testifying under limited grants of immunity. The testimonial evidence from participants and victims was supplemented by substantial additional evidence, including the tapes of wiretapped conversations, records reflecting the defendants’ overtime fraud, and other documentary and testimonial evidence. Neither of the defendants testified.

The trial ended with verdicts on February 12, 2018. Hersl was found guilty on the racketeering conspiracy and substantive racketeering counts, as well as the robbery committed with Jenkins on July 8, 2016. Following a question from the jury on the final day of deliberations reflecting confusion about the elements of the firearms offenses linked to the Hobbs Act robberies, Hersl was acquitted on the separate firearms count. Like Hersl, Taylor was convicted on the racketeering conspiracy and substantive racketeering counts, as well as a Hobbs Act robbery committed with Jenkins on March 22, 2016. Taylor, too, was acquitted of the firearms count associated with the Hobbs Act robbery.<sup>41</sup>

On June 7, 2018, Taylor was sentenced to 18 years’ imprisonment to be followed by three years of supervised release, the same sentence as Hersl. At his sentencing hearing, he continued to maintain his innocence, though in barely coherent terms.<sup>42</sup> Shortly thereafter, on June 22, 2018, Hersl was sentenced to 18 years’ imprisonment, to be followed by three years of supervised release. Hersl declined to say anything on his own behalf at sentencing.<sup>43</sup>

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<sup>40</sup> Erika Jensen Interview, May 13, 2020; John Sieracki III Interview, Apr. 28, 2020.

<sup>41</sup> Verdict Trial Transcript at 9-25 (Feb. 12, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 476.

<sup>42</sup> Taylor Sentencing Transcript at 35-43 (June 7, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 479.

<sup>43</sup> Hersl Sentencing Transcript at 78 (June 22, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 477; Hersl Judgment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 26, 2018), ECF No. 442.

## 9. Thomas Allers

Prior to the March 1 arrests, the investigation had generated very little relevant information about Allers, Jenkins's predecessor as sergeant of the GTTF. Members of the FBI Task Force knew that Allers had approved the false and misleading account submitted by Gondo of the May 2016 De Forge/Ader incident, participated in the improper use of a GPS tracker, and was granted a seemingly sudden transfer out of the GTTF.

However, shortly after the March 1 takedown, the investigators interviewed a witness who placed Allers's son at the scene of a GTTF robbery. That interview was followed shortly thereafter by interviews with witnesses who confirmed the involvement of Allers and his son in the March 11, 2014, robbery in Woodlawn, described in detail in Chapter VIII, Section I. Neither the prosecutors nor the FBI Task Force investigators ever met with Allers to discuss potential cooperation. Initially, they suspected that Allers's reluctance to meet was because of his concern about implicating his son, but assurances by the prosecutors and investigators that they were not interested in pursuing his son made no difference. Allers's lawyer was unable to persuade him to sit down with the prosecutors and investigators. Jensen suspected that the reason was because he was so well-connected within BPD and would feel compelled to provide incriminating information about powerful people.<sup>44</sup>

The most incriminating evidence against Allers was provided by Gondo and Rayam during the debriefings that took place as part of the plea discussion and negotiation process. Gondo and Rayam furnished detailed information about the crimes they committed with Allers while he led the GTTF. Incidents involving Allers were included in the plea agreements prepared for Gondo and Rayam in June, which referred to Allers as "Sergeant A," and alleged that he was a participant in numerous crimes to which they admitted.<sup>45</sup>

On August 24, 2017, Allers was charged with racketeering conspiracy, racketeering, and five Hobbs Act robberies that were alleged to have taken place between March 2014 and March 2016. On December 6, 2017, Allers pled guilty to one count of racketeering conspiracy. His plea agreement included admissions that he participated in nine robberies in conjunction with Gondo and Rayam, and in some cases also with Hersl. On May 31, 2018, Allers was sentenced to 15 years' imprisonment to be followed by three years of supervised release.<sup>46</sup>

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<sup>44</sup> Erika Jensen Interview, May 13, 2020; John Sieracki III Interview, Apr. 28, 2020.

<sup>45</sup> Gondo Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13, 2017), ECF No. 200; Rayam Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017) ECF No. 196.

<sup>46</sup> Allers Indictment, *United States v. Allers*, No. 1:17-cr-0452-CCB (D. Md. Aug. 24, 2017), ECF No. 1; Allers Plea Agreement, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20; Allers Sentencing Transcript (May 11, 2018), *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Jan. 18,

## B. The Demetric Simon Gun Planting Defendants

During his discussions with prosecutors and investigators on two occasions in July 2017, Jenkins acknowledged his role in initiating the planting of the BB gun following the 2014 traffic accident involving Demetric Simon, discussed at length in Chapter VI, Section H. Based on that admission, the prosecutors and investigators launched a second wave of cases separate from those involving members of the GTTF.

The Simon incident was only tangentially linked to the officers who had been associated with the GTTF. The link was the relationship between Gladstone and Jenkins. Gladstone had joined BPD in 1992, 11 years before Jenkins, and they had first worked together early in Jenkins's career. Based on numerous witness accounts, Gladstone was a mentor to Jenkins and Jenkins looked up to him. At various times, they had worked together on the same squad – in 2009, at the time of the Trenell Murphy incident, and again in 2011 immediately before Jenkins's first tour of duty in the GTTF. In 2014, at the time of the gun planting incident, they headed neighboring Westside plainclothes squads under Lieutenant Daryl Murphy.

On multiple occasions, Jenkins had spoken with members of the GTTF about the gun planting incident, using it as a morally bankrupt lesson on the importance of carrying around a BB gun as insurance in case an officer needed a fabricated justification for otherwise unjustifiable actions. During their debriefings, the GTTF members shared Jenkins's story with the government, and following Jenkins's debriefings, it became clear that Jenkins contacted Gladstone after the Simon accident to have a BB gun planted.<sup>47</sup>

Based on the information obtained from Jenkins, which was corroborated by several officers who were present at the site of the accident and gun planting, Gladstone was indicted on civil rights, conspiracy, and witness tampering charges on February 27, 2019. The specifics of the charges against Gladstone are described in detail elsewhere in this Report.<sup>48</sup> On May 31, 2019, Gladstone pled guilty to one count of conspiracy to violate the civil rights of Demetric Simon by planting the BB gun at the scene on March 26, 2014.<sup>49</sup> As of the date of this Report, Gladstone continues to cooperate with the government and has not yet been sentenced.

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2019), ECF No. 46; Allers Judgment, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. May 31, 2018), ECF No. 42. The nine robberies took place on the following dates: Mar. 11, 2014; Oct. 8, 2014; Apr. 3, 2015; July 31, 2015; Feb. 10, 2016; Feb. 23, 2016; Mar. 2, 2016; Apr. 28, 2016; and May 28, 2016.

<sup>47</sup> John Sieracki III Interview, Apr. 28, 2020; Erika Jensen Interview, May 13, 2020.

<sup>48</sup> For more information on the crimes for which Gladstone was charged, see Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>49</sup> Gladstone Plea Agreement, *United States v. Gladstone*, No. 1:19-cr-00094-CCB (D. Md. June 3, 2019), ECF No. 19.

The government's investigation, and Gladstone's cooperation, led eventually to criminal charges against two other participants in the gun planting incident – Carmine Vignola and Robert Hankard. On February 13, 2019, Vignola testified before a grand jury that was investigating the BB gun planting incident. He later admitted that he had testified falsely. On September 23, 2019, Vignola pled guilty to perjury before the grand jury through knowingly providing a false account of the gun planting episode. On February 6, 2020, he was sentenced to 18 months' imprisonment to be followed by two years of supervised release. Further details of Vignola's crime are provided elsewhere in this Report.<sup>50</sup>

On January 14, 2020, Robert Hankard was charged with multiple crimes in a five-count indictment relating to two separate incidents – the March 26, 2014, gun planting incident and a September 24, 2015, incident that involved planting drugs. On August 11, 2020, a superseding indictment with a broader set of charges was unsealed. Further details of Hankard's alleged crimes are provided elsewhere in this Report.<sup>51</sup> As of publication of this Report, Hankard is awaiting trial.

### **C. The 2009 Trenell Murphy Defendants**

In Chapter V, Section F, we described the February 19, 2009, BPD operation that resulted in the arrest of Trenell Murphy and the seizure of approximately 40 kilograms of cocaine, which at the time was viewed as a major triumph for BPD. However, as more fully described in Chapter V, Gladstone, Ivo Louvado, and Victor Rivera diverted and stole three kilograms of cocaine from the amount that was seized, sold the cocaine through one of Rivera's informants, and shared in the proceeds. Once Gladstone began cooperating with the government in the spring of 2019, he was obligated to provide truthful information about all illegal activities in which he participated. That included information about the theft and sale of the three kilograms of cocaine in 2009 and the roles of Louvado and Rivera in those events.

On March 30, 2017, Ivo Louvado was interviewed about the 2009 theft and lied about his knowledge of the events.<sup>52</sup> Although the statute of limitations had run for charging him with the theft and sale of the drugs, it had not run with respect to his false statements during the 2017 interview. On March 11, 2020, Louvado was charged in a one count information with making false statements about the 2009 theft and sale of the cocaine. On November 6, 2020, Louvado pled guilty to making false statements, and on

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<sup>50</sup> For more information regarding Vignola's criminal conduct, see Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>51</sup> Hankard's alleged crimes are discussed in further detail in Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>52</sup> FBI FD-302 of Ivo Louvado (Mar. 30, 2017).



February 8, 2021, he was sentenced to 14 months' imprisonment, to be followed by three years of supervised release.<sup>53</sup>

Victor Rivera was the third BPD officer involved in the 2009 theft and sale of cocaine in the Trenell Murphy case. It was Rivera's informant who sold the drugs and provided the proceeds that were shared among Gladstone, Louvado, and Rivera. As part of the FBI Task Force's continuing investigation, Rivera was interviewed about the incident on November 1, 2019. During the interview, Rivera lied repeatedly about his knowledge and participation in the theft and sale of the cocaine. He falsely said he knew nothing about the theft, never gave drugs to his confidential source, and never shared any proceeds of the sale with anyone from his squad.<sup>54</sup>

On April 15, 2020, Rivera pled guilty to one count of making false statements to law enforcement officials during the November 1, 2019, interview. On January 26, 2021, Rivera was sentenced to fourteen months' imprisonment to be followed by two years of supervised release.<sup>55</sup>

Rivera was the only defendant who agreed to be interviewed in connection with our investigation. In explaining his lies, Rivera said that he believed Gladstone would not tell the FBI Task Force about Rivera's role in the cocaine theft, even though Rivera was fully aware that Gladstone had been charged and pled guilty months earlier. Rivera said that he lied to protect his family from harm. He characterized his FBI Task Force interview as one of the most terrifying experiences of his life. He said he recognized as soon as he left the interview that his world "would come tumbling down" – and that it was only a matter of time.<sup>56</sup> It took only a few months for that to happen.

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<sup>53</sup> Press Release, US Dep't of Justice, US Attorney's Office, Dist. of Md., Former Baltimore Police Detective Pleads Guilty to Making False Statements to Federal Agents (Nov. 6, 2020), <https://www.justice.gov/usao-md/pr/former-baltimore-police-detective-pleads-guilty-making-false-statements-federal-agents>; Louvado Plea Transcript, *United States v. Louvado*, No. 1:20-cr-00098-CCB (D. Md. (Nov. 6, 2020), ECF No. 8; Louvado Sentencing Transcript, *United States v. Louvado*, No. 1:20-cr-00098-CCB (D. Md. Feb. 8, 2021), ECF No. 18.

<sup>54</sup> Rivera Information, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Apr. 15, 2020), ECF No. 1.

<sup>55</sup> Press Release, US Dep't of Justice, US Attorney's Office, Dist. of Md., Former Baltimore Police Officer Sentenced to 14 Months in Federal Prison for Lying to Federal Law Enforcement Officer Regarding the Illegal Sale of Drugs Seized During a BPD Investigation (Jan. 26, 2021), <https://www.justice.gov/usao-md/pr/former-baltimore-police-officer-sentenced-14-months-federal-prison-lying-federal-law>; Rivera Plea Agreement, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Aug. 26, 20), ECF No. 8; Rivera Sentencing Transcript, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Jan. 26, 2021), ECF No. 23.

<sup>56</sup> Victor Rivera Interview, Feb. 10, 2021.

## D. The Death of Sean Suiter

By November 2017, the US Attorney's Office (USAO) and FBI Task Force members had secured guilty pleas from Ward (July 21), Hendrix (July 21), Rayam (October 10), and Gondo (October 12). They were preparing for a trial that, as of mid-November, would include Jenkins, Hersl, and Taylor as defendants. At the time, they were following up leads provided by the cooperating witnesses and moving towards reaching plea agreements with Allers, who pled guilty on December 6, 2017, and finally with Jenkins, who pled guilty on January 5, 2018. One of the witnesses in whom the prosecutors and investigators were interested was Sean Suiter. Their specific interest was in the April 28, 2010, drug planting incident, which subsequently served as the basis for charges to which Jenkins pled guilty. Suiter was scheduled to testify in the grand jury about the incident on November 16.

Suiter was an Army veteran who had joined BPD in 1999 and had worked in Violent Crime Impact Division starting in 2008. From there, his subsequent assignments included working on the Westside 6 squad with Jenkins, Ward, Guinn, and Gladstone; a Violent Repeat Offender squad with Jenkins and Gladstone; the Western District Detective unit; and, beginning in 2016, the Homicide unit. Importantly, Suiter had been working with Jenkins, Guinn, and others on April 28, 2010—the day of the Burley-Matthews drug planting incident discussed at length in Chapter V, Section G. Witnesses, including Guinn, had told the government about Suiter's role in retrieving the planted drugs.<sup>57</sup>

On October 24, 2017, Jensen and Sieracki interviewed Suiter and advised him that they knew he had played a role in the 2010 drug planting incident. They said the FBI Task Force had been provided with two different versions of the event. One version was that Suiter had himself planted the drugs; the other version was that he had retrieved the drugs that had been planted by someone else. Jensen and Sieracki told Suiter that the matter was going to become public in the near future because of legal actions that would be taken on behalf of the men—Burley and Matthews—who had been wrongfully charged with possessing the planted drugs. During the interview, Suiter denied that he had anything to do with planting the drugs and said he knew nothing about it. According to notes from the meeting, Suiter was “frustrated and upset that he was being blamed for the drugs being planted.” Suiter said he did not want to speak further until he had retained a lawyer.<sup>58</sup>

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<sup>57</sup> Erika Jensen Interview, May 13, 2020; Ryan Guinn Interview, Dec. 11, 2020.

<sup>58</sup> FBI FD-302 of Sean Suiter (Oct. 24, 2017); Report to the Commissioner of the Police Department of Baltimore Concerning an Independent Review of the Nov. 15, 2017 Incident and Its Aftermath, at 15-16 (“IRB Suiter Report”), [https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/Suiter\\_Report\\_Public\\_revised\\_090618.pdf](https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/Suiter_Report_Public_revised_090618.pdf); Email from J. Sieracki III to M. Bromwich, Aug. 20, 2021, Re: January 2014 Incident Involving Thomas Jones.

Jensen and Sieracki gave Suiter the names of the prosecutors, Leo Wise and Derek Hines, and told Suiter to have his lawyer contact the prosecutors. Suiter subsequently retained Jeremy Eldridge as his lawyer. Although Eldridge was told that Suiter was a subject rather than a target of the investigation, this meant that Suiter's conduct was within the scope of the grand jury's investigation and that he faced potential criminal liability. However, according to the report of the Independent Review Board (IRB) established to investigate Suiter's death, Suiter had been promised limited immunity for his testimony.<sup>59</sup>

On November 13 and 14, 2017, Suiter and Eldridge exchanged multiple text messages trying to arrange a meeting in advance of Suiter's meeting with government representatives and his grand jury testimony, both of which were scheduled for November 16. After Suiter and Eldridge tentatively scheduled a meeting for 3:00 p.m. on November 14, the call log on Suiter's phone showed that Suiter and Eldridge spoke for close to five minutes late that afternoon.<sup>60</sup>

That same day, Suiter and another member of the Homicide unit, David Bomenka, drove to the vicinity of 900 block of Bennett Place in the Harlem Park neighborhood in search of a potential witness to a 2016 homicide. According to the review of the investigative file by the IRB this was Suiter's first investigative step on the case in close to two months. A canvass of the area on November 14 failed to locate the witness.<sup>61</sup>

The following day, Suiter and Bomenka returned to Bennett Place. At 4:01 p.m., Eldridge called Suiter, but Suiter said he was unable to speak. He falsely told Bomenka that the call was not from his lawyer. Almost immediately after the call, Suiter and Bomenka briefly saw a "suspicious person," a Black male, in an alley near Bennett Place, but they lost sight of him almost immediately. Minutes later, Suiter said he saw the suspicious person again and stopped his car; Bomenka did not see anyone. Suiter and Bomenka got out of their vehicle and walked around the area. While on foot, Suiter received additional calls from Eldridge but, according to Suiter's mobile phone call log, he did not take the calls. Suiter then directed Bomenka to take up a separate position. Moments later, Suiter ran towards a nearby vacant lot and began unholstering his service revolver. Bomenka heard Suiter yell, "Stop! Stop! Stop! Police!," followed almost immediately by the sound of multiple gunshots. When Bomenka arrived in the vacant lot, he discovered Suiter mortally wounded, with his police radio in one hand and his gun in the other. Bomenka saw gun smoke hovering near Suiter. He immediately searched the area for a potential shooter but saw no one. With the aid of a residential video camera, the IRB was subsequently able to determine that the actions that led to Suiter's death took place within 10 seconds. As summarized by the IRB,

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<sup>59</sup> *Id.*

<sup>60</sup> *Id.* at 18-19.

<sup>61</sup> *Id.* at 19.

“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.”<sup>62</sup>

Within minutes of Suiter being shot, Eldridge was trying to confirm a meeting that had been scheduled for that afternoon with Suiter. At 4:46 p.m., approximately six minutes after Suiter was shot, Eldridge texted, “You have grand jury by subpoena at 1 pm in federal court. And a meeting at 11 am at USAO. I can’t stay past 6.” Unaware that Suiter was mortally wounded, Eldridge texted Suiter again at 4:52 p.m., asking, “Dude, what the \*\*\*\* is going on.” With multiple BPD officers flocking to the scene in response to Bomenka’s 911 call, and after Bomenka attempted to administer emergency first aid, Suiter was transported to the University of Maryland Medical Center where he was pronounced dead the following afternoon.<sup>63</sup>

The BPD Homicide unit—Suiter’s own unit—began an investigation into his death, which was accompanied by a controversial lockdown of six square blocks of the Harlem Park neighborhood for six days.<sup>64</sup> After an extensive investigation by the Homicide unit, BPD released a report on February 4, 2018, but the report failed to reach a definitive conclusion regarding the circumstances of Suiter’s death. Despite having executed a dozen search warrants, offered rewards of as high as \$215,000, conducted well over 100 interviews, and pursued numerous tips, among other things,<sup>65</sup> the BPD report was “unable to determine the exact manner of death of Detective Sean Suiter.”<sup>66</sup> The report found “indications . . . as to the event being that of a suicide[,]” but also left open “the remote possibility of an accident.” Ultimately, the report rendered “no absolute findings/conclusion.”<sup>67</sup>

BPD subsequently convened the IRB to review Suiter’s death. The IRB conducted a four-month review, culminating in a 127-page report published on August 27, 2018. The IRB interviewed over 30 people—including the medical examiner, representatives from the USAO and FBI, and members of the Harlem Park community. Its members reviewed video, audio, and physical evidence to determine the manner and cause of Suiter’s death. After reviewing and assessing the evidence, the IRB concluded that “Detective Suiter intentionally took his own life with his service

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<sup>62</sup> *Id.* at 22-35.

<sup>63</sup> *Id.* at 36-38, 53.

<sup>64</sup> *Id.* at 62; Justin Fenton, *Baltimore Settles Lawsuit filed by Harlem Park Residents over Police Lockdown after Det. Suiter’s Shooting Death*, The Baltimore Sun (June 9, 2021), <https://www.baltimoresun.com/news/crime/bs-prem-md-ci-cr-harlem-park-lawsuit-settled-20210608-opo7pvtvgnf3foq7yzwbjby3x4-story.html>.

<sup>65</sup> IRB Suiter Report at 2.

<sup>66</sup> *Id.* at 60-61.

<sup>67</sup> *Id.*

weapon.”<sup>68</sup> The IRB based its conclusion on physical evidence, including blood spatter on Suiter’s right shirt cuff, DNA evidence found inside the barrel of Suiter’s gun, the autopsy report determining that the fatal shot entered the right side of Suiter’s head, and the fact that Suiter was likely under significant stress due to his pending grand jury testimony.<sup>69</sup>

The IRB was sharply critical of BPD’s decision to investigate Suiter’s death internally, noting that the BPD detectives assigned to the investigation were Suiter’s colleagues and friends, and “were well aware that if they found that Detective Suiter committed suicide, his wife and children would lose certain benefits.”<sup>70</sup> Further, the report criticized BPD for offering “conflicting and inconsistent information” in the wake of Suiter’s death, which “undermined its credibility with the public.” On the day of Suiter’s death, Kevin Davis asserted that Suiter was shot after having a brief conversation with a suspect and that the suspect might be wounded. The IRB found no factual basis for these statements. According to the IRB, Davis also said there was no evidence that Suiter was a “dirty cop” even after Davis had been informed that Suiter was the subject of a federal investigation and had been provided with some of the specific allegations against Suiter. Those allegations included that Suiter had been involved in the 2010 drug planting episode and that cooperating witnesses in the GTTF investigation had said Suiter was involved in the robberies of citizens when he worked in the Western District.<sup>71</sup>

For his part, Davis later recalled that he was disappointed because in his view, the USAO and FBI were not fully forthcoming in a sufficiently timely way with information about Suiter, especially the significant fact that Suiter was scheduled to testify in the grand jury regarding the drug planting incident the day after he was shot. Davis was not fully convinced by the IRB’s findings, noting that its investigation did not include interviews of Suiter’s wife, friends, and others who could have provided insight into Suiter’s state of mind at the time of his death. In defending his statements during the investigation, many of which were criticized by the IRB in its report, Davis said that he considered the Suiter case a murder investigation but that he had publicly acknowledged the possibility of suicide. In defending his widely criticized decision to release a vague description of a suspect in Suiter’s killing, Davis said he was relaying information that originated from Bomenka about the person he and Suiter originally spotted minutes before Suiter was shot.<sup>72</sup>

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<sup>68</sup> *Id.* at 75-78. The IRB considered and ruled out three other theories: 1) that Suiter was killed by an unknown suspect, 2) that Detective Bomenka killed Suiter, and 3) that Suiter killed himself accidentally when he fell. *Id.* at 63-75.

<sup>69</sup> *Id.* at 2-4.

<sup>70</sup> *Id.* at 109.

<sup>71</sup> *Id.* at 53-56, 108.

<sup>72</sup> Kevin Davis Interview, Dec. 8, 2020.



In May 2019, with the issue of Suiter's death still stirring controversy, the new BPD Commissioner, Michael Harrison, requested the Maryland State Police (MSP) to conduct an additional review of Suiter's death. Later in 2019, MSP announced that it concurred with the IRB's conclusion that Suiter had committed suicide.<sup>73</sup> Shortly after the MSP's review, Harrison announced that the investigation was closed, but he was almost immediately contradicted by State's Attorney Marilyn Mosby, who told reporters that she considered the case "open" and "active."<sup>74</sup> Because the case has generated such raw emotions and controversy, as of the publication of this Report, the case remains classified as an unsolved homicide.

Two weeks after Suiter's death, Jenkins was indicted on multiple civil rights violations in connection with the 2010 drug planting incident. Suiter was referred to as Officer #1 in the Indictment, and the implication was that when he recovered the drugs, he was not aware that the drugs had been planted.<sup>75</sup> When we asked the investigators how they settled on the version that exonerated Suiter, they advised us that it was most consistent with the totality of the evidence they had collected.<sup>76</sup>

Sean Suiter was a peripheral figure in the GTTF investigation, but the circumstances of his death suggest the strong possibility that he was a casualty of the powerful currents created by the vast corruption engaged in by the group of officers who were the central figures in the federal investigation. During his long BPD career, Suiter found himself in the same unit, and under the influence of, BPD officers like Jenkins and Gladstone who routinely engaged in misconduct that drew many of the officers around them into their orbit. Most joined willingly; others evidently did not have the ability or strength to walk away from it, much less report it. Based on the

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<sup>73</sup> Justin Fenton, *Maryland State Police Begins Review of Baltimore Police Det. Sean Suiter's Death*, The Baltimore Sun (June 28, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-msp-suiter-review-20190628-story.html>; Jessica Anderson, *Baltimore Police Say Det. Sean Suiter's Death Was a Suicide, Case Closed. His family Says It's a Lie*, The Baltimore Sun (Nov. 6, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-suiter-investigation-20191106-x6uf6vi7cjh2zc4pltqub4cazy-story.html>.

<sup>74</sup> Jessica Anderson and Tim Prudente, *Baltimore state's attorney, police union say Suiter's death probe still open, disputing police commissioner*, The Baltimore Sun (Nov. 7, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-states-attorney-suiter-investigation-20191107-ltswhhvtvnhb3ky77msvo7hckm-story.html>.

<sup>75</sup> Indictment at 2-3, Indictment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Feb. 23, 2017), ECF No. 1. In a brief telephonic interview we conducted with Jenkins, which was to be a prelude to a full interview that he subsequently cancelled, Jenkins unequivocally stated that Suiter had planted the drugs. Wayne Jenkins Interview, Jan. 20, 2021. The identity of who planted the drugs was raised as an issue when Jenkins entered his guilty plea on Jan. 5, 2018, with Jenkins's lawyer stating that, "Mr. Jenkins is acknowledging that he was aware that drugs had been planted. He's not acknowledging that he planted the drugs, although he's acknowledging that he authored a false report with respect to another officer planting those drugs." Jenkins Plea Transcript at 21, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 257.

<sup>76</sup> Email from J. Sieracki III to M. Bromwich, Aug. 20, 2021, Re: January 2014 Incident Involving Thomas Jones.

IRB's finding that Suiter died by his own hand, it appears that the costs of corruption included the loss of life of a father of five, as well as a BPD officer universally well-liked by his colleagues.

## **E. The Firing of Kevin Davis**

The IRB that investigated Sean Suiter's death was appointed in April 2018 by Darryl De Sousa, who had replaced Kevin Davis as BPD Commissioner in January 2018. Davis had been fired by Mayor Catherine Pugh, who had been elected mayor in November 2016 and taken office the following month.<sup>77</sup>

While serving as the Majority Leader in the Maryland State Senate, Pugh had played a prominent and public role in trying to quell the violence in Baltimore following Freddie Gray's death in 2015, and had been encouraged to run for mayor after Rawlings-Blake announced in September 2015 that she would not seek re-election. Pugh made the decision to run that same month and narrowly defeated Sheila Dixon in the September 2016 Democratic primary.<sup>78</sup>

Pugh recalled that policing issues played a prominent role in her 2016 mayoral campaign. She specifically recalled focusing on deficiencies in BPD's hiring practices and on its community policing methods. She was aware that police hiring had slackened in the past four to five years, and that the number of BPD officers had dropped dramatically since the end of O'Malley's tenure as mayor in January 2007. In January 2017, just a month after her inauguration, Pugh pledged to hire 100 BPD officers because of declines in BPD manpower. Pugh said she had visited police roll calls, and was shocked at the low level of officer attendance. BPD officers were working "crazy overtime," and Pugh was concerned that officers could not do their jobs properly if they were working 15 to 18-hour days.<sup>79</sup>

When Pugh took office, she said she was under intense pressure from the Obama Administration to complete the consent decree that Davis and his executive team had negotiated. She recalled doing extensive work on the decree with Deputy Solicitor David Ralph and Ganesha Martin of Davis's staff. Before making a decision whether to retain Davis for the long term, she said she wanted more time to assess BPD and determine whether Davis shared her priorities.<sup>80</sup>

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<sup>77</sup> Yvonne Wenger and Luke Broadwater, *Catherine Pugh sworn in as Baltimore's 50th mayor*, The Baltimore Sun (Dec. 6, 2016), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-mayor-inauguration-20161206-story.html>.

<sup>78</sup> Luke Broadwater and Yvonne Wenger, *Catherine Pugh defeats Sheila Dixon in Democratic primary of Baltimore mayor's race*, The Baltimore Sun (Apr. 27, 2016), <https://www.baltimoresun.com/maryland/anne-arundel/bs-md-ci-mayor-0427-20160425-story.html>.

<sup>79</sup> Catherine Pugh Interview, June 10, 2020.

<sup>80</sup> *Id.*

Like her predecessors, Pugh immediately confronted a spiraling homicide rate and attempted to develop her own crimefighting strategy. In her view, the strategy she developed was designed to address not only the urgent issue of violent crime and rising homicides, but also the disconnect between BPD, the community, and other city agencies. Pugh said she held daily 8:00 a.m. meetings at BPD that included any city agency that had anything to do with crime—her own version of CitiStat, which had been pioneered by O’Malley many years earlier. Pugh noted that BPD occasionally complained that they could not access a particular alley because of trash in the alley, or that they could not access a particular corner because the streetlights were burned out. She said the daily meetings allowed her to direct city agencies to address such issues immediately.<sup>81</sup>

Pugh had no advance notice of the initial GTTF indictment and March 1, 2017, arrests. According to Pugh, the revelations about the extent of BPD corruption caused her to realize the importance of the consent decree as the instrument to reform BPD. On the other hand, the indictment and arrests made her question whether BPD was capable of reform under its current leadership. She recalled being concerned about the unknown magnitude of corruption within BPD. Pugh said she met with Davis and members of his command staff to discuss their plans on how to address corruption within BPD, as well as with members of the community to try to rebuild its trust in BPD. That trust had been broken for a long time and had been further damaged by the continuing disclosures surrounding the GTTF corruption scandal. She viewed the scandal as having dealt a devastating blow to BPD-community relations.<sup>82</sup>

Pugh said she checked-in frequently with Davis and members of his command staff to ask how BPD intended to address corruption, and more broadly to discuss police reform and “what needed to take place.” She said she asked Davis to draft a plan to address corruption, but that a document he provided was not sufficiently comprehensive, and instead focused mainly on curbing violence.<sup>83</sup>

Pugh claimed that a US Department of Justice (DOJ) career employee, whose name she said she could not recall, told her that she needed to “find a new police chief” after the GTTF indictments. Pugh said the unnamed career DOJ employee said that Davis was a good person, but that he was not going to reduce crime numbers because he was “not a crime fighter.” Pugh said the DOJ employee’s opinion played a part in her decision, but that unsatisfactory crime reduction numbers played a larger role. Pugh said she never received a satisfactory crime reduction strategy from Davis. In the

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<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

end, she concluded that Davis had not demonstrated the aggressiveness necessary to run BPD.<sup>84</sup>

From his perspective, Davis said he thought he had developed a good working relationship with Pugh during the 13 months since she became mayor, but that they were by no means personally close. He said he never fully trusted Pugh, that she was not a very hands-on mayor, and that she had a penchant for concealing her true feelings about seemingly trivial matters. He recalled that in January 2018, shortly before the trials of Hersl and Taylor were scheduled to begin and amid rising crime rates, he was told to meet Pugh at her office at 7:00 a.m. the following morning. Davis was in Chicago at the time and knew that the 7:00 a.m. meeting did not bode well—he knew Pugh did not generally schedule meetings so early in the morning.<sup>85</sup>

When he arrived at Pugh’s office on the morning of January 19, 2018, Davis found her in tears and sitting on the floor. Davis said he sat down next to her. According to Davis, Pugh said that she was under “so much pressure.” Davis said he asked her whether he was being fired. Pugh confirmed this was the reason Davis had been summoned to her office. Davis recalled trying to console Mayor Pugh, and stating that it was okay and that he understood.<sup>86</sup>

In explaining her decision to the public, Pugh said she had grown impatient with Davis’s inability to address the continuing high rate of homicides in the city. The homicide numbers had been well above 300 throughout Davis’s tenure as commissioner—344 in 2015, 318 in 2016, and 343 in 2017. The figure for 2017 marked the highest per capita homicide rate in Baltimore’s history.<sup>87</sup> At the same time that she announced the firing of Davis, Pugh named Deputy Commissioner Darryl De Sousa as acting BPD commissioner.<sup>88</sup>

Reflecting on his firing, Davis acknowledged that he underestimated the impact of the GTTF scandal on his ability to survive as commissioner. As to Pugh’s asserted reasons for firing Davis—insufficient aggressiveness and an inadequate crime plan—

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<sup>84</sup> *Id.*

<sup>85</sup> Kevin Davis Interview, Dec. 20, 2019.

<sup>86</sup> *Id.*

<sup>87</sup> Adam Marton, *Baltimore homicides by year*, The Baltimore Sun (Nov. 17, 2017), <https://www.baltimoresun.com/news/crime/bal-baltimore-homicides-by-year-20161202-htmlstory.html>.

<sup>88</sup> *Id.*; Kevin Rector, *Baltimore Police commissioner Kevin Davis fired by Mayor Pugh, citing rising crime*, The Baltimore Sun (Jan. 19, 2018), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-davis-replaced-20180119-story.html>.

Davis forcefully rejected those reasons, referring again to what he viewed as her uneasy relationship with the truth.<sup>89</sup>

Despite the shockwaves caused by the initial arrests in March and the continuing developments in the GTTF scandal throughout the rest of the year, BPD had undertaken no broad-gauged review of the roots of the scandal under Davis. IA conducted an investigation of the overtime fraud issues and singled out Lieutenant Chris O'Ree as the nominal supervisor over the GTTF during the period in which some of the overtime abuses charged in the federal indictments took place. As O'Ree was quick to point out, he supervised the GTTF only briefly, from mid-June 2016 to late August 2016, and said that he never signed a single overtime slip for Jenkins or any member of his squad. Even so, he was the only BPD supervisor, other than Sean Miller, who was held accountable for any of the misconduct of the GTTF members. BPD issued a letter of reprimand to O'Ree on January 11, 2018, and he acknowledged it in writing on January 19, the same day Davis was fired. At the time he was disciplined, O'Ree served as an acting captain and was on track for promotion to captain on a permanent basis. The overtime investigation and letter of reprimand blocked his promotion.<sup>90</sup>

On the issue of why BPD failed to undertake a broader review of the corruption revealed in the cases against the GTTF defendants, Davis contended that he was aware that an IA investigation was ongoing at the time he was fired, but was not fully aware of its scope. At the time, he knew the USAO/FBI investigation was continuing and therefore, in his view, may have served to limit the scope of the IA investigation. Davis acknowledged that federal investigators and prosecutors did not instruct BPD to limit its investigation to the overtime issue and said that he was aware of the need for a broader investigation in the wake of the federal indictments, including to determine whether other BPD officers were engaged in corruption. He said that no one among his top advisers and command staff members recommended that he do so, and in any event, BPD was not equipped to conduct such an investigation.<sup>91</sup>

## **F. BPD After Davis**

When Pugh announced the appointment of Darryl De Sousa to replace Davis on January 19, she cited the need to address the continuing wave of violent crime. For his part, De Sousa said he understood that Baltimore residents were frustrated with the failure to make more substantial inroads on violent crime, and pledged to commit “waves” of officers to address violence, especially in key geographic corridors and in well-known hot spots throughout the city. Media coverage at the time noted that

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<sup>89</sup> In an email following a second interview with Davis, he wrote the following: “Catherine Pugh struggles with the truth in her professional and personal lives. She now sits in federal prison because she ultimately believed her own lies. That is yet another one of them.” Email from K. Davis to M. Bromwich, Jan. 4, 2021, Re: Clarification Request.

<sup>90</sup> Chris O'Ree Interview, Sept. 10, 2020.

<sup>91</sup> Kevin Davis Interview, Dec. 8, 2020.



Davis's firing and his unexpected replacement with De Sousa had created turmoil at BPD headquarters. Numerous high-ranking officials, including Palmere, Deputy Commissioner Jason Johnson, and Director Ganesha Martin were immediately deprived of access to the building.<sup>92</sup>

In explaining her selection of De Sousa, Pugh said she had met him through her daily interactions with Davis and his deputies. Pugh noted that she, Davis, and Davis's deputies frequently discussed crime strategy, and that she found De Sousa to have an "aggressive" attitude towards fighting crime. According to Pugh, De Sousa had nurtured strong relationships with the community, and he enjoyed a good reputation in both the community and within BPD. Pugh's selection of De Sousa was met with favorable comments from both City Council President Bernard C. "Jack" Young and then-Councilman Brandon Scott, although Pugh said she was not pressured by either of them to select De Sousa.<sup>93</sup> Andre Davis, who had begun serving as City Solicitor the previous November, noted that Pugh's entire focus was on the rising murder rate for which she was being harshly criticized by the media, and that her decision to replace Davis with De Sousa was a political calculation on her part.<sup>94</sup>

The transition was tumultuous. It included not only shutting off the building access of various high-ranking personnel, but also seizing their computers and terminating service on their work phones. It reflected, among other things, the enduring cliques and factions within BPD. Stephanie Lansey was De Sousa's administrative lieutenant at the time he was named to replace Davis. De Sousa had been told by Pugh approximately three to five days in advance of January 19 that she intended to fire Davis and that he was her chosen replacement. The evening before Pugh fired Davis, Lansey met with De Sousa and Andre Bonaparte, a former command staff member in BPD whom De Sousa had decided to bring in as his chief of staff. This was at least the second meeting among De Sousa and a group of trusted friends and former BPD colleagues of De Sousa's, including Bonaparte, Thomas Cassella, and Edward Jackson—all retired BPD personnel—brought together to plan De Sousa's imminent appointment as commissioner. Lansey said the rationale for closing down the building access and seizing computers of various personnel within BPD was because she and De Sousa were aware that Davis was planning some organizational changes that might have had an adverse impact on De Sousa. Lansey was unable to explain why planned organizational changes was a justification for shutting down access to BPD and seizing computers belonging to various BPD personnel. She

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<sup>92</sup> Kevin Rector, *Baltimore Police commissioner Kevin Davis fired by Mayor Pugh, citing rising crime*, The Baltimore Sun (Jan. 19, 2018), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-davis-replaced-20180119-story.html>.

<sup>93</sup> *Id.*; Catherine Pugh Interview, June 10, 2020.

<sup>94</sup> Andre Davis Interview, May 14, 2020.

acknowledged that the idea for seizing and examining computers was a directive that came from Bonaparte, who had no official position within BPD.<sup>95</sup>

The morning Davis was fired, De Sousa's team revoked not only Davis's credentials, but those of Jason Johnson, Martin Bartness, Ganesha Martin, TJ Smith, and Dean Palmere. Smith vividly recalled hearing on January 19 that Davis had been fired. He texted congratulations to De Sousa and submitted his resignation. Almost immediately, he realized that his work cell phone had stopped working. At almost the same time, he was notified that his computer was being removed from his office. When he arrived at BPD headquarters to find out what was happening, his badge had been disabled and he was unable to get in the building.<sup>96</sup> When asked about this episode and the clumsy way it was handled, De Sousa said he would prefer not to discuss it, stating that it was a period he has tried to forget, and attributed the incident to a "communication error that got out of hand quickly."<sup>97</sup>

Palmere's relationship with De Sousa had been very poor for many years, and he quickly decided he could not work under him. He announced his retirement the same day Davis was fired, and informed De Sousa the following Tuesday that he planned to exhaust his balance of comp time and vacation days before going off the BPD payroll. Palmere said he might have continued his BPD career if Pugh had selected someone else to serve as commissioner, but in any event, Palmere said he was exhausted by the frequent change in administrations and the GTTF scandal.<sup>98</sup>

Almost immediately, De Sousa fired or transferred several members of Davis's command staff. Bartness, who had served as Davis's chief of staff as well as in various other positions of trust and responsibility, was the only member of Davis's team demoted from the command ranks. Neither De Sousa nor his new Deputy Commissioner, Andre Bonaparte, provided a reason for Bartness's demotion, stating only they planned to "go in a different direction." Due to his demotion, Bartness's salary was significantly reduced.<sup>99</sup>

Smith's experience reflected the chaos and confusion that enveloped BPD with the transition from Davis to De Sousa. After realizing he had been fired and quickly cleaning out his office, Smith was contacted by Pugh and De Sousa and asked to stay on as BPD spokesman. Because of his attachment to his job, Smith decided to do so. Smith recalled that almost immediately following De Sousa's appointment, members of the media began directing a series of questions about De Sousa's integrity, including

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<sup>95</sup> Stephanie Lansey Interview, Mar. 18, 2021.

<sup>96</sup> TJ Smith Interview, May 6, 2020.

<sup>97</sup> Darryl De Sousa Interview, May 26, 2020.

<sup>98</sup> Dean Palmere Interview, Aug. 4, 2020 and Aug. 16, 2020.

<sup>99</sup> Martin Bartness Interview, May 12, 2020; Officer Detail: Martin A. Bartness, <https://bpdwatch.com/officer/149>.

whether he had, as he claimed, obtained a degree from Morgan State University. Subsequent to that, a reporter asked about the computer seizures and access denials. Pugh and De Sousa wanted to put out a statement attributing it to a “computer glitch.” Smith reminded Pugh and De Sousa that he was a victim of the access denials and refused to put out a statement he knew to be false – the access denials and computer seizures were part of the purge of Davis’s team rather than a glitch of any kind. Smith declined to help with the communications aspect of the issue.<sup>100</sup>

Smith said that prior to Davis’s firing, he had a generally favorable view of De Sousa. De Sousa had always said favorable things about Davis to Smith, expressing what seemed to be sincere gratitude for the opportunities Davis had given him. He said he was not aware of the ways that De Sousa had sought to undermine Davis with Pugh and other political leaders.<sup>101</sup>

De Sousa’s attempt to fill top-level command staff was marred by his aborted attempt to name Thomas Cassella, a 23-year veteran of BPD who had retired in 2007, as Deputy Commissioner of Operations to replace Palmere. After announcing his selection of Cassella, De Sousa announced the very next day that Cassella would not be joining BPD after all, attributing the change of plans to a leaked memo describing sustained complaints against Cassella during his prior service with BPD. During the same news conference, De Sousa announced other appointments, including Andre Bonaparte as Deputy Commissioner for Support Services and Edward Jackson to the newly created position of inspector general. In addition, De Sousa said he would be forming a “corruption unit,” separate from IA, to investigate various allegations against BPD officers that had been made during the trial of Hersl and Taylor.<sup>102</sup>

In early March, De Sousa announced the appointment of Gary Tuggle, a former BPD member and Drug Enforcement Administration (DEA) executive, as the deputy commissioner of Strategic and Support Services. Until that time, Bonaparte held both that portfolio and was head of operations. With the hiring of Tuggle, Bonaparte was devoted full-time to Operations. According to Tuggle, prior to being contacted about the job on De Sousa’s behalf by someone Tuggle had worked with decades before in

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<sup>100</sup> TJ Smith Interview, May 6, 2020.

<sup>101</sup> *Id.* Davis had promoted De Sousa to be deputy commissioner, but he explained that he did so because of the complex racial politics of BPD. He was well aware that De Sousa had cultivated relationships with powerful politicians and in the community. Davis said that on the merits De Sousa was not qualified for the promotion, which is why he sent him away for a year on the IACP fellowship, hopeful that it would be an enriching experience. Davis said he subsequently learned that De Sousa did not fully engage with the fellowship. Davis was well aware that De Sousa had a poor relationship with Palmere because Palmere viewed De Sousa’s ascension within BPD to have been based on factors other than merit. Kevin Davis Interview, Dec. 20, 2019.

<sup>102</sup> Kevin Rector, Baltimore police introducing tests to weed out corruption, *The Baltimore Sun* (Feb. 10, 2018), <https://www.police1.com/chiefs-sheriffs/articles/baltimore-police-introducing-tests-to-weed-out-corruption-f8xYNTJZIUuXlcNT/>.

BPD, he did not know De Sousa personally. Tuggle had just retired after 25 years with the DEA.<sup>103</sup>

Initially, De Sousa sought Tuggle's advice on how to address problems within IA, and more broadly about integrity issues within BPD. Tuggle recalled speaking with De Sousa and providing him with ideas for addressing the problems within IA and implementing a proactive inspections process. De Sousa was sufficiently impressed with Tuggle's ideas that he offered him the deputy commissioner position, with IA as part of that portfolio. Tuggle accepted the offer. In addition to IA, Tuggle's portfolio as deputy commissioner included all administration, investigations, and the newly created inspector general's office. Tuggle was also charged with responsibility for coordinating BPD's consent decree-related activities.<sup>104</sup>

Tuggle, who had left BPD to join the DEA in 1992, said he noticed many differences in the BPD he rejoined in 2018 compared to the agency he left 26 years earlier. He discerned an enormous shift in BPD's culture. In the 1980s and early 1990s, Tuggle said BPD officers had a large measure of pride in who they were and what they did. In 2018, largely because of the battering BPD had taken from the media and the public, he noticed that BPD members viewed their role as a job and nothing more, and that many appeared more concerned about secondary employment than with their primary jobs as BPD members. Significantly, Tuggle said he also noticed a sharp decline in the practice of "peer accountability" within BPD – the idea that BPD members were responsible not only for their own conduct, but also the conduct of other BPD members with whom they worked as partners and squad members. In addition, Tuggle viewed the media's continuing negative coverage of BPD, and local politicians' frequent use of BPD as a scapegoat, as a cause of substantially diminished trust by the public.<sup>105</sup>

In addition to bringing in Tuggle, De Sousa made a number of personnel decisions that had long-term consequences for BPD. James Gillis, who served as Davis's last chief of staff and served in a similar role for De Sousa, recalled that De Sousa promoted approximately 20 people into positions that did not previously exist in BPD, and were not provided for in the BPD budget. Gillis was among the BPD personnel responsible for identifying the funds – approximately \$1.7 million – to pay for those promotions. Some of the personnel moves made during De Sousa's brief tenure involved multiple-rank promotions that appeared to be based on relationships rather than merit, reflecting the culture of cliques that had long been a feature of BPD.<sup>106</sup>

BPD's reputation and its image in the community were further damaged with news in early May 2018 that De Sousa had failed to file federal tax returns for several

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<sup>103</sup> Gary Tuggle Interview, June 8, 2020.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> James Gillis Interview, Mar. 19, 2021.

years and was being charged by the USAO with federal crimes. This was a mere four months after De Sousa had been appointed, and less than three months after the guilty verdicts in the trial of Hersl and Taylor.<sup>107</sup> After hearing the news, Tuggle met briefly with De Sousa and was told that the tax issues were relatively minor. Within days, De Sousa contacted Tuggle and told him that he would become acting commissioner until De Sousa was able to resolve the tax issues. The next day, Tuggle was asked to meet with Pugh. At that meeting, Tuggle was told that De Sousa had decided to resign and that Tuggle would be appointed acting commissioner.<sup>108</sup>

In the eight months he served as acting commissioner, Tuggle attempted to address issues dealing with the shortcomings of IA. Among the most significant problems to be addressed was the extensive number of leaks about IA investigations, which Tuggle believed had fundamentally corrupted the IA function. In response, Tuggle ordered that all IA personnel take polygraph exams. Tuggle said that approximately six to seven people failed the polygraph and several others refused to take it; according to Tuggle, these IA members were transferred out.<sup>109</sup> Beyond the issue of leaks, Tuggle described the culture of IA as problematic, characterized by significant infighting, mistrust, and a generally toxic environment. The problems in IA were largely confined to the General Section where most of IA's personnel were assigned and which handled the vast majority of its cases; he had fewer concerns with the Ethics Section that handled the most serious cases. David Cali, whom Tuggle had brought to BPD from DEA, and Lansey were assigned the responsibility of monitoring the trial of Hersl and Taylor, as well as the various guilty pleas that preceded it, to determine whether there was a basis for opening administrative investigations. As a result of their review, numerous several administrative investigations were opened relating both to the defendants who had been criminally charged and those who were implicated during the trial.<sup>110</sup>

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<sup>107</sup> Ian Duncan, Kevin Rector and Tim Prudente, *Baltimore Police Chief De Sousa charged with failing to file taxes, but mayor expresses confidence in him*, The Baltimore Sun (May 10, 2018), <https://www.baltimoresun.com/news/crime/bs-md-ci-desousa-taxes-20180510-story.html>.

<sup>108</sup> Gary Tuggle Interview, June 8, 2020.

<sup>109</sup> *Id.* Tuggle's recollection differs significantly from that of Stephanie Lansey. She recalls only one person who failed the polygraph and one other who declined to retake the exam after his answers reflected deception. Email from S. Lansey to M. Bromwich, Aug. 24, 2021, Re: Polygraph Exams.

<sup>110</sup> Gary Tuggle Interview, June 8, 2020. In our review of the IA cases opened as a result of the charges and testimony in the GTTF prosecutions, we saw little evidence of genuine IA investigations. Instead, the cases fell into two categories: 1) cases that were opened and quickly sustained because they were based on allegations that were proved at the trial of Hersl and Taylor or admitted to by the defendants; 2) cases that had been existing open IA matters involving one or more of the defendants prior to their arrests and that were sustained based solely on the fact that the defendants had been proven to have engaged in similar misconduct. Both categories involved allegations sustained without any independent factual inquiry by IA. Both categories of cases are described in more detail in Appendix B: Internal Affairs Investigations and Related Matters.



During his brief tenure as commissioner, De Sousa had reinstituted the plainclothes units that Davis abolished immediately following the arrests of the seven GTTF members in March 2017. According to Tuggle, “[T]he fact that [GTTF members] were in a plainclothes unit didn’t cause them to be corrupt.” Instead, the issue with plainclothes units, in his view, stemmed from a lack of supervision and accountability; those were the keys to reducing corruption among members of plainclothes units. Tuggle shared De Sousa’s view that reinstituting plainclothes units was “worth taking the heat.” To ensure proper supervision and accountability, Tuggle created an “integrity insurance program” that required all BPD members entering plainclothes units, including supervisory sergeants, to pass polygraph and urinalysis tests.<sup>111</sup>

The reconstituted plainclothes unit was far smaller than prior to the dissolution of the numerous plainclothes units but, according to Tuggle, its creation was well-received by the rank-and-file. Officers who failed the polygraph test were excluded from the plainclothes unit and returned to patrol, as were officers who declined to submit to a polygraph. Tuggle explained that it was exceedingly difficult to take action against BPD members who failed the polygraph exam on an integrity question due to the collective bargaining agreement with the Fraternal Order of Police. His ability to follow up was limited to members who failed a drug question on the polygraph and subsequently failed a urinalysis. Although Tuggle expressed confidence that individuals with integrity issues “always show themselves eventually,” the lessons of BPD’s history and of this investigation provide little grounds for such confidence.<sup>112</sup>

After initially applying to become the permanent BPD commissioner, Tuggle withdrew in early October 2018. One of the main factors shaping his decision was his lack of confidence that he would get the necessary level of support from City Hall and could ward off the political interference that seemed to come with the job. Tuggle said he received multiple calls during his tenure as acting commissioner from different political officials attempting to dictate who should be hired for, and promoted to, positions at every level in the Department. In addition, BPD personnel would circumvent the chain of command by going directly to elected officials with their requests. He found such political involvement in BPD management to be subversive of his leadership and ability to manage the Department on a day-to-day basis. He believed that this deep involvement by politicians in police management and personnel

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<sup>111</sup> Gary Tuggle Interview, June 8, 2020.

<sup>112</sup> *Id.* Tuggle said that while he was acting commissioner, BPD reinvigorated its program of conducting integrity stings. When he was asked whether he was aware that BPD had used the same integrity sting scenarios for 20 years, which had become a running joke among some BPD members, he said he was not. There is some question whether Tuggle’s “integrity insurance program” was more an idea than a program that was actually implemented. Michael Sullivan, who became deputy commissioner in June 2019 under Michael Harrison, said no such program existed upon his arrival. Email from M. Sullivan to M. Bromwich, Aug. 31, 2021, Re: Follow-up Questions.

matters needed to end, but because it was so deeply embedded in the history of the relationship between City Hall and BPD, he doubted that would happen.<sup>113</sup>

Tuggle's withdrawal from the selection process was announced during an October 2018 quarterly consent decree status conference held before Judge Bredar. During the status conference, both Judge Bredar and City Solicitor Andre Davis addressed the damage that the "chronic instability" at the top of BPD had inflicted on its ability to both carry out the reform agenda dictated by the consent decree and rebuild trust with the community, including the further damage to that trust caused by the ongoing corruption scandal. Judge Bredar made the following comments about the churn at the top of BPD:

I'm talking about the chronic instability in the leadership of the Department that has persisted for years, as these—as the Department and the City has confronted the most difficult of police/community challenges. These problems are inherently extremely difficult. But trying to solve them without—with a game of musical chairs going on at the top levels of the police department is impossible. It can't be done.<sup>114</sup>

In the six years since 2012, BPD had been led by three commissioners and an acting commissioner. With Tuggle's withdrawal from the commissioner selection process, it guaranteed that BPD would be led by its fifth leader in six years. Taking an even broader perspective, since 1999, BPD had been led by 11 commissioners or acting commissioners, an average tenure of less than two years.<sup>115</sup>

At the status conference, Andre Davis reported on the commissioner selection process, noting that more than 50 applications had been received since the position was posted in July, and that the selection process was approaching its conclusion. Davis stated, "[M]y promise to you that well before Halloween we would have stable leadership in the Baltimore Police Department is a promise that we fully expect to keep."<sup>116</sup>

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<sup>113</sup> Gary Tuggle Interview, June 8, 2020; Jessica Anderson, *Baltimore interim police commissioner Gary Tuggle withdraws from consideration for permanent job*, The Baltimore Sun (Oct. 9, 2018), <https://www.baltimoresun.com/news/crime/bs-md-ci-tuggler-withdraws-commissioner-20181009-story.html>.

<sup>114</sup> Jessica Anderson, *Baltimore interim police commissioner Gary Tuggle withdraws from consideration for permanent job*, The Baltimore Sun (Oct. 9, 2018), <https://www.baltimoresun.com/news/crime/bs-md-ci-tuggler-withdraws-commissioner-20181009-story.html>; Tr. of Quarterly Status Conference at 12-13, *United States v. Balt. Police Dep't*, No. 1:17-cv-0099-JKB (D. Md. Oct. 9, 2018), ECF No. 145.

<sup>115</sup> By way of contrast, during that same period of two decades, the Metropolitan Police Department in Washington, DC had been led by only three police chiefs—Charles Ramsey, Cathy Lanier, and Peter Newsham.

<sup>116</sup> Tr. Quarterly Status Conference at 10, *United States v. Balt. Police Dep't*, No. 1:17-cv-0099-JKB (D. Md. Oct. 9, 2018), ECF No. 145.

Pugh had enlisted the assistance of the Police Executive Research Forum (PERF), which had a long history of involvement in BPD affairs and had been involved with the selection of Anthony Batts. Pugh recalled that PERF arranged meetings with various police officials, some of whom were candidates for the job and some who were not. She met with Joel Fitzgerald, the chief of the Fort Worth Police Department, and Michael Harrison, the Superintendent of the New Orleans Police Department (NOPD), among others. At the time, Harrison was not a candidate, but instead was a police executive Pugh was urged to meet with as a yardstick by which to measure the existing candidates.<sup>117</sup> After his own meeting with Harrison, Andre Davis urged Pugh to select Harrison even though he had not sought the job. Instead, Pugh selected Fitzgerald.<sup>118</sup>

When Pugh finally announced her selection of Fitzgerald on November 16, she had already been criticized for the delays in the selection process and the secrecy surrounding it. Despite promises that the process would be transparent, it was the opposite. Pugh and her administration shared very little information publicly, and had denied the City Council's repeated requests for information about the process and the candidates. Brandon Scott expressed the sentiments of many when he commented, "The way this process unveiled itself is an embarrassment to the city." David Rocah, a senior staff attorney with the American Civil Liberties Union who had long been involved with policing and police misconduct issues in Baltimore, went further, describing the search process as "depressing, demoralizing, pathetic, ridiculous, upsetting [and] incomprehensible."<sup>119</sup> A series of representations about how the search would be conducted, and how the community would be involved, had proved to be misleading or false.

In announcing her selection of Fitzgerald, Pugh said, "He has an understanding of our consent decree . . . He is well versed on training and community engagement, and he's a police chief who's led a large police force." The City Council pledged to undertake a thorough review of Fitzgerald's qualifications, and in early December 2018, it sent a delegation to Fort Worth to conduct interviews about Fitzgerald. A month later, on January 7, 2019, after a hearing in which Baltimore residents criticized the selection process and expressed a lack of support for Fitzgerald, he withdrew his candidacy. Although Fitzgerald attributed his withdrawal to a serious medical emergency involving his son, members of the City Council said that Fitzgerald would not have been confirmed in any event. This lack of support was due to a combination of concerns about the process and misgivings about Fitzgerald himself. Those misgivings were prompted by a failure to fully disclose his resume, the failure to share the totality of his background investigation, and reports that he had misrepresented his

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<sup>117</sup> Catherine Pugh Interview, June 10, 2020.

<sup>118</sup> Andre Davis Interview, May 14, 2020.

<sup>119</sup> Kevin Rector, *Critics slam Baltimore police commissioner search, saying secrecy spurs confusion*, The Baltimore Sun (Oct. 19, 2018), <https://www.baltimoresun.com/news/crime/bs-md-ci-commissioner-confusion-20181019-story.html>.

accomplishments as chief in Fort Worth and Allentown, Pennsylvania, including his role in introducing body-worn cameras in both departments.<sup>120</sup> Pugh attributed the failure of Fitzgerald's candidacy to his lack of success in impressing members of the City Council and his decision not to spend time in Baltimore familiarizing himself with the city and its communities.<sup>121</sup> Andre Davis described Fitzgerald's candidacy more bluntly and succinctly, stating that it "crashed and burned."<sup>122</sup>

In the days immediately preceding Fitzgerald's formal withdrawal, Pugh asked Andre Davis to contact Michael Harrison to gauge his interest. As Harrison recalled it, Davis was extremely persuasive about the challenge and opportunity of leading BPD. Harrison referred to the call from Davis as "life-changing," recalling that Davis spoke to him about making his mark on the world—about destiny and legacy, and "things that become important to me at a man my age." He explained that he had 28 years of experience in NOPD and questioned what more he could do in NOPD. He was now being offered a job instead of having to ask for one.<sup>123</sup>

Harrison recalled discussing the possibility with his wife and family, and then being phoned by Pugh, who confirmed that she wanted him to serve as BPD's next commissioner. Harrison discussed the offer further with his family, and the city sent him an offer letter that included terms that were generally acceptable to him. He met with the mayor of New Orleans, LaToya Cantrell, the following day, and she agreed that it was an opportunity that Harrison should not pass up. The day after Fitzgerald's withdrawal, on January 8, Pugh announced that Harrison was her selection to lead BPD. Unlike the response to the selection of Fitzgerald, the response to the selection of Harrison was almost uniformly positive. Harrison became acting commissioner on February 11, 2019, and was unanimously confirmed by the City Council on March 11, 2019.<sup>124</sup>

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<sup>120</sup> Ian Duncan, *Baltimore mayor names Fort Worth top cop Joel Fitzgerald as police commissioner*, The Baltimore Sun (Nov. 16, 2018), <https://www.baltimoresun.com/news/crime/bs-md-ci-police-commissioner-20181023-story.html>; Press Release, Balt. City Council, Background Interviews on Dr. Joel Fitzgerald (Dec. 9, 2018), <https://www.baltimorecitycouncil.com/content/background-interviews-dr-joel-fitzgerald>; ; Ian Duncan, *Baltimore police commissioner nominee withdraws, renewing search for leadership on reform, fighting crime*, The Baltimore Sun (Jan. 7, 2019), <https://www.baltimoresun.com/politics/bs-md-ci-fitzgerald-nomination-20190104-story.html>.

<sup>121</sup> Catherine Pugh Interview, June 10, 2020.

<sup>122</sup> Andre Davis Interview, May 14, 2020.

<sup>123</sup> Michael Harrison Interview, Mar. 30, 2021.

<sup>124</sup> *Id.*; Kevin Rector and Ian Duncan, *Baltimore police commissioner search: Michael Harrison of New Orleans is next pick, will serve in acting role*, The Baltimore Sun (Jan. 8, 2019), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-police-commissioner-harrison-20190108-story.html>; Kevin Rector, *Baltimore Police Commissioner Harrison, empowered by council confirmation, now has runway to launch agenda*, The Baltimore Sun (Mar. 11, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-harrison-confirmation-20190311-story.html>.

## G. The Impact of GTTF Corruption on Other Cases

Predictably, the 2017 indictments of the eight GTTF members had a massive impact on cases in which they played a role and that were prosecuted by the Baltimore City State's Attorney's Office (SAO). Anthony Gioia served in the SAO for close to two decades and had served in a variety of significant positions in the Office, including as Director of Training (2003- 2005), Chief of the Narcotics Division (2005-2011), and Deputy State's Attorney for Major Crimes (2015-2018). In March 2018, Gioia was appointed Chief Counsel and given the responsibility for leading the Office's review of the impact of the GTTF indictments and misconduct on active and closed SAO cases.<sup>125</sup>

Because of the lack of information about the arc of the federal government's investigation and the very real possibility of significant new developments, the SAO did not immediately begin a review of potentially affected cases. According to then-Chief Deputy State's Attorney Michael Schatzow, the information available to the SAO was too fragmentary and incomplete to begin a wide-ranging review. However, once the guilty pleas of Allers, Gondo, Hendrix, Jenkins, Rayam, and Ward had been entered in 2017, and the trial of Hersl and Taylor had concluded in February 2018, the work on determining the extent of the taint could begin.<sup>126</sup>

Beginning in March 2018, Gioia and a team he assembled in the SAO began reviewing potentially affected cases. Deputy State's Attorney Janice Bledsoe worked with Gioia to establish a system to review such cases. Initially, all open and active cases in which a GTTF member was involved – regardless of the extent of that involvement – were dropped.<sup>127</sup> The cases subject to review included any case that arose within the time frame set forth in the indictments of the GTTF members, the earliest date being 2011. The bright line rule was to attempt to vacate any convictions in which any of the GTTF officers testified, without making any assessment as to the materiality of their testimony. This standard was used because, according to Gioia, the SAO simply could not have confidence in the integrity of any such conviction. In addition, many of the cases were drug possession cases in which the materiality of officers' testimony was clear. In short, if the case went to trial and one or more of the GTTF officers testified, the SAO sought to vacate the conviction.<sup>128</sup>

In closed cases in which the GTTF officers did not testify, including trials and guilty pleas, Bledsoe and Gioia created a materiality test that assessed whether the conviction should remain undisturbed. The test was whether the case could have been proven without the GTTF officer's non-testimonial activities in the case. Among the factors considered as part of the materiality test was whether the GTTF member seized

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<sup>125</sup> Anthony Gioia Interview, July 30, 2020.

<sup>126</sup> Michael Schatzow Interview, Mar. 4, 2021.

<sup>127</sup> Anthony Gioia Interview, July 30, 2020; Email from A. Gioia to M. Bromwich, Dec. 12, 2021.

<sup>128</sup> Anthony Gioia Interview, July 30, 2020.



evidence, submitted evidence, or interviewed suspects during the investigation. Bledsoe and Gioia hired a part-time clerk to assist with the case review, and the State of Maryland committed four full-time lawyers to assist with the effort. Each case reviewer was required to answer a series of materiality questions for each case that was reviewed. If a case met the materiality requirements established by Bledsoe and Gioia, the SAO would file a motion to vacate the conviction.<sup>129</sup>

Gioia and his team quickly encountered a significant legal obstacle. Under Maryland law, the legal basis for vacating cases in which a defendant had been convicted – either as the result of a guilty plea or after trial – was inadequate. Even so, the SAO filed motions to vacate the convictions of defendants whose cases were tainted. Although judges in the majority of cases agreed as a matter of fairness to vacate these convictions, a number of judges would not, ruling that the law did not authorize vacating convictions in these circumstances. Gioia acknowledged that the legal basis for vacating convictions on the SAO's motions at the time was weak under the law, but the SAO was able to route many of the convictions it sought to vacate to sympathetic judges who were more hospitable to the SAO's efforts to invalidate the convictions and release defendants whose convictions were tainted by the involvement of the corrupt BPD officers.<sup>130</sup>

In February 2019, Gioia and Bledsoe testified before the Commission to Restore Trust in Policing about the legal obstacles they faced in attempting to do justice through attempts to vacate tainted convictions. They pointed out that in approximately 30 of the 150 cases in which they had sought to vacate tainted convictions, the SAO had been unsuccessful. In describing the need for broadened authority to dismiss tainted cases, Gioia testified, "When we have such an exceptional circumstance like the Gun Trace Task Force scandal, we should have the same discretion post-judgment as we do pre-judgment to deal with police misconduct." Bledsoe added, "Some people are being treated fairly, and some people are not being treated fairly."<sup>131</sup> Two months later, in April 2019, the Maryland legislature responded by passing a bill, effective October 1, 2019, that broadened the authority of prosecutors to vacate convictions in the interests of justice.<sup>132</sup>

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<sup>129</sup> *Id.*; Janice Bledsoe Interview, May 20, 2020.

<sup>130</sup> Anthony Gioia Interview, July 30, 2020.

<sup>131</sup> Justin Fenton, *Baltimore prosecutors want greater flexibility to undo convictions after Gun Trace Task Force scandal*, The Baltimore Sun (Feb. 11, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-gttf-commission-prosecutors-20190211-story.html>.

<sup>132</sup> Justin Fenton, *Maryland lawmakers pass bill to make it easier for prosecutors to overturn convictions*, The Baltimore Sun (Apr. 10, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-prosecutors-overturn-conviction-bill-20190410-story.html>; Press Release, Office of the State's Attorney for Baltimore City, *Much Needed Vacatur Legislation will Become Law October 1, 2019* (May 28, 2019), <https://www.stattony.org/media-center/press-releases/1770-much-needed-vacatur-legislation-will-become-law-october-1-2019>.

Bledsoe said that the new law expedited the ability of the SAO to file vacatur motions, and to have those motions granted.<sup>133</sup>

As of mid-October 2021, the SAO had reviewed over 3,000 cases in which defendants had pled guilty or been found guilty by a judge or jury. Of these 3,000 cases, motions to dismiss pending cases or vacate prior convictions have been granted in more than 800. The collateral costs of the misconduct and corruption engaged in by the BPD defendants – both with respect to individuals being wrongly convicted and with respect to potentially dangerous criminals being set free – has thus been enormous.<sup>134</sup>

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<sup>133</sup> Janice Bledsoe Interview, May 20, 2020.

<sup>134</sup> Email from J. Bledsoe to M. Bromwich, Oct. 18, 2021, Re: Review of GTTF Cases.

## X. The Lives, Careers, and Corruption of the BPD Members



### A. Wayne Jenkins



#### 1. Background

Wayne Jenkins was born in Baltimore, Maryland on June 6, 1980. He spent his childhood and high school years in Middle River, a working-class area of Baltimore County. In 1998, Jenkins graduated from high school, where he participated in a vocational training program and generally received poor grades.<sup>1</sup>

After high school, Jenkins joined the US Marine Corps. During his military service from 1998 through 2001, Jenkins served as a logistics vehicle systems operator and achieved the rank of corporal. In August 2001, Jenkins was honorably discharged after sustaining a knee injury that qualified him for military disability. Following his discharge, Jenkins worked as a flooring installer and in manufacturing.<sup>2</sup>

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<sup>1</sup> BPD Personnel File for Wayne Jenkins (provided by BPD).

<sup>2</sup> *Id.*

In December 2004, Jenkins married his wife, whom he had dated since high school, and the couple had three sons – and tragically, a fourth son that was stillborn. By many accounts, Jenkins was a supportive and involved father who attended and assisted with his children’s school-related functions. Indeed, at Jenkins’s sentencing, his counsel highlighted Jenkins’s commitment to the local community, noting, among other things, that he served as a football coach, supported his widowed aunt and aging parents, and mowed lawns and shoveled snow for elderly neighbors.<sup>3</sup>

## **2. Entry Into BPD**

Jenkins applied to BPD in December 2002. Prior to that time, Jenkins applied to two other law enforcement agencies, but was not selected for one position and the other application was still pending at the time he accepted his BPD offer.<sup>4</sup>

In his BPD application, Jenkins failed to disclose that he had received a citation in 2001 for urinating in public after leaving a bar. When questioned about the omission, Jenkins said he was not aware that he had been criminally charged because he was neither arrested nor placed into police custody, and that he believed the matter had been dismissed. The investigator noted that he “truly believed” that Jenkins’s omission had been inadvertent, and recommended that Jenkins’s application be forwarded for final processing. Jenkins entered the Academy in February 2003.<sup>5</sup>

## **3. BPD Employment History**

### **a. Initial Assignments (2003-2006)**

In November 2003, Jenkins graduated from the Academy, and was assigned to the Patrol Division in the Eastern District. In May 2005, Jenkins was transferred to the Eastern District’s Special Enforcement Team (SET), where he was supervised by Sergeant Mike Fries. Within months, Jenkins became “a leader of the squad in arrest on a weekly basis.” But during his tenure with SET, Jenkins was the subject of two civil lawsuits involving allegations of excessive use of force. One of those lawsuits was settled for \$75,000, and the other was eventually dismissed as to Jenkins and two other officers, but resulted in a jury verdict against a fourth officer. In June 2006, Jenkins transferred to the Organized Crime Division (OCD), where he again joined Fries.<sup>6</sup>

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<sup>3</sup> *Id.*; Jenkins Sentencing Hr’g Tr. at 31:15-32:17 and 42:21-43:2, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 27, 2018), ECF No. 453.

<sup>4</sup> BPD Personnel File for Wayne Jenkins (provided by BPD).

<sup>5</sup> *Id.*; Office of Deputy Police Commissioner Jason Johnson, Summary of Indicted Police Officers, March 2017 (provided by BPD).

<sup>6</sup> BPD Personnel File for Wayne Jenkins (provided by BPD). For more information on lawsuits involving Jenkins, see Appendix C: Civil Suits Involving the Prosecuted Former BPD Officers.

In a recent interview for the “Bad Cops” podcast, Jenkins claimed that he was coaxed into stealing by BPD veterans early in his career. Jenkins said that during the execution of a residential search warrant, a sergeant, whom we subsequently identified as Fries, encouraged him to take \$10,000 they had found, suggesting that no one would notice if the money went missing. Following the search, Jenkins said he gave the money to Fries to spend during a bachelor party in Atlantic City. Jenkins added that this type of theft happened regularly within BPD. Jenkins also claimed during this podcast that he was taught to “get the guy by all means,” and not to “let probable cause stand in the way of a good arrest.”<sup>7</sup>

Additionally, Jenkins said that early in his career, he learned that officers routinely recovered and disposed of small amounts of illegal drugs without reporting the seizure or the disposal. He said that rather than arresting the person in possession, officers often pocketed the drugs, let the suspect go, and later disposed of the drugs – often “throw[ing] [the seized drugs] out the window.” Erika Jensen of the FBI Task Force confirmed that this practice of disposing small amounts of seized drugs was pervasive, and that when the FBI searched the GTTF officers’ desks, they found pills and small quantities of drugs everywhere.<sup>8</sup>

#### **b. Violent Crime Impact Division (2008-2011)**

In January 2008, Jenkins transferred to the Violent Crime Impact Division (VCID), where he was at times supervised by William Knoerlein and Mike Fries. Jenkins quickly developed a reputation as “one of the best detectives in [the] division.”<sup>9</sup>

In 2009, BPD awarded Jenkins a bronze star for his part in the recovery of 41 kilograms of cocaine, which was the largest cocaine seizure in BPD history at the time. As noted in Chapter IX, Section C, more than 10 years later, federal investigators determined that Keith Gladstone, Victor Rivera, and Ivo Louvado – all of whom served on VCID and participated in the enforcement action that resulted in the seizure – had stolen three kilograms of cocaine. The officers then sold the stolen drugs to a

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<sup>7</sup> Bad Cops, *The golden boy*, BBC World Service (Sept. 24, 2021), at 6:48-8:33; 9:33-10:06. When we asked Fries about his alleged involvement in the theft of \$10,000 and Jenkins’s characterization of him as a “dirty cop,” Fries responded, “And as far as the podcast, as much as I do appreciate your [sic] chance to combat any allegations, [s]ince the arrests I have had to defend myself and my career so much I just can’t do it anymore and want to move on as I am coming up on 3 years being retired. So I will not make a comment”. Email from M. Fries to M. Bromwich, Nov. 19, 2021.

<sup>8</sup> Bad Cops, *The golden boy*, BBC World Service (Sept. 24, 2021), at 12:39-13:14; Call between M. Bromwich and E. Jensen, Oct. 19, 2021.

<sup>9</sup> BPD Personnel File for Wayne Jenkins (provided by BPD).



confidential informant and split \$60,000 in proceeds.<sup>10</sup> Although Gladstone was a mentor of Jenkins's, we found no evidence that Jenkins knew about the theft at the time.

Throughout his time in VCID, Jenkins engaged in various kinds of misconduct that, he later admitted, began early in his career. In December 2009, Jenkins, Knoerlein, Gladstone, Louvado, Paul Geare, and Rivera were sued in connection with their search of a West Baltimore bar. Although Jenkins claimed in a police report that one of the detainees voluntarily gave the officers his keys, video footage showed that Jenkins had searched the individual and taken his keys after slapping the man's phone out of his hands. In March 2011, a jury acquitted the officers of all but one of the 39 counts against them. The jury found in favor of the plaintiffs on a single count of battery against Jenkins and awarded the plaintiffs \$1 in damages.<sup>11</sup>

Shortly after this incident, and as described further in Chapter V, Section G, on April 28, 2010, Jenkins, Ryan Guinn, and Sean Suiter pursued Umar Burley and Brent Matthews in a high-speed chase, leading to a crash that killed Elbert Davis, Sr. Following the collision and in an attempt to justify the pursuit, one of the BPD officers at the scene planted heroin in Burley's vehicle, which Suiter then "found" in the car. To conceal the officers' misconduct, Jenkins prepared a false statement of probable cause, claiming that the planted drugs had been found in Burley's vehicle.<sup>12</sup>

According to Jenkins's plea agreement, during his final week as a member of VCID, he and Gondo attempted a traffic stop, during which the suspect fled and crashed his vehicle. Following the crash, Jenkins stole \$1,800 from the suspect's vehicle, which he later shared with Gondo. To conceal his misconduct, Jenkins once again prepared a false incident report that unsurprisingly failed to mention that money had been taken from the suspect's vehicle.<sup>13</sup>

### **c. Initial Assignment to the GTTF and the Violent Crime Impact Section (2011-2013)**

In May 2011, Jenkins was briefly transferred to the GTTF. Less than seven months later, in December 2011, Jenkins returned to the Violent Crime Impact Section (VCIS). Sergeant Kevin A. Jones and Lieutenant Craig Hartman served as Jenkins's supervisors from February to November 2012. In a review during this time period,

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<sup>10</sup> Justin Fenton, *Cops and Robbers: Part One*, The Baltimore Sun (June 12, 2019), <https://news.baltimatesun.com/cops-and-robbers/part-one/>. Jenkins's personnel file does not include any documentation regarding this award; FBI FD-302 of Victor Rivera (Feb. 18, 2020).

<sup>11</sup> *Smith v. Baltimore City Police Dep't*, No. 24-c-09-008259 (Cir. Ct. Baltimore City 2009); Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 31-33.

<sup>12</sup> Jenkins Plea Agreement at 25-26, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254 (Jenkins Plea Agreement).

<sup>13</sup> *Id.* at 18.

Jenkins was again described as “the leader in the squad” and “one of the best detectives I have ever supervised.”<sup>14</sup>

On November 30, 2012, Jenkins was promoted to sergeant. Jenkins had completed BPD’s sergeant examination four years earlier, in October 2008. Fred Bealefeld confirmed that he had blocked Jenkins’s promotion to sergeant for as long as he remained commissioner, but said he could not recall the specific reasons why he did so.<sup>15</sup>

#### **d. Special Enforcement Section (2013-2016)**

In January 2014, Jenkins was transferred to the Special Enforcement Section (SES) Westside unit following a 90-day detail to that squad. Although Jenkins continued to receive positive performance reviews, supervisors also reported difficulty managing him. According to former Assistant State’s Attorney (ASA) Keri Borzilleri, Jenkins treated his supervisor Daryl Murphy poorly, and made it clear that he – rather than Murphy – was “running the show.” As more fully described in Chapter VII, Section B and Chapter VIII, Section K, Lieutenant Marjorie German also expressed concerns about her ability to supervise Jenkins and found the experience stressful. She noted that Jenkins sneaked out of his assigned zone without informing her, did not follow orders, and told her that he did not need her supervision because he had received approvals for different activities from BPD higher-ups like Sean Miller or Dean Palmere.<sup>16</sup>

During his tenure in the Westside SES unit, Jenkins and another officer, Benjamin Frieman, were the subjects of an Internal Affairs (IA) investigation stemming from their February 2014 arrest of Walter Price. As discussed in detail in Chapter VI, Section G, Jenkins and Frieman had arrested Price on drug charges following a stop and search of his vehicle. IA found that Frieman had filed a false statement of probable cause related to Price’s arrest and that Jenkins had committed a number of BPD policy violations, including improperly detaining Price’s girlfriend and infant son and failing to adequately supervise Frieman. As further discussed in Chapter VI, IA recommended that Jenkins be demoted, involuntary transferred, and suspended, but his punishment was ultimately reduced to non-punitive counseling.<sup>17</sup>

Throughout 2015 and into 2016, Jenkins served in the Northwestern District SES and later the SES 2 squad. During this period, Jenkins continued to receive commendations from the Department, including the “Special Commendation of 2015” for his service to the city of Baltimore during the civil unrest of April and May 2015 and

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<sup>14</sup> BPD Personnel File for Wayne Jenkins (provided by BPD).

<sup>15</sup> *Id.*; Emails from F. Bealefeld to M. Bromwich, Mar. 10-11, 2021, Re: Wayne Jenkins.

<sup>16</sup> BPD Personnel File for Wayne Jenkins (provided by BPD); Kerri Borzilleri Interview, Oct. 28, 2020; Marjorie German Interview, Sept. 15-16, 2020.

<sup>17</sup> BPD IA File IA 2014-0177 (provided by BPD); BPD Personnel File for Wayne Jenkins (provided by BPD).

a Bronze Star for his conduct during the 2015 uprisings.<sup>18</sup> During this same time period, he was engaging in drug transactions with Donald Stepp.<sup>19</sup>

#### **e. Return to the GTTF (2016-2017)**

In June 2016, Jenkins, along with Evodio Hendrix, Marcus Taylor, and Maurice Ward, were transferred to the GTTF, where they were briefly supervised by Lieutenant Chris O'Ree. On June 13, 2016, Jenkins became the sergeant of the GTTF. On August 8, 2016, the GTTF was moved to the Operational Investigations Division (OID), where it was led by Lieutenant German until the GTTF takedown in March 2017.<sup>20</sup>

While serving as GTTF sergeant, Jenkins received numerous complaints that triggered BPD's early intervention system. In September 2016, a Phase One intervention request was sent to German in connection with multiple complaints involving allegations of discourtesy against Jenkins. While the Phase One intervention request was pending, additional complaints were filed against Jenkins, which triggered a Phase Two intervention alert.<sup>21</sup>

On October 17, 2016, an IA detective emailed German regarding the intervention alerts. Following a November 2016 meeting among Jenkins, German, and BPD's Early Intervention Unit (EIU), Jenkins's intervention was marked as completed. Although German was assigned responsibility to monitor Jenkins's behavior and report any misconduct or positive examples,<sup>22</sup> we were unable to locate records reflecting any such monitoring.

German said that Jenkins did not appear to be concerned by the intervention meetings. During one intervention meeting, German recalled, Jenkins called Lieutenant Robert Morris of IA's Ethics Section – who was then investigating Jenkins – on the phone just to “needle” him. In hindsight, German said that Jenkins thought he was invincible.<sup>23</sup>

During his GTTF tenure, Jenkins was involved in at least three armed robberies. As described further in Chapter VII and Appendix A: Crimes Committed by the

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<sup>18</sup> BPD Personnel File for Wayne Jenkins (provided by BPD).

<sup>19</sup> For additional information regarding Jenkins drug transactions with Stepp, see Chapter VII, Section C.

<sup>20</sup> BPD Personnel File for Wayne Jenkins (provided by BPD); Office of the Deputy Commissioner Jason Johnson, Summary of Indicted Police Officers, Mar. 10, 2017 (provided by BPD); Indictment at 3, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Feb. 23, 2017), ECF No. 1 (Indictment).

<sup>21</sup> Email from K. Rogers to M. German, CC: V. Herron and G. Eames, Oct. 17, 2016, Re: Early Intervention Response (email provided by BPD).

<sup>22</sup> *Id.*; 2016 Early Intervention Statistics, Dec. 22, 2016 (provided by BPD); Office of the Deputy Commissioner Jason Johnson, Summary of Indicted Police Officers, Mar. 10, 2017 (provided by BPD).

<sup>23</sup> Marjorie German Interview, Sept. 15-16, 2020.

Prosecuted Former BPD Officers, during these robberies, Jenkins and his fellow GTTF members stole drugs and large sums of cash. According to Jenkins’s plea agreement, following two of these robberies, Jenkins gave the stolen drugs to Donald Stepp, who sold the drugs and shared the proceeds with Jenkins. Stepp later testified at Hersl’s and Taylor’s trial that Jenkins delivered drugs to him “almost nightly.” Stepp further testified that his and Jenkins’s drug trafficking scheme resulted in more than \$1 million of drug sales and netted Jenkins between “a quarter-of-a-million dollars to a half-million dollars” in illicit profits. Erika Jensen of the FBI Task Force said that Jenkins spent money freely, including on gambling and the frequent use of escort services.<sup>24</sup>

While serving as sergeant-in-charge of the GTTF, Jenkins instructed his co-defendants to keep “BB guns that look like real guns” in their vehicles so that they “could plant the gun to cover themselves” if they were involved in accidents or shootings involving unarmed suspects. Indeed, Jenkins himself had done just that several years earlier in 2014, when – with the help of Gladstone, Vignola, and Hankard – he planted a BB gun on Demetric Simon to justify deliberately hitting Simon with his vehicle.<sup>25</sup> In addition, Jenkins submitted numerous fraudulent overtime reports for himself and his co-defendants. According to Assistant US Attorney (AUSA) Leo Wise’s presentation at Jenkins’s sentencing, the GTTF engaged in a “systematic looting of the overtime system.” Wise added that Jenkins engaged in “numbers games” in which he stopped people without cause in order to recover firearms that he could then use to justify his false overtime claims.<sup>26</sup>

#### **4. Notable IA Complaints and Other Disciplinary Issues**

##### **a. IA Complaints**

Over the course of Jenkins’s BPD career, he received more than 30 IA complaints – 13 of which stem from Jenkins’s SES tenure alone – alleging various forms of misconduct, including excessive force. In one such complaint, Jenkins was alleged to have broken a suspect’s jaw and to have beaten the suspect unconscious. Additionally, two complaints alleged that Jenkins used racial slurs.<sup>27</sup>

In a 2015 complaint, a local news reporter advised IA Lieutenant Morris that she had been told by a “police source” that Jenkins had robbed local drug dealers using his

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<sup>24</sup> Jenkins Plea Agreement at 19-23; Stepp Trial Testimony at 29:1-30:4 (Feb. 1, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469. At Jenkins’s sentencing hearing, the government estimated a slightly lower figure, stating that Jenkins “netted [] almost a quarter of a million dollars.” Jenkins Sentencing Hr’g Tr. at 9:14-19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 27, 2018), ECF No. 453; Erika Jensen Call, Oct. 19, 2021.

<sup>25</sup> For more information on this incident, see Chapter VI, Section H.

<sup>26</sup> Jenkins Sentencing Hr’g Tr. at 21:14-19; 26:13-19; 14:22-23; 19:22-25, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 27, 2018), ECF No. 453.

<sup>27</sup> BPD IA File 2016-0067, 2008-1541, and 2016-0493 (provided by BPD).

unmarked departmental vehicle. Only three days before Morris received the reporter's complaint, Captain Sean Maloney distributed a Department-wide email requesting that officers be on the lookout for a silver Chevrolet with red and blue dash lights that was "involved with impersonating police and conducting street robberies." Despite the potential connection between the information in Maloney's email and the information in the reporter's complaint, IA did not interview Jenkins and initially deemed the complaint unfounded. However, following the GTTF members' arrest, IA re-opened the case and sustained the allegations against Jenkins based on his indictment, without an investigation.<sup>28</sup>

Despite the numerous complaints against Jenkins, IA largely failed to substantiate the allegations of misconduct against him. The vast majority of the more than 30 incidents were deemed unfounded, not sustained, or were administratively closed. In addition, IA's investigations into complaints against Jenkins were often done slowly and, in some instances, were incomplete.<sup>29</sup>

For a detailed account of IA investigations involving Jenkins, see Appendix B: Internal Affairs Investigations and Related Matters.

#### **b. Civil Lawsuits**

Over the course of his career, Jenkins was the subject of three civil lawsuits, which are discussed in Appendix C: Civil Suits Involving the Prosecuted Former BPD Officers. Notably, none of these lawsuits are reflected in available IA files, nor are they noted in Jenkins's personnel file. We found no evidence that the Department either investigated or took any action against Jenkins for his involvement in these cases. Together with the numerous external complaints filed against Jenkins, it is clear that BPD ignored multiple warning signs that Jenkins was both dishonest and prone to using excessive force.

#### **c. Jenkins's Reckless Driving**

Throughout his career, Jenkins was involved in numerous vehicular accidents. For instance, in July 2004, less than one year after he entered duty, Jenkins was involved in an accident that BPD later declared preventable. As discipline, Jenkins received written counseling. Between late-2013 and mid-2014, Jenkins was involved in three vehicle accidents. As a result, Jenkins was required to complete a 30-day driving evaluation that was overseen by Lieutenant Daryl Murphy.<sup>30</sup>

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<sup>28</sup> BPD IA File 2015-0680 (provided by BPD).

<sup>29</sup> At the time of his arrest on March 1, 2017, nine complaints against Jenkins remained open.

<sup>30</sup> BPD Personnel File for Wayne Jenkins (provided by BPD). Murphy reported that Jenkins's driving during the 30-day period had been satisfactory. *Id.*



From our investigation, it appears that Jenkins's reckless driving was widely known within the Department. O'Ree recalled that he once reported to Miller that Jenkins was driving around like a "mad man" and was "going to kill someone." Similarly, members of the GTTF feared Jenkins's dangerous driving. According to Maurice Ward's girlfriend, Kyesha Coleman, Ward told her that he "hate[d] driving with Jenkins" because of Jenkins's recklessness behind the wheel.<sup>31</sup> Despite Jenkins's reputation for dangerous driving and his history of on-the-job wrecks, it appears that little was done to address the issue.

Further, according to Baynard Woods, members of BPD's command staff reportedly concealed Jenkins's history of accidents. Woods said he was told that Darryl De Sousa "edited Jenkins out of reports" related to multiple driving accidents due to Jenkins's involvement in the Burley-Matthews case.<sup>32</sup>

## **5. Criminal Proceedings**

On February 23, 2017, Jenkins was indicted on charges of racketeering conspiracy, racketeering, and two counts of robbery in the United States District Court for the District of Maryland. A subsequent indictment filed on November 30, 2017, charged Jenkins with falsification of records and four counts of deprivation of rights under color of law.<sup>33</sup>

Following the GTTF members' arrests, Jenkins attempted to convince his co-defendants to cover up their criminal conduct. However, after Jenkins's co-defendants provided evidence against him, Jenkins attempted to cooperate with the FBI's investigation.<sup>34</sup> During his July 2017 FBI debriefings, Jenkins admitted to being involved in numerous thefts and robberies, but denied his involvement in other crimes. Moreover, Jenkins implicated BPD Officer Matthew Ryckman in his thefts, noting that they had stolen money together on at least one occasion. In addition, Jenkins described the GTTF's practice of rewarding its officers with overtime in exchange for gun confiscations. According to Jenkins, officers could receive four to eight hours of overtime for each gun they seized. Jenkins claimed that the GTTF's abuse of the overtime system was not unique and that overtime fraud exists throughout the Department. Jenkins also alleged that he had been informed of the FBI's investigation by BPD officer Ryan Guinn and ASA Ana Mantegna.<sup>35</sup>

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<sup>31</sup> Chris O'Ree Interview, Sept. 10, 2020; Kyesha Coleman Interview, Jan. 27, 2021.

<sup>32</sup> Baynard Woods Interview, Aug. 26 and Sept. 2, 2020.

<sup>33</sup> Indictment; Superseding Indictment, *United States v. Jenkins, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137.

<sup>34</sup> Jenkins Sentencing Hr'g Tr. at 15:1-13, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 27, 2018), ECF No. 453.

<sup>35</sup> FBI FD-302 of Wayne Jenkins (July 17, 2017); FBI FD-302 of Wayne Jenkins (July 26, 2017).

According to Special Agent Jensen, after investigating Jenkins for months and debriefing him for many hours, she concluded that although Jenkins realized the falsity of some of his claims, he also seemed to believe many of his own lies. Jensen stated that this denial of reality was one of the obstacles that prevented Jenkins from being a useful witness. Among the falsehoods that Jenkins appears to have believed is that he was a “family man” who lived a modest lifestyle and used his ill-gotten gains to support his family.<sup>36</sup>

On January 2, 2018, Jenkins pled guilty to racketeering conspiracy, a substantive count of racketeering, two robberies, and two charges related to the 2010 Burley-Matthews incident. According to Jenkins’s plea agreement, he committed the following crimes, which spanned his tenure in both the SES and GTTF, and which are further detailed in Appendix A: Crimes Committed by the Prosecuted Former BPD Officers, and elsewhere in this Report:

- On July 11, 2014, Jenkins, Hendrix, and “Detective F.” attempted to stop “J.C.” in the Mondawmin Mall parking lot. The suspect fled, initially in his vehicle and then on foot, before jumping over a retaining wall and falling to a lower level in the parking lot. With the suspect laying injured on a lower level of the parking lot, Jenkins and Hendrix stole between \$12,000 and \$14,000 from his vehicle.
- In or about spring of 2015, Taylor, Jenkins, and Ward interrupted a marijuana transaction in the parking lot of Belvedere Towers apartments and took 30 pounds of marijuana and \$15,000 in cash from the buyer. Jenkins gave Taylor and Ward \$5,000 each from the seized money.
- In April 2015, during the riots that followed the death of Freddie Gray, Jenkins stole prescription medications from someone looting a pharmacy. Jenkins then took the medications to Donald Stepp to sell them.
- On February 4, 2016, Jenkins, Ward, and Hendrix arrested a taxicab driver and stole \$1,500 to \$2,000 from him.
- On March 9, 2016, Taylor, Hendrix, Ward, and Jenkins arrested Malik McCaffity. The officers stole \$1,000 from McCaffity but submitted a false report stating that the officers had seized only a handgun, marijuana, and a t-shirt.
- On March 22, 2016, Jenkins, Taylor, Hendrix, and Ward arrested Oreese Stevenson and seized narcotics and \$21,500 from Stevenson. Following the arrest, the officers entered Stevenson’s residence, where they stole approximately \$200,000 and property, including a Breitling men's wristwatch valued at \$4,000.

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<sup>36</sup> Call between M. Bromwich and E. Jensen, Oct. 19, 2021.

- On July 8, 2016, Jenkins, Gondo, Rayam, and Hersl stole approximately \$20,000 from the home of Ronald and Nancy Hamilton after obtaining a search warrant based on a false affidavit. Prior to searching the residence, Jenkins interrogated Ronald Hamilton and falsely claimed that he was a federal officer.
- On August 8, 2016, Jenkins and Hersl arrested Dennis Armstrong and then searched his vehicle, from which Hersl stole \$7,000. Following the arrest, Jenkins, Hersl, Gondo, and Rayam went to a storage unit belonging to Armstrong. At Jenkins's direction, Stepp broke into the unit and stole 3/4 of a kilogram of cocaine stored inside. Stepp later sold the cocaine and shared the proceeds with Jenkins.<sup>37</sup>

In addition, Jenkins admitted to breaking into and entering homes, using an illegal GPS tracking device to steal from a suspected drug dealer, stealing illegally operated dirt bikes, and routinely submitting and approving false overtime reports for himself and other GTTF members. Further, Jenkins admitted that he and his co-defendants prepared and submitted false incident and arrest reports to conceal their misconduct.<sup>38</sup>

At his sentencing hearing, Jenkins apologized to the family members of Elbert Davis and to Umar Burley, although Jenkins implied that he was not responsible for the drugs being planted in Burley's vehicle.<sup>39</sup> Further, on multiple occasions, Jenkins expressed regret for "tarnishing the badge" and "hurting the Marine Corps." Lastly, Jenkins apologized to "the citizens of Baltimore."<sup>40</sup>

At the conclusion of the hearing, the court sentenced Jenkins to 25 years in federal prison. Jenkins is currently incarcerated at Ashland FCI, a low security facility in Ashland, Kentucky. Jenkins's projected release date is July 16, 2038.

After initially contacting us about a possible interview in December 2019, Jenkins deputized his former cellmate to attempt to negotiate the terms of the interview with us, which included the demand that outsiders, including a documentary film producer, attend the interview. We rejected those demands. After months of silence from Jenkins and his representative, Jenkins once again expressed interest in being interviewed, stating that he was "excited" to "tell [his] side," and appeared to have dropped the conditions he had previously set. On January 20, 2021, we spoke with Jenkins via telephone for approximately 30 minutes. After confirming that he would be willing to

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<sup>37</sup> Jenkins Plea Agreement, *passim*.

<sup>38</sup> *Id.*

<sup>39</sup> Jenkins Sentencing Hr'g Tr. at 45:20-46:6, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 27, 2018), ECF No. 453 ("I am truly sorry for, after finding out what happened with the drugs being planted, I didn't speak up. I didn't come forward after I found out about that. I should have come [sic] forward, and I didn't.").

<sup>40</sup> *Id.* at 46:7-14; 48:12-13.

participate in a full-length interview, Jenkins noted that he would be “straight” with us by sharing “how corrupt the Department really is” and how he was “trained” to engage in the misconduct for which he was convicted.<sup>41</sup>

During this call, Jenkins admitted repeatedly that he stole and sold drugs, and that he deserved to be punished for those crimes. But Jenkins was adamant that he never planted drugs or guns, and that he never stole money from drug dealers. Erika Jensen noted that Jenkins similarly admitted to some crimes while denying others during his FBI debriefings. Moreover, Jenkins told us that Sean Suiter had planted the drugs, which Jenkins said Suiter had retrieved from Keith Gladstone’s car, that were found in Umar Burley’s vehicle. Jenkins claimed that he did not know that Suiter had planted anything in Burley’s vehicle until Suiter told him weeks after the incident. Jenkins also claimed that Gladstone likely did not know that Suiter had planted the drugs until after Burley’s arrest. Jenkins alleged that both Knoerlein and Fries are “dirty cops.”<sup>42</sup>

Jenkins asked whether we would recommend leniency on his behalf if he participated in an interview. In response, Jenkins was told that we could not make a recommendation, but would advise the Bureau of Prisons and the court of the extent of his cooperation, and our assessment of it.<sup>43</sup>

Following that initial call with Jenkins, he revived the condition that we allow a documentary filmmaker to record the interview. We again refused. Jenkins subsequently declined to participate in the interview.<sup>44</sup>

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Over the course of Jenkins’s career, he committed at least 10 armed robberies, which began as early as 2011, conducted at least three burglaries, and stole drugs on a frequent basis. Through his illicit drug sales, Jenkins netted almost a quarter of a million dollars.<sup>45</sup> Despite his attempt to portray himself as a family man at sentencing, Jenkins spent this money freely on various non-family-related pursuits, including extensive gambling.

Throughout much of Jenkins’s career, he was heralded as a “golden boy” within the Department due to the volume of gun and drug seizures he achieved. According to Joel Fried, Jenkins was “like the most popular kid in school, equivalent to the

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<sup>41</sup> Wayne Jenkins Interview, Jan. 20, 2021.

<sup>42</sup> *Id.*; Call between M. Bromwich and E. Jensen, Oct. 19, 2021.

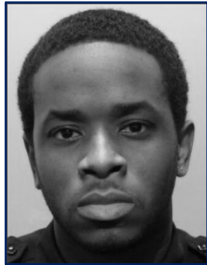
<sup>43</sup> Wayne Jenkins Interview, Jan. 20, 2021.

<sup>44</sup> Emails from C. Bledsoe to M. Bromwich, Mar. 8-11, 2021, Re: [Interview of Wayne Jenkins].

<sup>45</sup> Jenkins Sentencing Hr’g Tr. at 15:14-16; 9:14-19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 27, 2018), ECF No. 453.

quarterback.”<sup>46</sup> Although he was generally liked by his peers, Jenkins developed a reputation as a “cowboy” who was willing to cut corners.<sup>47</sup> As a result, several of Jenkins’s former colleagues whom we interviewed said they were not surprised to hear that Jenkins had been involved in misconduct. As with many of the other GTTF defendants, despite the multiple warning signs throughout his BPD career, Jenkins’s conduct went largely unchecked, which led him to believe he was invincible and above the law.

## B. Momodu Gondo



### 1. Background

Momodu Bondeva Kenton Gondo was born in Fort Riley, Kansas on December 30, 1982, to parents who had immigrated from Sierra Leone. After moving to Baltimore as a young child, Gondo grew up in the Alameda, where he was surrounded by drugs and crime, and according to several witnesses, may have dealt drugs himself. His closest friend growing up was Glen Kyle Wells, a heroin dealer who was later indicted along with Gondo in the narcotics conspiracy case arising from the federal investigation.<sup>48</sup>

Gondo graduated from high school in 2000, where he was an average student. Gondo had a variety of jobs after high school, including as an EMT and a hospital technician.<sup>49</sup>

### 2. Entry Into BPD

Gondo first applied to BPD in 2000, but did not follow through on his application, later claiming that he lost interest and that his family disapproved of his application. In fact, Gondo failed to provide requested documentation about a medical issue. That same year, he applied to the Baltimore County Police Department but was not accepted because, according to statements he provided to BPD, he failed the agility test.<sup>50</sup>

When Gondo re-applied to BPD in September 2005, he failed to list jobs that were previously included on his 2000 application. In addition, during the 2000 application

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<sup>46</sup> Joel Fried Interview, Jan. 26, 2021.

<sup>47</sup> Michael Davey Interview, Mar. 12, 2020.

<sup>48</sup> BPD Personnel File for Momodu Gondo (provided by BPD); Erika Jensen Interview, May 13, 2020; John Sieracki III Interview, Apr. 8, 2020 and Apr. 28, 2020; Baynard Woods Interview, Aug. 26 2020 and Sept. 2, 2020; Matthew Smith Interview, Oct. 23, 2020; *United States v. Washington, et al.*, No. 1:16-cr-00051-CCB (D. Md. Feb. 23, 2017), ECF No. 123.

<sup>49</sup> BPD Personnel File for Momodu Gondo (provided by BPD).

<sup>50</sup> *Id.*



process, Gondo admitted during his polygraph exam that he had been fired from a job, but during his 2005 polygraph, he denied having been fired from any of his previous jobs. Despite these inconsistent answers, Gondo passed both the 2000 and 2005 polygraph exams. When questioned about these discrepancies by a BPD background investigator, Gondo claimed that he had forgotten about the jobs at issue because he had held them only briefly, and had not intended to deceive BPD.<sup>51</sup> Available records do not reflect whether BPD took steps to try to verify Gondo's explanation.

During the interview process, Gondo disclosed that he had stolen a hubcap when he was young, but gave dramatically different accounts of his age at the time of the incident—in one interview he said he was 10, while in another he said he was 18. Available records do not reflect that BPD investigators flagged this inconsistency or tried to resolve it. Gondo also claimed that he did not have any criminal associates, and that he had never engaged in criminal activity—including using or selling drugs—beyond the stolen hubcap. Ironically, a relative of Glen Kyle Wells provided a recommendation for Gondo, stating that Gondo had always been “selective” about his associates, did not have any negative associations, and was a good role model.<sup>52</sup>

Gondo's claims that he had no criminal associates and had not engaged in criminal activity were false. Beyond his close friendship with Wells, Gondo testified during the trial of Hersl and Taylor that as a teenager, he had assisted a friend in purchasing an illegal gun which was used in a homicide later that day. Moreover, Rayam testified during the trial that Gondo had told him that Gondo had been involved in shootings before becoming a police officer, and claimed to have “laid someone out”—a claim that Gondo denied during his own trial testimony.<sup>53</sup>

On November 29, 2005, Gondo entered the Academy. His behavior apparently raised concerns among some Academy personnel, but these concerns were not addressed. Lieutenant Rob Furlong recalled speaking with BPD members regarding Gondo's “troubles” at the Academy. During his field training, Gondo's professional development was documented in daily observation reports. Although none of these reports indicated serious issues, 16 out of 43 reports mentioned behavior that was “not acceptable,” which included a lack of knowledge of when to use a pat down, use of his personal cell phone while operating a police vehicle, lack of confidence using the radio, and difficulty understanding criminal law.<sup>54</sup>

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<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> Gondo Trial Testimony at 184 (Feb. 5, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 470 (Gondo GTTF Trial Testimony); Rayam Trial Testimony at 118-20 (Jan. 30, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 467 (Rayam Day 2 GTTF Trial Testimony).

<sup>54</sup> Personnel File for Momodu Gondo (provided by BPD); BPD Education and Training File for Momodu Gondo (provided by BPD); Robert Furlong Interview, Dec. 16, 2020.

### 3. BPD Employment History

#### a. 2006 Shooting Incident

After graduating from the Academy, Gondo completed his field training in the Northern District, and then worked patrol in the Northwestern District from 2006 to 2008.<sup>55</sup>

In the early morning of December 5, 2006, two months into his Northwestern District assignment, Gondo was shot in the back during what he claimed to be an attempted carjacking when he was off-duty. Gondo sustained nerve damage, which kept him out of work for approximately nine months and left him with a permanent limp. Gondo claimed that he received a large settlement in connection with the shooting, and he testified about the settlement at the trial of Hersl and Taylor.<sup>56</sup>

The BPD Homicide investigators assigned to the case apparently did not question Gondo's claim that the shooting was the result of a carjacking. They did not review Gondo's phone records, pull his overtime slips, question the fact that he was still wearing his bulletproof vest after work, or inquire as to why carjackers would target a police officer who was still in partial uniform. The Homicide investigators also failed to identify key witnesses. However, several BPD officers interviewed in connection with this investigation expressed suspicion about the circumstances of the shooting and speculated that it may have been drug-related. During his FBI debriefings, Rayam claimed that Gondo had told him that the shooting *was* drug-related.<sup>57</sup>

Antonio Shropshire, later a co-defendant with Gondo in the narcotics conspiracy case, was identified as an initial suspect in the shooting, but Gondo's description of the shooter ruled out Shropshire. When another suspect was identified, Gondo initially refused to identify him in a line-up, claiming that he wanted to speak to his family and other officers before identifying the shooter. Eventually, Gondo identified the suspect, who was tried and found not guilty.<sup>58</sup>

In 2008, Gondo was diagnosed with PTSD. The physician concluded that it stemmed from the shooting, and noted that Gondo suffered from depression, anxiety,

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<sup>55</sup> BPD Personnel File for Momodu Gondo (provided by BPD).

<sup>56</sup> Ryan Jones Interview, Feb. 19, 2021; Reply to Government's Response in Opposition of Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) at 7, *United States v. Washington, et al.*, No. 1:16-cr-00051-CCB (D. Md. Aug. 24, 2020), ECF No. 443; Gondo GTTF Trial Testimony at 123.

<sup>57</sup> BPD IA File 2006-2028 (provided by BPD); BPD Homicide File CC065L01953 (provided by BPD); Marjorie German Interview, Sept. 15-16, 2020; John Sieracki III Interview, Apr. 8, 2020 and Apr. 28, 2020; Ryan Guinn Interview, Nov. 30, 2020; Baynard Woods Interview, Aug. 26 2020 and Sept. 2, 2020; FBI FD-302 of Jemell Rayam (Apr. 12, 2017).

<sup>58</sup> BPD IA File 2006-2028 (provided by BPD); BPD Homicide File CC065L01953 (provided by BPD); Melissa Harris, *Jury acquits man of attempted murder*, The Baltimore Sun (May 17, 2008), <https://www.baltimoresun.com/news/bs-xpm-2008-05-17-0805160292-story.html>.

anger, forgetfulness, and loss of energy and motivation. Gondo said that he developed a drinking problem after the shooting, and that his depression worsened after the not-guilty verdict.<sup>59</sup>

### **b. Pre-GTTF Assignments**

In December 2008, Gondo was transferred to VCID in the Western District. Sergeant Kevin A. Jones, who had supervised Gondo previously in the Northwestern District, interviewed Gondo for VCID. Even though Gondo had worked in patrol for less than a year, was the recipient of complaints for discourtesy and use of force,<sup>60</sup> and was involved in a preventable car accident and an officer-involved shooting, he was nevertheless selected. He joined the unit on December 3, 2008, and was supervised by Jones. While in Jones's squad, Gondo worked with Maurice Ward.<sup>61</sup>

A year later, in December 2009, Gondo transferred to the Northwestern District and worked again under Jones, as well as Lieutenant Timothy Devine. Devine told us that he was always a little leery of Gondo and recalled trying to split up Gondo and his partner, Tariq Edwards, because they would recover a gun and then disappear for days at a time. Gondo himself later recalled that during this time, he and Edwards were very focused on seizing guns so that they could leave work early and spend time drinking and talking to women. Jones recalled that when he met Gondo, he initially thought that Gondo came from a privileged background because he flaunted his money and the expensive items he purchased, which earned him the nicknames "G-Money" and "Mike Lowrey."<sup>62</sup>

### **c. Thefts Prior to Joining the GTTF**

Gondo claimed that when he arrived at VCID in the Western District in late 2008, he found himself in a culture of misconduct, and he began stealing to gain the trust of

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<sup>59</sup> Memorandum in Support of Gondo's Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) at 9, *United States v. Washington, et al.*, No. 1:16-cr-00051-CCB (D. Md. Aug. 5, 2020), ECF No. 440. In a 2008 medical examination, however, Gondo said that he did not drink. He said that he lied during that medical examination. *Id.* at 12-13.

<sup>60</sup> A mandatory use of force review with respect to an incident on November 20, 2007 resulted in an IA finding that Gondo acted within policy.

<sup>61</sup> Kevin A. Jones Interview, Mar. 27, 2020; BPD Personnel File for Momodu Gondo (provided by BPD); VCID Roster (Dec. 3, 2008).

<sup>62</sup> Timothy Devine Interview, Feb. 5, 2021; FBI FD-302 of Momodu Gondo (Mar. 27, 2017); Kevin A. Jones Interview, Sept. 1, 2020. Mike Lowrey is a fictional detective from the 1995 movie *Bad Boys*. In the movie, Lowrey's wealthy family died and left him a trust fund.

his fellow officers. Gondo recalled that he first observed other officers splitting stolen money before engaging in the conduct himself.<sup>63</sup>

According to Gondo, his first theft occurred during the execution of his first search warrant in Druid Park. Gondo said he found money during the search, skimmed some of it, and then split the money with other members of his squad in the Western District parking lot. During his debriefings by members of the FBI Task Force, Gondo said that he may have stolen money on other occasions while in the VCID squad, but had no specific memory of the incidents. Gondo told members of the FBI Task Force that he continued to steal money after being transferred to the Northwestern VCID squad at the end of 2009, but with less frequency.<sup>64</sup>

#### **d. The GTTF**

##### **(1) Under Jones (2010-2013)**

At the end of 2010, Gondo was transferred to the GTTF, where he worked until February 2017, when he requested a transfer to Citywide Shootings.<sup>65</sup>

Gondo claimed that he curtailed his criminal activity for a period while working under Jones. But when Rayam returned from an 18-month suspension, “everything went downhill.” Fellow BPD members observed that when Rayam returned from the suspension, he and Gondo began working almost exclusively with one another.<sup>66</sup>

During this period, Gondo struggled in his personal life. In 2011, he became his mother’s primary caregiver after a rapid deterioration in her health due to dementia. A year later, Gondo’s fiancée broke off their engagement, allegedly due to Gondo’s drinking. Gondo would later report that his drinking worsened after their separation, as did his depression.<sup>67</sup>

During Jenkins’s first assignment to the GTTF in 2011, Gondo participated in thefts with him. Gondo recalled the first time he stole with Jenkins: Jenkins gestured to money during a car stop, and said something akin to: “G, you straight?” to which Gondo replied, “Yes.” Gondo said that Jenkins took \$8,000 from the vehicle and gave

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<sup>63</sup> Gondo Trial Testimony at 5, *United States v. Snell*, No. 1:17-cr-00602-CCB (D. Md. Oct. 30, 2018), ECF No. 95; FBI FD-302 of Momodu Gondo (Mar. 27, 2017).

<sup>64</sup> FBI FD-302 of Momodu Gondo (Mar. 27, 2017).

<sup>65</sup> VCIS Roster (Mar. 2, 2010); BPD Roster (Feb. 3, 2017).

<sup>66</sup> FBI FD-302 of Momodu Gondo (Mar. 27, 2017); Elizabeth Geiselman Interview, Aug. 13, 2020; Antonio Hopson Interview, Sept. 18, 2020; Ryan Guinn Interview, Nov. 30, 2020.

<sup>67</sup> Memorandum in Support of Gondo’s Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) at 12-13, *United States v. Washington, et al.*, No. 1:16-cr-00051-CCB (D. Md. Aug. 5, 2020), ECF No. 440.

him \$4,000. Gondo recalled that after taking the money, they secured cooperation from the driver, which led to the arrest of the driver's supplier.<sup>68</sup>

In April 2012, as mentioned in Chapter VIII, Section D, Gondo was the passenger in a car when the driver was pulled over by the Maryland State Police on suspicion of driving while intoxicated. According to the state trooper, Gondo had clearly been drinking and interfered with the state police during the vehicle stop. Gondo was temporarily suspended by his commanding officer, then-Deputy Major Dan Lioi, but his police powers were restored shortly thereafter.<sup>69</sup> There is no available record reflecting that BPD investigated this incident.

Multiple GTTF officers were suspicious of Gondo throughout this period. Ryan Guinn, in particular, strongly believed that Gondo was corrupt. Guinn reported these suspicions to then-Deputy Commissioner Jerry Rodriguez in 2013, and Rodriguez directed Guinn to report his suspicions to the FBI. Guinn did so in July 2013, but the FBI deemed it insufficient to open an investigation because Guinn had not personally witnessed any misconduct, and the only evidence of corruption Guinn could point to was Gondo's close interactions with drug dealers on the street and his use of multiple cell phones.<sup>70</sup>

Guinn recalled that he once called out Gondo in front of the squad, and sarcastically inquired if Gondo was not paying attention to him because Guinn was not "one of Gondo's drug dealer friends." According to Guinn, Sergeant Jones asked Guinn to apologize to Gondo, which Guinn did. Guinn said that the apology was not accepted, and he never spoke to Gondo again.<sup>71</sup>

Numerous BPD colleagues observed that Gondo seemed to flaunt the fact that he had money and spent a significant amount of money on clothes, cars, alcohol, and food. Kevin A. Jones and Ward's girlfriend, Kyesha Coleman, told us that they believed Gondo's wealth stemmed from the shooting settlement or from family money. Other witnesses recalled that Gondo was extremely focused on money and prided himself on having it. The FBI wiretaps on Gondo's phone confirmed that Gondo spent a substantial sum of money at Washington, DC-area clubs and casinos, and that he regularly drove under the influence of alcohol. While working on the GTTF from 2011 to 2013, Gondo's pay ranged from \$63,300.79 to \$74,887.92 with overtime included, but many officers believed that he acted as if he had significantly more money at his disposal.<sup>72</sup>

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<sup>68</sup> FBI FD-302 of Momodu Gondo (June 14, 2017).

<sup>69</sup> BPD Personnel File of Momodu Gondo (provided by BPD).

<sup>70</sup> Ryan Guinn Interview, Dec. 11, 2020.

<sup>71</sup> *Id.*

<sup>72</sup> Ryan Guinn Interview, Nov. 30 and Dec. 11, 2020 Interview; James Kostoplis Interview, May 8, 2020; Elizabeth Geiselman Interview, Aug. 13, 2020; Kevin A. Jones Interview, Sept. 1, 2020; Kyesha



## (2) Under Allers (2013-2016)

Thomas Allers replaced Jones as the GTTF sergeant in July 2013. Both Geiselman and Guinn said they warned Allers about Gondo and Rayam, but Allers claimed that he had to keep them on the squad because they were protected by people of higher rank. Over the course of our investigation, we found no evidence that persons of higher rank protected Gondo and Rayam. According to Geiselman, John Clewell, who joined the GTTF in August 2015, refused to work with Gondo or Rayam.<sup>73</sup>

As described in Chapter VII, Section G, the FBI Task Force investigation that led to the wiretap of Gondo's cell phone and the installation of a bug in his car resulted from a narcotics investigation conducted by the Harford County and Baltimore County police departments focused on Antonio Shropshire. Investigators in that case had discovered an unauthorized tracking device attached to the car of a suspect linked to Shropshire. The investigators advised the FBI Task Force about the relationships their investigation had established among Shropshire, Glen Kyle Wells, and Gondo. BPD provided information about the unauthorized tracking device to the FBI Task Force. Records provided by the tracking device company established that the tracking device belonged to Clewell.<sup>74</sup>

As described in Chapter VII, Section G, the wiretap of Gondo's phone initially failed to capture significant evidence of criminal activity. But according to Erika Jensen, it did provide abundant evidence that Gondo drank heavily and drove recklessly. However, the wiretap subsequently recorded Gondo providing Wells and Shropshire with detailed information about law enforcement activities that threatened their drug-trafficking operations.<sup>75</sup> Those drug-trafficking operations – which Gondo supported and assisted – ultimately led to approximately 60 fatal and nonfatal overdoses, mostly affecting low-income Baltimore residents from neighborhoods similar to the neighborhood where Gondo grew up.<sup>76</sup>

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Coleman Interview, Jan. 27, 2021; Erika Jensen Interview, May 13, 2020; Luis Ruiz Interview, Sept. 22, 2020; BPD Watch, <https://bpdwatch.com/officer/1004>.

<sup>73</sup> Elizabeth Geiselman Interview, Aug. 13, 2020; Ryan Guinn Interview, Dec. 11, 2020.

<sup>74</sup> Erika Jensen Interview, May 13, 2020. The origins of the Shropshire narcotics investigation are described in Fenton's *We Own This City*, at 95-106.

<sup>75</sup> Erika Jensen Interview, May 13, 2020; Briefing with the US Attorney's Office and FBI, Nov. 4, 2019.

<sup>76</sup> See Tim Prudente, *Fourth Baltimore police detective pleads guilty in federal racketeering case*, The Baltimore Sun (Oct. 11, 2017), <https://www.baltimoresun.com/news/crime/bs-md-ci-gondo-plea-20171011-story.html>; Tim Prudente, *At trial for alleged drug ring, convicted Bel Air man recounts heroin overdose of 19-year-old woman*, Capital Gazette (Oct. 23, 2017), <https://www.capitalgazette.com/bs-md-ci-shropshire-trial-testimony-20171023-story.html>.

In 2016, Allers was transferred out of the GTTF after he told his superiors that he thought Rayam and Gondo were being investigated by the FBI. For a more detailed discussion of this sequence of events, see Chapter VIII, Section J.

### **(3) Under Jenkins (2016-2017)**

Shortly after Jenkins took over the GTTF in June 2016, he allegedly told multiple officers that Gondo was “dirty,” which led to a heated argument between them. The animosity between Jenkins and Gondo at the time was so intense that members of the FBI Task Force – who did not yet realize at the time that Jenkins was also corrupt – believed that Jenkins’s safety was at risk and disclosed limited information about its investigation to BPD. Jenkins and Gondo reconciled, but Gondo recalled later confronting Jenkins about his targeting of Wells. According to Gondo, he told Jenkins to “back off” Wells, which Jenkins did.<sup>77</sup>

Throughout Jenkins’s tenure as sergeant of the GTTF, Gondo’s personal life continued to deteriorate. As a result of coping with the death of his father and his mother’s deteriorating mental health, Gondo continued to abuse alcohol.<sup>78</sup>

For a complete account of all crimes Gondo committed while in the GTTF, see Section B.5, *infra* and Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

## **4. Notable IA Complaints and Other Disciplinary Issues**

Over the course of his BPD career, Gondo was involved in at least 11 IA investigations, including at least three relating to use of force complaints and three relating to failures to appear in court.<sup>79</sup> Although many of the investigations involved relatively minor complaints that were not sustained, there are two notable exceptions, both involving alleged thefts of money.

First, on October 30, 2012, Gondo and Rayam were accused of stealing \$654 from a suspect, who reported the theft to IA. The complainant further accused Gondo and Rayam of stopping him without probable cause and planting marijuana in his car. During the complainant’s IA interview, the investigator argued with the complainant about the source of the cash and harshly criticized the complainant for waiting two

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<sup>77</sup> Erika Jensen Interview, May 13, 2020; Gondo Trial Testimony at 47-48, *United States v. Washington, et al.*, No. 1:16-cr-00051-CCB (D. Md. Nov. 3, 2017), ECF No. 291.

<sup>78</sup> Memorandum in Support of Gondo’s Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) at 13, *United States v. Washington, et al.*, No. 1:16-cr-00051-CCB (D. Md. Aug. 5, 2020), ECF No. 440.

<sup>79</sup> BPD District Files for Momodu Gondo (provided by BPD); BPD IA File 2008-1305 (provided by BPD); Summary prepared for Deputy Commissioner Johnson re Gondo (provided by BPD). For additional information on these investigations, see Appendix B: Internal Affairs Investigations and Related Matters.

months to report the alleged theft. The complainant explained that he did not know where to bring his complaint until the judge in his case, to whom he reported the incident, told him to speak to IA. In describing Rayam's conduct to IA, the suspect presciently stated, "It's not the first time he probably did it and it's not going to be the last time."<sup>80</sup>

IA failed to interview Gondo and Rayam until almost a year after the complaint was filed. They both denied that they stole money from the suspect. Their separate IA interviews lasted less than a combined total of 30 minutes. The IA investigator never obtained the record of the court proceedings during which the suspect said the judge had directed him to file a complaint with IA, never spoke with the prosecutor or the complainant's attorney, and never contacted any other witnesses. The theft allegation against Gondo and Rayam was not sustained, with the investigator plainly finding them more credible than the complainant.<sup>81</sup>

However, following his 2017 arrest, Gondo admitted to the theft, noting that it occurred during one of the first stops he had conducted jointly with Rayam after Rayam returned from his lengthy suspension. Gondo also testified at the trial of Hersl and Taylor that he and Rayam had discussed their stories before meeting with IA, which he claimed was a common practice in BPD.<sup>82</sup>

Second, on November 29, 2016, a public defender contacted IA and alleged that Gondo, Hersl, and Rayam had stolen a bag containing \$9,000 from a suspect. Subsequently, all charges against the suspect were dropped. Neither Gondo nor Rayam submitted any police reports relating to the incident. IA did not investigate this case because the FBI was already working with the complainant and told IA not to move forward with its investigation. The charges against the officers were ultimately sustained in August 2017, after their indictment.<sup>83</sup>

Despite his involvement in numerous suspicious incidents throughout his career, Gondo's performance reviews were generally positive. For example, in December 2008, his supervisor wrote a letter to Dean Palmere stating that Gondo's "performance was exemplary and he stands out amongst his peers." Sergeant Jones praised Gondo for his use of confidential informants and his knowledge of the criminal scene in Baltimore.<sup>84</sup>

For a detailed account of IA investigations involving Gondo, see Appendix B: Internal Affairs Investigations and Related Matters.

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<sup>80</sup> BPD IA File 2012-0857 (provided by BPD).

<sup>81</sup> *Id.*

<sup>82</sup> FBI FD-302 for Momodu Gondo (Mar. 27, 2017); Gondo GTTF Trial Testimony at 121.

<sup>83</sup> BPD IA File 2016-0601 (provided by BPD).

<sup>84</sup> Personnel File for Momodu Gondo (provided by BPD).

## 5. Criminal Proceedings

As described in Chapter VII, Section J, Gondo was arrested on federal charges on March 1, 2017. The indictment charged Gondo with racketeering, extortion, and overtime fraud. In a separate indictment charging members of the Shropshire organization, including Glen Kyle Wells, Gondo was charged with conspiracy to distribute and possess with intent to distribute 100 grams or more of heroin.<sup>85</sup>

On October 12, 2017, Gondo pled guilty to the racketeering conspiracy charge in the GTTF case, and to the narcotics conspiracy charge in the Shropshire indictment. Gondo agreed to cooperate with the government and admitted his involvement in the racketeering enterprise, overtime fraud, and the following eight robberies:

- On March 11, 2014,<sup>86</sup> Gondo, Rayam, and Allers stole between \$8,000 and \$10,000 during a home invasion.
- On July 31, 2015, Gondo, Rayam, and Allers stole approximately \$9,000 during the execution of a search warrant at Zachary Newsome's residence in Anne Arundel County.
- On October 5, 2015, Gondo, Rayam, and Glen Kyle Wells forcibly entered a drug dealer's apartment and stole a Rolex watch, a firearm, \$12,000 to \$14,000 in cash, and 800 grams of heroin.
- On February 10, 2016, Gondo, Rayam, and Allers stole approximately \$8,300 during the execution of a residential search warrant in Baltimore.
- On February 23, 2016, Gondo, Rayam, and Allers stole approximately \$7,000 during the execution of a residential search warrant in Baltimore County.
- On May 28, 2016, Gondo, Rayam, and Allers stole approximately \$700 during a residential search.
- In June 2016, Gondo, Rayam, and Jenkins seized a 9 mm handgun and a pound of marijuana from the home of a victim without a warrant.

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<sup>85</sup> *United States v. Washington, et al.*, No 1:16-cr-00051-CCB (D Md. Feb. 23, 2017), ECF No. 123.

<sup>86</sup> Gondo's plea agreement erroneously provides a date of March 11, 2015 for this robbery. Gondo Plea Agreement at 12, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13, 2017), ECF No. 200 (Gondo Plea Agreement). In the subsequent indictment of Allers and his plea agreement, the date was corrected to March 11, 2014. See Allers Indictment at 4-5, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Aug. 24, 2017), ECF No. 1 (Allers Indictment); Allers Plea Agreement at 13-14, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20 (Allers Plea Agreement). We verified that the 2014 date is correct.

- On July 8, 2016, Gondo, Rayam, Hersl, and Jenkins obtained a search warrant for the home of Ronald and Nancy Hamilton based on a false affidavit. The officers stole \$20,000 during the execution of the warrant.<sup>87</sup>

With the exception of the July 8, 2016, robbery of the Hamiltons, all of the robberies to which Gondo admitted in his plea agreement were in addition to—and started a year earlier than—the robberies alleged in the original indictment.

Gondo testified for the government in the trial of Hersl and Taylor. On February 12, 2019, Gondo was sentenced to a term of 10 years' imprisonment for his racketeering and narcotics conspiracy crimes, followed by four years' supervised release. During sentencing, Gondo spoke on his own behalf, and apologized to the citizens of Baltimore. Gondo said that he was “deeply saddened” and called the arrest “a learning experience.”<sup>88</sup>

Gondo is currently incarcerated at the Federal Correctional Institution Butner Low.<sup>89</sup> He declined multiple requests to be interviewed in connection with this investigation.

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Gondo started his BPD career by lying during the application process about his prior personal relationships with drug dealers and his past criminal activity. He ended his BPD career as a convicted felon. We were unable to pinpoint precisely when Gondo began committing crimes as a BPD officer, but his colleagues were suspicious of him and his associations with drug dealers from early in his career.

In our interviews, few of his colleagues expressed surprise at his involvement in the GTTF scandal. Two of Gondo's supervisors—Kevin A. Jones and Marjorie German—had heard rumors that Gondo was a dirty cop and was “buddy buddy” with drug dealers. German specifically noted that she had an uneasy feeling after learning the circumstances of the 2006 shooting in which Gondo was involved. Johnny Delgado, who was the major in the Northwestern District at the time Gondo was assigned there, said he also became suspicious of Gondo after hearing about the 2006 shooting.<sup>90</sup> Despite this dubious reputation among his colleagues, and his involvement in several

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<sup>87</sup> Gondo Plea Agreement at 1.

<sup>88</sup> Gondo Plea Agreement, *passim*; Gondo Plea Transcript at 15-19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 12, 2017), ECF No. 215; Gondo Sentencing Transcript at 15, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Feb. 12, 2019), ECF No. 488.

<sup>89</sup> Bureau of Prisons, [https://www.bop.gov/mobile/find\\_inmate/byname.jsp#inmate\\_results](https://www.bop.gov/mobile/find_inmate/byname.jsp#inmate_results).

<sup>90</sup> Kevin A. Jones Interview, Mar. 27, 2020; Marjorie German Interview, Mar. 27, 2020; Johnny Delgado Interview, May 19, 2021.



suspicious incidents during his career, Gondo managed to avoid any accountability until he became the target of the federal investigation in early 2016.

### C. Evodio Hendrix



#### 1. Background

Evodio Hendrix, Jr., was born in February 1985 in Cleveland, Ohio. He was a below average student, and graduated from high school in 2003. Hendrix held several jobs prior to joining BPD, including as a Dollar Store cashier and automotive detailer.<sup>91</sup>

Hendrix and his wife, a military veteran, married in August 2004. Together, they have five children.<sup>92</sup>

#### 2. Entry Into BPD

In 2006, Hendrix moved to Maryland due to his wife's military obligations. Hendrix applied to BPD in September 2008. In his application, Hendrix claimed to have applied for a position with the Baltimore County Police Department (BCPD), but during a subsequent interview, Hendrix said that he had never applied to any other law enforcement agencies. Hendrix later claimed during the interview process that he had applied to BCPD, but missed the test date. BCPD had no record on file regarding any such application.<sup>93</sup>

Hendrix's pre-employment background check revealed no prior arrests. Hendrix disclosed that he purchased and used marijuana three times in 2003, but said he had never used any other illegal substances. He also disclosed that he had shoplifted candy as a juvenile, but said he had otherwise never engaged in theft. Hendrix reported in his application that he consumed alcohol about once every two months. Whether or not that was true at the time, it was not true later in his BPD career—indeed, federal investigators learned that Hendrix carried an open bottle of liquor in his departmental vehicle, and at his sentencing, Hendrix stated that he had an alcohol and substance abuse problem, in addition to suffering from depression.<sup>94</sup>

BPD background investigators also discovered that Hendrix had a precarious financial situation, which included a poor credit score, an outstanding collection amount, and a tax lien. In a written response to questions raised about these financial

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<sup>91</sup> BPD Personnel File for Evodio Hendrix (provided by BPD).

<sup>92</sup> *Id.*; Hendrix Trial Testimony at 34:18-35:1 (Jan. 29, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 466 (Hendrix Trial Testimony).

<sup>93</sup> BPD Personnel File for Evodio Hendrix (provided by BPD).

<sup>94</sup> *Id.*; Erika Jensen Interview, May 12, 2020; Hendrix Sentencing Hr'g Tr. at 15:8-10, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 8, 2018).

issues, Hendrix claimed that the lien was due to a tax withholding error by a previous employer.<sup>95</sup> Available records do not reflect whether BPD confirmed this explanation with Hendrix's previous employer.

Among Hendrix's personal references on his BPD application was a statement from someone who described himself as Hendrix's uncle. Oddly, despite stating that he had known Hendrix "all his life," this individual erroneously wrote that Hendrix had served in the military – even though Hendrix himself said in his application that he had no military experience.<sup>96</sup>

In April 2009, Hendrix was assigned as an officer trainee to BPD's Education and Training Section and detailed to the Evidence Control Unit, pending the commencement of his Academy training. Later that year, Hendrix entered the Academy, in the same class as future GTTF members Marcus Taylor and John Clewell.<sup>97</sup>

### **3. BPD Employment History**

#### **a. Pre-GTTF Assignments**

Hendrix graduated from the Academy in early 2010 and in July 2010, he was transferred to the Western District.<sup>98</sup>

In January 2013, Hendrix was transferred to the SES in the Northwestern District, and in October 2013, he joined Jenkins's Westside 2 squad, which included Ben Frieman and Matt Ryckman, both of whom were subsequently implicated in Jenkins's misconduct. With the exception of a short period in 2015, Jenkins served as Hendrix's first-line supervisor, until they were both arrested in March 2017.<sup>99</sup>

In early 2015, Jenkins's squad was relocated to the Northwestern District, where it was overseen by Lieutenant Marjorie German. Later that year, following a shift of personnel, Ward and Taylor joined Jenkins's squad, which had recently been rebranded as SES 2.<sup>100</sup>

According to Hendrix's testimony at Hersl's and Taylor's trial, Jenkins's SES unit employed the same kind of tactics that would later be used by members of the GTTF. For instance, Jenkins's unit regularly approached groups of males in high-crime

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<sup>95</sup> BPD Personnel File for Evodio Hendrix (provided by BPD).

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*; FBI FD-302 of Marcus Taylor (Mar. 9, 2017).

<sup>98</sup> BPD Personnel File for Evodio Hendrix (provided by BPD).

<sup>99</sup> *Id.*; SES Roster (Oct. 14, 2013) (provided by BPD).

<sup>100</sup> *Id.*; Marjorie German Interview, Sept. 15-16, 2020; OIS SEU Staffing Chart (Oct. 14, 2015) (provided by BPD).

neighborhoods and performed “door pops” in attempts to instigate foot pursuits that would be followed by the officers stopping and searching anyone who fled. According to Hendrix, in approximately 2015, Jenkins also began seizing money from suspects and sharing the proceeds with other squad members. This practice would continue throughout Jenkins’s and Hendrix’s tenure in the GTTF. In addition, with Jenkins’s explicit approval, Hendrix began engaging in overtime abuse in 2015, regularly reporting that he was at work when he was not and receiving pay for “slash days.” Hendrix’s overtime abuse proved lucrative: he earned \$52,428.68 in overtime pay in fiscal year 2016 alone.<sup>101</sup>

Despite his misconduct during this period, Hendrix received several BPD awards and commendations. In April 2013, Hendrix received a commendation letter related to his arrest of a suspect for a handgun violation and recovery of a firearm. Later that year, Hendrix received the Meritorious Service Award for his performance on March 1, 2013, involving the apprehension of a suspect and recovery of the weapon used in a non-fatal shooting.<sup>102</sup>

#### **b. GTTF (2016-2017)**

In June 2016, Jenkins was transferred to the GTTF and demanded that Hendrix, Taylor, and Ward come with him. Lieutenant Chris O’Ree, who briefly supervised the GTTF, described Hendrix, Ward, and Taylor as “Jenkins’s guys” and noted that sergeants like Jenkins and Gladstone cultivated rookies who did not know how to do the job and then trained them to do the job the way they wanted it done. Similarly, Lieutenant German, who took over supervision of the unit from Lieutenant O’Ree, observed that Hendrix was a follower and that he, Ward, and Taylor did whatever Jenkins told them to do.<sup>103</sup>

Hendrix, Taylor, and Ward generally worked together on the GTTF, separate from Gondo, Rayam, and Hersl. Hendrix, Taylor, and Ward even vacationed together in the Dominican Republic, engaging in overtime fraud during the trip—Jenkins promised to “take care” of the officers during the trip, and they were paid for two shifts during that week-long vacation. More generally, Hendrix testified at the trial of Hersl and Taylor that in order to engage in overtime fraud, he and the other GTTF members often collaborated in submitting overtime slips for time when they were away from work. Ward recalled that on multiple occasions, Hendrix gave him and Taylor \$100 to \$300 (of presumably stolen money) at the end of their shift.<sup>104</sup>

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<sup>101</sup> Hendrix Trial Testimony at 41:9-15; 43:6-9; 47:7-21; Indictment, at 3.

<sup>102</sup> BPD Personnel File for Evodio Hendrix (provided by BPD).

<sup>103</sup> Chris O’Ree Interview, Sept. 10, 2020; Marjorie German Interview, Sept. 15-16, 2020.

<sup>104</sup> FBI FD-302 of Maurice Ward (Apr. 28, 2017); FBI FD-302 of Marcus Taylor (Mar. 9, 2017); Indictment, *passim*.

In addition to the crimes detailed below and elsewhere in this Report, on July 21, 2016, Hendrix and Taylor arrested Charles Smith following a reported shooting, despite no evidence that Smith had been involved. After the GTTF indictment was unsealed, BPD created a revised statement of charges against Smith that removed all references to Hendrix and Taylor. Deborah Levi, a public defender who worked on GTTF-related cases, stated that the Smith case was an example of BPD and the State’s Attorney’s Office (SAO) collaborating to cover up police misconduct. In March 2018, a Baltimore circuit court judge dismissed the case against Smith after finding that the BPD failed to disclose relevant surveillance footage. And in September 2018, Smith notified BPD of his intention to file a civil complaint against the Department in connection with his false arrest,<sup>105</sup> although we have found no evidence that this lawsuit was filed.

In 2017, shortly before the GTTF members’ arrests, Jenkins approached Hendrix, Taylor, and Ward, and described his plan to target “big drug dealers” whom Jenkins believed were connected to Oreese Stevenson. It is unclear whether Jenkins’s plan motivated Hendrix to seek a transfer from the GTTF, but Hendrix testified at Hersl’s and Taylor’s trial that around the time of this discussion with Jenkins, he was “trying to get out of [the] GTTF.”<sup>106</sup>

#### **4. Notable IA Complaints and Other Disciplinary Issues**

During his BPD career, Hendrix was the subject of 25 IA complaints, which are detailed in Appendix B: Internal Affairs Investigations and Related Matters. Hendrix received 11 complaints for failing to appear in court or at appointments, but only four of those complaints were sustained. As to Hendrix’s more serious complaints – which involved, among other things, allegations of excessive force, harassment, thefts of money, planted evidence, or unlawful searches – IA either deemed them to be not sustained or unfounded, or administratively closed the cases (although some were later sustained after Hendrix was indicted).

##### **a. IA Complaints Alleging Theft or Other Unlawful Conduct**

On November 27, 2011, a complainant alleged that Hendrix and a police officer trainee took \$50 from her home while intervening in a domestic dispute. Hendrix and

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<sup>105</sup> Letter from attorney Joshua R. Treem to the Baltimore City Law Department regarding Charles Smith’s claim, Sept. 18, 2018 (provided by BPD); Baynard Woods & Brandon Soderberg, *I Got a Monster*, 2020, at 236-40; Justin Fenton, *Judge dismisses attempted murder case prosecutors were bringing forward despite involvement of corrupt gun unit*, *The Baltimore Sun* (Mar. 23, 2018), <https://www.baltimoresun.com/news/crime/bs-md-ci-gttf-case-review-20180323-story.html>.

<sup>106</sup> Hendrix Trial Testimony at 87:22-25; 99:4-14. See Chapter VII, Section F, for more about the GTTF members’ robbery of Oreese Stevenson.

the other officer denied the allegation. A month later, the complainant completed a statement of withdrawal, and the matter was administratively closed.<sup>107</sup>

A few months later, on February 21, 2012, a complainant alleged that Hendrix slammed him against a wall, searched him, and arrested him without cause. Notably, the complainant alleged that Hendrix did not locate any drugs on him during the search, but Hendrix later advised the complainant that he had found heroin in the complainant's possession. The complainant also alleged that Hendrix said he would "get [the complainant] one way or another" and that he would "use the extra money from what he gets off you dumb assholes." A few weeks later, the complainant submitted a statement of withdrawal, noting as the reason for the withdrawal that he wished to consult an attorney. Citing the complainant's lack of cooperation, IA administratively closed the matter.<sup>108</sup>

Several years later, on April 8, 2016, a complainant reported that three BPD officers – who the complainant later identified from a photographic array as Jenkins, Hendrix, and Ward – stopped and searched him without cause. During the search, the complainant alleged that the officers knocked his cell phone to the ground and accused him of possessing a firearm. The officers then released him, and ignored his requests for their badge numbers. This complaint was sustained following Hendrix's indictment.<sup>109</sup>

#### **b. Allegation of Child Abuse against Hendrix**

In early September 2013, a BCPD unit opened an investigation into allegations that Hendrix had physically abused his daughter. BCPD notified BPD of its investigation, leading IA to launch its own inquiry. BCPD interviewed Hendrix, who admitted that he had struck his daughter with a leather belt because she had lied to him about brushing her teeth and getting ready for bed. Hendrix noted, however, that he was merely attempting to discipline his daughter and that he had not intended to inflict any harm. Shortly thereafter, BCPD notified Hendrix that it lacked sufficient evidence to bring felony child abuse charges against him.<sup>110</sup>

In April 2014, nearly six months after BCPD's investigation concluded, IA interviewed Hendrix, who admitted that he had beaten his eight-year-old daughter with a leather belt. Despite Hendrix's admission, IA found that the child abuse allegation was not sustained, citing BCPD's previous determination as the basis for its decision, even though BCPD had simply decided not to refer the case to the SAO for

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<sup>107</sup> BPD IA File 2011-0869 (provided by BPD).

<sup>108</sup> BPD IA File 2012-0145 (provided by BPD).

<sup>109</sup> BPD IA File 2016-0605 (provided by BPD).

<sup>110</sup> BPD IA File 2013-0540 (provided by BPD).



criminal prosecution.<sup>111</sup> In the face of an admission by Hendrix, it is not at all clear why the allegation was deemed not sustained by IA.

### **c. Early Intervention History**

According to an internal summary of Hendrix's EIU history prepared after his arrest, Hendrix was the subject of two EIU alerts in October 2015 and February 2016. The summary notes that the latter alert stemmed from an excessive force complaint that was not sustained. The summary states that, despite these alerts, "no intervention [was] conducted."<sup>112</sup>

## **5. Criminal Proceedings**

Hendrix was suspended immediately upon his arrest on racketeering conspiracy charges on March 1, 2017. Two months after his arrest, Hendrix agreed to cooperate with the government's investigation. Hendrix later explained that he cooperated with the prosecution because he had been looking for a "way out." Hendrix met with federal investigators three times. FBI Task Force Officer John Sieracki noted that Hendrix was honest when prompted with specific information, but unlike Ward, he did not volunteer information about incidents that were not raised by investigators. Erika Jensen of the FBI similarly noted that Hendrix only admitted conduct after being confronted with evidence.<sup>113</sup>

On June 9, 2017, Hendrix pled guilty to one racketeering conspiracy count. In his plea agreement, Hendrix admitted that he and other members of the GTTF stole money and drugs from suspects and submitted false affidavits to obtain search warrants in order to steal money and drugs during the execution of those warrants. Hendrix further admitted that to conceal their crimes, he and his fellow GTTF members prepared falsified incident and arrest reports. Additionally, Hendrix admitted that he and his co-defendants had defrauded BPD by submitting false attendance records in order to obtain salary and overtime pay for times when they did not work. In his plea agreement, Hendrix admitted to participating in the following crimes, all of which occurred during his tenure in Jenkins's SES squad or the GTTF:

- On March 22, 2016, Hendrix, Jenkins, Taylor, and Ward arrested Oreese Stevenson and seized narcotics and \$21,500 from Stevenson. Following the arrest, the officers entered Stevenson's residence, where they stole

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<sup>111</sup> *Id.*

<sup>112</sup> Office of the Deputy Police Commissioner Jason Johnson, Summary of Indicted Police Officers, Mar. 10, 2017 (provided by BPD).

<sup>113</sup> BPD Personnel File for Evodio Hendrix (provided by BPD); Hendrix Sentencing Hr'g Tr. at 18:1-3, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (June 8, 2018), ECF No. 409; John Sieracki III Interview, Apr. 8 and 28, 2020; Erika Jensen Interview, May 12, 2020.

approximately \$200,000 and property, including a Breitling men's wristwatch valued at \$4,000.

- On June 24, 2016, Hendrix, Jenkins, and Ward entered Milton Miller's residence with a SWAT team. After the SWAT team left the residence, Hendrix, Jenkins, and Ward remained to execute a search warrant. During this search, Hendrix found a quantity of cash,<sup>114</sup> which he stole and later split with Ward.
- On August 24, 2016, Hendrix, Jenkins, Ward, Gondo, Rayam, and Hersl stole \$1,700 and narcotics from Aaron Fields during a traffic stop. The officers released Fields without making an arrest and did not report the traffic stop to BPD.<sup>115</sup>

In addition to the crimes referred to in his plea agreement, Hendrix also admitted to his participation in the July 11, 2014, robbery of "J.C." in the Mondawmin Mall parking lot and the February 4, 2016, taxicab driver robbery, both of which are described in Section A, *supra*. These incidents were not included in Hendrix's plea agreement. The government noted at Hendrix's sentencing hearing that it was not aware of these robberies when it indicted Hendrix, but that he had brought the incidents to its attention.<sup>116</sup>

At his sentencing hearing, Hendrix said that he had used his ill-gotten gains to provide "household items" for his family – unlike his co-defendants, who he said had largely used the proceeds of their misconduct to purchase "expensive assets." Hendrix expressed remorse for his misdeeds and apologized to his family, particularly his wife, who would now have to "deal[] with five children on her own."<sup>117</sup>

The government noted that Hendrix had accepted responsibility for his conduct and provided "helpful and important" information about Donald Stepp's involvement in the GTTF's crimes. In addition, the government stated that Hendrix had provided information that led to additional charges against Jenkins, Taylor, and Hersl, as well as information involving other officers who had not been charged at the time of Hendrix's sentencing. In light of Hendrix's cooperation, the Court sentenced him to seven years' imprisonment. According to Sieracki, Hendrix was very disappointed that his

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<sup>114</sup> Whereas Hendrix's Plea Agreement does identify a specific quantity of money stolen, the indictment alleges that the officers stole \$17,000.

<sup>115</sup> Hendrix Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 158.

<sup>116</sup> Hendrix Sentencing Hr'g Tr. at 8:22-9:12, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (June 8, 2018), ECF No. 409.

<sup>117</sup> Hendrix Sentencing Hr'g Tr. at 9:17-23; 17:18-21, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (June 8, 2018), ECF No. 409.

cooperation with the government's investigation had not resulted in a greater reduction in his sentence.<sup>118</sup>

Hendrix is currently incarcerated at Federal Medical Center Devens in Devens, Massachusetts, and is scheduled to be released on February 16, 2023.<sup>119</sup> Hendrix ignored multiple requests for interviews in connection with this Report.

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All of the crimes with which Hendrix was charged occurred while he was working with Jenkins. Consistent with the recollection of BPD officers who described Hendrix as one of "Jenkins's guys" and a "follower" who did whatever Jenkins said, Hendrix's attorney asserted at his sentencing hearing that Jenkins had a "Svengali hold" on Hendrix.<sup>120</sup> Hendrix further explained that he had gone along with the GTTF's schemes because he lacked the courage to report the behavior of his fellow BPD members.<sup>121</sup>

Hendrix left fewer warning signs than many of his colleagues that he would engage in the corruption to which he later admitted. Although there were inconsistencies in Hendrix's BPD application, and he received several IA complaints in his early years at BPD, Hendrix's record contained mostly minor blemishes prior to his transfer to Jenkins's squad in 2013. Moreover, within the Department, Hendrix never developed a reputation as a corrupt or "dirty" officer.

## D. Daniel Hersl



### 1. Background

Daniel Hersl was born in 1969, and was the youngest of six children. After his father passed away in 1977, Hersl was raised by a single mother. Hersl grew up in the Highlandtown neighborhood of East Baltimore. Although he dropped out of school in the tenth grade, he subsequently earned his GED in December 1989. Hersl briefly studied at a community college in the early 1990s without obtaining a degree.

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<sup>118</sup> *Id.* at 6:18-14, 13:4-6, 20:6-7; see also Judgment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 13, 2017), ECF No. 420; John Sieracki III Interview, Apr. 8 and 28, 2020. Stepp's involvement in the GTTF's crimes is discussed further in Chapter VII, Sections C, F, and I of this Report.

<sup>119</sup> Inmate Records, Federal Bureau of Prisons, [https://www.bop.gov/mobile/find\\_inmate/byname.jsp#inmate\\_results](https://www.bop.gov/mobile/find_inmate/byname.jsp#inmate_results).

<sup>120</sup> Hendrix Sentencing Hr'g Tr. at 14:1-12; 15:11-12, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (June 8, 2018), ECF No. 409.

<sup>121</sup> *Id.* at 12:11-18.

While earning his GED and attending community college, Hersl worked as a plumber's assistant until he was hired as a Baltimore School Police Officer in November 1996.<sup>122</sup>

In 2013, Hersl's brother died when a car fleeing police crashed into him in downtown Baltimore. At Hersl's sentencing, his lawyer asked the court to consider how this family tragedy affected him, as well as "the effects of alcohol." A colleague said she later learned that Hersl was a "stone cold alcoholic."<sup>123</sup>

Hersl has a son, to whom he wrote letters throughout his pre-trial incarceration and trial. Hersl's former supervisor, Robert Quick, recalled that at one point, Hersl had to pay a large sum of child support and had difficulty coming up with the money to pay it. In June 2016, the Anne Arundel County Office of Child Support Enforcement filed a complaint for support against Hersl.<sup>124</sup>

## 2. Entry Into BPD

After filing an initial application to BPD in January 1999, Hersl submitted a second application in June 1999. Between applications, Hersl applied for and received expungement of his criminal record related to a November 1993 arrest for failing to obey a police officer's orders to clear an area. In addition to this prior arrest, Hersl also disclosed to BPD that he was involved in a physical altercation with a friend in July 1986, but said no one was injured and police were not involved in the dispute.<sup>125</sup>

Although the BPD background investigator noted that there was "nothing detrimental" in Hersl's Baltimore School Police Department file, Hersl's former BPD colleague and Academy classmate Peter Moskos claimed that Hersl had done some "stuff" while with the Baltimore School Police that his former sergeant knew about but did not disclose to BPD.<sup>126</sup> Although Moskos did not provide any further detail about what had happened, he implied that Hersl had engaged in some type of misconduct.

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<sup>122</sup> BPD Personnel File for Daniel Hersl (provided by BPD); Hersl Sentencing Hr'g Tr. at 61 (June 22, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 477; D. Watkins, *Only A Mile And A Big World Separated Us*, Huff Post, May 13, 2020, <https://www.huffpost.com/highline/article/daniel-hersl-baltimore-police/>.

<sup>123</sup> Hersl Sentencing Hr'g Tr. at 77 (June 22, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 477; Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>124</sup> Hersl Sentencing Hr'g Tr. at 62 (June 22, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 477; Robert Quick Interview, Jan. 21, 2020; *Anne Arundel County Office of Child Support Enforcement, et al. vs. Daniel Hersl*, C02FM16002176 (Md. Cir. Ct. Anne Arundel).

<sup>125</sup> BPD Personnel File for Daniel Hersl (provided by BPD).

<sup>126</sup> *Id.*; Peter Moskos Interview, July 7, 2020.

### 3. BPD Employment History

#### a. Initial Eastern District Assignments (2000-2004)

In June 2000, Hersl began his career in patrol in the Eastern District, and remained in the Eastern District on various assignments until 2007. From the outset, Hersl earned a reputation as an aggressive and effective police officer, but he was also described by various colleagues as an “ass” or “complete jerk” and not the “sharpest tool in the shed.” Fred Bealefeld, who was familiar with Hersl from the time they both worked in the Eastern District, recalled that Hersl got into a lot of fights and did not know how to de-escalate conflicts.<sup>127</sup>

During his first seven years in the Eastern District, Hersl was the subject of at least 30 IA complaints related to allegations of assault, excessive force, theft, and discourtesy – many of which were expunged from his record. By submitting expungement requests throughout his career, Hersl prevented the disclosure of complaints made against him where the allegations were not sustained. Nonetheless, internal documents, court filings, news articles, and other records demonstrate the substantial volume of complaints filed against Hersl throughout his career – and reveal that although Hersl was repeatedly identified as problematic and in need of intervention, BPD largely failed to act.<sup>128</sup>

For example, in the fall of 2002, BPD identified Hersl for participation in the “Professional Performance Enhancement Program” – a precursor to BPD’s Early Intervention Unit. We could not specifically determine whether Hersl was identified for this program based on the large number of complaints filed against him or for some other reason. But on October 6, 2002, while still in the remedial program, Hersl punched a suspect in the head and face several times, causing the suspect to be taken to the hospital. Shortly thereafter, BPD detailed Hersl to Professional Standards, a training detail, for five days.<sup>129</sup> We found no evidence that BPD took any other remedial action.

In the first half of 2002, Hersl was assigned to an operations unit in the Eastern District. A year later, during the first half of 2003, Hersl reported to Sergeant William Knoerlein as part of an Eastern District Special Investigation Section operations unit.

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<sup>127</sup> BPD Personnel File for Daniel Hersl (provided by BPD); Frederick Bealefeld III Interview, Jan. 27, 2020.

<sup>128</sup> For additional information regarding IA investigations involving Hersl, see Appendix B: Internal Affairs Investigations and Related Matters. *See also State of Maryland v. Payne*, 105306013 (Balt. City Cir. Ct. Mar. 31, 2006).

<sup>129</sup> BPD Personnel File for Daniel Hersl (provided by BPD); BPD District File for Daniel Hersl (provided by BPD); BPD IA File 2002-U-0230 (provided by BPD).



Hersl was placed in the District Complaint Monitoring Program,<sup>130</sup> but Knoerlein opined that this was merely due to Hersl's "no nonsense + aggressive approach to police work[,] which makes those breaking the law fearful when they see he is on duty" and as a result, motivates them to "make complaints specifically against him in the hopes of him backing off his duties."<sup>131</sup> This became the consistent theme of Hersl's defense against allegations, especially allegations of excessive force.

That year, Hersl was the subject of two IA complaints that ultimately resulted in sustained findings and alcohol counseling, as well as at least five other IA investigations related to excessive force, misconduct, theft, evidence planting, illegal searches, and invasive search of a person, all of which appear to have been expunged from his record.<sup>132</sup> For a detailed account of IA investigations involving Hersl, see Appendix B: Internal Affairs Investigations and Related Matters.

Hersl's first sustained IA complaint in 2003 was the result of a bar fight on March 18, 2003. After making sexually explicit comments to the female complainant, Hersl struck the complainant in the face with a beer bottle and fled the scene. He was apprehended by police and registered a blood alcohol content of .087 after officers inexplicably waited four hours to administer a breathalyzer test. Hersl was temporarily suspended with pay, but he was not criminally charged with assault because the complainant decided not to press charges. During IA's investigation, Hersl admitted to approaching the complainant, but denied throwing a beer bottle, and claimed that he was too intoxicated to recall his interactions with the arresting officers. Although IA included an assault allegation in its original notification, the charging committee did not charge Hersl for that allegation. Additionally, the case file incorrectly stated that at the time Hersl had no prior sustained charges. Hersl ultimately received discipline consisting of five days loss of leave and alcohol screening – a reduction from the recommended punishment.<sup>133</sup> This case is illustrative of how BPD handled many of the complaints involving Hersl – and ultimately helps explain why Hersl continued to remain employed by BPD despite the number and seriousness of IA complaints lodged against him.

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<sup>130</sup> Our investigation did not determine the specific elements of this program, but it appears to have been a precursor to subsequent officer oversight programs that focused on officers who received numerous complaints.

<sup>131</sup> BPD Personnel File for Daniel Hersl (provided by BPD).

<sup>132</sup> BPD District File for Daniel Hersl (provided by BPD); Email from L. Brown to B. Schubert, CC: R. Hill, Mar. 9, 2015, Re: Question Regarding MPIA Request (email provided by BPD) (attaching "Cases investigated by IAD in 2001").

<sup>133</sup> BPD IA File 2003-0216 (provided by BPD); BPD Personnel File for Daniel Hersl (provided by BPD); BPD IA File 2003-sus-0010 (provided by BPD).

### **b. Eastern District's Narcotics Operations Unit (2004-2006)**

In May 2004, Hersl was reassigned to an operations unit in the Eastern District. According to Lieutenant Joel Fried, Hersl had previously been “kicked out” of the unit in 2002 before he rejoined it in 2004.<sup>134</sup>

Fried described Hersl as selfish and difficult to work with, noting that Hersl would pawn off his work on other officers and then tell those same officers that they were lazy and not working hard enough – which caused at least one physical altercation between Hersl and another officer. But Fried said he never had any reason to believe that Hersl was a dirty cop when they worked together in the Eastern District, although he noted that the practices for handling seized cash at the time would have made it easy for any officer to skim small amounts of cash without detection.<sup>135</sup>

According to BPD attorney Dan Beck, in 2005 BPD again identified Hersl's conduct as problematic, and held a two-day training with him as part of an early intervention.<sup>136</sup> It is unclear from BPD records what prompted this intervention. Hersl did have at least one Use of Force Review that year for punching an arrestee in the face, although IA closed the case without conducting any investigation.

### **c. Eastern District Drug Enforcement Unit and Detail to Organized Crime Division (2006-2008)**

In January 2006, Hersl was reassigned to the Eastern District Drug Enforcement unit. Two months after his last Use of Force Review, Hersl and another officer, Frank Nellis, were the subject of an assault investigation and gave contradictory accounts of what happened. Hersl and Nellis, who had threatened to beat the complainant up three days earlier, kicked the complainant in the head and back and stomped on his hand, sending him to the hospital. The complaint was sustained. IA recommended a four-day suspension, but Hersl received only a non-punitive counseling letter. Hersl later sent a memo to his major claiming that he never came in contact with the complainant and did nothing wrong – in direct contradiction of his statements to IA.<sup>137</sup>

Remarkably, the Department honored Hersl by awarding him “Officer of the Year” in 2006. Meanwhile, in March 2006, the SAO was forced to drop charges against three defendants after Judge John Prevas ruled that defense counsel could tell jurors that the investigating officers, Hersl and Nellis, had a total of 46 IA complaints against them – including 29 against Hersl alone. Judge Prevas observed that “[m]isconduct, sometimes when it's frequent enough, it indicates a lack of desire to tell the truth.”

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<sup>134</sup> BPD Personnel File for Daniel Hersl (provided by BPD); Joel Fried Interview, Jan. 26, 2021.

<sup>135</sup> Joel Fried Interview, Jan. 26, 2021.

<sup>136</sup> Dan Beck Interview, Jan. 8, 2020; BPD IA File 2005-U-0202 (provided by BPD).

<sup>137</sup> BPD IA File 2006-0080 (provided by BPD); BPD Personnel File for Daniel Hersl (provided by BPD).

Shortly after the proceeding, Hersl requested an expungement of all non-sustained IA complaints older than three years.<sup>138</sup>

This episode caused no change in Hersl's behavior. In May 2007, Lillian Parker was selling church raffle tickets at a house being surveilled by Hersl and another officer. After asking Parker why she was at the house, the officers arrested and charged her and six others with selling drugs and possession of a firearm, charges which were later dropped by prosecutors. Parker sued the officers in 2010 for battery, false arrest, and false imprisonment, and the city settled the case in June 2012 for \$100,000.<sup>139</sup>

In July 2007, and despite having already accumulated at least 30 IA complaints, Hersl was transferred from patrol to a more elite unit in OCD. Within the first three months of his new assignment, Hersl broke a bystander's arm and allegedly threatened to plant a gun on a complainant. Both incidents led to civil lawsuits and were not thoroughly investigated by IA. In the former case, the city settled the lawsuit in 2008 for \$50,000. The second case, filed after Hersl's arrest in 2017, remains pending.<sup>140</sup>

#### **d. Violent Crime Impact Division Eastside 3 (2008-2015)**

In February 2008, Hersl's squad was broken up during a BPD reorganization that eliminated OCD and resulted in the creation of VCID. Hersl was reassigned to the VCID Eastside 3 squad, where he worked with Jenkins for the first time.<sup>141</sup>

Over the course of his seven years in Eastside 3, Hersl incurred a staggering number of complaints from both citizens and supervisors. This included at least<sup>142</sup> 24 IA complaints, four Use of Force Reviews, seven failures to appear, and three lawsuits—resulting in the city paying over \$200,000 in settlements. The IA complaints included allegations of abusive language, harassment, excessive force, threatening to

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<sup>138</sup> BPD District File for Hersl (provided by BPD); *State of Maryland v. Payne*, 105306013 (Balt. City Cir. Ct. Mar. 31, 2006); Gregory Kane, *City can read between the lines of letters*, The Baltimore Sun, April 12, 2006, <https://www.baltimoresun.com/news/bs-xpm-2006-04-12-0604120200-story.html>; Julie Bykowicz, *Drug case falls apart*, The Baltimore Sun, Mar. 27, 2006, <https://www.baltimoresun.com/news/bs-xpm-2006-03-27-0603270114-story.html>.

<sup>139</sup> Mark Puente, *Some Baltimore police officers face repeated misconduct lawsuits*, The Baltimore Sun (Oct. 4, 2014), <https://www.baltimoresun.com/news/investigations/bs-xpm-2014-10-04-bs-md-police-repeaters-20141004-story.html>; *Parker v. Moss*, 1:10-cv-01073 (D. Md. Feb. 28, 2012).

<sup>140</sup> BPD Personnel File for Daniel Hersl (provided by BPD); BPD IA File 2007-U-0124 (provided by BPD); *Taray Jefferson v. Daniel Hersl*, No. 24C08002393 (Baltimore City Cir. Ct. filed Apr. 14, 2008); Mark Puente, *Some Baltimore police officers face repeated misconduct lawsuits*, The Baltimore Sun (Oct. 4, 2014), <https://www.baltimoresun.com/news/investigations/bs-xpm-2014-10-04-bs-md-police-repeaters-20141004-story.html>; *Rich v. Hersl*, No. 1:20-cv-00488-ELH, 2021 WL 2589731, at \*1 (D. Md. June 24, 2021).

<sup>141</sup> VCID Roster (Feb. 11, 2008).

<sup>142</sup> There is a noticeable absence of IA complaints involving Hersl in 2013, which is inconsistent with his pattern of conduct throughout his BPD career. It is possible that the absence of complaints for 2013 may be related to another expungement request by Hersl.

plant evidence, stopping and searching vehicles without probable cause or consent, falsification of charging documents, and theft. In all but two failure to appear cases, the complaints were deemed either not sustained or unfounded, or were administratively closed.<sup>143</sup>

In many of these cases, IA closed or otherwise failed to sustain the charges against Hersl with little or no investigation. In one notable IA incident, the complainant suffered a broken nose and jaw and was admitted to the hospital for surgery. Although IA administratively closed the case without conducting an independent investigation, the city settled a lawsuit brought by the complainant for \$49,000.<sup>144</sup> And in a second incident, IA failed to sustain a finding against Hersl where the suspect fell down stairs and required oral surgery. Despite IA's finding, the city later settled the resulting civil lawsuit for \$65,000.<sup>145</sup>

Additionally, between January 2011 and October 2012, Hersl received 24 command complaints<sup>146</sup> — at the time, the second-highest number of command complaints for any one officer in the entire Department. As a result, then-Sergeant Dion Hatchett sent IA Chief Grayling Williams a memo identifying Hersl as an officer “most likely to experience a negative interaction with the public based on [his] history.”<sup>147</sup>

In addition, at least one individual who provided information to the FBI in connection with its investigation of the GTTF claimed that over the course of several weeks in 2013, Hersl provided him with over 1500 grams of heroin to sell in return for a share of the profits. This same individual claimed that as a result of the relationship, Hersl turned a blind eye to his drug trafficking and other criminal conduct, including

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<sup>143</sup> BPD IA File 2015-0366 (provided by BPD); Email from B. Schubert to G. Stiemly, M. Norris, CC: R. Hill, Mar. 9, 2015, Re: 2010-2015 Yearly Stat Information (email provided by BPD) (attaching “Copy of External 2010-2015 (7-1-15)”); BPD IA File 2016-0601 (provided by BPD); Order, *Taylor v. Knoerlein*, 1:11-cv-00183-CCB (D. Md. Feb. 9, 2011) (dismissing claim as time barred). For additional information regarding these investigations, see Appendix B: Internal Affairs Investigations and Related Matters.

<sup>144</sup> BPD IA File NIC 10-0262 (provided by BPD); *Faulkner v. Hersl*, 24-c-13-005352 (Cir. Ct. for Balt. City Aug. 18, 2014); *Parker v. Moss*, 1:10-cv-01073 (D. Md. Feb. 28, 2012); Mark Puente, *Some Baltimore police officers face repeated misconduct lawsuits*, The Baltimore Sun, Oct. 4, 2014, <https://www.baltimoresun.com/news/investigations/bs-md-police-repeaters-20141004-story.html>.

<sup>145</sup> BPD IA File NIC 14-0518 (provided by BPD); BPD IA File 2015-0366 (provided by BPD); *James Davis v. Daniel Hersl*, 24-c-16-003513 (Balt. City Cir. Ct. filed June 10, 2016); see also Baltimore City Law Department, *Reports of Civil Actions Involving Alleged Police Misconduct* (Jan. 28, 2021), <https://law.baltimorecity.gov/sites/default/files/Police%20Misconduct%20Report%202021-01-2021.pdf>.

<sup>146</sup> Command complaints (e.g., general misconduct, supervisor complaints, tardiness) are considered less serious than IA complaints (e.g., theft, criminal offenses, excessive force, etc.).

<sup>147</sup> Memo from D. Hatchett to G. Williams, Dec. 4, 2012, Re: Officer Complaints (memo provided by BPD).

the murder of a competitor. After this individual stopped selling drugs for Hersl, he claimed that Hersl arrested him several times.<sup>148</sup>

In August 2014, a defense attorney advised a command staff member and IA that his client continued to be harassed by Hersl, even after the client won a judgment against BPD. According to the file, IA advised the defense attorney that it would not direct Hersl to stop contacting his client, but told the attorney that IA would investigate any formal complaint made against Hersl or any other officer. IA marked the file for “administrative tracking” without any further investigation or action.<sup>149</sup>

A few months later, on November 5, 2014, Hersl arrested Jimmie Griffin and George Lee after executing a search warrant at a residence on Pinewood Avenue. Hersl submitted a false police report in connection with the arrest, and stole over \$5,000. The arrests resulted in two IA complaints (one of which was determined to be unfounded and the second to be not sustained) and a civil lawsuit (which resulted in an acquittal) – but would later serve as a basis for one of the racketeering acts with which Hersl was charged.<sup>150</sup>

#### **e. Cease Fire 4 (2015)**

At the beginning of 2015, Hersl’s Eastside 3 squad was renamed the Cease Fire 4 team, but the members and sergeant – John Burns – remained the same and reported to the same lieutenant, Joel Fried. Throughout 2015 and 2016, Hersl triggered multiple EIU alerts that resulted in his participation in the Performance Enhancement Program and his eventual transfer to the GTTF. In 2015 alone, he was the subject of at least nine IA complaints and two Use of Force Reviews. He was also the subject of civil lawsuits related to the Freddie Gray uprising – one for battery and excessive force and a second for arresting a credentialed reporter for a curfew violation. None of the IA complaints were sustained.<sup>151</sup>

Between March 2015 and January 2016, Sergeant Burns submitted five early intervention memos in relation to at least eight different early intervention alerts triggered by Hersl’s conduct. Each memo, as well as some of the alerts, were addressed

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<sup>148</sup> FBI FD-302 of Tremayne Lewis (Aug. 3, 2017).

<sup>149</sup> BPD IA File 2014-0457AT (provided by BPD).

<sup>150</sup> BPD IA File 2014-0670 (provided by BPD); BPD IA File 2014-0637 (provided by BPD); Superseding Indictment at 30-31, *United States v. Jenkins, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137 (Superseding Indictment). For additional information, see Appendix A: Crimes Committed by the Prosecuted Former BPD Officers; Appendix B: Internal Affairs Investigations and Related Matters; and Appendix C: Civil Suits Involving the Prosecuted Former BPD Officers.

<sup>151</sup> SES Roster (Jan. 11, 2015); BPD Policy 315, *Early Intervention System* (Mar. 9, 2015); *Larry Lomax v. Christopher O’Ree*, 24-c-16-002313 (Balt. City Cir. Ct. April 20, 2016); News2Share Producers, *N2S Reporter Handcuffed, Cited for Filming Baltimore Police Chase – Update: Officer Involved Has History of Misconduct*, News2Share (May 11, 2015), <https://news2share.com/start/2015/05/11/n2s-reporter-handcuffed-cited-for-filming-baltimore-police-chase/>.



to at least one member of the SES's command staff—Lieutenant Colonel Sean Miller, Acting Captain Suzanne Fries, and/or Captain Kevin A. Jones. Despite his inclusion on these memos, Miller told us he was never aware that Hersl had numerous complaints against him. However, Miller said he did recall that Deputy Commissioner Dean Palmere had approached him about wanting Hersl transferred out of the Eastern District because Hersl was “getting a bunch of fraudulent complaints.” Burns echoed this sentiment in one of his early intervention evaluation memos, suggesting that the plaintiff in a lawsuit against Hersl was merely a “close associate of another individual who[] frequently sues the Police Department.”<sup>152</sup>

In addition to the misconduct that was the subject of his IA complaints and EIU alerts, Hersl was also engaged in criminal activity that went unreported at the time, but that was described in detail during his 2018 trial. For instance, Herbert Tate testified at the trial that Hersl stole \$530 after stopping him on November 27, 2015. The city later paid Tate \$15,000 to settle a civil lawsuit in relation to the incident.<sup>153</sup>

The day after the Tate theft, on November 28, Hersl stole money from a second suspect, Antonio Santiful, and conducted a warrantless search of Santiful's sister's car. Santiful was arrested, but the charges were later dismissed. Hersl subsequently admitted that he had submitted only a portion of the money seized from Santiful to BPD's Evidence Control Unit and had falsely reported a lesser amount in the incident report. Like Tate, Santiful testified at Hersl's trial.<sup>154</sup>

During the first week of December 2015, another complainant reported that Hersl stole money during a search earlier that day. After having already conducted three Phase One interventions with Hersl in 2015, BPD's EIU finally determined that a Phase Two intervention was necessary. BPD's EIU Coordinator emailed Lavern Ellis, Rodney Hill, and Captain Kevin A. Jones, advising that Hersl had triggered eight early

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<sup>152</sup> Email from G. Eames to R. Hill and L. Ellis, CC: K. A. Jones, M. Norris, G. Martin, J. Johnson, S. Brandford, Dec. 8, 2015, Re: Intervention with a Member of SES (email provided by BPD); Email from G. Eames to L. Ellis, CC: K. A. Jones, J. Forrest, Dec. 23, 2015, Re: P.E.P.P. Hersl SES (attaching “PEPP HERSL SES”) (provided by BPD); Sean Miller Interview, April 24, May 1, and Nov. 17, 2020; Email from J. Burns to G. Eames, J. Fried, L. Ellis, CC: S. Fries, Mar. 2, 2015), Re: PEPP 30 day Evaluation (attaching “P.E.P.P. Hersl”) (provided by BPD).

<sup>153</sup> Herbert Tate Trial Testimony at 159 (Jan. 30, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 467; *Tate v. Hersl*, 19-cv-02240 (D. Md. Aug. 2, 2019); see also Baltimore City Law Department, *Reports of Civil Actions Involving Alleged Police Misconduct* (Jan. 28, 2021), <https://law.baltimorecity.gov/sites/default/files/Police%20Misconduct%20Report%20201-2021.pdf>. For additional information, see Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>154</sup> Antonio Santiful Trial Testimony at 133 (Feb. 1, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469; FBI FD-302 of Daniel Hersl (Aug. 16, 2017), available from Gov't Resp. to Def. Mot. to Vacate, Set Aside, or Correct a Sentence at 16, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 1, 2021), ECF No. 663.

intervention alerts in 2015 and requesting a meeting with Hersl's supervisors to discuss a Phase Two intervention.<sup>155</sup>

Around that same time, Hersl told his sergeant that he was "done with drug work" and asked if he could be assigned to a "property man" position—a desk job that would have allowed Hersl to spend more time with family. Sergeant Burns relayed this request to Hersl's lieutenant, Timothy Devine, who rejected the request because Hersl was a "top producer" in the unit. Burns then went to Jones, Devine's superior, and said he did not want to "babysit" Hersl, and that he would leave the squad if Hersl were not transferred to another unit. Thereafter, according to Burns, Jones assigned Hersl to a "property man" position. Two weeks later, Hersl was transferred again—this time, to the GTTF.<sup>156</sup>

#### **f. GTTF (2015-2017)**

On December 18, 2015, Jones sent an email to Sergeants Thomas Allers, John Burns, and others, requesting Hersl's immediate transfer to the GTTF. Asked about the transfer order, Jones recalled that there were jail telephone recordings of an inmate saying he was going to make allegations against Hersl, and BPD therefore thought it best to move Hersl to a Westside squad. Devine confirmed Jones's recollection, but noted that Hersl wanted to stay on the street and did not want to go to GTTF because he mistakenly believed that it did not do street-level enforcement. Miller also confirmed that Hersl had been transferred because he had been the subject of a lot of "fraudulent complaints," but claimed that it was Palmere who had insisted on the transfer. Palmere, on the other hand, said he was unaware that Hersl had received a lot of complaints in the Eastern District until "later on." Palmere said that sustained complaints against any officer "obviously" raised red flags, but said that he was "not privy to the [IA] investigations" and "depend[ed] on IA to do its job."<sup>157</sup>

Gary McLhinney, the former president of BPD's police union, recalled that in the past, officers have been moved from one police district to another "to get away from complaints," a practice BPD followed with Hersl. He added that BPD commanders

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<sup>155</sup> BPD IA File 2015-0747; Email from R. Hill to G. Eames and L. Ellis, CC: K. A. Jones, M. Norris, G. Martin, J. Johnson, S. Brandford, Dec. 8, 2015, Re: Intervention with a Member of SES (email provided by BPD); Email from G. Eames to L. Ellis, CC: K. A. Jones, J. Forrest, Dec. 23, 2015, Re: P.E.P.P. Hersl SES (attaching "PEPP HERSL SES") (provided by BPD).

<sup>156</sup> John Burns Interview, Feb. 26, 2021; Email from K. A. Jones to T. Allers, C. Emich, J. Burns, CC: W. Furlong, T. Devine, T. Burrus, Dec. 18, 2015, Re: Transfer of Daniel Hersl (provided by BPD).

<sup>157</sup> Email from K. A. Jones to T. Allers, C. Emich, J. Burns, CC: W. Furlong, T. Devine, T. Burrus, Dec. 18, 2015, Re: Transfer of Daniel Hersl (provided by BPD); Kevin A. Jones Interview, Sept. 1, 2020; Timothy Devine Interview, Feb. 5, 2021; Sean Miller Interview, Apr. 24 and May 1, 2020; Dean Palmere Interview, Aug. 4 and Aug. 16, 2020.

likely “high-fived [Hersl]” and viewed him as a “badass.” McLhinney noted that Palmere and Miller “absolutely engineered [Hersl’s] move” to the GTTF.<sup>158</sup>

O’Ree also confirmed that he later learned that Hersl was transferred from the Eastern District to GTTF because of complaints against him. O’Ree recalled that Palmere and Miller came up with a plan to keep Hersl out of the Eastern District for a period of time. O’Ree explained that if Hersl continued to generate similar complaints while in the GTTF, then Miller and Palmere planned to pull Hersl off the street entirely – but if Hersl did not generate more complaints, then it would confirm that the complaints in the Eastern District were simply drug dealers pushing back on one of BPD’s top detectives.<sup>159</sup> However, despite receiving multiple complaints in 2016 after his transfer out of the Eastern District, Hersl was never pulled off the street.

After learning that Hersl had joined the GTTF, Jenkins told Hersl to watch out for the other GTTF officers because they were dirty, and said that Gondo was a drug dealer. Hersl reportedly went to Allers with this information and asked to be transferred out of the squad if it was true. Allers told Hersl not to worry about what Jenkins had said. A few days later – after Allers apparently told Gondo what Jenkins had said to Hersl – Jenkins told Hersl that Gondo wanted to fight Jenkins for “running his mouth.” According to Burns, following his transfer, Hersl told Burns that the GTTF was “off the hook” and that he “couldn’t deal with these guys . . . they’re too aggressive.”<sup>160</sup>

While Hersl claimed to have raised concerns to Allers about other members of the GTTF shortly after joining the squad, it was not long before Hersl was engaged in misconduct during GTTF operations. For instance, at trial, Rayam testified that Hersl had recovered drugs during an investigation and when Allers asked what had happened to the drugs, Hersl said, “Oh, I got rid of it,” meaning he had never submitted the drugs to BPD’s Evidence Control Unit.<sup>161</sup>

In addition, Hersl continued to incur citizens’ complaints in the GTTF. On December 23, 2015, the EIU Coordinator, Sergeant Eames, requested a meeting with Kevin Jones and Hersl’s commanding officers (Jones and Allers) to discuss a Phase Two intervention for Hersl. Shortly thereafter, Hersl received yet another complaint based on a January 2, 2016, incident in which he allegedly threatened to charge a complainant with planted drugs if he did not surrender two firearms to Hersl within three days. Four months after this incident, Hersl filed charges against the complainant for drugs

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<sup>158</sup> Gary McLhinney Interview, May 19, 2020. Mr. McLhinney also suggested that an assignment to GTTF was considered a “reward.”

<sup>159</sup> Chris O’Ree Interview, Sept. 10, 2020.

<sup>160</sup> FBI FD-302 of Daniel Hersl (Mar. 16 and Apr. 13, 2017); John Burns Interview, Feb. 26, 2021.

<sup>161</sup> Jemell Rayam Trial Testimony at 176 (Jan. 29, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469 (Rayam Day 1 GTTF Trial Testimony).

that no other officer could recall being recovered from the complainant. Although IA found the complaint to be not sustained, the city later settled a lawsuit brought by the complainant for \$24,500.<sup>162</sup>

On January 8, 2016—six days after Hersl was accused of threatening to frame a complainant in connection with a gun flip—Sergeant Burns sent another administrative report to Jones and Devine. Burns acknowledged that the number of complaints against Hersl was a matter of concern, but concluded, “We must just remember not to let career criminals whom [sic] destroy our great city, dictate the lives and careers of hard working officers.” That same day, high-ranking BPD officials, including Martin Bartness (Commissioner Davis’s Chief of Staff), IA Chief Rodney Hill, Director of Strategic Development Jason Johnson, and EIU Director Vernon Herron, circulated a list of problematic officers identified by the Public Defender’s Office and members of the Bar. Hersl was on the list, and Bartness advised that he planned to share the list with the commissioner.<sup>163</sup> Based on our investigation, it appears that the information collected for the commissioner’s office regarding these officers was limited to sustained findings and EIU alerts, not all allegations or command investigations. We found no evidence that Commissioner Davis’s staff took any action regarding the officers on this list.

In April 2016, Allers, Miller, Jones, and O’Ree met with IA to discuss the high number of IA complaints against Hersl, which Allers memorialized in a memo. During the meeting, the participants agreed that (1) Hersl could no longer work overtime on Eastside, (2) Hersl would be one of the first recipients of a body-worn camera, (3) Allers would document all instances of Hersl exercising authority when interacting with the public, (4) Hersl, Allers, and O’Ree would have follow-up meetings with the IA director, and (5) the officers would continue to provide IA with any intelligence that demonstrated attempts by the public to conspire against Hersl. Allers noted in the memo that he had not observed Hersl engage in any misconduct or received any

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<sup>162</sup> Email from G. Eames to L. Ellis, CC: K. A. Jones, J. Forrest, Dec. 23, 2015, Re: P.E.P.P. Hersl SES (attaching Dec. 16, 2015 memo to Jones) (provided by BPD); BPD IA File 2016-0007 (provided by BPD); *Wayne Lee v. Daniel Hersl*, 20-cv-0219 (D. Md.); Baltimore City Law Department, *Reports of Civil Actions Involving Alleged Police Misconduct* (Jan. 28, 2021), <https://law.baltimorecity.gov/sites/default/files/Police%20Misconduct%20Report%202-01-2021.pdf>.

<sup>163</sup> Email from K. A. Jones to G. Eames, CC: S. Miller, Jan. 8, 2016, Re: Admin Report in Ref Det. Hersl (forwarding memo attached to Jan. 8, 2016 email from J. Burns to K. A. Jones and T. Devine); Email from J. Forrest to R. Hill, CC: L. Blue, G. Eames, I. Dombroski, K. Grinage, Jan. 8, 2016, Re: CONFIDENTIAL List of Officers (email provided by BPD); email from M. Bartness to R. Hill and I. Dombroski, Jan. 7, 2016, Re: CONFIDENTIAL List of Officers (email provided by BPD); Email from M. Bartness to M. Ganesha, R. Hill, I. Dombroski, J. Johnson, and V. Herron, Jan. 13, 2016, Re: CONFIDENTIAL: Next Monday's Big 5 Meeting (email provided by BPD).

supervisor complaints about Hersl since his arrival in the GTTF. Yet Hersl was the subject of at least two IA complaints in the time period covered by the memo.<sup>164</sup>

In a May 12, 2016, memo from Allers to Miller, which was also sent to O'Ree and Jones, Allers once again claimed that he did not receive any supervisor complaints or observe any misconduct involving Hersl during the monitoring period<sup>165</sup> – but this was false. The day before Allers sent the memo, Allers, Rayam, and Hersl made an arrest during a traffic stop and falsified the statement of probable cause and incident report, and the driver of the vehicle later alleged that the officers had stolen money seized during the stop.<sup>166</sup> Unsurprisingly, Allers did not include this criminal conduct in his memo.

Hersl continued to engage in criminal conduct when Jenkins became the GTTF sergeant the following month and brought Hendrix, Taylor, and Ward to the squad. Ward testified that when he joined the GTTF, Jenkins told him, “Danny’s good” and is “just like one of us,” which Ward took to mean that any stolen money would be split with Hersl. Ironically, Jenkins later told the FBI that Gondo and Rayam did not trust Hersl because Hersl had been “hot” for so long that they believed Hersl worked for IA.<sup>167</sup>

Soon after Jenkins took over, Hersl was participating in large-scale home invasions with other GTTF officers, including two in July 2016. Hersl would later admit to investigators that he took thousands of dollars seized from a home in Westminster, Maryland and took a designer handbag from a condominium in Baltimore later that same month.<sup>168</sup> When Jenkins said that the Baltimore condominium might have up to \$50,000 in cash inside, Hersl reportedly replied that he could use the money because he was in the process of buying a home. One week after the robbery, Hersl bought a home for \$320,000. As a result of a lawsuit brought by the owner of the purse, IA opened an

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<sup>164</sup> Email from T. Allers to G. Eames, CC: C. O'Ree, Apr. 12, 2016, Re: Det. Hersl P.E.P.P. (attaching memo) (email provided by BPD).

<sup>165</sup> EIU File Summary (provided by BPD); Email from K. A. Jones to T. Allers, May 12, 2016, Re: Det. Hersl (*sic*) 30 day review (attaching EIU memo) (email provided by BPD); May 12, 2016 EIU Memo; Email from K. A. Jones to T. Allers, CC: C. O'Ree, Apr. 6, 2016 (email provided by BPD).

<sup>166</sup> Erika Jensen Interview, May 12, 2020; John Sieracki III Interview, Apr. 8 and 28, 2020; *see also* Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021. For more information, see Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>167</sup> Maurice Ward Trial Testimony at 179 (Jan. 25, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 465 (Ward Day 2 Trial Testimony); FBI FD-302 of Wayne Jenkins (July 17, 2017).

<sup>168</sup> FBI FD-302 of Daniel Hersl (Aug. 16, 2017); FBI FD-302 of Wayne Jenkins (Aug. 16, 2017); Rayam Day 1 GTTF Trial Testimony at 195; Ronald Hamilton Trial Testimony at 169 (Jan. 31, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 468; Gondo GTTF Trial Testimony, *passim*; BPD IA File 2016-0583; BPD IA File 2017-0215; FBI FD-302 of Momodu Gondo (Mar. 27, 2017). For more information, see Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.



investigation of Hersl, Jenkins, and Gondo, and ultimately issued a not sustained finding—even after Hersl’s guilty verdict and the guilty pleas entered by Jenkins and Gondo.<sup>169</sup>

In addition to thefts totaling thousands of dollars,<sup>170</sup> Hersl also conducted questionable traffic stops and searches, many of which were captured on body-worn camera footage.<sup>171</sup> Nonetheless, many incidents were not captured on camera, and IA investigated Hersl for violating BPD’s body-worn camera policy on six different occasions, at least one of which led to the city paying a \$150,000 settlement.<sup>172</sup> Additionally, the FBI Task Force determined that Hersl was involved in at least six other criminal incidents in 2016.

Throughout the remainder of 2016, Hersl received at least four more IA complaints, nearly all for theft, as well as one mandatory Use of Force Review and the six body-worn camera violations. One of the body-worn camera violations was the only charge sustained prior to Hersl’s arrest in March 2017.<sup>173</sup>

O’Ree recalled Hersl’s numerous body-worn camera violations. O’Ree stated that he and Miller were called into a meeting with Commissioner Davis and Deputy Commissioner Jason Johnson to discuss the violations. After the meeting, O’Ree met with Hersl, and Hersl told O’Ree that he was stuck in his old ways of not having worn a camera for years. After speaking with Hersl, O’Ree and Miller reported back to Commissioner Davis, who became angry. According to O’Ree, Davis said, “O’Ree, that’s bullshit and you know it. They are alpha males and they know it. They [can] have one slip, [but] they are hiding something with 20 slips.” O’Ree then suggested that Davis terminate Hersl.<sup>174</sup> O’Ree did not describe Davis’s response, but Hersl was not terminated.

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<sup>169</sup> Harford County Public Record, Aug. 1, 2016; BPD IA File 2017-0215.

<sup>170</sup> Rayam Day 1 GTTF Trial Testimony at 209; FBI FD-302 of Jemell Rayam (Apr. 12, 2017); FBI FD-302 of Momodu Gondo (Mar. 27, 2017); FBI FD-302 of Daniel Hersl (Aug. 16, 2017); FBI FD-302 of Wayne Jenkins (July 26, 2017); Dennis Armstrong Trial Testimony at 209 (Jan. 30, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 467; Donald Stepp Trial Testimony at 61 (Feb. 1, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469; Letter from G. Johnson to D. Cali, Jan. 3, 2019 (provided by BPD); John Sieracki III Interview, Apr. 8 and 28, 2020; BPD IA File 2016-0343; Sergio Summerville Trial Testimony at 96-128 (Jan. 31, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 468. For additional details, see Chapter VII, Sections C, F, and I; and Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>171</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 167.

<sup>172</sup> *Id.*; *Albert Brown v. Wayne Jenkins*, 20-cv-00971 (D. Md. July 23, 2020).

<sup>173</sup> BPD IA File 2016-0469.

<sup>174</sup> Chris O’Ree Interview, Sept. 10, 2020.

In addition to conducting questionable stops and searches, stealing money, and violating BPD's body-worn camera policies, Hersl was involved in two accidents as a result of police pursuits—including one on August 31, 2016 that left a driver seriously injured. Not only did Hersl and the other officers fail to stop and render aid to the driver, but Hersl could be heard laughing about the accident on the bug that had been installed in Gondo's vehicle. Hersl also suggested that the officers falsify their timecards to make it appear as though they were not working at the time of the crash. One community member commented that Hersl's laughter during that incident seemed to demonstrate how Hersl felt about the community—which was particularly striking given that Hersl's own brother had died when a car fleeing police crashed into him.<sup>175</sup>

#### **g. Citywide Shootings Unit**

Hersl was involved in criminal activity right up to the end of his tenure in GTTF. In February 2017, Hersl met with Jenkins, Taylor, and Ward to discuss robbing Oreese Stevenson—a drug dealer they had already robbed—a second time.<sup>176</sup>

That same month, BPD granted transfer requests from Hersl and Gondo and detailed both officers to a Citywide Shootings unit. According to Lieutenant German, Jenkins had also made a transfer request at around the same time. German recalled that “everybody” wanted out of the GTTF at that time, and said in hindsight she believes the GTTF members knew they were under investigation. Indeed, on February 15, Gondo and Hersl were intercepted on a wiretap joking about being under investigation for RICO.<sup>177</sup>

### **4. Criminal Proceedings**

Following his arrest on federal racketeering charges, Hersl made initial attempts to cooperate with the FBI Task Force, although according to investigators, Hersl only provided the FBI with information about one criminal incident.<sup>178</sup> Ultimately, Hersl was one of only two officers who elected to go to trial rather than enter a guilty plea.

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<sup>175</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 167; Baynard Woods Interview, Aug. 26 and Sept 2, 2020.

<sup>176</sup> Maurice Ward Trial Testimony at 182-88 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464 (Ward Day 1 Trial Testimony); Hendrix Trial Testimony at 56-99; Gov't Closing Argument (Feb. 7, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 474; Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 189.

<sup>177</sup> Marjorie German Interview, Sept. 15-16, and Oct. 14, 2020; Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 189.

<sup>178</sup> Mot. to File Decl. Under Seal in Supp. of Mot. for New Trial at 1, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 14, 2018), ECF No. 424; BPD Public Integrity Bureau Interview, Dec. 4, 2019.

The June 2017 superseding indictment alleged that Hersl engaged in the following criminal conduct:

- On November 5, 2014, Hersl entered a residence pursuant to a search warrant and arrested Jimmie Griffin, who was living in the home. Hersl seized \$9,000, but falsely reported that he had recovered less than \$5,000.
- On November 27, 2015, Hersl and two others arrested Herbert Tate and seized \$530, but Hersl reported seizing only \$216.
- On November 28, 2015, Hersl stopped and arrested Antonio Santiful, but submitted just \$218 of the \$500 seized from Santiful.
- On July 8, 2016, Hersl participated, along with Jenkins, Rayam, and Gondo, in the arrest of Ronald and Nancy Hamilton and the theft of \$20,000 from their home during the execution of a search warrant based on a false affidavit.
- On August 8, 2016, Hersl and Jenkins stole \$7,000 during the Dennis Armstrong arrest and vehicle search. Hersl also participated, along with Jenkins, Gondo, and Rayam, in the subsequent theft of drugs from Armstrong's storage unit.
- On September 7, 2016, Hersl, Jenkins, Taylor, Gondo, Rayam, and Ward stopped Sergio Summerville leaving a storage facility, and Taylor and Rayam stole money from Summerville, who was not charged with a crime.<sup>179</sup>

On February 12, 2018, a jury returned a guilty verdict on three of the four charges against Hersl, but found Hersl not guilty of using a firearm in furtherance of a felony. On June 26, 2018, Hersl was sentenced to 18 years' imprisonment and three years of supervised release.<sup>180</sup> Hersl authored 24 letters to the Commission to Restore Trust in Policing between April 22, 2019 and February 7, 2020 claiming that he was innocent of all the charges against him and informing the Commission about problems in BPD.

In response to our request to Hersl to be interviewed in connection with this investigation, Hersl's brother said that Hersl was interested in "fully cooperating" on his own terms – meaning providing written answers to written questions.<sup>181</sup> We declined to agree to those conditions.

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<sup>179</sup> Superseding Indictment at 12-13, 20-21, 30, and 34.

<sup>180</sup> Judgment at 1-2, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 26, 2018), ECF No. 442.

<sup>181</sup> Call between M. Bromwich and Jerome Hersl, Feb. 4, 2020.

Hersl began accumulating complaints for excessive force, harassment, and other misconduct within his first couple of years as a BPD officer. His reputation for being overly aggressive continued up until the end of his 17-year career, with some opining that he had a “personality issue.” Daniel Salefski commented that officers often preferred that Hersl not show up at a scene, because “once you had something resolved at a low simmer, just his presence would piss people off.” Another officer, Paul Geare, told us that Hersl’s method of policing involved “trying to cause a problem rather than fix a problem.” Outside of the Department, Hersl’s name became a verb – to be “Hersl’ed” meant to be roughed up by a police officer.<sup>182</sup>

Despite Hersl’s reputation and the staggering number of complaints, lawsuits, and other misconduct allegations lodged against him throughout his career, BPD consistently failed to take adequate remedial steps. And even when it acted, Hersl’s misconduct was mostly written off as a product of his aggressive policing style rather than actual misconduct. Indeed, time and time again, Hersl’s misconduct was attributed to his being an “alpha male” who “offended people,”<sup>183</sup> and the target of false complaints due to his effectiveness as an investigator. But with all eyes on Hersl – including at the highest levels of BPD – he continued to engage in misconduct without significant consequences. Instead of effectively addressing his misconduct, BPD largely ignored the threat he represented and assigned him to a unit that turned out to be the organizational home of an ongoing criminal enterprise. This was, simply put, a catastrophic institutional failure.

## E. Jemell Rayam



### 1. Background

Jemell Lamar Rayam was born on July 16, 1980 in Newark, New Jersey. Rayam’s father was a 25-year veteran of the Newark Police Department and his mother worked as a school teacher for 33 years. Rayam graduated from high school in 1998, where he ranked in the bottom half of his class. Although Rayam was less than outstanding academically, he was recruited to play basketball at DeSales University in Pennsylvania and graduated in 2002. From January 2002 until he joined BPD in 2005, Rayam was a child care worker at a juvenile detention center.<sup>184</sup>

Rayam met his future wife in approximately 2006, and they had three children together. In addition, Rayam fathered three children with other women and in separate

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<sup>182</sup> Daniel Salefski Interview, March 3, 2021; Paul Geare Interview, Feb. 10, 2021; DOJ CRT Interview, Nov. 6, 2019.

<sup>183</sup> Robert Quick Interview, Jan. 21, 2020.

<sup>184</sup> BPD Personnel File for Jemell Rayam (provided by BPD); Rayam Sentencing Hr’g Tr. at 16:21-17:3, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. May 28, 2019), ECF No. 518.

proceedings, was ordered by courts to pay child support for two of them after initially contesting paternity.<sup>185</sup>

Ryan Guinn, a founding member of the GTTF, recalled that Rayam openly complained about his monthly child support obligations. Despite these complaints and Rayam's other debts, Guinn recalled that Rayam drove a new, expensive vehicle. Rayam also reportedly wore flashy, expensive clothing while on duty. Consistent with this, Richard Worley remembered that one of the first times he met Rayam, his superior officers were joking with Rayam about the fact that he was wearing \$400 jeans to work.<sup>186</sup>

## **2. Entry Into BPD**

In April 2005, Rayam applied to both the New Jersey State Police and BPD. Rayam had previously applied to the Allentown Police Department in 2002, but failed the written exam.<sup>187</sup>

Rayam's background check revealed no criminal history. Rayam claimed that he had smoked marijuana only once at a party in college, but said that this was his only contact with illegal drugs. Although it is unclear whether there is an error in the records, notes from his application interview appear to reflect that Rayam said that his religious beliefs barred him from working on Sundays, carrying a firearm, taking a life in the pursuit of duty, and taking an oath—all things that if true, would make becoming a police officer nearly impossible. Rayam did not specify which religion imposed those restrictions. During the application process, BPD learned that Rayam also had significant debt, including over \$40,000 owed to creditors and several accounts that had been "charged off as bad debt."<sup>188</sup>

In July 2005, Rayam entered the Academy. There, Rayam met Eric Snell and Michael Sylvester, two officers with whom Rayam would later commit crimes.<sup>189</sup>

## **3. BPD Employment History**

### **a. Northern District (2006-2008)**

Rayam graduated from the Academy in June 2006 and was assigned to the Northern District's patrol unit. According to Rayam, he was exposed to police

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<sup>185</sup> BPD Personnel File for Jemell Rayam (provided by BPD); Justin Fenton, *We Own this City: A True Story of Crime, Cops, and Corruption*, 2021, at 109; Baynard Woods & Brandon Soderberg, *I Got a Monster*, 2020, at 194; Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>186</sup> Ryan Guinn Interview, Nov. 30 and Dec. 11, 2020; Richard Worley Interview, Aug. 11, 2020.

<sup>187</sup> BPD Personnel File for Jemell Rayam (provided by BPD).

<sup>188</sup> *Id.*

<sup>189</sup> *Id.*



misconduct soon after he joined the force. Rayam recalled that early into his BPD career, his sergeant instructed him to falsify an arrest report to claim that a “white shirt” (*i.e.*, a senior BPD supervisor) was not involved in an incident so the supervisor would not have to testify.<sup>190</sup>

Between June 2007 and June 2009, Rayam was involved in three on-the-job shootings, two of which occurred during his tenure in the Northern District. During the first incident in June 2007, Rayam was shot in the foot. Immediately following the shooting, Rayam was administratively suspended for three weeks, although BPD’s records are unclear on the reason for the suspension. Ultimately, Rayam was cleared of any wrongdoing in the matter, and the Department awarded Rayam a Medal of Valor for his conduct during the incident. Rayam was cleared in the second shooting in October 2007 as well.<sup>191</sup>

After returning from suspension, Rayam was promoted to a plainclothes unit in the Northern District supervised by Sergeant Kevin A. Jones, who would be his supervisor for the next five years. Jones described Rayam as immature, but said that he did not observe any ethical or misconduct issues.<sup>192</sup>

#### **b. VCID (2008-2009)**

In January 2008, Rayam was transferred to VCID. Rayam later told federal investigators that things went downhill for him after that transfer. By the summer of 2008, Rayam was committing robberies with fellow VCID member Michael Sylvester. On one occasion, Rayam and Sylvester executed a search warrant on a storage unit and stole 10 to 15 pounds of marijuana from the unit. Subsequent to the theft, Rayam called Snell, Rayam’s and Sylvester’s former Academy classmate who had since joined the Philadelphia Police Department. Rayam asked Snell to sell the marijuana, but Sylvester ultimately found someone else to sell the drugs.<sup>193</sup>

Rayam claimed that around this time, he also gave Sylvester the workers’ compensation payout he had received as a result of the October 2007 shooting so that Sylvester could use the funds to buy and sell drugs. Instead, Sylvester pocketed the money. Shortly thereafter, Rayam resigned from BPD and joined the New York State

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<sup>190</sup> *Id.*; FBI FD-302 of Jemell Rayam (Apr. 12, 2017).

<sup>191</sup> BPD Personnel File for Jemell Rayam (provided by BPD).

<sup>192</sup> BPD Personnel File for Jemell Rayam (provided by BPD); Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 109; Kevin A. Jones Interview, Sept. 1, 2020. Rayam’s move to the plainclothes unit is not explicitly documented in his personnel file. His file states only that he was assigned to the Northern District’s Operations unit during the second half of 2007.

<sup>193</sup> BPD Personnel File for Jemell Rayam (provided by BPD); FBI FD-302 of Jemell Rayam (Mar. 28, 2017); Rayam Day 2 GTTF Trial Testimony at 128:21-24; Jayne Miller, *Jemell Rayam set to testify against Eric Snell in GTTF case*, WBALTV (Oct. 29, 2018), <https://www.wbaltv.com/article/jemell-rayam-set-to-testify-against-eric-snell-in-gttf-case/24408085#>.

Police, but returned to Baltimore after only a few weeks. We were unable to determine why Rayam resigned from BPD and then quickly returned. Upon his return in January 2009, Rayam joined VCID's Northwest 1 squad, where he worked with Gondo for the first time.<sup>194</sup>

Two months after rejoining BPD, in March 2009, Rayam was involved in his third shooting, fatally wounding Shawn Cannady. During an FBI proffer session in 2017 following his arrest, Gondo stated that he had confronted Rayam about the shooting, and Rayam had said something to the effect of, "Yeah, I killed the MFer." Gondo also claimed that Rayam had told him that Palmere had visited the scene of the shooting and coached Rayam on what to say to avoid any adverse consequences. Palmere denied this allegation and according to members of BPD's Public Integrity Bureau, the Department investigated the allegation but found no evidence to substantiate it. Following the shooting, Rayam was placed on medical leave. Rayam later said that he was "very messed up" by the shooting and that he went out on psychiatric leave. In August 2010, Rayam was cleared of any wrongdoing in connection with the shooting following an internal investigation.<sup>195</sup>

Following his return from medical leave, Rayam joined the Northern District's Drug Enforcement unit in April 2009, and worked there through early 2010. According to Rayam, he wanted to get away from VCID, and "acted good" during this period.<sup>196</sup> His claim to have been "acting good" is belied by his participation in the June 2009 theft from suspected drug dealer Gary Brown and his conduct during the subsequent IA investigation, discussed below and in detail in Chapter V, Section L of this Report.

### **c. GTTF (2010 and 2012-2017)**

In February 2010, Rayam joined the GTTF, where he continued to be supervised by Jones. In October 2010, Rayam was suspended for approximately 18 months in connection with the IA investigation into an alleged theft committed by Rayam, Giordano, and Sylvester before Rayam's transfer to the GTTF. As discussed in Chapter V, Section L, in June 2009, the officers stole \$11,000 from Brown. In May 2012, in the face of compelling evidence that Rayam was factually guilty, the trial board found Rayam not guilty on all charges because it concluded that the charges had not been brought within the timeframe required by the Law Enforcement Officers' Bill of Rights

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<sup>194</sup> FBI FD-302 of Jemell Rayam (Mar. 28, 2017); FBI FD-302 of Jemell Rayam (Apr. 12, 2017).

<sup>195</sup> Preliminary Investigation Report, CC# 09-6C02503, Mar. 7, 2009 (provided by BPD); BPD PIB Interview, December 4, 2019; FBI FD-302 of Momodu Gondo (Mar. 27, 2017); Dean Palmere Interview, Aug. 8 and 16, 2020; BPD PIB Interview, Dec. 4, 2019. FBI FD-302 of Jemell Rayam (Apr. 12, 2017); Jayne Miller, *Documents reveal new details, raise questions about 2009 police shooting*, <https://www.wbalv.com/article/documents-reveal-new-details-raise-questions-about-2009-police-shooting/20748449#>.

<sup>196</sup> BPD Personnel File for Jemell Rayam (provided by BPD); FBI FD-302 of Jemell Rayam (Apr. 12, 2017).

(LEOBR). Following the trial board's decision, Rayam was immediately reinstated to the GTTF. Rayam later testified that when he returned from suspension, he stopped engaging in misconduct because he "had a chance to prove [him]self all over again."<sup>197</sup> If that was ever true, it did not last for long.

Several of Rayam's colleagues questioned whether he was qualified to serve in an investigative unit. Marjorie German, who later oversaw the GTTF, said the only reason Rayam joined the GTTF was because Jones brought Rayam with him. German said that neither Rayam nor Gondo was known as a successful drug cop, nor did they make any big cases prior to joining the GTTF. One of their GTTF colleagues, Elizabeth Geiselman was similarly critical of Rayam. She recalled Allers initiating discussions on multiple occasions about transferring Rayam and Gondo out of the unit, in part because Allers did not like how they "worked." But Allers later told Geiselman that he "wasn't allowed" to get rid of them because they were being protected by an unnamed lieutenant<sup>198</sup> – a claim belied by his commission of numerous robberies with Rayam and Gondo from 2014 through mid-2016.

Geiselman also recalled that Rayam deliberately wrote confusing and incomplete reports as a "diversionary tactic" to confuse BPD personnel who attempted to look for documents related to his arrests. Geiselman concluded that this practice allowed corrupt detectives like Rayam to "hide in plain sight."<sup>199</sup>

### **(1) The Allers Years (2013-2016)**

From July 2013 through August 2016, Sergeant Thomas Allers supervised the GTTF. Rayam later admitted that during this period, he, Allers, and Gondo engaged in numerous robberies and thefts. According to Rayam, on March 11, 2014,<sup>200</sup> they each netted between \$8,000 and \$10,000 seized during the execution of a search warrant in Baltimore County. Rayam told FBI Task Force investigators that this was the beginning of a downward spiral. Rayam testified that under Allers, his common practice was to use a search warrant to go into an individual's house, submit the drugs and guns seized from within, and take some of the money found in the house.<sup>201</sup> As discussed further in

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<sup>197</sup> BPD Personnel File for Jemell Rayam (provided by BPD); BPD IA File 2009-1060 (provided by BPD); Rayam Trial Testimony at 96:16-22, *United States v. Snell*, No. 1:17-cr-00602-CCB (D. Md. Oct. 30, 2018), ECF. No. 95.

<sup>198</sup> Marjorie German Interview, Sept. 15-16, 2020; Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>199</sup> Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>200</sup> Rayam's plea agreement erroneously provides a date of March 11, 2015 for this robbery. Rayam Plea Agreement at 13, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196 (Rayam Plea Agreement). In the subsequent indictment of Allers and his plea agreement, the date was corrected to March 11, 2014. See Allers Indictment at 4-5; Allers Plea Agreement at 13-14. We verified that the 2014 date is correct.

<sup>201</sup> FBI FD-302 of Jemell Rayam (Mar. 21, 2017); Rayam Day 1 GTTF Trial Testimony at 177:22-178:17.

Chapters VI and VII, using this strategy, Rayam, Gondo, and Allers stole tens of thousands of dollars from arrestees between March 2014 and May 2016.

During this period, Rayam and Gondo also committed robberies without Allers, and sometimes enlisted the help of non-BPD associates. For instance, in June 2014 Rayam, Gondo, and Allers executed a search warrant in a birdseed store and found \$20,000. Later that day, Rayam recruited his cousin, David Rahim, and Thomas Finnegan to steal money from the store owners' home. That night, Rayam rode with Rahim and Finnegan to the store owners' home, and gave Finnegan his police vest. Impersonating police officers, Finnegan and Rahim then raided the home and stole the \$20,000, while Rayam stayed in the car to monitor law enforcement on his scanner.<sup>202</sup>

Similarly, on July 31, 2015, Gondo and Rayam stopped Zachary Newsome's vehicle based on the false claim that they smelled marijuana smoke coming from the vehicle. As part of his plea agreement, Rayam later admitted that he, Gondo, and Allers subsequently entered a residence where Newsome was staying and stole approximately \$9,000. Newsome's trial resulted in a mistrial, after the evidence revealed that the officers were located across a highway from Newsome when they supposedly smelled the smoke. The following year, Newsome was scheduled for a retrial. BPD records show that Rayam, Gondo, and Allers were scheduled to testify at Newsome's trial on May 24, 2016. At Hersl's suggestion, Gondo and Rayam again arrested Newsome for an outstanding warrant in an effort to delay the trial.<sup>203</sup>

## **(2) The Jenkins Years (2016-2017)**

Rayam said that after Jenkins replaced Allers as the GTTF sergeant in June 2016, the GTTF became the "wild, wild, West." Under Jenkins, Rayam said the GTTF stopped making cases and instead focused only on street rips.<sup>204</sup>

As discussed in further detail in Chapter VII, Section I, following Jenkins's arrival in the squad, the GTTF committed a series of robberies during which the officers stole large sums of cash and drugs. In addition, during the summer of 2016, Jenkins asked Rayam to sell 500 grams of heroin for him. Rayam testified that he initially refused, but later agreed to sell the drugs because he "felt like [he] needed the money." Rayam added that by 2016, his financial problems had worsened, and he had developed a gambling problem. Rayam testified that Jenkins gave him the heroin to sell and that he gave it to his cousin Kyle Harris, a drug dealer who had agreed to sell the drugs on his behalf. According to Rayam, Harris struggled to sell the heroin, and after several

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<sup>202</sup> Rayam Plea Agreement, at 12.

<sup>203</sup> *Id.*; Email from T. Allers to K. A. Jones, Apr. 19, 2016, Re: Emailing: State v Zachary Newsome 16 168, State v Zachary Newsome 16 169 (email provided by BPD); Police report (complaint number 9-50714341) authored by Gondo and signed by Allers; BPD, Trial Date Summons, Apr. 20, 2016 (provided by BPD); Baynard Woods & Brandon Soderberg, *I Got a Monster*, 2020, at 115-16.

<sup>204</sup> FBI FD-302 of Jemell Rayam (Mar. 21, 2017); FBI FD-302 of Jemell Rayam (Mar. 28, 2017).

months of slow progress, Rayam gave the drugs to Eric Snell and later to Thomas Finnegan to sell.<sup>205</sup>

On October 10, 2016, Rayam went out on light duty based on a claimed medical disability. During debriefings with the FBI, Rayam said that he did so not because he had a genuine medical condition but instead because he had grown sick of engaging in criminal activity.<sup>206</sup>

Pursuant to the resolution of the Gary Clayton case discussed below, Rayam was scheduled to be involuntarily transferred out of the GTTF to the Northwestern District's plainclothes unit by April 2017. Rayam viewed the transfer as an opportunity for a "clean break," and told investigators that he had no knowledge of illegal conduct in his new unit. But Rayam was arrested along with the other GTTF defendants in March. He resigned from the BPD in July 2017, citing "personal reasons" as the cause of his departure.<sup>207</sup>

#### **4. Notable IA Complaints and Other Disciplinary Issues**

During Rayam's BPD career, he received at least 47 complaints, including 21 complaints for failing to appear in court.<sup>208</sup> Among the most serious complaints against Rayam were allegations of theft, excessive force, and providing false statements. Although a detailed account of IA investigations involving Rayam can be found in Appendix B: Internal Affairs Investigations and Related Matters, several notable IA matters are discussed below.

On April 8, 2015, Rayam and other officers entered a complainant's residence without a search warrant, after conducting a traffic stop and arresting the complainant's fiancé, Gary Clayton. Officers later executed a search warrant on the premises, seized narcotics inside the home, and arrested Clayton on drug charges. During a November 2015 hearing related to Clayton's arrest, discussed at greater length in Chapter VII, Section D, Rayam testified that he had stopped Clayton based on an informant tip, and observed drug paraphernalia in plain view in Clayton's vehicle and, later, in his house. Judge Barry Williams observed that Rayam made "numerous factual misrepresentations" during his testimony, and concluded that Rayam's testimony was not credible. Judge Williams found that everything seized pursuant to the search

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<sup>205</sup> Rayam Plea Agreement, 15-16; Rayam Trial Testimony at 19:23-24, 20:4-18, 22:11-23:21, *United States v. Snell*, No. 1:17-cr-00602-CCB (D. Md. Oct. 30, 2018), ECF No. 95.

<sup>206</sup> FBI FD-302 of Jemell Rayam (Mar. 28, 2017).

<sup>207</sup> BPD IA File 2015-0723 (provided by BPD); FBI FD-302 of Jemell Rayam (Mar. 28, 2017); BPD Personnel File for Jemell Rayam (provided by BPD).

<sup>208</sup> BPD, Concise Officer History, Aug. 2, 2017 (provided by BPD).



warrant was inadmissible. As a result, the State dismissed the charges against Clayton.<sup>209</sup>

On November 1, 2016, after a nearly year-long investigation, IA sustained charges against Rayam and recommended, among other things, a 10-day suspension. Rayam initially requested a trial board, but ultimately reached a settlement under which he received a severe letter of reprimand, a five-day suspension without pay, mandatory training on probable cause and search and seizure warrants, and an involuntary transfer. Dan Beck, the former head of BPD's Office of Legal Affairs who handled the settlement negotiations, recalled that he thought Rayam should have been terminated, and that Rayam's testimony was "horrible."<sup>210</sup>

On November 15, 2016, Maryland State Police contacted BPD and advised that Rayam had been involved in a road rage incident. During the incident, the complainant alleged that Rayam had pointed a handgun at him. This incident triggered a Phase Two intervention for Rayam. In December 2016, Rayam met with Sergeant Troy Blackwell, who was filling in for Jenkins during his paternity leave, and Blackwell recommended that Rayam continue to be monitored. Based on the available documents, it is unclear whether Blackwell's suggestion was adopted following the intervention meeting. In August 2017, the complaint was sustained on the basis of the federal indictment against the GTTF members.<sup>211</sup>

## 5. Criminal Proceedings

Shortly after his arrest on March 1, 2017, Rayam became the first defendant to provide a detailed debriefing to federal investigators. On October 10, 2017, Rayam pled guilty to one count of racketeering conspiracy. He faced a maximum sentence of 20 years in prison.<sup>212</sup>

According to Rayam's plea agreement, beginning in at least 2009 or 2010, Rayam stole money and drugs from civilians he had detained. Rayam also admitted that, through his associates, he sold drugs that Jenkins obtained by robbing detainees and arrestees and splitting the proceeds of those sales with Jenkins. Moreover, Rayam admitted that he robbed drug dealers identified as targets by an associate of his. Although Rayam's "associate" is not named in the plea agreement, Rayam testified that, in 2008 or 2009, he was romantically involved with Tamaren Daniels, a local woman

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<sup>209</sup> BPD IA File 2015-0723 (provided by BPD); Dan Beck Interview, Jan. 8, 2020. Beck recalled that the judge on the case, Judge Barry Williams, was adamant that Rayam didn't lie, and thought Rayam was "simply loose with the facts." Dan Beck Interview, Jan. 8, 2020.

<sup>210</sup> BPD IA File 2015-0723 (provided by BPD); Dan Beck Interview, Jan. 8, 2020.

<sup>211</sup> BPD IA File 2016-0585 (provided by BPD); Office of Deputy Police Commissioner Jason Johnson, Summary of Indicted Police Officers, March 2017 (provided by BPD).

<sup>212</sup> Indictment, *passim*; Plea Hr'g Tr. at 3:25-4:6, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 195; Rayam Plea Agreement, *passim*.

who was reportedly connected to drug dealers. According to Rayam, Daniels would notify him when the dealers were away from their homes, allowing him to break in and steal cash left inside.<sup>213</sup>

In addition, Rayam admitted in his plea agreement to participating in the following robberies while serving as a member of the GTTF:

- On March 11, 2014,<sup>214</sup> Rayam, Gondo, and Allers stole between \$8,000 and \$10,000 during the robbery of a residence. As noted in Rayam's plea agreement, Allers also brought his son, who was not a police officer, to the scene of the search.
- On June 27, 2014, Rayam and two associates, Thomas Finnegan and David Rahim, stole \$20,000 during a robbery of Donna Curry and Jeffrey Shore's home.
- On April 3, 2015, Rayam, Gondo, and Allers stole approximately \$7,000<sup>215</sup> during the execution of search warrant at "D.M.'s" residence.
- On July 31, 2015, Rayam, Allers, and Gondo stole approximately \$9,000 during the execution of a search warrant at Zachary Newsome's residence in Anne Arundel County.
- On October 5, 2015, Rayam, Gondo, and Glen Kyle Wells forcibly entered a drug dealer's apartment and stole a Rolex watch, a firearm, \$12,000 to \$14,000 in cash, and 800 grams of heroin.
- On February 10, 2016, Rayam, Gondo, and Allers stole approximately \$8,300 during the execution of a search warrant at a Baltimore residence.
- On February 23, 2016, Rayam, Gondo, and Allers stole approximately \$7,000 during the execution of a residential search warrant in Baltimore County.
- On May 11, 2016, Rayam, Gondo, and Hersl stole approximately \$700 from Nicholas Deforge during a traffic stop.
- On May 28, 2016, Rayam, Allers, and Gondo stole approximately \$700 during a residential search.

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<sup>213</sup> Rayam Plea Agreement, *passim*; FBI FD-302 of Jemell Rayam (Mar. 28, 2017); Rayam Day 2 GTTF Trial Testimony at 137:1-14.

<sup>214</sup> Rayam's plea agreement erroneously provides a date of March 11, 2015 for this robbery. Rayam Plea Agreement at 13. In the subsequent indictment of Allers and his plea agreement, the date was corrected to March 11, 2014. See Allers Indictment at 4-5; Allers Plea Agreement at 13-14. We verified that the 2014 date is correct.

<sup>215</sup> Rayam's Plea Agreement states that the amount stolen was \$7,000, whereas Allers's Plea Agreement states that the amount stolen during this incident was \$5,700, whereas.

- On July 8, 2016, Rayam participated, along with Jenkins, Gondo, and Hersl, in the arrest of Ronald and Nancy Hamilton and the theft of \$20,000 from their home after obtaining a search warrant based on a false affidavit.
- On August 8, 2016, Hersl stole \$7,000 from Dennis Armstrong's vehicle, and gave Rayam a portion of the stolen cash.
- On August 24, 2016, Rayam, Hersl, and Gondo stopped John Butler. The officers took Butler's keys and searched his car. The officers then searched Butler's home based on a false claim of consent, and Rayam stole \$1,500.
- On September 7, 2016, Rayam, Jenkins, Gondo, Hersl, Taylor, and Ward stole money from Sergio Summerville's storage unit following a car stop. Taylor and Rayam stole money from Summerville, who was not charged with a crime.
- In the fall of 2016, Rayam, Jenkins, and Gondo conducted a traffic stop, and then searched the driver's home without a warrant. There, the officers stole a handgun and marijuana.
- On October 3, 2016, Rayam, Jenkins, Gondo, Taylor, Hendrix, and Ward engaged in a high-speed chase of Gregory Harding, during which Harding threw nine ounces of cocaine from his car before crashing. Jenkins retrieved the cocaine, and Rayam agreed to sell the drugs on Jenkins's behalf.<sup>216</sup>

Rayam admitted that to conceal their crimes, he and his fellow GTTF members prepared and submitted falsified incident and arrest reports. Additionally, Rayam admitted that he and his co-defendants had defrauded BPD by submitting false attendance records in order to obtain salary and overtime pay for times when he and his co-defendants did not work.<sup>217</sup>

In addition, Rayam admitted in his plea agreement that on September 22, 2016, he and Gondo had planned additional robberies of Baltimore citizens. Further, Rayam admitted that on September 7 and 13, 2016, he and Gondo had coached one another in advance of IA interviews concerning an investigation. And Rayam admitted that on September 22, 2016, he and Gondo had intentionally turned off their body-worn cameras when Jenkins fought with a civilian and "hit the phone out of her hand."<sup>218</sup>

Rayam's sentencing hearing was held on May 28, 2019. Several members of Rayam's family, including his parents and siblings, attended and asked the court to

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<sup>216</sup> Rayam Plea Agreement, at 11-19.

<sup>217</sup> *Id.* at 11.

<sup>218</sup> *Id.* at 19-20.

show mercy on Rayam. Rayam apologized repeatedly to the city and people of Baltimore, BPD, and the members of his family.<sup>219</sup>

On May 30, 2019, Rayam was sentenced to 12 years in federal prison followed by three years of supervised release. Special Agent Jensen stated that Rayam was disappointed with his sentence, as he believed his cooperation should have earned a more lenient sentence of two years in prison, and that the government had misled and used him.<sup>220</sup> Rayam is currently incarcerated at FMC Rochester in Minnesota. He is scheduled for release on May 23, 2027.<sup>221</sup>

Rayam declined two requests to be interviewed in connection with this investigation, making clear that he saw no personal advantage to doing so. During a telephone call with Michael Bromwich in January 2020 to discuss a potential interview, Rayam asked several times, “What’s in it for me?”<sup>222</sup>

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Throughout his career, much of Rayam’s misconduct, including criminal activity that began as early as 2009, went unnoticed, and red flags – such as Rayam’s involvement in three on-the-job shootings within his first three years at BPD, and evidence of his lying and stealing – were largely ignored. Rayam quickly developed a negative reputation among his peers, several of whom told us they were not surprised by Rayam’s involvement in the GTTF’s crimes. Kenneth Ivery, for instance, stated that based on what was later revealed about them, Rayam and Gondo were criminals who became cops, and was puzzled that Rayam and Gondo were admitted to the Department in the first place and stayed for so long. John Burns similarly noted that he was not surprised to learn that Rayam and Gondo had engaged in misconduct, as he always “got a bad vibe from them” and did not trust them.<sup>223</sup> Moreover, multiple IA investigations confirmed what many within the Department long suspected – that Rayam was a corrupt cop – but his misconduct was never adequately addressed, and his corruption and criminality were allowed to continue.

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<sup>219</sup> Rayam Sentencing Hr’g Tr. at 18:8-12, 21:1-3, 29:19-30:18, 32:12-13, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. May 28, 2019), ECF No. 518.

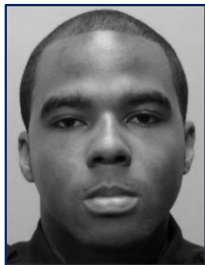
<sup>220</sup> Judgment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. May 30, 2019), ECF No. 502; Erika Jensen Interview, May 13, 2020.

<sup>221</sup> Inmate Records, Bureau of Prisons, [https://www.bop.gov/mobile/find\\_inmate/byname.jsp#inmate\\_results](https://www.bop.gov/mobile/find_inmate/byname.jsp#inmate_results).

<sup>222</sup> Call between M. Bromwich and J. Rayam, Jan. 16, 2020.

<sup>223</sup> Kenneth Ivery Interview, Mar. 2, 2021; John Burns Interview, Feb. 26, 2021.

## F. Marcus Taylor



### 1. Background

Marcus Taylor was born on February 3, 1987, in Fairfax County, Virginia. Taylor grew up in Odenton, Maryland and graduated from high school in 2005, where he was a below average student. Before applying to BPD, Taylor held a number of jobs, including as a childcare technician at two different childcare centers, as an executive assistant for Maryland Delegate Ruth Kirk, as an intern for Mayor Martin O'Malley, and in security at Fort Meade.<sup>224</sup>

In June 2008, Taylor was married, and the couple had a son the following month. The couple divorced in 2012.<sup>225</sup>

### 2. Entry Into BPD

According to materials Taylor submitted in connection with his sentencing, Taylor decided to become a police officer after losing his uncle to heroin addiction in high school. Taylor said he believed that the best way to help other families avoid the pain his family had experienced was to enter the police force to help get drug dealers off the streets. Prior to submitting his BPD application in October 2008, Taylor applied to two other Maryland police departments in 2007 and 2008. At the time of his application to BPD, one of those other applications was still pending and the other department was not hiring due to budget cuts.<sup>226</sup>

In his BPD application, Taylor disclosed seven outstanding loans totaling over \$30,000. BPD subsequently ran a credit check on Taylor, which revealed a personal credit card and payday loan in arrears, missed payments on an auto loan, and two personal credit card accounts that were charged off as bad debt – one of which Taylor failed to disclose on his application.<sup>227</sup> Nonetheless, BPD hired Taylor, apparently without following up on this red flag.

Taylor entered the Academy in May 2009, but was forced to resign in August after repeatedly failing his firearms qualification test. Taylor was told that he could attempt to increase his proficiency and request reinstatement. After passing his

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<sup>224</sup> BPD Personnel File for Marcus Taylor (provided by BPD); FBI FD-302 of Marcus Taylor (Mar. 9, 2017).

<sup>225</sup> BPD Personnel File for Marcus Taylor (provided by BPD); *Casiano v. Taylor*, 02-c-11-162703 (Cir. Ct. Anne Arundel County 2012).

<sup>226</sup> See Def.'s Sentencing Mem., *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. 2018), ECF No. 392; BPD Personnel File for Marcus Taylor (provided by BPD).

<sup>227</sup> BPD Personnel File for Marcus Taylor (provided by BPD); BPD District File for Marcus Taylor (provided by BPD).



firearms re-qualification, Taylor was rehired by BPD in December 2009. Taylor's second Academy class included Evodio Hendrix and John Clewell.<sup>228</sup>

While in the Academy, Taylor received non-punitive counseling twice for failing to complete assignments, although available records do not reflect the content of those assignments. Taylor was warned that he could be terminated if he received any more disciplinary infractions. He did not, and graduated from the Academy in October 2010.<sup>229</sup>

### **3. BPD Employment History**

#### **a. Initial Assignments**

Taylor spent his first year in BPD shuttling between assignments in the Southern District and the Diamond Shift Program, a program consisting of scenario-based training, martial arts, and military techniques. In September 2011, Taylor was transferred from the Diamond Shift Program to the Southern District for the final time, and remained in the Southern District through the end of 2012.<sup>230</sup>

In January 2013, BPD transferred Taylor to the SES Tri-District Initiative, his first enforcement unit. In this role, Taylor reported to Sergeant Kenneth Ivery, who had worked with Taylor in patrol prior to Ivery's promotion to sergeant. Ivery viewed Taylor as a younger brother, and said that Taylor was easily teachable and took criticism well. Other sergeants and lieutenants described Taylor in the same way. But Ivery also noted that Taylor was susceptible to being bullied by fellow officers, recounting an incident in which other officers locked Taylor in a cell knowing that he was claustrophobic. Officers in the squad joked that Taylor did not belong in the city and was more of a "county guy" because he was not tough. Ivery recalled that Taylor worried about what other officers said about him, and was affected by the bullying.<sup>231</sup>

In October 2013, Ivery's entire unit, including Taylor, was transferred to the Westside Enforcement Zone pursuant to an organizational restructuring. Ward joined Ivery's unit in December 2013. At Ivery's direction, Ward taught Taylor how to write search and seizure warrants and how to use confidential informants. Over the course of the next year, Taylor worked with Ward in Ivery's squad, which worked alongside the

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<sup>228</sup> BPD Personnel File for Marcus Taylor (provided by BPD); BPD District File for Marcus Taylor (provided by BPD); FBI FD-302 of Marcus Taylor (Mar. 9, 2017).

<sup>229</sup> BPD Personnel File for Marcus Taylor (provided by BPD).

<sup>230</sup> *Id.*; Justin Fenton, *Police training consultants under scrutiny for contracts, expenses*, The Baltimore Sun (Feb. 13, 2012), <https://www.baltimoresun.com/news/crime/bs-md-ci-diamond-training-questions-20120213-story.html>.

<sup>231</sup> BPD Personnel File for Marcus Taylor (provided by BPD); Kenneth Ivery Interview, Mar. 2, 2021; John Burns Interview, Feb. 26, 2021; Timothy Devine Interview, Feb. 5, 2021; Daryl Murphy Interview, Oct. 15, 2020.

SES squads headed by Jenkins and Gladstone. Each SES squad was assigned to a specific geographic zone, but Gladstone and Jenkins would regularly stray from their assigned zones to pursue firearms, leaving Ivery's squad to cover their zones.<sup>232</sup>

Shortly after Ward joined the squad, Taylor and Ward committed the first of three crimes they would commit together over the course of the next 18 months.

On January 24, 2014, Taylor, Ward, Ivery, and Eduardo Pinto searched Shawn Whiting's home. According to an IA complaint filed on May 8, 2014 and a subsequent \$10 million lawsuit filed on February 28, 2020, Whiting alleged that during the search, the officers seized about \$24,000, but only reported having recovered \$7,650. Although the statement of probable cause identified the officers involved, IA logged the complaint as against an "unknown officer," and ultimately issued a not sustained finding six months later. According to Whiting's criminal defense attorney, Ivan Bates, IA "did absolutely nothing" in response to Whiting's complaint. During Taylor's trial, Ward admitted to splitting \$3,000 of the cash seized from Whiting's home with Taylor back at the station. Whiting was charged with drug distribution and served three years in jail. Whiting's lawsuit was ultimately settled by the city for \$300,000.<sup>233</sup>

A little over a year later, on April 3, 2015, a female complainant alleged that officers stole \$2,170 from a bookbag while executing a search of her home. Taylor, Ward, Ivery, and others conducted the search, and despite Ivery's participation in the search, the complaint was assigned to him for initial investigation. Ivery's report to IA included denials from the officers who participated in the search. When IA followed up with the complainant four months later, she offered to come in the next day for an interview. When she did not appear, IA waited another two months to attempt to contact her again. Instead of calling the same number she had answered previously, the investigator left a contact card at her residence. No one else was ever interviewed about the case and it appears that the investigator made no further attempts to contact the complainant. IA rendered a not sustained finding due to the absence of testimony from the complainant and other corroborating evidence. Ward admitted during his trial testimony that Taylor stole money from the complainant's backpack and provided him with a portion of the money.<sup>234</sup>

Less than two months later, on May 28, 2015, Taylor and other officers arrested Paul Jones after Taylor and Ward obtained a warrant for Jones's residence based on an

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<sup>232</sup> BPD Personnel File for Marcus Taylor (provided by BPD); SES Rosters (Oct. 7, 2013; Oct. 14, 2013; Dec. 17, 2013; and Jan. 7, 2014); FBI FD-302 of Marcus Taylor (Mar. 9, 2017); Kenneth Ivery Interview, Mar. 2, 2021.

<sup>233</sup> *Whiting v. Taylor*, No. 1:20-cv-00540-GLR (D. Md.); Ivan Bates Interview, Apr. 29, 2020; Ward Day 1 Trial Testimony at 103-106; FBI FD-302 of Maurice Ward (June 14, 2017); City of Baltimore Board of Estimates, Meeting Minutes (Nov. 4, 2020).

<sup>234</sup> BPD IA File 2015-0186 (provided by BPD). Ward Day 1 Trial Testimony at 106-11.

affidavit containing false information. Jones ultimately filed a lawsuit against the officers, which was settled for \$160,000.<sup>235</sup>

#### **b. Transfer to Jenkins's SES Squad**

While Ivery was on vacation in the summer of 2015, Jenkins supervised Ivery's squad, and the squad recovered a number of firearms during Ivery's absence. When Ivery returned to work, another officer – whom Ivery described as “old school” – pulled Ivery aside and said he was uncomfortable with how the squad had recovered the guns. Ivery surmised that Jenkins had been using jump-out and “entrapment tactics.” But Ivery observed that Taylor acted like he had “seen a rockstar” and had become “enthralled” by Jenkins. Ivery opined that Taylor was a follower, and “wanted to be one of the cool kids.” According to Ivery, at that time, Jenkins and Gladstone were seen as the “creme de la crème” in the Department.<sup>236</sup>

Ivery soon noticed that after Taylor finished his shift working for Ivery, he often worked overtime for Jenkins and his squad. On multiple occasions, this led to Taylor falling asleep at his desk during his regular shift. Ivery learned from other squad members that Taylor would go out “ripping and running” with Jenkins at night. Ivery accused Jenkins of poaching his officers. According to Ivery, Jenkins responded that Taylor liked to run with Jenkins's squad because Ivery's officers were “too slow.”<sup>237</sup>

After working with Ward and Taylor on an overtime basis, Jenkins approached Lieutenant German and told her he needed “fast Black guys” to catch suspects, and asked if Taylor and Ward could join his squad. German told Jenkins to talk with Ivery about it. Although Ivery reluctantly agreed to the transfer, he warned Taylor that Jenkins's unit was “high paced,” and he did not think it was a good fit for Taylor. German echoed Ivery's concern, telling Taylor, “I don't know if Wayne is who you want to be with.” Despite these warnings – and in German's view, because Taylor liked the excitement of working with Jenkins – Taylor still asked for the transfer.<sup>238</sup>

By that time, Jenkins had already recruited Hendrix and Ward. Ivery said that he felt betrayed by Taylor because he had viewed himself as Taylor's mentor, and had grown to care about Taylor's professional growth and development. Ivery viewed

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<sup>235</sup> Civil Complaint, *Jones v. Baltimore City Police Dep't*, 24-c-18-006771 (Cir. Ct. Baltimore City Dec. 14, 2018) (provided by BPD).

<sup>236</sup> Kenneth Ivery Interview, Mar. 2, 2021.

<sup>237</sup> *Id.*

<sup>238</sup> Marjorie German Interview, Sept. 15-16, 2020; Marjorie German Interview, Oct. 14, 2020; Kenneth Ivery Interview, Mar. 2, 2021.

Jenkins as flashy and reckless—the opposite of a good role model. Taylor’s transfer caused a permanent rift with Ivery. They seldom spoke after that time.<sup>239</sup>

### **c. GTTF**

In June 2016, Jenkins, along with Taylor, Hendrix, and Ward—three of the five officers in Jenkins’s SES unit—transferred to the GTTF, where they joined Gondo, Rayam, Hersl, and John Clewell.<sup>240</sup> Taylor remained in the GTTF until his arrest on March 1, 2017.

Taylor’s transfer to the GTTF came as a surprise to some at BPD because he had not previously distinguished himself as an officer. German noted that Taylor, Hendrix, and Ward did enough to get by, but were never standouts. German added that Taylor was immature and lacked initiative, but was good at following orders. German joked that she could tell Taylor to go direct traffic naked, and Taylor would say, “Yes, ma’am” and do it; “[t]hat’s just who [Taylor] was.” Geiselman described Taylor and Hendrix as inexperienced.<sup>241</sup>

During a March 9, 2017 FBI debriefing following his arrest, Taylor said the GTTF assignment seemed like a promotion because it was an “envied position.” But Taylor said he ultimately did not like being in the GTTF because of the sketchy things happening, so he submitted a written transfer request, but was told (although he did not identify by whom) that he could not leave the unit.<sup>242</sup> We have found no record verifying Taylor’s claim that he had requested a transfer.

## **4. Notable IA Complaints and Other Disciplinary Issues**

Early in his career, prior to joining Jenkins’s SES squad and the GTTF, Taylor was involved in several preventable accidents. He was also the subject of 14 mandatory Use of Force Reviews for using his taser, none of which resulted in a finding of misconduct. However, BPD’s Early Intervention unit requested that Taylor’s performance be monitored and evaluated for 30 days as part of a Phase One intervention in January 2015 due to an Early Intervention System alert for his involvement in six use of force incidents. The request was forwarded to the SES, but the SES never responded to the alert.<sup>243</sup>

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<sup>239</sup> Marjorie German Interview, Oct. 14, 2020; SES Roster (Aug. 4, 2015); Kenneth Ivery Interview, Mar. 2, 2021.

<sup>240</sup> OIS Roster (June 17, 2016).

<sup>241</sup> Marjorie German Interview, Sept. 15-16, 2020; Elizabeth Geiselman Interview, Aug. 13, 2020.

<sup>242</sup> FBI FD-302 of Marcus Taylor (Mar. 9, 2017).

<sup>243</sup> Office of Deputy Police Commissioner Jason Johnson, Summary of Indicted Police Officers, March 2017 (provided by BPD); BPD IA File 12-0050 (provided by BPD).

Taylor was also the subject of at least five additional IA complaints over the course of his career, mostly related to use of force. In most cases, the complaints were either not sustained or administratively closed. Notably, many of the incidents underlying these complaints also involved Jenkins, Hendrix, and Ward.<sup>244</sup>

For a detailed account of IA investigations involving Taylor, see Appendix B: Internal Affairs Investigations and Related Matters.

## **5. Criminal Proceedings**

Taylor was arrested on March 1, 2017, pursuant to an indictment charging him with racketeering and conspiracy.<sup>245</sup> A subsequent superseding indictment filed on June 22, 2017, charged two additional counts, robbery and possession of a firearm in furtherance of a violent crime. The superseding indictment alleged Taylor engaged in the following criminal conduct:

- During the spring of 2015, Jenkins, Taylor, and Ward took 30 pounds of marijuana and \$15,000<sup>246</sup> from two suspects involved in a drug deal.
- On February 17, 2016, Taylor, Jenkins, and Ward arrested Raytwan Benjamin. Following the arrest, the officers stole approximately \$500 from Benjamin while he was handcuffed and seated in the back of a police vehicle.
- On March 9, 2016, Taylor participated, along with Jenkins, Hendrix, and Ward, in the arrest of and theft of \$1,000 from Malik McCaffity and the submission of a false police report claiming that the officers had seized only a handgun, marijuana, and a t-shirt.
- On March 22, 2016, Taylor, along with Jenkins, Hendrix, and Ward, arrested Orees Stevenson and seized narcotics and \$21,500 from Stevenson. Following the arrest, the officers entered Stevenson's residence, where they stole approximately \$200,000 and property, including a Breitling men's wristwatch valued at \$4,000.
- On September 7, 2016, Taylor, along with Jenkins, Ward, Rayam, Gondo, and Hersl, participated in the theft of money from the storage unit of Sergio Summerville. Taylor and Rayam stole money from Summerville, who was not charged with a crime

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<sup>244</sup> BPD IA Files CIU 11-05614, 12-0050, 15-0413, 2016-0067, 2016-0377 (provided by BPD).

<sup>245</sup> Following his arrest on March 1, the FBI Task Force recovered a BB gun from the glove compartment of Taylor's vehicle. For additional context about members of the conspiracy using BB guns as insurance to justify otherwise unjustifiable actions, see Chapter IX, Section B.

<sup>246</sup> The Superseding Indictment states that that between 20 to 25 pounds of marijuana and \$20,000 to \$25,000 in cash was taken during this theft, but Jenkin's Plea Agreement, finalized after the Superseding Indictment, states that it was 30 pounds of marijuana and \$15,000 in cash. See Jenkins Plea Agreement at 19.



- On October 3, 2016, Taylor, Hendrix, Gondo, Ward, Rayam and Jenkins engaged in the high-speed pursuit of Gregory Harding, during which Harding threw over nine ounces of cocaine out of the window of his vehicle before crashing near Mondawmin Mall. Jenkins retrieved the cocaine, gave it to Rayam, and told him to sell the cocaine on Jenkins's behalf.<sup>247</sup>

During FBI debriefings, Taylor also admitted to falsifying overtime sheets, but later recanted these statements. Taylor was one of only two GTTF officers arrested on March 1 who did not plead guilty, opting instead to go to trial along with Hersl. Taylor's decision not to cooperate came as a surprise to prosecutors and investigators. FBI Agent Erika Jensen suspected that Jenkins may have gotten to Taylor and influenced his decision not to cooperate.<sup>248</sup>

In February 2018, a jury found Taylor guilty of racketeering conspiracy, racketeering, robbery, and aiding and abetting. The jury found Taylor not guilty on the charge of possessing a firearm in furtherance of his crimes. On June 7, 2018, Taylor was sentenced to 18 years' imprisonment and three years of supervised release.<sup>249</sup>

Taylor subsequently wrote several letters to the Commission to Restore Trust in Policing. In the letters, he claimed that federal law enforcement officers had seized an iPhone that can prove the legitimacy of his past police work, including more than 80 arrests. Taylor appeared somewhat crazy and delusional to Jensen, who explained that he has written crazy letters to the judge in his case, and has ordered books on "how to beat racketeering and the FBI."<sup>250</sup>

Taylor is currently incarcerated at the Federal Correctional Institution Forrest City Low in Arkansas and is scheduled to be released on July 2, 2032.<sup>251</sup> He ignored multiple requests to be interviewed in connection with this investigation.

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Taylor managed to become a BPD officer despite omitting material information from his BPD application, failing out of his first Academy class, and having to be disciplined in his second Academy class.

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<sup>247</sup> Superseding Indictment, *passim*.

<sup>248</sup> FBI FD-302 of Marcus Taylor (Mar. 9, 2017); United States Attorney's Office for the District of Maryland and FBI Interview, Nov. 4, 2019; Erika Jensen Interview, May 12, 2020.

<sup>249</sup> Judgment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 13, 2018), ECF No. 416.

<sup>250</sup> Letters from Marcus Taylor to Commission to Restore Trust in Policing (Oct. 2, Nov. 8, and Nov. 15, 2019); Erika Jensen Interview, May 12, 2020.

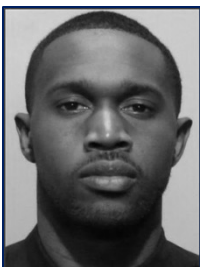
<sup>251</sup> Inmate Records, Federal Bureau of Prisons, [https://www.bop.gov/mobile/find\\_inmate/index.jsp#inmate\\_results](https://www.bop.gov/mobile/find_inmate/index.jsp#inmate_results).

Nonetheless, Taylor was well-liked by his initial supervisors and had at least one mentor, Kenneth Ivery, who was invested in his career development. But Taylor's descent into criminal conduct began once he became associated with Ward and infatuated with Jenkins.

Colleagues and supervisors alike observed that Taylor was a follower who could be bullied by his fellow officers and who had a strong desire to fit in. Even the drug dealer Donald Stepp characterized Taylor as an impressionable follower. Stepp recalled that Taylor was often the butt of the GTTF members' jokes, and opined that Taylor would still be a good police officer today if he had not fallen under Jenkins's influence.<sup>252</sup>

Taylor's corrupt conduct in the GTTF came as a surprise to many at BPD. But many also shared the view that Taylor would follow stronger personalities wherever they led. Lieutenant Daryl Murphy, who described his relationship with Taylor as being "fatherly," believed that Taylor likely fell in line behind strong personalities like Jenkins because Taylor was so impressionable. Similarly, Lieutenant Joel Fried described Taylor as a young kid with "no free thought in his head" who was "just looking for friends." Ivery opined that if Taylor had more self-confidence, he would not be where he is today.<sup>253</sup>

## **G. Maurice Ward**



### **1. Background**

Maurice Kilpatrick Ward was born on March 16, 1980. Ward's father was in the military, and his family moved around before settling in Baltimore when Ward was 12. Ward grew up in Jamestowne Court in Baltimore City, but he used a relative's county address to attend high school in Catonsville, Maryland. Ward graduated from high school in June 1998, where he maintained a C minus grade point average.<sup>254</sup>

After graduation, Ward worked at a warehouse as a forklift operator for four years. He also took some college classes, but he did not receive a degree.<sup>255</sup> In February 2012, Ward and his wife divorced. Ward was granted joint custody of his son and was required to pay \$1,250 in child support per month.<sup>256</sup>

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<sup>252</sup> Donald Stepp Interview, Aug. 16, 2021.

<sup>253</sup> Daryl Murphy Interview, Oct. 15, 2020; Joel Fried Interview, Jan. 26, 2021; Kenneth Ivery Interview, Mar. 2, 2021.

<sup>254</sup> BPD Personnel File for Maurice Ward (provided by BPD); Joel Fried Interview, Jan. 26, 2021.

<sup>255</sup> BPD Personnel File for Maurice Ward (provided by BPD); Ward Day 1 Trial Testimony at 91; Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 86.

<sup>256</sup> BPD Personnel File for Maurice Ward (provided by BPD).

## 2. Entry Into BPD

Ward applied to BPD in September 2003, after learning about a job opportunity from his future brother-in-law, BPD officer Ryan Jones. During the application process, Ward reported that he had not engaged in any misconduct or criminal behavior besides shoplifting as a child and getting suspended for a fight as a teenager. But despite passing a polygraph in which Ward stated that he had no friends or family with criminal affiliations, he admitted in a separate part of his application that his cousin had been arrested. Moreover, Joel Fried, Ward's eventual Westside 3 supervisor, said it was well-known that many of Ward's cousins were drug dealers and criminals in the Western District.<sup>257</sup>

Ward entered the Academy in October 2003 and graduated in May 2004. Ward began his career at BPD with optimism and a belief that the Department would hold him accountable. Reflecting back on the start of his career at BPD, Ward would later comment: "I was excited, because I felt like since this was my hometown, I could make a change better than an outsider from another state . . . I felt like I understood the people better." Ward also recalled his initial fear of IA, noting that the Academy instructors "teach that IAD knows everything, is always watching, to scare you."<sup>258</sup>

## 3. BPD Employment History

### a. Western District Patrol (2004-2008)

For his first assignment, Ward worked on foot patrol in the District Stabilization unit in the Western District, where he was supervised by Sergeant Daniel Salefski. Although there was nothing problematic about Ward's performance during this period, Ward would later note that from the inception of his BPD career, he did not apply the skills he learned at the Academy, stating that "[e]verything you learn in the Academy is thrown out once you graduate."<sup>259</sup>

Ward said that it was during his time as a patrol officer that he first became disillusioned with police work and began to feel that BPD was a racist environment. He believed that white officers were given preferential treatment, and that he had to work harder to prove himself. Ward expressed frustration at his treatment: "I felt like they

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<sup>257</sup> *Id.*; Joel Fried Interview, Jan. 26, 2021.

<sup>258</sup> BPD Personnel File for Maurice Ward (provided by BPD); Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 86.

<sup>259</sup> BPD Personnel File for Maurice Ward (provided by BPD); FBI FD-302 of Maurice Ward (Apr. 19, 2017); Justin Fenton, *Corrupt squad scoured Baltimore streets in pursuit of black men to search, arrest - and steal from*, *The Baltimore Sun* (June 19, 2019), <https://news.baltimoresun.com/cops-and-robbers/part-two/>.

didn't care for my well-being – being under-paid, hard to get into specialized units, getting overlooked all the time.”<sup>260</sup>

## **b. Western District Operations**

### **(1) Westside 6 (2008-2010)**

In January 2008, Ward began working in a specialized Western District Operations squad, Westside 6, where he was supervised by Salefski. In October 2008, Michael Fries became the lieutenant of the unit.<sup>261</sup>

Ward's criminal activities appear to have begun shortly after he joined Western District Operations. It was also around this time that Ward first began working with Gondo. Both Gondo and Ward have said that they began stealing while they were in Western District Operations. Gondo recalled that in 2008, members of Salefski's squad met and split money recovered during searches, but he could not recall whether Ward was among the officers involved.<sup>262</sup>

Ward, by his own admission, began stealing around 2009.<sup>263</sup> Ward said that his criminal activity was prompted by an effort to gain the trust of his fellow officers. According to Ward, he initially covered for other officers who were stealing money, but he soon joined in the crimes himself to gain acceptance and because “everybody else was doing it.” Salefski called Ward's claims about the ubiquity of theft at BPD “utter lies” and “totally inaccurate.” Salefski stated that he had no indications that any of the officers in his operations unit were stealing drugs or money.<sup>264</sup>

### **(2) Westside 3 (2010-2012)**

In Westside 3, Ward was supervised by Joel Fried, and Ian Dombroski and Sean Miller served as Ward's lieutenants. Fried explained that he had a close relationship with Ward and trusted him to run the squad in his absence. Fried recalled that at some point while Ward was in Westside 3, Ward raised concerns about another squad's

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<sup>260</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 86.

<sup>261</sup> BPD Personnel File for Maurice Ward (provided by BPD); VCID Roster (Feb. 11, 2008); VCID Roster (Oct. 29, 2008). Ward, however, testified that he did not begin working in Operations until 2009. Ward Day 1 Trial Testimony at 93.

<sup>262</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 86-87; FBI FD-302 of Momodu Gondo (Mar. 27, 2017).

<sup>263</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 87. Although Ward told Fenton that he began stealing in 2009, Ward testified at trial that he was unsure of the exact year that he began stealing, but that he first engaged in the practice while working in Operations. Ward Day 1 Trial Testimony at 97.

<sup>264</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 87; Daniel Salefski Interview, Mar. 3, 2021.

potential misconduct during a joint search, and told Fried that their squad should no longer do joint searches with the other squad. Fried said Ward did not elaborate further.<sup>265</sup> There is no indication that Fried took any action as a result of learning this information.

### **(3) Westside 4 and the SES Undercover Squad (2012-2013)**

In November 2012, Fried's squad was disbanded and Ward was transferred to Westside 4, where Daryl Murphy served as one of Ward's lieutenants. In July 2013, Ward worked briefly in an SES undercover squad. Ward's lieutenant at that time, Suzanne Fries, said Ward told her that he wanted to move to a different squad because the SES undercover squad was "not for him" and because he needed to make more money through overtime.<sup>266</sup>

### **(4) Return to Westside 4 (2013-2015)**

After working in the undercover squad, Ward returned to the Western District, where he worked under Sergeant Kenneth Ivery. In a 2013 performance review – the only performance review in Ward's records for the period from 2011 to 2017 – Ivery ranked Ward as above average in all categories, and as excellent at handling citizens.<sup>267</sup>

However, by Ward's own admission, he and Taylor committed multiple thefts together during this period.<sup>268</sup>

#### **c. Jenkins's SES Squad (2015-2016)**

In August 2015, Ward joined an SES squad led by Jenkins. Ward considered it "an honor" to be recommended for Jenkins's squad because "everybody wanted to work for [him]." According to Ward, Jenkins was considered one of the best narcotics cops in the entire state of Maryland.<sup>269</sup>

Prior to Ward joining Jenkins's squad, Sean Suiter warned Ward: "Learn what you can, then get out of his squad. If you look around, he do some crazy shit. They protect him and leave the guys who work for him to the wolves." Consistent with Suiter's warning, Ward said that at the time he joined Jenkins's squad, he was aware of

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<sup>265</sup> Joel Friend Interview, Jan. 26, 2021.

<sup>266</sup> VCIS Roster (Nov. 25, 2012); SES Roster (Jan. 7, 2013); SES Roster (July 23, 2013); Suzanne Fries Interview, Sept. 20, 2020.

<sup>267</sup> SES Roster (Jan. 6, 2014); BPD Personnel File for Maurice Ward (provided by BPD). Although supervisors generally fill out performance reviews every six months and Ward worked for Sgt. Ivery for two years, Ivery only filled out one performance review for Ward.

<sup>268</sup> Ward Day 1 Trial Testimony at 94-111.

<sup>269</sup> SES Roster, Aug. 4, 2015; FBI FD-302 of Maurice Ward (Apr. 19, 2017); Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 83-84.



the Walter Price incident (discussed in Chapter VI, Section G) that almost led to Jenkins's termination, and that several of Jenkins's squad members had a reputation for getting into trouble. Ward said his decision to work for Jenkins was based on Jenkins's reputation as one of the best narcotics officers in BPD, and because the squad worked during regular business hours and enjoyed unlimited overtime.<sup>270</sup>

In this squad, Ward worked alongside Jenkins, Hendrix, and Taylor. Ward explained that from his first day, "regular business hours" meant that squad members came in at least three hours late, and usually only after responding to coded texts from Jenkins about reporting to their office. According to Ward, Jenkins also taught the squad illegal tactics such as searching cars or homes without warrants, using GPS trackers without authorization, and fabricating confidential informant information.<sup>271</sup>

As noted in Chapter VI, in the spring of 2015, Jenkins stole \$20,000 and 20 pounds of marijuana from a car stop at Belvedere Towers. He split the money with Ward and Taylor, giving them \$5,000 each, and told them that he would burn the marijuana. Ward said that he knew Jenkins was lying about burning the marijuana and that he worried about the theft, but as time went on and nothing happened, he relaxed.<sup>272</sup>

#### **d. GTTF (2016-2017)**

In mid-June 2016, Ward, Taylor, Hendrix, and Jenkins all transferred into the GTTF at Jenkins's request. According to Lieutenant German, Jenkins refused to transfer into the GTTF if he could not bring Ward, Taylor, and Hendrix with him. Before Ward moved to the GTTF, Detective Gerald Hensley warned Ward that he should not make the move because Hensley had heard horror stories about the GTTF. Hensley told Ward that he had witnessed first-hand the squad's probable cause statements, which repeatedly contained incomplete boilerplate language. Despite these warnings, Ward followed Jenkins to the GTTF, and served as the Officer-in-Charge during Jenkins's parental leave from November 2016 to mid-January 2017.<sup>273</sup> Ward's misconduct while in the GTTF is detailed in Chapter VIII, Section K and Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

Although Ward reached out to Fried in an effort to leave the GTTF towards the end of his tenure, Ward continued in the squad until his arrest in March 2017. According to Fried, Ward never cited Jenkins's illegal activity as his reason for wanting to leave. Rather, Fried recalled Ward saying that he was tired of the street and working

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<sup>270</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 83-84.

<sup>271</sup> *Id.* at 84-85; FBI FD-302 of Maurice Ward (Apr. 19, 2017).

<sup>272</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 88-89.

<sup>273</sup> BPD Roster (June 17, 2016); Marjorie German Interview, Sept. 15, 2020; Gerald Hensley Interview, Oct. 14, 2020; Email from M. Ward to A. Lassiter, Jan. 17, 2017, Re: Request for Markings (email provided by BPD).

with Jenkins. Fried said he did not know whether Ward made any further attempts to effectuate the transfer.<sup>274</sup>

#### **4. Notable IA Complaints and Other Disciplinary Issues**

Although Ward's record is devoid of IA complaints during his tenure in the GTTF, he was the recipient of numerous excessive force and other complaints prior to that period. In a case that arose early in his career involving an altercation with the girlfriend of his future brother-in-law (and fellow BPD officer) Ryan Jones, Ward was arrested, but the charges were dismissed and the IA case was administratively closed after the girlfriend refused to cooperate.<sup>275</sup>

Several of the complaints against Ward occurred during his time in Jenkins's SES squad from August 2015 to June 2016. IA closed the majority of those allegations due to its inability – or lack of effort – to contact and interview complainants and witnesses involved in those cases.<sup>276</sup> In at least one of these cases, despite IA rendering a not sustained finding, the city subsequently paid a \$150,000 settlement in a civil lawsuit filed by the complainant. Additionally, Ward's involvement in this case triggered an alert to the Early Intervention Unit, but for reasons we were unable to determine, Ward was not subjected to supervisory monitoring in connection with the case.<sup>277</sup>

IA's handling of a May 2012 case involving Ward reflects its profound shortcomings in handling citizen complaints. On May 19, 2012, a complainant alleged that Ward dragged him down a set of steps, stomped on him, and kicked him. The suspect was taken to the hospital with a broken nose and lacerations on his face. Although the officers on the scene confirmed that Ward had confronted the suspect, many of them minimized his actions – including Fried, who prepared the use of force report. Only one officer, a cadet in field training, corroborated the accounts of the civilian witnesses during his interview with IA. Fried confronted another officer about her recollection of the incident, which resulted in IA issuing Fried a gag order. During his IA interview, Fried readily admitted that he spoke to others about the case prior to the gag order. To this day, Fried maintains that although Ward caused the complainant's injuries, there was no misconduct on Ward's part and that the complainant's claim was "all BS."<sup>278</sup>

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<sup>274</sup> BPD Personnel File for Maurice Ward (provided by BPD); Joel Fried Interview, Jan. 26, 2021.

<sup>275</sup> BPD IA File 2013-0072 (provided by BPD), BPD IA File 2016-0644 (provided by BPD), BPD IA File 2016-0067 (provided by BPD); BPD IA File 2005-0093 (provided by BPD).

<sup>276</sup> BPD IA File 15-0413 (provided by BPD), BPD IA File 2015-0644 (provided by BPD); BPD IA File 2016-0605 (provided by BPD); BPD IA File 2016-0605 (provided by BPD).

<sup>277</sup> BPD IA File 2016-0067 (provided by BPD); Civilian Review Board Investigative Report, PD061-16, Feb. 16, 2017 (provided by BPD); Early Intervention Unit Summary (provided by BPD).

<sup>278</sup> BPD IA File IA 2012-0382 (provided by BPD); Joel Fried Interview, Jan. 26, 2021.

BPD failed to promptly and adequately follow up on this incident in the first instance, and did not conclude its investigation until December 2014 – more than two years later. IA initially sustained the charges, but reversed course 10 days later and found the charges not sustained because the “statute date for administrative charges ha[d] come and gone.” Internal Affairs blamed this error on the State’s Attorney’s Office, which made no sense because the LEOBR statute of limitations was tolled while the State’s Attorney’s Office reviewed the case. In July 2016, BPD settled the complainant’s civil case for use of excessive force for \$150,000.<sup>279</sup>

As discussed in Section F, *supra*, Ward was also involved in at least one IA complaint involving theft during the execution of a search warrant on April 3, 2015. Although IA issued a not sustained finding, Ward later admitted to this theft at Taylor’s trial, and testified that Taylor gave him approximately \$300 of the stolen money.<sup>280</sup>

For a detailed account of IA investigations involving Ward, see Appendix B: Internal Affairs Investigations and Related Matters.

## **5. Criminal Proceedings**

The indictment unsealed on March 1, 2017 charged Ward with racketeering, extortion, and time and attendance fraud and alleged that he had participated in the following incidents:

- On March 9, 2016, Ward participated, along with Jenkins, Taylor and, Hendrix, in the theft of \$1,000 from Malik McCaffity and the submission of a false police report claiming that the officers had seized only a handgun, marijuana, and a t-shirt.
- On March 22, 2016, Ward, along with Jenkins, Hendrix, and Taylor, arrested Oreeese Stevenson and seized narcotics and \$21,500 from Stevenson. Following the arrest, the officers entered Stevenson’s residence, where they stole approximately \$200,000 and property, including a Breitling men’s wristwatch valued at \$4,000.
- On June 24, 2016, Jenkins, Hendrix, and Ward stole approximately \$17,000<sup>281</sup> during the execution of a search warrant at the residence of Milton Miller.

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<sup>279</sup> BPD IA File IA 2012-0382 (provided by BPD); Luke Broadwater, Baltimore settles police brutality lawsuit for \$150,000, the Baltimore Sun (July 13, 2016), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-police-settlement-20160713-story.html>.

<sup>280</sup> BPD IA File 2015-0186 (provided by BPD); FBI FD-302 of Maurice Ward (July 5, 2017); Ward Day 1 Trial Testimony at 106-10.

<sup>281</sup> Whereas the indictment alleges that the officers stole \$17,000 from Miller, Hendrix’s Plea Agreement does not identify a specific amount of money that was stolen.

- On September 7, 2016, Jenkins, Gondo, Hersl, Rayam, Taylor and Ward stole money from Sergio Summerville's storage unit following a car stop.
- From July 2016 through February 2017, Ward submitted false and fraudulent individual overtime reports.<sup>282</sup>

On July 21, 2017, Ward pled guilty to one count of racketeering. In his plea agreement, Ward admitted to the Oreese Stevenson and Milton Miller robberies. He also admitted his participation in several additional crimes, including the February 17, 2016 theft of \$500 from Raytwan Benjamin, after which Ward submitted a false police report approved by Jenkins; and an August 24, 2016 theft of money with Hersl during a traffic stop, which Ward concealed by failing to prepare an incident report or probable cause statement regarding the stop. Ward also admitted that he and his co-defendants had defrauded BPD by submitting false attendance records in order to obtain salary and overtime pay for times when they did not work.<sup>283</sup>

Ward was the third defendant to agree to an interview with federal authorities, and he met with the government six times in anticipation of the trial of Hersl and Taylor. At the trial, Ward was the first prosecution witness, and he walked the jury through years of robberies dating back to 2009. Although Ward only pled guilty to four robberies, he described at the trial two additional non-GTTF related robberies in which he participated with other defendants.<sup>284</sup>

During his sentencing, Ward's attorney painted him as a "good family man" who took care of his children and was a member of the PTA. This portrayal appears to be in tension with the fact that Ward started a relationship with, and had a child with, fellow BPD officer Kyesha Coleman in 2010 while still married, and with the description of Ward by some of his colleagues as engaging in relationships with multiple other women.<sup>285</sup>

Ward requested alcohol treatment during his sentencing. He also spoke on his own behalf, apologizing to the victims, the police department, his family, and his codefendants.<sup>286</sup>

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<sup>282</sup> Indictment, *passim*.

<sup>283</sup> Ward Plea Agreement at 1 (June 9, 2017), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 161.

<sup>284</sup> Ward Day 1 Trial Testimony at 94, 122; Ward Sentencing Hearing Transcript at 6, 10, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 8, 2018), ECF No. 411 (Ward Sentencing Hearing Transcript).

<sup>285</sup> Ward Sentencing Hearing Transcript at 18-19; Kyesha Coleman Interview, Jan. 27, 2021; Michael Fries Interview, Oct. 8, 2020; Ryan Jones Interview, Feb. 19, 2021; Kenneth Ivery Interview, Mar. 2, 2021.

<sup>286</sup> Ward Sentencing Hearing Transcript at 21-23.

On June 8, 2018, Ward was sentenced to seven years' imprisonment, one year less than the government's recommendation.<sup>287</sup> Ward is currently incarcerated at the Milan Federal Correctional Institution.<sup>288</sup> Ward declined multiple requests to be interviewed in connection with this investigation.

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Overall, the word most commonly used by other BPD officers to characterize Ward was "quiet." German described Ward (along with Taylor and Hendrix) as "followers" and did not think that any of these officers would have been considered "stars" on any squad.<sup>289</sup>

Many at BPD, including Ward's supervisors Suzanne Fries and Daryl Murphy, were surprised to learn about Ward's indictment. Murphy thought that Ward would not have been susceptible to participating in misconduct, even by someone like Jenkins. Mike Fries noted that he had never received complaints about Ward. Joel Fried explained that Ward's indictment made him angry due to the close bonds that held the Westside 3 squad together. Fried noted that he still speaks with other officers from that squad and that these officers shared his surprise about Ward's misconduct. But perhaps most surprised was Kyesha Coleman, Ward's girlfriend and fellow BPD officer. Coleman said she was shocked and vomited after receiving a call regarding his arrest. Ward later told the FBI that he was terrified that Coleman would find out about his thefts, explaining why he left \$5,000 in stolen cash in the trunk of Jenkins's car, and once threw \$20,000 into the woods near their home.<sup>290</sup>

According to Ward, he engaged in corruption because he wanted to gain the acceptance and trust of other officers and also because "everybody else was doing it"<sup>291</sup> — a theme echoed by other defendants.

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<sup>287</sup> *Id.* at 25.

<sup>288</sup> Bureau of Prisons, [https://www.bop.gov/mobile/find\\_inmate/byname.jsp#inmate\\_results](https://www.bop.gov/mobile/find_inmate/byname.jsp#inmate_results).

<sup>289</sup> Michael Fries Interview, Oct. 8, 2020; Daryl Murphy Interview, Oct. 15, 2020; Joel Fried Interview, Jan. 26, 2021; Kyesha Coleman Interview, Jan. 27, 2021; Marjorie German Interview, Sept. 15-16, 2020.

<sup>290</sup> Suzanne Fries Interview, Sept. 20, 2020; Daryl Murphy Interview, Oct. 15, 2020; Michael Fries, Oct. 8, 2020; Joel Fried Interview, Jan. 26, 2021; Kyesha Coleman Interview, Jan. 27, 2021; Baynard Woods & Brandon Soderberg, *I Got a Monster: The Rise and Fall of America's Most Corrupt Police Squad*, 2020, at 21; Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 133-34.

<sup>291</sup> Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 86.



## H. Thomas Allers



### 1. Background

Thomas Ashley Allers was born on June 5, 1968, in Anne Arundel County, and resided in Maryland his entire life. From an early age, Allers suffered from dyslexia which, according to friends, made learning difficult for him. Allers graduated from high school in 1986.<sup>292</sup>

After graduation, Allers held numerous jobs over a nine-year period, including as a delivery driver, grocery stocker, and several jobs at warehouse distribution companies.<sup>293</sup>

Allers married his first wife in 1990, and had a son named Trent, who later participated in some of Allers's criminal conduct. Allers and his first wife divorced, and Allers subsequently remarried in 2003. His second wife had two daughters from a previous marriage, whom Allers raised as his own children.<sup>294</sup>

### 2. Entry Into BPD

Allers applied to Maryland law enforcement agencies beginning in 1986 but failed the BPD written test three times.<sup>295</sup> Undeterred by his initial setbacks, Allers successfully completed a law enforcement preparation course held at the Los Angeles Police Department's Civil Service Academy in 1995. Allers enrolled in the program to enhance his chances of becoming a police officer, but he was not interested in joining LAPD. His goal was to return to Baltimore.<sup>296</sup>

In his June 1995 BPD application, Allers said that becoming a BPD officer had been his "dream for a long time." Allers added that BPD was "the most exciting, unpredictable and challenging agency" for which he could work. Following the submission of his 1995 application, Allers followed up with BPD several times. These determined efforts paid off: in July 1996, Allers's application was accepted by BPD.<sup>297</sup>

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<sup>292</sup> BPD Personnel File for Thomas Allers (provided by BPD); Allers Sentencing Transcript at 35, 45 (May 11, 2018), *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Jan. 18, 2019), ECF No. 46 (Allers Sentencing Hearing Transcript).

<sup>293</sup> BPD Personnel File for Thomas Allers (provided by BPD).

<sup>294</sup> *Id.*; Allers Sentencing Hearing Transcript, at 46, 49.

<sup>295</sup> Allers applied to three other Maryland law enforcement agencies, and failed the written at least six times during those application process. *See* BPD Personnel file for Thomas Allers (provided by BPD).

<sup>296</sup> BPD Personnel file for Thomas Allers (provided by BPD).

<sup>297</sup> *Id.*

As part of the BPD application process, Allers disclosed that some of his family members had been arrested for narcotics-related crimes. Specifically, his sister and two brothers-in-law had been arrested on cocaine possession charges and both brothers-in-law had served prison sentences. Allers acknowledged that he continued to associate with the brother-in-law who had been released from prison.<sup>298</sup>

### 3. BPD Employment History

Allers completed his Academy training in January 1997, and was assigned to the Southern District for his field training. Allers worked in Southern District patrol until the end of 1999. Subsequently, Allers worked as a plainclothes officer in the Southern District Distressed Neighborhood unit, then in the Criminal Intelligence Division's Drug Enforcement Section for three years. In December 2004, BPD transferred Allers to a gun squad in OCD, as a plainclothes detective under William Knoerlein. Allers remained in the squad for only a few months before being transferred to a unit that focused on narcotics investigations and targeted enforcement of handgun offenses.<sup>299</sup>

In January 2008, Allers became part of VCID, the successor to OCD. At that time, Palmere was the Chief of VCID, and Allers worked as a member of Palmere's staff. According to Palmere, Allers's responsibilities included preparing Palmere for ComStat meetings, researching and generating data for the "ComStat book," identifying patterns and trends across specific investigations, organizing correspondence flowing in and out of Palmere's office, and, at one point, serving as Palmere's personal driver. In July 2009, BPD transferred Allers to a Command Investigation unit, and then to the Administration Branch of CID in April 2010.<sup>300</sup>

In August 2011, Allers was promoted to sergeant — about three years after taking the sergeant's test. Following his promotion, Allers returned to the Southern District, leading a squad in Operations.<sup>301</sup>

In the spring of 2013, Allers applied for the sergeant position in the GTTF, which had been vacated when Kevin A. Jones was promoted to lieutenant. Although it is unclear from BPD records who selected Allers for the position, then-Deputy Commissioner Palmere submitted the transfer request on Allers's behalf. According to multiple witnesses, Allers and Palmere had a close relationship. Marjorie German went so far as to characterize Allers as Palmere's "gofer."<sup>302</sup>

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<sup>298</sup> *Id.*

<sup>299</sup> *Id.*

<sup>300</sup> *Id.*; Dean Palmere Interview, Aug. 4, 2020 and Aug. 16, 2020.

<sup>301</sup> BPD Personnel File for Thomas Allers (provided by BPD).

<sup>302</sup> *Id.*; Dean Palmere Interview, Aug. 4, 2020 and Aug. 16, 2020; Marjorie German Interview, Sept. 15-16, 2020; FBI FD-302 of Jemell Rayam (Mar. 21, 2017).

Former BPD Detective Ryan Guinn told us that he warned Allers about Gondo and Rayam after Allers joined the GTTF. Guinn recalled hearing from other GTTF members that at some point after taking over the unit, Allers had the whole squad meet in the woods, and told them that whatever was going on with the squad “ends now.” At Allers’s sentencing hearing, Allers’s wife claimed that Allers had tried to remove Gondo and Rayam from the GTTF multiple times, and that Allers told her he had suspicions about Gondo and Rayam from early on.<sup>303</sup> Our investigation found no documentation corroborating the claim that Allers tried to have Gondo and Rayam transferred from the squad. Indeed, the fact that Allers has admitted willingly participating in at least nine robberies with Gondo and Rayam, continuing until the very end of Allers’s tenure in the GTTF, undermines that claim.

Prior to his joining the GTTF, Allers received very positive reviews of his performance. For example, a lieutenant described Allers as “the most cooperative, hardworking, loyal, conscientious, experienced [sergeant] whose squad has a track record of getting ‘bad guys with guns,’” executing quality search and seizure warrants, and closing murder and non-fatal shooting cases.<sup>304</sup>

#### **a. Transfer from GTTF**

In Chapter VIII, Section J, we described in detail Allers’s discussions with Lieutenants O’Ree and German shortly before his transfer out of the GTTF, in which he told them that he believed Gondo and Rayam were being investigated by the FBI and falsely denied knowing about any illegal activities in which they may have engaged. Allers told O’Ree and German that Palmere had approved his transfer to a different unit. The evidence makes clear that Allers was lying to O’Ree and German about his knowledge of illegal activities—he had already committed multiple robberies with Gondo and Rayam. BPD transferred Allers to Group 52, a DEA task force in June 2016.<sup>305</sup>

Multiple witnesses told us that Allers requested the transfer because he had learned about the FBI’s investigation and was trying to distance himself from it. To members of the FBI Task Force, Allers’s departure from the GTTF seemed abrupt. They became concerned that their investigation may have been compromised, but that turned out not to be the case.<sup>306</sup>

FBI Task Force members subsequently learned during a debriefing of Rayam that Allers had called Rayam shortly after leaving the GTTF. According to Rayam, Allers

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<sup>303</sup> Ryan Guinn Interview, Dec. 11, 2020; Allers Sentencing Hearing Transcript at 49.

<sup>304</sup> BPD Personnel File for Thomas Allers (provided by BPD).

<sup>305</sup> BPD Personnel File for Thomas Allers (provided by BPD); Chris O’Ree Interview, Sept. 10, 2020. Although multiple sources report that BPD transferred Allers to a DEA task force, no documentation evidencing Allers’s transfer appears in his personnel file.

<sup>306</sup> John Sieracki III Interview, Apr. 8, 2020 and Apr. 28, 2020.

told him that the FBI was investigating Jenkins, and that Rayam needed to be careful. Erika Jensen noted that during the course of Allers's work in the DEA group, Allers may have overheard details about the GTTF investigation in a wiretap room where electronic surveillance for multiple cases was being handled. In addition, FBI Task Force members speculated that Allers may have learned about the investigation because of limited disclosures the FBI felt it needed to make at one point out of concern for Jenkins's safety related to his conflicts with Gondo.<sup>307</sup>

#### **4. Notable IA Complaints and Other Disciplinary Issues**

Although BPD's records are incomplete, Allers was involved in at least eight IA investigations over the course of his BPD career. Allegations against Allers and three other BPD officers for a 2001 incident were initially sustained, but BPD records do not reflect the nature of the incident or the allegations; those records indicate that in 2005, a BPD lawyer advised IA that those previously sustained allegations should be reversed, without any explanation as to why. Similarly, Allers was the subject of a 2012 complaint alleging misconduct, violation of a criminal statute, and use of a false search warrant. The investigation of this matter was administratively closed, but the IA records do not contain any further information about the nature of the alleged misconduct or why IA closed the case.<sup>308</sup>

Although most of the complaints against Allers for which records are available did not involve serious misconduct, there are two notable exceptions.

First, as described in Chapter VII, Section D, and the discussion of Rayam above, in November 2015, a complainant alleged that on April 8, 2015, while Allers was the GTTF sergeant, two plainclothes officers (later determined to be Gondo and Allers) arrived at her front door with her fiancé, Gary Clayton, in handcuffs, and detained them both for two and a half hours while waiting for a search warrant. The officers subsequently arrested Clayton. As noted above, Judge Barry Williams found Rayam's testimony not to be credible and suppressed the evidence seized pursuant to the search warrant based on a lack of probable cause. The SAO subsequently dismissed the charges against Clayton. IA sustained the complaint against Allers in November 2016.<sup>309</sup>

Second, on March 6, 2017 – five days after the arrests of the original seven GTTF defendants – a Baltimore resident filed a complaint against Allers and several of the arrested GTTF defendants after recognizing them on television as officers who had conducted a search of her home in January 2016. IA determined that Rayam had authored a false incident report, which Allers had approved, and that Allers and Hersl

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<sup>307</sup> Erika Jensen Interview, May 13, 2020.

<sup>308</sup> BPD IA File 01-1122 (provided by BPD); BPD IA File 2012-0233 (provided by BPD).

<sup>309</sup> BPD IA File 2015-0723 (provided by BPD).

had participated with Rayam in an illegal search of the complainant's home. IA sustained the charges against these officers in February 2018. After the GTTF defendants, including Allers, were indicted and pled guilty, IA moved quickly to sustain various complaints against them.<sup>310</sup> This was a departure from the way IA had handled similar complaints against the same BPD members before their criminal conduct was revealed.

## 5. Criminal Proceedings

According to statements made by Clewell in a March 15, 2017, IA interview, Allers was well aware that members of the GTTF had placed a GPS tracker on the vehicle of a suspect in early October 2015 without obtaining a warrant. As a consequence of Clewell's admission, John Sieracki filed a complaint against Clewell and Allers. BPD immediately suspended both of them. IA issued a sustained finding against Allers in April 2019, largely based on Clewell's claim that Allers instructed him "not to mention the GPS tracker or the fact that there was an ongoing investigation."<sup>311</sup>

On August 30, 2017, the indictment of Allers was unsealed, charging him with racketeering conspiracy and substantive racketeering offenses, including robbery and extortion in connection with the incidents described above. Allers was arrested that same day.<sup>312</sup>

Allers pled guilty to one count of racketeering conspiracy on November 30, 2017. As part of his plea agreement, Allers admitted to the following robberies, all of which were charged either as racketeering acts and/or as separate counts:

- On March 11, 2014, Allers, Gondo and Rayam stole between \$8,000 and \$10,000 during a home invasion.
- On October 8, 2014, Allers stole \$3,000 during a search warrant executed along with Gondo and Rayam at a store in Baltimore. Allers subsequently approved what he knew to be a false official BPD report about the items seized during the execution of the warrant.
- On April 3, 2015, Allers, Gondo, and Rayam stole approximately \$5,700<sup>313</sup> during the execution of a search warrant at "D.M.'s" residence.

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<sup>310</sup> BPD IA File 2017-0125 (provided by BPD).

<sup>311</sup> BPD IA File 2017-0153 (provided by BPD); Memo from R. Hill to K. Davis, Aug. 30, 2017, Re: Background Investigations – Sergeant Thomas A. Allers (memo provided by BPD).

<sup>312</sup> Allers Indictment at 1; Jayne Miller, Eighth Baltimore police officer arrested in federal racketeering conspiracy, WBALTV (Aug. 31, 2017, 12:39 PM), <https://www.wbal.tv.com/article/eighth-baltimore-police-officer-arrested-in-federal-racketeering-conspiracy/12140021#>.

<sup>313</sup> Allers's Plea Agreement states that the amount stolen during this incident was \$5,700, whereas Rayam's Plea Agreement states that the amount stolen was \$7,000.



- On July 31, 2015, Allers, Gondo, and Rayam stole approximately \$9,000 during the execution of a search warrant at Zachary Newsome’s residence in Anne Arundel County.
- On February 10, 2016, Allers, Gondo, and Rayam stole approximately \$8,300 during the execution of a residential search warrant in Baltimore. Allers subsequently approved what he knew to be a false official BPD report about the items seized during the execution of the warrant.
- On February 23, 2016, Allers, Gondo, and Rayam stole approximately \$7,000 during the execution of a residential search warrant in Baltimore County. Allers subsequently approved what he knew to be a false official BPD report about the items seized during the execution of the warrant.
- On March 2, 2016, Allers and Rayam stole money during the execution of a residential search warrant in Baltimore. Allers subsequently approved what he knew to be a false official BPD report about the items seized during the execution of the warrant.
- On April 28, 2016, Allers stole more than \$10,000 during a search of a residence. Allers subsequently approved what he knew to be a false official BPD report about the items seized during the search.
- On May 28, 2016, Allers, Gondo, and Rayam stole approximately \$700 during a residential search. Allers subsequently approved what he knew to be a false official BPD report about the items seized during the search.<sup>314</sup>

On January 18, 2018, Allers was sentenced to 15 years’ imprisonment and three years of supervised release. During his sentencing hearing, the court stated that Allers’s position as a supervisor who “should have never tolerated misconduct by his subordinates” warranted a lengthier sentence. In addition, Allers made no effort to cooperate with the government.<sup>315</sup> Allers declined to be interviewed as part of our investigation, as reflected in his letter reproduced in Chapter II, Section C.

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Allers’s indictment and guilty plea came as a surprise to many of his colleagues. Prior to his indictment, Allers enjoyed a positive reputation within the Department and received 11 letters of commendation throughout his BPD career. Indeed, many of the witnesses we interviewed expressed shock at Allers’s involvement in corruption at all, much less his involvement in the nine robberies to which he admitted.<sup>316</sup>

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<sup>314</sup> Allers Plea Agreement at 12-17.

<sup>315</sup> Allers Sentencing Hearing Transcript at 4, 73-75; Allers Judgment, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. May 31, 2018), ECF No. 42.

<sup>316</sup> BPD Personnel File for Thomas Allers (provided by BPD); Martin Bartness Interview, May 12, 2020; Michael Coleman Interview, July 2, 2020; Michael Pool Interview, July 28, 2020; Mike Mancuso

According to statements made at Allers's sentencing by his lawyer, Allers suffered from a "significant mental health history," and eventually "turned to the bottle" while working at BPD, but kept his alcoholism hidden because he was ashamed. Allers's lawyer also claimed that Allers was diagnosed with PTSD and depression, and that law enforcement had found a suicide note in his bedroom while conducting a search of Allers's home after his arrest.<sup>317</sup>

What remains puzzling about Allers's criminality is that he appeared to dislike and be suspicious of Gondo and Rayam when he took over as the sergeant of the GTTF in 2013, and yet he soon joined them in committing numerous crimes over a period of more than two years.<sup>318</sup> It is unclear whether Allers had been committing such crimes earlier in his BPD career and had managed to keep them hidden from his colleagues, or whether he had a sudden and disastrous descent into criminality after becoming the sergeant of the GTTF.

## I. Keith Gladstone



### 1. Background

Keith Allen Gladstone was born on October 24, 1967 in Towson, Maryland. He graduated from high school in 1985. In January 1986, Gladstone joined the US Air Force and served as an Aircraft Armament Systems Specialist until he was honorably discharged as a sergeant in January 1990.<sup>319</sup>

After leaving the Air Force, Gladstone worked in sales for two years while also serving in the Maryland Air National Guard, from which he was honorably discharged in 1994.<sup>320</sup>

Gladstone was married in 1992 and has four children.<sup>321</sup>

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Interview, Oct. 1, 2020; Marjorie German Interview, Sept. 15-16, 2020; Michael Wilhelm Interview, Sept. 3, 2020; John Hess Interview, Sept. 8-9, 2020; Chris O'Ree Interview, Sept. 10, 2020; Luis Ruiz Interview, Sept. 22, 2020; Ryan Guinn Interview, Dec. 11, 2020; Rob Furlong Interview, Dec. 16, 2020.

<sup>317</sup> Allers Sentencing Hearing Transcript at 55, 62 (May 11, 2018), *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Jan. 18, 2019), ECF No. 46.

<sup>318</sup> Elizabeth Geiselman Interview, Aug. 13, 2020; Ryan Guinn Interview, Dec. 11, 2020.

<sup>319</sup> BPD Personnel File for Keith Gladstone (provided by BPD).

<sup>320</sup> *Id.*

<sup>321</sup> *Id.*

## 2. Entry Into BPD

Prior to his application to BPD, Gladstone applied to the Maryland State Police (MSP) in 1986, and to the Baltimore County Police Department in 1989 and 1990. He failed the written test for MSP, and was not selected by BCPD.<sup>322</sup>

Gladstone initially applied to BPD in October 1990, but was informed in October 1991 that BPD had assigned him a new background investigator, and that he needed to update his initial application. As a result, Gladstone completed another application in August 1992, and was extended an employment offer in November 1992. BPD's records are unclear as to the reason for the delay in reviewing Gladstone's 1990 application.<sup>323</sup>

In his applications, Gladstone reported no criminal conduct, history, or affiliations beyond disclosing that he had smoked marijuana once in 1983. As part of his 1990 application, Gladstone expressed his strong desire to become a BPD officer in order to have a career he could be proud of, and to "protect and serve [his] community."<sup>324</sup>

## 3. BPD Employment History

### a. Eastern District (1992-1997)

Gladstone entered the Academy in December 1992, and graduated in July 1993. BPD initially assigned Gladstone to the Eastern District, working foot patrol. Over the course of his five years in the Eastern District, Gladstone also worked in District Patrol, Operations Flex unit, and the Enforcement unit.<sup>325</sup>

Gladstone received generally positive reviews from his supervisors throughout his time in the Eastern District. Sergeant Zeinab Rabold, who later became head of Internal Affairs under Commissioner Kevin Clark, specifically noted that Gladstone developed a "good rapor [sic]" with the community. Gladstone was also praised for his work in preparing search warrants with very little supervision. But his supervisors also observed that his "eagerness and actions sometimes t[ook] over when the situation [required] more thought and preparation."<sup>326</sup>

Despite these positive reviews, Gerald Hensley, who worked in the Eastern District Drug unit during this time, recalled an incident around 1994 in which Gladstone tested Hensley's integrity. According to Hensley, Gladstone and William

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<sup>322</sup> *Id.*

<sup>323</sup> *Id.*

<sup>324</sup> *Id.*

<sup>325</sup> *Id.*

<sup>326</sup> *Id.*

Knoerlein (who would eventually become Gladstone's supervisor) asked him, "Gerry, what would you do if you caught [an officer] stealing money?" Hensley said he told Gladstone and Knoerlein, "Why would you ask me a question like that?" and that the pair replied, "Just curious." Hensley said the conversation ended after he told them that he would report them, or anyone else, to Internal Affairs if he caught them stealing money.<sup>327</sup> In some ways, this test was eerily similar to the test question posed by Jenkins to James Kostoplis more than 20 years later.<sup>328</sup>

#### **b. Criminal Investigation Bureau/Criminal Intelligence Division (1997-2003)**

In November 1997, Gladstone requested a transfer from Eastern District Patrol to the Criminal Investigation Bureau, which was granted a month later.<sup>329</sup>

In July 1998, BPD transferred Gladstone to a High Intensity Drug Trafficking Area (HIDTA) task force squad, where he worked for approximately three years. Gladstone's participation in several drug-related investigations on this squad cemented his reputation as an accomplished narcotics cop. Witnesses we interviewed were generally complimentary about Gladstone, describing him variously as "one of the best cops" at BPD, who had achieved "legend status" and had an "impeccable" reputation. A supervisor during this period also observed that Gladstone "brought with him a cadre of informants that provided information which resulted in numerous arrests and large seizure[s] of CDS [controlled or dangerous substances] and currency."<sup>330</sup>

In July 2001, BPD transferred Gladstone to the Drug Enforcement Section of the Criminal Investigation Bureau and in September 2002, to another drug enforcement squad, under the supervision of Knoerlein. Gladstone worked under Knoerlein until May 2003. Knoerlein praised Gladstone's investigative techniques, and noted that Gladstone had "a great working relationship with the US Attorney's Office," which resulted in many of his cases being federally prosecuted.<sup>331</sup>

On September 27, 2002, a BPD detective relayed to IA allegations of misconduct against Gladstone made by an informant. The informant alleged that on September 24, 2002, Gladstone seized 0.5 pounds of marijuana and \$3,400 during a search of his home. Gladstone did not arrest him, but instead agreed to return the money if the informant

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<sup>327</sup> Gerald Hensley Interview, Oct. 14, 2020.

<sup>328</sup> For a description of this incident, see Chapter VIII, Section K.

<sup>329</sup> BPD Personnel File for Keith Gladstone (provided by BPD).

<sup>330</sup> *Id.*; Joel Fried Interview, Jan. 26, 2021; Marjorie German Interview, Sept. 15-16, 2020; Martin Bartness Interview, May 12, 2020; Michael Fries Interview, Oct. 8, 2020; Kevin A. Jones Interview, Sept. 1, 2020.

<sup>331</sup> BPD Personnel File for Keith Gladstone (provided by BPD). As noted numerous times in this Report, Knoerlein committed a large number of thefts during his career in conjunction with Victor Rivera.

agreed to arrange a transaction involving a local cocaine dealer. The informant said that he arranged for the transaction, which resulted in the seizure of 6.5 ounces of cocaine, but he alleged that Gladstone only returned \$2,360 of the \$3,400. Following an investigation, IA rendered a sustained finding for neglect of duty because Gladstone had failed to follow procedures related to the seized currency. IA accepted Gladstone's representation that he had seized only \$2,406 from the informant, and that he had returned all of the money to the informant the next day. BPD Legal Affairs recommended a reprimand and four-day suspension, but Gladstone ultimately received only the reprimand.<sup>332</sup>

Shortly after this incident, and as described in Chapter IV, Section C, Gladstone's credibility was publicly questioned by then-federal Judge Andre Davis after Gladstone testified at a suppression hearing relating to a search warrant obtained after a warrantless search of Mason Weaver's home. Judge Davis noted that Gladstone spent three hours trying to "clean . . . up" testimony of another officer, and characterized "the entire scenario painted by [the detectives as] . . . implausible." As a result, Judge Davis found that Weaver's constitutional rights had been violated, and dismissed the case. Following the hearing, Weaver reported the conduct to IA, and claimed that Gladstone had testified falsely during the suppression hearing. Although IA sustained findings against the officer who prepared the warrant, it did not sustain a finding that Gladstone had lied during his testimony.<sup>333</sup>

### **c. DEA HIDTA Group (2005-2007)**

Following two years in various Northwestern District squads, in February 2005, BPD transferred Gladstone to HIDTA Group 54, a DEA-BPD task force group. According to former BPD Major John Hess, former Deputy Commissioners Marcus Brown and Anthony Romano arranged for Gladstone's transfer to this group. While serving in Group 54, Gladstone led an investigation that resulted in a major drug seizure.<sup>334</sup>

BPD transferred Gladstone out of HIDTA in November 2007. According to several BPD members, the DEA in fact expelled Gladstone from the HIDTA task force after surveillance cameras caught Gladstone releasing the air from the tires of a DEA agent's car after an altercation between Gladstone and the agent. Additionally, we learned that while Gladstone maintained an excellent reputation at BPD, outside agencies held largely negative views of him. For example, Hensley recalled that the Baltimore County Police Department "hated Gladstone because they thought he was the biggest liar . . . and a cruddy cop." Michael Newton, who first met Gladstone while

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<sup>332</sup> BPD IA File 02-0968 (provided by BPD).

<sup>333</sup> Trial Testimony at 3, 181, 223, 230-31, *United States v. Weaver*, No. 02-0491(D. Md. Jan. 15, 2003); BPD IA File 2003-0184 (provided by BPD).

<sup>334</sup> BPD Personnel File for Keith Gladstone (provided by BPD); John Hess Interview, Sept. 8-9, 2020.



working in HIDTA, recalled learning that the Maryland State Police and Baltimore County Police intensely disliked working with Gladstone.<sup>335</sup>

#### **d. Westside 1 Squad (2007-2008)**

After leaving the HIDTA group, Gladstone became a member of an OCD squad led by Sergeant Mike Fries. In that squad, Gladstone worked alongside Jenkins for the first time. While working on that squad, Gladstone allegedly ignored a request from Detective John Burns to avoid taking an enforcement action against a suspected heroin dealer in order to avoid compromising an ongoing investigation. Burns learned that Gladstone had attempted to convince the suspect to become an informant. Burns said he confronted Gladstone and called him a “dirty cop” for interfering with his investigation, although he did not know at that time that Gladstone was in fact corrupt.<sup>336</sup>

#### **e. Eastside 6 Squad (2008-2010)**

In February 2008, Gladstone was transferred to the newly formed Eastside 6 squad in VCID, and was reunited with Knoerlein. According to Victor Rivera, Gladstone became the “alpha male” of the unit, and further escalated the unit’s participation in thefts and “beat downs.” Approximately five months later – in July 2008 – Jenkins reunited with Gladstone under Knoerlein’s supervision, resulting in a squad that included Gladstone, Jenkins, Rivera, and Louvado.<sup>337</sup>

Rivera reported that Knoerlein and Gladstone engaged in corrupt activities during this time. According to Rivera, both Gladstone and Knoerlein repeatedly conducted warrantless searches at the residences of targeted suspects. Rivera said Gladstone also employed “parking lot capers” – a surveillance tactic where officers staked out parking lots where they thought substantial drug transactions would occur, even when they had no specific and actionable information that such conduct would take place. According to Rivera, once officers observed two cars pull close to each other, the officers would detain a suspect, take the arrestee’s keys, travel to his house, and execute a sneak and peek of the residence. Once detained, Gladstone would access an DEA database<sup>338</sup> – which he originally gained access to via his task force assignments. Rivera said that he and Gladstone often falsely claimed in warrant

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<sup>335</sup> OCD Roster (Nov. 23, 2007); Gerald Hensley Interview, Oct. 14, 2020; Michael Newton Interview, Nov. 3, 2020; Jan. 26, 2021; John Hess Interview, Sept. 8-9, 2020.

<sup>336</sup> OCD Roster (Nov. 23, 2007); John Burns Interview, Feb. 26, 2021.

<sup>337</sup> VCID Roster (Feb. 11, 2008); BPD Personnel File for Keith Gladstone (provided by BPD); Victor Rivera Interview, May 8, 2020; VCID Roster (July 8, 2008).

<sup>338</sup> Although Rivera stated that Gladstone accessed an ATF database, Gladstone most likely accessed a DEA database. BPD records make no reference to an ATF task force assignment for Gladstone.

applications that a drug transaction had occurred in the parking lot when they had observed no such transaction.<sup>339</sup>

Rivera told us that he, Jenkins, Knoerlein, Louvado, and Craig Jester engaged in this practice with Gladstone on numerous occasions while working in Eastside 6. Most often, Louvado or Jenkins conducted the warrantless searches with Gladstone, while either Rivera, Knoerlein, or Jester waited with the arrestee. The objective of the preliminary illegal search, according to Rivera, was to determine whether there were drugs or cash in the home such that it would be worth obtaining a warrant to enter the residence. Rivera alleged that Gladstone and the other officers often stole some of the money in the residence.<sup>340</sup>

According to defense lawyer Ivan Bates, several of his clients who encountered Gladstone claimed that he had stolen money from them. Bates recalled an October 2008 case where his client made such an allegation. The client's case was subsequently dismissed in April 2009. Bates noted that his client's allegations were not taken seriously, and that the same was true for similar claims from other clients who had the same experience. In a December 2016 proffer to the FBI Task Force, Antonio Shropshire alleged that Gladstone took \$50,000 from Glen Kyle Wells during an arrest of Wells in 2008.<sup>341</sup>

As discussed in Chapter V, Section F, Rivera, Louvado, and Gladstone stole and resold three kilograms of cocaine found in Trenell Murphy's pickup truck in February 2009. The cocaine was given to Rivera's informant to sell, and Rivera, Gladstone, and Louvado subsequently split the proceeds.

#### **f. Western District (2010)**

In March 2010, Gladstone was transferred to the Western District Westside 9 squad, where he was reunited with Jenkins, who had transferred to the squad two weeks earlier. Lieutenant Mike Fries, who had a close relationship with both Gladstone and Jenkins, supervised Gladstone through June 2010. According to a performance review, Gladstone's experience and knowledge raised the performance of the less experienced Westside 9 detectives.<sup>342</sup>

According to several witnesses, Gladstone was a mentor to Jenkins. There is some evidence that it was Gladstone who introduced Jenkins to certain types of corrupt conduct. For instance, according to FBI Special Agent Jensen, in addition to sneak and

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<sup>339</sup> Victor Rivera Interview, May 8, 2020 and Nov. 18, 2020.

<sup>340</sup> *Id.*

<sup>341</sup> Ivan Bates Interview, Apr. 29, 2020; Justin Fenton, *We Own This City: A True Story of Crime, Cops, and Corruption*, 2021, at 180-81.

<sup>342</sup> VCIS Roster (Mar. 9, 2010); BPD Personnel File for Keith Gladstone (provided by BPD).

peeks, Gladstone taught Jenkins how to surveil stores that sold supplies for packaging drugs, and rob suspected drug dealers that frequented those stores.<sup>343</sup>

Marjorie German recalled that Jenkins sought opportunities to work with Gladstone even when they were on different squads. According to Rivera, Gladstone was Jenkins's "number one cop," followed by Fries. Similarly, Chris O'Ree stated that Fries trained and cultivated Jenkins, but that Gladstone trained Jenkins on "high-level stuff." When confronted with these statements during an interview, Fries said that although he mentored Jenkins early on and at the end of his career, Gladstone was Jenkins's "actual mentor."<sup>344</sup>

#### **g. VCIS (2010-2011)**

In July 2010, BPD transferred Gladstone to the VCIS Major Case squad. In that squad, Gladstone appears to have engaged in various corrupt practices alongside Jenkins, who had joined the unit approximately five months earlier. For instance, according to Ivan Bates, in 2010, Gladstone and Jenkins searched a vehicle of one of Bates's clients and claimed to find a "blunt," which they used as probable cause to arrest him. Gladstone and Jenkins traveled to the suspect's home and entered using his keys. When a silent alarm was triggered, Jenkins told the officers who arrived to leave because he and Gladstone were investigating a drug case. According to Bates, Gladstone and Jenkins submitted a police report stating that they had responded to the silent alarm. Bates said that the case was dropped after he presented a report from the alarm company proving that officers other than Gladstone and Jenkins responded to the alarm. According to Bates, his client had \$40,000 on his person at the time of the arrest, but Gladstone and Jenkins only turned in \$20,000 to BPD.<sup>345</sup>

In April 2011, BPD transferred Gladstone to the Violent Repeat Offender (VRO) squad in VCIS. According to John Hess, BPD command transferred Gladstone to the VRO squad because BPD wanted to "shuffle the deck" and maximize his talents to "save" VCIS.<sup>346</sup>

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<sup>343</sup> Michael Coleman Interview, July 2, 2020; John Sieracki III Interview, Apr. 8, 2020 and Apr. 28, 2020; Marjorie German Interview, Sept. 15-16, 2020; Michael Fries Interview, Oct. 8, 2020; Erika Jensen Interview, May 13, 2020.

<sup>344</sup> Marjorie German Interview, Oct. 14, 2020; Victor Rivera Interview, Nov. 18, 2020; Chris O'Ree Interview, Sept. 10, 2020; Michael Fries Interview, Oct. 8, 2020.

<sup>345</sup> BPD Personnel File for Keith Gladstone (provided by BPD); Ivan Bates Interview, Apr. 29, 2020.

<sup>346</sup> BPD Personnel File for Keith Gladstone (provided by BPD); John Hess Interview, Sept. 8-9, 2020.

#### **h. First Retirement (2012)**

On December 25, 2012, after being promoted to sergeant a year earlier, Gladstone retired from BPD. According to former FBI Task Force member Chad Ellis, Gladstone “abruptly” retired in the middle of an FBI Task Force investigation that was about to “put paper” on — meaning result in potential charges against — Gladstone. Ellis stated that the FBI Task Force had learned that Gladstone cut corners while working in BPD drug units, and that Gladstone’s misconduct continued and escalated after joining federal task forces. Upon his departure, Gladstone became an investigator with Citicorp (now Citigroup).<sup>347</sup>

#### **i. Rejoining BPD as a Sergeant (2013)**

In September 2013, less than a year after his retirement, Gladstone wrote a letter to BPD requesting reinstatement at his previous rank of sergeant. Gladstone stated that although his job at Citicorp offered better benefits and pay, he had realized that he was not “out of gas” as a police officer, and wanted to return to BPD. Gladstone said he “would like a chance to return to the BPD and resume mentoring younger officers.”<sup>348</sup>

During the process of assessing Gladstone’s reinstatement request, a BPD lieutenant raised concerns about the 2002 sustained IA case referenced above, relating to Gladstone’s failure to properly submit evidence, and questioned why it had not disqualified him from being promoted to sergeant. Although IA’s findings regarding the incident were included in Gladstone’s background investigative summary and appear to have been considered in the reinstatement decision, we found no evidence that the lieutenant ever received an explicit answer to his question. Nor is there any evidence that BPD checked with its law enforcement partners — notably the FBI which, according to Ellis, had been investigating Gladstone at the time of his retirement, or the DEA. Ultimately, BPD reinstated Gladstone as a sergeant in December 2013, and assigned him to the Education and Training Division for some refresher training.<sup>349</sup>

Later that month, BPD transferred Gladstone to the Western District SES Westside 1 squad. As the squad’s sergeant, Gladstone supervised, among others, Robert Hankard and Carmine Vignola. Gladstone’s direct supervisor at the time was Lieutenant Daryl Murphy, who recalled that Sean Miller assigned Gladstone’s and Jenkins’s squads to Murphy, and that Miller claimed the pair would make Murphy “look like a superstar.” Murphy said that he frequently rode with Gladstone and

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<sup>347</sup> Chad Ellis Interview, Apr. 16-17, 2020; BPD Personnel File for Keith Gladstone (provided by BPD).

<sup>348</sup> BPD Personnel File for Keith Gladstone (provided by BPD).

<sup>349</sup> *Id.*; Chad Ellis Interview, Apr. 16-17, 2020.

Jenkins on their calls, and that he never observed anything that confirmed rumors circulating in the SAO that Gladstone and Jenkins were corrupt cops.<sup>350</sup>

As described in Chapter V, Section H, Murphy found the task of supervising Gladstone and Jenkins to be extremely challenging and would frequently come to Chris O'Ree for advice and guidance. Sergeant Kenneth Ivery recalled that Murphy expressed frustration over the fact that Gladstone and Jenkins were extremely difficult to supervise, primarily because they operated according to their own instincts and preferences. Ivery believed that Gladstone and Jenkins were being protected by someone – possibly Palmere because Miller was not in a sufficiently senior position at the time to shield them. Ivery recalled Murphy stating, “I can’t work if every time I give orders, I’m always undercut.”<sup>351</sup>

As described in Chapter VI, Section H, Assistant State’s Attorney Keri Borzilleri said she met with Gladstone and Jenkins regarding their cases. Borzilleri said she “had her antennas up” based on rumors about the pair she had heard from other SAO colleagues, but did not recall Gladstone or Jenkins bringing her any cases that gave her pause.<sup>352</sup>

Although neither Murphy nor Borzilleri witnessed Gladstone or Jenkins engage in misconduct, as discussed in Chapter VI, Section H, it was during this period that Gladstone, by his own admission, planted the BB gun to help Jenkins after Jenkins struck Demetric Simon with his vehicle during a pursuit. That incident ultimately became the basis for Gladstone’s indictment in 2019.

## **j. Ceasefire 1**

In May 2014, BPD transferred Gladstone to Ceasefire 1 – a move that was approved by Miller and Palmere. O'Ree said that he handpicked certain supervisors to join Ceasefire 1, and said he selected Gladstone without reservation. O'Ree explained that he had never heard any complaints or rumors about Gladstone prior to Gladstone’s joining Ceasefire 1, and said that to his knowledge, Gladstone did his job properly. O'Ree said that he let Gladstone handpick his officers, and that Gladstone selected Vignola and Hankard, whom O'Ree characterized as Gladstone’s “guys.”<sup>353</sup>

While Gladstone was working in Ceasefire, a complainant alleged that on August 6, 2014, he was stopped by officers and transported back to his home, where Gladstone was present upon his arrival. The complainant further alleged that Gladstone and the other detectives searched his home without consent or a warrant,

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<sup>350</sup> SES Roster (Jan. 7, 2014); BPD Personnel File for Keith Gladstone (provided by BPD); Daryl Murphy Interview, Oct. 15, 2020.

<sup>351</sup> Kenneth Ivery Interview, Mar. 2, 2021.

<sup>352</sup> Keri Borzilleri Interview, Oct. 28, 2020.

<sup>353</sup> SES Roster (May 30, 2014); Chris O'Ree Interview, Sept. 10, 2020.



and planted drugs. IA rendered a not sustained finding after concluding that the complainant had contradicted himself about granting Gladstone permission to search his home. IA determined that these contradictions precluded it from sustaining the allegations of warrantless entry or drug planting.<sup>354</sup>

In January 2017, Timothy Devine replaced O'Ree as the lieutenant over Ceasefire 1. Devine recalled an incident in October 2016 where Gladstone ordered Vignola to make a stop of a suspect leaving a drug paraphernalia store that Palmere had ordered officers to surveil. During the stop and subsequent struggle that ensued with the suspect, Vignola punched the suspect in the face multiple times after an extended struggle with the officers who were attempting to arrest him. Following an investigation, the Performance Review Board (PRB)<sup>355</sup> concluded that Gladstone did not have reasonable suspicion to justify the stop. Although the SAO declined prosecution, it characterized the encounter as “troubling,” and said it hoped that BPD, at a minimum, “examines this incident to improve Fourth Amendment training in order to lessen the need to use force in the future.” Gladstone ultimately received no discipline or training as a result of the incident.<sup>356</sup>

#### **k. Second Retirement (2017)**

Gladstone submitted retirement papers for the second time on March 10, 2017 – just days after the arrests of the original seven GTTF defendants. German recalled that she and O'Ree were surprised when Gladstone resigned so quickly after the GTTF story broke. Gladstone's second retirement became effective on May 1, 2017.<sup>357</sup>

#### **4. Criminal Proceedings**

A federal indictment unsealed on February 27, 2019 charged Gladstone with conspiracy to deprive Demetric Simon of his civil rights and to commit offenses against the United States, arising from his participation in the 2014 BB gun planting incident, and with witness tampering, based on his having directed Vignola to lie to the FBI about their involvement in that incident.<sup>358</sup>

On May 10, 2019, Gladstone pled guilty to one count of conspiracy to deprive Simon of his civil rights. In his plea agreement, Gladstone admitted that on March 26,

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<sup>354</sup> BPD IA File 2014-0657 (provided by BPD).

<sup>355</sup> The Performance Review Board is responsible for reviewing certain use of force incidents and other Special Investigation Response Team investigations in an effort to learn from the incidents and improve BPD's policies and procedures.

<sup>356</sup> BPD Roster (Jan. 16, 2017); Timothy Devine Interview, Feb. 5 and 8, 2021; BPD IA File 16J-0045.

<sup>357</sup> BPD Personnel File for Keith Gladstone (provided by BPD); Marjorie German Interview, Sept. 15-16, 2020.

<sup>358</sup> Gladstone Indictment at 1, *United States v. Gladstone*, No. 1:19-cr-00094-CCB (D. Md. Feb. 27, 2019), ECF No. 1.

2014, he received a BB gun from Hankard and planted it on Simon, whom Jenkins had deliberately struck with his vehicle during a pursuit.<sup>359</sup>

Although Gladstone's sentencing was originally set for September 13, 2019, he has not yet been sentenced and will be a key witness in the trial of Hankard, which was originally scheduled for February 2022, but has since been delayed.

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Gladstone joined BPD with what appeared to be a genuine desire to "protect and serve" his community. However, less than two years later, Gladstone, alongside Knoerlein, began engaging in thefts. Although Gladstone built a reputation as one of BPD's most accomplished narcotics cops, he appears to have repeatedly engaged in warrantless searches, home invasions, and thefts, and told lies to cover up his misconduct.

Our review of IA files indicates that Gladstone was the subject of 16 mandatory use of force reviews, three citizen complaints, one BPD officer complaint, and two administrative charges. IA's sustained finding for Gladstone's failure to submit evidence in 2002 and Gladstone's conduct in connection with the Mason Weaver suppression hearing before Judge Davis in 2003 should have precluded him from supervising any BPD officer for the rest of his career. Even more concerning is the fact that BPD rehired Gladstone, and reinstated him as a sergeant, without addressing internal questions raised regarding the 2002 IA case – and apparently without even being aware that Gladstone had been the subject of a task force investigation at the time of his first retirement. In addition, IA was unable to substantiate allegations against Gladstone when he was accused of serious misconduct, including thefts – which allowed Gladstone to continue engaging in misconduct.

We asked numerous witnesses whether they were surprised to learn of Gladstone's criminal conduct. Only a handful of witnesses expressed surprise regarding the criminal charges against him. Many more said that Gladstone's indictment confirmed their suspicions about him. Martin Bartness said he was not surprised about the criminal charges against Gladstone because he had long heard rumors within the Department that Gladstone had stolen a large amount of money, which was "packed away." Kevin A. Jones said he was not surprised because he had heard many conversations in Baltimore barbershops and elsewhere that Gladstone was a dirty cop. Gerald Hensley specifically recalled the sergeant of a Baltimore County Police Department squad telling him "horror stories" about dealing with Gladstone. Johnny Delgado said Gladstone was on his top 10 list of corrupt officers when he

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<sup>359</sup> Gladstone Plea Agreement at 1 (May 10, 2019), *United States v. Gladstone*, No. 1:19-cr-00094-CCB (D. Md. June 3, 2019), ECF No. 19.

worked in IA between 2004 and 2006 and added, “I can tell you with certainty no DEA agent wanted to work with him.”<sup>360</sup>

Although it is unclear what motivated Gladstone to engage in such corruption, what is clear is that he not only participated in criminal conduct himself, but he also encouraged and even taught other officers to do the same. Gladstone also represents yet another failure of BPD’s internal accountability system – an officer who was the subject of widespread suspicions, but was nevertheless able to advance in the Department and to continue committing crimes for years.

## **J. Ivo Louvado**



### **1. Background**

Ivo Manuel Louvado was born on October 31, 1973 in Portugal, and was naturalized in 1994. Louvado graduated from high school in North Arlington, New Jersey in 1991. He obtained an Associate of Arts Degree from Union County College in 1995, followed by a Bachelor of Science from John Jay College in 1998. While in high school and college, Louvado worked multiple jobs simultaneously, including in corporate security.

Shortly after graduating from John Jay College, Louvado joined the Police Corps, a federally-funded program that focuses on raising the level of education and training of the nation’s law enforcement officers and deploying its members to serve in areas with the greatest need for police.<sup>361</sup>

### **2. Entry Into BPD**

Louvado applied to BPD in December 1998 because Baltimore was the northernmost city that was part of the Police Corps program. One of Louvado’s personal references, a then-BPD officer who previously worked corporate security with Louvado, described him as having “the highest character and integrity,” and said that Louvado’s “morals and values are consistent in what makes an excellent officer.” A former supervisor described Louvado as the only part-time worker he trusted with keys

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<sup>360</sup> Martin Bartness Interview, May 12, 2020; Kevin A. Jones Interview, Sept. 1, 2020; Gerald Hensley Interview, Oct. 14, 2020; Johnny Delgado Interview, May 19, 2021.

<sup>361</sup> BPD Personnel File for Ivo Louvado (provided by BPD); *see also* United States Department of Justice, The Police Corps, available at <https://www.ojp.gov/pdffiles1/Photocopy/183680NCJRS.pdf>; Craig Whitlock, *For New Officers, Police Corps Pays*, The Washington Post (Nov. 22, 1999) <https://www.washingtonpost.com/archive/local/1999/11/22/for-new-officers-police-corps-pays/859d3271-8b55-4955-a5ae-7d2c65b96b36/>.

to a security office full of expensive equipment.<sup>362</sup>

BPD extended Louvado a job offer in April 1999, and he accepted a probationary appointment as a police officer trainee in November 1999.<sup>363</sup>

### **3. BPD Employment History**

Louvado started his career in the Northeastern District, first in patrol and then in the Operations/Flex unit, where he worked until 2003. Following these assignments, Louvado worked temporarily in OCD's Enforcement Section doing undercover work, followed by an assignment to OCD's Narcotics Enforcement Section (2003-2006), Eastside 2 squad (2006-2008), VCID's Eastside 6 squad (2008-2010), VCIS's Criminal Investigation Division (2010-2017), an ATF task force (2017-2018), and finally a Homeland Security Investigations task force (2018-2020). Louvado retired from BPD on February 1, 2020 at the rank of detective.<sup>364</sup>

Throughout his career at BPD, Louvado was consistently praised as a top producer with excellent leadership abilities, who "excels in dealing with the public." Louvado was also described at one point as having an excellent relationship with the US Attorney's Office. Consistent with this praise, Louvado received seven commendations during his tenure in BPD.<sup>365</sup>

### **4. Relationships with Other Defendants**

During his time in both the Eastside 2 and Eastside 6 squads, Louvado was supervised by William Knoerlein. In Eastside 6, Louvado also worked with Gladstone, Rivera, and Jenkins, among others.<sup>366</sup>

Louvado told members of the FBI Task Force that while working in Eastside 6, he first became aware that money and other items of value were being stolen by other officers during the execution of search warrants. Louvado recalled that officers would unilaterally remove additional items, such as boxes and packaging material, that he had not yet inventoried. Louvado said that when he questioned squad members about this, he was told that those items were already accounted for by what had been inventoried. Louvado said he believed that those items were never submitted to the Evidence Control Unit. He did not fully explain why he believed these explanations. He did not

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<sup>362</sup> BPD Personnel File for Ivo Louvado (provided by BPD); FBI FD-302 of Ivo Louvado (Mar. 30, 2017).

<sup>363</sup> BPD Personnel File for Ivo Louvado (provided by BPD).

<sup>364</sup> *Id.*

<sup>365</sup> *Id.*

<sup>366</sup> *Id.*; FBI FD-302 for Ivo Louvado (Mar. 30, 2017); FBI FD-302 for Ivo Louvado (Sept. 11, 2019); BPD Roster (Jan. 8, 2007); VCID Roster (Feb. 11, 2008).

admit to having participated in any criminal activity in connection with these searches.<sup>367</sup>

As discussed in Chapter V, Section F, in February 2009, Louvado, Rivera, and Gladstone stole and resold three kilograms of cocaine found in Trenell Murphy's pickup truck. Louvado claimed that this was the only crime in which he participated. It is notable, however, that Gladstone apparently felt sufficiently confident that Louvado could be trusted to participate that he included Louvado in the plan to steal and sell the cocaine. Moreover, Rivera asserted that the entire Eastside 6 squad, including Louvado, Rivera, Jenkins, and Gladstone, participated in warrantless searches.<sup>368</sup>

Louvado claimed that shortly after the Trenell Murphy cocaine theft, he spoke to Lieutenant Robert Quick about being transferred to another squad. Louvado said that he no longer wanted to work in Knoerlein's squad because of the "things" the squad was doing – a reference to the misconduct and corruption in which the squad was engaged. On February 22, 2010, Quick granted Louvado's transfer to VCIS's Criminal Investigation Division.<sup>369</sup>

In February 2012, despite efforts to distance himself from Knoerlein and his squad, Louvado once again found himself working under Knoerlein, on a squad that Mike Fries recalled also included Gladstone, Jenkins, and Sean Suiter. Fries served as the lieutenant in VCIS until 2014, and claimed that he was unaware of any misconduct by the officers in this squad at the time. Fries added that he worked out of BPD headquarters at that time, and was unaware that Louvado was even in his chain of command.<sup>370</sup>

Whether or not he knew that Louvado was in his chain of command, Fries confirmed that he attended a weekly card game with other BPD officers during this time period, which at times was attended by Louvado, Gladstone, Jenkins, and Rivera. Among others attendees at these card games were various non-BPD members, including Donald Stepp.<sup>371</sup>

While working a wiretap case in August 2016, Louvado said he inadvertently received an email sent to him and two ATF agents containing information about the FBI's ongoing investigation of the GTTF. Louvado said that he immediately alerted the

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<sup>367</sup> FBI FD-302 of Ivo Louvado (Sept. 11, 2019).

<sup>368</sup> Victor Rivera Interview, May, 8, 2020; FBI FD-302 of Ivo Louvado (Sept. 11, 2019); John Sieracki III Interview, Apr. 8, 2020 and Apr. 28, 2020.

<sup>369</sup> FBI FD-302 of Ivo Louvado (Sept. 11, 2019); VCIS Roster (Feb. 22, 2010); Personnel File for Louvado (provided by BPD).

<sup>370</sup> Michael Fries Interview, Oct. 8, 2020.

<sup>371</sup> *Id.* John Hess Interview, Sept. 8, 2020; Donald Stepp Interview, Aug. 16, 2021.



AUSA responsible for the case about his receipt of the email. Louvado recalled that he and the other email recipients were called into a meeting the next day and told that they could be subject to criminal charges if they discussed the contents of the email with anyone else.<sup>372</sup> Despite this warning, Louvado did indeed share the information.

Over the course of four FBI debriefings — one in 2017 and three in 2019 — Louvado provided evolving stories of the actions he took relating to the email. Louvado initially stated that he never discussed the contents of the email with anyone. But he later admitted that he told Gladstone about the contents of the email, and that he also mentioned it to Knoerlein and Paul Geare, among others. Louvado said he told Gladstone about the email because he did not want Jenkins to “mess up” either Louvado’s or Gladstone’s investigations. Louvado recalled that Gladstone had a “weird concern” about the email, but did not elaborate further on the nature of Gladstone’s concern. We are aware of no evidence that either Louvado or any of the other BPD members whom he told about the email notified any of the GTTF members. Louvado also acknowledged that he told Rivera about the email shortly after the FBI arrested Jenkins and the other GTTF squad members, which Rivera confirmed.<sup>373</sup>

## **5. Notable IA Complaints and Other Disciplinary Issues**

At around the same time Louvado joined VCIS in 2010, Major John Hess contacted IA and asked IA to determine whether Louvado’s testimony during a November 2009 federal suppression hearing was consistent with his submitted police report. The IA investigator spoke with the AUSAs on the case, and then submitted a form to close out the complaint. Hess told us he did not recall the specifics of this case. But as a general matter, he noted that the SAO and USAO would at times send him materials relating to potential misconduct by BPD officers and that whenever he received such a referral from a prosecutor, he would immediately notify IA and turn over any documents that he had received. After making such a referral, Hess would receive no information back from IA. Hess said his expectation was that in a serious incident like the one alleged against Louvado, IA would have suspended Louvado if it had enough facts to substantiate the allegation.<sup>374</sup>

On March 19, 2010, Louvado was the subject of a citizen complaint alleging false arrest and harassment. The complaint was dismissed by a Command Investigations unit because it found that the complainant was never arrested and that the allegations did not amount to harassment. Unlike many of the other defendants who were the

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<sup>372</sup> FBI FD-302 of Ivo Louvado (Mar. 30, 2017).

<sup>373</sup> *Id.*; FBI FD-302 of Ivo Louvado (Sept. 13, 2019); Victor Rivera Interview, Nov. 18, 2020.

<sup>374</sup> BPD IA File 2009-2402AT (provided by BPD); Email from J. Hess to M. Bromwich, Oct. 18, 2020, Re: IA Inquiry into court testimony of Louvado.

frequent subjects of IA complaints, this March 2010 citizen complaint appears to be the only one filed against Louvado.<sup>375</sup>

## 6. Criminal Proceedings

As noted above, the FBI Task Force interviewed Louvado once in 2017 and three times in 2019.<sup>376</sup> During his 2017 interview, Louvado described his involvement in the search, seizure, and arrest of Trenell Murphy, but made no mention of his participation in the theft of the three kilograms of cocaine with Gladstone and Rivera.<sup>377</sup>

During a subsequent meeting on September 11, 2019, FBI Task Force members informed Louvado that they believed he had not been candid regarding his participation in the seizure of cocaine from Murphy, and that he had potential criminal exposure. Louvado told investigators that he wished to be represented by an attorney before answering further questions. Later that same day, and again on September 13, 2019, Louvado met with investigators with his counsel present, and disclosed his participation in the seizure and sale of three kilograms of cocaine following Murphy's arrest.<sup>378</sup>

On January 7, 2020, Louvado agreed to waive indictment, and the government filed a criminal information charging him with making false statements to the FBI regarding his participation in the theft and sale of cocaine seized from Trenell Murphy. Louvado subsequently pled guilty and was sentenced on February 8, 2021, to 14 months' imprisonment, to be followed by three years of supervised release.<sup>379</sup> Louvado is currently incarcerated at Federal Correctional Institution Talladega in Alabama.<sup>380</sup> His counsel was non-responsive to our repeated interview requests.

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Because we were not able to interview Louvado, we had no opportunity to explore the issue of warrantless searches reported by Rivera or to discuss his possible involvement in other crimes committed by BPD members with whom he worked. But unlike many of the other defendants who had extensive disciplinary records and other

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<sup>375</sup> BPD IA File 2010-0554R (provided by BPD); BPD Personnel File for Louvado (provided by BPD).

<sup>376</sup> The FBI interviewed Louvado on March 30, 2017; February, 25, 2019; September 11, 2019; and September 13, 2019.

<sup>377</sup> FBI FD-302 of Ivo Louvado (Mar. 30, 2017).

<sup>378</sup> FBI FD-302 of Ivo Louvado (Sept. 11, 2019); FBI FD-302 of Ivo Louvado (Sept. 13, 2019).

<sup>379</sup> Louvado Plea Agreement at 1 (Jan. 7, 2020), *United States v. Louvado*, No. 1:20-cr-00098-CCB (D. Md. Nov. 6, 2020), ECF No. 9; Louvado Sentencing Judgement at 1, *United States v. Louvado*, No. 1:20-cr-00098-CCB (D. Md. Feb. 8, 2021), ECF No. 19; Information, *passim*, *United States v. Louvado*, No. 1:20-cr-00098-CCB (D. Md. Nov. 11, 2020).

<sup>380</sup> Bureau of Prisons, [https://www.bop.gov/mobile/find\\_inmate/byname.jsp#inmate\\_results](https://www.bop.gov/mobile/find_inmate/byname.jsp#inmate_results).

red flags long before the GTTF scandal came to light, Louvado's record was not marked by the same warning signs.

Multiple BPD members who knew and worked with Louvado said they were stunned by his indictment. Gerald Hensley, who recalled reaching out to Louvado as a show of support at the time, stated that he was shocked by the charges against Louvado, and that he had never heard anything negative about his integrity. Michael Newton said that Louvado worked in a group of officers that he thought highly of, and was quite surprised by Louvado's arrest. John Burns said he was shocked upon hearing the allegations against Louvado, and opined that Louvado had been "very squared away" in terms of his good standing at BPD.<sup>381</sup>

## **K. Victor Rivera**



### **1. Background**

Victor Rivera Jr. was born in the Bronx, New York on May 27, 1971, and raised on Long Island. Rivera described his family as a "strong Catholic household," and noted that his mother urged him during his youth to become a priest. Rivera graduated from high school in 1990. After graduation, Rivera worked as a maintenance technician and warehouse stocker. Rivera said he decided to pursue a career as a police officer because he viewed it as "a way to help people."<sup>382</sup>

Rivera and his wife were married for 15 years, and have two children.<sup>383</sup>

### **2. Entry Into BPD**

In 1992, Rivera and his then-fiancé drove from New York to Florida in search of a law enforcement agency that would hire him. Rivera applied to several law enforcement agencies along the East Coast, but he either failed the entrance examination or the physical examination due to his poor eyesight. Rivera would later learn that he was legally blind. Shortly thereafter, Rivera said he was advised to apply to BPD because it was "always hiring."<sup>384</sup>

Rivera applied to BPD in August 1993. In his preliminary questionnaire, Rivera

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<sup>381</sup> Gerald Hensley Interview, Oct. 14, 2020; Michael Newton Interview, Nov. 3, 2020; John Burns Interview, Feb. 26, 2021.

<sup>382</sup> BPD Personnel File for Victor Rivera (provided by BPD); Victor Rivera Interview, May 8, 2020; Victor Rivera Training Video Interview, Feb. 10, 2021.

<sup>383</sup> BPD Personnel File for Victor Rivera (provided by BPD); Sentencing Hr'g Tr. at 17:13-14, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Jan. 26, 2021), ECF No. 23.

<sup>384</sup> Victor Rivera Interview, May 8, 2020. Rivera did not disclose in his application to BPD that he had previously applied to MSP. Rivera did not specify who told him to apply to BPD.

noted that he “would like to be a [BPD] police officer [because] . . . joining the police force will give me the chance to help people. Help them feel safe and protected.” Two months later, Rivera received and accepted a conditional offer of employment. In November, however, Rivera was medically disqualified due to his eyesight. Shortly thereafter, Rivera underwent a risky surgical procedure to correct his vision, and then re-applied to BPD.<sup>385</sup>

BPD’s pre-employment screening found that Rivera had no criminal record. Rivera also passed a polygraph exam during which he stated that he had never been involved in a serious crime and that he had never tried any illegal drugs.<sup>386</sup>

Rivera entered the Academy in September 1994. Rivera noted that only one sergeant and one officer were assigned to instruct his Academy class of approximately 40 trainees, and that there was virtually no training on the ethics of law enforcement.<sup>387</sup>

### **3. BPD Employment History**

#### **a. Initial Assignments (1995-2000)**

In January 1995, Rivera was assigned to the Eastern District’s Patrol Division. In February 1996, only 13 months into Rivera’s BPD career, he received a Meritorious Conduct Award for helping thwart a suspect’s attempt to push another person out of a window.<sup>388</sup>

In 1997, Rivera joined the Eastern District’s uniformed flex unit, where he was paired with a senior officer whom Rivera described as “aggressive.” On one occasion, Rivera recalled that the senior officer threw a suspect to the ground and “rough-housed” the suspect before arresting him. Rivera said he learned that this was “how it’s done,” and that police work required him to “get down and dirty.”<sup>389</sup>

Rivera subsequently joined a plainclothes flex unit, where he conducted gun and drug enforcement operations. According to Rivera, the stresses of his work in the flex unit, combined with marital issues, contributed to a worsening alcohol dependency.<sup>390</sup>

Rivera first engaged in criminal conduct while serving in the flex unit. According to Rivera, in 1997 or 1998, he was subjected to what he described as an “integrity test” by a fellow officer, William Knoerlein, to determine whether he would

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<sup>385</sup> Victor Rivera Interview, May 8, 2020; BPD Personnel File for Victor Rivera (provided by BPD).

<sup>386</sup> BPD Personnel File for Victor Rivera (provided by BPD).

<sup>387</sup> *Id.*; Victor Rivera Interview, May 8, 2020.

<sup>388</sup> BPD Personnel File for Victor Rivera (provided by BPD).

<sup>389</sup> *Id.*; Victor Rivera Interview, May 8, 2020.

<sup>390</sup> BPD Personnel File for Victor Rivera (provided by BPD); Victor Rivera Interview, May 8, 2020.

engage in misconduct. According to Rivera, while executing a search warrant, Knoerlein found cash, looked at Rivera, and shrugged. Rivera shrugged in response, and Knoerlein then took the cash. Later that day, Knoerlein gave Rivera a few hundred dollars of the stolen money, and said something along the lines of, “Now I got something on you.”<sup>391</sup> Rivera said he acquiesced in the theft because he wanted to “be accepted as a good cop” and to be one of the “good ol’ boys.” He explained that Knoerlein was five years his senior, and that he looked up to Knoerlein. Rivera remembered feeling pride that he was accepted and would be perceived by his peers as “a good cop.” He imagined his peers saying, “Rivera won’t say nothing. He’s good to go.”<sup>392</sup>

In 1998, Rivera joined the Eastern District’s handgun squad, which worked with ATF and DEA to generate cases for federal prosecution. During each of Rivera’s two years in the handgun squad, it was nominated for departmental awards for its “exemplary” performance.<sup>393</sup>

#### **b. Special Operations Section’s Mobile Enforcement Team/Rapid Response Unit and Other Assignments (2000-2004)**

In March 2000, then-Sergeant Barksdale recruited Rivera to join the Special Operations Section’s rapid response unit (RRU), which included Thomas Allers.<sup>394</sup>

The RRU was located in Commissioner Norris’s office and, according to Rivera, was referred to by some BPD officers as Norris’s “Goon Squad.” According to Rivera, at Commissioner Norris’s direction, the RRU would typically target areas of the city where crime was on the rise and develop cases in those areas. Rivera said that the RRU’s enforcement activities regularly went “over the line,” and RRU members often “beat[] up” suspects who fled, but that he did not engage in theft or evidence planting while serving as an RRU member.<sup>395</sup>

From 2001 through 2004, Rivera served in various gun and drug enforcement units, including the Drug Enforcement Section’s Major Case unit led by Knoerlein, the Firearms Apprehension Strike Team (FAST), and the Organized Crime Division’s

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<sup>391</sup> Victor Rivera Interview, May 8, 2020.

<sup>392</sup> *Id.*

<sup>393</sup> BPD Personnel File for Victor Rivera (provided by BPD). Rivera’s personnel file contains no transfer orders related to this assignment. The information provided above was gathered from a commendation application filed by Rivera’s sergeant, in which he documents the unit’s gun recoveries and arrests during 1998.

<sup>394</sup> *Id.* For additional discussion of this squad, see Chapter III, Section H.

<sup>395</sup> Victor Rivera Interview, May 8, 2020.



Narcotics unit.<sup>396</sup>

### c. OCD Enforcement Team and VCID (2004-2010)

In September 2004, Rivera joined a newly formed handgun squad led by Knoerlein. Rivera stated that he and Knoerlein “picked right up where [they] left off” committing thefts. Rivera noted that he and Knoerlein committed at least 10 thefts together, and added that each theft occurred during the execution of search warrants.<sup>397</sup>

In January 2008, Rivera transferred to VCID’s Eastside 6 squad, where he again worked under Knoerlein. In February, Gladstone joined the squad, and only a few months later, Jenkins joined as well. According to Rivera, Gladstone quickly asserted himself as the “alpha male” of the squad and frequently conducted “sneak and peeks” – warrantless entries to gather evidence for search warrant applications – with Jenkins and Louvado.<sup>398</sup>

As discussed further in Chapter V, Section F, and Chapter IX, Section C, on February 19, 2009, members of the Eastside 6 squad, including Rivera, executed a search warrant on the residence of Trenell Murphy, an alleged large-scale narcotics trafficker. Following the search of Murphy’s residence and his truck, the officers seized approximately three kilograms of cocaine from Murphy’s truck. Based on discussions with Gladstone and Louvado, Rivera asked one of his own informants to sell the cocaine for the benefit of Rivera and his colleagues.<sup>399</sup>

On December 10, 2009, Rivera participated in a search of a West Baltimore bar with Jenkins, Gladstone, Louvado, Knoerlein, and others, after Jenkins forcibly took the keys to the bar from a detainee; Jenkins later falsely claimed in a police report that the individual had voluntarily provided the keys. Several people involved in the incident brought a civil suit against the officers, including Rivera, but a jury ultimately acquitted the officers of all but one charge against Jenkins for battery.<sup>400</sup>

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<sup>396</sup> BPD Personnel File for Victor Rivera (provided by BPD). BPD’s records regarding FAST and its membership are unclear. Although Rivera did not transfer to FAST until 2003, according to his official transfer records, a meritorious service nomination form submitted by Palmere states that Rivera was a member of FAST in November 2002.

<sup>397</sup> *Id.*; Victor Rivera Interview, May 8, 2020.

<sup>398</sup> OCD Enforcement Roster, Jan. 9, 2008 (provided by BPD); Victor Rivera Interview, May 8, 2020.

<sup>399</sup> Information, *passim*, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Apr. 15, 2020), ECF No. 1.

<sup>400</sup> *Smith v. Baltimore City Police Dep’t*, No. 24-cv-008259 (Cir. Ct. Baltimore City 2009). This lawsuit is discussed further in Appendix C: Civil Suits Involving the Prosecuted Former BPD Officers.

#### **d. GTTF 2 and Wiretap Detail (2010-2011)**

In January 2010, Rivera became a member of GTTF 2,<sup>401</sup> which was supervised by Knoerlein and included Gladstone, Jenkins, and Louvado. According to Rivera, Barksdale transferred him to the unit and envisioned the squad conducting gun tracing investigations. Following a brief assignment to GTTF 2, Rivera was detailed to Eastside 5, where he worked on several wiretap cases with the ATF and DEA.<sup>402</sup>

During his years in the OCD/VCID squads and throughout his years working wiretaps, Rivera's alcohol dependency worsened significantly, and his marriage of 15 years ended. From 2008 until 2012, when he was arrested for a DUI (discussed below), Rivera estimated that he was intoxicated 80% of the time. Moreover, Rivera often arrived to work drunk, and slept while he was supposed to be listening to wiretaps.<sup>403</sup>

#### **e. Violent Repeat Offender Squad (2011)**

In March 2011, Rivera, Gladstone, Jenkins, and Sean Suiter were reassigned to the newly-formed VRO squad. In July, the VRO squad was split into East and West VRO squads, with Joseph Burton leading the Eastern squad and Knoerlein leading the Western squad. Rivera remained with Burton's VRO East, while Jenkins and Gladstone joined Knoerlein's VRO West. Starting in September 2011, both squads reported to Lieutenant Mike Fries.<sup>404</sup>

#### **f. VCIS, Alcohol-Related Suspensions, and Eastern District Patrol (2011-2016)**

In October 2011, Rivera transferred to an Eastern District VCIS squad. Within months of his transfer, in February 2012, Rivera was medically suspended from duty and sent to Mercy Medical Center based on concerns of "excessive drinking" after an incident in which his weapon and other departmentally-issued equipment were stolen from his personal vehicle. Following an IA investigation of the stolen equipment, Rivera received a severe letter of reprimand and 10-day suspension without pay, and was required to reimburse BPD for the stolen items.<sup>405</sup>

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<sup>401</sup> For a discussion of GTTF 2, see Chapter VIII, Section E.

<sup>402</sup> BPD, VCIS Roster, Jan. 14, 2010 (provided by BPD); Victor Rivera Interview, Nov. 18, 2020.

<sup>403</sup> BPD Personnel File for Victor Rivera (provided by BPD); Victor Rivera Interview, May 8, 2020; Victor Rivera Training Video Interview, Feb. 10, 2021.

<sup>404</sup> Victor Rivera Training Video Interview, Feb. 10, 2021; BPD VCIS Rosters, Mar. 30 & Sept. 28, 2011 (provided by BPD).

<sup>405</sup> BPD Personnel File for Victor Rivera (provided by BPD); BPD IA File 12-0081 (provided by BPD).

Rivera returned from his medical suspension at the end of March 2012, and joined VCIS's Northeast 1 enforcement squad. Less than six months later, in October 2012, Rivera was once again suspended with pay after a DUI arrest. Following his arrest, IA opened a nearly year-long investigation that resulted in Rivera receiving a severe letter of reprimand and 15-day suspension. In addition, Rivera was required to complete a "fitness for duty" evaluation and alcohol evaluation.<sup>406</sup> We were unable to determine whether Rivera completed these evaluations, or whether the Department followed up with Rivera after his suspension regarding his substance abuse issues.

In November 2012, after returning from his suspension, Rivera was transferred to the Eastern District's Patrol Division, where he remained until 2016. According to Rivera, he spent the first six or seven months on "desk duty" before being sent out on patrol. During this tour in patrol, Rivera said that he did not engage in thefts and he had no contact with Gladstone, Louvado, Knoerlein, or Jenkins.<sup>407</sup>

#### **g. Final Years at BPD (2016-2020)**

In 2016, Rivera was assigned to Deputy Commissioner Palmere's Operations Bureau as a driver.<sup>408</sup> Rivera served in that role for approximately two years, working with Palmere daily as a member of Palmere's Executive Protection unit. Rivera claimed during an FBI debriefing that during his time in this unit, he overheard Palmere say that he wished the GTTF had been investigated sooner because Palmere suspected that its members had engaged in misconduct.<sup>409</sup> There is no evidence that Palmere ever reported any such suspicions to IA or the FBI.

In 2018, Rivera transferred to then-Commissioner Darryl De Sousa's office, following Palmere's retirement announcement. Rivera subsequently joined the Anti-Crime Section's Advanced Technical Team, and remained with the team through at least early 2019. Rivera retired from the Department in March 2020, a month before being charged for making false statements to federal law enforcement officers.<sup>410</sup>

#### **4. Notable IA Complaints and Other Disciplinary Issues**

Over the course of his career, Rivera was the subject of 10 disciplinary complaints, five of which were not sustained allegations for failures to appear. In addition, Rivera's disciplinary record included the two 2012 alcohol-related incidents

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<sup>406</sup> BPD, VCIS Roster, Apr. 2, 2012 (provided by BPD); BPD Personnel File for Victor Rivera (provided by BPD); BPD IA File 12-0702 (provided by BPD).

<sup>407</sup> BPD Personnel File for Victor Rivera (provided by BPD); Victor Rivera Interview, May 8, 2020.

<sup>408</sup> BPD, Personnel Staffing Database, Apr. 20, 2016 (spreadsheet provided by BPD).

<sup>409</sup> Victor Rivera Interview, Nov. 18, 2020; FBI FD-302 of Victor Rivera (Feb. 18, 2020).

<sup>410</sup> Victor Rivera Interview, Nov. 18, 2020; BPD, Anti-Crime Section Staffing Chart, Sept. 13, 2018 (provided by BPD); Victor Rivera Training Video, Feb. 10, 2021.

described above, both of which led to suspensions.

Rivera was also involved in one other notable incident, which led to his first IA complaint. In April 2008, a complainant alleged that after arresting the complainant's nephew for drug possession during a traffic stop, Rivera, Gladstone, and another officer conducted a warrantless search of the nephew's home. The complainant also alleged that Rivera used excessive force to subdue the nephew when he tried to escape. In June 2008, IA met with the nephew, who said he did not wish to proceed with the complaint for fear of adversely affecting the criminal case against him arising from the same incident. IA then administratively closed the case. After the SAO dismissed the case against the nephew based on his attorney's claim that the officers obtained the search warrant only after conducting the search, the nephew approached IA about re-opening the complaint. Ultimately, IA advised him that it would not reopen his case, as "the Maryland [excessive force] statute ninety-day limit has passed" and "this Division has not been afforded adequate time to conduct a thorough and impartial investigation." During his FBI proffers, Rivera admitted to a similar incident involving the same officers, and claimed that the officers also stole \$3,000 during the search.<sup>411</sup>

## 5. Criminal Proceedings

On April 15, 2020, shortly after his retirement, Rivera waived indictment and was charged in a one-count information with making false statements to federal agents. As noted in Rivera's plea agreement, during his November 2019 interview with the FBI, Rivera made multiple false statements and material omissions regarding his, Gladstone's, and Louvado's sale of cocaine seized from Trenell Murphy's vehicle. On August 26, 2020, Rivera pled guilty to the one-count information.<sup>412</sup>

On January 26, 2021, Rivera was sentenced to 14 months in federal prison, followed by two years of supervised release. At his sentencing hearing, Rivera apologized to the Department, the citizens of Baltimore, and to his family. Additionally, Rivera stated that he wanted to share his story in the hopes of "break[ing] down the wall of silence" within BPD.<sup>413</sup>

Rivera is currently incarcerated at RRM Baltimore. His release date is scheduled for May 15, 2022.<sup>414</sup> Rivera is the only officer-defendant who agreed to be interviewed

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<sup>411</sup> BPD IA File 2008-0556 (provided by BPD); FBI FD-302 of Victor Rivera (Feb. 18, 2020).

<sup>412</sup> Information, *passim*, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Apr. 15, 2020), ECF No. 1; Rivera Plea Agreement, *passim*, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Aug. 26, 2020), ECF No. 8.

<sup>413</sup> Judgment, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Jan. 26, 2021), ECF No. 25; Sentencing Hr'g Tr. at 26:17-27:1, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Jan. 26, 2021), ECF No. 23.

<sup>414</sup> Inmate Records, Federal Bureau of Prisons, [https://www.bop.gov/mobile/find\\_inmate/index.jsp#inmate\\_results](https://www.bop.gov/mobile/find_inmate/index.jsp#inmate_results).

in connection with this investigation. Rivera participated in three interviews, the last of which was a video-recorded interview that will be used in future BPD ethics-related trainings.

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Like several of the other officers prosecuted, Rivera was exposed to corruption early in his career. Although he never developed a reputation as a “dirty cop,” Rivera began engaging in criminal activity as early as 1997. According to Rivera, his misconduct stemmed from his desire for acceptance among his senior BPD peers. Rivera told us that he acquiesced in misconduct, at least initially, to gain acceptance from Knoerlein, a “senior officer who was part of the good ol’ boys network.”<sup>415</sup> Indeed, the evidence suggests that Rivera’s corrupt conduct occurred during periods when he was assigned to work with other corrupt officers – the kind of officers whose acceptance and approval he admits seeking.

## L. Carmine Vignola



### 1. Background

Carmine Jude Vignola was born in New York City on June 30, 1984. His family moved to New Market, Maryland in 1995, and Vignola attended high school in Frederick, Maryland, where he was a below-average student. After high school, Vignola attended Misericordia University, where he played lacrosse and received a Bachelor of Science in business administration. Vignola’s college teammates described him as “honest and dependable,” and as having exceptional moral character.<sup>416</sup>

Prior to joining BPD, Vignola worked various jobs as a mover and contractor, and assisted his parents with caring for his disabled younger sister. In 2012, Vignola was married and later became a father to three boys. Letters submitted on Vignola’s behalf at the time of his sentencing described him as a hardworking family man who selflessly helped others, both in his career and in his personal life.<sup>417</sup>

### 2. Entry Into BPD

Following in the footsteps of his father, uncle, and older brother – all former members of the NYPD – Vignola wanted to become a police officer since he was a

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<sup>415</sup> Victor Rivera Interview, May 8, 2020; *see also* Sentencing Hr’g Tr. at 19:8-10, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Jan. 26, 2021), ECF No. 23.

<sup>416</sup> BPD Personnel File for Carmine Vignola (provided by BPD); Vignola Sentencing Mem. Ex. 15, 25, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Jan. 23, 2020), ECF Nos. 16-15, 16-25.

<sup>417</sup> BPD District File for Carmine Vignola (provided by BPD); Vignola Sentencing Mem. Ex. 4, 36, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Jan. 23, 2020), ECF Nos. 16-4, 16-36.



young man. He began to apply to police departments in October 2005, before graduating from college. Vignola first applied to the NYPD but later withdrew his application for personal reasons. In 2007, he applied to three police departments in Maryland and Virginia. He failed one department's oral interview and failed a second department's background investigation because he indicated that the last time he had used marijuana was in 2002, but follow-up paperwork revealed he had used marijuana as late as 2005—a violation of the police department's three-year drug-free policy.<sup>418</sup>

In his July 2007 application to BPD, Vignola disclosed that he had received three speeding citations, one of which resulted in the suspension of his license. He also disclosed a 2004 “stet” —or indefinite postponement without a guilty verdict or dismissal—in a case involving underage alcohol possession, and a 2005 disorderly conduct criminal citation for cursing at a police officer outside of a bar. In his BPD application, Vignola repeated the claim that he had not used marijuana since 2002 but, based on available records, BPD does not appear to have recognized this statement to be false.<sup>419</sup>

### **3. BPD Employment History**

#### **a. Northwest District Assignments (2008-2013)**

Vignola graduated from the Academy in July 2008, and was first assigned to the Northwestern District, where he completed his field training. Vignola initially worked the midnight patrol shift, but was granted a shift change so he could assist with the care of his younger sister.<sup>420</sup>

Following a brief assignment to the Monument Street Initiative (a centralized enforcement unit created to combat violent crime) in 2011, Vignola transferred to the Northwestern District Drug Enforcement unit in 2011. In 2012, Vignola began reporting to Gladstone, who had recently been promoted to sergeant. Under Gladstone's direction and supervision, Vignola increased the size of his informant pool, seized more firearms, and started using search and seizure warrants as an investigative tool. Gladstone—who knew Vignola prior to becoming a sergeant—praised Vignola in a performance review for his “ability to change the way he was working completely and buy in to my program.”<sup>421</sup>

On May 24, 2012, Vignola, Gladstone, and other officers searched the home of Thomas Foster, Jr., who later filed a civil lawsuit in federal court relating to the incident.

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<sup>418</sup> BPD Personnel File for Carmine Vignola (provided by BPD); Vignola Sentencing Mem. Ex. 6, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Jan. 23, 2020), ECF Nos. 16-6.

<sup>419</sup> BPD Personnel File for Carmine Vignola (provided by BPD).

<sup>420</sup> BPD District File for Carmine Vignola (provided by BPD).

<sup>421</sup> BPD Personnel File for Carmine Vignola (provided by BPD); Kenneth Ivery Interview, Mar. 2, 2021.

According to Foster's civil suit, the officers entered his home without a warrant using a key that they had seized from him during a traffic stop. To justify the arrest and warrantless search of the home, a third officer, Thomas E. Wilson, prepared an affidavit stating that he had observed Foster carrying a bookbag with drugs when leaving his house, which Foster's home surveillance footage proved to be false. Wilson was subsequently indicted for perjury and misconduct in office, but was later acquitted by a Baltimore jury.<sup>422</sup> There is no record of any IA investigation of Gladstone or Vignola related to this incident, and the court ultimately dismissed the lawsuit.

During this same time period, Vignola triggered six early intervention alerts in relation to use of force incidents and two preventable vehicle accidents. During his time working in the Northwestern District, Vignola also failed to appear in court on seven different occasions, and received discipline ranging from a monetary fine to a three-day suspension without pay and two-day loss of leave.<sup>423</sup>

#### **b. SES (2014)**

Although Gladstone initially retired in December 2012, he asked Vignola to come work for him in the SES when Gladstone re-joined BPD in 2013. In January 2014, BPD detailed Vignola and Hankard, who have been described as "Gladstone's guys," to Gladstone's Westside 1 squad. Shortly thereafter, BPD granted Vignola's formal transfer request to join SES, which Vignola explained would help advance his career and develop his drug enforcement skills. Gladstone would remain Vignola's sergeant until 2017, when Gladstone retired a second time.<sup>424</sup>

Lieutenant German recalled that prior to being assigned to Westside 1, Vignola and Hankard had made a lot of cases while they were in the Northwestern Drug Enforcement unit and had always been paired with Gladstone. Sergeant Burns, who worked with all three, said Gladstone "treated [Vignola and Hankard] like slaves," by constantly "telling them what to do and what to write." Vignola later told the FBI that although Gladstone initially asked him to prepare affidavits, Gladstone stopped making these requests because Vignola asked too many questions about the probable cause

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<sup>422</sup> *Foster v. Vignola*, No. 1:13-cv-03758 (D. Md.2015); Justin Fenton, *Jury acquits Baltimore detective on perjury, misconduct charges*, The Baltimore Sun (May 13, 2014), <https://www.baltimoresun.com/news/crime/bs-md-ci-officer-acquitted-perjury-20140514-story.html>; BPD IA File 2012-0852 (provided by BPD).

<sup>423</sup> BPD Personnel File for Carmine Vignola (provided by BPD); EIU History File for Carmine Vignola (provided by BPD).

<sup>424</sup> FBI FD-302 of Carmine Vignola (Jan. 29, 2019); BPD District File for Carmine Vignola (provided by BPD); BPD Personnel File for Carmine Vignola (provided by BPD); SES Roster (Jan. 7, 2014); BPD Personnel File for Gladstone (provided by BPD); BPD Roster (Mar. 2, 2017); Chris O'Ree Interview, Sept. 10, 2020.

underlying the affidavits.<sup>425</sup> Despite this claim, there are no records suggesting that Vignola ever raised these concerns with anyone in BPD at the time.

Vignola also told the FBI that while he never witnessed other police officers stealing money, he had a suspicion about one officer in their squad stealing items such as belts and coins. Vignola claimed that he reported this officer to Gladstone, who had the officer transferred from the squad.<sup>426</sup>

On January 20, 2014, shortly after joining Westside 1, Vignola stopped two individuals after Gladstone claimed to have observed them engage in a hand-to-hand drug transaction. The officers recovered one Percocet pill from one participant in the transaction and nothing from the other, but a court nevertheless issued a search warrant for the second participant's residence. In an evidentiary hearing related to the search, the judge agreed that the probable cause for the search was weak, but found that the defendant did not meet the necessary burden of showing that the officers had knowingly or recklessly made a false statement in the search warrant affidavit. In May 2020, after the GTTF scandal became public, prosecutors filed a joint motion to reduce the second individual's sentence, explaining that the three primary officers involved in the stop – Gladstone, Vignola, and Michael O'Sullivan – were convicted of planting evidence, lying to a grand jury, and perjury and misconduct, respectively.<sup>427</sup> Our investigation did not locate any records reflecting whether an IA investigation was opened as a result of this incident.

Two months later, on March 26, 2014, Vignola was involved in helping Gladstone and Hankard plant a BB gun at the scene of the accident in which Jenkins had struck Demetric Simon with his vehicle.<sup>428</sup> Vignola's lies to the FBI and a grand jury about this incident would become the basis of his conviction nearly five years later. For more information on this incident, see Chapter VI, Section H, and Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

### **c. Cease Fire (2014-2017)**

At the end of May 2014, Gladstone's unit was moved under the command of a new supervisor and given city-wide jurisdiction in a Cease Fire unit.<sup>429</sup>

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<sup>425</sup> Marjorie German Interview, Sept. 15-16, 2020; John Burns Interview, Feb. 26, 2021; FBI FD-302 of Carmine Vignola (June 7, 2019).

<sup>426</sup> FBI FD-302 of Carmine Vignola (Jan. 29, 2019).

<sup>427</sup> Suppression Hearing Transcript, *United States v. Nicholson*, No. 1:14-cr-00348-JKB (D. Md. Jan 21, 2015), ECF No. 42; Joint Motion to Reduce Sentence, *United States v. Nicholson*, No. 1:14-cr-00348-JKB (D. Md. May 26, 2020), ECF No. 78.

<sup>428</sup> FBI FD-302 of Carmine Vignola (Jan. 29, 2019 and Apr. 17, 2019).

<sup>429</sup> SES Roster (May 30, 2014).

On July 31, 2014, while assigned to Cease Fire, Vignola was the subject of an excessive force complaint. The complainant alleged that during a stop for failing to wear proper safety equipment, Vignola and Hankard conducted a non-consensual search of his scooter, and that Vignola assaulted him. IA rendered a not sustained finding for the excessive force allegation based on the officers' denial of the assault and a lack of corroborating evidence, and an unfounded finding on a related harassment allegation. Of note, no Use of Force Review was completed by the on-scene sergeant even though the complainant was taken to the hospital for his injuries.<sup>430</sup>

In contrast to IA's findings, the Civilian Review Board sustained the excessive force allegation three years later in November 2017, and recommended termination of both Vignola and Hankard. But in a January 2018 memo to Commissioner De Sousa and Legal Affairs Chief Daniel Beck, Chief Solicitor Kristen Blumer explained that Legal Affairs had concluded that the excessive force allegation could not be proven because, among other reasons, the complainant had pled guilty in the criminal case that was based on the officers' search of his vehicle and because there was insufficient evidence to corroborate the victim's claims.<sup>431</sup> Neither Vignola nor Hankard was terminated at that time.

In March 2015, Vignola triggered his seventh early intervention alert, this time in relation to three separate allegations of excessive force in 2013 and 2014. In response, his chain of command evaluated Vignola's use of force while effectuating arrests and his use of de-escalation techniques during a 30-day monitoring period in 2015. The evaluative report, authored by Gladstone, stated that Vignola's use of force was reasonable and proper. Shortly after completing the monitoring period, Vignola triggered another early intervention alert in April 2015 for yet another allegation of excessive force in connection with an August 2014 incident. Gladstone's report on this second 30-day monitoring period found no issues with Vignola's handling of his citizen encounter. In both cases, BPD's early intervention alerts were not generated until more than six months after the date of the triggering incident.<sup>432</sup>

In 2015, there were additional allegations of misconduct against Vignola. They included two preventable accidents and allegations of theft and evidence planting. According to a civil claim brought against BPD in February 2020, during a traffic stop on August 28, 2015, Vignola, Hankard, and a third officer planted a gun on the plaintiff, causing him to spend 45 days in jail. The SAO would later file a motion to vacate the plaintiff's conviction, and the city settled the claim for \$50,000.<sup>433</sup>

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<sup>430</sup> BPD IA File 2014-0434 (provided by BPD).

<sup>431</sup> BPD IA File 2014-0434 (provided by BPD).

<sup>432</sup> EIU History File for Carmine Vignola (provided by BPD).

<sup>433</sup> *Id.*; BPD IA File 2020-0288 (provided by BPD). IA opened an investigation into this incident after receiving notice of the lawsuit.

On September 24, 2015, Vignola participated in yet another incident involving allegations of evidence planting and a warrantless search. Vignola would later admit to the FBI that he signed the incident report, which he knew to be false, after Gladstone and Hankard planted evidence and used it as the basis for conducting a warrantless search.<sup>434</sup>

A few months later, a citizen emailed the Baltimore mayor's office alleging that on January 13, 2016, Vignola, Hankard, Gladstone, and other officers entered and ransacked her home without a search warrant, stole \$200 from her purse, and told her and her family to shut up when they requested a copy of the search warrant. IA ultimately rendered a not sustained finding for all three officers based on a lack of corroborating evidence because none of the civilians that were present at the time were willing to provide a statement to IA.<sup>435</sup>

#### **d. January and August 2016 Police-Involved Shootings**

On January 27, 2016, Vignola was in a police-involved shooting with Hankard and other officers. When investigators from IA's Special Investigation Response Team (SIRT) responded to the scene, the detectives were reluctant to talk to investigators about the incident. According to then-IA Chief Rodney Hill, Sean Miller blamed the investigators for intimidating his officers. Ultimately, the Carroll County SAO, which investigated the shooting due to a conflict of interest, declined to file criminal charges against the involved officers. But the victim subsequently brought a lawsuit against Vignola and the city alleging that his conviction was secured through evidence that was planted, which resulted in his incarceration for over four years. In January 2020, the Baltimore City SAO filed a motion to vacate the victim's conviction, which was granted in March 2020, and the city later settled the lawsuit for \$850,000.<sup>436</sup>

As a result of this January shooting incident, Vignola submitted a request for a transfer to the Academy in May 2016, and sought a meeting with Captain Kevin A. Jones to discuss the request. In internal emails which included Miller, among others, Jones described Vignola as needing the transfer because he was "burned out," "mentally checked out," and no longer effective in enforcement. Although Vignola's transfer was approved by both De Sousa and Palmere, it was put on hold at Miller's request due to administrative issues and difficulties finding a replacement. According to Vignola's father, Vignola had attempted to transfer from Gladstone's unit five times,

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<sup>434</sup> FBI FD-302 of Carmine Vignola (June 7, 2019); BPD Police Incident Report 8-15-09-11180 (provided by BPD).

<sup>435</sup> BPD IA File 16-00238 (provided by BPD); Email from I. Dombroski to D. Rzczkowski, CC: R. Hill, S. Long, K. Kline, Jan. 15, 2016, Re: Constituent Concern from the Mayor's Office (email provided by BPD).

<sup>436</sup> Rodney Hill Interview, Dec. 16, 2020; *State of Maryland v. Jawan Richards*, No. 116074001 (Cir. Ct. for Baltimore City); *Richards v. Vignola*, No. 1:20-cv-00571-ELH (D. Md. 2020); BPD IA File 16J-0004 (provided by BPD).



but the transfer was blocked for various reasons having nothing to do with Vignola. Vignola would remain in Gladstone's unit for another four months until he was suspended in October 2016 based on another use of force incident.<sup>437</sup>

During the four months leading up to his suspension, Vignola was involved in another shooting – his second in eight months. On August 29, 2016, Vignola and other officers entered a home without a warrant and discovered a suspect in an upstairs bedroom with a gun. Vignola retreated to an adjacent room and fired his weapon four times through the wall into the bedroom. The day after the shooting, BPD placed Vignola on administrative leave and ordered him to attend counseling, followed by a period of limited duty until the commissioner determined whether he could be returned to full duty.<sup>438</sup>

At the time of this second shooting, Vignola had been involved in seven different use of force-related incidents in a 12-month period, including two shootings. As a result, BPD's Early Intervention Unit asked Gladstone, his sergeant, to determine if an intervention was necessary. In October 2016, Gladstone told the EIU that Vignola had acted appropriately in the shooting and that no intervention was required, and Vignola returned to full duty shortly thereafter. But in December 2017, IA notified Vignola that it was opening an investigation into the second shooting.<sup>439</sup>

While Gladstone believed that Vignola's firearm use was within policy – a view ultimately shared by the Performance Review Board – Vignola and the other officers were required to attend re-training at the Academy and non-punitive counseling. PRB determined that the officers' initial entry into the home using a key provided to them by a third party, and the tactics they used once inside, did not follow protocol. The SAO ultimately declined to bring charges against Vignola, but was also forced to drop the charges against the suspect because of the officers' warrantless entry.<sup>440</sup>

#### **e. October 26, 2016 Use of Force Incident and Suspension**

About two months after the August 2016 shooting, and two weeks after Gladstone determined that Vignola did not require an intervention, Vignola triggered

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<sup>437</sup> Email from K. A. Jones to M. Partee, May 13, 2016, Re: Respectfully request a meeting (email provided by BPD); Email from S. Miller to J. Higgins, M. Pool, F. Ebberts, CC: D. Palmere, M. Partee, S. Strum, A. Smith, M. Hyatt, M. Bartness, J. Johnson, K. Gladden, T. Dyson, T. Devine, S. Brandford, S. Moore, S. Fries, W. Furlong, C. Emich, July 18, 2016, Re: Det. Vignola OIS to PDSA Form 70 (email provided by BPD); Vignola Sentencing Mem. Ex. 5, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Jan. 23, 2020), ECF. No. 16-5; BPD IA File 16J-0004; BPD IA File 16J-0045 (provided by BPD); BPD Personnel File for Carmine Vignola (provided by BPD).

<sup>438</sup> BPD IA File 16J-0041 (provided by BPD).

<sup>439</sup> EIU History File for Carmine Vignola (provided by BPD); BPD IA File 16J-0041 (provided by BPD).

<sup>440</sup> BPD IA File 16J-0041 (provided by BPD).

yet another early intervention alert. In addition to the August 2016 shooting, SIRT also began investigating Vignola's use of force during a traffic stop on October 26, 2016, in which Vignola had punched the suspect 10 times after an extended struggle with the officers who were attempting to arrest him, resulting in a broken eye socket and several lacerations to the suspect's face and body. As a result, Vignola was temporarily suspended.<sup>441</sup>

At the request of Vignola's attorney, Vignola's lieutenant, Timothy Devine, attended the suspension hearing and spoke on Vignola's behalf. Devine told the board that Vignola followed protocol and should be permitted to stay in OID, even if on desk duty. The hearing board continued Vignola's suspension, and detailed him outside of OID to BPD's Records Management unit, and later to the Juvenile Booking unit. Shortly after the suspension hearing, Devine and Miller were summoned to a meeting with Commissioner Davis and Deputy Commissioners Palmere and Johnson. Commissioner Davis had obtained the body-worn camera footage of the traffic stop and told Devine and Miller that he personally made the decision to suspend Vignola pending the outcome of SIRT's investigation.<sup>442</sup>

In April 2017, five months after the suspension hearing, BPD's Director of Officer Safety and Wellness, Vernon Herron, met with Vignola to discuss the October 26 incident, which had triggered Vignola's eighth early intervention alert in a 12-month period. During the meeting, Vignola expressed his dissatisfaction with the mental health agency to which he had been referred, in part because the therapist informed him that the information gathered during their sessions would be shared with BPD. Vignola said that he was uncomfortable because the SAO was still investigating the use of force incident, and he feared being criminally charged in the matter. Director Herron agreed to inquire into the SAO's review and referred Vignola to a different therapist whom he could contact on his own.<sup>443</sup>

Ultimately, the PRB assigned to review SIRT's findings and make a disciplinary recommendation concluded that Vignola did not have reasonable suspicion to make the stop, but nonetheless declined to recommend that IA take any formal disciplinary action against Vignola, recommending only that he receive further training. The PRB also recommended that BPD (i) approve Vignola's multiple requests for transfer, and (ii) improve its Academy and training recordkeeping because the investigation revealed that parts of Vignola's training history appeared to be either missing or incomplete. In

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<sup>441</sup> BPD IA File 16J-0045 (provided by BPD); Email from S. Miller to S. Lansey, S. Fries, Nov. 4, 2016, Re: Suspension Hearing 9 NOV at 10am – Vignola (email provided by BPD).

<sup>442</sup> Email from S. Fries to W. Furlong, Nov. 9, 2016, Re: Updated OID Roster (email provided by BPD); Timothy Devine Interview, Feb. 5, and 8, 2021.

<sup>443</sup> EIU History File for Carmine Vignola (provided by BPD).

October 2017, IA formally issued an exonerated finding on the excessive force allegation against Vignola.<sup>444</sup>

On November 13, 2017, the SAO declined to criminally charge the officers in connection with the October 26, 2016 incident, explaining that while there was inadequate evidence to charge the officers, the SAO believed the officers lacked an adequate factual and legal basis to conduct the traffic stop.<sup>445</sup>

In April 2019, while assigned to the Juvenile Booking unit, Vignola took medical leave, reportedly for stress. Available records do not reflect what prompted this medical leave. On September 19, 2019, Vignola resigned from BPD for “personal reasons,” shortly after he was charged in federal court with lying to a grand jury.<sup>446</sup>

#### **4. Criminal Proceedings**

Vignola entered into a plea agreement with the government in connection with the filing of the Information against him.<sup>447</sup> According to Vignola’s plea agreement and his admissions to the FBI:

- Vignola admitted to his participation in the March 26, 2014 BB gun planting incident. Vignola explained that Gladstone received a phone call from Jenkins, who had just been involved in a police pursuit that resulted in a car accident. Gladstone asked Vignola for a BB gun, and when Vignola told Gladstone that he did not have one, Gladstone told him to call Hankard to ask if Hankard had one. Vignola and Gladstone then drove to Hankard’s home and retrieved the BB gun. Vignola understood that Gladstone retrieved the BB gun so that Gladstone could plant it at the scene in an attempt to justify the accident.
- In January 2018, after the arrests of seven members of the GTTF, Vignola and Gladstone arranged to meet in person. They used their wives’ cell phones to arrange the meeting and met in a swimming pool to ensure that neither was wearing a recording device. During the meeting, they came up with an agreed-upon story regarding the BB gun planting incident that did not disclose Hankard’s involvement.
- In his testimony before a federal grand jury on February 13, 2019, Vignola lied about Hankard’s role in providing the BB gun, and about having picked

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<sup>444</sup> BPD IA File 16J-0045 (provided by BPD).

<sup>445</sup> *Id.*; see also Email from S. Sample to R. Hill, et. al, Nov. 21, 2017, Re: SIRT 16J-0045 (attaching declination letter) (email provided by BPD).

<sup>446</sup> BPD District File for Carmine Vignola (provided by BPD).

<sup>447</sup> Information, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Sept. 10, 2019), ECF. No.

up the gun from Hankard’s home before going to the scene of the accident.<sup>448</sup>

On February 6, 2020, Vignola was sentenced to 18 months’ imprisonment and two years of supervised release. His surrender has been deferred, apparently in connection with the pending criminal case against Hankard.<sup>449</sup>

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While Vignola’s application to BPD contained false information about his recreational drug use, his record during his first few years in office did not raise any red flags. To the contrary, he received a Bronze Star and Mayoral Citation his rookie year,<sup>450</sup> had a fairly small number of complaints early in his career compared to other defendants discussed in this Report, and maintained a reputation as an effective investigator. But this all changed in 2012—at around the same time that Gladstone began supervising him. According to Gladstone, Vignola adopted Gladstone’s policing style and “b[ought] in to [Gladstone’s] program”<sup>451</sup>—which apparently meant, in part, using the same unlawful tactics championed by Gladstone.

At Vignola’s sentencing, Vignola’s lawyers revealed that he was receiving treatment for mental health issues, including PTSD, arising from his career as a police officer, which included responding to a call for child homicide and an incident in which a child was set on fire, as well as multiple police shootings later in his career.<sup>452</sup>

What is perhaps most troubling about Vignola’s record is BPD’s failure to act in response to the numerous red flags that arose after 2012. These included a significant number of early intervention alerts, multiple preventable accidents, a large number of excessive force complaints, allegations of theft, two lawsuits, and two shootings. Despite acknowledgements at senior levels that Vignola was “burned out” and no longer effective, Vignola’s multiple transfer requests were effectively ignored. Indeed, this fact was not lost on Vignola’s father—a former NYPD sergeant—who told the judge at Vignola’s sentencing that BPD’s “management and procedures bare [sic] the mantle

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<sup>448</sup> Vignola Plea Agreement, *United States v. Vignola* (June 19, 2019), No. 1:19-cr-00431-CCB (D. Md. Sept. 23, 2019), ECF No 11; FBI FD-302 of Carmine Vignola (Jan. 29, 2019, April 17, 2019, and June 7, 2019).

<sup>449</sup> Vignola Sentencing Mem. at 18, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Jan. 23, 2020), ECF No. 16.

<sup>450</sup> Vignola Sentencing Mem. Ex. 1-2, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Jan. 23, 2020), ECF. No. 16-1, 16-2.

<sup>451</sup> BPD Personnel File for Carmine Vignola (provided by BPD).

<sup>452</sup> Vignola Sentencing Mem. Ex. 11, 32, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Jan. 23, 2020), ECF. Nos. 16, 16-11, and 16-32.

of guilt.” Vignola’s father stressed that his son’s supervisor was corrupt, and opined that “upper management had no interest in how things were done, . . . just results.”<sup>453</sup>

## **M. Robert Hankard**



### **1. Background**

Robert Anthony Hankard, Jr., was born in Bangkok, Thailand, on June 7, 1976. He moved to the United States and became a naturalized citizen in 1979. Hankard graduated from high school in Kennesaw, Georgia in 1994 and earned a Bachelor of Science degree from Bridgewater State College in 2001. In 2002, Hankard applied to join the US Navy, but was denied admission due to vision issues. Before applying to BPD in October 2007, Hankard worked several jobs, including as a security guard, youth care worker, residential counselor, and computer technician.<sup>454</sup>

### **2. Entry Into BPD**

In addition to his application to BPD, Hankard also applied to several other local and federal law enforcement agencies in 2007, but was either not selected or his application remained pending at the time he applied to BPD. Hankard did not report any criminal conduct, history, or affiliations on his BPD application beyond disclosing that he smoked marijuana once in 1994. Hankard ultimately accepted a conditional appointment as a police officer trainee with BPD in December 2007.<sup>455</sup>

### **3. BPD Employment History**

For a significant portion of his BPD career, Hankard was supervised by Keith Gladstone, who would eventually draw Hankard into the crime underlying the charges against both of them. In 2012, Gladstone temporarily supervised Hankard’s Northwestern Drug Enforcement unit. In this role, Gladstone praised Hankard for his work in gun cases and his use of search warrants.<sup>456</sup>

Two years later, Gladstone again became Hankard’s supervisor in the Westside 1 squad. Lieutenant Daryl Murphy oversaw the unit. Chris O’Ree recalled that Murphy had trouble supervising the Westside 1 squad, and routinely went to O’Ree for advice

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<sup>453</sup> Vignola Sentencing Mem. Ex. 5, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Jan. 23, 2020), ECF. No. 16-5.

<sup>454</sup> BPD Personnel File for Robert Hankard (provided by BPD).

<sup>455</sup> *Id.*

<sup>456</sup> *Id.*



and guidance. Murphy recalled not having significant interactions with Hankard, whom he described as a “Northwest guy.”<sup>457</sup>

In May 2014, BPD transferred both Hankard and Gladstone to OID’s Cease Fire 1 squad. Carmine Vignola was also a member of that squad. Three years later, in January 2017, BPD transferred both Hankard and Gladstone to OID’s Northwest 1 squad. Hankard continued to work under Gladstone in that unit until Gladstone’s retirement in March 2017.<sup>458</sup>

Hankard’s performance reviews throughout his tenure at BPD were generally positive. He was described as an “aggressive” officer who outperformed other squad members, as well as an “outstanding communicator when interacting with citizens.”<sup>459</sup>

#### **4. Notable IA Complaints and Other Disciplinary Issues**

Hankard was involved in six IA investigations throughout the course of his career, which are described in Appendix B: Internal Affairs Investigations and Related Matters.

The most serious of these incidents, and the only one that resulted in a sustained finding, occurred early in Hankard’s BPD career. During a field interview of an African-American male in October 2010, Hankard threw the individual’s identification card to the ground and said to him, “You know your [sic] acting like a real n\*\*\*\*r right now.” Notably, although the BPD charging committee recommended termination based on this conduct, the discipline was reduced from termination to a severe letter of reprimand, 30 days loss of leave, and the requirement that Hankard undergo sensitivity training. This reduced discipline was approved by Commissioner Bealefeld. Paul Geare, a BPD officer who worked with Hankard, said that as a result of this incident, his squad could not bring Hankard’s gun cases to the State’s Attorney’s Office because of the evidentiary issues created by his misconduct.<sup>460</sup>

We asked Bealefeld about his recollection of the case and why he would have approved a reduction in punishment that allowed Hankard to remain in BPD. In an email response, Bealefeld said he did not recall the Hankard matter, but provided a detailed description of the general process by which such matters would have been presented to him, including the substantial role played by BPD legal counsel. Bealefeld

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<sup>457</sup> SES Roster (Jan. 7, 2014); Chris O’Ree Interview, Sept. 10, 2020; Daryl Murphy Interview, Oct. 15, 2020.

<sup>458</sup> SES Roster (May 30, 2014); BPD Roster (Jan. 16, 2017); BPD Roster (Mar. 2, 2017); BPD Personnel File for Keith Gladstone (provided by BPD). In addition to the squads described above, Hankard also worked in Northwestern District Patrol (2008-2010), and Northwestern District Drug Enforcement unit (2010-2014). BPD Personnel File for Robert Hankard (provided by BPD).

<sup>459</sup> BPD Personnel File for Robert Hankard (provided by BPD).

<sup>460</sup> BPD IA File 10-1328 (provided by BPD); Paul Geare Interview, Feb. 10, 2021.

said that he would have been very reluctant to reduce discipline in a case involving racial animus and would not have done so without a recommendation from BPD lawyers.<sup>461</sup> Our review of the record provided no additional information on the reasons for the reduced discipline.

The remaining complaints that were not sustained or that were found to be unfounded alleged conduct similar to that routinely engaged in by the GTTF defendants—including allegations that Hankard engaged in illegal searches or seizures or stole personal property during searches.<sup>462</sup> Notably, two of these complaints also involved Vignola, and all occurred while Hankard was working under Gladstone.

Hankard was also the subject of an excessive force allegation in July 2015 that was not sustained, and was involved in two officer-involved shootings in 2016. In both shootings, BPD’s Special Investigation Response Team determined that Hankard’s conduct did not violate BPD policy. In addition to these more serious incidents, Hankard also received complaints for failing to appear in court or at appointments, and for damaging BPD equipment.<sup>463</sup>

## **5. Criminal Proceedings**

Hankard was originally indicted on January 14, 2020, for lying about his role in supplying the BB gun that Gladstone planted on March 26, 2014, in the Demetric Simon incident. On August 11, 2020, a superseding indictment was unsealed with a broader set of charges. The superseding indictment alleges that Hankard engaged in the following additional criminal conduct:

- On March 2, 2015, Hankard executed a warrantless search of a suspect’s residence, made false statements in a search warrant affidavit, and submitted a false incident report regarding the circumstances of the search and arrest.
- On September 24-25, 2015, Hankard, along with Gladstone and Vignola, found drugs during a warrantless search of a suspect’s hotel room, and planted the drugs in the suspect’s car, which they then used as probable cause to obtain an after-the-fact search warrant for the hotel room they had already entered and searched.

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<sup>461</sup> Email from F. Bealefeld to M. Bromwich, Oct. 12, 2021, Re: Reduced Punishment for Hankard.

<sup>462</sup> BPD IA File 2014-0434 (provided by BPD); BPD File IA 2014-0077 (provided by BPD); BPD IA File 16-00238 (provided by BPD); BPD IA File 2018-0404 (provided by BPD); BPD IA File 2018-0632 (provided by BPD); BPD IA File 19-00020 (provided by BPD).

<sup>463</sup> BPD IA File 2014-0420 (provided by BPD); BPD IA File 16J-0004 (provided by BPD); BPD IA File 16J-0041 (provided by BPD); BPD IA File 12-04165 (provided by BPD); BPD IA File 11-04700 (provided by BPD); BPD IA File 11-05156 (provided by BPD); BPD IA File 13-03754 (provided by BPD); BPD Personnel File for Robert Hankard (provided by BPD).

- On February 13, 2019, Hankard made false statements before a grand jury when asked about the Demetric Simon incident.<sup>464</sup>

In connection with those alleged crimes, the government charged Hankard with conspiracy to commit offenses against the United States; conspiracy to deprive persons of their civil rights; destruction, alteration, or falsification of records in federal investigations; and false statements to a grand jury.<sup>465</sup> Hankard has pled not guilty to these charges and has opted to proceed to trial, which was originally scheduled for February 2022, but has since been delayed.

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Although Hankard's record at BPD was not unblemished, his record contains fewer allegations of misconduct than many of the other BPD members who have been prosecuted arising out of the GTTF investigation. Compared to many of the other defendants, Hankard was the subject of a small number of IA investigations, and did not have a reputation as a corrupt officer. Although the sustained complaint for using racist language by itself merited termination, there appear to have been fewer warning signs that Hankard would eventually be accused of serious criminal conduct.

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<sup>464</sup> Hankard Indictment at 1, *United States v. Hankard*, No. 1:20-cr-00017-CCB (D. Md. Jan. 14, 2020), ECF No. 1; Hankard Superseding Indictment at 1, *United States v. Hankard*, No. 1:20-cr-00017-CCB (D. Md. Aug. 11, 2020), ECF No. 29 (Hankard Superseding Indictment). For additional information regarding Hankard's alleged crimes, see Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

<sup>465</sup> Hankard Superseding Indictment at 1-2.

## XI. The Problem of Overtime Fraud and Abuse

The image displays two forms from the Baltimore Police Department (BPD). On the left is the 'INDIVIDUAL OVERTIME REPORT' (Form 89 / 72, 1160-49-31), dated 2010. It is for Officer M. Ward, assigned to the 'Gun & Gang Grant O.T.' with account number 4000-435110-2020-669800-601065. The report shows 8 hours of overtime worked on 4-7-10. On the right is the 'Request Overtime' form, dated 01/06/2022. It shows a request for 6 hours of overtime from 04:00:00 PM to 10:00:00 PM, with the comment 'Voluntary, NE, staff shortage'.

**INDIVIDUAL OVERTIME REPORT**  
POLICE DEPARTMENT  
BALTIMORE, MARYLAND

Fiscal Division  
Form 89 / 72  
1160-49-31

Sergeant / Lieutenant  
Regular Earnings

Bl-Weekly \$ \_\_\_\_\_

**Gun & Gang Grant O.T.**  
**Acct # 4000-435110-2020-669800-601065**

Date(s) Worked	Hours Worked	Total Hours
4-7-10	0012-0812	8 hrs

Name & Rank of Member  
M. Ward

Member's Permanent District / Division / Bureau  
VCIS

Locator Number  
398

E.O.D.  
1012103

Sequence Number  
det #456

Social Security Number  
[REDACTED]

(Overtime Work Performed - Explain)  
1 SWS, 1 Ac. 1 Served off station, cc # 107 D 2711

We certify that the overtime hours reported herein are authorized, were in fact worked, and are correct.

(Signature of Employee Working Overtime)  
Mark Ward

(Signature of Authorizing Supervisor)  
[Signature]

(Signature of Certifying Supervisor)  
[Signature]

**Request Overtime**

Date: 01/06/2022

Start Time: 04:00:00 PM

End Time: 10:00:00 PM

Total Hours: 6

Comment: Voluntary, NE, staff shortage

enter your comment

Attachments

Drop files here  
or  
Select files

Submit Cancel

BPD overtime slip, 2010

BPD current overtime request form

### A. Introduction

As with other aspects of the GTTF scandal, the BPD overtime abuse began long before the creation of the GTTF and the other plainclothes enforcement squads at the center of our investigation and this Report. Abuse of overtime within BPD has been a persistent problem, frequently lamented but never adequately addressed. Over the two decades of BPD history that we have reviewed during this investigation, massive expenditures on BPD overtime have been a constant – with discrete, fleeting, and only partially successful efforts to bring it under control. The exposure of massive overtime fraud in the GTTF corruption scandal once again brought overtime abuse to the forefront. It prompted reviews of overtime abuse and substantial changes to BPD's overtime procedures. Although overtime abuse is less headline-grabbing than some of the other corrupt conduct brought to light by the GTTF scandal, overtime abuse leads to significant financial loss for the city, and can be the gateway to officers participating in more egregious crimes. Once an officer steals from BPD by abusing overtime, and justifies such conduct to himself, other acts of corruption may follow.<sup>1</sup>

BPD's longstanding reliance on overtime to fill staffing shortages created a culture in which officers expected overtime to be regularly and freely available. BPD has dealt with its understaffing issues by allowing officers to perform nearly unlimited overtime. Because overtime was seen as essential for crime reduction, BPD executives believed they had no ability to reduce overtime without increasing crime. While much

<sup>1</sup> John Skinner Interview, Mar. 5, 2020; Kristen Mahoney Interview, July 14, 2020; Ronda McCoy Interview, Dec. 9, 2020.

of BPD's overtime was legitimate, the ready availability of overtime, coupled with the lack of meaningful oversight, allowed enterprising officers to abuse the system to substantially supplement their incomes. BPD also created a culture—from officers up to senior command members—whereby overtime was seen as a right entitling officers to earn as much as they wanted or needed. Indeed, many officers began to depend on overtime pay to supplement their salaries.<sup>2</sup> The problems with overtime abuse were often more acute in specialized units where it was harder to track and monitor officer hours.

Overtime abuse was facilitated by BPD's poor record keeping and overtime policies that lacked clarity. This meant that officers could easily abuse the system without being detected. Moreover, specialized enforcement squads, which in general have more discretion and are subject to less rigorous oversight, were given leeway on overtime spending because they were viewed as critical instruments in the Department's response to violent crime.

Over the past two decades, BPD officers have abused the overtime system and committed time fraud in various ways, including by waiting to perform work until the end of a shift or not accurately reporting the length of their shifts. Other officers—like those in the GTTF—engaged in more blatant and outrageous behavior, claiming overtime for hours they never worked and for time when they were not even in Baltimore. The extent of such abuses, beyond those exposed in the federal investigation of the defendants, cannot be known with certainty. Some supervisors helped their officers game the overtime system by awarding “slash days” – *i.e.*, paid days off for good performance. Knowledge of slash days was apparently not universal within BPD; indeed, former Commissioner Kevin Davis said he never heard the term.<sup>3</sup> But BPD members unfamiliar with the term understood the concept of rewarding performance with time off, and many acknowledged that these rewards were subject to abuse.<sup>4</sup>

## **B. GTTF Overtime Abuse**

While time fraud was common within BPD, the GTTF members took the abuse to new levels. The defendants themselves remarked that Wayne Jenkins was especially reckless regarding overtime, and multiple BPD members confirmed that, while overtime abuse is a problem in the Department, the extent of overtime fraud engaged in by the GTTF officers was unfathomable to them. Of the seven GTTF defendants prosecuted for overtime fraud, Jenkins, Hendrix, Taylor, and Ward engaged in the behavior before they joined the GTTF in June 2016. In the 2016 fiscal year, the

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<sup>2</sup> Kevin Davis Interview, Dec. 20, 2019; Ronda McCoy Interview, Apr. 30, 2020; Shallah Graham Interview, Mar. 30, 2021.

<sup>3</sup> Kevin Davis Interview, Dec. 20, 2019.

<sup>4</sup> Chad Ellis Interview, Apr. 16-17, 2020; Sean Malone Interview, June 2, 2020; Gary McLhinney Interview, Mar. 19, 2020; Rodney Hill Interview, Apr. 20, 2020.



defendants each made between \$29,000 and \$83,000 in overtime pay, in addition to their BPD salaries. For some of these officers, the overtime payments nearly equaled their annual salary. And it was a subject of discussion among them: in a conversation picked up by the Federal Bureau of Investigation's (FBI) electronic surveillance, Rayam and Gondo discussed how Jenkins, Hendrix, Taylor, and Ward had been committing overtime fraud for the past year and had made at least \$8,000 to \$10,000 per month in overtime during that period.<sup>5</sup>

The availability of overtime was at least part of the reason some BPD members wanted to join the GTTF. In his sentencing memorandum, Ward explained that Jenkins convinced him to move into GTTF by describing how the significant overtime available could help Ward with his family obligations.<sup>6</sup>

Under Jenkins's leadership, GTTF officers would often come in late or miss their assigned shifts, and then perform their shift work during overtime hours. And when the GTTF officers actually worked their assigned hours, they would often wait until the end of a shift to go out into the field to claim overtime. The GTTF officers would also claim more hours for overtime than they actually worked. For example, in his testimony at Hersl's and Taylor's trial, Gondo explained that even if officers were not present at a particular gun seizure or arrest, they would claim to have been there, and coordinate with each other before completing their overtime slips that ostensibly related to the seizure or arrest. Gondo pointed to Jenkins as the architect of the scheme and explained that Jenkins dictated how much overtime GTTF members claimed. The defendants also used "slash days" as a reward for seizing guns, with the result being that they would be paid for days they did not work. To implement the fraud, the defendants had their overtime slips signed by people other than their direct supervisors in order to evade oversight.<sup>7</sup> Jenkins admitted in his plea agreement to signing overtime slips he knew were fraudulent. He explained to members of the FBI's Public and Border Corruption Task Force that, although overtime fraud was a problem across BPD, in GTTF there was "unlimited overtime."<sup>8</sup>

Some of the most brazen overtime abuses related to occasions when the defendants submitted overtime when they were on vacation or otherwise not in

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<sup>5</sup> Indictment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Feb. 23, 2017), ECF No. 1; Gondo Trial Testimony at 77-78 (Feb. 5, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 470. Even with the high amount of overtime earned by GTTF officers, they were not amongst the top overtime earners at BPD because they only billed for daily overtime and not for working secondary employment like some officers. Robert Furlong Interview, Dec. 16, 2020.

<sup>6</sup> Def.'s Sentencing Mem., *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. May 29, 2018), ECF No. 388.

<sup>7</sup> Gondo Trial Testimony at 64-68, 74-75, 78 (Feb. 5, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 470.

<sup>8</sup> Jenkins Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254; FBI FD-302 of Wayne Jenkins (Apr. 28, 2017).

Baltimore. This happened on a number of occasions, and involved many of the defendants. Jenkins and Taylor claimed overtime while on vacation, and Hersl and Ward submitted overtime claims when they were at home. Among a series of extreme overtime abuses, perhaps the most outlandish was when Hendrix, Taylor, and Ward claimed to be at work while they were in the Dominican Republic on vacation.<sup>9</sup>

During the ten-year history of the GTTF, there were sporadic efforts to track overtime, but these efforts were largely unsuccessful. For example, Elizabeth Geiselman, one of the original members of the GTTF, explained that, at Thomas Allers's direction, she created an overtime slip database that tracked the complaint number and the reason for the overtime. She recalled receiving a large number of overtime slips claiming "covert surveillance and trash runs." But it does not appear that anything further was done with this information to determine whether it was legitimate. Years later, Lieutenants Marjorie German and Sue Fries made efforts to address overtime abuse. German allowed her sergeants to input overtime directly in BPD's system, but requested copies of the overtime slips so that she could review and keep track of overtime. German explained that she and Fries also sent out text messages discussing their intent to monitor overtime, but these efforts were ultimately unsuccessful. German noted that one of the problems with monitoring GTTF overtime was, as discussed in earlier chapters, that the GTTF members did not work in the same location as she did, thus reducing her ability to oversee them.<sup>10</sup>

After the defendants were arrested in March 2017, Internal Affairs (IA) conducted a review of the overtime abuse engaged in by the GTTF members. The review focused on supervisory oversight of the GTTF and specifically on Jenkins's overtime slips. Although there appears to have been a general lack of oversight—in large part due to the lack of clear systems and policies in place at the time—only Lieutenant Chris O'Ree was ever held accountable. As we described in Chapter IX, in January 2018, O'Ree was found to have failed in his responsibility to provide oversight and was given a written letter of reprimand.<sup>11</sup>

In the face of allegations that he failed to properly oversee overtime claimed by GTTF members, O'Ree maintained that he was unaware of any overtime abuse and that he never saw Jenkins's overtime slips. He recalled telling Jenkins on June 13, 2016, that the overtime budget had "opened up," following prior budget crunches that prohibited overtime, but he explained that he conveyed this message to all of his sergeants. He did not intend this message to encourage officers to steal overtime; to the contrary, he said it was meant to encourage officers to put the necessary work into their cases. The IA investigation developed no evidence to the contrary, and neither did our investigation.

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<sup>9</sup> Indictment, *United States v. Gondo, et al.*, 1:17-cr-00106-CCB (D. Md. Feb. 23, 2017), ECF No. 1.

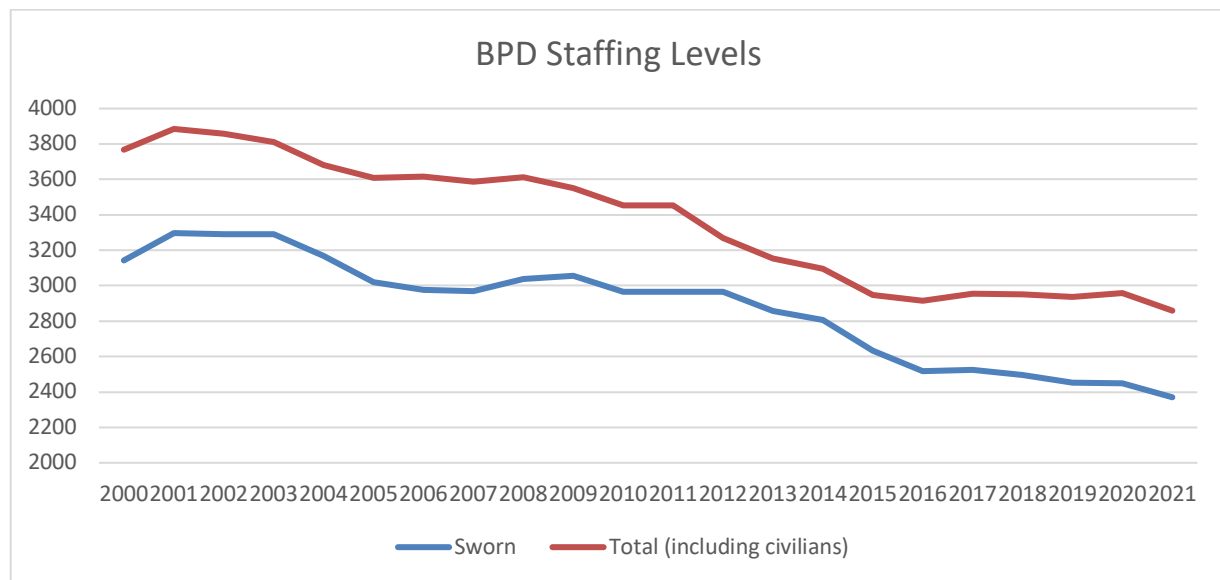
<sup>10</sup> Marjorie German Interview, Sep. 15-16, 2020.

<sup>11</sup> BPD IA File 2017-0115 (provided by BPD). For further discussion of O'Ree's discipline, see Chapter IX, Section E.

## C. Causes of Overtime Abuse

### 1. Staffing Shortages at BPD

One of the principal causes of excessive and uncontrolled overtime spending has been its use as a substitute for adequate manpower. Although Baltimore leadership has repeatedly expressed a desire to hire more police officers, BPD has been unable to do so over the past decade.<sup>12</sup> BPD's chronic understaffing issues have stemmed largely from the inability to recruit a sufficient number of officers and the lack of urgency associated with hiring.<sup>13</sup> In tandem with the recruitment issues, BPD also suffers from high turnover which has compounded BPD's staffing shortages.<sup>14</sup> Overall, BPD has seen a decrease in the number of sworn officers since 2000. At its peak in 2001, BPD had 3,297 officers. But by 2021 BPD had lost nearly 1/3 of its officers and now has 2,370 total sworn members.<sup>15</sup>



<sup>12</sup> See, e.g., Stephanie Rawlings-Blake, Fiscal 2012 Summary of the Adopted Budget, at 2, <https://bbmr.baltimorecity.gov/sites/default/files/Fiscal%202012%20Summary%20of%20the%20Adopted%20Budget.pdf> ("Baltimore's Fiscal 2012 budget plan . . . continu[es] an aggressive plan to hire hundreds of new police officers . . ."); Kevin Rector, *Baltimore mayor defends police recruiting efforts, says 2018's net drop in officer ranks marks improvement*, The Baltimore Sun (Feb. 7, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-recruitment-folo-20190206-story.html> (quoting Mayor Pugh as stating, "We are working very diligently to hire people, to recruit, to create a program that we think is going to attract people across the country to the police department.").

<sup>13</sup> Leonard Hamm Interview, Feb. 4, 2020; Anthony Batts Interview, Mar. 17-18, 2020; Shallah Graham Interview, Mar. 30, 2021.

<sup>14</sup> Darryl De Sousa Interview, May 26, 2020.

<sup>15</sup> Data provided by BPD's Human Resources Department.

BPD's staffing issues and its connection to overtime spending have been noted by BPD commissioners and Baltimore mayors alike over at least the past two decades. Former Commissioner Leonard Hamm noted that BPD's policing needs were met in substantial part through overtime funding.<sup>16</sup> Former Commissioner Anthony Batts similarly noted the need to fill immense staffing shortages with overtime spending. He explained that BPD regularly lost officers due to inadequate salaries. Batts also noted that BPD relied too heavily on officers for administrative work and did not have enough civilian employees to fill administrative roles. Batts viewed overtime as a necessary evil.<sup>17</sup> Former Deputy Commissioner Jerry Rodriguez echoed this concern about staffing shortages, noting that overtime was used to compensate for personnel shortages.<sup>18</sup> Former Commissioner Kevin Davis and former Mayors Stephanie Rawlings-Blake and Catherine Pugh also echoed these sentiments and explained that manpower shortages necessitated BPD's overtime spending.<sup>19</sup>

This extensive reliance on overtime to fill staffing shortages has created concerns that go beyond the spending itself. One drawback is that it has required officers to work outside the districts to which they have been assigned and where they have built relationships. This has contributed in some measure to the erosion of trust between BPD and the community. In addition, as is the case with any profession that entails risk and requires good judgment, officers who work excessive hours are more prone to make mistakes and exercise poor judgment, which in the case of police officers can have dangerous — even tragic — consequences.<sup>20</sup>

## **2. Officer Dependence on Overtime**

In addition to officer expectations that overtime pay would be available to supplement their salaries, the heavy reliance on overtime has also created disincentives to promotion to higher ranks within BPD. Some BPD members have been reluctant to accept promotions above lieutenant because members serving in higher ranks are not eligible to receive overtime.<sup>21</sup> Further, certain officers have made decisions on which squad to join based largely on the availability of overtime. For example, Ward told the

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<sup>16</sup> Leonard Hamm Interview, Feb. 4, 2020.

<sup>17</sup> Justin Fenton, *Baltimore police struggle with vacancies, increased spending*, The Baltimore Sun (June 18, 2013), <https://www.baltimoresun.com/news/crime/bs-xpm-2013-06-18-bs-md-ci-baltimore-police-overtime-staffing-20130613-story.html>; Anthony Batts Interview, Mar. 17-18, 2020.

<sup>18</sup> Jerry Rodriguez Interview, Mar. 23, 2020.

<sup>19</sup> Kevin Davis Interview, Dec. 20, 2019; Catherine Pugh Interview, June 10, 2020; Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>20</sup> Robert Maloney Interview, July 23, 2020.

<sup>21</sup> Ganesha Martin Interview, Apr. 2, 2020; Suzanne Fries Interview, Sep. 29, 2020; Kevin Davis Interview, Dec. 8, 2020.

FBI in his debriefings that despite receiving warnings about Jenkins, he decided to work for Jenkins because he could take advantage of unlimited overtime.<sup>22</sup>

Supervisors have struggled with this dependence on overtime, both in controlling their officers and in billing overtime themselves. Some supervisors held the view that the money spent on overtime was not their money so they were unconcerned about excessive overtime costs.<sup>23</sup> Not surprisingly, certain supervisors realized that if they were lax about overtime, they could participate in the overtime abuse themselves.

### **3. Lack of City and Command Control Over Overtime Abuse and Spending**

BPD and City Hall executives have acknowledged the problems with BPD's overtime spending and controls, but these problems have been generally subordinated to issues of fighting violent crime and addressing the high number of homicides. As Stephanie Rawlings-Blake explained, although the City Council was supposed to ensure that BPD stayed within its overtime budget, the Council was forgiving of overages as long as the homicide rate decreased.<sup>24</sup> When BPD executives addressed overtime spending, they did so in a scattershot manner, temporarily curtailing overtime, but failing to implement long-term solutions. Not surprisingly, the focus on overtime spending was most intense during budget crunches.

Some Baltimore mayors and their staffs have used CitiStat as an instrument to review and control overtime spending, but curbing overtime fraud has never remained a priority for long. The same has been true for BPD executives. Instead, the BPD command staff's focus remained on doing whatever it took to lower crime levels, especially the top-line homicide number, even if that meant spending excessively on overtime. As Rodriguez recalled, when he raised the problem of overtime spending with Batts, Batts responded, "No one is complaining about overtime; people are complaining about homicides."<sup>25</sup> On those occasions when an effort was made to control overtime, it was done on an *ad hoc* basis rather than through the creation of a system that would provide continuing and rigorous oversight.

### **4. Failures in Overtime Policies**

One of the key challenges in curbing overtime spending has been that BPD's overtime policies have been unclear and confusing. This led to problems with the reliability of BPD's overtime records, and also made it easier for officers to commit fraud. Fundamentally, the absence of effective technology – and a failure to invest in it when funds were available – contributed significantly to the lack of controls

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<sup>22</sup> FBI FD-302 of Maurice Ward (Apr. 19, 2017).

<sup>23</sup> Derek Loeffler Interview, Apr. 8, 2021.

<sup>24</sup> Stephanie Rawlings-Blake Interview, June 23-24, 2020.

<sup>25</sup> Jerry Rodriguez Interview, Mar. 23, 2020.



surrounding overtime.<sup>26</sup> BPD's overtime approval system remained essentially the same from at least the early 2000s until BPD revised the entire system in 2019. Although there was a prescribed manner for approving and tracking overtime, this system suffered from frequent breakdowns at various points in the process. Lawrence Perry, who joined BPD in 2019 to deal with various fiscal issues including overtime, described BPD's historical oversight system as more of an honor system than an oversight system.<sup>27</sup> Although small tweaks were periodically made to address specific overtime abuse issues, the overall system remained fundamentally the same.

One of the main flaws in the system is that it was entirely paper-based. An officer seeking overtime was required to fill out an overtime slip, which was approved by the officer's supervisor, and then sent to the payroll clerk for processing. A separate supervisor (either a sergeant or lieutenant), known as a verifier, was then supposed to review the overtime. Finally, the Fiscal Department would review the slip to confirm the overtime.<sup>28</sup>

This low-tech system made it very difficult to track overtime; BPD's recordkeeping was variously described as "awful" and "inadequate."<sup>29</sup> There was no central system for supervisors to track overtime; instead, supervisors created their own systems or used spreadsheets they informally shared with other supervisors. The overtime system relied primarily on self-reporting, which made it easy for officers to falsely report overtime that they had not actually worked because there was no meaningful system to verify overtime claims.<sup>30</sup>

#### **a. Overtime Slips**

BPD's overtime slips remained substantially the same over the years, although there were minor changes designed to tighten up the process. The final version of the overtime slip system, which was used until the slips were phased out in 2020, had three lines for signatures: the officer requesting overtime and two supervisors. Officers were required to get pre-approval for any overtime worked, if at all possible. After the overtime was worked, the officer needed to receive approval from two supervisors – ideally the officer's direct supervisor and lieutenant. The direct supervisor was supposed to do the actual work of confirming that the officer had actually worked the specified hours and had returned to the office, and that officers did not work more than 32 hours per week. Often this did not happen and, instead, the slips were either not properly verified by the supervisors, were signed by a co-worker of an equal rank or

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<sup>26</sup> James Gillis Interview, Apr. 5, 2021; Robert Furlong Interview, Dec. 16, 2020.

<sup>27</sup> Lawrence Perry Interview, Dec. 22, 2020.

<sup>28</sup> Robert Furlong Interview, Dec. 16, 2020; Ronda McCoy Interview, Dec. 9, 2020.

<sup>29</sup> Sean Malone Interview, June 2, 2020; Robert Maloney Interview, July 23, 2020.

<sup>30</sup> Ganesha Martin Interview, Apr. 2, 2020.

someone who could not meaningfully verify the hours, or the required approvals did not occur at all. Moreover, the time clocks that were supposed to ensure accountability, were often broken. There were also difficulties with tracking specialized squads that had city-wide jurisdiction because they were traveling throughout Baltimore and were not always near a time clock or the personnel responsible for verifying their overtime. The lieutenant then reviewed the slip after the supervisor had verified the hours.

At various points, there was some level of awareness that officers were submitting overtime slips that did not have the appropriate signatures. For example, in an October 2016 text message, Marjorie German, who at the time had oversight over the GTTF, wrote that all overtime slips had to be signed by her, and that sergeants could not sign each other's slips,<sup>31</sup> which was a common practice at BPD. At times, officers worked in different locations from their sergeants (as occurred with GTTF when German and O'Ree supervised the squad once Jenkins took over in June 2016), which meant that the sergeants could not verify if an officer was at the location where he claimed.<sup>32</sup>

In addition, overtime slips were frequently turned in late. Late overtime slips meant that the overtime might not appear on the sheets that supervisors periodically reviewed. To combat this, BPD created a policy that overtime slips had to be turned in during the same pay period the overtime was accrued, but this policy was not consistently observed or enforced.<sup>33</sup>

Beyond the problems with the overtime slips themselves, there were also recordkeeping issues with the timesheets. Officers' schedules would be entered into the timesheets ahead of time, so it would require additional effort to revise the schedules and mark someone as absent or late. In general, supervisors would review these documents to make sure officers did not work more than the allotted number of hours, but they would not consistently make sure absences were correctly reflected or whether officers had been physically present.<sup>34</sup>

## **b. Overtime Hours Tracking**

Each supervisor received an overtime budget based on their unit type, number of officers, and any grants received by BPD. The overtime allocations for lieutenants were reviewed quarterly but were not frequently changed. BPD's budget system allowed money not spent on salaries because of vacant positions to be spent on overtime.

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<sup>31</sup> Sean Miller Interview, Apr. 24 and May 1, 2020.

<sup>32</sup> Ronda McCoy Interview, Apr. 30, 2020; Robert Furlong Interview, Dec. 16, 2020.

<sup>33</sup> John Sieracki III Interview, Apr. 8 and 28, 2020; Todd Moody Interview, May 22, 2020.

<sup>34</sup> Lawrence Perry Interview, Dec. 22, 2020; Shallah Graham Interview, Mar. 30, 2021.

BPD's fiscal year runs from July 1 through June 30 of the following year, so by May each year BPD had almost invariably exceeded its overtime budget and had to cut back on overtime spending.<sup>35</sup> Overtime was more closely scrutinized and tracked at the end of the fiscal year because budget concerns were especially intense at that time.<sup>36</sup> Lieutenants had the authority to adjust the overtime budgets of their squads so that if one squad had a budget surplus and another had a deficit, the lieutenant could shift amounts between the two squads.<sup>37</sup> Some officers feared that the "elite" squads would use overtime budget dollars that were allocated to other squads. This was part of a culture that allowed high-performing squads like the GTTF to game BPD's system.<sup>38</sup>

We heard various assessments from BPD personnel about the extent to which overtime was actually tracked. In addition, there appears to have been some confusion regarding how lieutenants were supposed to track overtime for their units, and like other aspects of BPD technology, the systems available for tracking overtime were primitive. Ronda McCoy, former Commander of Internal Audits Section, within the Compliance Division, estimated that only 80% of patrol supervisors were tracking unit overtime, and that only 20% of supervisors of specialized units did so until changes were implemented in the overtime system beginning in 2017.<sup>39</sup> In her view, specialized unit supervisors had fewer incentives to track their unit's overtime because they worked overtime alongside their units and therefore benefitted from a loosely run overtime system. It is clear that supervisors did not have a good handle on the amount of overtime occurring in their units, and that the methods of tracking this overtime were rudimentary, inadequate and *ad hoc*.

### **c. Payroll Clerk Review**

After overtime slips were completed, they were sent to payroll clerks for review. These civilian payroll clerks were not organizationally, or physically, separate from the officers whose overtime they were responsible for reviewing. This physical proximity almost surely increased the reluctance of payroll clerks to report concerns about potential abuse. It also increased the likelihood that supervisors would direct payroll clerks to act in a manner that was contrary to official BPD policies.<sup>40</sup>

In addition, the policy that payroll clerks were required to follow was established in the mid-1990s and did not consider the use of E-Time, BPD's payroll system prior to implementing Workday in late 2020. Payroll clerks did not always receive adequate

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<sup>35</sup> Marjorie German Interview, Oct. 14, 2020.

<sup>36</sup> TJ Smith Interview, May 6, 2020; Robert Furlong Interview, Dec. 16, 2020.

<sup>37</sup> Sean Miller Interview, Apr. 24 and May 1, 2020.

<sup>38</sup> Ronda McCoy Interview, Dec. 9, 2020.

<sup>39</sup> *Id.*

<sup>40</sup> Ganesha Martin Interview, Apr. 2, 2020; Ronda McCoy Interview, Dec. 9, 2020.

training, and most by default followed whatever system the previous clerk had used. Although payroll clerks were required to ensure that the roll books matched the records in E-Time, this was not considered a high priority for the clerks.<sup>41</sup>

#### **d. Verifiers**

The verifiers, sworn officers with other full-time responsibilities, were responsible for reviewing the submitted overtime hours. As with other steps in the overtime process, it was unclear what procedures verifiers were supposed to follow. Some verifiers only reviewed regular work hours and not overtime. According to Ronda McCoy, these verifiers were “set up for failure” because they had fulltime policing roles beyond their verifier roles and were not always part of the unit they were assigned to review, so they did not have any way to meaningfully verify and confirm the hours they reviewed. The training for verifiers was done by video, but in practice, like the payroll clerks, the verifiers tended to follow the practice of their predecessors in the role. This meant there was no uniformity in practice.<sup>42</sup>

#### **e. Oversight of Process**

In terms of ability to oversee the overtime, the Fiscal Department lacked the necessary tools. Furlong explained that, as the administrative lieutenant for specialized squads from 2006 to 2018, his office did not review each overtime slip to ensure accuracy. Instead, they only reviewed the slips for discrepancies between how the Fiscal Department calculated the payment and the actual payment that was sent to the officer. Some of these discrepancies arose because of the existence of overtime slip backlogs.<sup>43</sup>

Robert Furlong—who served as the administrative lieutenant for specialized squads—and members of Furlong’s staff reviewed paperwork related to any officers who worked more than 32 hours per week. If issues were identified, they would be escalated to Furlong’s major to discuss with the officer’s supervisor. Many of the excessive hour issues arose from specialized squads. In Furlong’s view, the excessive hour issues were not regularly dealt with, even in those instances when it was elevated in the chain of command. Overtime was tracked for each lieutenant and not for each squad, although there was sufficient information that would have permitted review by squad. Elite squads were generally viewed as having greater ability to escape accountability for overtime abuse because of their productivity. According to Furlong, as long as the GTTF and similar plainclothes units continued to seize guns, no one was questioning their overtime slips.<sup>44</sup>

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<sup>41</sup> Ronda McCoy Interview, Dec. 9, 2020.

<sup>42</sup> Robert Furlong Interview, Dec. 16, 2020; Ronda McCoy Interview, Dec. 9, 2020.

<sup>43</sup> Martin Bartness Interview, May 12, 2020; Robert Furlong Interview, Dec. 16, 2020.

<sup>44</sup> Robert Furlong Interview, Dec. 16, 2020; Derek Loeffler Interview, Apr. 8, 2021.

## 5. IA Investigations and Audits

Over the years, IA conducted numerous investigations of overtime abuses. Some of these investigations reviewed overtime abuses by prominent or high-level officers, while others were directed at officers who earned large amounts of overtime. These investigations, along with the millions of dollars that were spent on overtime, should have led BPD to understand that there were systematic problems with overtime abuse and devote some effort to creating a system with tighter controls and more rigorous oversight. As explained by John Ferinde, who served in IA for eight years, the various overtime investigations conducted during his tenure produced no remedial measures other than the addition of a third signature line to the overtime slips. He noted that this kind of minimal response was consistent with BPD's pattern in responding to scandals: tweaks at the margin of the problem rather than addressing the underlying issues that allowed them to occur.<sup>45</sup>

In response to these various investigations, different reform measures were suggested, but it does not appear that any true systematic changes were implemented. For example, in the early 2000s BPD attempted to connect the new keycards to BPD timeclocks so that officers could be more easily tracked. Chad Ellis estimated that this increase in functionality for the timekeeping system would have cost \$5 to \$6 million for the technology and training. He noted that although this was expensive, it would have saved BPD much more than that in overtime dollars.<sup>46</sup>

In 2015, McCoy's Compliance Unit created a financial audit team that looked into a number of issues, including overtime. This unit also conducted the post-indictment audit of payouts to Momodu Gondo (the Gondo audit). As part of the Gondo audit, auditors determined that BPD's internal controls were broken and that the relevant timekeeping entities failed to communicate with each other. McCoy made efforts to implement controls for overtime pay. She brought in a fiscal accounting auditor and another accountant to review and resolve these issues, but the problems were so substantial that they were unable to do so.<sup>47</sup>

After the GTTF scandal broke into the open in March 2017, Mayor Pugh ordered an overtime audit to examine the issues surrounding overtime at BPD.<sup>48</sup> The audit was conducted by the Baltimore City Department of Finance. The audit report noted the significant increase in overtime spending from FY2013 to FY2017, a period during which overtime spending increased from \$23.2 million to \$47.1 million. It found that

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<sup>45</sup> John Ferinde Interview, Mar. 17, 2021.

<sup>46</sup> Chad Ellis Interview, Apr. 16-17, 2020.

<sup>47</sup> Ronda McCoy Interview, Apr. 30, 2020.

<sup>48</sup> Department of Finance, Report on Overtime at the Baltimore Police Department, Oct. 24, 2018, [https://finance.baltimorecity.gov/sites/default/files/Report.%20Overtime%20at%20BPD.Final\\_.v.1.pdf](https://finance.baltimorecity.gov/sites/default/files/Report.%20Overtime%20at%20BPD.Final_.v.1.pdf).



Patrol shortages were not the main determinant of overtime hours because 40% of the top 25 overtime earners were assigned to duties other than patrol.

The Department of Finance audit report addressed one of the fundamental issues raised by the long history of BPD overtime fraud and overtime abuse – the fact that BPD lacked internal controls to ensure that overtime was necessary and that officers actually worked the overtime hours for which they were paid. The audit report identified three primary reasons for overtime abuse: “1) a lack of command accountability and resistance to change; 2) barriers to effective monitoring and supervision; and 3) BPD’s reliance on manual systems/lack of technology.” The audit report concluded with a number of recommendations for enhanced technology to improve overtime accountability.<sup>49</sup> Many of these recommendations were ultimately implemented by BPD.

Although Mayor Pugh found the audit report to be helpful, she said it failed to answer questions regarding “who gets overtime” and “where officers are serving overtime.” She also concluded that BPD lacked measurement tools to evaluate overtime practices and procedures.<sup>50</sup>

#### **D. Reforms Under Commissioner Harrison**

When Michael Harrison became BPD Commissioner in March 2019, resolving the overtime issues became one of his first priorities. Commissioner Harrison recalled that Mayor Pugh challenged him to achieve two objectives: 1) decrease the murder rate and 2) fix the overtime crisis.<sup>51</sup> This mandate led to a systematic review of the overtime budget and processes. As a consequence of that review, BPD implemented a series of changes. These included high-level cultural changes so that supervisors understood that they were accountable for overtime in their squads, as well as procedural reforms so that overtime could be more accurately recorded and tracked.

One of the first steps taken by Harrison’s administration was including overtime oversight as part of ComStat.<sup>52</sup> As Deputy Commissioner of Compliance Danny Murphy explained, prior to Commissioner Harrison’s tenure, ComStat only addressed crime issues, but its scope was subsequently broadened to include performance audits and overtime discussions.<sup>53</sup> In addition to tracking overtime through ComStat, BPD improved the technology for tracking overtime. According to Shallah Graham, BPD’s

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<sup>49</sup> Department of Finance, Report on Overtime at the Baltimore Police Department, at 4, Oct. 24, 2018, [https://finance.baltimorecity.gov/sites/default/files/Report.%20Overtime%20at%20BPD.Final\\_v.1.pdf](https://finance.baltimorecity.gov/sites/default/files/Report.%20Overtime%20at%20BPD.Final_v.1.pdf).

<sup>50</sup> Catherine Pugh Interview, June 10, 2020.

<sup>51</sup> Michael Harrison Interview, Mar. 30, 2021.

<sup>52</sup> Eric Melancon Interview, Mar. 16, 2021.

<sup>53</sup> Danny Murphy Interview, Mar. 12, 2021.

current Chief Financial Officer, the current methods, while relatively new, have appeared to be successful so far in tracking overtime; she said she is cautiously optimistic that these remedies will help resolve many of the historical overtime issues.<sup>54</sup>

## 1. New Overtime Policies

Since 2019, BPD has revamped its overtime policies, limiting the hours BPD members may work per week, and revising the process by which employees fill out overtime slips and receive pre-approval. The new policies direct officers to receive pre-authorization from their command, and approval signatures must be accompanied by a legibly printed name and sequence number.<sup>55</sup> These policies appear to have had some success so far: overtime spending has been reduced by \$21 million from 2019 to 2021. Under Shallah Graham, BPD has attempted to make the overtime budget more transparent. These changes make it clear which part of the overtime budget can be attributed to unfilled vacancies within BPD. Graham explained that but for the overtime necessitated by COVID-19 and the summer racial justice protests, BPD would have been under its overtime budget for 2020.

Among the larger challenges for BPD in implementing lasting overtime reform is addressing the legacy of multiple overtime policies that were confusing and contradictory, some of which date back to the 1990s. One of BPD's main goals has been to streamline overtime policies to make them simpler and clearer.<sup>56</sup>

The implementation of the Workday payroll system, the new online billing system for regular hours and overtime, has helped BPD achieve compliance with its new overtime policies. The Workday payroll system was simultaneously rolled out throughout Baltimore city government at the end of 2020.<sup>57</sup> The system allows only supervisors to approve overtime, and sergeants can no longer approve one another's overtime. Workday allows supervisors to digitally track the overtime of their squad members, and they receive alerts when officers exceed their budgeted allowance. Although overtime monitoring and tracking had begun to improve even prior to the implementation of Workday, this system has standardized the overtime process across BPD and has allowed for better oversight by supervisors and by BPD as a whole.<sup>58</sup>

Not surprisingly, BPD has experienced some growing pains as officers and supervisors learn how to use Workday. Sergeants and lieutenants expressed some

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<sup>54</sup> Shallah Graham Interview, Mar. 30, 2021.

<sup>55</sup> BPD Police Commissioner's Memorandum 20-04, Overtime Guidance for Workday Implementation, Dec. 16, 2020.

<sup>56</sup> Shallah Graham Interview, July 30, 2021.

<sup>57</sup> Shallah Graham Interview, Mar. 30, 2021.

<sup>58</sup> *Id.*

apprehension about Workday because they had no desire to become payroll clerks.<sup>59</sup> There have also been some difficulties due to the differences between BPD member schedules and practices and those of other city employees. Some of the methods and systems that work well for Baltimore city employees, who work more of a 9-5 schedule and have a simpler reporting structure, do not work as easily for BPD. As BPD has identified such problems with the system, it has brought them to the attention of the city to be resolved. BPD has also implemented mandatory training programs so that officers and supervisors learn how to use Workday.<sup>60</sup>

BPD has now officially divided overtime into two categories: 1) voluntary overtime, which is any overtime the Department could have anticipated ahead of time, and 2) involuntary overtime, which is overtime that occurs at the end of a shift when officers are working on a case. Graham explained that the majority of BPD's overtime should be voluntary overtime caused by BPD's staff shortages.<sup>61</sup> These two categories allow BPD to better tailor and track its overtime budget.

BPD has also installed new electronic time clocks in each district that are synchronized with Workday. When an officer punches in on the time clock, that information is automatically entered into Workday. Officers can also sign in and out of their shifts on their phones. The sign-in on the Workday phone app is geofenced to the office's work locations and a few universal locations, including BPD Headquarters, the Public Integrity Bureau (PIB), the Gunpowder Range, and the Education and Training Section at the University of Baltimore. If an officer punches in by phone they must also punch out on their phone, but if they punch in with the time clock they can punch out on either device. If an officer does not punch in or out, they must fill out a Manual Entry Form, although Derek Loeffler, who served previously as the district commander in the Northeastern District and worked closely with Graham on overtime issues, does not believe that occurs frequently. Officers receive alerts if the system detects them working unauthorized time. Workday still needs to have bugs worked out because, for example, officers receive alerts if they check in a few minutes early even if they do not expect to be paid for this time.<sup>62</sup>

Officers are now required to have their voluntary overtime preapproved through Workday in order to receive payment. While this was a requirement previously, it was not consistently enforced. As part of the pre-approval process, supervisors must ensure that the officer does not have more than 32 hours of overtime per week. If they have not received pre-approval for working overtime, officers must submit a form explaining

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<sup>59</sup> Derek Loeffler Interview, Apr. 8, 2021.

<sup>60</sup> Shallah Graham Interview, Mar. 30, 2021.

<sup>61</sup> *Id.*

<sup>62</sup> Lawrence Perry Interview, Dec. 22, 2020; Shallah Graham Interview, Mar. 30, 2021; Derek Loeffler Interview, Apr. 8, 2021; BPD Police Commissioner Memorandum 21-01, Mobile Time Entry Guidance for Baltimore Police Department Members.

why they did not receive pre-approval and detail their overtime activities. In addition, the supervisor's supervisor is notified that the overtime had not been pre-approved.<sup>63</sup>

As with the previous system, officers must also have their overtime approved after the hours have been worked. The Workday system only allows the officer's direct supervisor to approve the overtime. There has been some resistance to this because it requires supervisors to review and approve overtime within a tight time window, but Graham says this change is important because it ensures greater accountability.<sup>64</sup>

Because BPD remains short-staffed, officers can still legitimately earn a significant amount of overtime. However, now that the various overtime tracking systems have been consolidated in Workday, overtime is more easily tracked.<sup>65</sup>

BPD has also tightened its policies regarding when overtime slips can be turned in. Previously the expectation had been that overtime slips would be turned in immediately, but that did not consistently happen in practice. Now officers are required to fill in their overtime slips in Workday either the same day the overtime is worked or the next day. If an overtime slip is not completed in that timeframe, then the officer must fill out a Form 95 providing an explanation.<sup>66</sup>

To achieve greater compliance with the revamped overtime system, BPD has developed a number of training programs covering Workday and the new overtime policies. The new policies are posted on BPD's intranet and all officers must read the policies and verify that they have reviewed them. BPD has created video training for using Workday that is available on YouTube. BPD also provides bi-weekly Workday-related webinars. Derek Loeffler has provided direct one-on-one training when sergeants have had questions about how to operate the system. Not surprisingly, COVID-19 has at times interfered with some of the training on the new overtime system.<sup>67</sup>

BPD is now also closely monitoring each lieutenant's overtime budget. The budget used to be tracked in dollars but is now tracked in hours. This makes it far easier for supervisors to monitor. Any lieutenant who exceeds an overtime budget must be ready to explain it at ComStat. Commanders risk being reassigned if they

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<sup>63</sup> Ronda McCoy Interview, Dec. 9, 2020; Lawrence Perry Interview, Dec. 22, 2020; Shallah Graham Interview, Mar. 30, 2021; BPD Police Commissioner's Memorandum 19-02, Overtime Rules Clarification II, July 30, 2019 ("All voluntary overtime, BPD secondary employment, and uniformed secondary employment must be pre-authorized."). This memo also required a number of other specific changes to authorization but many of these changes have been incorporated into Workday.

<sup>64</sup> Shallah Graham Interview, Mar. 30, 2021.

<sup>65</sup> *Id.*; Derek Loeffler Interview, Apr. 8, 2021; Ronda McCoy Interview, Dec. 9, 2020.

<sup>66</sup> Lawrence Perry Interview, Dec. 22, 2020.

<sup>67</sup> Shallah Graham Interview, Mar. 30, 2021; Derek Loeffler Interview, Apr. 8, 2021.

exceed their budgets. Supervisors have a minimum amount of overtime they must spend in order to ensure that the city can be kept safe. The minimum and maximum budgets are reviewed yearly, but Loeffler recommends that it be done quarterly.<sup>68</sup>

In order to monitor overtime spending, lieutenants are provided with a spreadsheet every two weeks that tracks overtime spending. As part of the tracking system, lieutenants need to consider future overtime needs to ensure that they will have the necessary funds available to spend on overtime throughout the year. This can potentially lead to supervisors limiting overtime at the end of pay periods if they have not accurately projected expected or unexpected overtime needs. BPD is also working with the city to add additional reporting functions to Workday, including a dashboard function, so that supervisors have even more information about how overtime is being used and can better control future overtime spending. Until these additional reporting functions are added to Workday by the city, much of the overtime tracking is in the hands of the BPD CFO's office.<sup>69</sup>

As of July 2019, officers who violate overtime rules can face two days of lost pay for their first violation. Alternatively, they may face suspension without pay for each violation. Repeat offenders can face termination. These penalties apply to both the overtime requestor and the overtime approver.<sup>70</sup>

The Compliance Department conducts inspections of the overtime forms each pay period to identify any officer who records more than 32 hours of overtime, the maximum amount allowed per week. If Compliance determines that the officer violated any policies or did not receive the proper approvals, the information is forwarded to PIB for its review.<sup>71</sup>

The Compliance Unit has reviewed court overtime and is placing controls on this category of overtime expenses. This will prevent officers from being able to claim court overtime in an effort to circumvent other overtime controls.<sup>72</sup> BPD has also recently implemented a certification process for court overtime.

To date, the main concerns about the new overtime system center on the use of Workday, and not on the policies themselves. The concerns stem primarily from the need for lieutenants to regularly review Workday. Officers appear to be increasingly

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<sup>68</sup> Shallah Graham Interview, Mar. 30, 2021; Derek Loeffler Interview, Apr. 8, 2021.

<sup>69</sup> Derek Loeffler Interview, Apr. 8, 2021; Shallah Graham Interview, Mar. 30, 2021.

<sup>70</sup> BPD Police Commissioner's Memorandum 20-04, Overtime Guidance for Workday Implementation, Dec. 16, 2020; Email from L. Perry to R. Peck, Oct. 8, 2021, Re: GTTF Investigation - Overtime questions. BPD Police Commissioner's Memorandum 19-01 was effective July 30, 2019.

<sup>71</sup> Email from L. Perry to R. Peck, Oct. 8, 2021, Re: GTTF Investigation - Overtime questions.

<sup>72</sup> Ronda McCoy Interview, Apr. 30, 2020.



accepting the new system and abiding by it. Loeffler expects that lieutenants will have to spend an average of about 15 to 30 minutes per day approving time. He expects that once this becomes a daily habit, it will become easier and less time consuming for lieutenants.<sup>73</sup>

## **2. The Elimination of Light Duty Overtime**

In 2019, BPD created the Administrative Duties Division. This Division's responsibilities extend to the various ways in which BPD can facilitate and promote the recovery of personnel who are injured, sick or otherwise medically disabled. As part of its mandate, the Division has eliminated the ability of BPD personnel to be paid for working overtime while they serve in a light duty status for medical reasons. The past practice that permitted members to work overtime while on light duty status created incentives for officers to remain on light duty status indefinitely. Thus, at the same time as they were not required to function as a full duty officer, they were able to earn overtime without limitations. BPD has advised us that this change in policy and practice has had "an immediate and dramatic effect in returning significant numbers of officers back to work."<sup>74</sup> This change in policy closes off an avenue by which officers have historically been able to engage in a subtle form of overtime fraud that nevertheless was extremely costly to BPD and the city.

## **3. The Future of Overtime at BPD**

BPD remains understaffed but still needs to have the necessary manpower to control crime in Baltimore. There are also unanticipated events – such as the protests in the summer of 2020 and the ongoing pandemic – that will continue to require the deployment of additional police resources, frequently in ways that cannot be predicted in advance. Thus, even with the significant steps BPD has taken to control overtime spending, there will inevitably be a significant ongoing need for overtime spending. These unplanned events, combined with messages from the city to "do whatever it takes" to curb the continuing high rate of violence in Baltimore, virtually guarantee that managing BPD overtime will continue to be a substantial challenge for the Department.

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<sup>73</sup> Derek Loeffler Interview, Apr. 8, 2021.

<sup>74</sup> Email from L. Walden to M. Bromwich, Dec. 23, 2021.

## XII. A New Reform Agenda (2019–2021)



Commissioner Harrison and Mayor Brandon Scott



BPD's new peer intervention training program

Mayor Pugh's selection of Michael Harrison to be the next BPD Commissioner was based on the record he had compiled during 28 years in the New Orleans Police Department (NOPD). Of great importance to Pugh and City Solicitor Andre Davis was Harrison's more than four years as NOPD's superintendent operating under a consent decree, which was similar in many respects to the decree entered in Baltimore in April 2017. Pugh told Harrison that his principal challenges would be to reduce the homicide rate and solve the overtime crisis. She did not mention the broader corruption issue. In Harrison's early discussions with Pugh and with Andre Davis, they mentioned ongoing issues with the Fraternal Order of Police and the overarching need to change BPD's culture. From Harrison's perspective, changes in culture entailed broad changes in policies, training, supervision, and discipline, including but not limited to changes mandated by the consent decree. In Harrison's experience, broad changes along these dimensions transform the professional environment and predictably elicit reflexive opposition, even when best practices in the policing profession and the world outside the department require movement away from the status quo.<sup>1</sup>

### A. The Transition

One of Harrison's initial tasks in Baltimore was to evaluate both the structure of BPD and the quality of its command staff. Harrison immediately became aware that because of the wave of unfunded promotions made by Darryl De Sousa, he was inheriting an extremely top-heavy department. Pugh had told Harrison that BPD was overstaffed at the top levels but had not been clear that this overstaffing was a recent phenomenon and had been largely created by De Sousa, Pugh's hand-picked choice for commissioner. Harrison learned the details about the top-heavy staffing from personnel within BPD. Even though Pugh did not fully describe its origins, she did at least recognize the problem and gave Harrison a broad mandate to reverse recent

<sup>1</sup> Michael Harrison Interview, Mar. 30, 2021.

promotions and put BPD on a more sustainable footing, financially and organizationally.<sup>2</sup>

During the 30 days Harrison served as commissioner-designee prior to his confirmation on March 11, 2019, he participated in an extensive set of meetings with the community and with groups of BPD officers. He met with officers at roll calls throughout the city. During those roll calls, Harrison was asked a wide variety of questions, including about such mundane items as BPD uniforms, equipment, the vehicle fleet, and the deplorable state of BPD district stations – issues that play a crucial role in determining the morale of rank-and-file officers. Harrison told BPD members that he would attempt to get the Department the resources it needed, knowing that the consent decree would be helpful in that regard. He also described what he conceived of as his broader mission to transform BPD into a high-performing Department. This meant implementing numerous changes in structure, organization, and process, in addition to those required by the consent decree.<sup>3</sup>

Immediately after his confirmation, Harrison held meetings with every command staff member, including majors, lieutenant colonels, colonels, deputy commissioners, and civilian members at the director level. He met with each person for approximately 45 minutes and also solicited the help of Sheryl Goldstein, the former head of the Mayor’s Office on Criminal Justice, and Jim Gillis, who had served as chief of staff to Commissioners Davis, De Sousa, and Tuggle. Gillis gathered the relevant BPD history and financial disclosures of the personnel to be interviewed, which he shared with Harrison and Goldstein. By Harrison’s estimate, they conducted a total of between 60 to 70 interviews – one at a time, generally from 4:00 p.m. to 9:00 p.m. every night. After having been away from BPD for seven years, Goldstein found that the organization chart Harrison inherited from De Sousa and Tuggle was “ridiculous,” with an excessive number of high-level executives. She recalled that the interviews in which she participated were productive and served to demonstrate that many BPD command staff members were in the wrong roles. In addition, many had moved up through the ranks too fast, without an adequate basis of knowledge and experience. Eric Melancon, who became Harrison’s chief of staff in April, concluded that in just four months De Sousa had, through his discretionary promotions, done incalculable damage to BPD and its management structure.<sup>4</sup>

Among Harrison’s most disturbing discoveries was that none of the appointed command staff positions in BPD – captain and above – had job descriptions. As a result, none of them were able to answer basic questions about the job responsibilities associated with their rank and title. Those responsibilities were redefined by whoever held the role at the time. Few command staff members had ever conducted a

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; Sheryl Goldstein Interview, Feb. 24, 2020; James Gillis Interview, Apr. 5, 2021.

meaningful performance evaluation of their subordinates or been subject to one themselves. Harrison recalled that he quickly discovered vast disparities in the span of control across BPD—some majors, lieutenant colonels, and colonels had hundreds of officers under their command; others had very few. To address these disparities, he began trying to eliminate or consolidate positions.<sup>5</sup>

Harrison was struck by the consistency of the descriptions of BPD's culture by command staff members—they said it was an unhealthy culture and that one of its major symptoms was the tangled history of the BPD promotions process, which was almost uniformly viewed as the product of nepotism, cronyism, and favoritism. Command staff members held the same view of demotions: what mattered was not quality of performance but instead “who was in the in-group and out-group.”<sup>6</sup>

Based on the command staff interviews and analysis of the organization's needs, Harrison and Melancon developed a comprehensive reorganization plan. It expanded the number of deputy commissioners from two to four—but reduced the number of colonel positions from seven to two, reduced lieutenant colonel positions from eight to four, and eliminated the position of area commander. Harrison eliminated the area commander position after finding that, in practice, the position served to dilute rather than facilitate accountability. The elimination of positions caused the retirement of numerous command staff members who Harrison had concluded were not capable of making contributions to the Department. One of the four deputy commissioner positions was reserved for the head of the newly created Public Integrity Bureau (PIB). This both signaled Harrison's view of its importance and ensured that the deputy commissioner of Operations had no ability to control disciplinary matters; Harrison viewed such control as inappropriate. In addition, Harrison and his team concluded that Andre Bonaparte, who had been serving as deputy commissioner of Operations under De Sousa and Tuggle, should not continue in that role. Bonaparte left BPD on March 23.<sup>7</sup>

## **B. Harrison's Crime Plan**

As was true for his predecessors, one of the early demands facing Harrison was to develop a crime plan for the city. Harrison developed the plan along with other members of his team, especially Melancon. By that time, the scandal involving Mayor Pugh's sale of self-published books to the University of Maryland Medical System had begun to engulf her administration.<sup>8</sup> With a political vacuum in the city created by the

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<sup>5</sup> Michael Harrison Interview, Mar. 30, 2021.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*; Tyler Waldman, *Harrison to Replace Top BPD Commander*, WBAL NewsRadio (Mar. 22, 2019), <https://www.wbal.com/article/379402/3/harrison-to-replace-top-bpd-commander/amp>.

<sup>8</sup> Pugh was forced to take a leave of absence in early April, and City Council President Bernard C. “Jack” Young became acting mayor. Pugh resigned on May 2, a day after FBI raids on City Hall, her home, and numerous other locations. For a chronology of the “Healthy Holly” book scandal, see *The*

scandal, and with his arrival seeming to signify the prospect of stability at the top of BPD, Harrison had more freedom from the outset to assert his authority and independence as BPD commissioner. That helped Harrison and his team develop a crime plan relatively free of political influence.<sup>9</sup>

The crime plan was based on a wide range of input, including from BPD officers who provided their views on what was necessary to make BPD a 21<sup>st</sup> century police department. In addition, Harrison considered the strategic and operational plans of other cities, including New York and Los Angeles. Published in June 2019, Harrison's crime plan was entitled, "Crime Reduction & Departmental Transformation Plan." It centered on a set of four priorities: 1) a comprehensive approach to crime reduction; 2) strengthening partnerships with federal, state, and local entities; 3) transforming BPD through the consent decree; and 4) focusing on recruitment and retention of sworn and civilian members. The plan encapsulated Harrison's vision for BPD as the "seven Cs": crime reduction, community, compliance, culture, connectivity, and capacity, with communication serving as the hub of the vision and connecting the other components.<sup>10</sup>

### **C. The Role of Plainclothes Officers**

Because the GTTF corruption scandal was centered on the GTTF and other plainclothes enforcement squads, and it was clear that those squads had been inadequately supervised for the reasons described in this Report, Harrison and his team faced consequential decisions about the appropriate role of plainclothes officers in BPD and the appropriate size of plainclothes units.

As described above in Chapter IX, Kevin Davis had dissolved the GTTF and other plainclothes enforcement squads and had created District Action Teams (DATs). There is some dispute about whether the DATs were a new creation or the rebranding and functional change in pre-existing district operations squads. According to Lieutenant Colonel John Herzog, the DAT teams were a rebranding of existing district operations squads. When we asked Kevin Davis whether the DAT teams were a tweak of operations squads or something entirely new, Davis maintained that fully uniformed DATs were new. He said that the creation of the DATs was neither a rebranding of existing units, nor a "tweak" of what had previously existed. However, the experience of field personnel was different. According to Richard Worley, who was the assistant chief of Patrol in March 2017, the DATs were very similar to the operations squads, although their members were screened more carefully. DAT members had to undergo

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*Baltimore Sun* collection of stories at <https://www.baltimoresun.com/maryland/bal-healthy-holly-coverage-20190319-storygallery.html>.

<sup>9</sup> Eric Melancon Interview, Mar. 16, 2021.

<sup>10</sup> Michael Harrison Interview, Mar. 30, 2021; Michael Harrison, Crime Reduction & Departmental Transformation Plan, June 2019, [https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/BPD\\_Crime\\_Reduction\\_and\\_Departmental\\_Transformation\\_Plan.pdf](https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/BPD_Crime_Reduction_and_Departmental_Transformation_Plan.pdf).



a vetting process that included a background check with IA, recommendation from their commanders, and an interview.<sup>11</sup>

In the short run, the members of the enforcement squads that had been in Sean Miller's Operational Intelligence Division were sent back to Patrol, but over time many were allowed to transfer into the DATs. The members of those units were not permitted to wear the same types of apparel as in the past; instead, they were required to wear a modified uniform that consisted of "battle dress" uniform pants and ballistic vests, which clearly identified them as BPD officers. In addition, the function of the DATs shifted away from serving as plainclothes drug units and focused more on doing proactive patrol work, with only a limited mandate to work on investigations.<sup>12</sup>

According to Michael Sullivan, whom Harrison recruited from the Louisville Police Department and who served as deputy commissioner of Operations from June 2019 to June 2021, the DAT teams bear a superficial resemblance to the GTTF and other specialized enforcement squads in that they work on the street and do not respond to calls for service. However, their role is closer to those of patrol officers than to the role played by BPD's prior enforcement groups. Each BPD district initially had two DAT squads, but BPD's staffing plan calls for an additional squad for each district, with the exception of the Northern District. The role of the DATs includes tracking social media for information about guns and collecting information relating to high-crime areas. Because of the taint associated with the GTTF scandal, positions in the DATs and the anti-crime units have not been in high demand. According to Sullivan, BPD members have been reluctant to apply for these roles because of fear of heightened scrutiny, including by prosecutors.<sup>13</sup>

Beyond the DATs and squads that conduct traditional undercover operations, BPD has permitted a modest regeneration of plainclothes units in the form of squads in the Anti-Crime Section (ACS). The ACS is part of the Operations Bureau's Criminal Investigation Division. In 2018, facing the challenge of apprehending elusive major targets believed to be responsible for substantial violence, BPD created a task force dedicated to focusing on two major criminal crews. The task force proved to be successful in apprehending the leaders of the crews, including Correy Cawthorn, who was subsequently charged with multiple murders and attempted murders. This initial success led to the creation, in approximately June 2018, of two Major Case squads

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<sup>11</sup> John Herzog Interview, Sept. 3, 2021; Email from K. Davis to M. Bromwich, Oct. 26, 2021, Re: Fact Checks; Email from R. Worley to M. Bromwich, Nov. 22, 2021, Re: DATs. When we asked Marjorie German the rebranding question, she responded, "[E]verytime we changed the name of our division it was a rebranding. The DAT teams as well. The only difference was that the DAT teams were under Patrol now instead of Investigations." Email from M. German to M. Bromwich, Nov. 30, 2021, Re: Attributions for GTTF Report.

<sup>12</sup> Michael Harrison Interview, Mar. 30, 2021; Email from M. Sullivan to M. Bromwich, Aug. 31, 2021, Re: Follow-up Questions; John Herzog Interview, Sept. 3, 2021.

<sup>13</sup> Michael Sullivan Interview, Mar. 24, 2021.

comprised of two sergeants and 12 detectives. According to Lieutenant Colonel John Herzog, who was involved in the work of the task force and the creation of the Major Case squads, the squad members were originally of uneven quality because certain district commanders were unwilling to contribute their best detectives.<sup>14</sup>

Herzog knew that the creation of these squads, small as they were, would create echoes of – and invite comparisons to – the problems created by the GTTF, but he said there was general agreement among senior commanders that BPD needed the capability provided by the two squads and that they could be properly supervised and monitored. The two squads worked on specific targets determined by Herzog and one of his lieutenants based on their review and analysis of intelligence and data regarding criminal activity. More recently, these Major Case squads have been folded into Mayor Brandon Scott’s Gun Violence Reduction Strategy (GVRS), which has identified the Western District as Baltimore’s most dangerous district. As part of the GVRS, the Major Case squads have been expanded to include two investigative squads and two enforcement squads, all focused on the Western District. The enforcement squads have a mission similar to the DATs – day-to-day crime suppression, street-level enforcement, and intelligence-gathering. The investigative squads have the same responsibilities as the former Major Case squads – generating cases and targets based on intelligence. The investigative and enforcement squads are elements of a pilot program, currently under the auspices of the GVRS, that may be expanded to other districts.<sup>15</sup>

According to BPD command staff members responsible for these plainclothes units, the special prerogatives, privileges, and broad discretion previously enjoyed by such units have been eliminated. The system that allowed sergeants of plainclothes enforcement units to forge direct connections to – and be in direct communication with – high-ranking command staff members has been replaced by a traditional chain of command structure.<sup>16</sup>

#### **D. Gun Trafficking Unit**

Despite the corruption of the GTTF, and the morphing of its mission over time, there remains a compelling need to focus on the omnipresent threat posed by firearms in Baltimore and to develop strategies that promote the safety of its residents. In March 2021, Mayor Brandon Scott announced a partnership with the non-profit Everytown for Gun Safety, focused on the use of data intelligence tools to identify and track illegal firearms and combat gun trafficking. The principal tool, the Gun Trafficking Intelligence Platform, generates leads by examining patterns and trends that can connect seemingly unconnected crimes. The platform’s data portal is designed to provide a comprehensive and current aggregation of relevant gun crime data. It

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<sup>14</sup> John Herzog Interview, Sept. 3, 2021.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

integrates e-Trace data, ballistics evidence, and ShotSpotter data.<sup>17</sup> Through combining these data sources, the platform is designed to provide BPD with a complete picture of the guns used in violent crimes in the city, and to facilitate BPD's efforts to track the path of an individual firearm from purchase to crime scene, including the gun dealers, purchasers, and others that dealt with the gun at any point along the path from sale to use in a crime.<sup>18</sup>

At a press conference announcing the partnership, Mayor Scott said:

At least 82% of the guns recovered in Baltimore last year were originally purchased outside of the city – with nearly 65% of the guns coming from outside of the state of Maryland. As a city where nearly all of our crime guns originate outside of our borders, we have an obligation to focus on the source of the firearms, not just the outcome . . . Not only will [an innovative data portal] assist with investigations into gun violence, it will also aid BPD in holding gun traffickers and straw purchasers accountable for the role they play in Baltimore's violence.<sup>19</sup>

The rationale for the partnership and its objectives bears an almost eerie resemblance to the rationale for the Gun Trace Task Force launched fourteen years earlier. As with this new initiative, the GTTF began with a similarly compelling logic: the unacceptable level of gun violence, the large percentage of guns recovered in Baltimore originating from outside the city and the state, and the urgent need to make cases against straw purchasers and firearms traffickers. That was almost precisely the original mission of the GTTF before, as our investigation has shown, it morphed into something very different and unrecognizable.

Harrison said that the personnel and the platform developed by Everytown will be housed in the same ACS as the new plainclothes units. It has been staffed with a sergeant and two detectives, and it focuses – as did the GTTF at the outset – on tracking firearms from outside the city that end up in the streets of Baltimore. Harrison said the goal is to develop an in-house capacity to hold trigger pullers accountable and trace firearms in order to make trafficking and straw purchaser cases. Aware of BPD's recent

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<sup>17</sup> E-Trace is ATF's web-based system that allows participating law enforcement agencies to submit firearm traces to the ATF National Tracing Center (NTC). See <https://etrace.atf.gov/etrace/>. ShotSpotter is a gunshot detection technology that permits law enforcement agencies to receive data on firearms discharges in real time. See <https://www.shotspotter.com/company/>.

<sup>18</sup> Press Release, Mayor Brandon Scott, *Mayor, BPD Partner with Everytown to Develop Gun Safety on Innovative Gun Trafficking Tool* (Mar. 3, 2021), <https://mayor.baltimorecity.gov/news/press-releases/2021-03-03-mayor-bpd-partner-everytown-develop-gun-safety-innovative-gun>.

<sup>19</sup> Everytown for Gun Safety, *Everytown and the City of Baltimore Announce Partnership on Innovative Platform to Identify Gun Trafficking Patterns*, Mar. 3, 2021, <https://www.everytown.org/press/everytown-and-the-city-of-baltimore-announce-partnership-on-innovative-platform-to-identify-gun-trafficking-patterns/>.

history of corruption in a unit whose goals were originally the same, Harrison has emphasized that his administration is implementing a strict vetting process for staffing the unit. Unlike the GTTF, whose original members were handpicked by Bealefeld, the positions for the new gun trafficking unit are posted and officers apply through a transparent process. Mayor Scott views this new unit, which has been named the Firearms Intelligence Unit (FIU), as a vast improvement on the GTTF concept.<sup>20</sup>

Herzog said he recognizes the similarities between the mission of the new FIU and the original mission of the GTTF. The application process for the FIU has included in-person interviews, checks of the applicant's IA history, and the submission of a resume and writing sample. Herzog expressed confidence in the supervisory structure above the FIU and the ACS; he said the mission of the FIU will not morph like that of the GTTF. He said that BPD is now a different agency than it was before and that the FIU's mandate is not to get as many guns as possible. Herzog and other supervisors have installed a system of oversight and controls that limit the autonomy of FIU members and require them to report daily on their activities. In addition, members of the unit are learning from similar units in other police departments, as well as relying on the expertise and experience of Elizabeth Geiselman, an original member of the GTTF, who had remained true to the original mission of the GTTF even after the leadership of the unit had turned away from it. According to Herzog, Geiselman, who is the Gun Analysis Coordinator for the Homicide unit, currently funnels leads and information regarding straw purchases to FIU, just as she did with the GTTF.<sup>21</sup>

## **E. Retooling ComStat**

Harrison stated that when he arrived at BPD and attended his first ComStat meeting, he immediately noticed that BPD's version was inadequate. Although the meetings were held in a room with technology and monitors, BPD was not meaningfully harnessing the available technology; instead, it was simply replicating on screen the material that was on paper. More substantively, Harrison recalled that the questions being asked of commanders and supervisors were about the details of specific cases or investigations rather than on more global issues such as manpower deployment, periods of peak crime for each district, and overtime costs, among other significant issues.<sup>22</sup>

Danny Murphy served as BPD's Deputy Commissioner of Compliance from April 2019 until July 2021. He had worked with Harrison in NOPD for several years

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<sup>20</sup> Michael Harrison Interview, Mar. 30, 2021; Brandon Scott Interview, Apr. 14, 2021. BPD's 2021 Long Term Staffing Plan, published in August, lists only two sworn personnel in the FIU. See BPD, 2021 Staffing Plan Update, Aug. 2021, <https://www.baltimorepolice.org/sites/default/files/2021-08/2021%20Update%20to%20Long%20Term%20Staffing%20Plan.pdf>, at 26.

<sup>21</sup> John Herzog Interview, Sept. 3, 2021.

<sup>22</sup> Michael Harrison Interview, Mar. 30, 2021.

and was an integral part of Harrison's team. From his work in New Orleans, Murphy had accumulated substantial experience with ComStat as a reform and accountability tool. Murphy recalled that upon his arrival in Baltimore, he immediately noticed that ComStat required "a lot of effort without a lot of outcome." BPD's version of ComStat centered on the discussion of crime details from the previous night. Although such information was obviously important, Murphy did not see the value of having discussions of granular crime information with the large number of people who attended ComStat. The crime conversations were followed by district presentations regarding crime statistics, as well as a question-and-answer period. From Murphy's perspective, the version of ComStat being used in BPD did not involve productive, strategic conversations, and did not incorporate a follow-up process to address points raised in previous meetings. ComStat seemed more like a performance rather than a method of accountability.<sup>23</sup>

Early on, Murphy heard about the burdens of ComStat preparation. He helped implement a vastly different ComStat that featured a dashboard that displayed key information. The goal was to gather and disseminate data and statistics that were relevant to achieving BPD's goals. In addition, the reform of BPD's ComStat broadened the focus to include compliance performance audits and overtime discussions in addition to the historical ComStat focus on crime. Prior to Harrison's arrival and the reboot of ComStat, it addressed none of the issues within the ambit of the consent decree.<sup>24</sup>

As redesigned, each ComStat meeting has scheduled two districts to present information about crime, use of force reports, and overtime spending. Each district has been required to prepare a weekly crime plan, and the district commanders and their subordinates have been expected to demonstrate that they are following the plan. The ComStat discussions have been modified to cover compliance audits, training, and technology updates. By design, the tone and tenor of ComStat have been softened; instead of an exercise that was experienced by many as a public humiliation ritual, Harrison and his executive team have attempted to make it more collaborative and transform it into a set of problem-solving exercises. That change in tone was the reflection of the approach of the new leadership team, including Michael Sullivan, who was responsible for running ComStat during his tenure as Deputy Commissioner for Operations.<sup>25</sup>

Harrison confirmed that in its current configuration, ComStat requires commanders to present and answer questions about not just "cops on dots" – officer deployment based on crime data – but also their planning. He has expected commanders to demonstrate during ComStat that not only are they well-informed

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<sup>23</sup> Danny Murphy Interview, Mar. 12, 2021.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*



about crime trends but also on the broader range of matters for which they are responsible, including use of force reports, overtime, and other previously neglected administrative matters. These items include staffing and fleet issues, which may be related to crime spikes but were not previously discussed in ComStat. Harrison attributed some of the complaints about the current version of ComStat to a lack of familiarity with issues other than crime deployment. The changes in ComStat are designed to recondition commanders to understand that when reports are delinquent, BPD cannot compute accurate crime rates, and that part of a commander's responsibility is to manage these issues. The reformulation of ComStat has by design changed the expectations for commanders, which includes their responsibility for issues that were previously thought to be headquarters responsibilities. Previously, the absence of job descriptions for commanders meant that they did not expect to be held accountable for this broader set of issues. The message that Harrison and his team have attempted to convey through these major revisions to ComStat is that the broader set of issues now being addressed is all part of crimefighting management.<sup>26</sup>

From Sullivan's perspective, ComStat has been modified to ensure that it evaluates total command performance and not just crime/case memorization. This includes managing overtime, the timeliness of reports, and the fulfillment of crime plans. Sullivan recalled that initially the development of crime plans was a major struggle for numerous commanders. Over time, as the familiarity with the expectations for such crime plans increased, Sullivan said he witnessed significant improvement in the quality of crime plans developed by district commanders.<sup>27</sup>

## **F. Reforming Internal Affairs**

As our investigation has demonstrated, over the past 20 years, internal affairs has been plagued by continuing failure in its central mission: to competently and timely investigate allegations of misconduct and create the foundation for a system in which misconduct and corruption lead to meaningful accountability and discipline. Harrison's career in New Orleans included nine years in internal affairs, and he was well-aware of the problems with BPD's internal affairs function from the 2016 DOJ report as well as other information provided to him by BPD personnel.

Harrison quickly learned of the need for new leadership and a new structure to house internal affairs. His reorganization created the PIB, led by a deputy commissioner, that housed not only the traditional internal affairs function but also BPD's Special Investigation Response Team (SIRT), which investigates uses of force, and its Equity and Equal Opportunity Office. In a reflection of the brutal politics of Baltimore, Harrison was forced to reverse his decision in May 2019 to hire Maryland Assistant Attorney General Michelle Wilson as head of PIB a mere two days after he

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<sup>26</sup> Michael Harrison Interview, Mar. 30, 2021.

<sup>27</sup> Michael Sullivan Interview, Mar. 24, 2021.

had announced her appointment. It turned out that unbeknownst to Harrison, Wilson had filed an affidavit in a lawsuit filed by a former Baltimore City State's Attorney's Office (SAO) prosecutor, alleging that she had been unlawfully fired by Marilyn Mosby. Wilson's affidavit directly contradicted Mosby's account of an incident that was central to the lawsuit. Wilson would have been, at the time, the highest-ranking woman in BPD. The rapid reversal was an embarrassment to Harrison as he was trying to construct his management team.<sup>28</sup>

After that initial false step, BPD launched a national search to head PIB. In August 2019, following the completion of the search, Harrison announced the selection of Brian Nadeau, who at the time was the Assistant Special Agent-in-Charge (ASAC) of the Federal Bureau of Investigation's (FBI) Baltimore Field Office, to head PIB. Nadeau's professional career began with local law enforcement agencies in Maine, where he spent a total of 12 years in two different small police departments, each with fewer than 30 officers. Nadeau joined the FBI in 1997 and over the course of a 22-year career, spent time working in squads devoted to counterterrorism and public corruption. He served at FBI headquarters and in New York as supervisor of the New York Field Division's public corruption unit, and in that latter role worked closely with NYPD's Internal Affairs Division. Back at FBI headquarters, he served as the unit chief of the public corruption section, before becoming the ASAC in Baltimore in 2014.<sup>29</sup>

During Nadeau's tenure with the FBI in Baltimore, he initially led its counterterrorism and intelligence program, and subsequently was assigned to lead the field office's entire non-white-collar criminal program. Although not directly involved in the FBI's GTTF investigation, he participated in the March 1, 2017, takedown—he supervised the FBI SWAT team that arrested the GTTF members. Nadeau recalled that he became interested in the PIB position only after Harrison was named commissioner; he thought it was critically important that Harrison was an outsider and that he had previously been through the consent decree process in New Orleans. Nadeau recalled that during his interviews for the position with Harrison and his executive team, he was told that there was a massive, longstanding morale problem in internal affairs, which would constitute a major challenge for anyone taking the PIB position. After some follow-up discussions with Harrison, Nadeau was offered the job and accepted it.<sup>30</sup>

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<sup>28</sup> Jessica Anderson, *Baltimore Police hires two key deputies, including one who accused State's Attorney Mosby of lying under oath*, The Baltimore Sun (May 21, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-michael-harrison-deputy-commissioners-20190520-story.html>.

<sup>29</sup> Michael Harrison Interview, Mar. 30, 2021; Jessica Anderson, *Baltimore Police name an experienced FBI supervisor to head the often troubled public integrity section*, The Baltimore Sun (Aug. 8, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-public-integrity-bureau-deputy-commissioner-20190808-io3wc7nczzdppjk7up42dhptdi-story.html>; Brian Nadeau Interview, Mar. 26, 2021.

<sup>30</sup> Brian Nadeau Interview, Mar. 26, 2021.

Nadeau entered on duty at BPD in early September 2019. Among his first steps was to interview every member of IA to obtain their views on the unit's strengths and weaknesses. He concluded that among the main causes of the morale problem were distrust of senior personnel and an almost total absence of constructive communication. On Nadeau's first day in IA, Major Stephanie Lansey handed him a set of 13 transfer forms from IA personnel who wanted to leave the division. Nadeau's response was to sit down individually with each of the 13 investigators. He learned that the main cause of their low morale was the absence of relationships of trust and confidence with senior supervisors up to and including Major Lansey. For example, members of the Ethics Section and SIRT, which were located on the second floor at Kirk Avenue, were not allowed access to the first floor, where the General Section was located. Lansey told Nadeau that the reason for that restriction was that IA personnel spent too much time gossiping; Nadeau addressed that part of the morale problem by restoring access between the floors. In addition, investigators only had access to cases to which they were assigned; among other things, this resulted in complainants calling in multiple times, with duplicate cases being opened on the same incident because of a lack of access by line investigators to the complaints database. Further, according to Nadeau, one of the lieutenants was allowing investigations to languish on his desk until the month they were due, thus reducing the possibility of follow-up investigation and creating frustration among the investigators because of these delays. Nadeau said that after he spoke with each of the 13 transfer applicants and pledged to make significant changes, all of them decided to stay.<sup>31</sup>

One of the enduring problems for internal affairs has been its historical inability to recruit and retain quality investigators. During our investigation, we asked a large number of current and former BPD members whether they had considered working in Internal Affairs. With rare exceptions, they said they had never considered it; many were incredulous that we could even ask the question. Nadeau recognized the importance of this issue and has made efforts to expand and intensify recruitment. Although he said that he has had some success, it remains an enormous challenge. In a focus group we conducted with a cross-section of PIB personnel, some of its senior members emphasized this point. Because of IA's negative reputation within BPD — some of it stemming from the nature of its function, and some arising from the quality of its investigations — the lack of success in recruiting high-quality investigators and supervisors has continued to impede significant and necessary improvements in the quality and timeliness of investigations. A senior participant in one of our focus groups said that he had personally tried to recruit more than 40 high-quality detectives with whom he had worked during his BPD career and had been rejected by all of them. He said he received the same reaction from lieutenants he attempted to recruit. We found a consensus among PIB supervisors that the quality of applicants continues to be unacceptably low, and that BPD needs to develop a set of incentives that will make investigator positions more attractive. In addition, the supervisors pointed to the need

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<sup>31</sup> *Id.*

for command staff members to encourage their qualified personnel to apply to work in PIB rather than discourage them from doing so.<sup>32</sup>

IA caseloads have long been unacceptably large, interfering with the ability of investigators to conduct quality investigations in a timely manner. Nadeau said that when he joined BPD in September 2019, the average caseload for investigators in the General Section was 75 to 80 cases per investigator. He saw little evidence of any effort to balance investigators' caseloads. To address that issue, Nadeau has funneled minor cases to two squads in the General Section and distributed more serious cases to three other squads. When a new case is received, a lieutenant assesses individual caseloads and makes the assignment. In addition, the assignment process has been modified to assign certain categories of cases to investigators who have experience handling similar cases, with the goal of increasing the efficiency of investigations.<sup>33</sup>

The most serious cases continue to be handled by the Ethics Section. During the first half of 2021, the average caseload for an Ethics investigator was 15 to 20 cases. Less than half of those cases had potential criminal implications; the investigations with no criminal implications could in every case proceed without needing to wait for a declination from the SAO, as could certain investigations that did have criminal implications.<sup>34</sup>

The number of complaints received and investigated by PIB has been declining. In 2019, PIB received 1,884 external complaints; in 2020, external complaints dropped to 1,045; and PIB received only 322 from January through June 30, 2021. While some of that decline is undoubtedly attributable to the coronavirus pandemic, Nadeau attributes the decline in part to better training of BPD members, which has led to fewer inappropriate contacts with members of the public. Nadeau and other senior members of PIB speak with Academy classes about PIB and its role in the Department, which may also have contributed to recent recruits recognizing the potential consequences of misconduct and conducting themselves with those consequences in mind.<sup>35</sup>

The accountability function now housed in PIB is a central focus of the BPD consent decree and has been given substantial attention over the past three years by the BPD Consent Decree Monitoring Team. That is because, as the consent decree itself states, "[a] robust and well-functioning accountability system in which officers are held to the highest standards of integrity is critical to BPD's legitimacy and a priority of the

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<sup>32</sup> *Id.*; PIB Focus Group, May 19, 2021.

<sup>33</sup> Brian Nadeau Interview, Mar. 26, 2021.

<sup>34</sup> *Id.*; Follow-up discussions with Brian Nadeau. Paragraph 359 of the Consent Decree requires that even when there is an ongoing criminal investigation, BPD should continue, rather than suspend, its parallel administrative investigation "absent specific circumstances that would jeopardize the criminal investigation." Consent Decree at 131, *United States v. Police Dep't of Baltimore City*, No. 1:17-cv-00099-JKB (D. Md. Jan. 12, 2017), ECF No. 2-2.

<sup>35</sup> *Id.*; Email from B. Nadeau to M. Bromwich, Sept. 8, 2021, Re: Number of Complaints.

Department.” Indeed, the section dealing with the accountability function—described in the consent decree as the Misconduct Investigations and Discipline functions—is the most extensive of the consent decree, ranging across 87 paragraphs and 38 pages. It covers a broad range of topics that include the handling of complaints, the conduct of misconduct investigations, and the imposition of discipline, among many others. For this reason, the Monitoring Team has stated that the reform of the internal affairs function is “at the heart of the Consent Decree.”<sup>36</sup>

In its September 2020 First Comprehensive Re-Assessment, the Monitoring Team found the weaknesses in BPD’s accountability function to be profound and enormously challenging to reform. Summarizing its findings, the Monitoring Team stated:

Over the past 30 months, the Monitoring Team has observed first-hand the flaws in BPD’s accountability structure. PIB is and remains severely understaffed—short more than three dozen investigators, according to BPD’s recent Staffing Plan. To compound the problem, PIB investigators are inadequately trained to conduct internal affairs investigations, which are different than ordinary criminal investigations. The natural consequence of understaffing and poor training is there are too many cases for too few investigators, serious allegations are not investigated promptly, and investigative findings are often inadequately supported. Further, PIB supervisors do not timely review investigations upon completion, and data on outcomes is not yet adequately collected or analyzed to gauge unit efficacy and departmental trends.<sup>37</sup>

The Monitoring Team’s review of cases covered only those handled in 2018, and therefore did not purport to assess whether improvements in the quality of investigations had occurred since then. As to the 2018 cases, the Monitoring Team found substantial inadequacies in the quality of misconduct investigations, the condition of misconduct case files, and communication with complainants and officers. In addition, it found that missed deadlines and the failure to interview relevant witnesses were common flaws in the IA cases it reviewed.<sup>38</sup>

In its more recent Sixth Semiannual Report, issued in May 2021, the Monitoring Team’s comments were to the same effect, although it found that BPD was making “reasonable progress” toward accomplishing basic requirements of the BPD consent decree. In particular, the Monitoring Team noted with approval the completion of a new training manual and training curriculum for PIB investigators. The training, which

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<sup>36</sup> Consent Decree at 112; BPD Monitoring Team, *First Comprehensive Re-Assessment*, Sept. 2020, <https://static1.squarespace.com/static/59db8644e45a7c08738ca2f1/t/5f74e69c2982fc0cb82f4140/1601496732748/BPD+-+Comprehensive+Re-Assessment+9-30-20.pdf>, at 30.

<sup>37</sup> *Id.* at 17.

<sup>38</sup> *Id.* at 34.



is a week in duration, was provided to all investigators and supervisors in late April 2021.<sup>39</sup>

We did not audit the investigator training itself, but in May 2021 we conducted two focus groups with PIB personnel who received the training – one group of seven detectives and a second group of six supervisors. The length of BPD service among the detectives who participated in our focus groups ranged from four to 28 years; the supervisors’ length of service ranged from nine to 26 years. The participants in the focus groups were open and candid about the investigator training and about their experiences working in internal affairs more generally. They welcomed the idea of training but were, with few exceptions, critical of the quality of the April investigator training. Given the clear need for such training, we were surprised by the extent and near unanimity of the criticism.<sup>40</sup>

The most common criticism, advanced by a majority of participants in both focus groups, was that the training was pitched at far too basic a level. Although the training might be appropriate for new members of PIB who had not previously conducted investigations, both detectives and supervisors said it was far too basic for experienced IA personnel. They said that the trainer, Dr. William Toms, the former commandant of the New Jersey State Police Academy, seemed unfamiliar with the role of Baltimore’s PIB—he seemed to be under the impression that they participated in call-outs and frequently went out on the street, which is not a role played by PIB investigators. He also seemed unfamiliar with Maryland’s version of the Law Enforcement Officers’ Bill of Rights, which has been transformed by recent legislation.<sup>41</sup>

One supervisor observed that a reason for the broad dissatisfaction with the training was the gap between expectations for the training and the training itself. He said investigators had hoped the training would cover the types of situations that they face every day as investigators, such as dealing with angry complainants, and complainants who make nonsensical and factually impossible claims. The training did not do so. The detectives and supervisors said the principal training needs of PIB investigators relate to interviewing and interrogating witnesses, and in improving their writing skills. They were disappointed that the training did not address those needs, and were likewise disappointed that their views about training needs were not solicited. In contrast to their criticism of the bulk of the investigator training, the

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<sup>39</sup> BPD Monitoring Team, *Sixth Semiannual Report*, May 2021, <https://static1.squarespace.com/static/59db8644e45a7c08738ca2f1/t/60a29fc548aab97b803fdb53/1621270484255/BPD+-+Sixth+Semiannual+Report+-+FILED.pdf>, at 24.

<sup>40</sup> The participants in the focus group were selected by PIB management. One detective described the training as “kind of pointless”; several said it was “insulting”; and a new detective said she was already doing everything contained in the training. Focus Group with PIB Detectives, May 12, 2021.

<sup>41</sup> *Id.*; Focus Group with PIB Supervisors, May 19, 2021.

detectives praised the portion of the training devoted to legal issues, which was provided by BPD Legal Affairs personnel.<sup>42</sup>

Despite their criticism of the training, the majority of the detectives and supervisors said they believe PIB has been improving recently and generally praised Brian Nadeau's leadership. One experienced detective said that PIB now has a deputy commissioner who "actually wants his people to be happy to come to work." Although both detectives and supervisors expressed belief in, and enthusiasm for, the internal affairs mission, supervisors consistently expressed concern about the recruitment challenges described above. They attributed these recruitment difficulties to the historically negative reputation of internal affairs, the perception that PIB does not currently have high-quality personnel, and the lack of sufficient monetary and promotional incentives to overcome these obstacles.<sup>43</sup>

Michael Harrison's nine years in NOPD's internal affairs unit shaped his views on the best way to structure this function. In New Orleans, Harrison dealt with and investigated many of the same misconduct and corruption issues that have historically plagued BPD. Weaknesses in NOPD's accountability system were very similar to the historical weaknesses in BPD that must be addressed and overcome: reluctance among officers to report misconduct committed by their colleagues, reluctance among civilians to report misconduct because of the assumption that such complaints would not be taken seriously, and concerns among both officers and civilians about potential retaliation.<sup>44</sup>

In Harrison's view, the internal affairs function has made significant improvements since Nadeau was appointed deputy commissioner. Harrison approved a policy that has moved categories of the least serious cases back to district commanders, which has helped relieve the caseload burdens. Under this policy, PIB is involved at the front end of the process, as well as the back end, to ensure that the initial classification of the allegation is proper and to ensure consistency in application by commanders. The average time to complete an internal affairs investigation has been significantly reduced and is moving towards the 90-day goal prescribed by the consent decree, in part because of this new policy relating to minor allegations of misconduct.<sup>45</sup>

Although Harrison noted some of the changes recently implemented in PIB, he did not mention – and may not be aware of – the concerns articulated by current supervisors about staff quality, nor their frustration, shared during our focus groups,

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<sup>42</sup> Focus Group with PIB Detectives, May 12, 2021; Focus Group with PIB Supervisors, May 19, 2021.

<sup>43</sup> Focus Group with PIB Detectives, May 12, 2021; Focus Group with PIB Supervisors, May 19, 2021.

<sup>44</sup> Michael Harrison Interview, Mar. 30, 2021.

<sup>45</sup> *Id.*; *Sixth Semiannual Report*, at 25.

with the continuing inability to attract top candidates from other units to PIB. Harrison pointed to the creation of a new process to more rigorously vet officers being brought into PIB, but the members of the focus groups expressed concerns that many of the incoming investigators have had very little time with BPD. This makes improving the quality of PIB investigations more difficult because the obstacles facing inexperienced PIB investigators are compounded by the lack of significant overall BPD experience and knowledge. Harrison's own experience with NOPD taught him the value of having experienced IA investigators—in NOPD all IA investigators were sergeants; in BPD, they are all officers or detectives. Harrison acknowledged that meeting the sharply increased PIB staffing goals has proven extremely difficult. As the BPD Monitoring Team's May 2021 semiannual report noted, BPD's staffing plan has recommended adding three dozen additional investigators to PIB's current staff. Although the recent addition of nine investigators increased the number from 21 to 30, this still leaves PIB short more than two dozen investigator positions. Nor has filling the nine positions adequately addressed the talent gap that continues to exist between what PIB needs to conduct competent and timely investigations and the resources it currently has.<sup>46</sup>

The resource deficit has other implications as well. Both Harrison and Nadeau are advocates of using integrity stings to ferret out misconduct. Earlier chapters of this Report described the ebb and flow of BPD's use of integrity stings over the past 20 years and the mixed results they have achieved. For example, they were enthusiastically embraced by O'Malley, Norris, and Sean Malone as an important anti-corruption tool in the early 2000s but were gradually deemphasized over time. Nadeau said that he is developing an integrity testing capability but explained that devoting resources to it has taken a backseat to other priorities, including adding to the ranks of investigators, improving the quality of investigations, and meeting the requirements of the consent decree.<sup>47</sup>

During his time with internal affairs in New Orleans, Harrison supervised NOPD's integrity stings, which were both random and targeted. NOPD had an entire covert unit that conducted such stings, although its capacity to do them was substantially diminished over time due to staffing cuts. Harrison said he believes in the value of both random and targeted integrity stings but is aware of the resource demands of a robust integrity sting program. At BPD, concerns about staffing and resources have to date prevented BPD from reestablishing a robust integrity sting capability.<sup>48</sup>

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<sup>46</sup> Michael Harrison Interview, Mar. 30, 2021; *Sixth Semiannual Report*, at 27.

<sup>47</sup> Brian Nadeau Interview, Mar. 26, 2021.

<sup>48</sup> Michael Harrison Interview, Mar. 30, 2021.

## G. EPIC Training

BPD developed the Ethical Policing Is Courageous (EPIC) training program based on a similar program of the same name pioneered in New Orleans. According to a description featured on BPD's website, EPIC is "a peer intervention program that trains officers across all ranks to intervene in potentially problematic situations to prevent misconduct and mistakes – potentially saving careers and lives in the process." Based on social science research and peer intervention systems in other contexts, EPIC is conceived – and marketed internally – as an important element of an individual and group wellness program rather than as an element of BPD's system of accountability. The program's goal is the prevention of misconduct rather than its detection and related discipline.<sup>49</sup>

We reviewed the EPIC training materials, observed one of the final EPIC training sessions in April 2021, and conducted focus groups with two sets of EPIC trainers in May 2021. The focus groups were designed to gain the perspectives of those who taught the EPIC course over the preceding several months to BPD personnel of all ranks. The training materials are a combination of lectures, video clips, group discussion of issues relevant to the value of peer intervention, group discussion of impediments to implementing a peer intervention program, and a series of realistic scenarios designed to stimulate discussion about peer intervention. The training materials encourage the instructors to personalize the instruction by providing their own individual experiences with peer intervention.<sup>50</sup>

The lesson plan begins with video clips from the George Floyd and Rodney King incidents to illustrate the grievous costs of non-intervention – to officers, the reputation of the police departments involved in those incidents, and the bonds of trust between departments and the communities they serve. Those videos are followed by a brief video in which approximately 15 senior BPD leaders briefly speak in personal terms about peer intervention, reinforcing its importance and stressing that it requires, in some instances, breaking the chain of command to intervene with more senior officers. The video closes with the rapid-fire statements by numerous BPD leaders, each saying a part of the statement, "I am counting on you to intervene on me because ethical policing is courageous."<sup>51</sup>

The lesson plan addresses the relationship between peer intervention and the IA process, emphasizing that the goal of peer intervention is to prevent misconduct. At the same time, the training also provides the important reminder that if misconduct occurs it must be reported. It reminds officers of policies relevant to peer intervention,

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<sup>49</sup> BPD, Ethical Policing is Courageous, <https://epic.baltimorepolice.org/epic>.

<sup>50</sup> Maryland Police and Correctional Training Commission Lesson Plan, Course Title: Ethical Policing is Courageous (EPIC), <https://www.baltimorepolice.org/transparency/bpd-policies/1-ethical-policing-courageous-epic-training-lesson-plan>, at 4.

<sup>51</sup> *Id.* at 14.

including the policy establishing the duty to intervene, which is explicitly tied to EPIC, and the policy forbidding retaliation, which is explicitly linked to the duty to intervene.<sup>52</sup>

The course materials are clear-eyed about the real-world impediments to peer intervention. Those impediments include a “groupthink” mentality that can lead to passivity in the face of situations that call for intervention, lack of certainty about the need for intervention, lack of empathy for the object of potential misconduct, fear of retaliation if the intervention would involve a superior in the chain of command, and fear of being ostracized as a consequence of such intervention. The training makes these impediments – or “inhibitors” – concrete through videos showing failures to intervene and discussions led by the training facilitators of the apparent reasons for those failures. The illustrations of the reasons for and costs of non-intervention are followed by examples of successful peer intervention programs, such as the “Friends Don’t Let Friends Drive Drunk” program. The examples highlight the successful application of the principles of collective responsibility and peer intervention in other fields such as medicine and aviation.<sup>53</sup>

In addition, the training materials provide guidance on when to intervene, successful intervention techniques, and keys to effective intervention – all distilled through guided discussion by the training instructor. Abstract concepts are coupled with specific situations presented through videos, which are followed by group discussions. The same techniques are used in a detailed set of hypothetical scenarios that pose the challenge of intervention in specific factual contexts and are designed to provoke discussion of the issues raised by each scenario. The scenarios raise various important questions about the underlying causes of misconduct, ways that the specific examples of misconduct might have been prevented, and the impediments to effective peer intervention. The discussions are anchored in the specifics of the scenarios rather than presented as broad generalities. The EPIC training materials end with a call for the participants in the class to reaffirm their oath as law enforcement officers and take the following pledge:

- I pledge to be an active bystander and intervene when I’m needed.
- I pledge to accept peer intervention and seek help when needed.
- I pledge to serve and protect, and strengthen relationships with our community.

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<sup>52</sup> BPD, Policy 319 (Duty to Intervene), <https://www.baltimorepolice.org/transparency/bpd-policies/319-duty-intervene>; BPD, Policy 1729 (Anti-Retaliation), <https://www.baltimorepolice.org/transparency/bpd-policies/1729-anti-retaliation>.

<sup>53</sup> Maryland Police and Correctional Training Commission Lesson Plan, Course Title: Ethical Policing is Courageous (EPIC), <https://epic.baltimorepolice.org/epic>, at 19-33.



The pledge is followed by the distribution of EPIC pins as a symbol of the commitment to intervene and accept intervention by others.<sup>54</sup>

We attended an EPIC training session on April 23, 2021, one of the final sessions in the program, which began in November 2020. Thirteen BPD members attended the session, including a nearly equal mix of officers and sergeants.<sup>55</sup> The session was led by Detective Cheryl Quomony and Sergeant Antwann Davis, and included Captain Jodie McFadden and Sergeant Horace McGriff; we subsequently learned that McFadden, Quomony, and McGriff were the principal architects of the EPIC training materials. The instructors presented the material clearly and with a high degree of confidence. The material in the lesson plan was generally followed, but with a fair amount of appropriate improvisation and adjustments based on the direction of the discussions.<sup>56</sup>

A major topic of discussion during the training session was the institutional challenges of persuading supervisors – sergeants in particular – to accept criticism and intervention from their subordinates. McFadden said that the issue of sergeants accepting intervention from members of lower ranks was the most frequently discussed issue among EPIC participants and was viewed with skepticism by officers who have attended the training. He acknowledged that the intervention program represented by EPIC marks a cultural “sea change” in the way BPD operates as an organization, and that intervention to prevent misconduct “is a simple concept but because it is not part of our DNA, it’s difficult.” Skepticism about the willingness of sergeants to accept intervention was a theme of the session. Davis emphasized that all sergeants, as well as higher-level supervisors, had gone through the training and pledged their commitment to it, but he said that supervisors are on BPD radio channels virtually every day directing officers to engage in behavior prohibited by the consent decree. Davis said that there are too many young supervisors at BPD, because more highly educated BPD members perform better on promotional exams. Davis blamed the older officers in the room for not taking the sergeant’s exam and not aspiring to lead a squad.<sup>57</sup>

The instructors squarely addressed the concern articulated by the participants that EPIC may be just another system implemented by yet another commissioner that may be upended by the next commissioner in the seemingly unending changes in BPD leadership. Davis said he did not believe that to be the case and that the initial EPIC training, which should be supplemented by additional EPIC-related training in the

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<sup>54</sup> *Id.* at 71-72.

<sup>55</sup> One of the sergeants was Ethan Newberg, who at the time of the training session was under indictment for assault and misconduct. Kevin Rector, *Baltimore Police sergeant charged with assault now indicted on 32 more counts; ‘pattern of harassment’ alleged*, The Baltimore Sun (Dec. 12, 2019), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-newberg-indicted-20191212-nm5kvghikrbogir7pd4fzzkzy-story.html>.

<sup>56</sup> EPIC Training Session, Apr. 23, 2021.

<sup>57</sup> *Id.*

future, will endure and will become part of BPD's DNA. In the months since EPIC training was completed, BPD has sought to ensure its prominence by continuing to feature it on the homepage of BPD's website, complete with the full set of training materials and selected videos.<sup>58</sup>

Our two focus groups of EPIC program facilitators took place on May 5 and May 10, 2021. We met with seven facilitators during each of the two focus groups. McFadden, a 26-year veteran of BPD who has been involved in training for more than 20 years, said he had become aware of EPIC before it was brought to Baltimore. He welcomed the responsibility for developing BPD's program. He asked Quomony to work with him to develop the EPIC curriculum, and enlisted McGriff as a supervisor for the training program based on McGriff's experience dealing with issues relating to the themes of EPIC training. McFadden viewed the main challenges to be: 1) creating a course that would be non-threatening and non-adversarial; and 2) working with Quomony and McGriff to recruit a set of instructors who were committed to the principles of EPIC and would have credibility with BPD members at all levels. McFadden said he had recruited one of the trainers, Lindson Agella, because she, as a very junior officer, had intervened, in a way consistent with EPIC principles, on McFadden himself. Some instructors, such as Antwann Davis and Charles James, had to be lobbied and cajoled, primarily by McFadden, before agreeing to participate in the program.<sup>59</sup>

McFadden said his selection of instructors was based on his assessment of whether they could deliver the training in their own voice and in the face of significant resistance from BPD members attending the training. Training sessions during the pilot phase were uneven and elicited constructive criticism from participants that led to revisions in the lesson plan. The main obstacle was overcoming the belief among training participants that ethics cannot be taught and that because they already considered themselves ethical, they had nothing to learn. The members of the DATs were selected to be the first squads to attend the EPIC training, and further revisions to the lesson plan were made based on the reactions of the DAT members. The facilitators knew that they needed to grab the attention of officers at the outset of the training and highlight the ways it differed from the type of training they had previously received during the course of their careers.<sup>60</sup>

One of the misconceptions the trainers faced at the outset was the belief that EPIC was about "snitching." In general, knowledge about the substance of the EPIC training spread very slowly throughout BPD; many participants arrived for the training sessions unaware of its content. High-ranking command staff members were thoroughly integrated into the training sessions rather than trained separately, in order

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<sup>58</sup> See BPD Homepage, <https://www.baltimorepolice.org/>.

<sup>59</sup> EPIC Facilitator Focus Groups, May 5 and 10, 2021.

<sup>60</sup> *Id.*

to convey the message that “morality has no rank” and that the principles of EPIC applied to all BPD members regardless of rank. The facilitators reported that the focus on the relationship between peer intervention and health and wellness was among the most well-received portions of the curriculum—stressing the theme that officers should be motivated to take care of each other. In addition, the peer intervention scenarios triggered robust discussions. As to the relationship between peer intervention and reporting misconduct to IA, the facilitators emphasized to their EPIC classes that nothing about the obligation to report misconduct has changed, but that the animating principle of the EPIC training was to prevent misconduct before it occurs.<sup>61</sup>

Many facilitators found that using examples and videos from Baltimore rather than other police departments had more impact on the participants than examples and videos from other jurisdictions. According to one facilitator, he had to push for including more Baltimore-based footage and that when participants watched BPD videos, “They were very quiet, because officers knew these people.” Another instructor highlighted past instances of corruption in BPD, from King and Murray to the GTTF, to emphasize the need for BPD to face some of the ugly truths about its history in order to accept that changes are needed in the Department.<sup>62</sup>

The EPIC facilitators reported a highly favorable response to their classes from individuals and groups of participants. The positive responses were systematically captured in a survey of 1,996 participants conducted for BPD by the Police Foundation. Among the survey results directly relevant to the impact of the EPIC training were the following:

- On whether EPIC training “is likely to promote ethical conduct,” 80% agreed or strongly agreed.
- On whether training participants felt confident in their ability to intervene with their peers consistent with EPIC principles as a result of the training, 86% agreed or strongly agreed.
- On whether they felt confident in their ability to intervene with their superior officers because of the EPIC training, 79% agreed or strongly agreed.
- On whether the training made them more likely to intervene with fellow officers if they engage in conduct that violates BPD policies, 81% agreed or strongly agreed.
- On whether they were confident they would be supported by their peers if they intervened in such circumstances, 75% agreed or strongly agreed.

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<sup>61</sup> *Id.*

<sup>62</sup> EPIC Facilitator Focus Groups, May 5 and 10, 2021.

- On whether they were confident that higher-ranking members would support their intervention with other high-ranking members, 69% agreed or strongly agreed.<sup>63</sup>

The results of the survey are important validation of the positive impact of the training on the participants. One of the most interested outside observers of the EPIC training was Judge Bedard, who presides over the consent decree. After sitting in on an EPIC training session, he commented that the EPIC training goes “right to the core” of the consent decree: “All things mandated by the consent decree are important, but EPIC’s got to be at the top of the list.”<sup>64</sup>

Plans on how the basic EPIC training course will be refreshed or supplemented in the future are not yet settled. Focus group participants said they anticipated that elements of EPIC training will be integrated into other training, but they were divided on whether the full course should be offered on an annual basis. One facilitator said doing so anytime in the near future would be “beating the drum to death.” Others said that the training should be offered on an annual basis, with minor revisions to the material, and with affirmative efforts to recruit new instructors who could become proselytizers for the principles underlying EPIC. The facilitators were in full agreement on the value of the EPIC course they had facilitated and the impact they believe it has had on the BPD personnel who attended.<sup>65</sup>

## H. The Adoption of Body-Worn Cameras

Body-worn cameras (BWCs) began to be adopted by American law enforcement agencies approximately a decade ago. A survey conducted by the Police Executive Research Forum (PERF) in August 2013 found that at that time, approximately 25% of the 500 law enforcement agencies surveyed had deployed BWCs. BWCs were not originally conceived as an anti-corruption tool – indeed, the word “corruption” does not appear in either a 2014 PERF publication on the use of BWCs or in a 2015 Department of Justice document seeking to answer frequently asked questions on various BWC issues, including the benefits of a BWC program.<sup>66</sup> However, a device that officers are required to activate in a wide range of law enforcement situations and

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<sup>63</sup> Police Foundation, EPIC Training Survey.

<sup>64</sup> Jessica Anderson, *Baltimore Police are being trained to step in when fellow officers cross the line. Will it prevent misconduct?*, The Baltimore Sun (Apr. 19, 2021), <https://www.baltimoresun.com/news/crime/bs-pr-md-ci-police-epic-training-20210419-mninv6szkrcw5mh7i357cuhki4-story.html>.

<sup>65</sup> EPIC Facilitator Focus Groups, May 5 and 10, 2021.

<sup>66</sup> Department of Justice, PERF, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*, (2014), <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>; Department of Justice, *Body-Worn Camera Frequently Asked Questions* (2015), [https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/BWC\\_FAQs.pdf](https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/BWC_FAQs.pdf).

that is designed to promote transparency will almost certainly have a deterrent effect on a wide range of misconduct, including corrupt acts by officers.

Baltimore officials understood the need for body-worn cameras as far back as 2014 when it created a working group of law enforcement officials, legal representatives, information technology specialists, community members, and clergy to review the issue.<sup>67</sup> In May 2015 Maryland's General Assembly passed a bill, signed into law by Governor Larry Hogan, authorizing police officers to use body-worn cameras.<sup>68</sup> Subsequently, in May 2016, BPD began implementing its BWC program with the goal of equipping all BPD's officers with BWCs by January 2018, at a projected cost of \$11.6 million. With the initial stages of the BWC implementation program coming in the midst of the DOJ pattern-or-practice investigation, it is not surprising that BPD treated the principal goals of the BWC program to be promoting Constitutional policing and professionalism rather than deterring corruption.<sup>69</sup> BPD released the first version of its Body-Worn Camera Policy in May 2016 when BWCs first began to be distributed. At the time, the policy required activation at the initiation of a call for service or any investigative or enforcement activity and during any encounter with a member of the public that becomes confrontational. In September 2017, the categories for mandatory recording were expanded to include not only calls for service, investigative and enforcement activities, and confrontational situations but also:

- while conducting any type of stop, including street stop and vehicle stop, starting when the officer first acquires reasonable suspicion or probable cause;
- when at the scene with prisoners, arrestees, or suspects; and
- during any search for evidence in a residence or vehicle.

In June 2020, BPD added to its policy that if a voluntary encounter becomes a field interview or an investigative stop, the officer must activate his BWC as soon as the member begins the field interview or develops reasonable suspicion for a stop.

These broadly-defined categories capture a wide range of circumstances in which the activation of BWCs is required, including, notably, every circumstance in which the members of the GTTF committed their crimes — street stops, vehicle stops, residential

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<sup>67</sup> Press Release, Mayor Brandon Scott, *Mayor Announces Recommendations for Body Camera Program* (Feb. 18, 2015), <https://mayor.baltimorecity.gov/news/press-releases/2015-02-18-mayor-announces-recommendations-body-camera-program>.

<sup>68</sup> Erin Cox, *Hogan signs body camera bill, among 350 others*, The Baltimore Sun (May 12, 2015), <https://www.baltimoresun.com/politics/bs-md-mammoth-bill-signing-20150512-story.html>.

<sup>69</sup> Jessica Anderson, *City police body camera launch is delayed: Department begins process of 'training the trainers'*, The Baltimore Sun (May 5, 2016), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-body-cameras-delayed-20160504-story.html>; BPD, *Body Worn Camera Basics*, <https://www.baltimorepolice.org/transparency/resources-and-reports/body-worn-cameras-basics>.



searches, and interactions with arrestees. The only exceptions to the BWC policy's activation requirements are when BWC activation is demonstrably unsafe, impossible, or impractical, or in narrowly defined circumstances spelled out in the policy, including where recording creates risks to the safety of an informant or undercover officer, or cases in which victims or witnesses decline to be recorded while giving a statement. Any failure to activate the BWC when it is required must be explained in writing by the end of the officer's tour of duty. The officer's first-line supervisor then must forward the written explanation to BPD's BWC unit. BPD's BWC policy was revised again in 2018, and after BPD switched to using a new type of BWC that had additional functionality, updated again in June 2020.<sup>70</sup>

The updated policy included four General Rules regarding the use of BWCs: 1) all BWC members must be trained on proper utilization of BWCs, 2) BWC footage is subject to the rules of discovery, 3) all BWC footage is the property of BPD, and 4) BWC may only be used while officers are on-duty.<sup>71</sup>

BPD limits the review of BWC footage to the following entities: 1) any BPD member if the footage is being viewed for law enforcement purposes, 2) police training academy for training purposes, 3) the State's Attorney's Office, the US Attorney's Office, or other prosecuting authorities, 4) BPD's Office of Legal Affairs, or 5) members of the public pursuant to a Maryland Public Information Request. The policy also allows an officer to view his or her own footage if the footage will assist with accurate report writing.<sup>72</sup>

BPD has put in place a robust auditing program for the BWC footage. Several different units in BPD's Compliance Bureau are responsible for reviewing footage for different purposes. The main unit responsible for auditing footage is BPD's BWC unit, which falls under BPD's Performance Standards Section in the Compliance Bureau. The BWC unit conducts periodic, random audits of BWC footage to determine whether officers are acting in accordance with state and federal law and BPD policy. In accordance with BPD's BWC Policy, the BWC unit conducts 30 audits per month. Each month the BWC unit selects three districts at random to audit. From these districts it selects three officers who worked on three consecutive days. The BWC unit then reviews the footage from these officers. Based on the results of these audits, the BWC unit can submit referrals to PIB in the event it identifies violations of BWC policy or other types of misconduct. The BWC unit also reports any violations to the chief of the BWC unit and BPD's Media Relations Section. The audits are then reported in memos

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<sup>70</sup> BPD, Policy 824 (Body-Worn Camera), May 1, 2016; BPD, Policy 824 (Body-Worn Camera), Sept. 13, 2017; BPD, Policy 824 (Body-Worn Camera), Jan. 1, 2018; BPD, Policy 824 (Body-Worn Camera), June 23, 2020, <https://www.baltimorepolice.org/transparency/bpd-policies/824-body-worn-camera-0>.

<sup>71</sup> BPD, Policy 824 (Body-Worn Camera), June 23, 2020, <https://www.baltimorepolice.org/transparency/bpd-policies/824-body-worn-camera-0>.

<sup>72</sup> *Id.*

that are sent to BPD's Performance Standards Section. In addition to performing these audits, the BWC unit also creates electronic case folders from incidents that occurred in that month for the SAO to use in criminal prosecutions.<sup>73</sup>

In addition to the work performed by the BWC unit, other units in BPD's Compliance Bureau also review BWC footage on a daily basis. For example, the Use of Force Assessment Unit reviews BWC footage and makes referrals to PIB of any conduct that violates BPD policy. The Audits and Inspections unit reviews BWC footage to conduct Transportation Audits, Procedural Justice Audits, and audits about patrol's response to Sex Assault-related calls and also makes referrals to PIB if officer conduct violates policy. Further, BPD conducts BWC reviews relating to First Amendment related activities and arrests that resulted in suspects being released without charges. The findings from these reviews are shared in public reports issued as part of the federal oversight process pursuant to the consent decree and in reports shared on its website.<sup>74</sup>

The SAO's Evidence Review Unit (ERU) conducts targeted reviews of BWC footage from drug- and gun-related arrests, which is provided by BPD's BWC unit. If the ERU uncovers concerns about police misconduct, its personnel will review other BWC footage from the officer. The SAO works closely with BPD's BWC unit throughout this process. Former Chief Deputy State's Attorney Michael Schatzow noted that the coordination between the two is "a paradigm for how police and prosecutors should work together" and that the two entities share a "common commitment to what body-camera footage is designed to do that is show us evidence that we can use to prosecute and to fix interactions [between community members and] the police."<sup>75</sup>

The demise of the GTTF and the arrests of its members overlapped with BPD's BWC rollout. At least some of the defendants—including Gondo, Hersl, Rayam, Ward, Vignola, and Hankard—received BWCs. Although the BWC should have been a

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<sup>73</sup> *Id.*

<sup>74</sup> Email from I. Dombroski email to M. Bromwich, Nov. 2, 2021; *see also, e.g.,* Assessment of Arrests Resulting in a Release Without Charge (RWOC), *United States v. Police Dep't of Balt. City*, No. 1:17-cv-00099-JKB (D. Md. Dec. 31, 2020), ECF No. 370-1, <https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/Final%20RWOC%20Q2%20Report.pdf>; BPD, Assessment of 2020 First Amendment Protected Activities, Sept. 2, 2021, <https://www.baltimorepolice.org/sites/default/files/2021-09/2020%201st%20Amendment%20Assessment%20-%20final.pdf>.

<sup>75</sup> Michael Schatzow Interview, Mar. 4, 2021. The SAO has taken a hard line with officers who have claimed to forget to activate their BWCs and then have re-enacted an event after turning on the BWC. Jacey Fortin, *Baltimore Drops More Cases After Third Video Shows 'Questionable Activity' by the Police*, New York Times (Aug. 22, 2017), <https://www.nytimes.com/2017/08/22/us/baltimore-police-video-bodycam.html>; Justin Fenton, *Baltimore Police officer who turned off body camera charged with tampering with evidence*, Washington Post (Jan. 24, 2018), [https://www.washingtonpost.com/local/public-safety/baltimore-police-officer-who-turned-off-body-camera-charged-with-tampering-with-evidence/2018/01/24/6c6700ae-015b-11e8-bb03-722769454f82\\_story.html](https://www.washingtonpost.com/local/public-safety/baltimore-police-officer-who-turned-off-body-camera-charged-with-tampering-with-evidence/2018/01/24/6c6700ae-015b-11e8-bb03-722769454f82_story.html).

deterrent that prevented the defendants from committing additional crimes, the defendants were able to continue their criminal activity by turning off their BWC at key moments to avoid capturing their crimes on camera.<sup>76</sup> James Kostoplis, a member of GTTF from October 2016 to February 2017, explained that he was instructed by Jenkins that GTTF operated under different rules than the rest of BPD and that Jenkins would let Kostoplis know when he could turn his BWC on. Kostoplis understood that this directive was accepted throughout GTTF and that GTTF members turned their cameras on and off at their discretion.<sup>77</sup> This was completely at odds with BPD policies requiring activation of BWCs in a broad range of situations.

BPD's Compliance Unit and IA became aware that GTTF members improperly turned off their BWCs. Hersl received six BWC violations in 2016, all of which were sustained before his arrest.<sup>78</sup> In December 2016, a BWC compliance audit found Ward had conducted an arrest without filming it on his BWC, and that in one particular month, he only turned in three videos from his BWC.<sup>79</sup> Ronda McCoy, BPD's former commander of the Internal Audits Section, recalled that the unit noticed early on that GTTF officers frequently failed to turn on their BWCs. But when they were confronted, GTTF members always seemed to have a ready excuse. She explained that they claimed that they had not turned on the camera because they had not expected the interaction with a suspect, but McCoy said their stories were frequently inconsistent with the facts.<sup>80</sup> Because BWCs were still in the early stages of use and had not been fully absorbed by BPD, the connection between chronic failures to activate BWCs by certain officers and the commission of acts of corruption could not be as readily drawn as it would be today.

At this point, BWCs have been part of the experience of BPD members for five years. The audits performed by BWC's audit units, as well as the audits conducted by other divisions, make it more likely that BPD will uncover and investigate patterns of failure to activate BWCs when required by policy. Overall, the widespread use of BWCs and the multifaceted approach to auditing BWC footage not only serves as a deterrent to corruption, but also as a potentially potent investigative tool to discover it.

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<sup>76</sup> See, e.g., Rayam Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196; Gondo Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13, 2017), ECF No. 200.

<sup>77</sup> James Kostoplis Interview, May 8, 2020.

<sup>78</sup> For additional information on these violations, see Chapter X, Section D.

<sup>79</sup> BPD IA File NP BWC 16-0057 (provided by BPD).

<sup>80</sup> Ronda McCoy Interview, Apr. 30, 2020.

## XIII. Findings

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### A. Background

As we stated in the Introduction, our goal in conducting this investigation has been to discover the roots of the corruption that burst into public view on March 1, 2017 with the indictment of seven members of the GTTF. Events since that date, including criminal charges against numerous BPD members who were never a part of that squad, have suggested far more extensive corruption within BPD – concentrated largely within plainclothes enforcement squads.

Though the corruption engaged in by the GTTF members from 2014 through 2016 represented some of the most grotesque and shocking examples of BPD corruption, many if not all of the 13 former BPD officers who have been prosecuted since 2017 engaged in corruption early in their careers – and in many cases, shortly after they joined BPD. By the time Wayne Jenkins brought corrupt members of his Special Enforcement Section (SES) enforcement squad (Hendrix, Ward, and Taylor) together with the existing members of the GTTF (Gondo, Hersl and Rayam) in June 2016, all seven men were experienced criminals. They formed a corrupt-cop “dream team” led by Jenkins, whose productivity guaranteed him a wide berth and little scrutiny within BPD. Beyond the activities of the former BPD officers who have been prosecuted as part of the GTTF investigation, we have learned – through the over 160 interviews and briefings we have conducted and the thousands of pages of documents we have reviewed – that corruption of various kinds has been deeply rooted in BPD for decades, and that the efforts over the past 20 years to prevent, detect, and punish it, however well-intentioned, have largely failed.

From the outset, we realized that to tell the full story of GTTF-related corruption, our lens needed to expand beyond the individual histories of the original seven defendants and reach even further back in time than the 2007 creation of the GTTF. The defendants were shaped by a culture and environment at BPD that were, at a minimum, hospitable to corruption. This story was less about GTTF as a specific unit – although there were aspects of it that were unique – and more about the culture and values of BPD as an institution that shaped the willingness and ability of those officers to violate their oaths. As the government’s investigation discovered, and our investigation confirmed, the corruption of the defendants went back years – in some cases more than a decade, in squads and units separate from the GTTF, and in many cases well before there was a squad called “GTTF.” This corruption, which frequently started with false statements in official documents, and later metastasized into thefts, planting of evidence, and other violations of law, has a long history in BPD. We have searched for the roots of that corruption and tried to determine what combination of factors created and perpetuated a culture that nurtured rather than discouraged it.

## B. Findings

### 1. BPD corruption has deep roots going back decades, long before the existence of the GTTF – and BPD failed to learn from these past corruption scandals.

BPD is by no means unique in experiencing corruption within its ranks. Corruption exists to some extent in many law enforcement agencies at the local, state, and federal levels. No law enforcement agency – or any organization, for that matter – is immune to it. But corruption has been a festering problem at unacceptable levels within BPD for decades – acknowledged by some, minimized by others, but emerging at intervals as a cancer within BPD that has never been adequately treated. There is no way to accurately measure the precise dimensions of BPD's corruption over the past 20 years because it is certain that only some of it has come to light. But there are data points that provide insight as to the magnitude of the corruption problem within BPD and its fundamental causes.

The April 2000 survey by consultants John Linder and Jack Maple, discussed in Chapter III, Section E, found that a disturbingly high percentage of BPD members (more than 23%) believed that at least one of every four of their colleagues was stealing drugs, money, or both from drug dealers. In other words, a quarter of BPD members believed that corruption in the form of such thefts was pervasive, and that hundreds of their colleagues were engaged in it. Presumably, if the definition of corruption had been expanded to include misrepresentations and lies in official police documents to support law enforcement actions, including probable cause statements and search warrant affidavits, the number would have been far higher.

The collective belief among BPD members has been that this type of corruption is far more prevalent among plainclothes squads who focus on narcotics enforcement and gun seizures, and therefore face situations where opportunities for corruption are more readily available. They are not responding to calls for service; they are dealing with people suspected of engaging in serious crimes, especially narcotics crimes, where substantial sums of money are involved. During his post-arrest debriefings by members of the Federal Bureau of Investigation's Public and Border Corruption Task Force (FBI Task Force), Momodu Gondo estimated that 70% of BPD members working in plainclothes units were stealing money from suspects on the street or from their residences. One of the FBI Task Force agents, Erika Jensen, came to believe the percentage to be somewhat lower but nevertheless very high. Even if that estimate overstates the percentage of plainclothes units engaged in corruption by a factor of two or even three, it nevertheless suggests a scope and scale of corruption within BPD's plainclothes units, at least up through early 2017, that is deeply troubling.

Corrupt officers were largely self-selecting, seeking others willing to violate their oaths and shunning those they felt could not be trusted to keep their secrets. The reverse was also true: honest officers knew to stay away from their colleagues who they



knew or suspected operated “in the gray area” – a euphemism for conduct that was improper and, in many cases, illegal. But for various reasons, those honest officers often kept their suspicions to themselves, or shared them only with other like-minded officers. They did not report their suspicions to their supervisors or to Internal Affairs (IA).

The arrests of William King and Antonio Murray in May 2005 was the first major BPD corruption case of the 21<sup>st</sup> century. King and Murray had spent time working narcotics cases in both the Firearms Apprehension Strike Team (FAST) and the Organized Crime Division (OCD) before moving to BPD’s public housing unit. Their corrupt conduct centered on robbing drug dealers and selling drugs. Their reputation as dirty cops preceded their arrests. Members of the community were aware that if they encountered King and Murray, they would likely be robbed of money, drugs, and guns, but that they would not be arrested. King and Murray kept their criminal activities secret from their fellow officers, who believed that the failure of King and Murray to make criminal cases was the product of laziness rather than corruption. The case was developed not by IA, but rather by a predecessor of the FBI Task Force that would make the GTTF case many years later. Members of the FBI Task Force did not share information with IA because of its reputation for leaks and lack of operational security. That lack of confidence was validated when FBI Task Force members learned that an evidence control technician had tipped off Murray that a member of IA had requested drug reports submitted by King and Murray.

Although the King and Murray case received wide publicity and was known to every member of BPD, it was never the subject of any meaningful institutional introspection by BPD. BPD produced no after-action report, conducted no lessons-learned exercise, and undertook no internal or external review that could have informed potential changes in policy, training, and practices. This established a pattern for the absence of constructive responses to subsequent scandals, including those involving Majestic Towing (2009), Daniel Redd (2012), and Kendell Richburg (2013). Although BPD members were fully aware of these corruption scandals from media accounts and from internal gossip, BPD never focused on them as events from which lessons could be learned and red flags identified.

One of the most common, and most pernicious, types of corruption was making misrepresentations of fact to support an arrest, search, or other law enforcement action. This practice was designed to mask the identity of informants, shield supervisors from needing to testify in court, and/or provide the additional information necessary to justify the actions of BPD officers. To achieve one or more of these purposes, the BPD officer would falsely represent that an observation or set of observations had been made directly by the officer rather than by the supervisor or informant. In other cases, the BPD officer would fabricate the observation entirely. And the falsehood would then be perpetuated through perjured testimony; as one officer succinctly put it: “There was an unwritten rule – whatever you wrote is what happened.” One of the GTTF defendants, Maurice Ward, said that his own corruption started with such falsification of reports.

Our investigation demonstrated that this type of corruption was casual, routine, and pervasive – and devoid of consequences. BPD members valued the outcome – the arrest of someone they believed to be guilty – over the means to achieve it. As Wayne Jenkins said in a recent interview, he was taught never to “let probable cause stand in the way of a good arrest.”<sup>1</sup>

## **2. The GTTF that engaged in corruption was a distortion of the original vision.**

Sheila Dixon’s 2007 crime plan was focused on guns, and one element of that strategy was the creation of the GTTF, whose mission was to trace the origins of guns used during the commission of crimes in Baltimore. The GTTF was launched in 2007, and Commissioner Fred Bealefeld recruited the Maryland State Police (MSP) and the Baltimore County Police Department (BCPD) to serve as BPD’s agency partners in the GTTF. He also personally recruited BPD members who he thought were well-suited to the analytic and investigative tasks prescribed for the GTTF. The mission of the GTTF, memorialized in 2008 and 2009 memoranda of understanding (MOUs) with its sister agencies, was to gather intelligence to advance firearms trafficking investigations, work with gun dealers and pawn shops to investigate straw purchaser cases, and partner with state and federal prosecutors to bring such cases. Bealefeld assured the GTTF’s original members that it would remain true to its mission and not become a street enforcement unit.

The GTTF was featured in BPD’s 2007 annual report as one of BPD’s signature initiatives in the fight against violent crime. That was, in some sense, its high-water mark. Almost from the start, the GTTF was plagued by significant problems. MSP delayed co-locating its complement of state troopers because of a shortage of BPD office space. BCPD was reluctant to assign manpower to the GTTF even though it had agreed to do so. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) initially assigned an agent to the GTTF, but the agent never participated in any of GTTF’s work, and ATF itself never signed the GTTF MOU. In late 2009, ATF induced MSP to re-assign the troopers initially assigned to the GTTF to an ATF-led task force. The GTTF’s first sergeant, Richard Willard, was largely missing in action – a BPD member who joined the GTTF in June 2008 did not meet Willard until weeks after he transferred to the unit and believed the GTTF was led by MSP. Willard was suspended for a domestic incident in early 2009, leaving GTTF without a sergeant responsible for supervising operational matters for close to six months.

In the second half of 2009, Kevin A. Jones was selected as sergeant of the GTTF. While this provided a measure of stable leadership for the squad, it was under Jones that the squad’s mission was transformed. Jones’s actual supervision of the GTTF was delayed when he broke his leg on his second day leading the squad and went out on medical leave for several months. The selection of Jones was, at a minimum, odd: he

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<sup>1</sup> Bad Cops, 7. *The golden boy*, BBC World Service (Sept. 25, 2021), at 6:48-8:33; 9:33-10:06.

came from an operations and enforcement background, and had no prior experience doing analytic and investigative work. He has acknowledged that his background was a bad fit for the GTTF's stated mission and he continued to sense the ambivalence among members of the command staff as to the appropriate goals for the GTTF. No one in BPD could articulate how Jones's selection was consistent with the GTTF's stated mission. Unsurprisingly, the activities of the GTTF moved further and further away from its original goals, and more and more toward street-level enforcement.

As an organizational matter, the GTTF was initially part of the OCD that had been created by Commissioner Kevin Clark. OCD was replaced by the Violent Crime Impact Division (VCID) at the beginning of 2008. Even before the name change, within a two-month period in mid-2007, the number of BPD members assigned to the division had grown rapidly, from less than 180 to approximately 270 – in part to staff specific enforcement initiatives that were part of BPD's strategic focus on violent offenders. GTTF operated under OCD and subsequently under the VCID umbrella; the focus in both entities starting in mid-2007 was on taking violent criminals off the streets. The members of the GTTF, including those who had been told by Bealefeld that the unit would not become a street enforcement unit, experienced the unit morphing into exactly that. Its name no longer matched what it did. Members of the unit committed to the GTTF's original mission became increasingly disillusioned as they saw investigative leads neglected in favor of the street enforcement engaged in by other VCID squads.

BPD's agency partners in the GTTF withdrew at different times and for different reasons – MSP at the end of 2009 apparently because it received a more attractive offer from ATF, and BCPD in March 2011 because of very specific, long-simmering grievances about BPD's aggressive tactics and failure to live up to the terms of the original understandings between the agencies. BCPD's concerns had escalated over the course of 2010 and early 2011 as the result of numerous incidents in which BPD's GTTF members executed search warrants in Baltimore County based on thin probable cause and without providing adequate notice to its BCPD partners. Although there were isolated efforts to direct the GTTF back to its original purpose, it became a stepchild within VCID, unmoored from its original mission and swept into the vortex of VCID's aggressive methods to combat violent crime. Bealefeld, the GTTF's original champion, lost touch with it because of his broad management responsibilities; Deputy Commissioner for Operations Anthony Barksdale had no interest in the GTTF's mission and paid little attention to what it was doing; and other BPD command staff members exercised little or no oversight over the GTTF. Like every other unit within VCID, the GTTF came to be judged by its productivity.

VCID never amounted to more than 15% of BPD's sworn personnel at any time, but its enforcement squads were viewed as glamour units within BPD. The enforcement squads attracted aggressive officers, and the GTTF was no exception. Indeed, BPD members who transferred into the GTTF under Jones did not express any special interest in – nor had they shown any aptitude for – the type of painstaking

investigation and analysis needed to make cases against straw purchasers. The abandonment of the GTTF's original mission was reflected in various ways, including in the personnel selections made by Jones, which included Gondo and Rayam. Jones had previously supervised both of them in an operations squad and felt comfortable with them, even though neither had shown any particular investigative or analytic talent.

By the time of Bealefeld's departure in 2012, the GTTF no longer bore any resemblance to the unit he had created five years earlier. He had been unable to pay close attention to it, and no one below him in the BPD chain of command responsible for its supervision was committed to its original mission. Its members no longer spent any significant amount of time reviewing ammunition logs, trying to make straw purchaser cases, or focusing on firearms trafficking organizations. Subject to the same pressures to produce as the other enforcement squads within VCID, the GTTF, despite its name, had become another street enforcement unit. Ironically, in a police department that freely changed the names of entire divisions without any corresponding change in function or mission, the BPD never changed the name of the GTTF, even after it evolved into something very different from what it was intended to be.

### **3. Multiple factors contributed to BPD corruption over the past 20 years – all of which are reflected in the GTTF scandal.**

As part of our effort to identify the sources of corruption, and the most powerful forces driving it, we put the question of what explains the extent of corruption within BPD to scores of current and former BPD members, as well as outsiders who worked closely with BPD in various capacities. We focused primarily on the types of corruption engaged in by the GTTF defendants, but framed the question more generally. We offered the choice of several possible explanations:

- An overemphasis on statistical measures, which placed the highest value on numbers of gun seizures, drug seizures, arrests, etc., without sufficient regard for the means to achieve those numbers.
- Poor supervision, which allowed officers to engage in various forms of corruption and misconduct without sufficiently close oversight to discourage, deter, or detect it.
- The weak accountability system, which diminished the risk that misconduct would be detected or meaningfully punished in cases when it was detected.
- An “us vs. them” mentality, which served as a justification for BPD members to engage in misconduct when dealing with suspects believed to be involved in and profiting from criminal activities.

The responses were revealing. Weak supervision was identified most frequently as the chief explanation for BPD corruption, followed closely by the overemphasis on

statistical measures. Somewhat surprisingly, fewer respondents pointed to the weak accountability system to explain the persistence of corruption. Fewer still pointed to the “us vs. them” mentality. But all were identified as contributing factors to corruption within BPD.

**a. Inadequate or failed supervision, particularly of plainclothes enforcement units, has fostered an environment in which corruption was able to thrive.**

As to the failure of supervision, we found:

- The relative lack of experience among many supervisors, and the lack of rigor of their supervision, generally degraded the quality of supervision within BPD, especially among plainclothes units.
- The lack of leadership training provided to officers when they are initially promoted to sergeant translated to shortcomings in the ability of supervisors, especially first-level supervisors, to effectively manage and lead their units.
- The unwillingness of supervisors to closely examine the underlying behavior of those officers who are generating impressive statistics meant that aggressive officers were not effectively controlled or managed. Just as underperformers require close scrutiny to identify the sources of their inadequate performance, so too do overperformers who generate impressive statistics. Indeed, these overperformers constitute the greatest risk to BPD’s reputation if they are generating these impressive statistics through the violations of BPD policy, federal and state law, and the Constitution.
- Some supervisors cultivated plausible deniability for the actions of their unit members. They spent little time directly observing personnel under their command and were more concerned about the bottom-line numbers than about how those numbers were generated.
- Supervisors feared that addressing integrity and misconduct issues would diminish the productivity of their units, earn them enemies, and create obstacles to their own future promotion. The incentive structure in BPD was far more conducive to concealing misconduct rather than reporting it.
- The existence of corrupt front-line supervisors – Jenkins, Allers, and Gladstone – made the detection of corruption within BPD plainclothes squads substantially more difficult because the higher-level supervisors had too many squads to manage and were stretched too thin – in the language of police management, their span of control was too great.

A key tool relied on by Ed Norris to address some of the most pressing violent crime problems faced by BPD was the formation of elite plainclothes units – initially labeled Rapid Response units. These units reported directly to Norris. Norris



repurposed key members of his executive protection detail to lead these units. Their mission was to focus on “the worst of the worst” and to take orders directly from Norris on addressing hot spots of violence that emerged in the city. These units achieved their desired results and were replicated through the creation of additional special purpose squads. On paper, these special plainclothes squads reported up through a conventional chain of command, but in fact they took their marching orders directly from Norris. These units were loosely managed and perceived by some other BPD members as largely unsupervised, and as having an attitude suggesting that the rules that applied to other BPD members did not apply to them. Although we learned of no acts of corruption committed by members of these units, they established a dangerous precedent for proliferating specialized plainclothes units that had broad discretion to operate throughout the city and that were not answerable to, or supervised by, the conventional BPD chain of command.

The proliferation of these units continued under Clark. The organizational instrument for implementing Clark’s buy-and-bust strategy was OCD, a vastly expanded version of the FAST created by Norris. OCD consisted of a larger number of undercover squads and plainclothes officers – over 20 squads at its peak. It folded in officers from narcotics and patrol, many of them young and inexperienced. These recruits to OCD included members recruited in the early 2000s during hiring surges that were accompanied by pressure on the BPD’s Police Academy to push through flawed candidates. Those candidates could not pass various Academy tests without cheating, and such cheating was facilitated by Academy trainers.

We interviewed BPD members who were hired and trained during this period who reported that their Academy classes were provided with the answers to exam questions prior to the exam, and special “tutoring” and private tests administered to ensure that every BPD recruit who entered the Academy would graduate. We asked BPD members whether they had identified members of their recruiting classes who should not have graduated and gone on to become officers because of shortfalls in physical skills, intellectual ability, emotional maturity, or anger management issues. Almost without exception, they recalled Academy classmates with such shortcomings; without exception, these classmates graduated from the Academy. Many of these classmates went on to have short careers marked by poor performance and episodes of misconduct.

The growth of plainclothes units within OCD was at the expense of the patrol function. BPD members viewed this as a “cannibalization” of patrol to supplement the ranks of OCD. The plainclothes units continued to be viewed as the most productive units within BPD – the leading edge in the fight against crime; their accomplishments were celebrated and rewarded. With additions to OCD coming from members of patrol who had limited years on the job and therefore limited experience, an increasing number of OCD members lacked knowledge of the legal standards that should have guided their work. And yet they continued to flow into units that were loosely supervised and had wide discretion.

The opportunities for unlawful and corrupt behavior grew larger, with members of the judiciary, such as then-US District Judge Andre Davis, and members of the public, noting the failure of BPD officers to make cases that were sustainable without relying on false or misleading information. The war on drugs and the related war on guns took a heavy toll on the observance of constitutional rights by BPD members. One of the tactics of the war on guns was the practice of “gun flips.” Officers would agree to release a suspect they had arrested in return for a gun – any gun – that the arrested person could produce directly or through a friend, relative, or associate – no questions asked. With no accountability in the system for an arrest that ultimately went nowhere, BPD members had little incentive to insist on having an adequate legal basis to make the arrest in the first place.

A number of OCD (later VCID) enforcement squads became incubators for corruption. The squad led by William Knoerlein included Gladstone, Jenkins, Louvado, and Rivera. Knoerlein had introduced Rivera to the practice of committing thefts during the execution of search warrants in the late 1990s. Rivera did so on approximately a dozen occasions because he sought acceptance by BPD officers whom he and other officers respected and admired – and viewed it as a way to gain admission into their informal club. Rivera knew it was wrong, but those around him were doing it, and he was swept along, confident that there would be no consequences.

The misconduct of certain VCID members was known to their accomplices but not more broadly. Meanwhile, personnel continued to flow into VCID based on their aggressiveness and productivity. Proposals to screen VCID candidates more rigorously through the use of polygraphs and administration of written exams were either rejected or ignored.

Despite Fred Bealefeld’s substantial accomplishments as a result of focusing on more targeted enforcement that produced higher-quality cases, the relentless challenges of fighting violent crime fostered a culture within BPD that continued to reward aggressiveness and productivity. Officers such as Jenkins and Gladstone were viewed by many BPD commanders as aggressive leaders and valuable assets because of their high-profile seizures of guns and narcotics. Many BPD members wanted to work with them, and they forged strong relationships with senior BPD members because their success in making arrests and seizing guns and drugs reflected well on the people above them in the BPD chain of command. This was true despite the fact that some visible aspects of Jenkins’s aggressive style were dangerous. Jenkins was notorious for his reckless driving, which led to numerous accidents, and which occasionally led to his being placed on the sidelines for short periods. But those interludes were brief and of no lasting consequence. Although Jenkins was only a line officer at the time, his reputation as a cowboy and for recklessness reached Bealefeld, who denied Jenkins a promotion to sergeant for the duration of his tenure. After Bealefeld resigned from BPD, Jenkins’s champions within BPD no longer faced that resistance, and Jenkins was promoted to sergeant in 2012.

Anthony Batts set out to change the size and identity of VCID – by then known as Violent Crime Impact Section (VCIS) – with little effect. He made some personnel cuts, renamed VCIS as SES, and did some restructuring, but it is unclear what impact those changes had on the operations of plainclothes enforcement units. Batts felt constrained in making substantial cuts because of the concern that the number of homicides would rise if he significantly depleted productive plainclothes units. However, in shrinking and rebranding VCIS, Batts was not sufficiently knowledgeable about BPD personnel to identify the detectives and supervisors whose histories and reputations suggested they posed the greatest risk of misconduct and corruption. And those who did possess that knowledge – including Dean Palmere, who had been elevated to deputy commissioner – had little interest in transferring some of the most productive officers. As a result, Jenkins, Hersl, Gondo, Rayam, Ward, Taylor, and Hendrix remained in SES enforcement squads. To the extent Batts knew about the original mission of the GTTF, he had no commitment to it and considered it a waste of resources – but he also was apparently unaware that the name of the squad no longer reflected what it actually did.

The death of Freddie Gray in April 2015 and its aftermath were key inflection points for BPD, the Baltimore community, and the corrupt officers. BPD's widely criticized response to the protests and the riots caused a loss of confidence in Rawlings-Blake and Batts. The prosecution of six BPD officers by the Baltimore City State's Attorney's Office (SAO) in connection with Gray's death caused a deep fissure between that office and BPD. The surge in violent crime and homicides that followed allowed aggressive squads such as the SES enforcement squads and the GTTF to rise even higher in the estimation of command staff members because of their continued productivity. This was the case even in the face of damaging publicity about the rising costs – in terms of court judgments and settlements – of overly aggressive policing. The combination of the Freddie Gray prosecutions, the rise in homicides, the launching of the DOJ pattern or practice investigation, and the resulting growing passivity of BPD officers created a perfect storm that further increased the latitude given to BPD enforcement squads – and the opportunities for corruption. These factors also led directly to the termination of Batts in July 2015. With homicides and violent crime rising steeply in the second half of 2015, the stature of productive plainclothes units rose; they were viewed by senior BPD commanders as a bulwark against chaos. Batts's replacement, Kevin Davis, replenished the ranks of plainclothes officers to deal with the rise in violence.

These failures of supervision were particularly acute as to Jenkins. Jenkins was placed on a pedestal by command staff members, including Miller and Palmere. He was given special privileges: he was assigned his own vehicle; he was allowed to equip the vehicle with a push bumper, the main purpose of which was to ram other vehicles; and he was held out as a model to other supervisors based on his productivity despite his reputation for flouting BPD's policies. He was a management nightmare, but his productivity was his license to continue operating with no meaningful supervision.

The power of both Jenkins and Gladstone within BPD was further demonstrated by their ability to undermine the authority of personnel above them in the chain of command by flaunting their connections with senior BPD executives. When they resisted the efforts of Lieutenant Daryl Murphy to have them participate in case reviews with a lawyer from the SAO, Sean Miller sided with Jenkins and Gladstone rather than Murphy. Jenkins and Gladstone got their way; Murphy was transferred. This was not the last time that Jenkins was able to subvert the chain of command and be protected by senior members of BPD.

By the first half of 2016, both Jenkins's SES squad and the GTTF under Thomas Allers were engaged in separate crime sprees. Jenkins's squad stole sums of money on at least three occasions while doing traffic stops, foot pursuits, or other street enforcement work. His squad's most profitable crime took place when they converted a street stop and arrest into the warrantless search of a residence and the seizure of drugs and a substantial sum of cash. By contrast, the GTTF's known crimes during this period were, with one exception, committed during the searches of residences.

Towards the latter part of this period, Allers became convinced that the GTTF was under investigation. He obtained a transfer to a DEA task force based on his longstanding relationship with Palmere. Because of the number of gun seizures Jenkins produced, he was an attractive candidate in the eyes of Palmere and Miller to replace Allers as head of the GTTF. For his part, Jenkins no doubt realized that the GTTF's historical use of residential search warrants would present many opportunities – and likely more lucrative possibilities – than focusing largely on street enforcement. Jenkins's productivity and the influence it gave him within BPD enabled him to bring his own trusted squad members – Hendrix, Taylor, and Ward – along with him. By that point, he knew they could be trusted to participate in his crimes. He was right.

**b. The obsessive focus on statistical measures that exalted quantity over quality – primarily the numbers of guns seized and arrests made rather than convictions obtained – helped create perverse incentives for officers.**

Regarding the focus on numerical metrics, we found the following:

- For much of the period from at least 2000 through the 2017 arrests of the GTTF defendants, the central goal transmitted from the top down in BPD and from City Hall was to generate numbers – at various times, maximizing the number of arrests, narcotics seizures, and gun seizures. Maximizing the numbers in those categories was viewed as the most promising path to affecting the most important number of all – reducing the number of homicides.
- ComStat was transformed from its origins as a meaningful accountability tool into a crude scorekeeping tool that became an all-consuming focus of senior BPD members, and determined the fate of BPD supervisors and squads.

- The success or failure of supervisors and their units was almost exclusively determined by numerical measures. Because numbers were the measure of success, supervisors had little incentive to investigate how the impressive statistics were being achieved, and many senior members of BPD showed no interest in how the numbers were achieved.
- The logical consequence of this attitude was that the more productive a squad was in terms of generating impressive statistics, the less they were supervised and the more leeway they were permitted.
- The numbers that counted were arrests and seizures, not convictions. BPD members were not evaluated on whether their actions led to successful prosecutions. This created incentives to focus on the short-term goals of arrests and seizures and not whether the methods used to achieve them were consistent with BPD policy, federal and state law, and the Constitution.
- Members of specialized units believed that achieving numerical goals was a necessity to obtain the approval of their supervisors and retain their positions in those units.
- Command staff members coddled, promoted, and protected certain “golden boys” in specialized units—*e.g.*, Jenkins and Gladstone—so long as they consistently generated high numbers of narcotics and gun seizures, despite their problematic behavior.
- The broad message absorbed by BPD members was that the ends justified the means. This message has been inculcated early in the careers of BPD members, and was reflected in the fact that lying about the circumstances of an arrest or in a search warrant application was pervasive and viewed as necessary.

We have taken as a starting point the important strategic, tactical, and leadership changes adopted and implemented by BPD following Martin O’Malley’s election as mayor of Baltimore in 1999. We chose this starting point not because corruption did not exist in BPD before 1999—it clearly did—but because the changes brought about by O’Malley provide a critical framework for understanding the events of the past 20 years that are central to the roots of the GTTF scandal. Before becoming mayor, O’Malley spent years as a City Council member expressing concern about the spiraling levels of crime and violence in Baltimore. He blamed the passivity of past mayors and police commissioners, especially Thomas Frazier, for the failure to adequately address crime. He focused his 1999 mayoral campaign on public safety issues. After learning about the elements of the zero-tolerance/quality-of-life enforcement strategy adopted by William Bratton in New York City Police Department (NYPD) and the sharp drop in crime that the strategy was credited with achieving, O’Malley concluded that the zero-tolerance/quality-of-life strategy could be adapted and implemented in Baltimore. To that end, he hired Ed Norris, a rising star in NYPD, to serve as Deputy Commissioner. When O’Malley’s original choice for commissioner, BPD veteran Ronald Daniel, quickly



developed irreconcilable differences with O'Malley and lost his job after 57 days, Norris took his place and was responsible for implementing the New York model beginning in early 2000.

Norris had been integrally involved in the operation of CompStat in New York. His familiarity with it was one of the reasons O'Malley had recruited him to Baltimore. Norris had been tutored on CompStat by Jack Maple, one of the New York system's architects, and Maple was directed to train Anthony Barksdale on how to operate it in Baltimore. CompStat—renamed ComStat in Baltimore—was viewed by O'Malley and Norris as integral to the creation of a culture of accountability among BPD commanders. In the view of O'Malley and Norris, while the numbers did not tell the entire complex story, they did not lie. So ComStat sessions, during which commanders were expected to demonstrate detailed knowledge of criminal activity in their districts, became the focal points for demanding command accountability. O'Malley eventually extended the principles of ComStat to other parts of city government, but it was implemented first in BPD.

The ComStat version adopted in Baltimore was not a purely numbers-driven approach and generally not as harsh as the New York version. Even so, the results of ComStat were mixed, and the process carried with it hidden costs—at times the efforts to enforce accountability veered into exercises in shaming and public humiliation of commanders. According to numerous current and former BPD members, ComStat became an all-consuming exercise that absorbed huge amounts of command staff time for those being tested, with the primary goal of avoiding embarrassment and other adverse consequences. From the perspective of many BPD members, ComStat became more performative than productive. Years later, Baltimore's Fraternal Order of Police (FOP) would attribute responsibility to ComStat for much that was wrong with BPD because of the incentives it created to post numbers in various categories—arrests, gun seizures, etc.—for the sake of optics and to protect the careers of command staff members.

The pressure to achieve high arrest and gun seizure numbers created its own set of long-term problems. Corrosive incentive structures were created that were inextricably linked to the pressure to produce. This is not meant to suggest, for even a moment, that such incentive structures were more responsible for the existence of corruption than the choices of individual officers. However, the fact is that BPD members and command staff were judged, to a large extent, based on the number of arrests and gun seizures they achieved rather than on whether those arrests and seizures led to successful prosecutions. When combined with inadequate training on the law of arrest and search and seizure procedure, these incentive structures produced unjustified stops and frisks, unlawful arrests, and gun seizures that did not result in successful prosecutions.

Although BPD's official position was that it established no quotas in any of these categories, BPD members in the trenches felt these pressures acutely. The demand to

produce numbers led some officers to cross the line and engage in enforcement actions that were unjustified – and in many instances, illegal – and created incentives to shade or misrepresent the facts in probable cause statements and search warrant affidavits. Moreover, individual officers were not evaluated on whether the arrests they made and the criminal citations they issued resulted in successful prosecutions, so the fact that a very high percentage of the arrests made by BPD members were dropped by the SAO did nothing to curb these damaging incentives. This incentive structure that emphasized arrest and gun seizure numbers, and the misconduct by some officers in response, caused profound and enduring damage to the relationship between BPD and the community, and in particular Baltimore’s Black community.

Norris was generally respected as a knowledgeable street cop by rank-and-file BPD members. This allowed him to overcome the hostility that BPD members have consistently shown towards commissioners who have come from outside of BPD. Norris reconciled himself to the ubiquitous oversight exercised by City Hall, and by O’Malley personally. Norris’s success in reducing crime – among other accomplishments, the number of homicides in Baltimore fell from 305 in 1999 to 261 in 2000 – helped keep O’Malley and City Hall more or less at bay.

Norris left BPD at the end of 2002. His accomplishments in bringing change to BPD were later overshadowed by his own personal corruption that led to his prosecution, conviction, and incarceration for using a BPD discretionary fund for personal purposes. O’Malley recruited Kevin Clark from NYPD in the belief that Baltimore needed another NYPD veteran to continue the transformation of BPD, and to push forward with enforcement strategies based on zero-tolerance/quality-of-life principles.

Clark centered his enforcement strategy on “buy-and-bust” cases, which produced large numbers of arrests with no apparent larger purpose in terms of dismantling violent drug organizations that were responsible for a significant share of violent crime in Baltimore. The strategy was strongly opposed by elements within BPD as pointless and damaging – both to BPD and its relationship with minority communities. In retrospect, buy-and-bust came to be viewed as profoundly misguided even by those who initially supported Clark and the strategy.

Pressure to generate numbers continued under Clark, with continued micromanagement from City Hall focused largely on numerical metrics. Many BPD members felt that the alienation of important segments of the Baltimore community caused by the high volume of arrests, especially those for low-level quality-of-life offenses and minor narcotics crimes, took a toll on BPD’s ability to solve the most serious types of crimes, including homicides. Members of the community already feared retaliation and vengeance for providing evidence against violent criminals. Their reluctance to aid the police in important prosecutions was compounded by the sense that BPD members were stopping, frisking, and arresting them for no meaningful law enforcement purpose, and frequently without an adequate basis.

Clark's tenure ended in late 2004. His handling of an alleged domestic incident and other disclosures about his private life, coupled with a rise in homicides and growing tension between Clark and City Hall, caused him to lose O'Malley's confidence. Clark's legacy included a rise in the number of arrests and a sharp increase in the number of criminal citations, 60% of which were dismissed by SAO prosecutors as legally insufficient. The circumstances of Clark's departure meant that both Norris and Clark were associated in the minds of BPD's rank-and-file and the public with episodes that reflected poorly on their probity and integrity. Their departures did little to demonstrate the qualities so necessary in the leader of a law enforcement agency whose members are sworn to uphold the rule of law.

To replace Clark, O'Malley selected Leonard Hamm, who had a long history in BPD and had been brought back to BPD months earlier following Clark's domestic incident as the commissioner-in-waiting. With Clark's departure and Hamm's elevation, BPD had its fourth commissioner in five years, highlighting instability at the highest levels of BPD. Hamm was concerned about the size and broad discretion of plainclothes units and the degradation of patrol, but he made no serious changes in BPD's priorities and strategy.

The election of O'Malley as Maryland's governor in November 2006 caused significant changes in BPD enforcement strategies. When Sheila Dixon succeeded O'Malley as mayor, she turned away from zero-tolerance/quality-of-life policing. She concluded that BPD had been micromanaged by O'Malley and his City Hall colleagues, and that the obsession with numbers and statistics had been damaging to BPD and had substantially impaired its relationship with the community. Dixon's crime plan was presented as an explicit departure from zero-tolerance/quality-of-life policing. Its focus was on violent offenders rather than on low-level drug transactions and public nuisance crimes. Dixon viewed her strategy and her role far differently than O'Malley had: she established the broad parameters of a crime plan and offered ideas, but left the implementation of the plan to BPD leadership.

Following a surge in homicides in the first half of 2007, Dixon concluded that Leonard Hamm was not capable of implementing the significant strategic changes that were necessary. Several months after announcing her crime plan, Dixon fired Hamm and selected Deputy Commissioner Fred Bealefeld to serve as acting BPD commissioner. Bealefeld became the sixth BPD commissioner in eight years. Like Dixon, Bealefeld had grown disaffected with numbers-driven policing and was determined to make significant changes in focus and priorities from the previous eight years.

Bealefeld served as BPD Commissioner for five full years (2007-2012), a period of stability that contrasted with the periods of instability and shifting strategies that preceded and would follow his tenure. His successes were undeniable – the number of homicides dropped to levels that had not been achieved in decades, as did the number

of non-fatal shootings. At the same time, the shift in strategy from zero-tolerance to focus on the most violent offenders substantially reduced the number of arrests by BPD. This largely coincided with the tenure of Mayor Dixon, who resolved not to micromanage the BPD. During the last portion of his tenure as commissioner, Bealefeld also enjoyed a strong relationship with the SAO's Gregg Bernstein, a departure from previous years, when a climate of conflict between BPD and the SAO was the norm. With the turn away from zero-tolerance and the tighter focus on the most violent offenders, the SAO was no longer being deluged to the same extent with minor cases that were not pursued. Finally, Bealefeld's success in forging partnerships with the FBI and the US Attorney's Office (USAO) led to substantial progress not only in making successful corruption cases, but also in violent crime prosecutions.

With Bealefeld's departure in mid-2012, Mayor Stephanie Rawlings-Blake faced the choice of continuity or change in selecting a new BPD commissioner. She chose change (Anthony Batts) over continuity (Anthony Barksdale). Batts portrayed himself as a reformer, although his most recent leadership of a police department—in Oakland, California—had not ended well. Even so, he cast himself as a change agent and someone committed to implementing reforms within BPD. By the time Batts took over BPD, criticisms that had been percolating under the surface came into the open. One criticism, which came from the rank-and-file and the FOP, was focused on ComStat and its focus on statistics and numerical productivity to the exclusion of other metrics of performance. A second criticism came from the community, which was increasingly concerned about the aggressive tactics used by BPD, especially the plainclothes units operating in VCIS.

From the beginning, Batts was viewed by the BPD rank-and-file, as well as many of its senior leaders, as a West Coast outsider with little knowledge or understanding of the special challenges of policing in Baltimore. He was unable to forge close relationships with either the members of his own Department or with the community. At the urging of O'Malley, he commissioned a stem-to-stern review of BPD to serve as the foundation for developing a strategic plan. The delivery of the plan was substantially delayed and, at Batts's insistence, included a list of claimed accomplishments for the first year of his tenure that were unverified by the consultants. The strategic plan set a reform agenda that was overly ambitious by any reasonable measure and overwhelmed the capacity of BPD to implement it successfully.

Batts's departure in July 2015 was followed by a string of commissioners before the January 2019 appointment of Michael Harrison. In all, BPD has had 11 commissioners since 1999, with accompanying high rates of turnover among senior command staff. With the exception of the tenure of Fred Bealefeld, over the past 20 years BPD has generally lacked stable, consistent leadership. But what has been consistent during much of that time is the distorted incentive system created by the emphasis on quantity over quality—on numbers of arrests and gun seizures rather than successful cases.

In addition to the instability caused by the constant turnover of commissioners, a number of former BPD leaders expressed grave concern about the degree to which city officials have injected themselves into internal police department matters. We were told about a continuing stream of sensitive information flowing from BPD members to elected city officials to curry favor in the hopes that the officers would receive a benefit in the form of an undeserved promotion or intervention in a disciplinary matter. We were told about numerous attempts by city officials over the years to determine the promotions and assignments of BPD personnel. We learned of steps by city officials, including mayors and members of their staffs, to intervene in the disciplinary process and request lenient treatment for certain members, and in other cases to request the rehiring of BPD members who had been terminated for egregious misconduct. Some of the commissioners and their top executives who shared information about such interventions, which they viewed as degrading the integrity of BPD, described it as not only pernicious but as a powerful independent explanation for corruption within BPD. Although that seems somewhat overstated, it was nonetheless a view shared by many former leaders of BPD.

**c. BPD's historically dysfunctional accountability system reduced the ability to detect, punish, and deter misconduct.**

As to the weak accountability system, we found:

- BPD's accountability system has never provided swift and consistent justice to BPD members accused of misconduct or to civilians or BPD members who report such misconduct. As a result, neither BPD members nor civilians have had confidence in the system.
- The internal affairs function within BPD has historically been deprived of the resources, talent, and leadership required to deter and detect misconduct. The caseloads have frequently been overwhelming, the number of investigators has never been commensurate with the caseloads, and the efforts to improve IA have been sporadic and inconsistent. When asked which BPD commissioner over the past 20 years placed a high priority on deterring and detecting misconduct, many respondents said, "none."
- The internal affairs function has been viewed with disrespect, frequently crossing into contempt, by the vast majority of BPD members. Most BPD members have never considered applying for a position in IA, and affirmative efforts to recruit talented personnel have been largely unsuccessful.
- Until recent legislation repealed the Law Enforcement Officers' Bill of Rights, it was viewed by personnel responsible for accountability as a substantial impediment to developing a system that produces fair and appropriate results.



- Administrative trial boards have historically been a flawed vehicle for achieving justice with respect to allegations of officer corruption and misconduct. Members of trial boards have been poorly trained, and have been susceptible to efforts to intervene on behalf of accused members based on the power and connection of their patrons rather than on the substance of the case. Trial board members have in many cases feared the power of commissioners to increase the discipline imposed on officers found guilty and have responded by rendering not guilty verdicts that are contrary to the evidence.
- Failures of the accountability system resulted in missed opportunities to stop corrupt officers such as Jenkins, Hersl, and Rayam much earlier in their criminal careers, long before they joined forces on the GTTF.

Numerous commissioners have made efforts to improve BPD accountability mechanisms over the past 20 years, without success. As far back as 1999, O'Malley's mayoral campaign platform included a commitment to "police the police." This meant dealing with corruption and addressing the excesses that could result from the more aggressive style of policing being implemented. The efforts of O'Malley and Norris to deal with police corruption focused on enhancing BPD's internal affairs function, which was in deep disarray. Norris and other BPD executives inherited a formidable backlog and a dysfunctional internal affairs and administrative adjudicatory system that was reviled and distrusted by the rank-and-file. IA had great difficulty recruiting and retaining capable investigators. IA investigators received no formal training of any kind on conducting internal investigations, which further degraded its reputation and discredited its work. BPD members were reluctant to report their colleagues to IA. Those who did risked retaliation and being ostracized as a "snitch" or a "rat." Members of the trial boards frequently misunderstood the preponderance of the evidence standard that they were supposed to apply; in other cases, they simply ignored it. Many BPD members believed that the outcome of trial boards depended more on whom you knew than on what you did. The components of the system that existed to deter, detect, and punish misconduct lacked credibility and legitimacy.

The struggles to make IA a competent and respected unit never ceased. By 2009, it was clear that the ability of IA to conduct timely and competent investigations had slipped even further. This view was shared by new arrivals in IA, such as Chad Ellis; members who had worked there previously, such as Rob Morris; and other participants in the misconduct investigations process, such as FOP lawyer Mike Davey. The quality of many IA investigators remained poor, IA lacked operational security for its sensitive investigations, leaks about investigations were common, and the vetting of new IA investigators was minimal. Training for IA investigators was non-existent. The same was true for standard operating procedures and an investigations manual to ensure consistency. IA's reputation was further diminished by the public fiasco involving the integrity sting on Michael Sylvester in 2009. A further obstacle to making viable criminal cases was a frayed relationship with the SAO, which was slow to process

criminal referrals from IA. These referrals inevitably ended in declinations of prosecution, but frequently after lengthy delays that adversely affected the ability of IA to pursue companion administrative investigations in a timely way. As a result of these continued shortcomings, Bealefeld's confidence in IA was sufficiently diminished that he asked the FBI for assistance with investigating cases involving suspected corruption of BPD officers.

The FBI Task Force created in response to Bealefeld's request for FBI assistance, which included a small number of trusted BPD personnel, made significant cases, including the prosecutions of the officers involved in the Majestic Towing scandal and of Daniel Redd. But even those successful cases revealed the shortcomings that existed in BPD's ability to pursue corruption. Members of the FBI Task Force and prosecutors working with them were extremely concerned that the involvement of IA in the Majestic Towing case in any way would compromise the investigation because of the risk of leaks. The Redd case was particularly striking as a case of missed opportunities. Redd had been widely known to be a corrupt officer for many years – and yet he continued to operate within BPD for many years until the FBI Task Force made a narcotics and firearms case against him.

Batts also recognized the profound – and perennial – problems with IA and the accountability functions within BPD. To deal with them, he recruited an outsider from the Los Angeles Police Department, Jerry Rodriguez, to serve as deputy commissioner over IA and related functions. By all accounts, Rodriguez took his mandate seriously, but was stymied by the same resistance and barriers that had confronted his predecessors. IA investigators were inexperienced and poorly trained. The reputation of IA among the rank-and-file served as powerful deterrents to talented and committed BPD members seeking to serve as IA investigators. Efforts to recruit talented officers into IA were blocked by commanders who valued productivity over accountability. Trial board members rendered verdicts that were contrary to the weight of the evidence, resulting in a success rate for BPD of roughly 30%. Ultimately, neither Rodriguez nor Rodney Hill, selected to run IA on a day-to-day basis, felt they had Batts's full support to make the necessary changes to transform and empower the accountability function. As happened throughout BPD's recent history, the determination to improve IA and the trial board system took a back seat to the continued urgency of fighting violent crime. Less serious allegations of misconduct continued to be the responsibility of commanders in the districts, who were uninterested in pursuing them.

The repeated failures of BPD's accountability system were clearly illustrated by cases involving some of the GTTF defendants – and led directly to those defendants' being able to continue their criminal careers unchecked. For instance, only months after being recruited to the GTTF, Rayam was suspended because of allegations of corruption and deceit relating to an incident in June 2009. The allegations were true, which Rayam finally admitted many years later. His suspension lasted for approximately 18 months, but in a significant systemic failure of BPD's accountability system – from the

investigation, to the presentation of the case, to the decision of a BPD trial board – he was acquitted on technical grounds almost three years after the underlying events. Even though it was clear Rayam had lied to investigators, BPD failed to communicate that information to anyone in Rayam’s supervisory chain, including Kevin A. Jones. BPD made no effort to manage the risk Rayam posed to the Department and the threat that he posed to any case in which he was involved.

Like Rayam’s trial board acquittal, the Walter Price case involving Wayne Jenkins highlighted the shortcomings of IA and BPD’s accountability system more broadly. After a car stop, Jenkins claimed to have found cocaine in Price’s car. Price was arrested and his girlfriend and their infant child were detained for hours. IA’s investigation resulted in several charges against Jenkins for his role in the incident. Those charges were sustained, and serious discipline was proposed – including a demotion, transfer back to patrol, and a lengthy suspension. The case dragged on for many months and the sanctions were eventually diluted to almost nothing – non-punitive counseling based on the decision of then-Deputy Commissioner Darryl De Sousa, who was known throughout BPD as someone with little interest in, or commitment to, accountability. Jenkins somehow knew of the resolution of his case before anyone else, which confounded others involved in the process. Despite his escape from any meaningful sanctions, Jenkins complained about the investigation and about the conduct of IA. The lesson was reinforced: production measured in drug and gun seizures trumped efforts to hold BPD members accountable, especially BPD members such as Jenkins who were favored and protected by senior BPD executives.

In other instances, Jenkins demonstrated his ability to insulate himself from accountability because of assistance provided by accomplices within BPD. The actions by those BPD colleagues implicated them in obstruction of justice, civil rights violations, and other crimes – but protecting one of their own was more important to them than upholding their oaths. In the 2014 vehicle accident caused by his reckless vehicle pursuit of Demetric Simon, Jenkins called on Gladstone and other officers to plant a BB gun at the accident scene in order to provide a fabricated justification for the pursuit, and for Jenkins’s use of the vehicle as a deadly weapon. The gun planting remained a well-kept secret until the federal investigation of the GTTF unraveled it many years later. At the time of the incident, BPD took no action against Jenkins, not even for the reckless use of his vehicle. BPD’s newly created Use of Force Review Board found Jenkins’s use of his vehicle to be justified and within BPD policy. Members of the board panel included two of Jenkins’s most consistent champions, Dean Palmere and Sean Miller. The panel considered irrelevant facts, such as Simon’s criminal record, but failed to consider relevant facts such as Jenkins’s history of reckless driving.

The federal investigation that ultimately brought down the GTTF members, and subsequently ensnared other BPD officers, was the result of happenstance – not the proper functioning of BPD’s accountability system. A narcotics investigation jointly conducted by two county police departments determined that an illegal tracker linked to John Clewell – a member of the GTTF, but ironically one who was not involved in the

unit's egregious criminal activities—led to a referral to the FBI Task Force. The FBI Task Force's original focus on Gondo and Rayam, who had links to a narcotics trafficking organization headed by associates of Gondo's, was extended to Jenkins and other members of the GTTF as the result of electronic surveillance on Gondo's phone, and later his police vehicle. Ultimately, based on months of monitored conversations and other substantial investigative efforts by the FBI Task Force and the USAO, seven members of the GTTF—Jenkins, Gondo, Hendrix, Hersl, Rayam, Taylor, and Ward—were indicted on charges of racketeering, extortion, overtime fraud and firearms offenses. The case was not only an indictment of the officers themselves, but also of the BPD's badly flawed accountability system.

**d. An “us vs. them” mentality served as a self-justification for BPD members to engage in misconduct when dealing with suspects believed to be involved in and profiting from criminal activities.**

As to the “us vs. them” mentality, we found that, while it is a less compelling explanation for the GTTF's corruption and other episodes of corruption in BPD's recent history than the other causes identified in this Report, it is still a significant factor that helps explain corruption in BPD:

- The levels of violence in Baltimore over the past several decades and the real and existential risks faced by BPD members as a result of that violence have led many to conceive of their jobs in terms of “us vs. them” — BPD vs. the forces of crime and violence. BPD members were indoctrinated into viewing suspects, especially those involved in narcotics trafficking and violent crime, as the enemy. Cheating, which has historically begun with lying about events to support arrests or searches, was internalized as the price to pay to defeat the enemy.
- The corrupt GTTF officers referred to thefts of cash during street encounters as a “street tax.” This reflected the view that persons suspected of committing crimes, especially those involving narcotics, were viewed as not entitled to their property or their liberty.
- Language used by BPD members, beginning in the Academy, included references to “battle buddies” and “going to war.” This mode of thought—that BPD is dealing with an “enemy”—caused many officers to view civilians as adversaries, and led some to justify or excuse various types of inappropriate and even corrupt conduct in service of their mission.

**4. BPD's hiring and training practices—including ignoring red flags during the hiring process and open and notorious cheating at the Police Academy—were contributing factors to corruption within the BPD.**

In addition to the findings described above, it is important to touch briefly on matters relating to staffing, hiring, and training that are relevant to the issues explored

during our investigation. We did not undertake broad reviews of either the specific hiring processes in effect at the time the corrupt GTTF officers were hired (1992-2009) or variations in their training when they initially went through the Academy. We did carefully explore issues relating to the hiring of the officers whose conduct came within the scope of our investigation and found numerous failures to follow up on significant issues that should have been more carefully examined or prompted further investigation. But we found nothing specific in the application and background investigation process for the 13 officers that definitively demonstrated that their applications should have been rejected, and certainly nothing that would have put BPD on notice that they were hiring members who would eventually engage in large-scale corruption.

We are aware that BPD has suffered a vast erosion of its manpower in the last two decades. From its peak of 3,297 sworn members and 588 civilian members in 2001 to its current levels of 2,370 sworn members and 489 civilian members, BPD has hemorrhaged personnel. We are also aware of the enormous hiring challenges that BPD has faced, and continues to face, in reaching manpower levels sufficient to match its challenges. We are not aware of any current lowering of standards to compensate for recruitment difficulties, nor would that be a prudent path to follow. Our understanding is that BPD is aware of the perils of lowering its standards and the increasing risk of corruption that would create.

As to the recruit experience at the BPD Academy, as mentioned above, we learned that as a historical matter, the existence of cheating and corner-cutting at the Academy was widely practiced and generally known. Some entire Academy classes were provided with the answers to test questions during mandatory tests; recruits who failed exams were given unlimited opportunities to pass those tests; in other circumstances, recruits who were known to have failed exams were administered the tests in private and reported that they passed; and certain recruits were individually tutored to make sure they passed various tests. The emphasis was on graduating every recruit who entered the Academy to meet BPD's staffing needs – not on ensuring that each one had the necessary attributes and abilities to serve as a BPD officer.

Compounding the consequences of pushing every recruit through the Academy, generations of BPD members received inadequate guidance about the importance of ethics and integrity in determining their actions as officers. The current and former BPD members we interviewed had no strong recollection of any ethics training that was part of their Academy training, and certainly nothing that stuck with them. Until recent modifications of ethics training, there had been no efforts, whether as part of Academy or in-service training, to use any of the BPD corruption scandals that have occurred over the past 20 years as teaching tools. We applaud the recent changes that have taken the first steps towards doing so.

There is consensus among BPD members that Academy training does not – and ultimately cannot – fully prepare BPD recruits for the challenges they will later face on



the streets. But it seems clear that as a historical matter, BPD did not prepare new officers to deal with the integrity challenges they would face every day, including from their own colleagues. Instead, almost immediately after they left the Academy and completed their field training, new officers felt the pressures to make cases and generate numbers, and to be accepted by their colleagues. As a result, they frequently felt pressure to tell lies and make misrepresentations to generate numbers. For many, that was where the corruption started. Indeed, that form of corruption was so deeply embedded in BPD's culture as a necessary cost of doing business that many BPD members did not view it as corruption at all. But it was the first step on a very slippery slope that, in the case of the GTTF defendants and others, culminated in corruption and criminal activity on a massive scale.

## XIV. Recommendations

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As our investigation demonstrates, corruption of various kinds within BPD has a long and tangled history. Whenever corruption scandals have erupted, they have had profoundly damaging effects on the reputation of the Department and on the fabric of trust that must exist between BPD and the communities it serves. Coming on the heels of the death of Freddie Gray, the subsequent surge in violent crime, and the 2016 US Department of Justice (DOJ) report, the GTTF scandal was yet another major blow to BPD and the City of Baltimore. It worsened the already badly fractured relationship between BPD and Baltimore's communities and further tarnished the reputation of the Department.

When the DOJ report was published, some Baltimore residents drew some solace from the fact that what they had known for many years – that certain BPD officers engaged in misconduct without being held accountable – was confirmed by the DOJ civil rights investigation. Similarly, when the charges were brought against the GTTF defendants, Baltimore residents who had been the victims of thefts, planting of evidence, and other acts of corruption by these officers were vindicated by the federal criminal investigation. But that vindication provides scant comfort to either the victims of these crimes or other residents of Baltimore. The damage to BPD's reputation from the prosecutions that began in 2017 and have continued to this day has been – because of its sheer scope and scale – unrivaled by any previous BPD scandal.

Our central task has been to conduct a thorough investigation of the GTTF corruption scandal and its antecedents. But we have a companion responsibility to try to formulate a set of constructive recommendations based on the information developed and the insights derived from the investigation – recommendations that could, if properly implemented, reduce the extent of corruption within BPD and help prevent a scandal like this from happening again. No one should be under any illusion that any set of recommendations, no matter how well-crafted and diligently implemented, can eliminate corruption. That is an unattainable goal for any major law enforcement agency – but especially for large urban police departments that deal with the challenges, temptations, and pathologies of a large city with high levels of violent crime and drug trafficking. The New York City Police Department (NYPD) and the Los Angeles Police Department, frequently described as among the finest large police departments in the country, have experienced major corruption scandals. Thus, eliminating corruption and misconduct entirely are not realistic goals. The more realistic goal is to formulate practical recommendations that have the potential to meaningfully reduce the level of corruption in BPD through prevention, deterrence, detection, and swift and certain accountability.

We are not writing on a blank canvas. The BPD consent decree, which has been in force since April 2017, contains scores of requirements that relate to hiring, training,

supervision, accountability, and technology, among many other issues. Although those matters are inextricably intertwined with aspects of our investigation and our findings, our focus is different: We have examined those subject areas through the lens of how deficiencies and weaknesses in those systems and processes made BPD more vulnerable to corruption. Our goal in formulating recommendations has been to identify practical steps and strategies that have the potential to reduce corruption. Accordingly, in developing these recommendations, we have focused on how changes relating to hiring, training, supervision, and accountability can control and limit corruption and misconduct—not on the much broader set of issues that are addressed in the consent decree. Suffice to say that we have found nothing during our investigation that in any way detracts from the overall findings of the DOJ report, nor the remedies embodied in the consent decree. Our recommendations should be viewed as a supplement to those requirements, and are in addition to the recommendations made by the Commission to Restore Trust in Policing contained in its December 2020 report.<sup>1</sup>

## A. Hiring

A comprehensive review of BPD's hiring process is beyond the scope of our review. However, we have examined in detail the process by which the BPD officers who have been successfully investigated and prosecuted by the US Attorney's Office and the FBI's Public and Border Corruption Task Force (FBI Task Force) were hired by BPD. As noted in the individual sections discussing these former officers, their entry-on-duty dates were as follows:

- Gladstone – November 1992
- Rivera – July 1994
- Allers – July 1996
- Hersl – September 1999
- Louvado – November 1999
- Jenkins – February 2003
- Ward – October 2003
- Rayam – July 2005
- Gondo – November 2005
- Vignola – September 2007
- Hankard – December 2007
- Hendrix – April 2009
- Taylor – May 2009

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<sup>1</sup> Maryland Commission to Restore Trust in Policing, Final Report (Dec. 2020), <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnRstrTrustPol/Commission-to-Restore-Trust-in-Policing-Final-Report.pdf>.

Based on our review, each of these officers appears to have followed the prescribed process for applying to BPD. They all underwent background investigations of similar scope and depth, and each went through the other parts of the application process that existed at the time, including for at least the last twenty years, physical and psychological reviews.

As shown by the entry-on-duty dates listed above, their recruitment spanned 17 years. Though the personnel responsible for the recruitment and hiring process – and the procedures governing that process – almost surely changed many times over those years, we made some general observations of deficiencies in the hiring process that spanned this nearly two-decade long period, based on the applicant and background investigation files that we reviewed.

The scope and depth of BPD's background investigations conducted as part of the application process lacked consistency. Additionally, the summary memos prepared by the background investigators and reviewed by a sergeant frequently misstated details about an applicant's file or omitted them all together. This was significant because the summary memos appear to have been the primary tool relied on by BPD personnel responsible for hiring applicants. In terms of investigative steps, in-person field interviews – if conducted at all – were limited to knocking on the door of an applicant's neighbor. There were few, if any, attempts to contact prior employers not listed by the applicant as references but that could have been discovered through investigative due diligence. We saw no indication in the files of attempts to resolve inconsistent information that was either provided by the applicant or collected through the background investigation process. Finally, we were unable to discern objective hiring standards relating to criminal history, permissible level of debt, minimum high school GPA, or other objective standards.

- **Recommendation No. 1**

**BPD should consistently follow established and standardized processes for conducting background investigations of applicants, and under no circumstances should it lower its standards, even in times of urgent need.**

From our review of the personnel files for the 13 charged (and 12 convicted) officers, we could not draw conclusions as to whether standards were in fact lowered because of hiring surges at various times since 1992, or whether different criteria were used in assessing the candidacies of these applicants. We are aware that several of the former officers had been rejected by either BPD or other law enforcement agencies, some of them on multiple occasions, for reasons ranging from failing written tests to making false statements in a background investigation. At a minimum, these issues required focused attention on the information submitted as part of the application package, which was not reflected in the files we reviewed.

We are aware that recruitment and hiring are currently pressing issues for BPD and for most other major-city police departments around the country. Despite this urgency, BPD should not for any reason lower its standards or weaken its processes to achieve short-term hiring goals. We have interviewed the two members of BPD currently responsible for recruitment and applicant vetting issues – Major Christophe Jones and Chanel Bastfield, the Deputy Director for Applicant Investigations. It appears that Bastfield in particular has made substantial improvements in developing a consistent process for reviewing and vetting applications. It is vital that the processes that have been developed be consistently followed, with no exceptions for any reason.

- **Recommendation No. 2**

**BPD should employ current or former BPD personnel to conduct the field investigation portion of the applicant background investigation, rather than relying on contractors.**

At present, BPD outsources the field investigation portion of the background investigation to a contractor that charges \$1,400 per field investigation. Although BPD officials are satisfied with the quality of the field investigations currently being conducted by the contractor, we are concerned about the incentives that a fixed cost system per applicant creates for the contractor. The contractor has a powerful financial incentive to minimize the amount of work done for each background investigation to ensure that it can turn a profit. As a result, the contractor is less likely to follow up on promising leads, speak to additional neighbors, friends, and acquaintances of an applicant, or ask a former employer the additional follow-up questions that might reveal significant issues that could affect BPD's decision whether to hire the applicant. This is not meant as criticism of the contractor currently used by BPD for field background investigations; our review has not extended to assessing the background investigations the contractor has conducted. However, we recommend transferring the responsibility for the field background investigations back to BPD, which is more likely to produce thorough and complete background investigations. Current (or former) BPD personnel have personal and institutional loyalty to the Department and therefore are more likely than an outside contractor to place a high value on ensuring that only fully qualified applicants are hired. Former BPD members who retired in good standing and who had reputations for honesty, integrity, and loyalty to BPD would make excellent candidates to conduct background investigations.



- **Recommendation No. 3**

**BPD should enhance the integrity testing component of the polygraph examination administered to BPD candidates, as well as ensure that the psychological examination focuses adequately on anger management and impulse control issues.**

Polygraphs and psychological examinations are required steps in the BPD recruitment process. The polygraph exam focuses on integrity issues and tests some of the assertions made in the candidate's application. The psychological examination focuses on whether the candidate has the emotional and psychological makeup needed to carry out the responsibilities of a police officer. We urge that both aspects of the review process be supplemented and enhanced, in light of the number of officers prosecuted for corruption in recent years.

## **B. Training**

The historical inadequacy of training was a topic frequently raised by the current and former BPD members we interviewed. We heard fewer complaints about recruit training at the BPD Academy than about the lack of in-service training. However, we learned of disturbing irregularities during the recruit training process that undoubtedly contributed to unqualified candidates graduating from the Academy. This was largely attributable to intense pressure to push recruits through the Academy to achieve a 100% graduation rate.

- **Recommendation No. 4**

**Trainers and administrators at the Academy should demonstrate that BPD has zero-tolerance for cheating – whether by recruits or Academy personnel – in any aspect of Academy training. Probative evidence of cheating of any kind should lead to immediate expulsion of recruits and referrals to the Public Integrity Bureau (PIB), as appropriate.**

As described earlier in this Report, we learned from BPD personnel that trainers and administrators at the Academy have in the past relied on unacceptable methods to ensure the graduation of every candidate who entered the Academy. These methods included providing the answers to questions on tests; allowing recruits who failed various tests to retake them privately, which invariably resulted in the recruit passing the test; and other methods that led recruits to conclude that the culture of cheating was condoned if not encouraged. Administrators and trainers at the Academy must send the diametrically opposite message. During our investigation, we interviewed primarily BPD personnel who went through the Academy long ago. We have reason to believe that these improper practices have been eliminated, especially given the extensive focus on training in the consent decree, and the favorable reports from the Independent Monitor on both the quality and quantity of training that has recently been

developed and administered. Even so, it is important that a zero-tolerance policy for cheating be made explicit and be consistently and rigorously enforced.

- **Recommendation No. 5**

**The BPD Academy should establish an anonymous reporting mechanism for recruits to provide evidence that members of their Academy class have demonstrated their lack of fitness to serve as BPD officers. In addition, Academy leadership and trainers should carefully monitor recruits and identify candidates whose conduct or performance in the Academy raises concerns about their suitability to serve as officers. If not sufficient to terminate the recruit, those concerns should be shared with the candidate's Field Training Officers and initial field supervisors.**

During our interviews, we asked each current and former BPD member about their Academy experience. Among other things, we asked about the size of their respective Academy classes—how many entered and how many graduated. We were frequently told that 100% of the members of the entering class graduated—even those who were viewed, at least by the person we interviewed, as unfit to serve as a BPD officer. In many of those cases, we were told that the careers of those recruits who had been viewed as unqualified were brief and undistinguished—frequently ending with their termination or resignation in the face of misconduct charges.

We acknowledge the risk inherent in creating an anonymous reporting mechanism. It could lead to recruits using this channel as an opportunity to share unsubstantiated gossip or report someone they personally dislike but who has not engaged in disqualifying behavior. Those risks can be managed. In discussing this process, recruits should be told that it is designed solely to weed out candidates whose conduct has demonstrated that they are unfit to be BPD officers. They should also be told that any abuse of the process will be dealt with severely. We raised this proposal with many current and former BPD members. The majority thought that the benefits of identifying problematic personnel before they leave the Academy outweigh the potential drawbacks.

In addition, Academy leadership and trainers should feel a strong sense of responsibility to BPD and the community for the quality of the recruits who graduate from the Academy. If they identify candidates who appear likely to cause institutional and reputational harm to BPD, they should not hesitate to terminate that candidate rather than pass the problem along to the rookie officer's Field Training Officers or initial supervisors.

- **Recommendation No. 6**

**BPD should incorporate into recruit and in-service training detailed presentations on the BPD corruption scandals of the past 20 years, the consequences for the officers who engaged in corruption, and the lessons that BPD and its members can draw from these episodes.**

As noted in this Report, BPD has until recently consistently avoided meaningful scrutiny of its historical corruption scandals and made no effort to extract useful lessons. Like many organizations that experience corruption and misconduct – both public agencies and private sector entities – BPD has quickly turned the page and moved on. According to every witness we interviewed, BPD has not until recently addressed as part of training its most significant corruption scandals over the past 20 years – King and Murray, Majestic Towing, Daniel Redd, and Kendell Richburg. As a result, while BPD members have discussed these matters amongst themselves – sometimes based on incomplete or inaccurate information about these incidents – BPD has made no effort to develop and share insights and lessons learned that would be useful for BPD members. Even on those occasions when independent review boards or other outside entities have been convened to investigate matters of importance, we found no evidence that their reports and findings were the subject of Department-wide discussions with rank-and-file officers.

We have reviewed the materials used in the eight-hour ethics training currently provided to BPD recruits. The PowerPoint portion of the training contains several slides that provide some information about various BPD corruption scandals, including one slide on the GTTF scandal. However, the 30-page lesson plan for the course contains no mention of those scandals and it is unclear whether there is any discussion about the scandals described in the PowerPoint slides. The ethics course includes a documentary about police corruption – but that video is about corruption in the NYPD, not BPD. In general, the lesson plan suggests that much of the course is devoted to broad generalities about ethics and integrity. Although the lesson plan includes numerous hypotheticals for discussion by recruits, it addresses no actual cases that have arisen in BPD. No mention is made of the important problem of including lies and misleading information in official police documents, or in documents and testimony provided to courts.<sup>2</sup>

In general, the Department should view significant episodes of corruption as potential sources of valuable lessons for fellow officers, supervisors, and high-level BPD executives. BPD should develop the internal capacity to study and draw lessons from significant incidents of corruption and misconduct and incorporate the findings, conclusions, and lessons learned into training provided to BPD members.

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<sup>2</sup> See Recommendation No. 8 below.

- **Recommendation No. 7**

**BPD should incorporate into recruit and in-service training the first-hand experiences of former members of BPD who have engaged in corruption. BPD should also incorporate the first-hand experiences of corruption victims.**

Generalized ethics training, however substantively sound and well-delivered, has far less impact than training based on real-world events and experiences. With respect to corruption and misconduct, training anchored in real-world events has the greatest potential to demonstrate the consequences of unethical and unlawful behavior. In addition, we have found that such training has far greater impact when it addresses matters that have occurred in the agency or organization where the training is delivered. Personnel are more influenced and affected when they can identify with the experience rather than dismiss it as irrelevant because the events occurred elsewhere. Thus, for example, the NYPD video mentioned above should be replaced with a video about BPD-based corruption.

During our investigation, we provided to BPD videotaped interviews of two former BPD members who engaged in corruption and went to prison. One of the videotaped interviews – of Victor Rivera – provides an extremely detailed account of how he was initially drawn into corrupt behavior – in his case, a theft of cash during the execution of a search warrant – as well as how that initial act of corruption lowered his resistance to engaging in similar conduct in the future. Rivera also discussed the devastating effects his corrupt acts had on himself, his career, and his family. Personal testimony from former BPD officers who engaged in corruption has great potential to bring home to current BPD members the consequences of corrupt behavior in a unique and visceral way.

We have been advised by BPD that it plans to use the videotaped interview described above in the eight-hour ethics course provided to BPD recruits and include it as part of a 2022 in-service training course on misconduct and discipline. It will be framed as an example of serious misconduct and as a cautionary tale about how the desire to be accepted by senior officers can lead more junior officers down the wrong path.

Accounts from victims of corruption could similarly be of substantial value. Corruption victims would need to be carefully selected to ensure the greatest impact, but victims of crimes such as planting evidence or stealing money or valuable possessions from members of the community would bring to life the devastating consequences of corrupt acts on victims and their families, including the loss of liberty, loss of employment, and damage to their relationships with their families and communities. This is frequently the untold part of the story about corruption. It deserves to be told.

- **Recommendation No. 8**

**BPD should provide training explicitly focused on the critical importance of providing complete and truthful information in official police reports, documents submitted to judicial officers, and court testimony.**

It should be obvious that the integrity of our criminal justice system relies on the honesty and integrity of police officers. Providing false or misleading information to BPD, prosecutors, or courts for whatever purpose undermines one of the central pillars of our system of criminal justice. And yet our investigation revealed that for many officers, the practice of submitting false, incomplete, or misleading information in police reports, in applications for search warrants, and in court testimony began early in their careers. According to the witnesses we interviewed, this has been a widespread problem. We have no reliable way to measure the extent to which it remains so.

It makes little difference that such falsehoods are for the purpose of protecting informants, protecting senior officers, or providing the additional information to support the actions of BPD officers who believe that a suspect is guilty. These are lies and misrepresentations that corrode the integrity of the criminal justice system. They are never justified. We found chilling the fact that it has been an accepted truth among many BPD officers that they should never admit errors contained in their police reports or in applications for warrants, and that their objective as witnesses is to ensure that their testimony is consistent with prior oral and written statements. In these cases, the imperative to tell the truth has been subordinated to the need to provide consistent statements.

BPD should address this issue directly through training. The foundation of the training must be that lying to justify arrests, searches, or other law enforcement actions has been common and has been justified in the past as a sometimes-necessary element of the war on crime. The training should use concrete examples of officers lying, the various forms it takes, and the damage it inflicts – on the individual officer, the reputation of BPD, the victim of the lie, and the integrity of the criminal justice system. The training should include specific examples of false or misleading information, including court testimony, that has led to wrongful convictions and in other cases to severe consequences for police officers. The convictions of Louvado and Rivera were based on making false statements to federal investigators, while Vignola's was based on lying in sworn grand jury testimony.



- **Recommendation 9**

**BPD's Ethical Policing is Courageous (EPIC) training should become a foundational part of BPD's training program going forward. EPIC training itself should be provided on a periodic basis and should be updated to include new material. Its principles should be infused into a wide variety of BPD training programs.**

Based on direct observation, focus groups, and responses to the survey conducted by the Police Foundation, we found the EPIC training provided to BPD members from November 2020 through April 2021 to be well-conceived, well-delivered, and well-received. The principles of peer intervention were presented by skilled and committed facilitators. As a result, the developers of the training program and the facilitators who conducted the training were able to overcome initial resistance and skepticism from BPD members. They were able to demonstrate the potential for peer intervention to prevent misconduct and convince a substantial majority of BPD members of its value.

However, for EPIC training to have lasting positive impact within BPD, its core principles need to be reinforced on a regular basis through supplementary annual training. Among other things, the supplementary training should include specific examples of peer intervention that have occurred in BPD during the previous year based on the "EPIC Moments" feature of the program. Broad sharing of such episodes will serve to remind BPD personnel about the program and its elements. In addition, BPD should create a system of awards and other forms of recognition to ensure that the EPIC program remains present in the minds of BPD personnel and that it is absorbed into the culture of BPD.

### **C. Supervision**

- **Recommendation No. 10**

**BPD should assign a mentor to each rookie officer for the first five years of that member's service in BPD. The mentor can – but need not be – one of the member's Field Training Officers. The mentor should provide informal advice and guidance on a range of matters, primarily but not exclusively work-related matters. Mentors should be carefully screened to ensure that they are suitable for the role.**

Once BPD recruits graduate from the Academy, they are assigned to Field Training Officers (FTOs) for a total of 12 weeks. At their best, FTOs provide practical education about the real-world challenges of policing; ideally, they serve as mentors to the new officers. But after 12 weeks, the relationship between the FTOs and the rookie officers assigned to them generally ends. The rookie officer is then assigned to a supervisor who may not be skilled at building relationships or prefers for management

reasons not to become a confidant to the new officer. Assigning each officer a mentor — a person with responsibility for maintaining contact and providing advice to a junior member of the Department for five years instead of just 12 weeks — could be very helpful in supporting the overall development of BPD officers. A system of mentors would create a mechanism that facilitates the creation of lasting relationships that will help junior officers navigate the many difficult issues they face. The mentor would be someone outside of the group with whom the junior officer works on a daily basis and would be available to discuss concerns, answer questions, and receive guidance. It must be made clear, however, that the assignment of a mentor has no impact on the officer's ongoing responsibilities to his or her immediate supervisor.

Our investigation has shown that many junior officers feel lonely and vulnerable when they emerge from the Academy and their FTO tours. They yearn to be accepted by their peers, especially by those who are viewed as aggressive and successful. That makes them more susceptible to being tested in the way that Knoerlein tested Rivera in the late 1990s and Jenkins and Hersl tested Kostoplis in early 2017. If in situations such as these, a junior officer could turn to an assigned mentor to discuss the temptations and challenges facing the officer, that could help prevent the officer from succumbing to pressure from his peers to engage in misconduct.

- **Recommendation No. 11**

**BPD supervisors who are transferred to a new position in the Department should be provided with detailed briefings from the departing supervisor about the operations and personnel they are inheriting. To the extent possible, supervisors at every level should be required to shadow their predecessors for a period of one week to learn as much as possible about the specifics of their new assignment and the strengths and weaknesses of the BPD members they will be supervising.**

We heard repeatedly during our investigation that newly promoted supervisors frequently land in the units to which they have been assigned with no knowledge of the personnel they are inheriting and limited knowledge of how the unit operates. They have no choice but to learn on-the-go because they lack valuable information their predecessors have acquired and taken with them.

A glaring example of the problems that can be caused by this information gap was the transfer of Kevin A. Jones to lead the GTTF in the summer of 2009. Jones knew nothing about the unit or its personnel, and he lacked a clear understanding of the GTTF's mission. As a result, he was buffeted by the conflicting views held by upper-level members of the BPD command staff as to what the GTTF should be doing. In the case of the GTTF, the lack of information was compounded by the fact that before Jones's transfer, the GTTF lacked direct supervision for a period of time after the first GTTF sergeant, Richard Willard, was suspended. Even so, upper-level supervisors in BPD should have found a way to brief Jones about the GTTF and its members.

The lack of information provided to new supervisors compromises the ability of BPD to effectuate smooth transitions from one supervisor to another. Accordingly, BPD should require outgoing supervisors to provide detailed operations and personnel-related briefings to their successors. Moreover, it would be extremely useful for each new supervisor to shadow the supervisor being replaced, to observe in practice how the unit is operating and how it has been managed.

- **Recommendation No. 12**

**Senior command staff members must always work through the formal chain of command. They must not allow the needs of the moment, statistical productivity, or high regard for particular individuals or units to subvert the chain of command through issuing orders directly to lower-level personnel.**

One of the central lessons of our investigation is the importance of supervisors doing their jobs effectively and not being undermined by their superiors in the chain of command. Our investigation demonstrated that the authority of the lieutenants who oversaw Wayne Jenkins in 2015 and 2016 was consistently undermined by the direct connections Jenkins had developed with Sean Miller and Dean Palmere. Jenkins may have exaggerated the extent to which he received instructions and assignments directly from Miller and Palmere, but it was enough to cause the lieutenants – Chris O’Ree and Marjorie German – to back off. Jenkins was given special treatment (Palmere’s assignment, or at a minimum approval, of the Chevy Impala for Jenkins); allowed to do what he wanted on issues that degraded supervision and oversight (Miller’s refusing to make Jenkins work out of The Barn, as requested by German); and given the apparent license to conduct law enforcement operations without the knowledge of his direct supervisors (weekend work at the direction of Palmere and Miller). Nor is this the only example of its kind. The rapid response units created by Norris took their orders directly from him – “we work for Ed Norris” – although the organizational chart did not accurately reflect that reality.

When the chain of command is circumvented – that is, when directives or orders are issued directly by high-level command staff members to squad supervisors – BPD loses the ability to effectively oversee the activities of its personnel. Lieutenants and other intermediate-level supervisors are neutered and become demoralized because the message is that they lack the authority to supervise personnel for which they have nominal responsibility and for whose actions they may be held accountable.

Close and careful supervision is critical to ensuring that BPD members are effective and behave lawfully. That cannot occur if special relationships are created between lower-level members and upper-level commanders that supplant and undermine the chain of command.

- **Recommendation 13**

**BPD must carefully screen members of plainclothes units. The process should include polygraphs, in-person interviews, and careful review of a candidate's disciplinary record. Members of plainclothes units should consent to discretionary financial audits for as long as they remain in these units.**

Momodu Gondo estimated that 70% of the members of plainclothes units engage in corruption of various kinds, especially thefts of money. Erika Jensen of the FBI Task Force estimated the percentage to be somewhat lower but nevertheless very high. We interviewed numerous BPD members who spent much of their careers in plainclothes units and who denied ever having witnessed corruption first-hand. Regardless of whether Gondo's and Jensen's estimates are accurate, there is a broad consensus that corruption—including thefts of cash during street encounters, warrantless entries into homes, residential thefts, and planting evidence—has been centered in plainclothes units that focus on drugs and guns.

In the wake of the GTTF scandal, the size of BPD's plainclothes elements has shrunk dramatically. But that has happened before, in BPD and elsewhere, in the immediate aftermath of a corruption scandal, and the pendulum frequently swings back in the direction of replenishing and building out plainclothes units because of the belief that they are a potent weapon in conducting operations focused on drugs and guns. Because of the wide swings in the size of plainclothes units, BPD should, as a matter of policy and practice in staffing those units, establish rigorous standards that include polygraphs, probing in-person interviews, and a careful review of the candidate's Internal Affairs (IA) history, including allegations that could not be substantiated because of the lack of sufficient evidence but are nevertheless problematic. In addition, as a condition of being accepted into a plainclothes unit, a BPD member should consent in advance to financial audits at the discretion of BPD management, to determine whether the member has acquired unexplained assets and resources.

- **Recommendation No. 14**

**Supervisors should promptly be advised whenever a BPD member under their supervision is the subject of an internal affairs investigation for serious misconduct, including but not limited to false statements or testimony, violations of Constitutional rights, and theft. Supervisors should also promptly be advised when and how the matter has been resolved and whether the evidence developed during the investigation suggests a lack of integrity and honesty on the part of the member, even if the allegations are not substantiated.**

As a matter of risk mitigation, supervisors should be made aware of allegations of misconduct against personnel whom they supervise. Such awareness should cause supervisors to conduct closer oversight over those BPD members and manage their personnel in ways that protect the integrity of cases that could be compromised if such allegations are sustained. The notification of supervisors does not shift any part of the disciplinary process from internal affairs to supervisors; it is for information only. There is obvious tension between BPD's interest in preserving the secrecy and confidentiality of internal investigations, and BPD's interest in enhancing the ability of supervisors to manage their personnel effectively. BPD should contemporaneously share with supervisors information about internal affairs investigations of members under their supervision, with explicit and tight limitations on the extent to which that information may be shared. The notification of supervisors is unnecessary in cases in which the supervisor referred the matter to internal affairs.

#### **D. Oversight and Accountability**

- **Recommendation No. 15**

**BPD should intensify its efforts to recruit top-flight personnel to serve as internal affairs investigators. Those efforts should include providing financial inducements and specific advantages in the promotions process. If the use of positive inducements proves unsuccessful in attracting a sufficient number of quality candidates, BPD should consider establishing a minimum two-year rotation in PIB as a prerequisite for promotion.**

The inability of BPD's internal affairs function to attract high-quality personnel in sufficient numbers has been a constant problem for BPD. It was noted by scores of current and former BPD personnel we interviewed, from officers to commissioners, including BPD members who have served, and continue to serve, in IA. The skill and commitment of internal affairs investigators affect the quality and timeliness of investigations. Capable investigators are critical to achieving the central goal of accountability. To address recruitment issues, BPD management should create a set of incentives that will encourage BPD members to view potential transfers to internal affairs as an opportunity to be embraced rather than a career dead end to be shunned.



Such incentives should include monetary incentives and specific advantages in the promotions process. If such incentives fail within two to three years to produce significant improvements in recruitment, BPD should consider making mandatory a minimum two-year stint in internal affairs as a prerequisite to promotion.

BPD's policy on "Promotion to Classified Ranks" issued as a final policy on August 2, 2021, and which applies to promotions to sergeant and lieutenant, identifies service in the PIB as one among five factors to which the BPD Promotion Committee *may* give special consideration in evaluating a candidate for promotion—in effect, as a tiebreaker between otherwise equally qualified candidates.<sup>3</sup> While well-intentioned, this is insufficient to provide the incentive necessary to attract top candidates, especially given the negative views of the internal affairs function held by many BPD members. Instead of service in the internal affairs function being viewed as one of several factors that may be considered in the Promotion Committee's discretion, we recommend that the BPD promotions policy provide that service in PIB *must* be considered as a factor in ranking candidates for promotion. Otherwise, service in PIB may go unrewarded, and PIB's ability to recruit well-qualified and highly-motivated personnel will remain significantly impaired.

In BPD's companion policy, "Command Promotions and Promotions Committee," which applies to promotions to captain or major, service in PIB is not listed at all, not even as a discretionary factor to be considered.<sup>4</sup> In some respects, it is even more important that service in the internal affairs function be considered in evaluating the candidacy of a BPD member for more senior positions in the Department. The top ranks of BPD should include numerous members who have served in the internal affairs function and who, by virtue of that service, presumably appreciate its importance to BPD and further understand the role of management in ensuring that misconduct is dealt with swiftly and appropriately.

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<sup>3</sup> "Promotion to Classified Ranks," BPD Policy 1721, Aug. 2, 2021, at 7, <https://www.baltimorepolice.org/transparency/bpd-policies/1721-promotion-classified-ranks>.

<sup>4</sup> "Command Promotions and Promotion Committee," BPD Policy 1738, May 3, 2021, at 5-6, <https://www.baltimorepolice.org/transparency/bpd-policies/1738-command-promotions-promotion-committee>.

- **Recommendation No. 16**

**BPD needs to more accurately track complaints and the officers involved in incidents that have given rise to complaints. Complaints initially received against an “unknown officer” should be changed in PIB’s database once the investigation has identified the officers in question. Entries to the database for misconduct complaints should be sufficiently detailed that subsequent complaints about the same incident against the same officers do not lead to the opening of duplicate cases.**

In our review of scores of internal affairs investigations, we identified numerous shortcomings in the system used to track misconduct complaints. We noted that when a complaint was received by internal affairs, it was frequently the case that the officer who was the subject of the complaint was unknown to the complainant. In that event, the case was opened against an “Unknown Officer.” However, even after the investigation identified the involved officer, the case continued to be listed as against an Unknown Officer. This has impaired the ability of BPD to track and monitor the number of cases and the types of complaints made against individual officers.

In addition, to enhance the ability of BPD to track complaints against individual officers, officers involved in an incident should be tagged in the IAPro system as an involved or accused officer rather than relying solely on the narrative description of the incident to establish who was involved.

Finally, we understand that in many cases, insufficient information has been entered into IAPro during the intake process. As a result, subsequent communications from the same complainant, or about the same incident, resulted in the opening of duplicate complaints and assignment to a second investigator. This resulted in duplication and inefficiency until the duplication was recognized. To address these historical shortcomings, the information initially entered into the database should be as detailed and specific as possible, and supplementary entries should be made promptly when additional information is obtained.

- **Recommendation No. 17**

**BPD units that focus on seizing drugs and guns and make arrests at levels substantially higher than other units performing similar functions should be the subject of aggressive scrutiny by BPD top management and by BPD’s Audits and Inspections function. This enhanced level of scrutiny is to ensure that the statistical achievements are not the product of violations of the Constitution, federal or state law, or BPD policy.**

The GTTF under Jenkins generated gun seizures at a level unequalled by other BPD enforcement squads operating during the same period. Many BPD members suspected at the time that the numbers were too high to have been achieved lawfully

and that Jenkins's squads must have been making stops, arrests, and searches without a sufficient factual or legal basis. Instead of healthy skepticism and concern from senior BPD officials about the methods that his squads may have been using to achieve those numbers, Jenkins received consistent praise for his performance and was held out by some supervisors as someone to be emulated.

Just as squads that are underperforming by various measures deserve greater management attention, so too do units whose drug and gun seizures are well above the norm. BPD must aspire to create an institutional culture that values the way guns and drugs are seized as much as the raw volume of the seizures. Aggressive oversight of high-performing units, including the use of targeted integrity stings, is an important means of ensuring that BPD members are acting consistent with the Constitution, federal and state law, and BPD policy.

- **Recommendation No. 18**

**BPD should focus on quality over quantity in assessing the value of cases investigated by BPD members. To that end, BPD should closely track by officer and by squad the rate at which arrests result in convictions.**

BPD's zero-tolerance/quality-of-life strategy of the early 2000s was focused far more on the number of arrests made rather than on whether those arrests led to convictions. As we discussed earlier in this Report, BPD members who worked in the Department at that time told us that the prevailing view among officers was that they were playing a numbers game in which they were evaluated based on the quantity of cases they made rather than the quality. In their view, what mattered was what could be presented at ComStat. This perception helps explain why such a large percentage of BPD members we interviewed identified the overemphasis on numbers as one of the main causes of BPD corruption.

BPD management should consistently stress to all members that it attaches the highest value to strong cases that lead to criminal convictions, not cases based on weak evidence that are not pursued past the point of arrest. The emphasis on quality over quantity has been implemented to some extent under BPD's current leadership in the way they have modified the use of ComStat, but the message needs to be conveyed directly, and on a continuing basis, by every level of management.

- **Recommendation No. 19**

**BPD should rebuild its capacity to conduct targeted and random integrity stings to detect and deter officer misconduct.**

The use of integrity stings has varied greatly over the last 20 years. For example, they were used extensively under Norris from 2000 to 2002, but to a far more limited extent under his successors. Integrity stings failed to generate a significant number of

strong criminal or administrative cases — we have previously explored the significant mistakes and disappointing results in the Sewell, Sylvester, and Folio cases — but it is very likely that the existence of an integrity sting program had at least some deterrent effect on BPD officers faced with possible corruption opportunities because they may have suspected an internal affairs sting. In fact, this dynamic was at work in the GTTF investigation when the FBI Task Force created a sting involving the planting of marked money in a recreational vehicle. Based on intercepted communications, the FBI Task Force learned that Gondo and Rayam suspected a possible sting, which prevented them from falling into the trap.

Our understanding is that neither random nor targeted integrity stings are currently being conducted in BPD, even though both Commissioner Harrison and Deputy Commissioner Nadeau have expressed support for them as a valuable anti-corruption tool. Harrison supervised the integrity sting program in the New Orleans Police Department. Harrison and Nadeau have argued that rebuilding the integrity sting program is a resource-intensive project and that, at the moment, they place a higher priority on trying to fill investigator vacancies than on building an integrity sting program from scratch. We think the two priorities can be pursued at the same time, including through the use of civilians and former BPD officers for the planning and logistical components of an integrity sting program.

- **Recommendation No. 20**

**BPD should provide specific targeted training to internal affairs investigators to sharpen their interviewing and writing skills.**

As described in Chapter XII, Section F, all internal affairs investigators have recently undergone a comprehensive 40-hour course on conducting internal investigations. Our discussions with investigators of varying levels of seniority suggest that they need and want specific training focused on further developing their interviewing skills. Our review of scores of internal affairs files not only confirms that there is an acute need for training on interviewing skills but also suggests that there is a compelling need for additional training to improve writing skills.

- **Recommendation No. 21**

**BPD should provide periodic training to sworn members and civilians who serve on administrative trial boards. Training should emphasize, among other things, the meaning of the preponderance of the evidence standard and the negative impact that verdicts inconsistent with the evidence have on accountability within BPD.**

We heard frequent criticism during interviews about the role that trial boards play in the system of adjudicating allegations of misconduct. Although many of the cases presented to trial boards are incompletely and imperfectly investigated, that does

not explain many of the verdicts rendered by trial boards. There is widespread suspicion among personnel who have been involved in the trial board process that improper contacts between advocates for the officers and trial board have been frequent occurrences. Although many people believe this to be true, we did not develop evidence of such contacts in any specific case we examined. Nor did any of the BPD members who had served on trial boards provide evidence that they or their trial board colleagues were contacted about a pending case to influence their decision.

Aside from the issue of improper contacts, there is broad agreement that many trial board members do not understand – or else fail to apply – the preponderance of the evidence standard that applies to trial board proceedings. In some cases, that may be because police officers deal more frequently with the more demanding “beyond a reasonable doubt” standard that applies in criminal cases. In other cases, members of the trial board have been concerned that, if the officer is found guilty by a preponderance of the evidence, the commissioner may increase the penalty recommended by the trial board and terminate the officer – leading the trial board to acquit the subject officer rather than leave the officer’s fate to the commissioner. In the only trial board we observed, the trial board acquitted two sergeants of lying to investigators in the face of compelling evidence of guilt. When questioned about their verdict, the trial board members pointed to steps not taken by the internal affairs investigators, as though their role was to assess the quality of the investigation and determine its flaws rather than apply the preponderance standard to the evidence that was presented. Because of the outcome of that case, all trial board members were immediately ordered to undergo training on the meaning of the preponderance standard. Unfortunately, the subsequent training we observed was a lecture, with minimal engagement of the BPD members attending the training. BPD should ensure that trial board members are retrained periodically, with specific focus on the preponderance standard, and using a format that more fully engages the trial board members being trained, such as the interactive format used in EPIC training.

- **Recommendation No. 22**

**Participants in the trial board process should be vetted for potential conflicts of interest to ensure that the trial board panel is able to decide cases based solely on the evidence.**

Both BPD and the subject officer are entitled to have a trial board panel, including both BPD members and civilians, who are free from conflicts of interest. That means that trial board members should not have relationships with any of the participants, including lawyers and witnesses, that might cause an objective observer to doubt the impartiality of the trial board members and their ability to decide the case based solely on the evidence. Just as trial jurors across the country are screened to make sure that they have no relationship with the parties, lawyers, or witnesses that might compromise their objectivity, similar screening should be applied to prospective trial board members.



BPD currently uses a one-page, two-question form. It asks prospective trial board members whether they know the accused member and if so, to describe the relationship. If they do know the accused, they must indicate whether it would affect their ability to render a verdict and determine punishment based solely on the evidence.

We recommend that the inquiry go further, and that the lawyers representing both BPD and the accused be permitted to ask follow-up questions when the prospective trial board member acknowledges knowing the accused. In addition, prospective trial board members should be asked whether they have relationships with any of the witnesses who will testify in the case, and personal or professional relationships with any of the lawyers. Jurors in state and federal cases are routinely disqualified if they have relationships with the litigants, their lawyers, or witnesses who will testify in the case. Similarly, state and federal judges routinely recuse themselves from cases in which they have substantial personal or professional relationships with the litigants or their lawyers. The selection process for prospective trial board members should require similar safeguards to assure BPD and the accused that the trial board's decision will be determined solely by the evidence.

## **E. Miscellaneous**

- **Recommendation No. 23**

**BPD should conduct detailed exit interviews of every member of BPD who resigns, retires, or is terminated from the Department, with an emphasis on sworn personnel. The interviews should be comprehensive and designed to elicit as much constructive information as possible. Exit interviews of sworn personnel should be conducted by sworn personnel.**

Every organization can learn things of great value from implementing a comprehensive system of exit interviews for all departing employees. That is even more true of an organization such as BPD, where its personnel have had careers that frequently extend for 20 years or more during which they have had a broad range of assignments and experiences. To realize maximum benefit from exit interviews, they should be extended to all departing employees, whatever the circumstances of their departure. The interviews should be based on a detailed template to ensure consistency and comprehensiveness. Interviews of departing sworn officers should be conducted by sworn officers who are more likely to have the credibility and shared experiences to elicit meaningful and useful information from departing sworn members.

According to current BPD human resources personnel, there is no evidence that exit interviews of any kind were conducted at BPD prior to 2018. Currently, exit interviews are conducted on a voluntary basis based on requests made by a civilian generalist in HR. The interviews are conducted by phone, using a limited checklist of items, and generally take 10-20 minutes. Terminated employees are not asked to participate in exit interviews due to concerns that they may be disgruntled and that

their information would be colored by their termination and therefore would not be useful.

The current exit interview process should be revised and upgraded. All departing employees, including terminated employees, should be requested to participate, and it should be made clear to employees that the goal of these interviews is to collect information that can be used to improve BPD. The request should come in writing from the commissioner and the departing member's most recent commander. BPD should develop a comprehensive template to serve as the basis for the interviews. The interviews should address issues that include, at a minimum, the adequacy of training, the quality of supervision, the departing employee's experiences with the internal affairs investigations process, and overall suggestions on how to improve the Department. The information gathered from exit interviews should be summarized, circulated to upper-level command staff members, and discussed on a periodic basis. Upgrading this process and making it more comprehensive and rigorous will allow BPD to benefit from the institutional knowledge of its departing employees, which is otherwise lost. BPD should explore the use of incentives to encourage departing employees to participate in exit interviews, including but not limited to cash payments.

- **Recommendation No. 24**

**Incoming BPD Commissioners should attempt to debrief their predecessors to gain insights into the challenges and opportunities they will face. Those discussions should continue as appropriate during the commissioner's tenure as specific issues arise that previously confronted BPD.**

Since 1999, BPD has had 11 commissioners or acting commissioners. Five of them (Frazier, Norris, Clark, Batts, and Harrison) came from other law enforcement agencies and had no prior experience in BPD. Two of them (Hamm and Tuggle) had spent substantial time with the Department much earlier in their careers, and then served in deputy commissioner roles immediately before being elevated to commissioner. One (Davis) had no prior experience in BPD before serving for six months as a deputy commissioner prior to being selected as commissioner. Three (Daniel, Bealefeld, and De Sousa) had spent lengthy careers in BPD.

The leader of any organization inevitably faces challenges that are unique and unprecedented. Those challenges are multiplied when the organization is as large and complex as BPD. But many issues faced by BPD commissioners are not new. For these recurring issues, the advice and counsel of people who have previously served as BPD commissioner can be extremely valuable. It can also be an important source of useful information about Department personnel. The value of new commissioners communicating with former commissioners is potentially far greater when the incoming commissioner has had no prior experience working in BPD.

In some cases, opening lines of communication with former commissioners can be challenging. For example, Kevin Clark told us that he was barred by O'Malley from speaking with Ed Norris after Norris's departure, which sharply limited their communication. Not only did this interfere with Clark's ability to learn from Norris, but it also may well have impaired collaboration between BPD and the Maryland State Police.

But even where there are no such obstacles, incoming commissioners have not always availed themselves of the opportunity to benefit from their predecessors' experience and knowledge. For instance, Batts had an initial discussion with his predecessor, Bealefeld, when Batts was mulling taking the position but, according to Bealefeld, that was the first and only conversation Batts had with him. Whatever their strategic and philosophical differences, Batts failed to capitalize on Bealefeld's willingness to share his insights, which was to the detriment of BPD and the city.

Commissioner Harrison has had brief discussions with Leonard Hamm because they have met at local law enforcement events (Hamm is the Director of Public Safety at Coppin State University in Baltimore) but nothing beyond a courtesy call with Kevin Davis and no contacts at all with Batts and Bealefeld, even though the latter remains in Baltimore in the private sector. Commissioner Harrison acknowledged that he could not adequately explain why he had not contacted Bealefeld. New commissioners will always have their own ideas and their own agendas, and they are free to disregard or reject any advice or suggestions provided by former commissioners, but it makes little sense not to take advantage of the potential benefits of the knowledge their predecessors have acquired. During an incoming commissioner's confirmation hearing, the City Council should extract a pledge that the incoming commissioner will seek to debrief his or her predecessors to get the benefit of their knowledge and experience.

- **Recommendation No. 25**

**BPD Commissioners should be provided with the latitude to run the Police Department with minimal operational interference from elected officials. Under no circumstances should elected officials become involved in investigative and personnel matters.**

We interviewed every BPD Commissioner from Ed Norris through Michael Harrison. We have explored the frequently complicated and fraught relationships between the mayors of Baltimore who selected these commissioners and then fired them or pressured them to resign. We consistently heard from these commissioners that the excessive involvement of City Hall in policing issues interfered with their ability to run their departments effectively. More specifically, they shared with us instances in which mayors or members of their staffs attempted to intervene in disciplinary matters or became advocates for the promotion or demotion of individual members.

Ron Daniel was fired in part because he threw Sean Malone, a close ally of O'Malley's, out of BPD headquarters. Norris and Clark chafed at O'Malley's intense personal involvement in the affairs of BPD both directly and through BPD personnel who were loyal to him. Hamm had the smoothest relationship with O'Malley, but that was largely because one of O'Malley's close allies, Marcus Brown, was in fact running BPD on a day-to-day basis. Bealefeld enjoyed a positive, constructive relationship with the office of Sheila Dixon, who was determined to let the commissioner run the Department, unlike her predecessor, O'Malley. But Bealefeld retired in substantial part because of continuing conflicts with two aides to Dixon's successor, Rawlings-Blake, who were determined to force him out – which Rawlings-Blake later regretted.

Mayors and other top city officials have a legitimate and compelling interest in dealing with the full range of public safety issues and, along with BPD leadership, in formulating the broad strategy for addressing crime and criminal justice issues. In addition, the mayor, with the advice and consent of the City Council, makes choices about public safety and crimefighting strategies through the selection of BPD commissioners. The mayor makes similar choices in firing BPD commissioners – as O'Malley did with Clark, as Dixon did with Hamm, as Rawlings-Blake did with Batts, and as Pugh did with Davis. And both the mayor and City Council have broad and legitimate oversight responsibilities with respect to BPD.

But city officials should not involve themselves in internal BPD management issues, personnel matters, or officer discipline. BPD commissioners and their top deputies should be given the authority and independence to manage the Department as they see fit. Such authority and independence are critical to the stature and reputation of any law enforcement agency and central to ensuring BPD members and the Baltimore communities they serve that law enforcement functions are being handled professionally and without political interference. During our investigation, we learned from multiple former commissioners about the pressure placed on them to promote personnel whom they deemed unqualified for promotions, and to demote or transfer personnel whom a mayor or City Council member disliked. We also learned of efforts by political officials to reverse or modify disciplinary decisions made by BPD, including pressure to rehire BPD members who had been terminated for cause.

Interventions of this type are extremely damaging to BPD. They undermine the authority of the commissioner and high-level command staff. They send the message that personnel and disciplinary decisions are affected by political considerations rather than being based strictly on what best serves the interests of BPD and the community. And the perception, and indeed the reality, that political officials drive personnel and disciplinary decisions encourage BPD members to act in self-serving ways to curry favor with political officials. This degrades the orderly management of BPD and further damages its organizational culture.

## XV. Conclusion

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The arrests of seven BPD officers on March 1, 2017, drew back the curtain on the most significant corruption scandal in the history of the Department. The scandal shook the Department not only because of the number of officers involved, but also because of the types of crimes they had committed. The initial indictment charged Sergeant Wayne Jenkins and six other members of the GTTF with crimes that shocked the conscience of the Baltimore community and stunned many of their colleagues within BPD. The crimes included stealing money and drugs from suspects during street and vehicle stops; entering homes without a warrant to steal money and drugs; submitting false and misleading affidavits, police reports, and incident reports to facilitate and cover up their crimes; and engaging in massive overtime fraud. But the scandal only got worse. As several of the defendants began providing information in government debriefings, they admitted to crimes that extended farther back in time and were, in some cases, even more shocking than the original charges. Those crimes included planting drugs and guns, framing innocent people for crimes, and selling drugs seized by the officers.

It also became clear that the corruption extended well beyond the GTTF squad, and included other BPD plainclothes units. The indicted officers had committed crimes starting early in their careers, many years before they were transferred to the GTTF and, in some cases, before there even was a squad called “GTTF.” The shorthand used to describe the scandal — “the GTTF scandal” — masked the fact that the corruption was much broader and deeper than the activities of that squad. In fact, corruption was a cancer that had taken root in pockets within BPD long before 2017 and had never been squarely addressed with the degree of focus and commitment of resources that were required. Corruption and misconduct were never accorded the priority they deserved by BPD leadership, and the core of a well-functioning accountability system — swift and certain consequences for misconduct — was never established. To the contrary, allegations of misconduct were frequently not taken seriously or investigated promptly. Even when internal investigations proved that officers had engaged in corruption or serious misconduct, substantial punishment was seldom imposed. In short, neither BPD nor its partners at the Baltimore City State’s Attorney’s Office made sustained efforts to deter, detect, and punish corruption and misconduct.

We began this investigation trying to answer this question: how did the GTTF come to be comprised of rogue officers willing and able to commit crimes against the people of Baltimore? The GTTF was created in 2007 with a distinct and focused mission — to trace the origins of guns used during the commission of crimes in Baltimore. Embracing a multi-agency approach, the GTTF was to launch investigations of straw purchasers and gun dealers who were violating state and federal law.



However, within two years, the GTTF lost its way. It strayed from its analytic and investigative mission and was transformed into an aggressive street enforcement unit.

This was the result of several factors: ill-advised personnel decisions that were inconsistent with the GTTF's stated mission, the lack of higher-level supervision and direction, and the constant pressures to produce arrests and gun seizures. By the end of 2009, the Maryland State Police had quietly withdrawn from the GTTF. And in March 2011, the Baltimore County Police Department withdrew far less quietly after complaining for nearly two years about the methods and tactics of the GTTF without receiving any meaningful response from BPD. By then, the GTTF had essentially abandoned its original mission and become something of an organizational orphan. Despite its name, by 2009 the GTTF had become just another enforcement squad – but one with less supervision and oversight because it was perceived by command staff since its inception as the project of Commissioner Bealefeld, who had been the driving force behind its creation and original mission. Because of the GTTF's origins, it was viewed as Bealefeld's project, and other senior command staff members adopted a hands-off attitude towards the unit, even after Bealefeld inevitably had to focus his time and attention on a host of other issues and priorities. The result was a unit that was largely indistinguishable from BPD's other street enforcement squads, except that it continued to receive even less supervision and oversight than other plainclothes units.

We quickly determined that the story of the GTTF scandal could not be adequately told by focusing narrowly on the crimes committed by its members from 2014 through 2016, or even by focusing somewhat more broadly on the GTTF's metamorphosis in the decade following its 2007 creation. Instead, the story of the GTTF – its creation and original mission, its complete transformation, and its ultimate collapse into a criminal gang – could not be properly understood without fully exploring aspects of BPD's culture dating back at least as far as the turn of the century, when new, more aggressive enforcement strategies were adopted. Those new strategies were layered on top of a culture that was in many ways dysfunctional; a culture that had a permissive attitude towards the excessive use of force and included groups of officers engaged in misconduct and corruption. Indeed, by 2000, a substantial percentage of BPD members – almost one in four – believed that many of their colleagues were involved in thefts of money and drugs from drug dealers. Numerous officers we interviewed, whose careers began in the 1980s or 1990s, frequently referred to officers operating in “the gray area” in dealing with extraordinarily high levels of violent crime and drug dealing, which was shorthand for officers who were suspected or known to be engaging in misconduct of various kinds. These officers operating in “the gray area” gravitated to each other, while officers who wanted nothing to do with them tried to avoid them.

With the election of Martin O'Malley in November 1999, a different, more aggressive style of policing came to Baltimore. O'Malley recruited Ed Norris and then Kevin Clark from New York City Police Department to implement the zero-tolerance/quality-of-life model of policing that had been adopted by NYPD in the mid-



1990s. That approach was accompanied in New York by a swift and dramatic drop in crime, including in the levels of violent crime, and was viewed as the principal reason why New York, in a few short years, had become a substantially safer city. As implemented in Baltimore, zero-tolerance/quality-of-life policing produced substantial reductions in the number of homicides and the amount of violent crime. At the same time, it led to a substantial increase in the number of arrests.

At the beginning of Norris's tenure, corruption and misconduct were not ignored. BPD attempted to address some of the systemic weaknesses in its accountability mechanisms, which among other things had produced a massive disciplinary case backlog. In addition, BPD developed an extensive program of integrity stings to test its officers. Over time, however, the focus on misconduct issues diminished, the allocation of resources to the internal investigative and disciplinary functions remained inadequate, and a culture of accountability never took hold. It did not help that by late 2004, BPD was on its fifth commissioner in five years, and that Norris and Clark both left BPD under clouds of suspicion concerning their own personal conduct – which in Norris's case, resulted in his prosecution and conviction on corruption charges. Nor did it help that the leadership of BPD's Internal Affairs unit went through numerous leadership changes. But the failure to place a higher priority on accountability did not rest solely on BPD's shoulders. For the most part, BPD did not have a willing and aggressive partner in the Baltimore City State's Attorney's Office. With rare exceptions, the State's Attorney's Office failed to pursue corruption cases with sufficient diligence and aggressiveness. Even when the State's Attorney's Office created its first Police Integrity Unit in 2001, that unit was never adequately staffed, and its dysfunctional relationship with BPD IA contributed to the failure to ensure accountability for police misconduct.

Numerical metrics had long been the measuring stick of BPD effectiveness in fighting crime, none more so than the annual number of homicides. The number of homicides in Baltimore was consistently among the highest in the country on a per capita basis. Under Norris and Clark, ComStat became a central feature of BPD's institutional culture. It was a central component of NYPD's zero-tolerance/quality-of-life policing strategy – a system that was very familiar to Norris and Clark and that had so impressed O'Malley that he demanded it be implemented in Baltimore.

The purpose of ComStat was to track crime patterns and trends in specific parts of the city and hold senior police leaders accountable for addressing them and for solving specific crimes. It did so through a process that required Department commanders to make detailed presentations on a periodic basis about criminal activity in their districts, together with intense questioning by senior BPD leaders designed to probe the knowledge, competence, and diligence of those commanders. However, ComStat's considerable virtues as an accountability mechanism for senior BPD leaders were accompanied by serious vices. For many BPD members, ComStat became an institutional bogeyman, and was viewed as a narrow statistical and quantitative measure of productive policing. It exacerbated the competition among members and

BPD squads to achieve the highest numbers of arrests, drug seizures, and gun seizures. It also measured arrests, not convictions – and accordingly encouraged some BPD members to pay greater attention to the ends they achieved, and far less attention to the means they used to achieve those ends.

BPD officers were frequently taught the wrong lessons from the earliest days at the Academy. They observed cheating being condoned and facilitated to ensure that all recruits graduated. Once deployed to the field, young officers learned that shading – *i.e.*, falsifying – narratives regarding their enforcement activities in sworn statements was common, expected, and was for the good cause of arresting people they believed to be guilty, even when the evidence was insufficient to justify it. Whether to protect the identity of informants, shield supervisors from the need to testify, or add facts necessary to justify an arrest or seizure, these “shaded” accounts reflected that these officers were motivated not by the imperative to tell the truth, but rather by a results-oriented mentality that justified misconduct in service of arresting individuals believed to be guilty. As Jenkins put it bluntly, he and his colleagues were determined not to allow probable cause to get in the way of what they viewed as a righteous arrest. He was not alone in that view. After an improper arrest, if the case moved forward, the officer’s goal was to testify consistently with the written submissions to avoid inconsistencies that could adversely affect the prospects of the case and expose the officer to charges of making false statements. Again, this was an ends-justify-the-means practice that drew many BPD members far from their oaths as law enforcement officers.

The rapid turnover of BPD commissioners meant frequent shifts in Department priorities. Norris’s focus on open-air drug markets, major drug traffickers, and violent criminals was replaced by Clark’s buy-and-bust strategy, which further increased the number of arrests and was despised by many BPD members because it focused on low-level drug dealers and emphasized quantity over quality. BPD’s crimefighting strategies continued to evolve over time, with the largest shift taking place in 2007 when Dixon replaced O’Malley as mayor, and Bealefeld replaced Hamm as commissioner. At that point, BPD’s strategy shifted from an emphasis on volume to a more targeted focus on violent criminals – “bad guys with guns,” in Bealefeld’s phrase. The strategy shift had a major impact on the homicide level in Baltimore: in 2011, after five years of implementing the strategy, homicides fell below 200 for the first time in 30 years. This era also featured a period of less tension, and indeed relative harmony, between BPD and City Hall, with more of a hands-off approach to BPD from Dixon and Stephanie Rawlings-Blake than had been the case under O’Malley.

Unfortunately, the success on the crimefighting front was not matched by improvements in BPD’s accountability system. Through Bealefeld’s tenure, which ended in mid-2012, IA continued to be dramatically understaffed and to drift further away from achieving the objectives of prompt and thorough investigations leading to swift and certain punishment for proven allegations. But recognizing the serious weaknesses and liabilities of BPD’s IA system, and reflecting his concerns about the levels of misconduct and corruption within BPD, Bealefeld persuaded the FBI to

revitalize an anti-corruption task force that had a central focus on BPD corruption. The most substantial corruption cases during this period – including Majestic Towing – were made by the federal government, not by BPD. In fact, federal prosecutors and the FBI’s Public and Border Corruption Task Force investigators were careful not to share information with BPD’s IA personnel for fear that the investigation would be compromised. In investigations that were pursued by IA, diligent investigators were stymied by the lack of interest shown by the State’s Attorney’s Office’s Police Integrity Unit, where strong cases went to die a slow death. Not only were viable cases not prosecuted, but the cases also frequently languished in the State’s Attorney’s Office long enough to compromise the ability of BPD to pursue administrative cases that could lead to discipline.

Fear and loathing of internal affairs are not uncommon among rank-and-file officers in many police departments, but in BPD those attitudes were accompanied by feelings of contempt and condescension. Most BPD officers never considered taking a job in Internal Affairs, and there was no concerted leadership encouragement for them to do so. The weaknesses in BPD’s accountability system were highlighted in two cases involving members of the GTTF. Jemell Rayam was acquitted on a technicality in a case involving theft and lies he had told to IA investigators. The result was that Rayam was returned to the GTTF as a BPD member in good standing, with no disciplinary or prophylactic steps taken to reflect the fact that he had been proven to be a liar. Unsurprisingly, the lesson Rayam learned was that he had nothing to fear from engaging in misconduct. The same lesson was learned by Jenkins during one of his IA cases, when disciplinary recommendations that included a demotion and lengthy suspension were negotiated down to virtually nothing. These two cases represented the opposite of deterrence and accountability.

In early 2008, the Violent Crime Impact Division was formed largely with personnel from the Organized Crime Division, which had been formed under Clark. VCID became BPD’s principal tool to fight violent crime and focus on targets believed to be responsible for a significant percentage of homicides, non-fatal shootings, and other crimes of violence. Although it never constituted more than about 15% of BPD’s complement of sworn members, aggressive officers aspired to being selected for VCID and drew satisfaction from facing the challenge of handling high priority matters for a prestigious unit. VCID members operated in plainclothes and conducted enforcement actions – street stops of suspects on foot and in vehicles; searches of vehicles; and searches of residences associated with suspects.

But there was a less visible, dark side to VCID: many of its members – including many of the GTTF defendants – were engaging in misconduct and corruption. Because their victims were often engaged in criminal conduct, these victims were reluctant to file complaints against the officers. And because the infrequent complaints that were filed often pitted a complainant’s word against the word of one or more officers, the complaints were seldom sustained: complainants who had a criminal record did not have much of a chance. The lesson taught to officers and complainants alike was that

the officers could engage in corruption and misconduct with no consequences. For the victims of misconduct, the potential benefits of lodging a complaint were substantially outweighed by the potential costs of retaliation by officers. Within BPD, the prevailing view was that complaints were frequently fabricated and were the predictable consequence of good, aggressive policing. There was a kernel of truth in both of these claims, which blinded senior BPD leaders to the extent of actual misconduct and corruption in their ranks.

Anthony Batts inherited BPD's large plainclothes component when he was selected as commissioner in mid-2012. For no clear reason, VCID's name had been changed to the Violent Crime Impact Section in 2010. Batts appraised the continuing risks of VCIS as substantial because it appeared to be loosely supervised and largely unaccountable – in his view VCIS consisted of “cowboys” responsible for a substantial share of BPD's misconduct complaints. At the same time, he recognized that its effectiveness in fighting violent crime prevented him from dissolving it. His solution was to change its name – to the Special Enforcement Section – and shrink its size. Beyond that, he did little to change its culture or its modes of operation. Although Batts recognized that BPD's accountability function was fundamentally broken, and he changed its leadership in the interests of reforming it, in the end, he – like his predecessors – failed to give the Department's accountability system the level of support necessary to make a lasting impact.

The death of Freddie Gray in April 2015 and the turmoil that shook Baltimore in its aftermath spelled the end of Batts's tenure and caused the existing fragile relationship between BPD and the Black community to reach a breaking point. BPD members were angry with Batts for his lack of leadership during the turmoil; they became more passive and less responsive for reasons that included fury and resentment over the State's Attorney's Office indictment of six BPD officers for their alleged roles in Gray's death; and violent crime spiraled to levels beyond anything that had been seen in Baltimore in decades.

Less visible at the time was the crime wave launched after Gray's death in three different pockets of BPD – by Jenkins and members of his Special Enforcement Section squad; by Thomas Allers and members of the GTTF; and by Daniel Hersl in yet a third squad. In the 18 months that followed, the BPD members who were subsequently charged and convicted of corruption committed no fewer than 21 separate crimes to which one or more of the officers ultimately admitted. The crimes included street thefts of cash and drugs, residential robberies, and warrantless entries into residences and storage units. There is simply no way to tell how many more crimes they may have committed, or how many other BPD members serving in plainclothes units committed similar crimes. As previously mentioned, Momodu Gondo estimated the percentage of plainclothes officers engaged in corruption at 70%. Members of the FBI Task Force thought that estimate was high but, regardless of the specific percentage, believed that corruption among BPD members went far beyond what the indictments, guilty pleas, and trial verdicts demonstrated.

The aftershocks of the GTTF scandal continue to be felt to this day. Officers not directly associated with the GTTF have been charged and convicted in connection with events that occurred more than a decade ago. Many BPD members with close associations to the former members who have been prosecuted retired not long after the extent of the federal investigation became known. Scores of lawsuits have been filed by Baltimore residents claiming to have been the victims of corrupt acts committed by the GTTF members, with the amount paid to victims totaling more than \$13 million as of November 2021, with several cases still pending. The full costs of the scandal also include the more than 800 cases – both pending and closed – that have been dropped or convictions vacated because they were tainted by the involvement of the GTTF members.

Although BPD and the city of Baltimore are finding it difficult to escape the dark shadow of the GTTF scandal, which grows in size with each additional conviction, much has changed in the last several years. The US Department of Justice investigation led to the consent decree, which has now been in force for more than four years. Weaknesses in functions that our investigation has shown contributed to the GTTF corruption scandal – hiring, training, supervision, and accountability – are being addressed, and in many cases those functions are being methodically rebuilt from the ground up under the watchful eyes of a federal judge and an independent monitoring team. Body-worn cameras have become a powerful tool to deter and detect corruption and misconduct. The size of plainclothes units has shrunk dramatically, and BPD is providing far closer supervision over those units than it has in the past. It took decades for the cancer of corruption revealed in the GTTF scandal to spread as widely as it did and to sink its roots so deeply into BPD; it will take years for BPD to be free of that cancer, and to demonstrate, in both words and deeds, that it has zero-tolerance for corruption and misconduct.

But there are hopeful signs that BPD and the city have the will to do so. The city brought in as BPD commissioner an outsider, Michael Harrison, with a track record for making substantial improvements in a department operating under a consent decree. He has assembled a management team that seems committed to the principles embodied in the consent decree and which has a mandate to make the changes needed to transform the Department. BPD has made its Ethical Policing is Courageous training a foundational piece of the Department's culture, encouraging members to intervene with their colleagues to prevent misconduct, which has the potential to be transformational in defining what it means to be a good officer. Although EPIC has quite deliberately been kept separate from the internal affairs function, its principles are fully consistent with the goal of remaking an institutional culture that will become less tolerant of, and that prevents and deters, misconduct and corruption. BPD has strengthened its ethics training and is working to further enhance it by forcing BPD members to confront the facts of the Department's historical corruption scandals, and the devastating impact those scandals have had on their victims, on the Department's reputation and relationship with the community, and on the officers themselves. Facing those hard truths and adopting changes designed to reduce the risk of corruption and



misconduct will take sustained commitment, hard work, and an effort to enlist the best officers in BPD to move the Department forward and turn the page on its troubled past.

The recent history of BPD, and the story told by our investigation and this Report, is that ethical, strong, and stable leadership matters. That crimefighting should never embrace or condone a credo that the ends justify the means. That an attitude which views the community largely as an adversary rather than an ally and partner is dangerous and counterproductive. That cutting the corners of the Constitution, law, and BPD policy have a corrosive effect on the proper functioning of the Department. And that robust systems of supervision and accountability are prerequisites for a properly functioning police department. An important first step in reshaping BPD's future is to be honest about the past and learn the bitter but important lessons it teaches. We hope our work advances that important objective, and points the way to a set of reforms that substantially improves BPD's ability to prevent, detect, and deter corruption—and helps to restore the faith of the Baltimore community in its police department.

## **Appendix: A: Crimes Committed by the Prosecuted Former BPD Officers**

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We describe below the crimes committed by the GTTF Defendants, the defendants who were involved in the 2014 Demetric Simon gun planting incident (“Gun Planting Defendants”), and the defendants involved in the 2009 theft of drugs during enforcement actions involving Trenell Murphy (“Trenell Murphy Defendants”) that were either admitted to in plea agreements or proven at trial. We have not included a total of three crimes that were charged but have not been admitted to or proven at trial.

### **A. GTTF Defendants – 2011 Crimes**

#### **1. May 11, 2011 – Street Robbery**

On May 11, 2011, Jenkins and Gondo attempted to conduct a traffic stop of William Brehon. Brehon subsequently fled the scene in his vehicle, crashed, and then fled on foot. Jenkins stole \$1,800 from Brehon’s vehicle, split the money with Gondo, and authored a false incident report without any mention of the pursuit.<sup>1</sup>

### **B. GTTF Defendants – 2014 Crimes**

#### **1. January 24, 2014 – Residential Robbery**

On January 24, 2014, Taylor, Ward, Kenneth Ivery, and Eduardo Pinto executed a search warrant at Shawn Whiting’s residence, where they found drugs, guns and money. According to Ward’s trial testimony, the officers stole \$3,000 dollars and split the money amongst themselves. At trial – which ultimately resulted in Taylor’s conviction for this incident – Whiting testified that the he had four and a half kilograms of cocaine at his residence, but that the officers reported seizing only three kilograms.<sup>2</sup>

#### **2. June 27, 2014 – Business Robbery**

On June 27, 2014, Allers, Gondo, and Rayam executed a search warrant at a store that sold bird seed. They found no contraband or illegal substances, but Gondo and Rayam learned that the store owners had \$20,000 in cash at the store. Rayam proposed

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<sup>1</sup> Jenkins Plea Agreement at 19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254.

<sup>2</sup> Ward Trial Testimony at 99-140 (Jan. 25, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 465; Whiting Trial Testimony at 164-230 (Jan. 25, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 465.

stealing the cash but Gondo was concerned that the store owner would file a complaint. Later the same day, Rayam contacted two of his associates – David Rahim and Thomas Finnegan – and proposed robbing the store owners who had brought the cash home from the store. Rayam served as the lookout while Rahim and Finnegan went inside and seized the cash. Rayam netted \$12,000 from the robbery. Rahim and Finnegan were both prosecuted for their roles in the robbery.<sup>3</sup>

### **3. July 11, 2014 – Street Robbery**

On July 11, 2014, Jenkins, Hendrix, and Ben Frieman attempted a traffic stop of J.C. in the parking lot of the Mondawmin Mall. J. C attempted to flee in his car, and then on foot, but ultimately fell over a retaining wall and landed on the lower level of the parking lot. Jenkins, Hendrix and Frieman stole \$12,000 to \$14,000 from J.C.’s car.<sup>4</sup>

### **4. October 8, 2014 – Residential Robbery**

On October 8, 2014, Allers, Gondo, and Rayam entered a store in Baltimore City to execute a warrant. They found approximately \$9,000 in cash in the storeowner’s apartment located above the store. Allers stole \$3,000 and approved a police report that contained false statements about the amount of cash found in the apartment.<sup>5</sup>

### **5. November 5, 2014 – Residential Robbery**

On November 5, 2014, Hersl, John Burns, Kevin Fassl, and Jazqueline Fillion arrested Jimmie Griffin after finding a gun in his mother’s house. Hersl seized \$6,000 from Griffin’s person, and later submitted only \$900 to BPD. The officers also seized \$5,000 from a safe in Griffin’s home, but reported that they had only recovered \$4,003. Hersl submitted a false incident report in relation to the seizure from the safe. He was convicted of this offense at trial.<sup>6</sup>

## **C. GTTF Defendants – 2015 Crimes**

### **1. April 3, 2015 – Residential Robbery**

On April 3, 2015, Allers, Gondo, Rayam and John Clewell executed a search warrant at a residence occupied by a married couple in Baltimore City. At the time of the search, the two occupants had a total of \$6,000 in cash in the house, the result of a

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<sup>3</sup> Rayam Plea Agreement at 12, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196.

<sup>4</sup> Jenkins Plea Agreement at 19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254.

<sup>5</sup> Allers Plea Agreement at 14, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20.

<sup>6</sup> Jimmie Griffin Trial Testimony at 210-49 (Feb. 1, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469.

used car business and a tax refund. Gondo and Rayam were directed by Allers to steal the cash. They stole approximately \$5,700 in cash. Allers subsequently approved a BPD report which stated that only \$233 had been recovered during the search rather than \$6,000.<sup>7</sup>

## **2. Spring 2015 – Street Robbery**

In the Spring of 2015, Jenkins, Taylor, and Ward interrupted a marijuana sale taking place at the Belvedere Apartments in Baltimore, seizing between 20 and 25 pounds of marijuana from the seller and between \$20,000 and \$25,000 from the buyer. After seizing both the money and the drugs, Jenkins, Taylor, and Ward drove to a wooded area at Northern Parkway and Liberty Road where they split the money. Jenkins subsequently gave the marijuana to Donald Stepp, a longtime friend of Jenkins's and a convicted drug dealer, who sold the drugs and shared the proceeds with Jenkins.<sup>8</sup>

## **3. July 31, 2015 – Residential Robbery**

On July 31, 2015, Allers, Gondo, and Rayam executed a search warrant at a residence in Anne Arundel County. During the search, Gondo and Rayam discovered approximately \$10,000 in cash. They took \$8,900, leaving \$1,100 to be recovered by members of the Anne Arundel Police Department who subsequently arrived on the scene. Following the robbery, Allers, Gondo, and Rayam convened at the Mother's Grille in Baltimore and split the stolen cash.<sup>9</sup>

## **4. October 5, 2015 – Residential Robbery**

On October 5, 2015, Gondo and Rayam, together with Gondo's childhood friend, Glen Kyle Wells, broke into the apartment of Aaron Anderson, a known Baltimore drug dealer. Gondo, Rayam, and Wells knew Anderson was away from the residence because they had illegally placed a tracker on Anderson's vehicle and therefore knew

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<sup>7</sup> Allers's Plea Agreement states that \$5,700 was stolen from the victims, but Rayam's Plea Agreement states that \$7,000 was stolen. Allers Plea Agreement at 14, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20; Rayam Plea Agreement at 13, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196.

<sup>8</sup> Superseding Indictment at 8, *United States v. Jenkins, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137; Jenkins Plea Agreement at 19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254; Ward Trial Testimony at 122-133 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464. Ward testified that at the time of this incident, he and Taylor were members of Jenkins's SES squad. However, BPD's records suggest that, if this incident happened in the spring of 2015, both men were still working for Kenneth Ivery, and that they did not transfer into Jenkins's squad until August (Ward) and October (Taylor). However, for months before their transfer, Ward and Taylor were being drafted by Jenkins to work with him.

<sup>9</sup> Allers Plea Agreement at 15, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20; Rayam Plea Agreement at 13-14, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196.

his location. Rayam and Wells forced their way into the apartment while Gondo served as a lookout. Prior to entering, Rayam and Wells did not know that Anderson's girlfriend was inside. Once inside, Rayam and Wells held Anderson's girlfriend at gunpoint while they stole 800 grams of heroin, between \$12,000 and \$14,000 in cash, a gun, and a Rolex watch. After leaving the apartment, the three men split the cash. Wells took the Rolex, the gun, and the heroin. Wells subsequently sold some of the drugs and shared the proceeds with Gondo and Rayam. Later, Wells returned the portion of the heroin he was unable to sell to Rayam, who gave it to another non-BPD member to sell.<sup>10</sup>

## **5. November 27, 2015 – Street Robbery**

On November 27, 2015, Hersl arrested Herbert Tate. According to Tate's trial testimony, he was walking on Robb Street in Baltimore when he was approached from behind by Hersl and two other BPD members, including Hersl's sergeant, John Burns. According to Tate, Hersl had stopped him two days earlier and told him, "Next time I see you, you're going to jail." When he was stopped on the 27<sup>th</sup>, Tate had approximately \$530 in cash, the amount remaining from the biweekly paycheck he had received the same day. The cash was seized by one of the officers working with Hersl. Although he was under arrest and had been handcuffed, Tate was not told the basis for his arrest. According to the charging documents, Tate had appeared from beyond a retaining wall, which Tate testified at the trial of Hersl and Taylor was false. Tate further testified at the trial that he asked what was going to be done with the money seized from him; he said that Sergeant Burns was belligerent in his response. When cash seized from Tate was turned in to evidence control by Hersl, only \$216 of the approximately \$530 in his possession was submitted. The incident report submitted by Hersl was false because it asserted that only \$216 was seized from Tate.<sup>11</sup>

## **6. November 28, 2015 – Street Robbery**

The following day, November 28, 2015, Hersl and his fellow officers arrested Antonio Santiful on Aiken Street in Northeast Baltimore. Santiful later testified at the trial that he was there visiting friends when he was stopped and arrested by Hersl and three other officers, including Sergeant Burns. Santiful was searched, and at the time he was stopped he had \$700 in cash. At the district station, Hersl seized the cash in Santiful's pocket. Although Santiful was originally charged with nine separate drug and firearms violations, those charges were eventually dropped. The false reports

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<sup>10</sup> Gondo Plea Agreement at 13, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13 2017), ECF No. 200; Rayam Plea Agreement at 14, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196.

<sup>11</sup> Herbert Tate Trial Testimony at 154-222 (Jan. 30, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 467.



submitted by Hersl stated that only \$218 had been seized from Santiful rather than \$700, netting Hersl approximately \$482. Santiful never received any of that money back.<sup>12</sup>

#### **D. GTTF Defendants – 2016 Crimes**

##### **1. February 4, 2016 – Street Robbery**

On February 4, 2016, Jenkins, Hendrix, and Ward, while still in Jenkins's SES squad, conducted a traffic stop of a taxicab and arrested the cab driver. The driver had between \$1,500 and \$2,000 in cash in his taxicab. Jenkins, Hendrix, and Ward stole the money from the cab driver and none of the paperwork that was filed reflected the cash seizure.<sup>13</sup>

##### **2. February 10, 2016 – Residential Robbery**

On February 10, 2016, Allers, Gondo, and Rayam executed a search warrant at a residence in Baltimore City. When they entered the premises, Paul Edwards was in the process of counting money. Allers, Gondo, and Rayam stole approximately \$8,300 and split it among themselves. An incident report was filed with BPD falsely stating that only \$1,684 was seized during the search.<sup>14</sup>

##### **3. February 17, 2016 – Street Robbery**

On February 17, 2016, Jenkins, Taylor, and Ward initiated a foot chase of Raytawn Benjamin near Washington Boulevard in the Southern District. Ward later testified that he, Jenkins, and Taylor, were riding in their police vehicle when they saw two men emerge from a car. The officers then did a "door pop" – pulling up aggressively in their police vehicle and popping their car door. The officers had no reasonable articulable suspicion, much less probable cause. Taylor pursued Benjamin on foot and saw him throw a handgun on the back of a pickup truck. Benjamin was arrested and the gun was recovered. After Benjamin's arrest, Jenkins and Taylor searched him, and Taylor recovered approximately \$500 in cash. Shortly after the recovery of the cash Taylor gave Ward approximately \$200. Ward later testified that he

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<sup>12</sup> Antonio Santiful Trial Testimony at 131-68 (Feb. 1, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469. When we interviewed Sergeant Burns, he initially rejected the idea that Hersl had stolen money from Santiful, saying that he believed that Santiful had fabricated the allegation. When confronted with evidence corroborating Santiful's account, Burns said he had no use for officers who stole money. John Burns Interview, Feb. 26, 2021.

<sup>13</sup> Jenkins Plea Agreement at 20, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254. Jenkins admitted to the robbery as part of his plea agreement. Because this incident involved neither Hersl nor Taylor, it was not the subject of testimony at their trial in early 2018, where the evidence largely focused on crimes in which Hersl and Taylor participated.

<sup>14</sup> Allers Plea Agreement at 15, *United States v. Allers*, No.1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20; Rayam Plea Agreement at 14, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196; Gondo Plea Agreement at 13-14, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13 2017), ECF No. 200.

was uncertain whether Taylor also gave some of the cash to Jenkins. Ward submitted an incident report, approved by Jenkins, that did not disclose that money had been seized from Benjamin.<sup>15</sup>

#### **4. February 23, 2016 – Residential Robbery**

On February 23, 2016, Allers, Gondo and Rayam executed a search warrant at a residence in Baltimore County. After entering the residence, the officers arrested a female suspect and found \$7,000 in cash in her bedroom. The cash was not submitted to BPD, but instead was shared among Allers, Gondo, and Rayam. Gondo submitted an incident report, approved by Allers, that failed to disclose the seizure of cash.<sup>16</sup>

#### **5. March 2, 2016 – Residential Robbery**

On March 2, 2016, Allers, Gondo, Rayam, and Hersl executed a search warrant at a residence in Baltimore. During the search, the GTTF members recovered approximately \$7,000. The incident report filed in connection with the search falsely stated that only \$1,624 was seized from the residence. Allers kept most of the cash but shared some of the proceeds with Rayam.<sup>17</sup>

#### **6. March 22, 2016 – Vehicle and Residential Robbery**

On March 22, 2016, Jenkins, Hendrix, Taylor and Ward observed Demetrius Brown carry a camouflage backpack and enter the passenger side of a Toyota minivan. Jenkins and the other BPD officers used their vehicles to surround the van. Ward pulled open one of the van's sliding doors and opened a bag that had been thrown in the back seat. He saw that it contained a significant amount of what appeared to be cocaine. Jenkins next opened a box at Brown's feet; the box contained \$21,500 in cash, only \$15,000 of which was eventually submitted to evidence control. Both the driver, Oreeese Stevenson, and the passenger, were arrested and handcuffed.<sup>18</sup>

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<sup>15</sup> Ward Trial Testimony at 137-40 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464; Ward Plea Agreement at 11, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 161.

<sup>16</sup> Allers Plea Agreement at 15, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20; Rayam Plea Agreement at 14-15, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196; Gondo Plea Agreement at 14, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13 2017), ECF No. 200.

<sup>17</sup> Allers Plea Agreement at 16, *United States v. Allers*, No. 1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20.

<sup>18</sup> Jenkins Plea Agreement at 20, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254; Ward Plea Agreement at 11-12, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 161; Ward Trial Testimony at 140-77 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464; Oreeese Stevenson Testimony at 22-44 (Jan. 31, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 468.

The officers took Stevenson's house key and looked at his driver's license that gave an address for his residence. Jenkins had learned that Stevenson had multiple addresses, and the officers used the keys they had seized from Stevenson to gain access to an address in West Baltimore, which contained nothing of interest, and then to a second address on Heathfield Road in Northeast Baltimore, near Morgan State University and Good Samaritan Hospital. Jenkins told Ward that Stevenson had admitted to him that he had money and drugs at the Heathfield Road location. They used the house keys taken from Stevenson and entered the residence. After obtaining a search warrant for the residence they had initially entered illegally, Jenkins and the members of his squad found a cooler containing cocaine, guns, and a safe. They broke into the safe using a pry bar and discovered a large amount of cash. After Jenkins confirmed that Stevenson had told them that the safe contained approximately \$100,000, Jenkins placed that amount back in the safe, put the rest of the money in a black bag and directed Taylor to create a video to create the misimpression that the safe had not previously been opened. Members of a federal drug task force were then contacted to take possession of the money that had been replaced in the safe. In the meantime, Jenkins had contacted Donald Stepp, his longtime friend, and told him to come to the Heathfield Road address. After Stepp arrived, Jenkins gave him approximately two kilograms of cocaine he had seized from the residence and told him to sell it. According to Stepp's trial testimony, he sold the cocaine and gave \$30,000 of the proceeds to Jenkins.<sup>19</sup>

Later that evening, Jenkins, Hendrix, Taylor and Ward met at Taylor's apartment and divided the cash seized from Stevenson's residence. Jenkins gave \$20,000 each to Hendrix, Taylor and Ward and kept the rest for himself. He counseled the members of his squad to be careful about spending the money, to avoid drawing attention to themselves by making extravagant purchases.<sup>20</sup>

## **7. April 28, 2016 – Residential Robbery**

On April 28, 2016, Allers, Gondo, Rayam, and Hersl established surveillance on Davon Robinson, whom they suspected was dealing drugs. They stopped Robinson and cited him for driving on a suspended license. The officers drove back to Robinson's residence and claimed to have obtained consent to search from Robinson's girlfriend, Lekyle Whitaker. During the search, the officers seized approximately \$10,000 in cash. Rayam subsequently prepared an incident report stating that the officers had seized two handguns and ammunition, but it omitted any mention of the \$10,000 in cash.

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<sup>19</sup> Jenkins Plea Agreement at 20, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254; Ward Trial Testimony at 143-66 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464; Donald Stepp Trial Testimony at 47-56 (Feb. 1, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469.

<sup>20</sup> Ward Trial Testimony at 166-75 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464. After their arrests in March 2017, Jenkins told the others to lie about the amount that was taken and about the circumstances in which the staged video was created. *Id.*

Allers approved the false incident report. Just over a month later, Robinson was murdered outside his grandmother's house as his girlfriend looked on because of Robinson's failure to pay a drug-related debt.<sup>21</sup>

## **8. May 11, 2016 – Street Robbery**

On May 11, 2016, Gondo, Rayam, and Hersl conducted a traffic stop of Nicholas Deforge and Megan Ader. During the stop, Rayam stole approximately \$700 from Deforge. The wiretap on Gondo's phone, which had been authorized two weeks earlier, provided evidence of the robbery and how it was planned. The wiretapped calls included Gondo speaking with confidential informant before the traffic stop. The informant agreed to sell opioids to Deforge. Gondo told the informant to make sure that Deforge was in possession of a gun at the time of the sale. The informant later informed Gondo that Deforge would have \$700 and a .22 caliber handgun. Despite the informant's assurances, Rayam and Hersl initially could not find a gun when they stopped DeForge and Ader. The incident report filed by Gondo falsely stated that the car was stopped because the driver was following another vehicle too closely, and falsely stated that Hersl had seen Deforge move a gun from his pocket to a backpack. The \$700 was stolen by Rayam and not mentioned in the incident report.<sup>22</sup>

## **9. May 28, 2016 – Residential Robbery**

On May 28, 2016, Allers, Gondo, Rayam, and Hersl arrested A.C. After A.C. was taken into custody, Allers and the three other GTTF members traveled to the residence in Anne Arundel County where A.C. was staying at the time. They obtained consent from A.C.'s grandmother to search. The GTTF members found \$1,000 in the basement where A.C. slept. They gave \$300 to A.C.'s grandmother and stole the remaining \$700. No incident report was filed.<sup>23</sup>

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<sup>21</sup> Allers Plea Agreement at 16-17, *United States v. Allers*, No.1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20. Despite eyewitness testimony from Lekyle Whitaker, the man accused of killing Robinson, Antwon Frasier, was subsequently acquitted by a Baltimore jury when Robinson's cousin recanted his prior claim that he had seen the defendant shoot Robinson. Justin Fenton, *Man acquitted in fatal shooting of man who was robbed by Gun Trace Task Force*, The Baltimore Sun (Sept. 20, 2018), <https://www.baltimoresun.com/news/crime/bs-md-ci-gttf-frasier-acquitted-20180920-story.html>.

<sup>22</sup> Rayam Plea Agreement at 15, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196; Indictment at 6-7, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Feb. 23, 2017), ECF No. 1.

<sup>23</sup> Allers Plea Agreement at 16-17, *United States v. Allers*, No.1:17-cr-00452-CCB (D. Md. Dec. 6, 2017), ECF No. 20; Gondo Plea Agreement at 14, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13 2017), ECF No. 200; Rayam Plea Agreement at 15, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196. The Gondo and Rayam plea agreements stated that the search had been conducted pursuant to a warrant. The subsequent Allers plea agreement alleged that the search had been conducted pursuant to consent provided by AC's grandmother.

## 10. Post-June 2016 Seizure of Gun and Drugs

Sometime after Jenkins took over as sergeant of the GTTF in mid-June, he asked Rayam to sell drugs that Jenkins had previously stolen from suspects he had stopped or arrested. Rayam sold the drugs and shared the proceeds with Jenkins but not in the amount to which Jenkins thought he was entitled. Subsequent to that transaction, Jenkins, Gondo, and Rayam stopped a motorist on Dickey Hill Road near Forest Park in Baltimore. According to the specifics contained in Gondo's and Rayam's plea agreements, the officers recovered marijuana from the driver's car and then drove to the motorist's residence. Once at the residence, they entered the house without a warrant and seized a handgun and a pound of marijuana. Jenkins directed Rayam to sell the handgun and the marijuana in order to pay off the remainder of the amount Rayam owed him from the earlier transaction. Gondo helped Rayam sell the gun through one of his criminal associates. Once the sale was made, Gondo and Rayam shared in the proceeds. Because no guns or drugs were ever submitted to BPD, no police records reflected the vehicle search, the warrantless entry of the residence, or the sale of the seized items.<sup>24</sup>

## 11. June 24, 2016 – Residential Robbery

On June 24, 2016, Jenkins, Gondo, Hendrix, and Ward executed a search warrant at the residence of Milton Miller in East Baltimore. Jenkins asked Miller whether he had money stored in the house. Miller responded that he had money in a bedroom and led the officers upstairs. The officers found \$10,000 in a shoebox and \$15,000 in a boot, which also contained heroin. The officers stole \$2,000 from the shoebox and the entire \$15,000 from the boot but left the heroin behind. The reports submitted by the officers contained no mention of the stolen cash.<sup>25</sup>

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<sup>24</sup> Gondo Plea Agreement at 14-15, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13 2017), ECF No. 20; Rayam Plea Agreement at 15-16, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196; Superseding Indictment at 11, *United States v. Jenkins, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137. There is a discrepancy concerning the date on which the traffic stop, warrantless entry, and seizures took place, as well as a difference in the specified location. Gondo's plea agreement, dated June 9, 2017 and signed on June 14, 2017, states that the traffic stop, warrantless entry, and seizure of the gun and marijuana took place in June 2016. The superseding indictment of Jenkins, Hersl, and Taylor, dated June 22, 2017, also places this event in June. Gondo's plea agreement and the superseding indictment pinpoint the location as North Forest Park Avenue and Dickey Hill Road. However, Rayam's plea agreement, dated June 28 and not signed until many months later, does not specify a date, and identifies the location as Dickey Road near Forest Park. Because Jenkins did not take over the GTTF until June 13, it is unlikely that Rayam incurred any kind of debt to repay Jenkins additional money so swiftly. It is more likely that these events—including the warrantless entry and subsequent sale of the gun and drugs—did not occur until sometime after June. FBI Task Force members confirmed that Jenkins, Gondo, and Rayam all discussed this incident in their proffers to the government, but the specific timing could never be determined. Emails From J. Sieracki III and E. Jensen to M. Bromwich, Aug. 2, 2021, Re: Vehicle Stop and Warrantless Entry.

<sup>25</sup> Gondo Plea Agreement at 15-16, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13 2017), ECF No. 200; Hendrix Plea Agreement at 11-12, *United States v. Gondo, et al.*, No. 1:17-cr-



## 12. July 8, 2016 – Theft from Ronald and Nancy Hamilton

On July 8, 2016, the members of the GTTF participated in an incident that served as one of the core incidents of the federal investigation and prosecution, primarily because critical conversations among Gondo, Rayam, and Jenkins were captured by the wiretap on Gondo's phone.

Based on information obtained by Jenkins that Ronald Hamilton possessed a substantial quantity of cash, Jenkins, Gondo, and Rayam conducted surveillance on Hamilton and his wife. On the afternoon of July 8, Gondo, Rayam, and Hersl stopped the Hamiltons in Baltimore County after Rayam had followed them to a nearby Home Depot outlet. During the traffic stop, Rayam seized and ultimately stole \$3,400 in cash that Hamilton had in his possession. The officers then drove the Hamiltons to The Barn, where Jenkins and Rayam interviewed Ronald Hamilton. During the interview, Hamilton said he had approximately \$40,000 at his residence. Jenkins, Gondo, Hersl, and Rayam drove the Hamiltons to their residence in Westminster, which is located in Carroll County. Hamilton told them the cash was located in a master bedroom closet. Jenkins, Gondo, and Rayam found approximately \$70,000 in the closet, from which they stole \$20,000 before the Westminster Police Department arrived at the Hamilton's residence. In a subsequent discussion, Jenkins asked Hamilton if he knew of major drug dealers in the area whom Jenkins and the other officers could rob.

A number of intercepted phone conversations between Gondo and Rayam that evening revealed a dispute among the GTTF members about the distribution of the stolen money. Rayam subsequently filed a false incident report about the arrest of the Hamiltons that omitted any mention of the \$3,400 seized from Hamilton during the initial traffic stop, or the \$20,000 stolen from their residence.<sup>26</sup>

John Sieracki and Erika Jensen recalled this July 8 incident involving the Hamiltons as a key turning point in the investigation. The events of that day began with the BPD officers monitoring a tracking device they had illegally placed on Hamilton's car and ended after midnight when they went out drinking. In addition to robbing the Hamiltons, the officers lied on their probable cause statements, and said

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00106-CCB (D. Md. July 21, 2017), ECF No. 158; Ward Plea Agreement at 12, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 161; Superseding Indictment at 11, *United States v. Jenkins, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137; Ward Trial Testimony at 206-07 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464. Because neither Hersl nor Taylor was involved in the robbery, Ward's trial testimony was limited to acknowledging the bare fact that he participated in a robbery on that date in connection with the execution of a search warrant, along with Jenkins, Gondo and Hendrix. In addition to the theft of cash, the GTTF members fraudulently claimed overtime on the day of the search.

<sup>26</sup> Gondo Plea Agreement at 15-16, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13 2017), ECF No. 20; Rayam Plea Agreement at 16-17, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196; Rayam Trial Testimony at 191-209 (Jan. 29, 2017), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 466.



that they were conducting physical surveillance earlier in the day, when in fact they were eating breakfast and monitoring Hamilton remotely using the unlawful tracking device. Based on the intercepted calls, Sieracki and Jensen were confident that the Hamiltons had been robbed during the execution of the search warrant. In retrospect, Jensen said some of the best wiretapped calls of the entire investigation occurred the night of July 8 because they involved Rayam and Gondo clearly arguing about the split of the stolen money.<sup>27</sup>

### **13. August 8, 2016 – Theft from Vehicle**

On August 8, 2016, Jenkins, Hersl, Rayam, and John Clewell conducted surveillance on Dennis Armstrong as he left a storage facility near Shannon Drive and Sinclair Lane in Northeast Baltimore. The vehicle stop quickly became a vehicle pursuit because, according to Armstrong's subsequent testimony, he had a quantity of cocaine and cash in his minivan that he did not want the officers to find. During the chase, Armstrong threw cocaine out of his vehicle window and continued driving until he turned into a dead-end street. After a brief foot pursuit, Armstrong was apprehended. The GTTF officers brought Armstrong and his minivan back to the storage facility. Hersl broke into the glove box of the minivan where Armstrong's cash was located. Jenkins then sent Clewell and Gondo to prepare a search warrant for Armstrong's storage unit.<sup>28</sup> While they waited for Gondo and Clewell to return with the warrant, Hersl and Rayam took the cash recovered from the minivan and split it at a nearby school – \$500 each, according to Rayam's trial testimony. Armstrong testified at trial that he had approximately \$8,000 in cash in the van, and later learned that the officers had submitted less than \$3,000 to BPD evidence control.<sup>29</sup>

While the other officers were waiting for Clewell to return with the search warrant, Jenkins contacted Donald Stepp, the bail bondsman and narcotics distribution partner of Jenkins. According to Stepp, Jenkins told him there was \$220,000 in cash and eight kilograms of cocaine in the storage unit. Stepp drove to the storage facility and broke into Armstrong's unit. Stepp recovered approximately  $\frac{3}{4}$  of a kilogram of cocaine, far less than the eight kilograms that Jenkins had told Stepp were in the unit. Stepp subsequently sold the cocaine and split the proceeds with Jenkins. Jenkins told Stepp that some of the money would be shared with Hersl because it was "his score."<sup>30</sup>

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<sup>27</sup> John Sieracki III Interview, Apr. 8 and 28, 2020; Erika Jensen Interview, May 13, 2020.

<sup>28</sup> This was consistent with the pattern of Jenkins and the others sending Clewell on errands when they intended to commit crimes.

<sup>29</sup> Rayam Trial Testimony at 209-212 (Jan. 29, 2017), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 466; Dennis Armstrong Trial Testimony at 225-236 (Jan. 30, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 467.

<sup>30</sup> Jenkins Plea Agreement at 22, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254; Donald Stepp Trial Testimony at 59-68 (Feb. 1, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 469.

#### **14. August 24, 2016 – Theft from Vehicle**

On August 24, 2016, Jenkins, Gondo, Hendrix, Hersl, Rayam, and Ward stopped Aaron Fields. During the course of the vehicle stop, the officers seized narcotics and \$1,700 in cash. Hendrix shared the seized cash with Ward. No incident report or probable cause statement was submitted to BPD.<sup>31</sup> Although the bug that had been installed in Gondo's car a few days earlier had been activated, it failed to capture any incriminating conversations.

However, Fields took the unusual step of filing a complaint with BPD's IA, alleging that the officers, some of whom he identified by name, had stolen his money and drugs but had not arrested him. Because there was no arrest, the GTTF officers had generated no paperwork. IA personnel reviewed CCTV footage and identified Gondo, Hendrix, Hersl, and Rayam as the officers involved in the stop and the theft. Although IA was not aware of any details of the FBI Task Force's ongoing GTTF investigation, Rob Morris, the Ethics Section lieutenant and nominally Sieracki's boss, was aware of the FBI Task Force's interest in the GTTF officers. Sieracki had told Morris to hold off on pursuing any complaints against them for the time being so as not to cause them to change their methods and tactics.<sup>32</sup>

#### **15. August 24, 2016 – Residential Robbery**

On August 24, 2016, the same day as the theft from Fields, Gondo, Hersl, and Rayam stopped John Butler's car after Rayam had obtained information from a source that Butler possessed drugs at his residence. Jenkins and Rayam surveilled Butler's house, followed him to a separate apartment, and then stopped Butler when he left the apartment and was driving away. After Hersl ordered Butler into the BPD vehicle, Rayam searched Butler's car and entered his residence without a warrant. The bug in Gondo's car recorded conversations in which Butler was told that the GTTF officers intended to enter his residence. Once inside, Rayam stole approximately \$1,500 in cash, which Butler had earned as a maintenance supervisor and needed to pay his rent. In the incident report submitted by Rayam, there was no mention of the \$ 1,500.<sup>33</sup>

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<sup>31</sup> Ward Plea Agreement at 12, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 161; Hendrix Plea Agreement at 12, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 158.

<sup>32</sup> John Sieracki III Interview, Apr. 8 and 28, 2020.

<sup>33</sup> Rayam Plea Agreement at 18, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196. By this time the bug had been installed in Gondo's car, but the microphone only picked up fragments of the relevant discussions. Those fragments, together with an interview of the victim several months later, allowed the FBI Task Force members to understand what happened. John Sieracki III Interview, Apr. 8 and 28, 2020.

## **16. September 7, 2016 – Theft from Storage Unit**

On September 7, 2016, Jenkins, Gondo, Hersl, Rayam, Taylor, and Ward stopped Sergio Summerville as he was leaving the parking lot of a storage facility. Taylor falsely told Summerville that the officers had a search warrant for his storage unit at the facility. Rayam and Taylor entered the unit and seized a sock containing cash. After taking the cash, Rayam returned the sock to Summerville and told him to leave the facility. Rayam told Gondo in an intercepted conversation that he had only “taxed [Summerville] a little bit” and because they had not arrested Summerville, Rayam predicted that Summerville would not complain. Rayam gave Taylor some of the money he had retrieved from the sock.<sup>34</sup>

Summerville testified at the trial of Hersl and Taylor that he was homeless at the time and used the storage facility to store his belongings. He admitted that he sold heroin and cocaine and stored the drugs in his storage unit along with his possessions. On September 7, after he changed his clothes in the storage unit and was preparing to leave with a friend, he was confronted by the officers, at least one of whom falsely identified himself as a DEA agent. Summerville was forced to get out of the car. Although the officers claimed they had an arrest warrant, they did not know Summerville’s name. The officers took Summerville’s keys and pressured the manager of the storage facility to let them enter Summerville’s storage unit, where Summerville testified he had placed approximately \$4,800. When the officers emerged from the storage unit, they had seized the sock where Summerville kept his cash. Despite the theft of Summerville’s cash, Rayam was right: Summerville never did complain, in part, as he later testified, because he was concerned that he would be charged with possession of the drugs that were in his unit.<sup>35</sup>

## **17. October 3, 2016 – Vehicle Pursuit and Drug Seizure**

On October 3, 2016, Jenkins, Gondo, Hendrix, Rayam, Taylor, and Ward conducted a high-speed vehicle chase of a car driven by Gregory Harding. During the vehicle pursuit, GH tossed approximately nine ounces of cocaine out the window of his car. He then crashed near the Mondawmin Mall. Jenkins retrieved the cocaine and gave it to Rayam to sell.<sup>36</sup>

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<sup>34</sup> Rayam Plea Agreement at 18-19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196; Sergio Summerville Trial Testimony at 99-116 (Jan. 31, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 468; Rayam Trial Testimony at 214-2017 (Jan. 29, 2017), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 466.

<sup>35</sup> Summerville Trial Testimony at 99-116 (Jan. 31, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 468.

<sup>36</sup> Rayam Plea Agreement at 19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196.

## **E. GTTF Defendants – Time and Attendance Fraud**

The indictment of the original GTTF defendants alleged 20 individual instances of time and attendance fraud over six distinct time periods:

- On July 1, 2016, Gondo and Rayam discussed submitting false and fraudulent individual overtime reports resulting in paychecks of \$3,200 and \$4,000 respectively. They also discussed false and fraudulent individual overtime reports submitted by Jenkins, Hendrix, Taylor, and Ward resulting in paychecks of at least \$8,000 to \$10,000 a month for “a whole year.”
- On July 14-15, 2016, Gondo, Rayam and Hersl submitted false and fraudulent individual overtime reports for an eight-hour shift and eight hours of overtime – neither of which they worked.
- On July 18, 2016, Jenkins submitted five false and fraudulent individual overtime reports for the week of July 11-16, 2016. During that time period, Jenkins was in Myrtle Beach, South Carolina with his family on vacation.
- On July 23-24, 2016, Gondo submitted a false and fraudulent individual overtime report for a 12-hour mandatory shift and four hours of overtime, when in fact he was at home in Owings Mills, Maryland for the entire time period.
- On July 23-24, 2016, Jenkins submitted a false and fraudulent individual overtime report for a 12-hour mandatory shift and four hours of overtime, when in fact he was at home in Middle River, Maryland for at least three hours on July 23.
- On July 23-24, 2016, Rayam submitted a false and fraudulent individual overtime report for a 12-hour mandatory shift and four hours of overtime, when he in fact was in the vicinity of his home for all of July 23.
- On July 23-24, 2016, Hendrix submitted a false and fraudulent individual overtime report for a 12-hour mandatory shift and four hours of overtime, when he in fact was in the vicinity of his home for all of July 23.
- On July 23-24, 2016, Taylor submitted a false and fraudulent individual overtime report for a 12-hour mandatory shift and four hours of overtime, when in fact he was in New York City on vacation.
- On July 23-24, 2016, Hersl submitted a false and fraudulent individual overtime report for a 12-hour mandatory shift and four hours of overtime, when in fact he was in Bel Air, Maryland.
- On August 2, 2016, Ward submitted a false and fraudulent individual overtime report for 13 hours of overtime worked on August 1, when he in fact was in Myrtle Beach, South Carolina.

- On August 8-9, Hendrix, Taylor, and Ward failed to request time off when they travelled to the Dominican Republic for vacation. All three were paid for eight hours of work they did not do.<sup>37</sup>

Hersl and Taylor were convicted at trial for the time and attendance fraud charges levied against them.<sup>38</sup> Ward, Gondo, Jenkins, and Hendrix entered plea agreements admitting to “routinely submit[ing] false and fraudulent individual overtime reports” – and overtime reports for their co-defendants – “with the intent to defraud the BPD and the citizens of the State of Maryland.”<sup>39</sup> Although Rayam did not admit to time and attendance fraud in his plea agreement, he was convicted of Count One of the indictment (RICO Conspiracy), which alleged specific instances of time and attendance fraud.<sup>40</sup>

## **F. The Gun Planting Defendants**

### **1. Keith Gladstone**

As described in the body of this Report, Keith Gladstone was indicted on civil rights, conspiracy, and witness tampering charges on February 27, 2019.

The indictment alleged that, on March 26, 2014, Gladstone was having dinner with “Officer 1” (Carmin Vignola) when Gladstone received a call from Jenkins, who “was in a panic” because of the vehicle accident involving Demetric Simon. The story told by the indictment about what happened after Gladstone received the call was based, in part, on a false version of events related to the grand jury by Vignola two weeks earlier, on February 13, 2009. In that version, after Gladstone received the call from Jenkins and asked Vignola whether he had a BB gun, Vignola said he did not. According to Vignola’s false testimony, he then called his partner, Robert Hankard, who said he did not have one. Then, according to the false version testified to by

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<sup>37</sup> Indictment at 8, 12-21, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Feb. 23, 2017), ECF No. 1.

<sup>38</sup> Taylor Judgment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 13, 2018), ECF No. 416; Hersl Judgment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 26, 2018), ECF No. 442.

<sup>39</sup> Gondo Plea Agreement at 18-19, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 13 2017), ECF No. 200; Hendrix Plea Agreement at 12-13, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 158; Jenkins Plea Agreement at 24-25, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Jan. 5, 2018), ECF No. 254; Ward Plea Agreement at 12-13, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. July 21, 2017), ECF No. 161.

<sup>40</sup> Rayam Plea Agreement, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Oct. 10, 2017), ECF No. 196; Rayam Judgment, *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. May 30, 2019), ECF No. 502.



Vignola on February 13, Gladstone retrieved a BB gun from his trunk, drove to the scene of the accident, and planted it.<sup>41</sup>

In fact, according to Gladstone's and Vignola's plea agreements, Hankard told Vignola during their phone call that he *did* have a BB gun at his residence. Gladstone and Vignola then drove to Hankard's residence to retrieve the BB gun, and then drove to the scene of the accident where Gladstone planted it at the accident scene.

Four years later, in January 2018, shortly after Jenkins pled guilty to various crimes including civil rights violations committed in connection with the 2010 accident involving Burley and Matthews, Gladstone asked to meet with Vignola. Concerned about possible electronic surveillance in the wake of the GTTF arrests and Jenkins's very recent guilty plea, they arranged to meet by using cellphones belonging to their wives.<sup>42</sup> As a further safeguard, Gladstone insisted that he and Vignola have their conversation in a swimming pool near Gladstone's Pennsylvania home. Vignola asked Gladstone whether he had concerns about his own criminal exposure in light of Jenkins's guilty plea earlier that month. Gladstone said the only issue he was concerned about related to the 2014 gun planting incident. Gladstone told Vignola to deny any involvement in the incident if he were ever questioned about the incident. Gladstone also told Vignola to conceal Hankard's involvement entirely and claim that Gladstone retrieved the BB gun from the trunk of his own car. Vignola subsequently told the grand jury exactly that.<sup>43</sup>

On May 10, 2019, Gladstone pled guilty to one count of conspiracy to violate the civil rights of Demetric Simon by planting the BB gun at the scene of the accident on March 26, 2014. The plea agreement set forth the details of the gun planting incident, including Gladstone's call with Jenkins, his conversations with Vignola, the retrieval of the BB gun from Hankard, and Gladstone's planting of the gun at the scene. As of the date of this Report, Gladstone continues to cooperate with the government and has not yet been sentenced. He faces a maximum sentence of ten years' imprisonment followed by three years of supervised release. However, his cooperation in assisting the government with developing cases against Vignola, Rivera, and Hankard, and his acceptance of responsibility embodied in his guilty pleas, will mean his custodial sentence will be substantially less than ten years.<sup>44</sup>

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<sup>41</sup> Gladstone Indictment, *United States v. Gladstone*, No. 1:19-cr-00094-CCB (D. Md. Feb. 27, 2019), ECF No. 1; Vignola Information, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Sept. 10, 2019), ECF No. 1.

<sup>42</sup> Gladstone Plea Agreement, *United States v. Gladstone*, No. 1:19-cr-00094-CCB (D. Md. June 3, 2019), ECF No. 19; Vignola Plea Agreement, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Sept. 23, 2019), ECF No. 11.

<sup>43</sup> *Id.*

<sup>44</sup> Gladstone Plea Agreement, *United States v. Gladstone*, No. 1:19-cr-00094-CCB (D. Md. June 3, 2019), ECF No. 19.

## 2. Carmine Vignola

As described above, on February 13, 2019, Vignola testified before a grand jury that was investigating the BB gun planting incident. During his testimony, he lied about where Gladstone had obtained the BB gun that he planted at the scene of the accident. As described above, instead of saying that he and Gladstone drove to Hankard's residence to get the BB gun, Vignola falsely testified that Hankard had told him he did not have a BB gun and that Gladstone had retrieved a BB gun from his trunk before he and Vignola drove to the scene where the BB gun was planted. Vignola admitted that he did so in an effort to minimize his own involvement and to avoid implicating Hankard.<sup>45</sup>

On June 19, 2019, Vignola pled guilty to perjury before the grand jury on February 13. On February 6, 2020, he was sentenced to 18 months' imprisonment to be followed by two years of supervised release.<sup>46</sup>

## 3. Robert Hankard

On January 14, 2020, Robert Hankard was charged with multiple crimes in a five-count indictment relating to two separate incidents – the March 26, 2014 gun planting incident and a September 24, 2015 incident that involved planting drugs. The indictment charged Hankard with conspiring with Gladstone and Vignola in connection with both incidents, which also involved the commission of civil rights violations, the falsification of official records, and perjury.<sup>47</sup>

With respect to the gun planting incident, Hankard testified before the grand jury that Vignola had in fact contacted him on March 26, 2014, but that he told Vignola he did not have a BB gun or other gun replicas. According to the guilty pleas of Gladstone and Vignola, Hankard did in fact have a BB gun and gave it to Vignola and Gladstone, who subsequently planted at the scene of the accident.<sup>48</sup>

According to the indictment, the September 24, 2015 incident related to an operation at a Baltimore motel occupied by Hankard's target. Hankard and Vignola arrested the suspect, referred to in the indictment as DB, while DB was sitting in his truck. The officers found no drugs in the truck. According to the indictment, Gladstone

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<sup>45</sup> Vignola Information, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Sept. 10, 2019), ECF No. 1; Vignola Plea Agreement, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Sept. 23, 2019), ECF No. 11.

<sup>46</sup> Vignola Plea Agreement, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Sept. 23, 2019), ECF No. 11; Vignola Sentencing Hearing Transcript, *United States v. Vignola*, No. 1:19-cr-00431-CCB (D. Md. Feb. 6, 2020), ECF No. 18.

<sup>47</sup> Hankard Indictment, *United States v. Hankard*, No. 1:20-cr-00017-CCB (D. Md. Jan. 14, 2020), ECF No. 1.

<sup>48</sup> *Id.*

and other BPD officers then entered DB's hotel room at the motel without a warrant. Inside the hotel room, Gladstone and other officers found and seized quantities of heroin and cocaine. When Gladstone was told that no drugs had been found in the truck, he returned to the motel room to retrieve some of the cocaine, brought it out to the pickup truck, and agreed with Hankard to plant the drugs in the truck. According to the indictment, the planted drugs were then relied on in police reports and charging documents as the factual basis for the arrest and the entry into the motel room. The search warrant affidavit made a series of allegedly false assertions about how the operation unfolded, including the claim that the planted drugs had been initially found "in plain view." In addition, the search warrant affidavit and BPD reports filed by Hankard made a series of alleged misrepresentations about the incident, concealing the fact of the warrantless entry into the motel room that led to the seizure of the drugs.<sup>49</sup>

On August 11, 2020, Hankard was charged in a superseding indictment that added to the allegations contained in the earlier indictment. The new allegations stated that Hankard made false statements under oath in an affidavit submitted to a Baltimore Circuit Court judge to support a search warrant for an apartment on March 2, 2015 and concealed the fact that he and other officers had entered the apartment without a warrant.<sup>50</sup>

Hankard has pled not guilty and has opted to proceed to trial, which was originally scheduled for February 2022, but has since been delayed.

## **G. The Trenell Murphy Defendants**

In Chapter V, Section F, we described the February 19, 2009 BPD enforcement operation that resulted in the arrest of Trenell Murphy and the seizure of approximately 40 kilograms of cocaine. As more fully described in Chapter V, Gladstone, Ivo Louvado, and Victor Rivera diverted and stole three kilograms of cocaine from the amount that was seized, sold the cocaine through one of Rivera's informants, and shared in the proceeds. Once Gladstone began cooperating with the government in the spring of 2019, he was obligated to provide truthful information about all illegal activities in which he participated. That included information about the theft and sale of the three kilograms of cocaine in 2009 and the roles of Louvado and Rivera in those events.

### **1. Ivo Louvado**

On May 30, 2018, Ivo Louvado was interviewed about the 2009 cocaine seizure by members of the FBI Task Force. During the interview, Louvado lied about knowledge of, and participation in, the sale of the stolen cocaine. Although the statute of limitations had run for charging him with the theft and sale of the drugs, it had not

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<sup>49</sup> *Id.* at 3-6.

<sup>50</sup> Hankard Superseding Indictment, *United States v. Hankard*, No. 1:20-cr-00017-CCB (D. Md. Aug. 11, 2020), ECF No. 29.

for his 2018 false statements. On March 11, 2020, Louvado was charged in a one count information with making false statements about the 2009 theft and sale of the three kilograms of cocaine. On January 7, 2020, he pled guilty to making false statements. On February 8, 2021, Louvado was sentenced to 14 months' imprisonment, to be followed by 3 years of supervised release.<sup>51</sup>

## **2. Victor Rivera**

Victor Rivera was the third BPD officer involved in the 2009 theft of cocaine in the Trenell Murphy case. It was Rivera's informant who sold the drugs and provided the proceeds shared among Gladstone, Louvado, and Rivera. As part of the FBI Task Force's continuing investigation, Rivera was interviewed on November 1, 2019 about the event surrounding the February 2009 cocaine theft and sale. During the interview, Rivera lied repeatedly about his knowledge and participation in the theft, including when he was confronted with information demonstrating that the interviewing officers were aware of it. He falsely said he knew nothing about the theft, never gave drugs to his confidential source, and never shared any proceeds of the sale with anyone from his squad.<sup>52</sup>

On April 15, 2020, Rivera pled guilty to one count of making false statements to law enforcement officials during the November 1, 2019, interview. On January 26, 2021, Rivera was sentenced to fourteen months' imprisonment to be followed by two years of supervised release.<sup>53</sup>

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<sup>51</sup> Press Release, U.S. Attorney's Office District of Maryland, Former Baltimore Police Detective Pleads Guilty to Making False Statements to Federal Agents (Nov. 6, 2020), <https://www.justice.gov/usao-md/pr/former-baltimore-police-detective-pleads-guilty-making-false-statements-federal-agents>; Louvado Plea Agreement, *United States v. Louvado*, No. 1:20-cr-00098-CCB (D. Md. Nov. 6, 2020), ECF No. 8; Louvado Plea Agreement Hearing Transcript, *United States v. Louvado*, No. 1:20-cr-00098-CCB (D. Md. Nov. 6, 2020), ECF No. 8; Louvado Sentencing Transcript, *United States v. Louvado*, No. 1:20-cr-00098-CCB (D. Md. Feb. 8, 2021), ECF No. 18.

<sup>52</sup> Rivera Information, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Apr. 15, 2020), ECF No. 1.

<sup>53</sup> Press Release, U.S. Attorney's Office District of Maryland, Former Baltimore Police Officer Sentenced to 14 Months in Federal Prison for Lying to Federal Law Enforcement Officer Regarding the Illegal Sale of Drugs Seized During a BPD Investigation (Jan. 26, 2021), <https://www.justice.gov/usao-md/pr/former-baltimore-police-officer-sentenced-14-months-federal-prison-lying-federal-law>; Rivera Plea Agreement, *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Aug. 26, 2020), ECF No. 8; Rivera Sentencing Transcript at 26-27: *United States v. Rivera*, No. 1:20-cr-00127-CCB (D. Md. Jan. 26, 2021), ECF No. 23.

## Appendix B: Internal Affairs Investigations and Related Matters

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### A. The Internal Affairs Investigative Process

Internal Affairs (IA)<sup>1</sup> investigates complaints of officer misconduct received from BPD employees and community members. IA is currently organized under the Public Integrity Bureau (PIB), which contains three primary investigative sections: General, Ethics, and the Special Investigative Response Team (SIRT). A complaint is assigned to Ethics when it involves PIB personnel, alleges corruption or ongoing misconduct, or in certain instances where it involves BPD command level members. A case is assigned to SIRT when it involves deadly uses of force, fatal motor vehicle accidents involving BPD personnel, in-custody deaths, or any other case the commissioner directs be assigned to SIRT. Complaints that do not meet any of these qualifications are investigated by the General Section. In addition, prior to January 2016, each of the patrol districts and each specialized unit within BPD's Operations Bureau also housed a Command Investigations unit (CIU), which operated independently of IA and investigated minor violations of BPD policy, such as failures to appear in court, discourtesy, and minor allegations of misconduct.<sup>2</sup>

Although both the name and organizational structure of IA have changed over time, the investigative process has largely remained the same over the period covered by this Report. When IA receives a complaint, it is entered into a digital casebook called IAPro, and assigned to an investigative entity based on the nature of the allegations. When the assigned investigative entity completes its investigation, it can issue one of four findings: (1) "sustained," meaning that investigators have found by a preponderance of the evidence that the alleged misconduct occurred and was a violation of BPD policy; (2) "not sustained," meaning that investigators were unable to determine by a preponderance of the evidence whether the alleged misconduct occurred; (3) "unfounded," meaning that investigators have determined by clear and convincing evidence that the alleged misconduct did not occur or did not involve the accused officer; and (4) "exonerated," meaning that investigators have determined that the alleged conduct did occur, but that it did not violate BPD policy. There were previously two other dispositions: "administratively tracked," for complaints that were

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<sup>1</sup> We use IA here, as we do elsewhere in this Report, to refer to the primary body responsible for investigating police officer misconduct. IA has also been known, among other names and at various times, as the Internal Affairs Division (IAD), Internal Investigation Division (IID), the Office of Professional Responsibility, and currently the Public Integrity Bureau.

<sup>2</sup> Baltimore Police Department, Public Integrity Bureau Internal Operations and Training Manual (Sept. 2020), <https://public.powerdms.com/BALTIMOREMD/documents/769853>; Baltimore Police Department, Office of Professional Responsibility Internal Operations and Training Manual (Aug. 23, 2016).



recorded in BPD records without investigation, and “administratively closed.” These classifications were not clearly defined, and often subject to abuse.<sup>3</sup>

When IA sustains an allegation, which must be reviewed and signed off on by the PIB Deputy Commissioner or their designee, the case is sent to attorneys in BPD’s Office of Legal Affairs to draft administrative charges and, if necessary, arrange disciplinary proceedings. The file is then sent to the Disciplinary Review Committee, which makes a disciplinary recommendation on behalf of the police commissioner. Officers are also entitled to a trial board hearing if they reject IA’s findings or are unwilling to accept the recommended discipline. If the trial board finds by a majority vote that the accused officer is guilty, it hears mitigating evidence and recommends discipline, but the police commissioner is responsible for ultimately determining the appropriate discipline.<sup>4</sup> Prior to December 2020, members of BPD trial boards were comprised entirely of BPD members, at least one of whom had to be the same rank as the accused officer. Beginning in December 2020, as a result of legislation passed by the Maryland State legislature in 2016 and labor negotiations with the FOP in which BPD bargained for the inclusion of civilians on BPD trial boards, civilians began participating as members of trial boards.<sup>5</sup>

## **B. The Early Intervention Process**

### **1. Background on Early Intervention System**

Prior to 2016, BPD’s early intervention system (EIS)—its system for identifying and helping officers with multiple IA complaints—was haphazard and sporadically implemented. Its deficiencies served neither BPD nor its officers, including the defendants themselves. Without an effective EIS, there was no meaningful opportunity for BPD to identify—and intervene with—problematic officers.

Various forms of the EIS existed in BPD at least as far back as 2005. For example, in 2005 a Baltimore City Council report discusses the “Police Performance Enhancement Program” and described it as a “data-driven early warning management initiative intended to help improve the professional development of Lieutenants, Sergeants, and Police Officers.” Later, a 2014 report from then-Commissioner Batts discussed the Early Intervention Unit (EIU) in place at the time and described it this way; “The Early Intervention Unit is charged with acting as an early warning by monitoring the number

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<sup>3</sup> *Id.*

<sup>4</sup> Baltimore Police Department, Public Integrity Bureau Internal Operations and Training Manual (Sept. 2020), <https://public.powerdms.com/BALTIMOREMD/documents/769853>.

<sup>5</sup> Justin Fenton, Baltimore Police Department hails first civilian involvement in officer discipline trial, but won’t tell anyone what happened, *The Baltimore Sun* (Dec. 11, 2020), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-bpd-civilian-trial-board-secrecy-20201211-2chxgrhpf2jlebtmluwawy6y-story.html>.

of use-of-force incidents reported by officers, the number of deadly force incidents, and the number of complaints received within a set period of time.”<sup>6</sup>

Before 2016, it is clear that BPD’s EIS was ineffective and experienced problems at each step of the process: there were delays in issuing alerts for individual officers; intervention meetings with those officers were not consistently held by supervisors; if the intervention meetings were held, they were often used as a way to paper over a problem rather than to help the officer; and there was a lack of follow up after an intervention was held. The DOJ’s August 2016 Findings Report (DOJ Report) sharply criticized the EIS in place in 2015 and early 2016, writing that: “BPD has an early intervention system in name only; indeed, BPD commanders admitted to us that the Department’s early intervention system is effectively nonfunctional.” The DOJ Report went on to note that the system had several key deficiencies including: 1) the threshold for triggering reports was too high which meant that supervisors were not alerted to problems until serious misconduct occurred; 2) supervisors did not conduct proper interventions to correct the behavior; and 3) the EIU was not provided with all the information it needed to effectively operate the system because certain types of investigations were not reported to EIU and officers were able to have records expunged.<sup>7</sup>

At the time, BPD’s EIS required an officer to receive six triggering events within a twelve-month time period for the system to be triggered, a very high threshold for a one-year time period. When Director Vernon Herron came to BPD in 2016 to manage the unit and run the EIS, he quickly concurred with the concerns that had been expressed throughout BPD and by DOJ about BPD’s EIS, including the failures in the interventions that were performed. Herron found that supervisors were not given adequate training on how to lead interventions which meant that supervisors came up with their own intervention process and there was no consistency in how interventions were conducted.<sup>8</sup>

Herron found it difficult to reconstruct the elements of the pre-existing versions of the EIS because there were few records or details regarding the earlier EIS systems. He noted that BPD’s policies required early intervention reports to be submitted annually, but when he asked to review these reports, none were located. The deficiencies in BPD’s pre-2016 versions of the EIS appear to have been known throughout BPD. Herron described the system in place when he arrived at BPD as a

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<sup>6</sup> Baltimore City Council, Public Safety Subcommittee, *Report on the Police Performance Enhancement Program and Recommendations to Improve the Process for Expungement of Arrest When No Charges are Filed* (Sept. 2005), [https://www.baltimorecitycouncil.com/sites/default/files/PublicSafetySubcommitteeFINALDraft\\_091505.pdf](https://www.baltimorecitycouncil.com/sites/default/files/PublicSafetySubcommitteeFINALDraft_091505.pdf); Baltimore Police Department, *Preventing Harm: Conduct in the Community* (Oct. 6, 2014).

<sup>7</sup> U.S. Dep’t of Justice, Civil Rights Div., *Investigation of The Baltimore City Police Department* (Aug. 10, 2016) at 135-36, <https://www.justice.gov/crt/file/883296/download>.

<sup>8</sup> Vernon Herron Interview, Oct. 21, 2021.

being a policy in “name only” and said that the system “lacked teeth.” He explained that Command shared this view and saw the early intervention system as a “paper tiger.”<sup>9</sup>

BPD members were generally critical of the pre-2016 EIS. Lieutenant Joel Fried told us that in theory EIS is a great idea, it did not work in practice. Fried said that the early intervention system failed “because supervisors, sergeants, are not going to write anything [bad] about their guys unless there is something glaring . . . The [officers] who are getting the most complaints are the most productive.” Sgt. John Burns raised similar concerns with the system, noting that misbehaving officers “weren’t going to do anything in front of their supervisor. So, if the point was to catch them, don’t put them in the car with their supervisor.”<sup>10</sup>

Our review of the GTTF defendants’ records showed the significance of these early intervention failures. Many of the defendants received repeated early intervention alerts to little practical effect. For example, Daniel Hersl began receiving intervention alerts as far back as 2005, and in one nine-month period in 2015 he received eight different alerts. Some of these alerts were excused by supervisors at BPD because they were based on “fraudulent complaints” or came from individuals who frequently sued the Department. Similarly, Vignola also received numerous alerts throughout his career. Vignola was consistently on EIU’s radar and received multiple early intervention alerts, and many of these alerts were received back-to-back.<sup>11</sup>

## **2. Current System**

BPD hired Herron with the specific goal of upgrading its EIS. One of the first issues he addressed was the lack of sufficient EIU staff. When Herron first arrived at BPD there was only one sergeant assigned to the EIU. There are now a total of three employees who handle EIU matters.<sup>12</sup>

Under the current EIS implemented by Herron and his staff, an officer can receive an early intervention alert based on any type of complaint, including a citizen complaint; tardiness at roll call; and minor policy violations. Herron explained that any complaint entered into IAPro is considered an “alert,” whether it is a complaint that the

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<sup>9</sup> *Id.* Members of BPD and Baltimore officials that we spoke to had varying recollections regarding whether BPD had an early intervention system in place prior to 2016 or when any system may have been implemented.

<sup>10</sup> Joel Fried Interview, Jan. 26, 2021; John Burns Interview, Feb. 26, 2021.

<sup>11</sup> Chapter X, Sections D (Hersl) and L (Vignola).

<sup>12</sup> Vernon Herron Interview, Oct. 21, 2021; Email from V. Herron to R. Peck, Re: GTTF Report, Dec. 7, 2021.

officer is speeding or anything else. Herron explained that mandatory use of force reviews are not included in the alert system because of the volume of these reviews.<sup>13</sup>

BPD's current EIS has three phases. Phase One interventions occur when there are three or more EIS alerts within a twelve-month rolling period. This is a decrease from the previous system where six triggering events were required to trigger a Phase One intervention. Phase One alerts are conducted by the officer's first-line supervisor, although the EIU can assist with these interventions if requested. During the intervention, the first-line supervisor works with the officer to create a performance improvement plan and monitors the officer for 30 days. After 30 days the first-line supervisor is required to provide the EIU with a report on the officer's progress. The first-line supervisor either recommends continuing or ending the monitoring period. The EIU then signs off on the recommendation.<sup>14</sup>

Phase Two interventions occur when there is either a single alert that is considered severe or if an officer is involved in additional incidents within a twelve-month rolling period after a Phase One Intervention. The EIU participates directly in the intervention meetings in Phase Two. As with Phase One interventions, the first-line supervisor is required to monitor the officer for 30 days and to provide a report to the EIU.<sup>15</sup>

Phase Three interventions occur when needed to resolve continuing problems with an officer. Any additional incident that occurs within a twelve-month rolling period following a Phase Two Intervention can result in a Phase Three intervention. Phase Three intervention meetings are attended by a representative from the EIU, the officer's first-line supervisor, and the officer's entire command including the division chief. A final performance improvement plan is developed with timelines and expectations for the member. As with the other phases, the first-line supervisor is required to monitor the officer for 30 days and provide a report to EIU via the chain of command. It is made clear to officers in the Phase Three intervention that any future meetings will be about termination. Supervisors are not required to wait for the officer to hit the threshold levels before conducting an intervention and can reach out to EIU before that time to share concerns about an officer.<sup>16</sup>

The EIU provides supervisors with training on how to conduct an intervention and how to develop a performance improvement plan. Although some officers have expressed reluctance about attending interventions, officers have come to understand the benefits of the system and how it can help them. It is also made clear to officers that performance improvement plans are confidential. The interventions are not considered

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<sup>13</sup> Vernon Herron Interview, Oct. 21, 2021.

<sup>14</sup> *Id.*; Baltimore Police Department, Policy 1707: Early Intervention System, May 3, 2018.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

to be punitive and officers cannot bring lawyers or union representatives to the meetings. Herron views the interventions as collaborative meetings where the goal is to provide officers with the necessary tools – including counseling, training, and support – to help them be successful officers.<sup>17</sup>

BPD's renewed commitment to its early intervention system has improved the return rate from supervisors on monitoring reports from about 20% being received by the EIU in 2016 to 99% currently. In Herron's assessment, the improvements to the system have made supervisors' jobs easier because EIU resources are now in place to assist with improving officer performance. EIU's involvement in both the Phase One and Two intervention meetings, and its review of intervention reports, prevent issues that occurred in the past where supervisors ignored problem officers because those officers were productive.<sup>18</sup>

The operation of the EIS system is still handicapped by the limitations of BPD's technology. Because of these limitations, EIU staff members must review paper print outs from IAPro rather than being able to rely on a fully automated process to keep track of relevant alerts.<sup>19</sup>

BPD is currently reviewing the EIS systems of other police departments. Even with \$5 million earmarked for a broad range of technology and software improvements, some of which will go to EIS-related improvements, Herron expects that it will still take a period of time to fully and properly implement any new system. The issues with BPD's EIS technology have been noted by BPD's monitoring team, which reported in its January 2020 quarterly report that "BPD is still at least two years away from implementing a fully functional, modern EIS." While BPD plans to change its technological infrastructure, it plans to leave the current alert thresholds and intervention system in place because these systems have been successful.<sup>20</sup>

## **C. Civilian Review Board**

### **1. Background**

By the late 1990s it had become clear to political leaders and members of the Baltimore community that external oversight was needed to ensure that BPD and other law enforcement agencies were accountable to the communities they serve. With these goals in mind, the Baltimore Civilian Review Board (CRB) was created by the Maryland General Assembly in 1999. At the time, it was supported by all the key stakeholders in

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<sup>17</sup> Vernon Herron Interview, Oct. 21, 2021; Email from V. Herron to R. Peck, Re: GTTF Report, Dec. 7, 2021.

<sup>18</sup> Vernon Herron Interview, Oct. 21, 2021.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*; Baltimore Consent Decree Monitoring Team Fourth Semiannual Report, *United States v. Balt. Police Dep't*, 1:17-cv-00099-JKB (D. Md. Jan. 21, 2020), ECF No. 279-1.



Baltimore including the mayor, the city council, the police commissioner, the FOP, and state legislators.<sup>21</sup>

The CRB has now existed for more than 20 years as an independent agency. It is currently housed in Baltimore's Office of Equity and Civil Rights and is mandated to conduct oversight of the BPD.<sup>22</sup> The CRB has the legal authority to investigate five types of complaints: excessive force, abusive language, harassment, false arrest, and false imprisonment. The CRB is also authorized to review BPD procedures and make recommendations to the BPD commissioner for changes in those procedures. The CRB is comprised of nine members, one from each of Baltimore's police districts. Each member serves a three-year term, which can be renewed once. The CRB members are selected by Baltimore's mayor and are subject to the advice and consent of the City Council. In addition to the nine voting members of the CRB, non-voting participants include members from Baltimore community organizations, a FOP representative, and a designee of the BPD commissioner. Meetings are held once a month and are open to the public.<sup>23</sup>

CRB investigations begin once an eligible complaint is filed with CRB. Complaints must be filed within one year of the incident and can be filed online, in person, by mail, or by email. Complaints are reviewed by both the CRB and BPD's PIB. After the CRB reviews the complaint, it can vote to authorize an independent investigation or review the IA file after the IA investigation has been completed. If the CRB votes to conduct an independent investigation, that investigation is done concurrently with BPD's IA investigation. The CRB can vote to either sustain or not sustain the complaint, exonerate the officer (if it determines the act occurred but was lawful), seek mediation, or send the complaint to IA for further investigation. Whether it conducts its own investigation or relies on IA's, the CRB drafts findings and sends the findings and its disciplinary recommendation to the BPD commissioner, who makes the

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<sup>21</sup> Baltimore, Md, Public Local Law § 16-41; Matthews Mosk, *Police review bill OK'd by panel; Measure to create civilian board sent to Senate floor*, The Baltimore Sun (Apr. 1, 1999), <https://www.baltimoresun.com/news/bs-xpm-1999-04-01-9904010164-story.html>.

<sup>22</sup> In addition to its oversight of BPD, the CRB has jurisdiction over six law enforcement agencies in Baltimore. It appears that most of its cases arise from BPD: of the 176 cases that the CRP investigated or reviewed from July 1, 2017 to June 31, 2018, 167 of them originated from BPD. Baltimore Civilian Review Board Annual Report, August 2018, available at <https://civilrights.baltimorecity.gov/sites/default/files/CRB%20ANNUAL%20REPORT%20AUG%202018%20PUBLIC%20COPY.pdf> ("2018 CRB Report").

<sup>23</sup> City of Baltimore Office of Equity and Civil Rights, *Civilian Review Board*, <https://civilrights.baltimorecity.gov/civilian-review-board>. The following community organizations have non-voting positions on the CRB: the Vanguard Justice Society, the American Civil Liberties Union of Maryland (ACLU), and the Baltimore City Branch of the National Association for the Advancement of Colored People (NAACP). CRB meetings had previously been held in person but because of COVID-19 the meetings have been held virtually. City of Baltimore Office of Equity and Civil Rights, *Meetings*, <https://civilrights.baltimorecity.gov/civilian-review-board/meetings>.

final determination of any discipline. The commissioner is not required to follow the CRB's findings or recommendations.<sup>24</sup>

## 2. CRB Effectiveness

Although the CRB was created for laudable reasons, the CRB has been plagued since its inception with problems and obstacles that have severely hampered its effectiveness. The CRB has acknowledged some of these issues while others have been articulated by BPD and community leaders. Overall, the CRB has been viewed by most of the key stakeholders in Baltimore as weak and lacking the resources and training to properly perform its duties. For example, after quitting her role in 2020, one CRB member cited CRB's ineffective and opaque process as one of the reasons she resigned from the Board. BPD executives have also criticized the CRB and questioned its ability to fully and properly investigate complaints. Former-IA Chief Rodney Hill told us that the CRB did not have the necessary knowledge or experience to conduct investigations. Similarly, Deputy Commissioner Brian Nadeau has observed that the CRB members lack sufficient training to perform their duties. Before recent changes were made to improve the CRB process, these views about the CRB's shortcomings were shared by some community leaders in Baltimore. Among the witnesses who expressed this view was Lawrence Grandpre the Director of Research for Leaders of a Beautiful Struggle.<sup>25</sup>

The Community Oversight Task Force (COTF), which was established pursuant to the BPD Consent Decree to study Baltimore's community oversight system and review the obstacles to police accountability, came to an even more damning conclusion. In its report on the CRB, the COTF stated that the CRB "has very little, if anything, to offer Baltimoreans, and it must be abolished. If it is to have effective, impartial oversight, Baltimore must begin from a clean slate."<sup>26</sup>

These harsh assessments of CRB stem from the limitations the CRB has faced because of the constraints imposed by its own implementing statute and the LEOBR before its recent repeal; the CRB's lack of independence and overlapping authority with IA; and its limited professional staff. All of these factors have prevented it from conducting credible investigations and fulfilling the role originally envisioned for it.

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<sup>24</sup> City of Baltimore Office of Equity and Civil Rights, *File a Complaint Online*, <https://civilrights.baltimorecity.gov/civilian-review-board/file>; 2018 CRB Report at 158.

<sup>25</sup> Rodney Hill Interview, Apr. 20, 2020; Brian Nadeau Interview, Mar. 26, 2021; Lawrence Grandpre Interview, Jan. 29, 2020; Jessica Anderson, *A member of the Baltimore Police Civilian Review Board quits, citing 'ineffective' and 'opaque' system*, The Baltimore Sun (Feb. 26, 2020), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-crb-member-resigns-20200225-yrdw7mdz5fadlio4s3c3zf5uty-story.html>.

<sup>26</sup> The Community Oversight Task Force's Recommendations, *United States v. Balt. Police Dep't*, 1:17-cv-00099-JKB (D. Md. Jan. 21, 2020), ECF No. 136, hereinafter ("COTF Report").

### **a. Lack of Independence and Poor Relationship with Baltimore City**

According to the COTF report, an ongoing concern with the CRB centers on its close ties to Baltimore city government, which may impair its ability to independently perform its duties. The CRB is part of Baltimore city government and over the past 20 years has been housed in various parts of Baltimore city government. This has resulted in the perception that the CRB is accountable to the mayor rather than the citizens of Baltimore. The CRB's ties to Baltimore government run deeper: the CRB is reliant on the city for staffing and its budget, and all of the CRB's members are appointed by the mayor. The CRB is overseen by the City Law Department and is currently located in the Office of Equity and Civil Rights.<sup>27</sup>

CRB's position as both a part of the city government and an oversight mechanism for the most high-profile agency in city government has caused problems for the CRB. In 2018 this issue came to a head when Baltimore's Law Department asked the CRB to sign confidentiality agreements in order to review IA records, documents which the CRB believes it is authorized to review. This dispute led to a debate about whether the CRB can hire its own counsel and whether it is a conflict for Baltimore's Law Department to represent both BPD and the CRB.<sup>28</sup> Conflicts like this one have led the city and the CRB to have a contentious relationship.

### **b. Limited Power and Jurisdiction**

The CRB has also been limited by both its own enabling statute and historically by the recently-repealed LEOBR – concerns which the CRB itself noted in its 2018 annual report.<sup>29</sup> Although the CRB has subpoena authority, the LEOBR prevents the CRB from questioning and subpoenaing accused officers. The CRB does not have a role in BPD's disciplinary process, and it can only make recommendations to the commissioner. Finally, because of privacy laws, the CRB cannot obtain information about officers' past disciplinary records or learn the discipline imposed on officers in the cases it investigates.<sup>30</sup> The Maryland legislature recently modified the Maryland

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<sup>27</sup> *Id.*; Justin Fenton, *Police Civilian Review Board calls for more authority*, The Baltimore Sun (June 24, 2020), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-civilian-review-board-lawsuit-20200623-krtys44d5bd7tgu6fmezizthbi-story.html>; CRB By-Laws, Article VI, Section 2, <https://civilrights.baltimorecity.gov/sites/default/files/CRB%20BYLAWS%20Final%20Draft.docx>.

<sup>28</sup> Jessica Anderson, *Baltimore police Civilian Review Board no longer required to sign confidentiality deals, city solicitor says*, The Baltimore Sun (Nov. 19, 2018), <https://www.baltimoresun.com/news/crime/bs-md-ci-crb-resolution-20181119-story.html>.

<sup>29</sup> Although the LEOBR has been repealed, the repeal is not effective until July 2022.

<sup>30</sup> Jessica Anderson, *Maryland laws that have long protected police from scrutiny are under pressure as public demands more accountability*, The Baltimore Sun (June 12, 2020), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-police-reforms-20200612-cy63mihhjndvjparmkmoozil3m-story.html>; COTF Report.

Public Information Act to allow police disciplinary records to be disclosed to the public, which will allow the CRB access to these files.

At the same time, the CRB has limited jurisdiction and therefore is only authorized to investigate specific types of cases. Moreover, cases that begin with a complaint filed with BPD are categorized by BPD, which creates the potential for officers to protect their fellow officers by putting cases into categories that CRB is not authorized to investigate. The COTF found that BPD's involvement in the process was one of the causes of the CRB's institutional failure. As of mid-2018, PIB has appointed a "Classification Supervisor" to categorize complaints, and each complaint is manually transmitted to the CRB. The CRB can review these classifications. If the CRB disagrees with a classification it can raise its concerns with the Classification Supervisor, and if its concerns are not resolved, the Chief of PIB and the Administrator of CRB will discuss the disagreement. Any further disagreements can be raised with the Administrative Unit for further discussion that may ultimately involve the Director of the Mayor's Office on Criminal Justice.<sup>31</sup>

There are other reasons for the CRB's historical shortcomings. The CRB has no ability to investigate issues raised in the community unless they are submitted as an official complaint. The CRB also depends on BPD for case referrals and information. CRB members have argued that they do not receive complaints in a timely manner. In August 2016 the CRB and BPD reached an agreement that BPD would forward all complaints that fall within the CRB's jurisdiction. BPD now says that the CRB receives all the cases within its jurisdiction and the Consent Decree requires BPD to promptly refer cases to the CRB. But as recently as 2020, CRB members claimed they were not receiving completed BPD investigations from the Office of Equity and Civil Rights.<sup>32</sup> CRB leadership has asserted that the CRB does not receive all of the evidence and information it needs from BPD in a timely fashion. PIB has committed to communicating more closely with the CRB through monthly meetings and more regular communication between the two entities and has agreed to send all eligible complaints to the CRB within 48 hours of classifying the complaint. In November 2019 BPD granted the CRB access to IAPro, which BPD believes should resolve many of the

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<sup>31</sup> COTF Report; Baltimore Police Department, Public Integrity Bureau Internal Operations and Training Manual (Sept. 2020), Section 1.C IV and VII, <https://public.powerdms.com/BALTIMOREMD/documents/769853>.

<sup>32</sup> 2018 CRB Report; Catherine Rentz, *Police Now Forwarding all Complaints to Civilian Board*, The Baltimore Sun (May 13, 2017), <https://www.baltimoresun.com/news/investigations/bs-md-police-complaints-crb-20170513-story.html>; COTF Report; Lisa Walden Interview, Sept. 17, 2021; Consent Decree, *United States v. Balt. Police Dep't*, 1:17-cv-00099-JKB (D. Md. Jan. 21, 2020), ECF No. 2-2; Jessica Anderson, *Police Civilian Review Board member quits: She cites the panel's 'ineffective' system*, The Baltimore Sun (Feb. 26, 2020), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-crb-member-resigns-20200225-yrdw7mdz5fadlio4s3c3zf5uty-story.html>.

CRB's concerns and will also reduce the burden on PIB and eliminate the need to manually transmit documents and files to the CRB.<sup>33</sup>

### **c. Lack of Resources**

In its 2018 report, the CRB argued that it was understaffed and that this lack of sufficient personnel has prevented it from being able to fully and timely investigate cases. The CRB is assigned four full-time staff members: a supervisor, a special assistant, two full-time investigators, and one part-time investigator. Although there have been times when the CRB has had fewer investigators than it was allocated, it currently has two investigators and a supervisor. The CRB has noted that it employs significantly fewer investigators than comparable boards in other jurisdictions. For example, San Francisco's Department of Police Accountability has one investigator for every 150 officers, while Baltimore's ratio comes out to one investigator for every 1,006 officers (not including the other Baltimore law enforcement agencies under the jurisdiction of the CRB). Similar boards in New York and Washington DC have one investigator for every 300 officers. While CRB's authorized staffing levels would be inadequate by almost any measure, the CRB has operated at times with only one investigator.<sup>34</sup>

In addition to its personnel deficits, the CRB has argued that it does not have the technology it needs to perform its job. The CRB has complained that its case management system is out of date and cannot properly store and track data. The system does not allow investigators to upload data from the field and does not have the capability to analyze and report data in a manner that the Consent Decree requires.<sup>35</sup>

In short, the CRB was launched with high hopes that it would serve a critical role in overseeing BPD and other law enforcement agencies. To date, it has failed to live up to that promise.

## **3. Future of the CRB and Changes Mandated by the Maryland Legislature**

The passage of HB 670 – which effectively repeals the LEOBR – leaves the future of the CRB in question. HB 670 creates a new disciplinary process consisting of three committees: 1) the Police Accountability Board, 2) the Charging Committee, and 3) the

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<sup>33</sup> Baltimore Police Department, Public Integrity Bureau Internal Operations and Training Manual, September 2020, Section 1.C II-IV, <https://public.powerdms.com/BALTIMOREMD/documents/769853>; Lisa Walden Interview, Sept. 17, 2021; Brian Nadeau Interview, Mar. 26, 2021.

<sup>34</sup> Email from L. Walden to R. Peck, Dec. 1, 2021, Re: Civilian Review Board Questions; 2018 CRB Report; Catherine Rentz, *Civilian overseers of Baltimore Police look for way forward*, The Baltimore Sun (Oct. 29, 2016), <https://www.baltimoresun.com/news/crime/bs-md-civilian-oversight-20161029-story.html>; COTF Report.

<sup>35</sup> 2018 CRB Report.



Disciplinary Committee. The functions of these committees overlap with the CRB's current responsibilities.

The Police Accountability Board will receive complaints from the public and will funnel these complaints to law enforcement agencies for investigation. The Police Accountability Board will also review outcomes of trial boards and will also determine whether the Charging Committee is properly performing its job.

The Charging Committee will then review every case involving a civilian complaint and decides if the officer should be charged. The Charging Committee will also review PIB's investigation. The Charging Committee then writes a report with its findings. Because HB 670 does not make any distinction between sustained and unsustained cases, the Charging Committee will be responsible for reviewing cases where PIB did not find enough evidence to sustain the charges.

For cases where an officer is held responsible, the Charging Committee will be responsible for determining the officer's discipline based on the discipline matrix created by HB 670.<sup>36</sup> After making this determination, the commissioner will review the recommendation from the Disciplinary Committee and can increase, but not decrease, the discipline. The officer will then decide whether they will accept the recommended discipline. If the officer does not accept the discipline, the matter will go to a trial board.<sup>37</sup>

Cases that are initiated by BPD – and not by citizens – are not covered by HB 670. Therefore, BPD will have a committee that is responsible for overseeing the process for cases that are not covered by HB 670. BPD will also continue to review and assess its processes if any subsequent changes to HB 670 impact the disciplinary process.<sup>38</sup>

The committees formed by HB 670 have significant overlap with the work assigned to the CRB, which leaves the potential for confusion and redundancy between these new entities and the CRB. Because HB 670 will not go into effect until July 2022, this gives the legislature time to enact changes to the legislation or otherwise decide how to proceed with these overlapping entities. As it currently stands, the CRB remains operative until further action is taken.

#### **D. Complaints and Other Disciplinary Incidents Involving the Defendants**

We describe below the IA and other disciplinary-related investigations involving the defendants based on available BPD records. This list is underinclusive for several

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<sup>36</sup> After July 1, 2022, the Disciplinary Committee will be responsible only for cases that fall outside the scope of HB 670.

<sup>37</sup> Email from L. Walden to R. Peck, Nov. 30, 2021, Re: Civilian Review Board Questions; Lisa Walden Interview, Sept. 17, 2021.

<sup>38</sup> *Id.*

reasons. First, it does not include all complaints involving failures to appear in court or at other appointments, preventable car accidents, or use of force reviews for minor incidents<sup>39</sup> – particularly if they were not sustained. Second, because records were not available in all instances and officers are allowed to request expungement of all but sustained complaints in their records after a certain period of time, it almost surely understates the actual number of complaints involving the defendants. Finally, the list also does not include complaints made after the March 1, 2017, arrest of the original defendants.<sup>40</sup>

The descriptions below are arranged chronologically based on the date of the incident that prompted the complaint. For some complaints, available records contained very little information on the nature of the complaint or the reason for IA's disposition of it. Unless otherwise stated, the source for these descriptions are records provided by BPD and the reference number included is the IA case number.

### **1. April 19, 1997 (#H97079/9D13361) – Allers**

Allers responded to a suspect's house following a "stabbing 10-31" call. The suspect lunged at Allers, and Allers fired one shot from his service pistol. The suspect subsequently died. The Crimes Against Persons Section investigated the incident, determined that Allers's use of force was consistent with BPD policy, and provided a letter to IA memorializing that determination. IA reviewed the report, and did not conduct a separate investigation.

### **2. August 25, 1998 (#1998-1030) – Allers**

A complainant alleged that two officers, one of whom was later identified as Allers, pushed the complainant into a wrought iron fence, resulting in eight stitches, and told him to "just shut up" when he asked the officers what he did wrong.

IA rendered a not sustained finding on allegations of excessive force and discourtesy because of inconsistencies between the accounts of the complainant and the accused officers. However, IA sustained a neglect of duty allegation because Allers and the other officer admitted that the complainant was injured while in their custody and that they did not render aid, notify their supervisor of the injury, or file a report. As discipline, Allers received a simple letter of reprimand, written counseling, and two days suspension without pay.

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<sup>39</sup> Use of force incidents listed here in connection with mandatory use of force reviews were determined to be within BPD policy, unless otherwise noted.

<sup>40</sup> For an overview of post-March 1, 2017, complaints, see ACLU of Maryland, *Chasing Justice: Addressing Police Violence and Corruption in Maryland* (Aug. 2021) at 19-21, [https://www.aclu-md.org/sites/default/files/field\\_documents/aclu-md\\_chasingjusticereport\\_aug2021.pdf](https://www.aclu-md.org/sites/default/files/field_documents/aclu-md_chasingjusticereport_aug2021.pdf).

### **3. 2001 (#2001-1122) – Allers**

Allers was involved in an incident, but little information is known about the nature of it. Maria Korman, trial board counsel, advised the Chief of Internal Affairs in September 2005 that sustained allegations against Allers and three other BPD officers should be changed to not sustained. Korman ordered that the case be administratively dropped due to several unsuccessful attempts to contact the complainant. The records fail to shed light on why the failure to contact the complainant after the allegations had been sustained should have caused the determination to be changed to not sustained and/or administratively dropped.<sup>41</sup>

### **4. September 24, 2002 (#2002-0968) – Gladstone**

A BPD detective reported to IA that he had received information from an informant alleging that Gladstone stopped the informant's vehicle, obtained consent to search his home, and seized 0.5 pounds of marijuana and \$3,400. The informant said Gladstone did not arrest him, but instead agreed to return the money if the informant agreed to arrange a bust involving a local cocaine dealer. The informant said that he arranged the bust, which resulted in the seizure of 6.5 ounces of cocaine, but claimed that Gladstone only returned \$2,360 of the \$3,400 that had been seized.

IA sustained the allegation because Gladstone "failed to follow established procedures concerning the proper recovery, documentation and submission procedures as they relate[d] to the handling of seized currency." BPD Legal Affairs recommended a middle letter of reprimand and four days suspension without pay, but Gladstone ultimately received a middle letter of reprimand with no suspension.<sup>42</sup>

### **5. October 6, 2002 (#2002-U-023043) – Hersl**

Hersl was involved in a physical altercation with a suspect. The mandatory use of force review conducted by the on-scene sergeant reported that Hersl punched the suspect in the head and face with his fist several times, resulting in the suspect being

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<sup>41</sup> The file does not explain whether the findings were changed to not sustained or the case was administratively dropped.

<sup>42</sup> Depending on the seriousness of the disciplinary violation, officers can receive simple, middle, or severe letters of reprimand. According to BPD's 2015 disciplinary matrix, simple letters of reprimand applied to minor disciplinary violations, including "[v]iolations relating to inappropriate comments and gestures." Middle letters of reprimand applied to Category C violations, including "[v]iolations concerning accuracy or completeness of reports," and could be accompanied by two to four days loss of leave and/or two to four days suspension. Severe letters of reprimand generally applied to Category D and E violations, such as use of excessive force and harassment, and could be accompanied by further disciplinary action, including demotion, five to 15 days loss of leave, five to 15 days suspension, and/or involuntary transfer. Policy 310: Disciplinary Matrix, Apr. 9, 2015 (provided by BPD).

<sup>43</sup> Case numbers containing a "U" or "NIC" (standing for Non Investigative Case) indicate use of reviews rather than IA investigations.

hospitalized. The on-scene sergeant was unable to locate any witnesses to the altercation because it occurred in an alley, and he failed to interview the suspect about the altercation. Hersl's major in the Eastern District approved the use of force review, which was also reviewed by the deputy commissioner of operations on October 14, 2002. Available records do not reflect that any additional investigative or disciplinary steps were taken.

#### **6. October 9, 2002 (#2003-0814) – Gladstone**

Following a suppression hearing where US District Court Judge Andre Davis strongly criticized Gladstone and Thomas Wilson III regarding the search of Mason Weaver's home, Weaver filed an IA complaint alleging that the officers misrepresented facts incorporated in an affidavit to obtain the warrant. Weaver also alleged that Gladstone testified untruthfully during the suppression hearing before Judge Davis.

IA ultimately rendered a not sustained finding for the allegation that the officers misrepresented facts in the warrant affidavit, but sustained a neglect of duty and general misconduct allegation based upon the number of errors in the affidavit and because an officer had admitted that necessary information had been excluded. Notwithstanding IA's conclusions, IA took no action against the supervisory sergeant. This incident is described in greater detail in Chapter IV, Section C, of the report.

#### **7. March 18, 2003 (#2003-0216) – Hersl**

A complainant alleged that while off duty at a bar, Hersl and his underaged nephew approached her and three other females. After throwing a carrot at Hersl for making a sexually explicit comment about her, Hersl poured a glass of beer over the complainant before fleeing the bar. The complainant said she chased Hersl outside and began arguing with him, at which point Hersl allegedly struck her in the face with a beer bottle and fled the scene.

Two officers and a sergeant on patrol observed Hersl fleeing from the scene and chased after him. The officers ordered Hersl to get on the ground, but Hersl refused and a struggle ensued. After the complainant identified Hersl as the assailant, he was transported to the Southeastern District station and then the Central District Station where he submitted to a breathalyzer and blew a .087 BAC – four hours after the assault. That same evening, BPD suspended Hersl from duty and suspended his police powers. After a suspension hearing, Hersl's police powers remained suspended, but BPD vacated his suspension from duty status and detailed him to a juvenile detention center. IA reinstated Hersl to full duty on March 27, 2003.

IA interviewed the complainant, three civilian witnesses, and two BPD officers. Two civilian witness confirmed that Hersl made sexually explicit comments to the complainant and then struck her causing the complainant to bleed. The civilian witnesses refused to provide additional information to IA after their initial interviews.

Hersl's nephew admitted that Hersl poured beer over the complainant's head but denied observing Hersl make any discourteous remarks, and made no mention of striking the complainant. Hersl admitted to IA that he poured a beer on the complainant, but denied throwing a bottle at her and claimed he was too intoxicated to recall his interactions with the officers who subdued him. Ultimately the SAO declined to charge Hersl with assault after the complainant declined to press charges.

IA initially issued two sustained findings for misconduct, but the charging committee charged Hersl with three violations: bringing discredit to BPD, obnoxious/offensive behavior while intoxicated, and disobeying the commands of the arresting officers. The committee recommended a severe letter of reprimand, ten days suspension without pay, and alcohol screening. Of note, IA included an assault allegation in its original notification to Hersl, but the charging committee did not charge Hersl for that allegation. Additionally, the IA case file states that Hersl had no prior sustained charges, neglecting his prior sustained neglect of duty charge for failing to appear in court the previous year.

In lieu of a trial board, Hersl accepted responsibility for one of the three charges – engaging in obnoxious or offensive behavior while intoxicated – and the settlement included a reduced punishment: a middle letter of reprimand, five days loss of leave, and alcohol screening.

#### **8. December 10, 2003 (#2003-1156) – Hersl**

In a February 2, 2004 complaint filed with the Civilian Review Board, the complainant alleged that Hersl used abusive language while searching her. According to the complainant, when she pointed out that Hersl had ripped her coat during the search, Hersl responded “Don’t cry now bitch,” twisted her arm while handcuffing her, and threatened her with criminal charges. The complainant also filed a discourtesy complaint at the Eastern District Police Station, in which she alleged Hersl slammed her against the police car and said, “since you want to be a fucking smart bitch, you can go with the other guy,” referring to a third party who was also arrested near the scene.

Two civilian witnesses confirmed to IA that Hersl used profanity while talking to the complainant. William Knoerlein and another officer confirmed that Hersl tore the complainant's coat, but denied observing Hersl twisting the complainant's arm or using the specific profanity alleged by the complainant – an account that Hersl also provided to IA.

IA sustained an allegation of misconduct with inappropriate remarks for Hersl threatening to lock the complainant's “ass up,” but rendered not sustained findings for the misconduct allegations related to the use of the word bitch and for twisting the complainant's arm. In addition, IA found the tearing of the jacket was justified and mailed the complainant a letter instructing her to write to BPD Legal Affairs to make a claim for reimbursement. IA detectives did not investigate the complainant's claim of



harassment, which was included in her Civilian Review Board form, or the allegation that Hersl slammed the complainant against a car. IA's charging committee charged Hersl with two counts of misconduct and recommended non-punitive counseling, which he accepted and received.

Contrary to IA's finding, the Civilian Review Board subsequently sustained the allegation related to abusive language. In response, IA notified the Civilian Review Board that it had already provided Hersl with non-punitive counseling.

#### **9. August 19, 2005 (#2005-U-0150) – Jenkins**

Sergeant Michael Fries submitted a use of force review to IA regarding a physical altercation involving Jenkins and a suspect. The report stated that Jenkins struck the suspect in the face approximately five times after the suspect aimed a gun at Jenkins during a foot chase. The suspect was subsequently transported to a local hospital, where he was treated for facial injuries and photographed by an officer from BPD's Crime Lab. Fries concluded that the use of force was justified and two lieutenants concurred with Fries's assessment. According to the available IA files, no investigator was assigned to investigate the report, and the matter was marked as completed on the same day it was opened.

#### **10. November 9, 2005 (#2005-U-0202) – Hersl**

Hersl and another officer, Frank Nellis, were the subjects of a mandatory use of force review after Hersl and Nellis punched a suspect multiple times during a struggle involving the suspect's arrest. During the altercation, an unmarked police vehicle was dented from "wrestling against the vehicle." Both of the officers' internal memos described the incident in a very similar manner. In the use of force review authored by the on-scene sergeant and reviewed by command staff, the sergeant described his attempts to speak with civilian witnesses, none of whom would cooperate. The suspect, who suffered a swollen right eye, also refused to make a statement and did not want to make a complaint. IA closed the review the same day without any investigation.

#### **11. January 24, 2006 (#2006-0080) – Hersl**

A complainant reported that after observing Hersl and Nellis on the street, he ran because the officers had previously threatened him during an arrest a few days earlier, telling the complainant, "Every time we see you were are going to be beat you up." According to the complainant, after apprehending him, Hersl and Nellis began kicking him in the head and back and stomped on his hand. The officers then unhandcuffed him and released him, but took his cell phone. The complainant later received stitches in his hand and neck at a local hospital.

On March 18, 2006 – less than two weeks after IA notified Hersl and Nellis they were the subject of an IA investigation, but almost two months after the incident occurred – Nellis filed an arrest warrant for the complainant and listed Hersl as a

witness. Asked by IA detectives why he waited nearly two months to arrest the suspect, Nellis stated that he did not want to arrest a suspect with injuries and that he prefers to wait to obtain arrest warrants until he has several warrants that can be signed at once. But Nellis and Hersl arrested a second individual they allegedly observed conducting a drug transaction with the complainant on the same date, yet did not arrest the injured complainant.

During his IA interview, Nellis claimed that the suspect jumped over a barbed wire fence during a foot chase and they found him bleeding in a backyard. Nellis stated that the complainant refused medical treatment and he never handcuffed the complainant. This contradicts Hersl's statement to IA, who claimed that when he arrived on scene, Nellis had already handcuffed the complainant whose hands were bleeding. According to Hersl, Nellis told Hersl that the complainant cut his hands on the fence, and the officers released the complainant because they did not want to do a hospital detail. The officers did not document the encounter or photograph the complainant's injuries in either a separate citizen contact report or in the arrest report of the other party to the drug transaction.

At the conclusion of its investigation, IA did not sustain the allegations of excessive force and inappropriate remarks, but it did sustain two neglect of duty allegations against each officer for failing to report the incident and failing to render aid. IA also sustained a false statement allegation against Nellis. IA's charging committee filed five charges against Hersl and recommended a middle letter of reprimand and four days consecutive suspension without pay. Hersl accepted responsibility and received a non-punitive counseling letter, but in an administrative memo to his major, Hersl reiterated that he offered the complainant medical attention. In contradiction to his prior statement to IA, Hersl wrote, "Why should I be held responsible for a prisoner that I was not even the arresting officer for nor did I come in contact with." IA also filed six charges against Nellis and recommended termination, but he received only a simple letter of reprimand after agreeing to forego a trial board.

Seventeen months later, the Civilian Review Board reviewed the excessive force allegation against both officers, which IA did not sustain. Citing the officers' contradictory statements, the CRB disagreed with IA's findings and voted to sustain the excessive force allegation against Nellis and recorded a tie vote as to Hersl.

## **12. October 16, 2006 (#2006-1858R) – Gondo**

A complainant was arrested following a physical altercation with a male. After her arrest, she alleged that she requested a medic because she was experiencing chest pains from the altercation, but that Gondo refused to call an ambulance, instead telling her that her chest was in pain because she was going to jail. After booking, when the complainant was finally able to go to the hospital, she was treated for a chest wall injury and a shoulder strain. BPD did not keep records on this case, which indicates the

complaint was likely not sustained and was later expunged. The only record of the case was a brief summary included in a subsequent investigation of Gondo for misconduct.

### **13. August 1, 2007 (#2007-U-0124) – Hersl**

Hersl was the subject of a use of force review after injuring a suspect's arm while attempting to handcuff her. According to the report, while pushing the subject's shoulder forward to straighten her arm and handcuff her after she walked away from police, the subject's arm "popped." The reporting on-scene sergeant observed the incident and called for the ambulance that transported the subject to Johns Hopkins for treatment. A civilian witness reported that the subject was acting out of control and the officer acted appropriately. Hersl's lieutenant and major approved the use of force, and IA closed the review without any investigation. The report failed to include Hersl's use of force history, photos of the injury, or any medical reports from Johns Hopkins Hospital.

While the use of force report states the complainant's arm popped, Hersl actually broke the subject's arm. The city settled a subsequent civil lawsuit against Hersl and the on-scene sergeant in 2008 for \$50,000.<sup>44</sup> Of note, Hersl later obtained an arrest warrant charging her with resisting arrest, failure to obey and disorderly conduct, all of which were eventually dropped.

### **14. October 2, 2007 and April 21, 2009 (Case # Unknown) – Hersl**

In 2007, Eric Rich filed an IA complaint after his arrest alleging that Hersl had threatened to plant a gun on him a week prior to arresting him on October 2, 2007, for possession of a firearm. After eight months of pre-trial detention, federal prosecutors dropped the criminal charges against Rich after his defense attorney sought access to Hersl's IA files.

Two years after the incident, in April 2009, the complainant filed a complaint with IA alleging that Hersl and the same officer who arrested him in October 2007 threatened to plant a gun on him in an effort to have federal prosecutors charge him again. While IA identified the second officer involved and named Hersl in its summary of the incident, there is no record of the complaint in Hersl's IA file. After Hersl's arrest in 2017, Rich filed a lawsuit in relation to the 2007 incident alleging Hersl and Moss falsely arrested and detained and assaulted Rich without probable cause.<sup>45</sup>

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<sup>44</sup> See Mark Puente, *Some Baltimore police officers face repeated misconduct lawsuits*, The Baltimore Sun (Oct. 4, 2014), <https://www.baltimoresun.com/news/investigations/bs-md-police-repeaters-20141004-story.html>.

<sup>45</sup> *Rich v. Hersl, et al.*, No. 1:20-cv-00488-ELH (D. Md. Feb. 24, 2020). The case remains open, and Hersl filed an Answer to the complaint on Feb. 2, 2021. The plaintiff, Eric Rich, is currently incarcerated on unrelated charges.

#### **15. November 20, 2007 (#2007-0252) – Gondo**

Gondo was the subject of a use of force review in connection with punching a suspect in the face. A group of officers, including Gondo, allegedly observed the complainant engaged in illegal activity and chased him into a secluded, grassy area. The officers claimed that the suspect slipped in the grass, hit his head on a metal fixture, and then overpowered the officers, dragging Gondo to the ground in the process. The officers claimed that Gondo punched the suspect in the face because Gondo feared for his life.

In the use of force report for IA, Gondo claimed that the suspect was reaching for his waistband. After allegedly “slipping” and getting punched, the suspect was transported to the hospital for treatment. The IA review found that Gondo acted in line with Department policy.

#### **16. December 27, 2007 (#2007-2071R) – Jenkins**

A complainant alleged that following his arrest, Jenkins placed him in a BPD van and failed to fasten his seat belt. While transporting the complainant to the Northwestern District, Jenkins reportedly stopped the vehicle abruptly, causing the complainant to “jerk forward” and fall, causing injuries to his knee, neck, and back. The complainant was then transported to a local hospital where he was treated for his injuries. Sergeant Michael Fries visited the complainant at the hospital and completed an incident report, which was forwarded to IA the following day.

On January 3, 2008, IA referred the complaint to Jenkins’s commanding officer in VCID. On the same day, the matter was logged as completed, and its disposition was entered as not sustained. Based on available records, it appears that no investigation into the complaint was conducted following IA’s referral to VCID.

#### **17. March 29, 2008 (#2008-0540R) – Jenkins and Hersl**

Jenkins and Hersl answered a call during which they received a description of a suspect reportedly armed with a gun and possessing narcotics. Shortly thereafter, Jenkins and Hersl spotted the complainant, whom the officers described as matching the description provided of the suspect. Hersl and Jenkins claimed that they observed the suspect ingest what appeared to be a controlled or dangerous substance, and then flee. According to the officers, following a brief pursuit, the complainant fell and was captured and searched by Jenkins, who found neither a firearm nor narcotics in his possession. In his IA complaint, the complainant denied that he fled the officers, and reported that, without warning, Jenkins struck his upper chest and lower neck, causing him to fall to the ground and injure his right arm. Moreover, contrary to the officers’ claims, the complainant also denied that he had taken drugs, and explained that he was “a recovering addict who [] has been clean for [four] months.”

On April 4, 2008, IA referred the complaint to VCID. As part of the command investigation, Hersl's lieutenant interviewed the complainant, took pictures of his injuries, and noted he appeared to be drunk during the interview. IA closed the case without any investigation and without requiring a prior use of force history. There are no records reflecting that VCID took any action after IA referred the complaint to it.

#### **18. April 1, 2008 (#2008-0556) – Gladstone and Rivera**

A complainant alleged that during the arrest of his nephew and the subsequent search of the nephew's apartment, Rivera used excessive force. According to the probable cause state underlying the nephew's arrest, during the arrest, Rivera, Gladstone, and Craig Jester recovered drugs and a utility bill for a Pentland Drive apartment. The arresting officers asked the complainant's nephew whether he knew anyone who lived at the Pentland Drive apartment, and the nephew said he did not. Gladstone then told the nephew that he believed that there were additional drugs at the apartment, and the officers transported the nephew to the apartment. According to the report, the nephew attempted to flee, and after a brief chase, Rivera reportedly caught and "beat him up," causing injuries that required stitches.

After the complainant's nephew was subdued, according to the probable cause statement, the officers confirmed that his keys "activated the locking mechanism of the door" to the Pentland apartment. The officers then reportedly secured the apartment "pending the issuance of a search warrant." Hours later, Jester and Gladstone executed a search and seizure warrant at the apartment, recovering narcotics, a handgun, and more than \$14,000.

Following the arrest, the complainant filed a complaint. IA met with the complainant's nephew on June 10, 2008, at which time he said he did not wish to proceed with the complaint out of fear of compromising his criminal trial. Citing this request, IA submitted the case for administrative closure shortly thereafter.

Approximately nine months later, in March 2009, the nephew contacted BPD, stating that he wished to reopen the complaint. At that time, IA discovered that the criminal charges against the nephew had been dismissed after his attorney suggested that potential police misconduct was involved in the search. The attorney claimed to have two witnesses who would testify that the officers obtained the search warrant *after* they had already searched the home. IA notified the nephew that it would not reopen his case, as "the Maryland [excessive force] statute ninety-day limit has passed" and "this Division has not been afforded adequate time to conduct a thorough and impartial investigation . . ." IA also contacted the Assistant State's Attorney (ASA) involved in the nephew's case, who advised that she saw no impropriety on the part of the officers. Based on the available IA records, it appears that IA's probe ended following its discussion with the ASA.



#### **19. April 22, 2008 (#2008-0664) – Jenkins**

A complainant alleged that Jenkins used excessive force during the arrest of her 14-year-old son, who was a passenger in a stolen vehicle that Jenkins had stopped. During the arrest, Jenkins allegedly struck the complainant's son in the face 12 to 13 times, causing an injury to his eye and jaw that required medical treatment. On May 13, 2008, after two failed attempts to contact the complainant, IA administratively closed the matter.

#### **20. August 1, 2008 (#2008-1305) – Gondo and Ward**

According to a complaint received by IA, Gondo and Ward rode in an unmarked vehicle driven by another BPD officer. That BPD officer intentionally ran the police car into a fleeing suspect on a bicycle, causing the suspect to injure his leg. The suspect told IA that Gondo and Ward then kicked and punched him. Rayam, Gondo, and the BPD officer who was driving the car denied that Gondo and Ward assaulted the suspect, and the complaints against Gondo and Ward were not sustained. The complaint against the driver for excessive force was sustained because he admitted to "tapping" the suspect's bicycle to stop him from fleeing.

#### **21. September 15, 2008 (#2008-1541) – Jenkins**

A complainant reported that Jenkins approached him outside a grocery store, and referred to him using a racial slur. After a verbal altercation that ensued, Jenkins arrested the complainant and allegedly used excessive force, striking him in the eye. In addition, the complainant alleged that he was falsely arrested and that Jenkins falsified the statement of probable cause – in which Jenkins wrote that the complainant had been the aggressor and had directed racist slurs at Jenkins – in order to justify the encounter.

On October 2, 2008, an IA investigator contacted the complainant, who stated that he did not wish to proceed with the matter. Citing the complainant's lack of cooperation, IA deemed the allegations against Jenkins unfounded, and closed its investigation.

#### **22. March 6, 2009 (N/A - case investigated by Homicide, not IA) – Rayam**

On March 6, 2009, Rayam shot and killed Shawn Cannady in the 2800 block of West Garrison Avenue. According to an internal report, Rayam, Jason Giordano, and Tariq Edwards were driving past an alley near the 2800 block, when they saw Cannady with his "hands in his waist area." Suspecting that he could be carrying a weapon, the officers pulled their vehicle into the alley and saw Cannady and another individual sitting in the front of a vehicle. The officers got out of their car, with badges hanging from their necks, and Rayam shone a flashlight into the vehicle. According to BPD's records, Cannady "attempted to escape by striking Giordano in the right leg," and Rayam fired one bullet into the vehicle in an attempt to stop what he claimed to be an

attempt to hit the officers. The bullet struck Cannady, who died two days later. Immediately after the shooting, Rayam was placed on medical leave.

Gondo later testified that Dean Palmere visited the scene of the shooting, and that Palmere coached Rayam on what to say to avoid punishment. During his interview with federal investigators, Gondo alleged that he heard about the coaching from Tariq Edwards, who was on the scene. According to members of PIB, the Department investigated the allegation but found no evidence to substantiate it; Palmere denied these allegations. Following an investigation conducted by BPD's Homicide unit and the SAO, Rayam was cleared in the shooting on August 20, 2010.

### **23. April 22, 2009 (#2009-0707) – Jenkins**

A complainant alleged that Jenkins used excessive force while arresting her son, striking him in the face repeatedly with a closed fist and calling him a "piece of shit." While in police custody, Jenkins allegedly kicked the complainant's son and again called him a "piece of shit." The complainant's son was later treated at a local hospital for bruised ribs and a laceration above his eye.

On May 5, 2009, the complainant informed IA that, in accordance with the advice of her attorney, she wished to withdraw her complaint. Citing this request and the lack of cooperation, IA deemed the allegations against Jenkins not sustained, and closed the investigation.

### **24. May 27, 2009 (#2009-2411) – Jenkins**

A complainant alleged that two plainclothes officers, who were later identified as Jenkins and Craig Jester, seized \$2,042 from him during an arrest for narcotics violations. The officers allegedly stole \$2,000 of the seized money and reported only \$42 to Evidence Control. During IA's investigation, it found that the charges against the complainant were subsequently dismissed by the SAO. The complainant explained to IA that he waited 10 months before reporting the matter due to his then-ongoing court proceedings.

In March 2010, the complainant spoke with IA and stated that he no longer wanted to pursue the investigation. Citing the complainant's lack of cooperation, IA deemed the allegations against Jenkins and Jester not sustained, and closed the matter.

### **25. June 8, 2009 (#2009-1060) – Rayam**

According to a complaint filed by Gary Brown, Rayam, Michael Sylvester, and Giordano allegedly stole a duffle bag from the complainant's trunk that contained \$11,000 in cash that he was intending to deposit at a bank. This incident, the IA investigation, and the disposition are described at substantial length in the body of the Report in Chapter V, Section L.

#### **26. January 7, 2010 (#2010-0036) – Hersl**

According to a complaint filed with IA, Hersl told the complainant's mother to "Shut the fuck up and stay in the house," while arresting the complainant's siblings. The complainant reported the incident to IA the next day and stated that he could not see the officers because his mother and niece were standing in the door blocking his view. IA contacted the complainant's mother to make a positive identification, and the mother subsequently called IA on January 11 and reported that the accused officer also "slapped" her on the head and told her to "Shut the fuck up." IA administratively closed the case on January 27 without specifying the reason for the closure.

#### **27. March 19, 2010 (#2010-0554R) – Louvado**

A citizen filed a complaint against Louvado alleging false arrest and harassment. IA dismissed the complaint because it found that the complainant "was, in fact, not arrested during the event and nothing in her complaint [rose] to the level of Harassment." IA subsequently referred the complaint to VCID's CIU for "further action" because it determined that the complaint fell "within the scope of command responsibility." VCID's CIU informed the complainant and Louvado regarding IA's final determination.

#### **28. May 1, 2010 (#2010-0690/#2010-0791) – Hendrix**

According to a complaint, Hendrix and Officer Steven Reed allegedly used excessive force during an arrest. Little is known about this incident beyond that it occurred on May 1, 2010, and the external complaint was filed two days later. An internal tracker of IA cases from 2010 notes that "the five-day letter regarding this incident was returned undeliverable" and that the complaint was administratively closed on July 27, 2010.

A separate internal ledger of IA cases notes that an additional IA case, 2010-0791, was opened following the filing of a complaint by the original complainant's mother. The ledger notes that Reed and Hendrix, who was "assigned to the Academy" at the time of the incident, allegedly approached the complainant and punched him in the eye. Pictures taken of the suspect showed that he had "an obvious bruised right eye." The officers' statement of probable cause reported that Reed used self-defense and that the complainant was "yelling obscenities" and had assumed "a fighting stance." The ledger further notes that the case was assigned to IA and was closed "for lack of cooperation."

#### **29. June 2, 2010 (#NIC 10-0243) – Hersl**

Hersl and another officer witnessed a suspect engage in a hand-to-hand drug transaction. Hersl and the second officer approached the suspect and attempted to arrest him, at which time a struggle ensued. Hersl tackled the suspect from behind and handcuffed him. The report states that the suspect suffered a laceration and swelling

above his left eye, allegedly caused by the suspect's face striking the pavement when Hersl tackled the suspect from behind. The suspect was transported to the hospital, and the crime lab took photos of the injuries.

As a result of the incident, Hersl's sergeant, John Burns, submitted a mandatory use of force review, which was approved by Hersl's lieutenant and major. The suspect declined to speak with Hersl's sergeant about the incident, and Burns did not interview the second officer about it. IA administratively closed the case on September 23, 2010, without further investigation.

### **30. June 7, 2010 (#2010-0865) – Jenkins**

A complainant alleged that Jenkins and Sean Suiter used excessive force against him by beating and choking him during his arrest for drug possession. The complainant also alleged that the officers threatened to "put a drug hold on his vehicle" if he reported the assault. In addition, the complainant alleged that one of the officers called him a racial epithet and said, "Good, I hope you die [slur omitted]," after he told the officers that he suffered from asthma. The complainant further alleged that, although he had been in possession of only two bags of marijuana, he was charged with possession of five.

On June 10, 2010, IA sent a certified letter to the complainant that was returned to the Department. IA investigators also called the complainant's home twice and were unable to reach him on either occasion. On August 31, 2010, IA deemed the allegations against Jenkins and Suiter not sustained, citing the complainant's lack of cooperation with the investigation.

### **31. June 24, 2010 (#2010-0954) – Hersl**

A complainant reported to the Civilian Review Board that her son was searched and thrown in the back of the accused officer's vehicle and driven around. She alleged that the officers assaulted, threatened, and planted drugs on her son. IA received the case on July 4 and mailed a letter to the complainant two days later. On April 25, 2011, IA found the charges of excessive force, harassment, false arrest, discourtesy, and several other charges against Hersl and two other officers not sustained or unfounded, and the case folder was sent to the Civilian Review Board the next day. Available records do not reflect whether the Civilian Review Board took any action related to this matter.

### **32. September 1, 2010 (#NIC 10-0262) – Hersl**

Following a stop, Hersl allegedly chased after Charles Faulkner and tackled him to the ground, causing him to suffer lacerations on the lip and chin and a broken jaw in two places. Faulkner was transported to the hospital and admitted for jaw surgery.

Hersl's sergeant responded to the hospital to interview Faulkner, but did not ask how he broke his jaw, noting only that Faulkner said he was tackled from behind and he did not know by whom. Burns submitted a mandatory use of force review identifying Hersl as the officer involved, which was approved by Hersl's lieutenant and major. IA administratively closed the case on September 29, 2010, without conducting an investigation.

In a subsequent civil lawsuit filed in August 2013, Faulkner said Hersl beat him in the face with his fists and a police radio, causing not only a broken jaw but a fractured nose and loss of consciousness. The city settled the case for \$49,000 in September 2014.<sup>46</sup>

### **33. October 28, 2010 (#2010-1328) – Hankard**

According to a complaint, during a field interview of an African American male, Hankard, threw the interviewee's identification card to the ground and said to him, "You know your [sic] acting like a real n\*\*\*\*r right now." This incident, the IA investigation, and the disposition are described in the body of the Report in Chapter X, Section M.

### **34. March 10, 2011 (#2011-0143) – Hersl**

A complainant reported to the Civilian Review Board that he was picked up by a taxi cab and shortly thereafter police officers attempted to stop the vehicle. Fearing for their safety, the driver and complainant fled in the cab. When officers stopped the car, the officers punched the complainant and arrested him and stole \$375 from him. Officers submitted \$265 according to evidence control, and IA noted that the involved officers included Hersl and four other officers. IA issued not sustained or unfounded findings on the allegations on February 8, 2012, and sent the case to the Civilian Review Board the next day. Available records do not reflect whether the Civilian Review Board took any action related to this matter.

### **35. September 1, 2011 (#2011-0642) – Hersl**

A complainant alleged that officers raided his girlfriend's home, seized several pieces of jewelry, and arrested his girlfriend. The complainant stated that he was not present for the raid, but the officer who seized the jewelry was Hersl. According to evidence control, no jewelry was submitted in relation to the raid. IA administratively closed the allegations of theft against an "unknown officer" on September 6, 2011.

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<sup>46</sup> *Faulkner v. Hersl*, 24-c-13-005352 (Balt. City Cir. Ct. Aug. 18, 2014); Mark Puente, *Some Baltimore police officers face repeated misconduct lawsuits*, The Baltimore Sun (Oct. 4, 2014), <https://www.baltimoresun.com/news/investigations/bs-md-police-repeaters-20141004-story.html>.



### **36. September 22, 2011 (#2011-0687) – Hersl**

A complainant alleged that Hersl and two other BPD officers struck his ATV with their police vehicle and put him in a chokehold on the ground while two other officers tased him. The complainant was transported to the hospital. IA investigated the allegations of excessive force and administratively closed the case on October 19, 2011.

### **37. October 6, 2011 (#2011-0732) – Hersl**

A complainant alleged that several officers, including Hersl, arrested him based on a false statement of probable cause. The complainant also alleged that after arresting him, the officers went to the complainant's address in Essex and searched his house without probable cause or a search warrant. IA administratively closed the case on December 2, 2011.

### **38. October 30, 2011 (#2011-0800) – Hendrix**

Hendrix allegedly mishandled \$75 in cash belonging to the complainant. The complainant alleged that the cash had been located in his wallet and that Hendrix confiscated his wallet during a search incident to his arrest for driving a stolen vehicle. Due to the complainant's unwillingness to cooperate in the investigation, the matter was administratively closed on January 3, 2012.

### **39. November 27, 2011 (#2011-0869) – Hendrix**

The complainant alleged that Hendrix and a police officer trainee accompanied a suspect of a domestic argument into her home and took \$50 from her living room. Hendrix and the other officer denied the allegation and stated that they had accompanied the suspect to retrieve his cell phone and promptly left the residence. One month later, after speaking with IA, the complainant completed a statement of withdrawal, and the matter was administratively closed.

### **40. December 24, 2011 (#CIU 11-05614) – Taylor**

After a lieutenant ordered Taylor to arrest a suspect, Taylor took the suspect into police custody and transported her for processing. Rather than arrest her as ordered, Taylor issued a citation and released the suspect. The lieutenant subsequently reported Taylor for neglect of duty and insubordination. IA initially suspended Taylor with pay on December 27, 2011, but after a suspension hearing the following day, Taylor returned to full duty. Ultimately, IA charged Taylor with general misconduct, not insubordination or neglect of duty. The charge was sustained on December 11, 2012, and resulted in non-punitive counseling. IA files reflect that Taylor was sent a letter on January 21, 2013, documenting the sustained charges, but Taylor's files do not include documentation of the letter or that he received non-punitive counseling.

#### **41. December 12, 2011 (#2012-0233) – Allers**

The complainant, who was incarcerated at the time, wrote a letter to the IA alleging that he was standing in the unit block of S. Carey Street talking to a friend when he was approached by Allers, John Clewell, and two other BPD officers. The complainant stated that he had an unrolled cigar in his pocket but he did not have any marijuana. The officers handcuffed him and walked him to his friend's house. The complainant reported that the officers found contraband inside of the house and obtained a search and seizure warrant for the location. In his complaint, he alleged misconduct, violation of a criminal statute, and use of a false search warrant. IA investigated the incident, which resulted in a decision to administratively close the case.

#### **42. February 18, 2012 (#2012-0081) – Rivera**

On February 21, 2012, three days after IA was notified, Rivera was medically suspended from duty and sent to Mercy Medical Center in connection with concerns of "excessive drinking and the recent larceny from his vehicle during which his weapon and other departmentally issued equipment were stolen." According to IA records, while Rivera was at a bar, his BPD-issued service weapon, ammunition, a police radio, handcuffs, and BPD badge were stolen from his personal vehicle. Following an IA investigation, in April 2013, Rivera received a severe letter of reprimand and ten-day suspension without pay, and was required to pay \$85.86 in restitution for the stolen handcuffs and flashlight.

#### **43. February 21, 2012 (#2012-0145) – Hendrix**

A complainant filed a complaint with the CRB alleging that Hendrix had slammed him against a wall, searched him, and arrested him without cause. The complainant alleged that Hendrix did not locate any drugs on the complainant's person during the search, but that Hendrix later advised the complainant that he had found heroin in the complainant's possession. The complainant further alleged that Hendrix had harassed him on multiple occasions, including by "strip searching" him during a previous encounter. The complainant also alleged that Hendrix had told the complainant that he would "get [the complainant] one way or another" and that he would "use the extra money from what he gets off you dumb assholes."

On April 3, 2012, the complainant submitted a statement of withdrawal, noting that he "wish[ed] to consult [his] attorney" as the reason for the withdrawal. Citing the complainant's lack of cooperation, IA administratively closed the matter.

#### **44. February 27, 2012 (#NIC 12-0050) – Taylor**

Taylor was the subject of a mandatory use of force review after he punched a citizen. Taylor ordered a group of individuals to disperse from the steps of a residence. After one member of the group started walking away, Taylor attempted to stop him to verify whether he was the subject of an outstanding warrant. The citizen unsuccessfully

attempted to hit Taylor, and Taylor responded with two punches to the citizen's face. Taylor then placed him under arrest for assaulting a police officer. Taylor later determined the possible warrant was a juvenile detainer that had not been removed from the warrant database. The on-scene sergeant submitted a use of force report, and IA administratively closed the review on May 3, 2012, without any investigation.

#### **45. April 9, 2012 (#NIC 12-0064) – Hersl**

Hersl was the subject of a mandatory use of force review for striking a suspect during a struggle. According to the use of force report, after observing a suspect engage in a drug transaction, Hersl and three other officers chased the suspect. The suspect tossed away a gun and drugs during the chase, and Hersl and a second officer tackled and arrested him. According to the review submitted by the on-scene sergeant, the suspect struck Hersl while on the ground.

A supplemental memo authored by an on-scene officer stated that during the struggle to handcuff the suspect, Hersl pressed his knee down onto the suspect's shoulder. According to the hospital report, the suspect suffered chest pains, as well as abrasions and contusions on his head and face above his right eye. The facial injury was reported in the mandatory use of force review but omitted from the police report, which only documents the chest pain and Hersl's own abrasions.

John Burns, who himself was involved in the foot chase, conducted the use of force review, and the report was not signed off on by Hersl's chain of command. IA administratively closed the case it had opened without taking any additional investigative steps.

#### **46. April 10, 2012 (#CIU 12-01724) – Gondo**

A BPD officer reported that Gondo had a non-departmental firearm round in his service weapon. When the issue was investigated, Gondo claimed that he was cleaning his service weapon and his personal weapon and mixed up the rounds. Gondo was found guilty of irresponsibility with his equipment, and he received guidance and counseling as a punishment.

#### **47. May 19, 2012 (#2012-0382) – Ward**

Ward allegedly dragged Tiyon Williams down a set of steps, stomped on him, and kicked him. Williams was taken to the hospital with a broken nose and lacerations on his face. Although the officers on the scene testified that Ward was the officer who confronted Williams, many of them minimized his actions. Only one officer, a cadet in field training at the time, corroborated the account described by civilian witnesses. Notably, the use of force report drafted by Lieutenant Fried, the most senior officer on the scene, described Ward as encountering Williams while he was running, but omitted any mention of Ward kicking or dragging him. Fried also allegedly confronted a

witness to this case, Officer Danika Bell, about her testimony against Ward, which resulted in IA issuing a gag order.

The SAO initially mistakenly charged another officer in connection with the incident. After conducting interviews, they realized that Ward was the perpetrator of force against Williams, dropped the criminal charges against the original officer, but did not charge Ward, leaving the decision to bring administrative charges up to IA.

BPD failed to adequately follow up on this incident in the first instance, and did not conclude its investigation until December 2014—more than two years later. IA initially sustained one excessive force and one general misconduct charge against Ward. IA reasoned that Ward, based on the totality of the circumstances, unreasonably kicked Williams in violation of BPD's rules and regulations. Ten days later, IA changed course and found that the excessive force and general misconduct charges against Ward were not sustained because the "statute date for administrative charges ha[d] come and gone." IA blamed this error on the SAO even though the administrative limitations period is generally tolled while the State's Attorney's office reviews the case. The file does not reflect whether that occurred during the period while Ward was himself under investigation, or whether a declination letter was issued by the SAO.

BPD ultimately settled Williams's civil case against Ward and the Department for use of excessive force in July 2016 for \$150,000. When describing the case, a member of Baltimore's Board of Estimates opined that it was "not a pretty set of facts."<sup>47</sup>

#### **48. June 19, 2012 (#2012-0475) – Hendrix**

A complainant alleged that on June 19, 2012, she reported to BPD that her boyfriend had assaulted her and taken her car keys. Four officers responded to her residence, and she alleged that Hendrix said, "Fuck it. Put handcuffs on this bitch." The complainant reported that she was then arrested because the officers reportedly could not determine whether she or her boyfriend had been the aggressor. The complainant further alleged that BPD officers had harassed her previously and had falsely arrested her earlier in 2012.

On July 5, 2012, the complainant contacted the Mayor's Office of Constituent Services, reporting that she had been repeatedly falsely arrested by Hendrix, a BPD sergeant, and two other officers for making a report to IA, and that IA had not resolved the situation. A few days later, after scheduling an appointment to speak with IA investigators, the complainant submitted a statement of withdrawal because she felt she would not be able to prove the allegations against the officers. IA deemed the allegations not sustained and administratively closed the matter.

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<sup>47</sup> Luke Broadwater, *Baltimore settles police brutality lawsuit for \$150,000*, The Baltimore Sun (July 13, 2016), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-police-settlement-20160713-story.html>.

#### **49. June 28, 2012 (#2012-0493) – Hersl**

On June 28, 2012, a complainant alleged he was harassed by a Organized Crime Division unit and requested that IA investigate his arrests dating back to 2002. IA investigated allegations of harassment against Hersl and two other officers and determined the allegations were unfounded. Available records do not reflect that any additional investigative or disciplinary steps were taken.

#### **50. June 28, 2012 (#2012-0523) – Hersl**

On July 9, 2012, a complainant contacted IA and advised that on June 28, 2012, an officer, later identified as Hersl, came into her home through an unlocked door while she was inside. According to the complainant, when she asked why he was in her home, the officer said, “I can call the rental officer and get this mother fucker kicked in.” The officer had a key in his hand and was attempting to see if the key would function in the apartment door’s lock. Neighbors informed the complainant of Hersl’s identity. Available records do not reflect that any additional investigative or disciplinary steps were taken.

#### **51. July 20, 2012 (#CIU 12-03411) – Hendrix**

The complainant, who had recently filed a related complaint against Hendrix, *see* IAD 2012-0475, alleged that Hendrix and other BPD officers had repeatedly harassed her and had visited her grandmother’s residence on multiple occasions, falsely alleging that she was wanted on a warrant. IA investigators subsequently spoke with the complainant, who further alleged that Hendrix was a friend of her ex-boyfriend and that the ex-boyfriend had assisted Hendrix with obtaining warrants against her in the past.

IA’s investigation file notes that the complainant’s report would be forwarded to the Western District’s CIU for further investigation and that IA closed its investigation on August 15, 2012. Available records do not reflect that any additional investigative or disciplinary steps were taken by the Western District’s CIU. Given the timing of the matter’s disposition, it appears that IA closed the matter based on its findings in case 2012-0475 (above).

#### **52. August 6, 2012 (#NIC 12-0134) – Hersl**

A suspect approached Hersl and allegedly reached for his service weapon and then attempted to punch him. Hersl tackled and then repeatedly punched her in the face. She was transported to the hospital for a laceration and contusion on her left eye.

Three civilian witnesses filed complaints against Hersl for punching the suspect. One witness provided Hersl’s sergeant with a video recording of the incident and a second stated the individual had a psychiatric condition. Hersl’s sergeant, who submitted a mandatory use of force review, responded to the hospital and interviewed

the individual, who admitted she tried to reach for Hersl's service weapon. The individual was then transported to Central Booking, but Central Booking's medical staff refused to book her because she had not been X-rayed. IA administratively closed the case on August 9, 2012, without conducting an independent investigation.

#### **53. August 28, 2012 (#2012-0629) – Hersl**

A complainant alleged that Hersl and a sergeant harassed him about his sexuality during a search and broke his cell phone. Before the stop was concluded, Hersl allegedly said, "Call Internal investigations, I am pretty sure they have enough reports about me in this district." Hersl also threatened to have one of his fellow officers plant drugs on the complainant. The complainant stated he did not receive any reports or receipts for the interaction. A few days later, IA interviewed the complainant and a witness, and recorded both interviews. Over three weeks later, IA attempted to have the complainant and witness read over and sign the transcribed statements, but neither party responded to IA's phone calls. Thereafter, IA administratively closed its investigation.

#### **54. September 25, 2012 (#2012-0695) – Hersl**

A complainant alleged that Hersl had been harassing him since 2006, when Hersl arrested him for drug possession. The complainant stated that on September 25, 2012, Hersl searched his vehicle without consent and when he did not find drugs, Hersl told the complainant that he needed to surrender two firearms or Hersl would continue an investigation into complainant's girlfriend. The complainant also stated that Hersl promised to pay him money for information. The complainant noted that there was no probable cause for the stop, about eight other officers were present, and he received no citations or receipts for the stop. IA attempted to contact the complainant multiple times with no results, and on January 3, 2013, IA administratively closed its investigation.

#### **55. October 1, 2012 (#2012-0702) – Rivera**

On October 1, 2012, Rivera was suspended with pay following a DUI arrest. Following Rivera's DUI arrest, IA opened an investigation that ultimately lasted one year and resulted in Rivera receiving a severe letter of reprimand and a 15-day suspension. In addition, Rivera was required to complete a fitness for duty evaluation and alcohol evaluation.

#### **56. October 30, 2012 (#2012-0857) – Gondo and Rayam**

Gondo and Rayam reportedly stole \$654 from a suspect, which the suspect reported to IA. The complainant also accused Gondo and Rayam of pulling him over without any probable cause and planting marijuana in his car. During the complainant's IA interview, the investigator argued with the complainant about where the cash came from, and sharply criticized the complainant for waiting two months to



report the theft. The complainant explained that he did not know where to bring his complaint until the judge in his case, to whom he reported the incident, told him to speak to IA. Despite harsh criticism from IA during his interview, the victim maintained, “He definitely took that money and all I can say is he’s lying. He took it . . . and . . . like I say like it’s not the first time he probably did it and it’s not going to be the last time and it’s a damn shame at the same time.” It was not clear whether the complainant was referring to Gondo or Rayam.

Gondo and Rayam were not interviewed about the complaint until almost a year after it was submitted, at which point they denied the theft. Their combined interviews lasted less than thirty minutes. The IA investigator did not contact the judge who allegedly referred the complainant to IA, never spoke with the complainant’s attorney, and never contacted any of the complainant’s friends or family members who could confirm that the complainant’s story remained consistent over the course of numerous conversations about it. After the complainant’s first interview, he did not return to the Department and the complaint was not sustained.

After his arrest, Gondo admitted to this theft, noting that it occurred during one of their first stops after Rayam returned from suspension. He confirmed that the theft was secret, even though the GTTF’s lieutenant participated in the stop.

#### **57. April 22, 2013 (#2013-0072) – Ward**

According to a use of force report written by Ward’s sergeant, witnesses claimed that Ward and another officer hit a suspect while placing him in handcuffs. The other officer admitted that he hit the suspect, but claimed that he ceased use of force once the suspect was subdued, and Ward and a third officer confirmed this account. A witness who claimed to have video footage said that all three officers beat the suspect. The witness declined to show the footage to the officers’ supervisor because the witness wanted to show it to IA instead. The mandatory use of force review found that the other BPD officer struck the suspect, but that this use of force was consistent with BPD guidelines because it was necessary to effectuate the arrest. It does not appear that IA separately investigated this complaint.

#### **58. May 13, 2013 (#CIU 13-00240) – Hendrix**

According to a complainant, Hendrix and another officer placed him in a Northwestern District station interview room, where Hendrix opened the complainant’s pants and looked at his genital area. Hendrix then allegedly said, “I’m not leaving until I see your asshole.” The complainant further alleged that Hendrix then advised him that he had been stopped for a controlled or dangerous substance violation, but that he was not going to be arrested.

The complainant reported the matter to IA on the same day of the underlying incident. After failing to reach the complainant by phone on at least two occasions, IA

closed the case on June 20, 2013, citing the complainant's lack of cooperation. Based on available records, it does not appear that IA interviewed Hendrix or the other officer prior to closing the investigation.

#### **59. September 2013 (#2013-0540) – Hendrix**

In early September 2013, BCPD's Crimes Against Children Unit opened an investigation into allegations that Hendrix had physically abused his daughter. BCPD notified BPD of its investigation, leading BPD's IA to launch its own inquiry into the matter. On September 13, 2013, BCPD interviewed Hendrix, who admitted to striking his daughter with a leather belt because she had lied to him about brushing her teeth and getting ready for bed. Hendrix noted, however, that he was merely attempting to discipline his daughter and that he had not intended to inflict any harm. On September 30, 2013, BCPD notified Hendrix that it lacked sufficient evidence to bring felony child abuse charges against him.

On April 9, 2014, nearly six months after BCPD's investigation concluded, IA interviewed Hendrix, who freely admitted that he had beaten his daughter with a leather belt. Despite Hendrix's admission, IA rendered the child abuse allegation as not sustained, citing BCPD's previous determination – which was made pursuant to the standard for criminal rather than administrative charges – as the basis for its decision.

#### **60. September 15, 2013 (#CIU 13-03092) – Jenkins**

A complainant alleged that two unknown officers, who were later identified as Jenkins and Matthew Ryckman based on the arrest record and descriptions of the officers, arrested her boyfriend in an alley behind her home. The officers then allegedly entered and searched her home without a warrant, and refused to provide their names or badge numbers upon the complainant's request.

On September 16, 2013, IA referred the complaint to the Northeast District CIU. On September 25, the CIU investigator contacted the complainant, who advised that she would respond to the Northeast District and provide a recorded statement on September 30. The complainant failed to appear on that date, and subsequent efforts to contact her were unsuccessful. Citing the complainant's lack of cooperation, the allegations were deemed not sustained.

#### **61. January 2, 2014 (#2013-0736) – Gondo and Allers**

Complainant alleged that Gondo and Allers harassed the complainant by confiscating her firearm. In the subsequent IA investigation, Gondo said that he took the gun because the complainant's boyfriend was a convicted felon and had attempted to shoot the pistol at a gun range. This complaint was deemed unfounded, as it did not qualify as harassment.

## **62. January 24, 2014 (#2014-0277) – Taylor and Ward**

According to an IA complaint filed by Shawn Whiting on May 8, 2014, several officers searched his home and robbed him. In his complaint to IA, Whiting stated that he received a receipt indicating officers seized \$7,650 during the search, but officers had seized about \$24,000. Although IA noted that the statement of probable cause identified the officers involved in executing the search warrant as including Taylor, Ward, and other SES officers and Whiting provided IA with the exact date of his arrest and the address where the search took place, IA logged the allegation against an “unknown officer.” IA issued a not sustained finding six months later on November 3, 2014.

During Taylor’s criminal trial in 2018, Ward testified that Taylor found money in Whiting’s closet during the search and asked Taylor to “look out for him.” After the search, the seized money was taken to the Western District police station, and Ward noticed the stack of cash – which was over \$10,000 – “had gotten small.” Ward testified that he took \$3,000 from the stack of seized money and split it with Taylor at the police station. Whiting testified that the officers seized a total of \$23,970, but a property receipt indicated officers submitted only \$7,650 to evidence control. The other \$16,000 was unaccounted for. Whiting also testified that officers underreported the amount of drugs seized during the search; he had four and a half kilograms of cocaine, but officers reported seizing only three kilograms. He also said officers stole a Gucci belt, cologne, and Air Jordan sneakers. Ward, however, testified that he and Taylor only took money, not drugs or personal belongings.<sup>48</sup>

As a result of the search and seizure, Whiting was charged with drug distribution and served three years in jail. On September 8, 2020, the District Court entered a settlement order in Whiting’s civil lawsuit, and the Baltimore City Board of Estimates approved a \$300,000 settlement.<sup>49</sup>

## **63. February 19, 2014 (#2014-0177) – Jenkins**

Jenkins and Ben Frieman arrested Walter Price on drug charges, following a stop and search of his vehicle. This incident, the IA investigation, and the disposition are described at substantial length in the body of the Report in Chapter VI, Section G.

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<sup>48</sup> Superseding Indictment at 28, *United States v. Jenkins, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137; Ward Trial Testimony at 93-106 (Jan. 23, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 464; see FBI FD-302 of Maurice Ward (June 14, 2017); Shawn Whiting Trial Testimony at 179-185 (Jan. 25, 2018), *United States v. Gondo, et al.*, No. 1:17-cr-00106-CCB (D. Md. Aug. 17, 2018), ECF No. 465.

<sup>49</sup> *Whiting v. Taylor, et al.*, 1:20-cv-00540-GLR (D. Md. Sept. 8, 2020), ECF No. 20; City of Baltimore Board of Estimates, Meeting Minutes (Nov. 4, 2020).

#### **64. February 12, 2014 (#NIC 14-0096 and #IA 2014-0075) – Hersl**

According to a mandatory use of force review, Hersl and two other officers instructed a crowd of citizens to disperse. The complainant refused to move, and he shoved Hersl in the chest. Hersl then charged the individual, and a struggle ensued. When the complainant got back up on his feet, Hersl charged him a second time, and both Hersl and the complainant ended up on the ground again. Only after the second time did the two other officers step in to assist Hersl, with both officers punching the complainant and using their legs to pin him down. As a result, the complainant suffered a small laceration on his face, but did not report any injuries and refused to give a statement to Hersl's sergeant.

As part of the use of force review, Hersl's sergeant contacted two individuals who witnessed the fight, but one denied seeing anything and the other, who stated she saw everything, refused to cooperate. The use of force review does not provide any indication as to why the two other officers did not aid Hersl until after he was tackled a second time.

In contrast to the use of force review, the complainant alleged that Hersl started questioning him on the street, which escalated to a verbal altercation. The complainant told Hersl to take off his badge, which Hersl did. Hersl gave his badge to an unidentified officer and then approached the complainant and started punching him. The complainant fought back until two other officers assisted Hersl and tackled the complainant to the ground. The crime scene photos show the complainant suffered lacerations to his face and a swollen right eye and Hersl suffered lacerations on his wrist and knuckles. According to the police incident report authored by Hersl, the victim apologized to detectives after the fight and stated that he has always wanted to fight Hersl.

After filing the complaint on February 13, 2014, the complainant spoke with IA on March 19, 2014, and stated that he wanted the allegation investigated. The complainant scheduled an appointment to provide a statement to IA on April 8, 2014, but did not appear and failed to respond to IA's correspondence. IA closed the case and found the allegation of excessive force not sustained without conducting any further investigation.

#### **65. March 26, 2014 (#14J-0008) – Jenkins**

Jenkins and Frieman followed a vehicle driven by Demetric Simon, whom the officers allegedly observed selling narcotics. This incident, the IA investigation, and the disposition are described at substantial length in the body of the Report in Chapter VI, Section H.

#### **66. April 1, 2014 (#CIU 14-01073) – Hersl**

A citizen called the Eastern District police station to lodge a complaint against Hersl and two other officers who had arrested three suspects and were allegedly harassing the complainant in his yard. After the complaint was filed, Hersl's sergeant responded to the complainant's residence and explained that the officers were conducting an investigation that led them to the citizen's yard. According to the sergeant, after he provided the complainant with an explanation, the complainant "had no complaint." IA administratively closed the case the same day without investigating.

#### **67. April 14, 2014 (#2015-0020) – Hersl**

On January 7, 2015 Attorney James Rhodes sent BPD a letter advising that his client was filing a claim against BPD for false imprisonment relating to his client's arrest on April 14, 2014. According to Hersl's statement of probable cause prepared in connection with the arrest, Hersl had observed Rhodes's client engage in multiple hand-to-hand drug transactions and radioed for three other officers and his sergeant to arrest the client. Hersl then directed one of the officers to the location of the client's drug stash. On June 9, 2015, IA found the allegation not sustained because the attorney and client did not respond to IA and a stet – an indefinite postponement without judgment – was entered in the criminal case.

#### **68. April 14, 2014 (#CIU 14-01860) – Hersl**

On June 10, 2014, the complainant contacted IA to file a complaint against Hersl in regard to the execution of a search and seizure warrant at the complainant's residence on April 14, 2014. Hersl allegedly refused to allow the complainant – who was wearing only a bra and underwear – to put on more clothes before taking her outside and putting her in a prisoner transport van.

IA attempted to call the witness three times, but the complainant's phone did not allow messages to be left. IA did not go to the individual's residence or contact Hersl. IA administratively closed the case on September 2, 2014, without further investigation "due to the lack of cooperation from the complainant."

#### **69. May 21, 2014 (#2014-0296) – Hersl**

Hersl and three other officers allegedly observed the complainant conduct a hand-to-hand drug transaction. After being arrested and taken to the Eastern District police station, the complainant alleged that Hersl had hit him in the face.

According to the use of force review submitted by Hersl's sergeant, an ambulance responded to the station, and the complainant stated he did not have any injuries and did not want to go to jail. The sergeant requested a crime lab technician respond to take photos of the suspect, but no photos were included in the IA file. When questioned by the sergeant about the alleged assault, the complainant's story changed,

and he stated that Hersl did not hit him. The complainant was arrested a few months prior and made similar claims about an injury in an effort to avoid arrest and prosecution.

After the sergeant forwarded the use of force review to IA, IA spoke with the complainant on May 30, 2014, and he did not want to move forward with the complaint. As a result, IA issued a not sustained finding for the allegation of excessive force.

#### **70. July 17, 2014 (#2014-0420) – Hankard and Vignola**

A complainant said that he was walking to a friend's house when officers in an unmarked vehicle, later identified as Hankard and Vignola, pulled up alongside him and identified themselves as police. The complainant said he immediately ran because he knew he had an open violation of probation warrant. In the course of the chase, the complainant alleged that one officer tased him, and another officer struck him in the neck area behind the ear. The complainant said he then balled himself up against a fence, and that the officers began stomping on his body and head.

During his interview with IA, the complainant acknowledged that he was under the influence of crack cocaine on the day of the alleged incident. Following interviews with a civilian witness, Hankard, Vignola, and their sergeant, IA determined that no additional witness testimony or further evidence had been "developed" to corroborate the complainant's allegations. Accordingly, IA rendered a not sustained for both Hankard and Vignola.

#### **71. July 31, 2014 (#2014-0434) – Vignola and Hankard**

A complainant alleged that Hankard and Vignola harassed him during a non-consensual search of his scooter. In addition, the complainant alleged that Vignola punched and kicked him the face and body repeatedly. IA issued a not sustained finding for the excessive force allegation against Vignola because there were no independent witnesses to corroborate the excessive force claim. IA rendered an unfounded finding regarding the "procedural search issue" allegation against Hankard due to a "lack of independent witness testimony," and a not sustained finding for the harassment allegation against Hankard and Vignola because it concluded that "being stopped by an officer during a lawful stop does not constitute harassment." For a discussion of the Civilian Review Board's investigative findings and recommended termination of Vignola and Hankard, see Chapter X, Section L.

#### **72. June 3, 2014 (#2014-0336) – Hersl**

A complainant contacted IA on June 5, 2014, and alleged that two days earlier, Hersl and another officer searched her car without consent, and the officers stole a pair of designer sunglasses, a cell phone, pain medication, and \$100 from her purse during the search. The complainant also alleged the officers submitted a false statement of probable cause.



According to the statement of probable cause, the complainant exited her vehicle and began yelling at Hersl and two other officers from her porch while the officers were arresting a third party. While approaching the complainant on her porch, the officers reportedly observed a male passenger moving around in the car she had just exited and saw drugs in plain view in the car. But according to the complainant, her car windows are tinted and were rolled up, and therefore officers could not have seen any drugs in plain view.

After pleading guilty to criminal charges, the complainant refused to cooperate with IA. IA issued a not sustained finding on the theft allegation because the complainant refused to cooperate, and found that the claim that the probable cause was false to be unfounded based on the complainant's guilty plea. IA did not attempt to identify the second unknown officer, even though the police reports identify the officers present at the scene.

### **73. August 6, 2014 (#2014-0657) – Gladstone**

A complainant alleged that he was stopped by Gladstone and other "unknown detectives" while walking in the area of Liberty Heights and Gwynn Oak. He claimed that the detectives transported him back to his home, searched it without consent, and planted drugs in his home. IA rendered a not sustained finding in connection with the allegations after concluding that the complainant contradicted himself about granting Gladstone permission to search his home, and that the complainant's contradictions regarding aspects of the arrest rendered his drug planting accusation implausible.

### **74. August 13, 2014 (#CIU 14-00565, CIU 15-00676) – Hersl**

A complainant contacted IA on August 15, 2014, and alleged that Hersl had approached him two days earlier, threatened to lock him up, and then searched him in the street. According to the complainant, Hersl previously arrested the complainant on July 25, 2014. After attempting to contact the complainant by phone and mail without success, IA administratively closed the case on September 9, 2014, without any additional investigation.

Of note, the same complainant called IA again on March 19, 2015, and alleged that Hersl was parking outside the complainant's business and harassing him while his court case was pending. However, IA did not re-open this complaint or otherwise link the two complaints.

### **75. August 27, 2014 (#2014-0457T) – Hersl**

On August 27, 2014, a lieutenant colonel emailed IA Chief Rodney Hill informing Hill about a phone call he received from attorney Isaac Kline. Kline told the colonel that his client, Charles Faulkner, continued to be harassed by Hersl, even after Kline won a judgment on behalf of his client against BPD. The city had recently paid Faulkner

\$49,000 as part of a settlement agreement in connection with a January 2010 incident in which Hersl allegedly beat Faulkner.

In a follow-up call, the attorney advised IA that prior to the settlement, Hersl had stopped his client numerous times and made comments during the stop such as “How’s that case coming along.” IA had no power to order Hersl to stop contacting his client, as Kline requested, but told Kline that IA would investigate any complaint filed against Hersl or any other officer. IA then suggested the attorney contact Hersl’s supervisor. According to the report, Kline declined to file a complaint and stated he would contact Hersl’s supervisor. IA marked the file as administrative tracking only without further investigation or action.

#### **76. September 4, 2014 (#CIU 14-02843) – Hersl**

A citizen filed a supervisor’s complaint<sup>50</sup> alleging Hersl and three other officers, including Hersl’s sergeant, harassed and profiled him during a traffic stop without explaining the reason for the stop. Hersl’s sergeant, who received the supervisor’s complaint and authored the corresponding report to IA, claimed that he personally told the driver at the scene why officers had stopped him. The officers sitting in their patrol car, which was parked three feet from the complainant’s car, observed the complainant sitting in his car sweating and reaching under the driver’s seat. Believing he had a gun, officers stopped the complainant and conducted a search with no results.

During a subsequent correspondence with the complainant, Hersl’s sergeant provided the complainant with additional information about why officers stopped him, namely because officers saw him reaching underneath his driver’s seat. Following the phone call, the driver told the sergeant he no longer wished to pursue the complaint.

IA attempted to contact the individual two times, by phone and by certified mail. The complainant signed for a certified letter, but did not contact IA. IA administratively closed the case on October 13, 2014, without taking any additional investigative steps to confirm the sergeant’s account.

#### **77. October 21, 2014 (#2014-0573) – Hersl**

A complainant alleged that Hersl and two unknown officers searched his vehicle without consent, and one of the officers broke his car stereo. After the search, the complainant requested the officers name and badge numbers and a contact receipt, but the officers refused to provide this information. After the complainant failed to attend

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<sup>50</sup> A supervisor complaint classification is used for minor complaints, handled at the first-line supervisor level, that do not violate BPD policy, or are satisfactorily resolved through counseling, education, or coaching. A supervisor complaint may originate when a complainant makes a request for a supervisor to respond to their location. IA is responsible for reviewing the complaint and investigation conducted by the supervisor.

his scheduled IA interview, IA found the allegations of failure to provide a badge number and procedural search issues not sustained and closed the case.

#### **78. November 5, 2014 (#2014-0670 and #2014-0637) – Hersl**

On November 5, 2014, Hersl arrested Jimmie Griffin and George Lee after conducting a stakeout and executing a search warrant at a residence. The arrests resulted in two IA complaints and a civil lawsuit, and later served as the basis for criminal charges against Hersl in 2017.

In a complaint to IA on December 22, 2014, Griffin’s mother alleged Hersl seized her licensed handgun from inside her bedroom after she gave Hersl a key to the safe, and Hersl falsely stated in his police report that the gun was unsecured and accessible to her son, Jimmie Griffin, who lived in an attached basement apartment. Relying on an opinion from the federal prosecutors in Griffin’s case, IA found the allegation of making a false statement unfounded on November 23, 2015.

Earlier that same day, Hersl and another officer observed a second complainant, George Lee, leave the same residence and initiated a traffic stop. The criminal charges brought against Lee in relation to the stop were later dropped. On November 10, 2014, Lee brought a claim against Hersl and the city alleging that Hersl falsely arrested and imprisoned him. After multiple failed attempts to contact Lee and his attorney, IA issued a not sustained finding and closed the case. Ultimately, Lee’s civil lawsuit resulted in a defense jury verdict. Prosecutors would later charge Hersl with stealing over \$5,000 found inside the residence and on Griffin’s person that day.<sup>51</sup> For an additional discussion of this incident, see Chapter X, Section D.

#### **79. December 10, 2014 (#NIC 14-0518, #IA 2015-0366) – Hersl**

A suspect fell down the stairs and was tackled by Hersl near the back door. The suspect’s teeth cut through his lower lip, and he was transported to the hospital where he received stitches and a referral to an oral surgeon. Hersl’s sergeant conducted a use of force review and concluded that the suspect struck his face on the stairs while attempting to flee the house, causing his teeth to come through his lip. Despite his conclusion, the sergeant noted the injury may have occurred when Hersl tackled the suspect from behind. IA administratively closed the case on December 17, 2014, without investigating, and criminal charges against the suspect were later dismissed.

On June 14, 2015, the suspect’s attorney brought a claim against Hersl for assault, battery, false arrest, and false imprisonment in connection with the incident, and IA opened a new case number. After the complainant and his attorney did not respond to

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<sup>51</sup> Superseding Indictment at 12-13, 20-21, 30, and 34, *United States v. Jenkins, et al.*, No. 1:17-cr-00106-CCB (D. Md. June 22, 2017), ECF No. 137.

IA, the allegations of false arrest and assault against Hersl were not sustained. The city later settled the civil lawsuit for \$65,000.<sup>52</sup>

#### **80. January 15, 2015 (#2015-0077) – Hankard**

A complainant alleged that during a stop and search of his vehicle, Hankard and an “older white male sergeant” stole the complainant’s iPad, as well as a pouch containing his bank card, Green Card, and other items. IA concluded that insufficient evidence existed to prove or disprove the allegation due to the complainant’s failure to respond to IA’s phone calls. As a result, IA rendered a not sustained finding.

#### **81. January 19, 2015 (#2015-0294) – Hersl**

On May 20, 2015, a complainant called IA and alleged that on January 19, Hersl, his sergeant, and three other officers falsely arrested him and seized \$13,000 from his bedroom while executing an arrest warrant for his brother. According to the complainant, the officers submitted only \$10,000 of the \$13,000 seized during the arrest, and the officers did not indicate the amount of money seized on any charging documents. IA completed its investigation on February 21, 2016, and determined the allegations to be unfounded. Available records do not reflect why IA reached this disposition.

#### **82. March 19, 2015 (#CIU 15-00676) – Hersl**

A complainant arrested by Hersl contacted IA and alleged Hersl was harassing him by parking in front of his place of business. On March 23, 2015, IA contacted Hersl’s sergeant about the complaint and explained that if the allegation was true, Hersl needed to cease contacting the complainant. IA administratively closed the case the same day without further action or investigation. IA did not follow up with the complainant.

#### **83. April 3, 2015 (#2015-0186) – Taylor and Ward**

A complainant alleged officers stole \$2,170 from a bookbag in her closet when officers executed a search of her home. Taylor, Ward, and two other officers, including a sergeant, conducted the search, and despite the sergeant’s participation in the search, the complaint was assigned to him for initial investigation.

The sergeant submitted a synopsis to IA on April 6, 2015, that included statements from Ward, Taylor, and the other officer denying taking any money from the home. IA followed up with the complainant four months after her original complaint. She answered the phone and offered to come in the next day for an interview. When

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<sup>52</sup> See Docket sheet, *Davis v. Hersl*, 24-c-16-003513 (Balt. City Cir. Ct. Dec. 28, 2020); Baltimore City Law Department, Reports of Civil Actions Involving Alleged Police Misconduct (Jan. 28, 2021), <https://law.baltimorecity.gov/sites/default/files/Police%20Misconduct%20Report%202-01-2021.pdf>.

she did not appear, IA waited two months to reach out again. Instead of calling the same number she answered previously, the investigator left a contact card at her residence. No one else was ever interviewed about the case and it appears the investigator made no further attempts to contact the complainant. IA rendered a not sustained finding due to the absence of testimony from the complainant, and the absence of other corroborating evidence.

#### **84. April 8, 2015 (#2015-0723) – Allers, Gondo, and Rayam**

A complainant alleged that two plainclothes officers (later determined to be Gondo and Allers, although Rayam also participated in the search) arrived at complainant's residence without a search warrant after arresting her fiancé, Gary Clayton. After entering the complainant's home, the officers detained her for two and a half hours while they waited for a warrant to search her residence. Officers later executed a search warrant on the premises, seized narcotics from within the home, and arrested Clayton on drug charges. This incident, the IA investigation, and the disposition are described at substantial length in the body of the Report in Chapter VII, Section D.

#### **85. June 19, 2015 (#2015-0356) – Hersl**

A complainant alleged that he observed Hersl make an arrest in the 1800 block of N. Montford Avenue, and that after Hersl completed the arrest, Hersl looked at the complainant and said, "What the fuck you looking at, whore?" Hersl then took a picture of the complainant and drove away. After several unsuccessful attempts to contact the complainant, IA found the allegation not sustained and closed the case on September 16, 2015.

#### **86. July 9, 2015 (#NIC 15-0211) – Hersl**

According to a report filed by a BPD sergeant, Hersl and another officer used force while making a handgun arrest. The sergeant submitted a BlueTeam entry documenting the use of force, but IA rejected the entry because the sergeant did not include a use of force report. IA administratively closed the case on July 24, 2015, without a use of force report or any other information about the arrest that led to the use of force.

#### **87. August 19, 2015 (#CIU 15-02276) – Hersl**

On August 20, 2015, a complainant contacted IA and alleged that Hersl had broken his car's center console during a search of his vehicle the previous day. Two months later, IA contacted the complainant and the complainant said he would call IA on November 4 to schedule an interview. When IA called the complainant on November 5, the complainant answered the phone and hung up. As a result, IA closed the case the same day without further investigation or attempts to contact the individual.

#### **88. August 25, 2015 (#CIU 15-02334) – Jenkins**

According to a complaint, Jenkins allegedly blocked the complainant's route of travel using his departmental vehicle, causing the complainant to stop abruptly, before Jenkins quickly drove away. The complainant reported that he then followed Jenkins's vehicle for several blocks before Jenkins circled the block and approached the complainant's vehicle in a threatening manner. On September 25, 2015, a sergeant contacted the complainant, who stated that he no longer wished to pursue the matter. Based on this instruction, the sergeant closed the investigation on September 28.

#### **89. October 17, 2015 (#NIC 15-0400) – Hersl**

A suspect attempted to flee from Hersl and two other officers. The officers tackled the suspect, and the suspect suffered a laceration on his forehead as a result. The crime lab responded and took pictures of the injury, and the medics who responded provided the suspect with a bandage. A lieutenant who submitted the BlueTeam entry responded to the scene and spoke with one witness who said he observed the officers tackle the fleeing suspect. The suspect also told the lieutenant that the laceration was a result of being tackled by officers. After submitting the BlueTeam entry on the same day as the incident, IA requested that the lieutenant provide a use of force report and any other reports about the incident. Those reports are not included in IA's records, but IA nonetheless administratively closed the case on October 23 without further investigation.

#### **90. October 20, 2015 (#2015-0631) – Hersl**

On October 20, 2015, a complainant alleged that Hersl had verbally harassed her for the past two and half years by saying "Hey Sexy" and other harassing comments whenever he encountered her, even after she told Hersl to stop. On January 12, 2016, the complainant advised IA she wanted to withdraw the complaint because Hersl had stopped contacting her since she filed the complaint. IA made several unsuccessful attempts to meet with the complainant after she made the request, and IA closed the case as unfounded on January 19, 2016.

#### **91. October 23, 2015 (#IAD 2015-0746) – Hersl**

On December 2, 2015, a complainant contacted IA and advised that sometime in October 2015, Hersl and another unidentified detective stopped and handcuffed the complainant and took him to a vacant dwelling where Hersl strip searched him, supposedly looking for narcotics in his anal and genital area. Hersl released the complainant without providing him with a contact receipt. Hersl later called the complainant and said, "If your ass don't get anybody, I'm going to lock you up."

According to Hersl's statement to IA, Hersl registered the complainant as a confidential informant after seizing drugs from the complainant's minivan on October



23. However, when the complainant later failed to provide information to make a controlled buy from his supplier, Hersl issued a warrant for his arrest.

On January 5, 2016, the complainant was arrested and detained. During his confinement, IA monitored his calls and determined the complainant lied to his girlfriend about receiving potential compensation in connection with a civil lawsuit, which, according to IA, served as an indication of the complainant's untruthfulness. On April 8, 2016, the complainant declined to provide a statement to IA without consulting his attorney because he did not want to jeopardize his criminal case. The criminal charges against the complainant were dismissed on June 8, 2016. On June 24, IA found the charges against Hersl not sustained without contacting the complainant after his court date.

#### **92. October 26, 2015 (#IA 2015-0644/#NIC 15-0413) – Jenkins, Taylor, Hendrix, and Ward**

Taylor, Hendrix, Ward, and Jenkins approached a suspect who ran away from the officers. According to a report submitted by Jenkins, the suspect suffered a self-inflicted injury during the arrest and the officers did not use force. IA requested the corresponding police reports from Jenkins, but the reports were not included in the IA file. The IA complaint, which is not linked to Jenkins's report, lists the accused officer as unknown, even though the arresting officers were known to IA. On July 7, 2016, IA issued a not sustained finding for the allegation of excessive force against an "unknown officer."

#### **93. November 2015 (#2015-0680) – Jenkins**

In November 2015, a local reporter advised Lieutenant Robert Morris of IA's Ethics Section that she had been told by a "police source" that Jenkins had robbed local drug dealers using his unmarked departmental vehicle. Only three days before Morris received the reporter's complaint, Captain Sean Maloney distributed a Department-wide email requesting that officers be on the lookout for a silver Chevrolet Malibu with red and blue dash lights that was "involved with impersonating police and conducting street robberies." According to IA records, IA reviewed a "list of rental cars assigned to members of [BPD]" and found that three vehicles were assigned to Jenkins, including a Chevrolet Impala. Based on this information and without interviewing Jenkins, IA deemed the complaint unfounded, and the matter was initially closed on February 23, 2016. However, following Jenkins's arrest in March 2017, IA sustained the charges against Jenkins, citing the federal indictment as the basis for its finding. Available records do not indicate that IA conducted additional investigation following its initial finding.

#### **94. November 23, 2015 (#CIU 15-03036) – Hersl**

A complainant called IA and alleged Hersl was harassing him. The complainant explained that Hersl arrested him about two years earlier, and recently Hersl and another officer had gone to the complainant's father's residence looking for the complainant. An IA detective called the complainant's phone and spoke with his wife, who said she would tell the complainant to return IA's call. Less than a month after the complainant called IA, IA closed the case because the complainant failed to return IA's calls. IA made no attempt to identify the other involved officer or use alternative means to contact the complainant.

#### **95. December 3, 2015 (#2015-0747) – Hersl**

A complainant contacted IA and alleged Hersl stopped and searched him and found a blunt and \$60 on the complainant. Hersl allegedly told the complainant he could keep his \$60 if the complainant ate the blunt. After the complainant ate the blunt, Hersl took the \$60. Additional officers were present at the scene, but there is no record of IA making any attempt to identify the other officers. After making several unsuccessful attempts to contact the complainant, IA found the allegations not sustained on May 4, 2016.

#### **96. January 2, 2016 (#2016-0007) – Hersl**

According to Wayne Lee, Hersl, and two other officers handcuffed Lee and two friends and took Lee to the Eastern District station. While in a conference room, Hersl showed Lee a plastic sandwich bag containing drugs, then put his cell phone number in Lee's cell phone, and said that if Lee did not have two firearms for Hersl by January 5, Hersl would arrest Lee for the drugs. During an IA interview, Lee explained that Hersl is known in the community for working with cooperators and getting people to bring him guns.

During a separate IA interview, the on-scene sergeant told investigators that he believed Hersl brought Lee to the police station to cultivate him as an informant, but the sergeant did not recall if drugs were recovered from Lee. The other on-scene detective told IA he did not observe Hersl recover any drugs from Lee. Hersl filed a statement of charges against Lee on April 13, 2016, four months after the encounter, and stated he recovered the plastic sandwich bag of drugs from Lee's waistband.

IA was unable to substantiate the allegations and noted that Lee never denied the drugs were his and did not provide the names of the other passengers in the car. Lee also never signed the statement he gave to IA. IA found the allegation not sustained on May 10, 2016, and noted, "There exists no evidence to suggest that Officer Hersl violated policy by not arresting [the complainant] on the date of the initial encounter. There is no requirement to charge a suspect immediately." On July 28, 2020, Lee sued

Hersl, his sergeant, and a third officer in federal district court, and on October 28, 2020, the city settled the lawsuit for \$24,000.<sup>53</sup>

**97. January 13, 2016 (#CIU 16-00238) – Hankard, Gladstone and Vignola**

A complainant alleged that Hankard, Gladstone, Vignola and others entered her home without a search warrant, ransacked her home during the search, and told her and her family to shut up when they requested a copy of the search warrant. IA obtained statements from the complainant as well as all officers involved. IA made several attempts to speak with the civilians present during the search, including the complainant's boyfriend and brother, but those individuals were "uncooperative and failed to provide a statement." IA ultimately rendered not sustained findings for all officers involved because "there [was] not enough evidence to prove or disprove [the complainant's] allegations."

**98. January 27, 2016 (#SIRT 16J-0004) – Vignola and Hankard**

Vignola was involved in a police-involved shooting with Hankard and other officers. When investigators from IA's Special Investigation Response Team (SIRT) responded to the scene, the detectives were reluctant to talk to investigators about the incident. Ultimately, the Carroll County State's Attorney's Office, which investigated the shooting due to a conflict of interest, declined to bring criminal charges against the involved officers.

**99. February 1, 2016 (#CIU 16-00231 and 2016-0660) – Jenkins**

Jenkins allegedly struck the complainant with his vehicle's side mirror. Jenkins then allegedly fled the scene without rendering aid to the complainant and without reporting the incident. The complainant later withdrew his complaint, citing his inability to locate witnesses. Despite the complainant's lack of cooperation, on April 6, 2017, the charges against Jenkins were sustained based on information obtained from the US Attorney's Office and included in its indictment of Jenkins.

**100. February 9, 2016 (#IA 2016-0067, CRB No. PD061-16) – Jenkins, Taylor, Ward, and Hendrix**

Kenneth Bumgardner alleged Taylor, Ward, Hendrix, and Jenkins rammed his vehicle head-on and pushed it down the city block and up on to the sidewalk, causing the vehicle to hit other cars. Bumgardner stated that he fled his car on foot, and during the foot chase, an officer punched him in the face and broke his jaw. The officers issued a citation to Bumgardner for unsafe driving; no other charges were filed. The officers also recorded a video statement at the scene requesting Bumgardner to deny that he

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<sup>53</sup> Complaint, *Lee v. Hersl*, 1:20-cv-02196 (D. Md. July 28, 2020), ECF No. 1; Baltimore City Law Department, Reports of Civil Actions Involving Alleged Police Misconduct (Jan. 28, 2021), <https://law.baltimorecity.gov/sites/default/files/Police%20Misconduct%20Report%202-01-2021.pdf>.

was hit or otherwise injured by any of the officers. Both IA and the Civilian Review Board investigated the incident, and neither the officers' statements nor the complainant's statements were consistent. Even though the presence and involvement of Jenkins and his squad members was undisputed, IA inexplicably described the excessive force allegations as against an unknown officer. Ultimately, IA issued an unfounded finding against the unknown officer on October 10, 2016.

In contrast, the Civilian Review Board issued its Investigative Report on February 16, 2017, and recommended sustaining the excessive force charges against Jenkins, Hendrix, Taylor, and Ward. After the indictments, the Board voted to sustain the charges. Bumgardner also filed a civil lawsuit related to the incident, which was settled in November 2020 for \$150,000.

#### **101. February 10, 2016 (#2016-0601) – Hersl, Gondo, and Rayam**

On November 29, 2016, a public defender filed a complaint on behalf of her client, Paul Edwards. The public defender alleged that Hersl, Gondo, and Rayam executed a search and seizure warrant on McKean Avenue on February 10, 2016, and allegedly stole \$9,000 from a black bag found in the home. Although IA initially sought to investigate the incident, IA did not conduct a full investigation because the FBI Public Corruption Task Force notified IA that Edwards was already working with them as a cooperating witness against the accused officers. Based on the information it had received – both from its initial investigation and from the FBI – IA sustained all charges against the accused officers. Ultimately, Gondo and Rayam admitted to stealing approximately \$8,300 from Edwards in their respective plea agreements following their indictment and arrest in 2017.

#### **102. February 17, 2016 (#2016-0070) – Hersl**

The complainant was on the front steps of his home with his grandson nearby when he observed two unmarked cars speed down the street, exit their vehicles, and search an unidentified male. After finding cash on the male, which the male alleged was for his grandmother's rent, Hersl instructed the unidentified male to run. The male then took off running, and the officers returned to their vehicles, drove about a block away, and stopped in the middle of the street. While in the middle of the street, the complainant believes the officers split up the money, though he could not say he definitively observed the officers splitting the seized cash.

Hersl did not submit evidence to the Evidence Control Unit, although two other detectives in Hersl's squad each submitted narcotics for two separate incidents that same day. During an IA interview on March 30, 2016, the complainant advised that his grandson – who identified Hersl – did not want to assist with the investigation. On August 2, 2016, IA found the allegations unfounded due to lack of witness cooperation and lack of evidence.

**103. April 8, 2016 (#2016-0605) – Jenkins, Ward, and Hendrix**

A complainant alleged that unknown officers (later identified as Jenkins, Ward, and Hendrix) patted him down based on an unsupported suspicion that he had a gun. When the officers realized that the complainant did not have a gun, Hendrix allegedly knocked the complainant's phone out of his hand and Ward kicked the phone away. Both refused to provide identifying information in response to the complainant's request for their badge numbers. Following IA's unsuccessful attempts to contact the complainant, and without interviewing any of the accused officers, IA attempted to close the case in January 2017, but the file was kicked back by an IA supervisor with a request to interview the accused officers. In the interim, the GTTF defendants were arrested, and the case was subsequently sustained.

**104. June 15, 2016 (#2016-0493) – Jenkins**

A complainant alleged that he was stopped by four plainclothes officers while riding his bicycle. One officer asked the complainant whether he had ever been tased, while another officer accused him of possessing marijuana, an allegation that the complainant denied. During a subsequent verbal exchange with another officer, who was later identified as Jenkins, the complainant alleged that the officer used a racial slur, called him a "bitch," and refused to provide his badge number. Due to the complainant's lack of cooperation with IA's investigation, on November 22, 2016, the allegations against Jenkins were deemed not sustained. But following Jenkins's federal indictment, IA sustained the allegations. Available records do not reflect that IA conducted any further investigation.

**105. June 30, 2016 (#2016-0257) – Rayam and Hersl**

On June 30, 2016, a Western District lieutenant received a complaint alleging that five plainclothes officers had chased and detained the complainant and then stole \$240 from him. On September 22, 2016, the complainant agreed to be interviewed by IA detectives that week, but the complainant failed to appear and a subsequent certified letter sent to the complainant was returned as undeliverable. Six months after the incident, on January 23, 2017, IA attempted to retrieve video recordings from CitiWatch cameras located in the block, but the footage was no longer available.

On January 26, 2017, IA initially issued a not sustained finding without any further attempt to identify the officers, but the case file was rejected by the IA major, who instructed a new IA detective to obtain recordings of police radio communications from the date in question. On February 9, 2017, IA issued a not sustained finding against an unknown officer.

On March 8, 2017 after the GTTF arrests, IA interviewed the complainant. He stated that after chasing him, one officer called him a racial slur and said, "We're going to do you like Freddie Gray." The complainant identified Rayam and Hersl, who he

knew from a previous traffic stop in 2014, as two of the officers on the scene. As a result of the officers' March 1, 2017, arrests and indictment, IA found that a preponderance of evidence existed to conclude the officers participated in criminal activity consistent with the complainant's allegations. As a result, IA sustained allegations against Rayam, Hersl, and unknown officers. Additionally, in a June 1, 2017, letter to the complainant, BPD advised that the case was being referred to BPD Legal Affairs and the Civilian Review Board. As with other cases involving the defendants, IA sustained these allegations against Rayam and Hersl after the March 1, 2017, arrests without conducting its own investigation. IA asserted that evidence sufficient to sustain the allegation was based on the federal investigation.

#### **106. July 8, 2016 (#2016-0583) – Jenkins, Gondo, and Rayam**

On July 8, 2016, complainants Ronald and Nancy Hamilton alleged that Jenkins, Rayam, and Gondo stole \$73,000 in total from their persons and home. The Hamiltons reported that Rayam and four other officers followed them to a shopping center, where the officers surrounded the couple and demanded that they exit their vehicle. The officers then detained the Hamiltons and drove the couple to their residence, where the officers stole more than \$70,000. On March 1, 2017, based on information contained in the federal indictment against the accused officers, the Hamiltons' allegations were sustained. Ronald Hamilton testified at the trial of Hersl and Taylor about this incident. For additional discussion of this incident, see Chapter X, Section D, and Appendix A: Crimes Committed by the Prosecuted Former BPD Officers.

#### **107. August 18, 2016 (#NIC 16-0968) – Jenkins and Hersl**

Jenkins, Clewell, and Hersl conducted a traffic stop by putting their unmarked police vehicle's front bumper up against the suspect vehicle's front bumper. As Clewell exited the police vehicle, the suspect drove in reverse up the street. Jenkins pursued the vehicle and kept his front bumper in contact with the suspect's front bumper. The suspect lost control of his vehicle while turning a street corner, hit a curb, and then crashed into a pole. The suspect exited the car and Hersl tackled him. In his reports, Jenkins provided contradictory accounts of the suspect's injuries. In one report, Jenkins stated the suspect was not injured and was not treated, but medics did respond to the scene, and in a second report, Jenkins stated that the suspect suffered a laceration on his head as a result of Hersl's tackle.

Jenkins contacted BPD's Accident Investigation Unit and SIRT, and as the sergeant of the squad, Jenkins conducted a use of force investigation despite his involvement in the underlying incident. According to Jenkins, the suspect's recollection of the incident was consistent with Jenkins's report. Jenkins also provided the contact information for a civilian witness in his report, but did not provide information about what the witness had said. He also noted that this was a "very minor [use of force]" and the incident was captured on body-worn camera, but there was no body-worn



camera footage in the file. The use of force report was not signed off by Hersl's commander, Acting Captain Suzanne Fries.

After Jenkins entered the use of force via BlueTeam on August 10, 2016, he sent the report to Lieutenant German for review. That same day, German rejected the report and told Jenkins that he needed to have Hersl write a 95 memo about the incident. Oddly, someone logged in to the system as Wayne Jenkins reviewed the report on October 24, 2017, after Jenkins' arrest on March 1, 2017.

**108. August 22, 2016 (#2016-0377) – Taylor**

A complainant alleged an unknown officer unlawfully detained and questioned him while in his vehicle at a gas station. During the questioning, another unmarked police vehicle boxed in the complainant. The Civilian Review Board and IA investigated the allegations. IA found the complainant credible and initially issued sustained findings for an unknown officer. After the March 1, 2017, arrests, the complainant identified Taylor as one of the involved officers and contacted IA. The IA files do not reflect any additional attempts by IA investigators to identify the other involved officers. IA issued a sustained finding against Taylor on March 27, 2017. While the Civilian Review Board began its independent investigation prior to Taylor's arrest on March 1, 2017, the Board ultimately relied on Taylor's criminal indictment to sustain the allegation of harassment five months later.

**109. August 24, 2016 (#2016-0343) – Jenkins**

According to a complainant, four unknown plainclothes officers – one of whom was later identified as Jenkins – stopped his vehicle and seized narcotics and approximately \$1,700 to \$1,800. The officers then left the scene without arresting the complainant. Based on the FBI's investigation and the information contained in the federal indictment against the GTTF defendants, IA sustained the charges against Jenkins.

**110. August 29, 2016 (#SIRT 16J-0041) – Vignola**

According to incident reports and statements made to SIRT investigators, Vignola and other officers entered a home without a warrant in regards to a possible armed assault and discovered a suspect in an upstairs bedroom with a gun. Vignola retreated to an adjacent room and fired his weapon four times through the wall into the bedroom.

The day after the shooting, BPD placed Vignola on administrative leave and ordered him to attend counseling, followed by a period of limited duty. On October 11, 2016, Gladstone told the Early Intervention Unit that Vignola acted appropriately in the shooting and no intervention was required, noting Vignola attended the mandated counseling appointments. Vignola returned to full duty in October.

While Gladstone believed Vignola's firearm use was within policy – a view ultimately shared by the Performance Review Board (PRB) – Vignola and the other officers were mandated to attend re-training at the Academy and non-punitive counseling over a year and half later on March 23, 2018. The PRB determined that the officers' initial entry into the home using a key provided to them by a third party did not follow protocol: officers failed to develop a clear entry plan, failed to use a bunker and proper entry tactics, and failed to knock and announce their presence when making the warrantless entry into the home.

Specifically, the PRB's report stated, "The PRB believes the detectives did not formulate a clear plan of action that comported with policy, law, and safety. The board believes the detectives dismissed established policies and procedures in an effort to recover narcotics and a firearm." Additionally, the PRB found policy violations "specific to Sgt. Gladstone's decision to enter the residence," but Gladstone retired on May 1, 2017, before any disciplinary action could be taken. The State's Attorney declined to bring charges against Vignola and was also forced to drop the charges against the suspect because of the officers' warrantless entry.

#### **111. September 7, 2016 (#2016-0395) – Jenkins**

Two complainants reported to IA that they were stopped and searched by four plainclothes officers, one of whom was later identified as Jenkins. The complainants alleged that during the stop, the officers reached into their pants and touched them inappropriately while searching for drugs. The officers then searched the inside of one of the complainant's vehicle before leaving without making an arrest. During a December 14, 2016, meeting, IA supervisors notified the detective assigned to the matter that the case would be placed on hold until further notice. On May 30, 2017, based on information contained in the federal indictment against the accused officers, the complainant's allegations against Jenkins were sustained.

#### **112. September 16, 2016 (#2016-0403) – Jenkins**

A complainant alleged that while plainclothes officers were conducting an arrest of another individual for a handgun violation, she began to question them. At that time, one of the officers, who was believed to be Jenkins, approached the complainant and said, "What are you looking at, bitch?" CIU detectives met with the complainant on November 9, and she stated that she wanted to proceed with the investigation and provide a recorded statement the following week. On November 17, after the complainant failed to contact the investigators, the CIU deemed the allegations against Jenkins as not sustained based on the complainant's lack of cooperation. Following the GTTF members' arrest, IA sustained the complaint, citing the federal indictment of Jenkins as the basis for its finding. Available records do not reflect that IA conducted further investigation into this matter after issuing its initial finding.

#### **113. September 26, 2016 (#2016-0455) – Jenkins**

A complainant alleged that Jenkins racially profiled her, as well as the passengers in her vehicle, whom Jenkins stopped and subjected to search and discourteous remarks. The complainant reported that Jenkins referred to her as “ignorant” several times during the search, and that Jenkins ordered her to “shut up” when she inquired as to why she had been stopped. According to BPD records, IA interviewed Jenkins on February 13, 2017, and deemed the complaint not sustained on February 27. Following Jenkins’s indictment, on March 28, 2017, IA sustained the allegations against Jenkins based on information included in the federal indictment.

This is another complaint sustained by IA following the original GTTF indictment even though in this case IA had previously come to the opposite conclusion. It is another example where a sustained finding appears to have been based solely on the fact that Jenkins was indicted for similar conduct. No additional investigation was conducted.

#### **114. October 26, 2016 (#SIRT 16J-0045) – Gladstone and Vignola**

According to Lieutenant Timothy Devine, Dean Palmere received a complaint from a community member about a store known to sell drug paraphernalia. Devine said Palmere passed the complaint to him, and he passed the complaint to Gladstone. On October 26, 2016, Gladstone – whose son was with him in a second police vehicle – ordered Vignola and Derrick Brown to execute a car stop after Gladstone allegedly saw the complainant leave that store. After stopping the vehicle, body-worn camera footage revealed Vignola repeatedly punched the suspect – ten times – because the suspect refused to show his hands to Vignola and Gladstone. The suspect suffered a broken eye socket and several lacerations to his face and body. In subsequent reports, Vignola claimed he felt a metallic item near the suspect’s waist band during the struggle, but later realized it was only the man’s belt buckle. No gun was recovered from the suspect, though drugs were found in the vehicle.

SIRT conducted a mandatory use of force review against Vignola, and presented the case to the PRB on September 14, 2017. The PRB concluded that Vignola’s actions were within policy and, therefore, exonerated Vignola of the excessive force allegation lodged against him.

Although the PRB exonerated Vignola regarding the excessive force allegation, the PRB concluded that Gladstone did not have reasonable articulable suspicion to make a lawful car stop. The SAO’s Police Integrity Unit, which reviewed the case pursuant to SIRT’s referral, also found that Gladstone ordered a “traffic stop without a legitimate Constitutional basis thereby unnecessarily placing [himself, Vignola, and Brown] in a rapidly evolving situation where they eventually claimed that their safety was a risk.” The Police Integrity Unit stated that it “lack[ed]” the legal basis for pursuing charges against the officers, but noted that it was “challenging to reconcile

such a forceful response where ‘but for’ poor decision making by the officers, the ‘threatening’ situation would not have existed in the first instance.” The Police Integrity Unit characterized the encounter as “troubling,” and said it hoped that BPD, at a minimum, “examines this incident to improve Fourth Amendment training in order to lessen the need to use force in the future.” The Police Integrity Unit also hoped that the involved officers received remedial training on de-escalation tactics. Lastly, the unit recommended that BPD determine whether administrative charges were warranted.

The PRB ultimately recommended that Vignola undergo arrest and control training, with an emphasis on use of force. Gladstone received no punishment or training in connection with the incident.

#### **115. November 15, 2016 (#2016-0585) – Rayam**

On November 15, 2016, Maryland State Police contacted the Department and advised that Rayam had been involved in a road rage incident. During the incident, the complainant alleged that Rayam pointed a handgun at him. IA subsequently conducted an investigation, during which it interviewed the complainant and the MSP officers who responded to the scene of the incident. Rayam provided a written statement in which he neither confirmed nor denied that he brandished a weapon.

At the time of the GTTF takedown, IA’s investigation into the above-referenced matter was ongoing. In August 2017, the complaint was sustained on the basis of the federal indictment against the GTTF members. This is another case that appears to have been sustained after the indictment largely because the defendants had been indicted for conduct unrelated to this complaint.

#### **116. June 20, 2018 (#2018-0404) – Hankard**

A complainant alleged that Hankard and a BPD sergeant illegally seized his laptop during the execution of a search and seizure warrant and falsely imprisoned an individual residing at the house during the search and seizure. Through its investigation, IA found that Hankard had obtained a search and seizure warrant for the location at issue, and that the body-worn camera footage documented the recovery of the laptop. As a result, IA rendered an unfounded finding for the allegations.

#### **117. October 24, 2018 (#2018-0632) – Hankard**

On October 24, 2018, a complainant alleged that Hankard conducted an illegal search of her vehicle during a narcotics investigation. IA ultimately rendered an unfounded finding, and determined no evidence existed to support the allegation based on the “totality of the evidence and testimonies of the involved detectives, coupled with all the detectives’ video footage of the incident and McKnight’s refusal to cooperate with the investigation.”

# Appendix C: Civil Suits Involving the Prosecuted Former BPD Officers

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## A. Introduction

Prior to the March 1, 2017, arrests of the original seven GTTF defendants, 26 lawsuits had been filed against these officers. These claims covered incidents that occurred during the period 1997 to 2016. As with the IA complaints against the defendants, these lawsuits should have provided BPD with information relevant to evaluating the fitness of the officers who were the subject of the complaints.

Since the indictments became public, at least 41 lawsuits have been filed against the defendants. Some of these lawsuits were based on incidents described in the indictments, while others raised new allegations against the defendants.

Under Maryland law, monetary awards in lawsuits against local governments are limited to \$400,000 per claimant and \$800,000 for all claims arising from a single incident, regardless of the number of claimants. For the purposes of the Local Government Tort Claims Act (LGTCa), BPD is defined as a “local government.” Victims of police misconduct who sue the Department under state law are therefore subject to the LGTCa’s statutory limit on damages, and the damages awarded in these lawsuits reflect these statutory caps.<sup>1</sup> Settlement payments, however, are not subject to these limits, and, in recent years the city has paid multiple settlements to victims of the GTTF—including Umar Burley and Brent Matthews—that greatly exceeded the LGTCa’s limit on damages.<sup>2</sup> As of November 2021, the city has paid more than \$13 million in settlements to victims of the GTTF’s corrupt acts. This total includes a nearly \$8 million settlement paid to Burley and Matthews and a \$1 million settlement paid to a victim who was shot by GTTF members in 2007.

We have briefly summarized below each of the lawsuits of which we are aware. During our investigation, we found that BPD inconsistently documented officers’ involvement in civil lawsuits. The summaries included in this Appendix are based on available state and federal court filings, news reports, and Board of Estimates

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<sup>1</sup> Local Government Tort Claims Act (LGTCa), Md. Code, Cts. & Jud. Proc. § 5-303. These limits were increased from \$200,000 and \$400,000, respectively, in 2015. *See also* Md. Code Ann., Cts. & Jud. Proc. § 5-301(d)(21).

<sup>2</sup> Justin Fenton, *Baltimore expected to pay \$8 million to settle Gun Trace Task Force lawsuit, eclipsing amount in Freddie Gray case*, The Baltimore Sun (Nov. 13, 2020), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-gttf-settlements-burley-20201113-4adck7w7ljf2bh7njtph7tqnem-story.html>.

memoranda regarding settlement payments. This Appendix does not include lawsuits for which we were unable to find such information.

## **B. Pre-Indictment Lawsuits**

### **1. *Reddick v. Cooper, et al.*, 24-C-97-330028 (Cir. Ct. Baltimore City)**

On August 21, 1997, officers from Victor Rivera's flex unit stopped Bryan Reddick for allegedly failing to use his turn signal. During the stop, Officer Robert Quick allegedly yanked Reddick out of his car and threw him against the vehicle. Reddick filed a complaint with BPD. Later, when Reddick went to BPD to follow up on his complaint, he was mistakenly arrested on a warrant for another person. Reddick subsequently filed a complaint with BPD and sued officers Erica Cooper, Sean Ruane, Robert Quick, Philip Parker, Anthony Porter, and Rivera, as well as Sergeants Stephen Davis and Carolyn Fowler. Following a jury trial, Reddick was awarded \$275,000 in punitive and compensatory damages. Rivera was the only officer to be cleared of wrongdoing by the jury.<sup>3</sup>

### **2. *Thomas, et al. v. Baltimore City, et al.*, 24-C-03000285 (Cir. Ct. Baltimore City)**

In 2003, Dewitt Thomas and his wife filed a complaint against several state entities, as well as Keith Gladstone, to recover damages arising from an incident in which Gladstone allegedly accosted, assaulted, and arrested Thomas without legal justification. According to Thomas's complaint, on November 6, 2002, Gladstone stopped Thomas, who was leaving his mother's home. Gladstone then forced Thomas to put his hands against a wall, beat him with an expandable baton, and falsely arrested him. A jury found for Thomas on an abuse of process claim and awarded damages of \$2,500 for past medical expenses. The jury found for Gladstone on the remaining counts.

### **3. *Downing v. Cannon, et al.*, 24-C-03-006274 (Cir. Ct. Baltimore City), 06-cv-02165 (D. Md.)**

On August 29, 2003, William Downing filed a complaint in state court against BPD officers Gladstone, Michael Cannon, John Jendrick, and Anthony Canavale – all of whom were deputized members of a DEA task force. According to Downing's complaint, on September 1, 2000, the officers, who were in plainclothes and in an unmarked police vehicle, stopped his vehicle, shattered his driver's side window, and violently removed him from his vehicle. Downing alleged that the officers threw him to the ground and beat him with their fists, flashlights, and a wrench. After the beating, Downing alleged that the officers planted a large bag of cocaine on his person and then

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<sup>3</sup> Caitlin Francke, *Court told of harassment by city officers; Man charges abuse, wrongful jailing by police*, The Baltimore Sun (Mar. 21, 2000), <https://www.baltimoresun.com/news/bs-xpm-2000-03-21-0003210137-story.html>. The case docket does not include any information regarding why Rivera was cleared of wrongdoing in this matter.



arrested him for narcotics violations, resisting arrest, and assault. Following his arrest, Downing was transported to a hospital, where he was treated for multiple injuries, including facial fractures and lacerations on his body and face.

In August 2006, the case was removed to federal court. On September 21, 2006, the court granted the defendants' motion to substitute the United States as the sole proper defendant in the federal case, thereby dismissing and terminating the officer-defendants from the case. On January 16, 2007, the court granted the defendants' motion to dismiss, and found that Downing had failed to exhaust his administrative remedies under the Federal Tort Claims Act and had failed to oppose the government's motion to dismiss.

**4. *Jones Sr. v. Hersl, et al.*, 24-C-05-008237 (Cir. Ct. Baltimore City)**

On September 9, 2005, Timmy Jones and Shonda Nickens filed a lawsuit against Daniel Hersl and Antonio Hopson. On November 17, 2006, the court entered a stipulation of dismissal with prejudice. The case docket does not include any information regarding the substance of the plaintiffs' complaint.

**5. *Conaway v. Gladstone, et al.*, 24-C-06001826 (Cir. Ct. Baltimore City), 1:06-cv-01193 (D. Md.)**

On February 13, 2006, Marcus Conaway filed a complaint in state court against BPD officers Gladstone, David Smith, and William Bearde, seeking \$1.5 million in compensatory and punitive damages. According to the complaint, on September 10, 2003, the officers conducted a traffic stop of a vehicle in which Conaway was a passenger. During the stop, the officers ordered the driver and passengers to exit the vehicle. Conaway attempted to flee, but was tackled by Bearde. Conaway alleged that the three officers then beat him with their nightsticks, landing blows to his face and head. Afterward, the officers escorted Conaway to the hospital and advised medical personnel that Conaway had sustained injuries from a fall.

In May 2006, Conaway's suit was removed to federal court. On November 9, 2007, following a jury trial, the court entered judgment in favor of the defendants. On December 28, 2007, Conaway filed a notice of appeal. However, on February 13, 2008, the Court of Appeals for the Fourth Circuit dismissed the appeal for failure to prosecute.

**6. *O'Conner v. Fries, et al.*, 24-C-06-003436 (Cir. Ct. Baltimore City)**

On April 12, 2006, Timothy O'Conner filed a lawsuit against BPD officers Wayne Jenkins, Michael Fries, Jack Odom, and Mark Rutkowski in the Circuit Court for Baltimore City. O'Conner alleged that on October 8, 2005, he was involved in an argument outside a bar in Southeast Baltimore when he was approached by the Southeastern Tactical unit members. O'Conner allegedly cursed at Fries, and Jenkins responded by striking O'Conner, causing a facial fracture near O'Conner's eye. City

officials ultimately agreed to pay \$75,000 to O’Conner as compensation for Jenkins’s unlawful use of force. The court entered a judgment in that amount on August 21, 2007.<sup>4</sup>

**7. *Burgess v. Jenkins, et al.*, 24-C-06-005375 (Cir. Ct. Baltimore City)**

On June 26, 2006, Dontae Burgess filed a complaint in state court against BPD officers Jenkins, Dave Crites Jr., Gregg Boyd, and Michael Brassell. On October 16, 2007, the court entered a settlement order, dismissing the case. Neither the substance of Burgess’s complaint nor the terms of the settlement agreement are described in the case docket.

**8. *Jefferson v. Hersl, et al.*, 24-C-08-002393 (Cir. Ct. Baltimore City)**

According to Taray Jefferson’s April 2008 complaint, at the time of her arrest on August 1, 2007, she was approached by Hersl and his sergeant inside a restaurant, where Hersl questioned her regarding a narcotics investigation. Jefferson declined to assist the officers and attempted to walk past Hersl towards the exit. Hersl then grabbed her arm using a wrist lock. According to Jefferson, Hersl pushed her shoulder forward to handcuff her, fracturing her arm. In 2009, the city settled Jefferson’s lawsuit against Hersl and Pearson for \$50,000.<sup>5</sup>

**9. *Sneed v. Cirello, et al.*, 24-C-08-006175 (Cir. Ct. Baltimore City)**

In September 2008, George Sneed filed suit against officers Jenkins, Robert Cirello, Scott Mezan, Fries, and another officer. Sneed alleged that in January 2006, Jenkins and Fries were involved in a physical confrontation with two individuals when Sneed, who was merely walking by, stopped to watch the altercation. Cirello arrived on the scene and ran towards Sneed, who then fled. Cirello reportedly caught Sneed, slammed him to the ground, and fractured his jaw. At trial, the officers testified that Sneed had thrown bottles at the officers prior to his arrest, and Jenkins provided this same account in a deposition. Sneed’s attorney, Michael Pulver, later identified video footage that completely contradicted the officers’ statements, and argued that the officers had fabricated a story to justify their assault and arrest of Sneed. At the close of Sneed’s case, the court granted the defendants’ motion for judgment as to the counts against Jenkins, Fries, and Swenson. The jury found against Cirello, the officer who had assaulted Sneed, and awarded Sneed \$8,319.51 in damages. Available records do not indicate the court’s basis for its finding as to Jenkins.

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<sup>4</sup> See Justin Fenton, *City Oks payments in 2 suits against police officers*, The Baltimore Sun (Sept. 19, 2008), <https://www.baltimoresun.com/news/bs-xpm-2008-09-19-0809180240-story.html>.

<sup>5</sup> Mark Puente, *Some Baltimore police officers face repeated misconduct lawsuits*, The Baltimore Sun (Oct. 4, 2014), <https://www.baltimoresun.com/news/investigations/bs-xpm-2014-10-04-bs-md-police-repeaters-20141004-story.html>. For additional information regarding IA’s investigation into this incident, see Appendix B: Internal Affairs Investigations and Related Matters.

**10. *Richburg v. Baltimore City Police Dep't, et al.*, 24-C-09-007362 (Cir. Ct. Baltimore City)**

On November 12, 2009, Devin Richburg filed a lawsuit against BPD, Momodu Gondo, and an unidentified officer. The case docket contains no information regarding the substance of Richburg's complaint. According to BPD records, the lawsuit was settled in January 2011 for \$10,000.<sup>6</sup>

**11. *Smith, et al. v. Baltimore City Police Dep't, et al.*, 24-C-09-008259 (Cir. Ct. Baltimore City)**

On December 10, 2009, Eric Smith, Marcel Wade, Larry Griffin, and Troy Smith filed a lawsuit in the Circuit Court for Baltimore City against BPD, William Knoerlein, Jenkins, Gladstone, Rivera, Ivo Louvado, and Paul Geare. The lawsuit stemmed from a search of a West Baltimore bar that was conducted by Jenkins and his squad. The officers allegedly detained everyone inside the bar, and in a subsequent report, Jenkins stated that one of the detainees voluntarily gave the officers his keys. Video footage later revealed that Jenkins had searched the individual and had taken his keys, after slapping the man's phone out of his hands.

On March 30, 2011, the jury acquitted the officers of all but one of the thirty-nine counts against them. The jury found in favor of the plaintiffs on a single count of battery against Jenkins, awarding the plaintiff \$1 in damages. On April 18, 2011, the court entered judgment accordingly.

**12. *Parker v. Moss, et al.*, 10-cv-01073 (D. Md.)**

On April 28, 2010, Lillian Parker filed a complaint in federal court against Hersl, Calvin Moss, and other "unknown officers" for battery, false arrest, and false imprisonment. According to Parker's complaint, in May 2007, she was selling church raffle tickets at a house that was being surveilled by the officers. After asking Parker why she was at the house, the officers arrested and charged her and six others with selling drugs and possession of a firearm. These charges were later dropped by prosecutors. In June 2012, the city settled Parker's lawsuit for \$100,000.<sup>7</sup>

**13. *Taylor v. Knoerlein, et al.*, 11-cv-00183 (D. Md.)**

In a January 2011 lawsuit, Nathan Taylor alleged that on November 5, 2003, he was falsely arrested and charged with drug possession by Hersl, Knoerlein, and three other officers. Taylor further alleged that the officers planted the drugs for which he

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<sup>6</sup> Office of Deputy Police Commissioner Jason Johnson, Summary of Indicted Police Officers (Mar. 2017) (provided by BPD).

<sup>7</sup> Mark Puente, *Some Baltimore police officers face repeated misconduct lawsuits*, The Baltimore Sun (Oct. 4, 2014), <https://www.baltimoresun.com/news/investigations/bs-xpm-2014-10-04-bs-md-police-repeaters-20141004-story.html>.

was arrested on his person. In February 2011, the court dismissed Taylor's complaint as time-barred.

**14. *Frederick, et al. v. Rayam, et al.*, 24-C-13-000880 (Cir. Ct. Baltimore City)**

On October 27, 2011, members of Shawn Cannady's family filed a \$20 million wrongful death lawsuit against Jemell Rayam and then-Commissioner Fred Bealefeld. As discussed further in Chapter X, Section E, in March 2009, Rayam shot and killed Cannady in an attempt to stop what Rayam said he believed to be an attempt by Cannady to hit BPD officers with his vehicle. In May 2013, the city settled the lawsuit for \$100,000.<sup>8</sup>

**15. *Sneed v. Avery, et al.*, 24-C-13-000880 (Cir. Ct. Baltimore City)**

On February 13, 2013, Quincy Sneed filed a lawsuit in state court against BPD officers Robert Hankard, Carmine Vignola, Sarah Avery, and Richard Rouse, alleging that the officers had caused him personal injury and violated his civil rights. In November 2013, the court entered a settlement order and ordered that court costs would be paid by the defendants. The case docket does not include any information regarding the substance of Sneed's complaint or the terms of his settlement.

**16. *Frisby v. Hersl*, 24-C-13-002827 (Cir. Ct. Baltimore City)**

On May 10, 2013, Andre Frisby filed a complaint against Hersl for personal injury and civil rights violations. In February 2014, the court granted summary judgment in favor of Hersl. The case docket does not include any information regarding the substance of Frisby's complaint, nor does it describe the basis for the court's ruling on Hersl's motion for summary judgment.

**17. *Logan v. Hankard*, 24-C-14-005627 (Cir. Ct. Baltimore City)**

On May 31, 2013, Joann Logan filed a complaint against Hankard and BPD, alleging personal injury and civil rights violations. In February 2014, the court dismissed Logan's complaint without prejudice. The case docket does not include any information regarding the substance of Logan's complaint.

**18. *Faulkner v. Hersl*, 24-C-13-005352 (Cir. Ct. Baltimore City)**

According to Charles Faulkner's August 2013 complaint, on September 1, 2010, Hersl, Michael Rice, and David Smith arrested him, claiming that they had observed

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<sup>8</sup> Board of Estimates, Meeting Minutes (May 15, 2013), [https://comptroller.baltimorecity.gov/sites/default/files/1760-1873\\_2013-05-15.pdf](https://comptroller.baltimorecity.gov/sites/default/files/1760-1873_2013-05-15.pdf); Luke Broadwater, *City to give \$100K to family of man killed by police*, The Baltimore Sun (May 14, 2013), <https://www.baltimoresun.com/maryland/baltimore-city/bs-xpm-2013-05-14-bs-md-ci-fatal-settlement-20130514-story.html>.

Faulkner engage in a drug transaction. Faulkner alleged that, while he was handcuffed, Hersl struck his face with his fists and a police radio, causing Faulkner to lose consciousness and fracturing his jaw and nose. The city settled the case for \$49,000 in September 2014.<sup>9</sup>

**19. *Foster v. Vignola, et al.*, 13-cv-03758 (D. Md.)**

On December 12, 2013, Thomas Foster, Jr., filed a lawsuit against officers Vignola, Gladstone, Gregory Fisher, and Thomas Wilson III in connection with Foster's May 24, 2012 arrest. According to Foster's complaint, the officers entered his home without a warrant, using a key that they had seized from him during a traffic stop. To justify Foster's arrest and the warrantless search of his home, Wilson allegedly falsely stated in the search warrant affidavit that he had observed Foster leave his residence carrying a black bag containing narcotics. Foster's home surveillance video revealed that he did not in fact have a bag when he left the residence, in direct contradiction to Wilson's sworn statement. The SAO ultimately declined to prosecute Foster because of this discrepancy. In July 2015, the court granted the defendants' motion for summary judgment, finding that Wilson had "committed no constitutional infraction in the arrest" and that the warrantless entry of the residence was justified.

**20. *McCoy v. Baltimore City Police Dep't, et al.*, 24-C-14-005019 (Cir. Ct. Baltimore City)**

On August 29, 2014, Jermol McCoy filed a lawsuit against various state and municipal entities, Vignola, Gladstone, and BPD officers Anthony Saunders, Derrick Brown, and Avraham Tasher. In March 2015, the court entered a joint stipulation of dismissal with prejudice. The case docket provides no information regarding the substance of McCoy's complaint or the grounds for the dismissal.

**21. *Williams v. Ward, et al.*, 24-C-14-008211 (Cir. Ct. Baltimore City)**

In December 2014, Tiyon Williams filed a lawsuit against Joel Fried, Maurice Ward, and Robert Mitchell, alleging false arrest and battery in connection with his May 19, 2012 arrest. According to Williams, the officers approached him and a friend, and Williams attempted to flee. Ward chased and tackled Williams and, although Williams complied with the officers' orders after being tackled, the officers "dragged and beat[]"

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<sup>9</sup> Board of Estimates, Meeting Minutes (Sept. 24, 2014), <https://comptroller.baltimorecity.gov/sites/default/files/2014-09-24.pdf>; Yvonne Wenger and Mark Puente, *Nearly \$50,000 police settlement approved*, The Baltimore Sun (Sept. 24, 2014), <https://www.baltimoresun.com/news/crime/bs-md-ci-settlement-20140924-story.html>.

him before arresting him for assault. The charges against Williams were subsequently dropped. In July 2016, the city paid Williams \$150,000 to settle the lawsuit.<sup>10</sup>

## **22. *Davis v. Hersl*, 24-C-16-003513 (Cir. Ct. Baltimore City)**

On December 10, 2014, Hersl and another officer conducted a stakeout inside a vacant house. During the stakeout, James Davis and another individual entered the house and encountered the detectives. While attempting to flee, Davis fell down stairs and was tackled by Hersl. According to IA records related to this incident, Hersl claimed that Davis attempted to swallow small plastic bags of narcotics, but started choking and spit them out. The officers arrested Davis on drug charges and transported him to the hospital, where he required stitches inside and outside his lip and needed follow-up care from an oral surgeon. On June 14, 2015, Davis's attorney brought a claim against Hersl for assault, battery, false arrest, and false imprisonment in connection with this incident. On December 18, 2020, the city settled the lawsuit with Davis for \$65,000.<sup>11</sup>

## **23. *Potts v. Hendrix, et al.*, 16-cv-03187 (D. Md.)**

In a complaint filed on September 2, 2015, Ivan Potts alleged that Evodio Hendrix, Jenkins, and Ward physically assaulted him, produced a firearm they claimed he had possessed, and then arrested him. Potts further alleged that the officers knowingly caused his prosecution and subsequent conviction for possession of the firearm. On April 12, 2017, the SAO dismissed the charges against Potts, who had spent 20 months in pretrial detention in state prison. In April 2020, the city agreed to pay \$400,000 to settle Potts's lawsuit.

## **24. *Forbes v. Rayam*, 24-C-15-005722 (Cir. Ct. Baltimore City)**

On November 15, 2015, Harvey Forbes filed a lawsuit in state court against Rayam. According to Forbes, Rayam improperly performed a cavity search on him in 2015. In August 2017, the city paid Forbes \$70,000 to settle the lawsuit.

## **25. *Lee v. Hersl, et al.*, 24-C-15-006618 (Cir. Ct. Baltimore City)**

In December 2015, George Lee filed a lawsuit against Hersl, Officer Timothy Romeo, and the city, alleging that Hersl falsely arrested and imprisoned him on November 5, 2015. According to Lee's complaint, Hersl stopped and questioned him shortly after he was seen leaving a friend's residence. Lee refused to answer Hersl's questions, at which point the officers strip-searched him and held him at gunpoint. Lee

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<sup>10</sup> Luke Broadwater, *Baltimore settles police brutality lawsuit for \$150,000*, The Baltimore Sun (July 13, 2016), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-police-settlement-20160713-story.html>.

<sup>11</sup> For information regarding IA's investigation into this incident, see Appendix B: Internal Affairs Investigations and Related Matters.



was arrested and charged with possession of narcotics — a charge that was later dismissed. On October 27, 2016, at the close of Lee’s argument in the civil trial, the court granted Hersl’s motion for judgment. Available records do not describe the basis for the court’s ruling.<sup>12</sup>

## **26. *Lomax, et al. v. O’Ree, et al.*, 24-C-16-002313 (Cir. Ct. Baltimore City)**

In April 2016, multiple individuals who were arrested during the 2015 riots following Freddie Gray’s death filed a lawsuit against various BPD officers, including Gladstone, Hankard, Hersl, and Chris O’Ree. According to the complaint, O’Ree pepper-sprayed plaintiff Larry Lomax. Gladstone then grabbed Lomax’s hair and pulled him to the ground, where he was handcuffed. Officers Joseph Landsman and Hankard carried Lomax to the sidewalk. Lomax alleged that one of the officers (not specified) pulled him up by the back of his neck and poured water over his face to “administer aid” (*i.e.*, wash away the pepper spray). In February 2018, the court ruled in favor of Lomax and entered a judgment of \$75,000 against O’Ree and Gladstone.

Hersl was also sued in connection with his arrest of co-plaintiff Andrew Fischer, a journalist who was covering the riots. According to the complaint, Hersl arrested Fischer despite the fact that he had media credentials, and slammed him face-first into the pavement during the arrest. The claims against Hersl were dismissed with prejudice in May 2018.

## **C. Post-Indictment Lawsuits**

### **1. *Hamilton v. Hersl, et al.*, 24-C-17-001316 (Cir. Ct. Baltimore City), 19-cv-01981 (D. Md.)**

On March 15, 2017, Nancy Hamilton filed suit in state court against Hersl, Gondo, Jenkins, and Rayam in connection with the July 8, 2016 robbery of Hamilton and her husband. As discussed further in Chapter VII, Section I, the officers stole \$3,400 from the Hamiltons during a traffic stop, obtained a search warrant for the Hamiltons’ residence based on a false affidavit, and stole \$20,000 during the execution of that warrant. In December 2021, the state court dismissed the case for lack of prosecution.

In July 2019, Hamilton filed a complaint in federal court in connection with the same incident. In November 2020, the city paid Hamilton \$150,000 to settle the federal lawsuit.

### **2. *Brown v. Taylor, et al.*, 24-C-17-006621 (Cir. Ct. Baltimore City)**

On December 22, 2017, Ryan Brown filed a lawsuit against Marcus Taylor and Hendrix, alleging that the officers approached him on his front porch and unlawfully

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<sup>12</sup> IA’s investigation into Lee’s allegations is discussed further in Appendix B: Internal Affairs Investigations and Related Matters.

arrested him for a handgun violation. The court granted the defendants' motion for summary judgment on December 6, 2018. The case docket does not provide further information regarding the basis for the court's ruling.

### **3. *James v. Rayam, et al.*, 24-C-18-001701 (Cir. Ct. Baltimore City)**

On March 23, 2018, William James filed a lawsuit against Taylor, Rayam, Hersl, Jenkins, and BPD. James's complaint alleged that on August 18, 2016, the officers conducted a pretextual traffic stop on his vehicle without reasonable suspicion or probable cause, detained him, planted a firearm in his vehicle, and then arrested him and knowingly caused his wrongful prosecution for possession of the firearm. He was unable to post bond and was detained until he was released on March 27, 2017. On April 16, 2019, the court entered a \$32,000 judgment against Rayam, Jenkins, and Taylor for their roles in the incident. The claims against Hersl were dismissed. On August 12, 2020, the city approved a \$200,000 settlement.

### **4. *Bumgardner v. Taylor, et al.*, 18-cv-01438 (D. Md.)**

On May 17, 2018, Kenneth Bumgardner filed a \$10 million lawsuit in federal court, alleging that on February 9, 2016, Taylor, Hendrix, Ward, and Jenkins crashed an unmarked police vehicle into the front of his vehicle, and during a subsequent foot chase, Taylor struck Bumgardner with a blunt object. According to Bumgardner's complaint, the officers failed to provide him with medical attention for almost two hours. Bumgardner suffered a fractured mandible that required surgery. The officers issued Bumgardner a citation for unsafe driving; no other charges were filed. The officers also recorded a video statement at the scene, requesting Baumgardner to deny that he was hit or otherwise injured by any of the officers. The lawsuit, which settled in November 2020 for \$150,000, also named Thomas Allers, Ian Dombrowski, and Dean Palmere in their supervisory capacities.

### **5. *Burley v. Baltimore Police Dep't, et al.*, 18-cv-01743 (D. Md.)**

In June 2018, Umar Burley and Brent Matthews filed a lawsuit against BPD, Jenkins, Ryan Guinn, Gladstone, and the Estate of Sean Suiter in connection with the 2010 drug planting incident that is discussed in Chapter V, Section G. In November 2020, the city paid Burley and Matthews a total of \$7,997,073 to settle the lawsuit.

### **6. *Roberts v. Taylor, et al.*, 18-cv-1940 (D. Md.)**

On June 27, 2018, Blanton Roberts filed a \$10 million lawsuit, alleging that on October 7, 2015, Taylor, Hendrix, Ward, and Jenkins pulled Roberts off his front porch, unlawfully searched and arrested him, and planted a firearm on him. The lawsuit also named Allers, Dombrowski, and Palmere in their supervisory capacities; Allers was later dismissed from the suit. The case was settled in November 2020 for \$165,000.

### **7. *Johnson v. Baltimore City Police Dep't, 18-cv-02375 (D. Md.)***

On August 2, 2018, the family of Elbert Davis – who died as a result of the high-speed chase and related vehicle accident involving Jenkins, Umar Burley, and Brent Matthews<sup>13</sup> – filed a wrongful death claim against Jenkins and Ryan Guinn. In addition, the complaint alleges that BPD and Dean Palmere failed to supervise or prevent Jenkins's and Guinn's misconduct, including their practice of illegal stops, pursuits, and arrests, which resulted in Davis's death. As of the date of this Report, the case remains open, and a trial date has not been scheduled.

### **8. *Stokes v. Jenkins, et al., 24-C-18-004643 (Cir. Ct. Baltimore City)***

On August 9, 2018, Richard Stokes filed a lawsuit in state court, alleging that on September 3, 2015, he was approached by Jenkins and Hendrix. Stokes attempted to flee. The officers caught Stokes and allegedly fabricated charges against him, which were subsequently dismissed. In October 2020, the city paid Stokes a settlement of \$11,000.

### **9. *Harrod v. Baltimore City, et al., 18-cv-02542 (D. Md.)***

Devon Harrod filed a lawsuit on August 17, 2018, alleging that on August 20, 2015, Jenkins and Hendrix falsely arrested him after planting a gun in the vehicle of his friend, Aron Johnson. Harrod alleged that the officers then coerced him into falsely claiming ownership of the weapon – with Jenkins “going so far as to place [his service weapon] against Mr. Johnson's forehead” in an attempt to force Harrod or Johnson to falsely confess. Harrod was subsequently charged with various handgun violations, and was incarcerated for approximately 13 months. Following the GTTF members' arrests, the charges against Harrod were dismissed. In November 2020, the city paid Harrod \$425,000 to settle the lawsuit.

### **10. *Jones v. Baltimore City Police Dep't, et al., 24-C-18-006771 (Cir. Ct. Baltimore City)***

On December 18, 2018, Paul Jones filed a lawsuit in state court against Taylor, Duane Weston, Eduardo Pinto, and Kenneth Ivery for assault, battery, false arrest, and various other claims in relation to his arrest on May 28, 2015. According to Jones, Taylor falsely stated in the affidavit for a search warrant for Jones's residence that he had discovered narcotics in a trash container outside Jones's home. In November 2020, the Board of Estimates approved a \$160,000 settlement to resolve Jones's lawsuit.

### **11. *Saunders v. Baltimore City Police Dep't, et al., 19-cv-00551 (D. Md.)***

On February 19, 2019, Michael Saunders filed a \$10 million lawsuit alleging that on September 15, 2016, Taylor, Ward, Hendrix, and Jenkins conducted an illegal traffic

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<sup>13</sup> This incident is discussed in further detail in Chapter V, Section G.

stop, during which they stole \$18,000 and threatened to kill him if he reported the theft. The officers then arrested Saunders for a handgun that was recovered from his car. Saunders also alleged that the officers sent threatening messages to him in the jail in which the officers were also being detained after their March 2017 arrests. In November 2020, the city settled the case for \$60,000.

**12. *Johnson v. Gondo, et al.*, 19-cv-00995 (D. Md.)**

Robert Johnson was arrested for possession of a firearm on August 24, 2014. He subsequently pleaded guilty and served four years of a five-year sentence. In his April 2, 2019 lawsuit, which named Gondo, Rayam, BPD, and past commissioners as defendants, Johnson alleged that his arrest was illegal and sought \$10 million in compensatory and punitive damages. In June 2021, the case was settled for \$525,000.

**13. *Cain v. Taylor, et al.*, 24-C-19-002483 (Cir. Ct. Baltimore City)**

On April 24, 2019, George Cain filed a lawsuit against Taylor, Hendrix, and Jenkins alleging that on April 26, 2016, the officers chased and tackled him, then planted a gun on him and told him that he could go free if he provided information about other suspects. According to the complaint, when Cain did not provide the requested information, he was arrested. On January 6, 2020, the court dismissed Cain's lawsuit with prejudice. The case docket does not provide information regarding the grounds for the dismissal.

**14. *Shore, et al. v. Mayor and City Council of Baltimore City, et al.*, 19-cv-01341 (D. Md.)**

In May 2019, Jeffrey Shore and Donna Curry filed a lawsuit against Rayam, Gondo, Allers, Dombroski, Palmere, BPD, and multiple unknown officers in connection with the June 27, 2014 robbery of their residence by Rayam, Thomas Finnegan, and David Rahim. As discussed in Chapter X, Section E, during this robbery, Rayam, Finnegan, and Rahim stole \$20,000 from the residence. In June 2020, the court dismissed the lawsuit as time-barred.

**15. *Jefferies v. Taylor, et al.*, 24-C-19-002916 (Cir. Ct. Baltimore City)**

On May 16, 2019, Tyrell Jefferies filed a lawsuit in state court, alleging that in May 2016, Taylor, Hendrix, Ward, and Jenkins assaulted and robbed him and falsely charged him with possessing a handgun, a charge that was later dismissed. The case was settled in October 2020 for \$15,000.

**16. *Sims, et al. v. Hersl, et al.*, 24-C-19003945 (Cir. Ct. Baltimore City), 20-cv-00759 (D. Md.)**

On July 25, 2019, April Sims and Damon Hardrick filed a lawsuit against Hersl, Jenkins, Gondo, and BPD, alleging that the officers falsely arrested them on narcotics

charges that were ultimately dismissed. In March 2020, the lawsuit was removed to federal court, and in April 2020, the court entered a stipulation of dismissal with prejudice.

**17. *Tate v. Hersl*, 19-cv-02240 (D. Md.)**

At Hersl's criminal trial, Herbert Tate testified that on November 27, 2015, Hersl and two other officers, Kevin Fassl and John Burns, stopped him on Robb Street. Just two days earlier, Hersl had stopped and searched Tate on the street and said, "Next time I see you, you're going to jail." During the stop on November 27, Fassl seized \$530 from Tate's pocket. When Fassl asked Hersl what to do with the money, Hersl told Fassl to keep it. When Tate asked the officers to count his money before transporting him to booking, Burns angrily replied that no one was going to take his money. When Tate was released from jail, he learned that Hersl had reported seizing only \$216 to BPD's Evidence Control Unit, about half the amount Tate had in his pocket. On August 2, 2019, Tate filed a lawsuit in federal court in relation to this incident. The city ultimately paid Tate \$15,000 to settle the lawsuit.

**18. *Towson, et al. v. Hersl, et al.*, 19-cv-02373 (D. Md.)**

In August 2019, Antone Towson, Ameer Gittens, John Williams, and Robert Reed filed a lawsuit in federal court against Hersl, Joseph Wiczulis, Donald Hayes, Kevin Davis, and the Mayor and City Council of Baltimore. The plaintiffs alleged that, during the summer of 2015, the officers arrested them for numerous false and fabricated gun- and drug-related crimes. In May 2020, the plaintiffs voluntarily dismissed their lawsuit.

**19. *Davis v. Allers, et al.*, 19-cv-02750 (D. Md.)**

In a September 17, 2019 complaint in federal court, Cardinair Davis alleged that Allers, Rayam, Gondo, and Hersl planted a gun in a vehicle in which he was a passenger and falsely claimed that Davis had alerted the officers to the presence of the weapon. In November 2020, the parties agreed to settle the case for \$185,000.

**20. *Crowder v. Hendrix, et al.*, 24-C-19-004914 (Cir. Ct. Baltimore City)**

On September 24, 2019, Andre Crowder filed a lawsuit against Taylor, Hendrix, Jenkins, Ward, and Gondo, alleging that on September 28, 2016, the defendants planted a gun on him and then arrested him following a traffic stop. Crowder also claimed the officers went to his family's house, where they stole \$10,000 in cash. The parties filed a joint stipulation of voluntary dismissal on December 10, 2019, after BPD provided Crowder's attorney with body-worn camera footage refuting Crowder's claims.

### **21. *Marshall v. Jenkins, et al.*, 24-C-19-005233 (Cir. Ct. Baltimore City)**

On October 15, 2019, Louis Marshall filed a lawsuit, alleging that Taylor, Hendrix, Gondo, Ward, and Jenkins falsely arrested and framed him on gun and drug charges. In October 2020, the city approved a \$23,000 settlement payment to Marshall.

### **22. *Jerel Cotten (Claim Only)***

In a February 2020 notice provided to BPD, Jerel Cotten alleged that on August 28, 2015, Vignola, Hankard, and Ryan Hill planted a gun on him during a traffic stop and arrested him, causing him to spend 45 days in jail. The SAO filed a motion to vacate Cotten's conviction in October 2019, and the city settled his claim for \$50,000.<sup>14</sup>

### **23. *Rich v. Hersl, et al.*, 20-cv-00488 (D. Md.)**

On February 24, 2020, Eric Rich filed a lawsuit against Hersl and Calvin Moss, alleging that on October 2, 2007, the officers planted a gun on him and falsely arrested him. Rich further alleged that, one week prior to his arrest, he had filed an IA complaint against Hersl regarding a separate encounter. During that encounter, Rich alleged, Hersl threatened to plant a gun on him. As of the date of this Report, this case remains open.

### **24. *Allen v. Taylor, et al.*, 20-cv-00489 (D. Md.)**

On February 24, 2020, Avon Allen filed a \$20 million lawsuit in federal court alleging that on January 13, 2016, Taylor, Hendrix, Ward, and Jenkins falsely arrested him on gun charges and assaulted him. During Allen's criminal trial, the court declared a mistrial after the jurors could not reach a verdict as to whether Allen possessed a firearm. Shortly thereafter, the USAO indicted Allen based on the same set of facts before dismissing its case on December 2, 2016, without explanation. Allen was released the same day, and on January 24, 2017, the SAO filed a second indictment with the same charges. He was arrested a second time on February 3, 2017, and released pending trial on February 6, 2017. The charges were dropped after the arrest of the GTTF members.

Allen's lawsuit, which also named Allers, Dombrowski, and Palmere, was settled in October 2020 for \$70,000.

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<sup>14</sup> Based on the available records, it appears that the city settled the matter with Cotten prior to his lawsuit being filed. See Acting City Solicitor Dana Moore, Lawsuits related to the misconduct of the former Gun Trace Task Force Officers (Nov. 11, 2020), <https://htv-prod-media.s3.amazonaws.com/files/stamped-gttf-settleemnts-boe-memo-11-11-2020-1605290215.pdf>.



**25. *Brown v. Rayam, et al.*, 20-cv-00487 (D. Md.)**

On February 24, 2020, Gary Brown filed a lawsuit alleging that on or about June 8, 2009, he was pulled over and detained without cause by Rayam and Jason Giordano. As discussed further in Chapter V, Section L, the officers then stole \$11,000 from the trunk of Brown's car. In October 2020, the city paid \$15,000 to Brown to settle the lawsuit.

**26. *Whiting v. Taylor, et al.*, 20-cv-00540 (D. Md.)**

On February 28, 2020, Shawn Whiting filed a \$10 million lawsuit in federal court, alleging that on January 24, 2014, Taylor, Ward, Ivery, and Pinto unlawfully searched his home and person and robbed him. The complaint also named Dombroski and Palmere in their supervisory capacities. The complaint alleged that the officers entered Whiting's home to execute a search warrant based on falsified information. The officers allegedly seized \$23,970, of which only \$7,650 was submitted to Evidence Control. Whiting was charged with drug distribution and served three years in prison. Whiting testified about this incident in the criminal trial of Hersl and Taylor. In November 2020, the case was settled for \$300,000.<sup>15</sup>

**27. *Thomas v. Rayam, et al.*, 20-cv-00541 (D. Md.)**

On February 28, 2020, Sherman Thomas filed a lawsuit in federal court, alleging that Allers, Gondo, and Rayam falsified affidavits in support of search warrants, one of which was executed at his home. As a result of the officers' illegal searches, Thomas was charged with gun- and drug-related crimes, serving two years in prison before his sentence was vacated. In November 2020, the city settled the case for \$165,000.

**28. *Gough v. Rayam, et al.*, 20-cv-00542 (D. Md.)**

On February 28, 2020, Bernard Gough filed a lawsuit against Rayam, Jonathan Simpson, and various members of BPD command staff, alleging that on October 9, 2007, he was shot in the head and neck area by Rayam without cause. According to Gough, neither Rayam nor Simpson rendered immediate aid, despite the seriousness of his injuries. Further, Gough alleged that the officers falsified criminal charges against him in order to justify the shooting. As a result, Gough was incarcerated for approximately one and a half years. In November 2019, the SAO vacated Gough's conviction. In November 2020, the case was settled for \$1 million.

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<sup>15</sup> This incident is discussed in further detail in Chapter X, Section F, and Appendix A: Crimes Committed by the Prosecuted Former BPD Officers. IA's investigation into this incident is discussed in Appendix B: Internal Affairs Investigations and Related Matters.

**29. *Walker, et al. v. Jenkins, et al.*, 20-cv-00572 (D. Md.)**

In a March 2020 lawsuit, Jamal and Jovonne Walker alleged that on November 3, 2010, Jenkins and Gladstone performed an illegal search of Jamal Walker's car. During this search, the officers allegedly alluded to planting drugs on Jamal Walker and stole money from the vehicle. The officers then arrested Jamal Walker and transported him to Central Booking. Jenkins and Gladstone then proceeded to the Walkers' residence and gained false entry, with Jovonne Walker present (and without her consent). There, the officers performed an illegal search, planted evidence, and arrested Jovonne Walker for gun and drug offenses. In October 2020, the city paid the Walkers a settlement of \$15,000.

**30. *Richards v. Vignola, et al.*, 20-cv-00571 (D. Md.)**

On March 2, 2020, Jawan Richards brought a claim against the city, Vignola, Hankard, and other BPD officers for excessive force and false imprisonment. In his complaint, Richards alleged that on January 27, 2016, Vignola and Hankard initiated a traffic stop under the false pretense that he was not wearing a seat belt. The officers then shot Richards, striking him in the neck, and falsely claimed that he had attempted to reverse his vehicle into their unmarked police vehicle. Afterward, the officers allegedly planted a gun and drugs in Richards's vehicle and arrested him, resulting in his incarceration for four and a half years. In March 2020, Richards's conviction was overturned, and eight months later the city paid Richards \$850,000 to settle his lawsuit.<sup>16</sup>

**31. *Rogers v. Taylor, et al.*, 20-cv-00705 (D. Md.)**

On March 16, 2020, Tevin Rogers filed a lawsuit in federal court, alleging that Taylor, Hendrix, Ward, and Jenkins falsely arrested and framed him on gun and drug charges. In May 2020, the court dismissed Rogers's lawsuit without prejudice after he failed to pay the court's filing fee.

**32. *Brown v. Jenkins, et al.*, 24-C-19-004047 (Cir. Ct. Baltimore City), 20-cv-00971 (D. Md.)**

On April 15, 2020, Albert Brown filed a lawsuit in state court, which was subsequently removed to federal court, alleging that on August 1, 2016, Taylor, Rayam, Hersl, and Jenkins conducted an unconstitutional search of his car and arrested him after he refused to provide information on other suspects. The officers then took Brown to his home and entered the home using his keys. While inside, the officers allegedly stole \$7,000 in cash and \$10,000 in jewelry. The complaint also named Dombroski,

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<sup>16</sup> IA's investigation into this incident is discussed in Appendix B: Internal Affairs Investigations and Related Matters.

Palmere, and Darryl De Sousa in their supervisory capacities. In November 2020, the city settled the case for \$150,000.

### **33. *Earl v. Taylor, et al.*, 20-cv-01355 (D. Md.)**

On June 1, 2020, Darnell Earl filed a \$30 million lawsuit in federal court, alleging that on October 18, 2015, Taylor, Hendrix, and Jenkins conducted an unlawful traffic stop of his vehicle. Earl further alleged that the officers unconstitutionally searched his car and planted a firearm for which he was subsequently charged. The lawsuit also named former commissioners Bealefeld and Batts and current BPD Commissioner Harrison in their supervisory capacities. Following his arrest, Earl pleaded guilty to the handgun-related charges and was imprisoned for approximately 18 months. The case remains open as of the date of this Report.

### **34. *Lee v. Hersl, et al.*, 20-cv-0219 (D. Md.)**

On July 28, 2020, Wayne Lee sued Hersl and two other officers in federal court. According to Lee's complaint, on January 2, 2016, the officers told him and two friends to get out of their parked car. Hersl then handcuffed Lee and took him to the Eastern District police station. While in a conference room, Hersl showed Lee a plastic bag containing drugs. Hersl saved his telephone number in Lee's cell phone and said that if Lee did not have two firearms for him by Tuesday, January 5, he would arrest Lee for the drugs. On October 28, 2020, the city settled the lawsuit for \$24,000.

### **35. *Pauling v. Hendrix*, 20-cv-02211 (D. Md.)**

Donte Pauling filed a lawsuit on July 29, 2020, against Hendrix, Ward, and Jenkins. Pauling alleged that on October 12, 2015, the officers approached him in an unmarked car, at which point he fled. According to Pauling, the officers caught him and claimed that Pauling had thrown a gun that was found in a nearby alley during the chase. Although Pauling denied that the gun was his, he was charged with various handgun violations and held without bail pending trial. Pauling pleaded guilty and was sentenced to five years. After serving approximately two years of his sentence, Pauling's case was dismissed. In November 2020, the city paid \$165,000 to settle Pauling's lawsuit.

### **36. *Johnson v. Taylor, et al.*, 24-C-20-003292 (Cir. Ct. Baltimore City)**

On July 30, 2020, Kendrick Johnson filed a \$1 million lawsuit alleging that on October 15, 2015, Taylor, Hendrix, Ward, Jenkins, and David McCauley falsely arrested and framed him on gun and drug charges. The lawsuit also named Allers, Dombroski, and Palmere in their supervisory capacities. On November 4, 2020, the Board of Estimates approved a \$125,000 settlement in connection with Johnson's lawsuit.

**37. *Morris v. Jenkins, et al.*, 20-cv-02229 (D. Md.)**

According to Dawud Morris's August 3, 2020 complaint, in October 2011, GTTF officers entered Morris's home using a falsified search warrant. The officers searched the residence and arrested Morris for possession of a gun and drugs, which Morris claimed had been planted. Morris later pleaded guilty to charges related to the seized items and was incarcerated for approximately five years. In October 2020, the Board of Estimates approved a settlement of \$400,000 in connection with Morris's lawsuit.

**38. *Evans v. Hersl, et al.*, 24-C-21-000804 (Cir. Ct. Baltimore City)**

In February 2021, Kevron Evans filed a complaint against Hersl, Taylor, Jenkins, Rayam, Allers, and Gondo, among other BPD officers. Evans alleged that on October 20, 2012, three of the officers searched him without probable cause, and then handcuffed him and drove him to another location, where Hersl was waiting. There, Evans alleged, Hersl planted drugs on him and arrested him. Evans was subsequently charged with three felonies. Evans reportedly accepted a plea deal and received a suspended sentence and probation. Following the GTTF officers' arrest, Evans's conviction was vacated.<sup>17</sup> As of the date of this Report, Evans's lawsuit remains open.

**39. *Anderson v. Hendrix, et al.*, 24-C-21-001117 (Cir. Ct. Baltimore City)**

On March 15, 2021, Derrick Anderson filed a complaint against Hendrix, Ward, Taylor, and Jenkins, asserting tort claims. The case docket provides no additional information regarding the substance of Anderson's complaint. As of the date of this Report, the case remains open.

**40. *Knox v. Hersl, et al.*, 24-C-21-002316 (Cir. Ct. Baltimore City)**

On May 13, 2021, Kyle Knox filed a lawsuit against Hersl, Stephen Romey, Nathan Warfield, and Bealefeld, asserting tort claims. The case docket provides no additional information regarding the substance of Knox's complaint. As of the date of this Report, the case remains open.

**41. *Lewis v. Wiczulis, et al.*, 21-cv-02184 (D. Md.)**

In August 2021, Tremayne Lewis filed a complaint in federal court against BPD, Hersl, Burns, Romeo, Wiczulis, and several other officers, along with the State of Maryland. Lewis alleged that he was framed and falsely arrested for handgun and drug charges by Hersl and other BPD officers in the Eastern District. As of the date of this Report, the case remains open.

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<sup>17</sup> Justin Fenton, *Rapper Young Moose sues convicted Gun Trace Task Force officer Hersl, others*, The Baltimore Sun (Mar. 10, 2021), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-gttf-young-moose-lawsuit-20210310-q4a7sqnsobcxgdgq6yazdfzclgq-story.html>.

## Appendix D: Baltimore Mayors and BPD Commissioners (1999-2021)



### Baltimore Mayors



### Police Commissioners

<sup>1</sup> Dixon completed O'Malley's term after he was elected governor. Dixon was elected mayor in November 2007.  
<sup>2</sup> Rawlings-Blake completed Dixon's term after her resignation. Rawlings-Blake was elected mayor in November 2011.  
<sup>3</sup> Pugh was on leave from April 2, 2019 to May 2, 2019.  
<sup>4</sup> Young served as acting mayor from April 2, 2019 to May 2, 2019. Young then served the remainder of Pugh's mayoral term.

<sup>5</sup> Frazier served as acting commissioner from January to February 1994.  
<sup>6</sup> Norris served as acting commissioner from April to May 2000.  
<sup>7</sup> John McEntee served as acting commissioner between Norris and Clark.  
<sup>8</sup> Hamm served as acting commissioner from November 2004 to March 2005.  
<sup>9</sup> Bealefeld served as acting commissioner from July 2007 to November 2007.  
<sup>10</sup> Anthony Barksdale served as acting commissioner between Bealefeld and Batts.  
<sup>11</sup> Davis served as acting commissioner from July 2015 to November 2015.

<sup>12</sup> De Sousa served as acting commissioner from January to February 2018.  
<sup>13</sup> Tuggle served as acting commissioner during this time period.  
<sup>14</sup> Harrison served as acting commissioner from February to March 2019.

## Appendix E: Witness Interview List

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Name	Title/Organization	Interview Date(s)
Jason Johnson	Former Deputy Commissioner, BPD Strategic Services Bureau	12/19/2019
Kevin Davis	Former Commissioner, BPD	12/20/2019
Dan Beck	Former Chief, BPD Office of Legal Affairs	1/8/2020
Robert Quick	BPD, including Captain, Operational Intelligence Section	1/21/2020
Frederick Bealefeld III	Former Commissioner, BPD	1/27/2020
Monique Dixon	Director of State Advocacy and Deputy Director of Policy, NAACP Legal Defense and Educational Fund	1/29/2020
Lawrence Grandpre	Director of Research, Leaders of a Beautiful Struggle	1/29/2020
Leonard Hamm	Former Commissioner, BPD	2/4/2020
Anthony (Tony) Barksdale	Former Deputy Commissioner, BPD Operations Bureau	2/18/2020
Sheryl Goldstein	Former Director, Mayor's Office on Criminal Justice	2/24/2020
John Skinner	Former Deputy Commissioner, BPD Operations Bureau	3/5/2020
Ed Norris	Former Commissioner, BPD	3/12/2020
Michael Davey	Partner, Schlachman, Belsky and Weiner and Outside Counsel, Baltimore City Fraternal Order of Police	3/12/2020
Anthony Batts	Former Commissioner, BPD	3/17/2020
Jeronimo (Jerry) Rodriguez	Former Deputy Commissioner, BPD Professional Standards and Accountability Bureau	3/23/2020
Kevin A. Jones	BPD, including Colonel/Chief, Patrol Division	3/27/2020
Ian Dombroski	BPD, including Major, Performance Standards	4/1/2020
Ganesha Martin	BPD and City Hall, including Chief, DOJ Compliance, Accountability & External Affairs Division	4/2/2020



Name	Title/Organization	Interview Date(s)
John Sieracki III	BPD, including Sergeant, BPD Internal Affairs and FBI Task Force Officer	4/8/2020 + 4/28/2020
Chad Ellis	BPD, including Sergeant, BPD Internal Affairs and FBI Task Force Officer	4/16/2020
Rodney Hill	BPD, including Chief, Office of Professional Responsibility	4/20/2020
Melissa Hyatt	BPD, including Chief, Special Operations Division	4/23/2020 + 5/5/2020
Sean Miller	BPD, including Colonel/Chief, OID	4/24/2020 + 5/1/2020
Ivan Bates	Defense Attorney, Bates & Garcia, P.C.	4/29/2020
Judge George Hazel	Former Chief Deputy State's Attorney, Baltimore City State's Attorney's Office	4/30/2020
Ronda McCoy	BPD, including Major, Compliance Unit	4/30/2020
Taiwan Jamal (TJ) Smith	BPD, Former Chief, Office of Public Information	5/6/2020
Rod Rosenstein	Former United States Attorney, United States Attorney's Office for the District of Maryland	5/7/2020
Victor Rivera	BPD, including Detective, Drug Unit	5/8/2020
James Kostoplis	BPD, including Detective, Gun Trace Task Force	5/8/2020
Martin Bartness	BPD, including Lieutenant Colonel/Deputy Chief, Patrol Division	5/12/2020
Erika Jensen	Supervisory Special Agent, FBI	5/13/2020
Andre Davis	Former City Solicitor, City of Baltimore; Former federal judge	5/14/2020
Gary McLhinney	Former President, Baltimore City Fraternal Order of Police and Commissioner, Commission to Restore Trust in Policing	5/19/2020
Janice Bledsoe	Deputy State's Attorney, Baltimore City State's Attorney's Office	5/20/2020
Gregg Bernstein	Former Baltimore City State's Attorney	5/21/2020
Todd Moody	BPD, including Detective and FBI Task Force Officer	5/22/2020
Darryl De Sousa	Former Commissioner, BPD	5/26/2020
Robert Quick (second interview)	BPD, including Captain, Operational Intelligence Section	5/28/2020

Name	Title/Organization	Interview Date(s)
Sean Malone	BPD and City Hall, including Chief, BPD Office of Legal Affairs; Baltimore Labor Commissioner; Commissioner, Commission to Restore Trust in Policing	6/2/2020
Suzanne Sangree	BPD and City Hall, including Chief, BPD Office of Legal Affairs	6/3/2020
Gary Tuggle	BPD, including Interim Commissioner	6/8/2020
Robert Cherry	BPD, including Sergeant, Homicide Unit; Former President, Baltimore City Fraternal Order of Police	6/9/2020
Catherine Pugh	Former Mayor, City of Baltimore	6/10/2020
Tonya (Ty) Kelly	Former Assistant United States Attorney, United States Attorney's Office for the District of Maryland	6/16/2020
Kristin Blumer	BPD, Office of Legal Affairs	6/17/2020
Peter Moskos	Professor, John Jay College of Criminal Justice and Former Police Officer, BPD	6/18/2020
Stephanie Rawlings-Blake	Former Mayor, City of Baltimore	6/23/2020 + 6/24/2020
Sheila Dixon	Former Mayor, City of Baltimore	6/25/2020
Martin O'Malley	Former Mayor, City of Baltimore and Former Governor, State of Maryland	6/30/2020 + 7/3/2020 + 7/10/2020
Michael Coleman	BPD, including Detective and ATF Task Force Officer	7/2/2020
Daniel Webster	Professor, John Hopkins University	7/6/2020
Judge David Copperthite	Former Assistant United States Attorney, United States Attorney's Office for the District of Maryland	7/7/2020
David Kennedy	Former Advisor to BPD; Professor, John Jay College of Criminal Justice	7/9/2020
Kristen Mahoney	Former Director, Mayor's Office on Criminal Justice	7/14/2020
Rustin Price	Baltimore County Police Department, including Major, Criminal Investigations Division	7/14/2020

Name	Title/Organization	Interview Date(s)
Ross Passman	Anne Arundel County Police Department, including Commander, Bureau of Operations & Investigations	7/15/2020
Peter Grippi	Baltimore County Police Department, including Detective Sergeant, Violent Crime Interdiction Division	7/15/2020
William Ryan	Baltimore County Police Department, including Detective, Gun Squad	7/16/2020
Matt Gallagher	City Hall and Office of Governor, including Director, CitiStat and Chief of Staff, Office of Governor	7/16/2020
Peter Nothstein	Former Assistant United States Attorney, United States Attorney's Office for the District of Maryland	7/21/2020
Al Hamby	Baltimore County Police Department, including Sergeant, Gun Trace Task Force and Lieutenant, Criminal Investigations Division	7/21/2020
Bob Maloney	Former Director, City of Baltimore Emergency Management	7/23/2020
Michael Pool	BPD, including Administrative Lieutenant, Deputy Commissioner's Office	7/28/2020
Anthony (Tony) Gioia	Former Chief Counsel, Baltimore City State's Attorney's Office	7/30/2020
Dean Palmere	Former Deputy Commissioner, BPD Operations Bureau	8/4/2020 + 8/16/2020
Robert (Bob) Wasserman	Former Consultant to BPD	8/6/2020
Richard Worley	BPD, including Colonel/Chief, Patrol Division	8/11/2020
Elizabeth Geiselman	BPD, including Detective, Gun Trace Task Force	8/13/2020
Cassidy Kapfhammer	BPD, including Detective, Gun Trace Task Force	8/20/2020
Donald Haskins	BPD, including Detective, Gun Trace Task Force	8/21/2020
Kevin E. Jones	BPD, including Detective, Gun Trace Task Force	8/24/2020
Baynard Woods	Reporter, <i>Baltimore City Paper</i> ; Author, <i>I Got a Monster</i>	8/26/2020 + 9/2/2020

Name	Title/Organization	Interview Date(s)
Rodney Mobley	BPD, including Detective, Gun Trace Task Force	8/28/2020
Kevin A. Jones (second interview)	BPD, including Colonel/Chief, Patrol Division	9/1/2020
Michael Wilhelm	BPD, including Sergeant, Gun Trace Task Force and Gun Offender Registry Unit	9/3/2020
John Hess	BPD, including Major, VCID	9/8/2020 + 9/9/2020
Chris O'Ree	BPD, including Lieutenant, OID	9/10/2020
Marjorie German	BPD, including Lieutenant, OID	9/15/2020 + 9/16/2020
Robert (Rob) Morris	BPD, including Lieutenant, IA Ethics Section	9/17/2020
Antonio Hopson	BPD, including Detective, Gun Trace Task Force	9/18/2020
Luis Ruiz	BPD, including Detective, Gun Trace Task Force	9/22/2020
Greg Hahn	Maryland State Police, including Corporal, Gun Trace Task Force	9/23/2020
Dante Briley	Maryland State Police, including Trooper First Class, Gun Trace Task Force	9/25/2020
Suzanne Fries	BPD, including Lieutenant, OID	9/29/2020
Mike Mancuso	BPD, including Sergeant, Homicide Unit; President, Baltimore City Fraternal Order of Police	10/1/2020
Michael Fries	BPD, including Lieutenant, VCID	10/8/2020
Gerald Hensley	BPD, including Detective, VCID	10/14/2020
Marjorie German	BPD, including Lieutenant, OID	10/14/2020
Daryl Murphy	BPD, including Lieutenant, SES	10/15/2020
Kevin Clark	Former Commissioner, BPD	10/19/2020
Barbara McClairn	BPD, including Detective, IA Ethics Section	10/21/2020 + 11/16/2020
Matthew Smith	BPD, including Detective, Internal Affairs and FBI Task Force Officer	10/23/2020

Name	Title/Organization	Interview Date(s)
Keri Borzilleri	Former Assistant State's Attorney, Baltimore City State's Attorney's Office	10/28/2020
Michael Newton	BPD, including Lieutenant, CID	11/3/2020
Christophe Jones	BPD, including Major, Recruitment Unit	11/5/2020
Chanel Bastfield	BPD, including Deputy Director, Recruitment Unit	11/12/2020
Doug Ludwig	Former Division Chief, Police Misconduct Unit Baltimore City State's Attorney's Office	11/13/2020
Sean Miller (second interview)	BPD, including Colonel/Chief, OID	11/17/2020
Victor Rivera (second interview)	BPD, including Detective, Drug Unit	11/18/2020
Kevin Davis (second interview)	Former Commissioner, BPD	12/8/2020
Martin Bartness (second interview)	BPD, including Lieutenant Colonel/Deputy Chief, Patrol Division	11/23/2020
Michelle Bolden	BPD, including Sergeant, IA	11/25/2020
Ryan Guinn	BPD, including Detective, Gun Trace Task Force	10/30/2020 + 12/11/2020
Michelle Bolden (second interview)	BPD, including Sergeant, IA	12/4/2020
Ronda McCoy (second interview)	BPD, including Major, Compliance Unit	12/9/2020
Rodney Hill (second interview)	BPD, including Chief, BPD Office of Professional Responsibility	12/16/2020
Robert Furlong	BPD, including Administrative Lieutenant, VCID	12/16/2020
Lawrence Perry	BPD, including Internal Auditor, Compliance Unit	12/22/2020
Marilyn Mosby	Baltimore City State's Attorney	1/13/2020
Wayne Jenkins	Former Sergeant, Gun Trace Task Force	1/20/2021
Rodney Hill (third interview)	BPD, including Chief, BPD Office of Professional Responsibility	1/21/2021
Joel Fried	BPD, including Lieutenant, SES	1/26/2021
Kyesha Coleman	BPD, including Detective, VCID	1/27/2021

Name	Title/Organization	Interview Date(s)
Jason Giordano	BPD, including Detective, VCID	2/2/2021
Timothy Devine	BPD, including Lieutenant, OID	2/5/2021 + 2/8/2021
Paul Geare	BPD, including Detective, VCID	2/10/2021
Victor Rivera (third interview)	BPD, including Detective, Drug Unit	2/10/2021
Pat Jessamy	Former Baltimore City State's Attorney	2/16/2021
Melissa Hyatt (second interview)	BPD, including Chief, BPD Special Operations Division	2/17/2021
Ryan Jones	BPD, including Detective, VCID and DEA Task Force Officer	2/19/2021
Steven Trostle	Division Chief, Public Integrity Unit, Baltimore City State's Attorney's Office	2/23/2021
Martin Bartness (third interview)	BPD, including Lieutenant Colonel/Deputy Chief, Patrol Division	2/25/2021
StacyAnn Llewellyn	Former Division Chief, Public Integrity Unit Baltimore City State's Attorney's Office	2/25/2021
John Burns	BPD, including Sergeant, OID	2/26/2021
Kenneth Ivery	BPD, including Sergeant, OID	3/2/2021
Daniel Salefski	BPD, including Sergeant, VCID	3/3/2021
Michael Schatzow	Former Chief Deputy State's Attorney, Baltimore City State's Attorney's Office	3/4/2021
Danny Murphy	Former Deputy Commissioner, BPD Compliance Bureau	3/12/2021
Eric Melancon	Chief of Staff, BPD Commissioner	3/16/2021
John Ferinde	BPD, including Lieutenant, IA Ethics Section	3/17/2021
Stephanie Lansey	BPD, including Major, IA	3/18/2021
Jim Gillis	Deputy Commissioner, BPD Administrative Bureau; Former Chief of Staff	3/19/2021
John Fernandez	BPD, including Captain, IA Ethics Section	3/23/2021
Michael Sullivan	Deputy Commissioner, BPD Operations and Compliance Bureaus	3/24/2021
Brian Nadeau	Deputy Commissioner, BPD Public Integrity Bureau	3/26/2021
Michael Harrison	Commissioner, BPD	3/30/2021



Name	Title/Organization	Interview Date(s)
Shallah Graham	Chief Financial Officer, BPD	3/30/2021
Sheree Briscoe	Deputy Commissioner, BPD Operations Bureau	4/1/2021
Derek Loeffler	BPD, including Administrative Lieutenant, Chief of Patrol's Office	4/8/2021
Angela Alston	BPD, including Payroll Manager, Fiscal Unit	4/9/2021
Brandon Scott	Mayor, City of Baltimore	4/14/2021
Amy Tyson Guevara	Managing Director, BPD Human Resources	4/23/2021
Takiyah Arif	Generalist, BPD Human Resources	4/23/2021
Martin O'Malley (second interview)	Former Mayor, City of Baltimore and Former Governor, State of Maryland	4/27/2021
EPIC Trainer Focus Group I	EPIC participants with rank of detective, sergeant, lieutenant	5/5/2021
EPIC Trainer Focus Group II	EPIC participants with rank of detective, sergeant, lieutenant	5/10/2021
PIB Training Focus Group	Training participants from IA General and Ethics sections with rank of detective	5/12/2021
Michael Corcoran	BPD, including Detective, IA Ethics Section	5/13/2021
Robert (Rob) Morris (second interview)	BPD, including Lieutenant, IA Ethics Section	5/17/2021
PIB Training Focus Group	Training participants from IA General and Ethics sections with rank of sergeant or lieutenant	5/19/2021
Johnny Delgado	BPD, including Major, Northwest District; Lieutenant, IA	5/19/2021
Anthony (Tony) Barksdale (second interview)	Former Deputy Commissioner, BPD Operations Bureau	6/1/2021
John Hess (second interview)	BPD, including Major, VCID	6/4/2021
Robert (Rob) Morris (third interview)	BPD, including Lieutenant, IA Ethics Section	6/7/2021
Shallah Graham (second interview)	Chief Financial Officer, BPD	7/30/2021
William King	Former Detective, BPD Public Housing Unit	8/5/2021
Donald Stepp	Former Bail Bondsmen and GTTF Co-Conspirator	8/16/2021

Name	Title/Organization	Interview Date(s)
John Herzog	BPD, including Lieutenant Colonel, Detectives Division	9/3/2021
Lisa Walden	Chief, BPD Office of Legal Affairs	9/17/2021
Erika Jensen (second interview)	Supervisory Special Agent, FBI	10/19/2021
Vernon Herron	Director, BPD Officer Safety and Wellness	10/21/2021

In addition to the formal interviews listed above, we addressed scores of email follow-up questions to various witnesses. Those questions were generally limited to confirming specific questions of fact, or seeking to resolve conflicting testimony on specific issues. Fred Bealefeld, Anthony Barksdale, John Hess, Kevin Davis, Martin Bartness, Rodney Hill, Erika Jensen, and John Sieracki were the most frequent recipients of such follow-up questions, and all were consistently responsive.

## Appendix F: Acronym Chart

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Abbreviation	Definition
AAPD	Anne Arundel County Police Department
ACLU	American Civil Liberties Union
ACS	Anti-Crime Section
ASAC	Assistant Special Agent-in-Charge
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
BCPD	Baltimore County Police Department
BPD	Baltimore Police Department
BWC	Body-Worn Camera
CIU	Command Investigations Unit
COTF	Community Oversight Task Force
CRB	Civilian Review Board
DAT	District Action Teams
DDU	District Detective Unit
DEA	Drug Enforcement Administration
DOJ	United States Department of Justice
EEOC	Equal Employment Opportunity Commission
EIS	Early Intervention System
EIU	Early Intervention Unit
EPIC	Ethical Policing Is Courageous
ERU	Evidence Review Unit
FAST	Firearms Apprehension Strike Team
FBI	Federal Bureau of Investigation
FIT	Force Investigation Team
FIU	Firearms Intelligence Unit
FIVE	Firearms Investigation Violence Enforcement Unit
FOP	Fraternal Order of Police
FTO	Field Training Officers
GTTF	Gun Trace Task Force
GVRs	Gun Violence Reduction Strategy
HIDTA	High Intensity Drug Tracking Area
IA	Internal Affairs
IAD	Internal Affairs Division
IID	Internal Investigation Division
IRB	Independent Review Board
LAPD	Los Angeles Police Department
LEOBR	Law Enforcement Officers' Bill of Rights
LGTCa	Local Government Tort Claims Act

Abbreviation	Definition
MOU	Memorandum of Understanding
MPIA	Maryland Public Information Act
MSP	Maryland State Police
NAACP	National Association for the Advancement of Colored People
NOPD	New Orleans Police Department
NYPD	New York City Police Department
OCD	Organized Crime Division
OID	Operational Investigations Division
OPR	Office of Professional Responsibility
PERF	Police Executive Research Forum
PIB	Public Integrity Bureau
RRU	Special Operations Section's Rapid Response Unit
SAC	Special Agent-in-Charge
SAO	State's Attorney's Office
SES	Special Enforcement Section
SET	Special Enforcement Team
SIRT	Special Investigation Response Team
USAO	United States Attorney's Office
VCID	Violent Crime Impact Division
VCIS	Violent Crime Impact Section
VRO	Violent Repeat Offender
WATF	Warrant Apprehension Task Force

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The Baltimore Police Department and the city of Baltimore were faithful to their pledge not to interfere with our investigation or with this Report in any way. We want to single out Lisa Walden, Chief Legal Counsel at the Baltimore City Department of Law, Police Legal Affairs Group, for her assistance in responding to scores of requests for information and documents over the past two years.