

**Assessment of Arrests Resulting in a Release Without Charge (RWOC)**

*(Referred to as “BPD Analysis of District Court Commissioner Arrest Data Report” in the Updated Third Year Monitoring Plan)*

*Baltimore Police Department*

*3<sup>rd</sup> Quarter, 2020*

**Overview**

The Baltimore Police Department (BPD) is dedicated to upholding the Constitution and enforcing laws in a fair, impartial, and ethical manner. As part of this commitment, BPD conducts a quarterly analysis of arrests that resulted in suspects being released without charge (RWOC) by the State’s Attorney’s Office (SAO). In this analysis, BPD assesses the quality of those arrests, takes necessary corrective actions, and identifies opportunities to improve departmental performance.

If an arrest lacks Probable Cause (PC), it will be included in the list of RWOC incidents. However, RWOC incidents also include all arrests in which the SAO has declined to prosecute. The SAO may decline to prosecute for many reasons, including prosecutorial discretion or if the SAO determined it was unable to prove the criminal charge(s) beyond a reasonable doubt, even if PC existed. In turn, this review encompasses an array of arrests declined for a variety of reasons.

This report is the second of continuous quarterly assessments on this topic. The review period is prior to the completion of agency-wide training on stops, searches and arrests (SSA) and the implementation of new and improved policy mandates that directly address many of the deficiencies identified in this report. As training and policy advance, BPD will expect higher levels of performance and increase the level of corrective action as appropriate for identified deficiencies.

This report details the following elements of this review:

1. Methodology for this analysis;
2. Statistical analysis of RWOCs and any associated trends;
3. Case review findings regarding RWOCs demonstrating deficiencies; and
4. Recommendations to address the findings of this report.

**Methodology**

To conduct this assessment, BPD obtains a list of arrests from the SAO that concluded with releasing the suspect without charges. The SAO may decline to prosecute for many reasons, including a lack of PC, a determination that charge(s) could not be proven beyond a reasonable doubt, even if PC existed, or prosecutorial discretion.

Upon receipt of the list of RWOC arrests, the Inspection Unit will separate out RWOC arrests which the SAO categorized as “Prosecutorial Discretion,” because these may represent policy

decisions by the SAO rather than legal issues with the arrest.<sup>1</sup> To ensure that there weren't also legal or BPD-policy issues, BPD will randomly review 10% of these arrests per month.<sup>2</sup> Within the 10%, arrests for "lesser offences"<sup>3</sup> will be prioritized. Additionally, BPD will review all RWOC arrests that the SAO categorized for a reason other than prosecutorial discretion. Every case review will include an analysis of reports associated with the arrest and BWC footage, if applicable, to determine if the arrest was made in accordance with appropriate legal standards. In order to assess patterns in arrest practices, demographics of the subjects and officers will be added to the SAO's RWOC list, as well as shifts, units and/or the correct districts or assignments of the arresting officer.<sup>4</sup>

BPD will focus its review on PC determinations and other important legal standards that may lead to developing PC for arrests. Following this review, BPD will take any appropriate action, which may include training or other corrective action for the involved officer(s) and/or referring incident(s) to the Public Integrity Bureau for administrative or criminal investigation.

### Statistical Analysis

In the third quarter of 2020 (Q3), the Maryland Department of Public Safety and Correctional Services (DPSCS) reported 3,174 adult arrests by the BPD.<sup>5</sup> The SAO determined a total of 123 arrests as RWOCs during this time period, down 24% from 161 the previous quarter.<sup>6</sup> 123 RWOCs represent 3.9% of the total BPD adult arrests during this time period. This is down from 5.6% from Q2. The SAO categorized the 123 RWOCs for Q3 as follows:

SAO Reason for RWOC	Count	% of Total
4th Amendment Violation	1	1%
Elements of the crime not readily provable	18	15%
Nexus Issue	2	2%
Prosecutorial Discretion	102	83%
<b>Total</b>	<b>123</b>	

*Table 1. SAO Reasons for RWOCs in 2020 Q3*

<sup>1</sup> For example, SAO may opt not to prosecute certain crimes due to policy decisions made about misdemeanor Marijuana Possession and other crimes during the Covid-19 pandemic.

<sup>2</sup> The methodology for review of "prosecutorial discretion" arrests was updated prior to the initiation of the Q3 2020 RWOC review. The Q2 2020 report contained methodology that reviewed 50% of "prosecutorial discretion" RWOCs.

<sup>3</sup> "Lesser Offences" include crimes such as disorderly conduct, trespassing, or obstructing/hindering.

<sup>4</sup> A redacted version of the SAO's RWOC spreadsheet will be released along with this report.

<sup>5</sup> Juvenile arrests in Baltimore are processed by a separate system, and the SAO does not generate a list of juveniles released without charges.

<sup>6</sup> There were an additional 3 RWOCs from non-BPD police agencies.

The primary charge for the 123 RWOCs are listed here:<sup>7</sup>

Charge	Count
Narcotics Violation	103
Trespassing	4
Disorderly Conduct	4
Car Theft	1
Firearms Violation	3
Breaking & Entering	2
Destruction of Property	3
Second Degree Assault	2
Theft	1
<b>Total</b>	<b>123</b>

Table 2. Primary criminal charges for each RWOC in 2020 Q3

#### *Distribution of RWOCs by District*

Table 3 below shows the distribution of reviewed RWOCs by district. There is significant variance between the districts, with the Northeast having 49 and the Northwest having 4. These stats and the accompanying case review details will be provided to the relevant commands for further analysis and applicable discussion with their units regarding enforcement decisions and report writing.

Command	# of RWOCs	% of Total
Northeast	49	40%
Central	19	15%
Southern	12	10%
Southeast	10	8%
Southwest	10	8%
Eastern	7	6%
Northern	7	6%
Western	5	4%
Northwest	4	3%
<b>Total</b>	<b>123</b>	

Table 3. RWOC Distribution by District in 2020 Q3, Sorted for Frequency

<sup>7</sup> Arrestees were often charged with multiple crimes. This chart lists the most significant charge for each RWOC.

*Distribution of RWOCs by District for Quarters 2 and 3 of 2020*

Table 4, below, shows a continuation of a trend from the second quarter when the Northeastern district produced a higher number of RWOCs compared to other districts. The aggregate totals for quarters 2 and 3 of 2020 are shown, by district:

Command	# of RWOCs	% of Total
Northeast	82	29%
Southeast	39	14%
Central	36	13%
Southern	34	12%
Southwest	27	10%
Western	20	7%
Northern	16	6%
Eastern	12	4%
Northwest	9	3%
MFF	6	2%
MMU	2	1%
RATT	1	0%
<b>Total</b>	<b>284</b>	

Table 4. 2020 Q2 and Q3 RWOC Distribution by District, Sorted for Frequency

*Distribution of RWOCs by District and Shift*

Table 5 below depicts a breakdown of RWOCs by district and shift. This table includes the 123 RWOCs resulting from district personnel. Q3 had no non-district personnel making RWOC arrests. The tour of duty for A shift is 11 p.m. to 7 a.m., B shift is 7 a.m. to 3 p.m., and C shift is 3 p.m. to 11 p.m. Districts also deploy District Action Teams (DAT) for proactive enforcement. DATs accounted for 57% of all district-related RWOCs, and DATs produced more RWOCs than other units in a majority of the districts.

District	A	B	C	DAT	District Total
Northeast	1	6	2	40	49
Central	2	4	3	10	19
Southern		2	3	7	12
Southwest	1	2	3	4	10
Southeast	4	1	2	3	10
Northern		1	5	1	7
Eastern		3	2	2	7
Western	1	2	1	1	5
Northwest		1	1	2	4
<b>Shift/Unit Total</b>	<b>9</b>	<b>22</b>	<b>22</b>	<b>70</b>	<b>123</b>

Table 5. Distribution of RWOCs by District and Shift in 2020 Q3

The following chart visualizes this data:

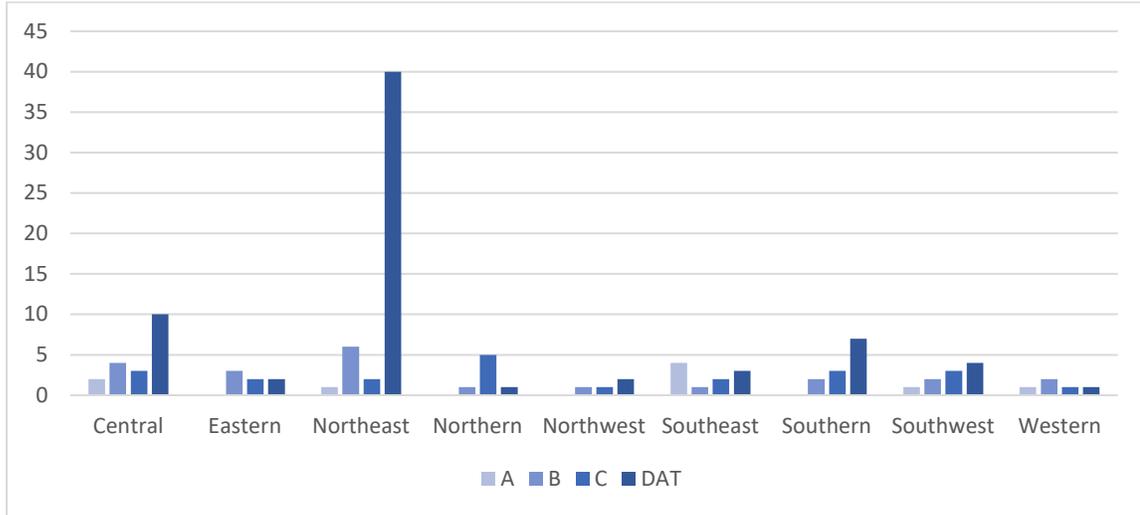


Figure 1. RWOCs by District and Shift in 2020 Q3

Once again, there is significant variance between shifts and units, with the Northeastern DAT having 40 RWOCs and several A shifts having zero. The Northeastern DAT had one officer with 13 RWOCs, as discussed later in this report. BPD’s Q2 RWOC report reflected a similar trend of the Northeast District DAT team leading the BPD in RWOC arrests by a significant number. Performance Standards has notified the new command of the Northeast District of this clearly-identified trend to take a closer look at the operational priorities of the unit.<sup>8</sup> Figure 2, below, visualizes this trend for quarters 2 and 3 of 2020:

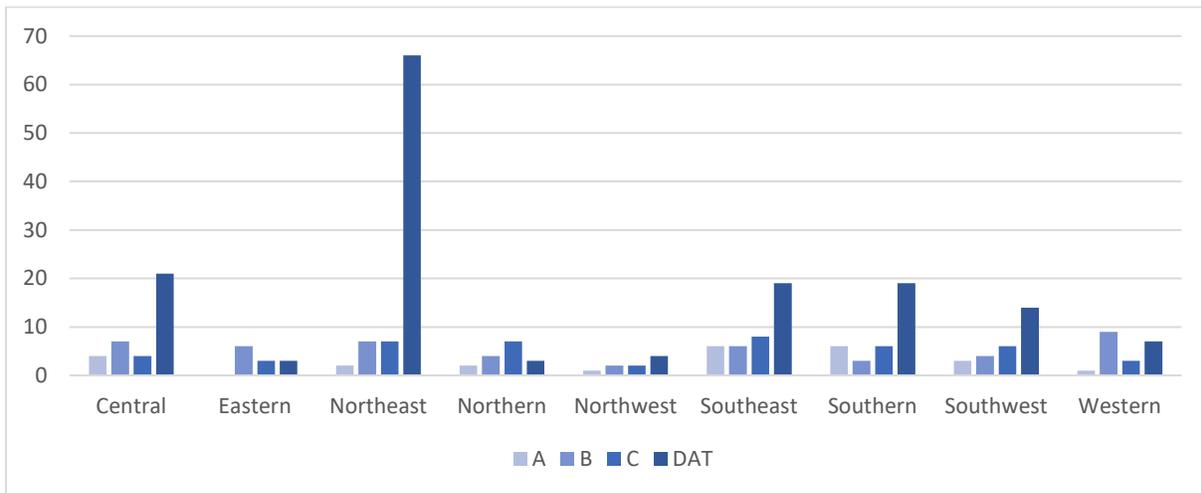


Figure 2. 2020 Q2 and Q3 RWOCs by District and Shift

<sup>8</sup> BPD’s Q2 RWOC report had not been finalized and approved at the time of the RWOC arrests included in this report. Therefore, at the time of this report, specific corrective action measures recommended in the Q2 RWOC report had not yet been implemented. Such measures might have lessened the number of RWOCs and the instances of problematic RWOCs. BPD will closely monitor the impact of such measures for subsequent reports.

RWOCs account for 3.9% of total arrests, and BPD’s Operations Bureau should use this report and supporting data to determine why some commands may be producing inappropriate arrests or pursuing crimes the SAO will not prosecute. The Operations Bureau should also attempt to identify other potential areas of operational improvement and effective resource deployment. The Operations Bureau and Education and Training Section (E&T) should provide a summary of actions taken, as stated in the **Recommendations** section of this report.

### RWOCs Analyzed

In total, BPD reviewed 33 RWOCs for Q3, including all 21 RWOCs for reasons other than Prosecutorial Discretion as well as 12 Prosecutorial Discretion cases (~10% of the total of 102).<sup>9</sup> The results of the review are detailed below.

#### *RWOCs Indicating a Lack of PC/RAS or Poor Reporting*

In order for an arrest to be legal, there needs to be at least Reasonable Articulate Suspicion (RAS) for the stop and then Probable Cause (PC) for the arrest. Of the 33 cases reviewed, BPD determined that two arrests had valid PC, but contained a poorly written report, and 5 cases either lacked PC for arrest or lacked RAS needed prior to the arrest to conduct a weapons pat down. It was determined that 26 cases had valid PC for arrest. Table 5 below represents the findings:

Review Result	Count	% of Total
Lacked PC for Arrest	5	15%
Valid PC but Poor Reporting	2	6%
Valid PC and Adequate Reporting	26	79%
<b>Total</b>	<b>33</b>	

*Table 5. Results of RWOC Review in 2020 Q3*

The cases that lacked PC included two arrests for destruction of property during one incident, two for narcotics violations, and one arrest for a handgun violation that lacked RAS for a weapons pat down. Additional detail of the cases can be found in the **Case Review Findings** section.

While the two CDS related arrests that lacked probable cause involved the recovery of narcotics from the person of the arrestee and the arrestees were in violation of the law, the

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<sup>9</sup> 12 cases being slightly more than 10% of 102 because the Inspection Unit selected cases as monthly reports arrived from the SAO throughout the quarter and rounded up each time.

recoveries were based on searches that lacked a warrant or any valid exception to the warrant requirement. There was not consent to a search, no consent requested by the officer, and there did not exist PC for an arrest which would lead to a search incident to arrest. Additionally, in one of these arrests, the subject did not possess a criminal amount of narcotics (over 10 grams of marijuana).<sup>10</sup>

Recent BPD training on Stops, Searches, and Arrests on just-activated, improved policies reinforce prohibitions on such unauthorized actions. BPD currently does not provide policy guidance on how to handle contraband obtained through an unconstitutional search. If BPD identifies such an action, BPD must act to remedy the situation to the fullest extent, including internal corrective action. We recommend BPD adopt a protocol to provide guidance to supervisors on how to handle the recovery of narcotics or other contraband during a search subsequently determined to be unconstitutional.

*Distribution of Problematic RWOCs by Original SAO Reason for RWOC*

BPD initiates this review process with a list of RWOCs including a reason for the RWOC from the SAO. BPD then analyzes the RWOCs and provides a conclusion as to whether probable cause was established. The table below shows BPD's conclusions on problematic RWOCs on the left and the original reason for the RWOC from the SAO on the right.

BPD Review Result	SAO Reason	Count
Lacked PC / RAS for Arrest (5)	4th Amendment Violation	1
	Elements of crime not readily provable	4
	Prosecutorial Discretion	0
Valid PC but Poor Reporting (2)	Elements of crime not readily provable	2
	Prosecutorial Discretion	0
<b>Total</b>		<b>7</b>

*Table 6. Distribution of Problematic RWOCs by Original SAO Reason in 2020 Q3*

<sup>10</sup> Possession of less than 10 grams of Marijuana is illegal in Maryland, but not criminal. It is a civil violation.

The table below shows this breakdown in aggregate across quarters 2 and 3 of 2020:

BPD Review Result	SAO Reason	Count
Lacked PC / RAS for Arrest (10)	4th Amendment Violation	3
	Elements of crime not readily provable	5
	Prosecutorial Discretion	2
Valid PC but Poor Reporting (10)	Elements of crime not readily provable	6
	Prosecutorial Discretion	4
<b>Total</b>		<b>20</b>

Table 7. 2020 Q2 and Q3 Distribution of Problematic RWOCs by Original SAO Reason

#### *Distribution of Problematic RWOCs by District*

The below table presents an overview of what units had problematic RWOCs during the review period. The commands with problematic RWOCs were the Northeast (1), Central (3), and Southeast (3).

Command	Lacked PC for Arrest	PC but Poor Reporting	Total
Northeast	1		1
Central	1	2	3
Southeast	3		3
<b>Total</b>	<b>5</b>	<b>2</b>	<b>7</b>

Table 8. Distribution of Problematic RWOCs by District in 2020 Q3

The table below summarizes the aggregate distribution of problematic reviews across the quarters 2 and 3 of 2020:

Command	Lacked PC/ RAS for Arrest	PC but Poor Reporting	Total
Southeast	4	1	5
Central	1	3	4
Northeast	2	2	4
Northern	2		2
Education and Training		1	1
Eastern	1		1
Southern		1	1
Southwest		1	1
Western		1	1
<b>Total</b>	<b>10</b>	<b>10</b>	<b>20</b>

Table 9. 2020 Q2 and Q3 Distribution of Problematic RWOCs by District

*Distribution of RWOCs by Officer*

BPD found that there were no trends regarding officers for problematic cases for the review period. Each incident involved a different officer, though one case produced two RWOC arrests that were deemed to lack PC and an additional officer produced one case with two RWOCs deemed to have deficient report writing. Four Officers from the Northeast DAT unit led in total RWOCs in both Q2 and Q3 of 2020. Performance Standards has notified the Northeast command regarding this trend. BPD will continue to review trends for each individual quarter—as well as across quarter time periods—to identify any problematic performance trends.

These arrests lacking probable cause emphasize the importance of ongoing, department-wide training on stops, searches, and arrests, and BPD will take corrective actions towards the individual officers identified in this review for them to receive the appropriate discipline or training to ensure they will police constitutionally and in conformance with policy. Details of those corrective actions can be found in the **Case Review Findings** and **Recommendations** sections of this report.

While there were no patterns in the problematic RWOCs for officers, 18 officers did have multiple RWOCs during the period. Most notably, the Northeast District has five officers who lead the BPD in RWOCs in Q3 with the highest officer having 13. Four officers from the Northeast District had more RWOCs than the entire Western District. Performance Standards has brought these trends to the attention of the new command in the Northeast District. Northeast District Command and other District commands should review and discuss these cases with the relevant officers regarding any improvements they can make regarding enforcement decisions.

## Case Review Findings

This section provides a summary of RWOCs deemed by BPD to (1) lack PC for arrest, (2) lack RAS to stop and/or pat down the subject, or (3) had probable cause for arrest but had insufficient reporting.

### Cases Lacking Probable Cause

#### *Possession with Intent to Distribute Narcotics*

##### *Central District*

*SAO declination reason: Elements of the crime not readily provable*

Officer was patrolling a “high crime, open air drug market” area and walked into a laundromat which, in the officer’s reporting, was described as, “A problematic business that requires a daily police presence.” The officer observed a subject handing two men objects. When one of the men saw the officer enter the doorway, the officer said, “Hey, stop, stop, stop!” The subject put the objects back into his pocket, and the officer tried to physically detain him for an investigation, but the subject ran away. The officer chased the subject and arrested him. Search revealed 13 items of heroin incident to arrest.

BPD’s analysis found that the officer lacked PC to arrest the man. The officer did not identify the objects being handed over as contraband and did not have additional information or tips that this subject was dealing drugs. The officer also did not describe the area and the laundromat in sufficient detail to support his suspicions.

Analysis of this case, like all other cases, is based on the documentation paired with the available video footage. It is important to note that narcotics investigations may involve detailed observations not captured on video. This is unlike other cases discussed in this report due to the lack of footage establishing PC for narcotics violations. It is uncertain that PC did not exist, as the hand-to-hand transaction was not available for assessors to view. It is possible that PC may have existed, and the officer failed to properly articulate the important elements of PC in the report. Although this is possible, assessors arrived at a no-PC determination, because they could not definitively verify otherwise.

Remedial Stop, Search, and Arrest (SSA) training is recommended at this time for the officer, who has five years of experience as a police officer. The incident also will be referred to PIB for review. Additionally, Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*, and related training should be updated to address recovery of contraband that lacked PC. It should provide guidance on how to release the subjects, and reaffirm the need to submit the contraband as evidence.

#### *Conspiracy to Distribute Narcotics*

##### *Northeast District*

*SAO declination reason: Elements of the crime not readily provable.*

An officer was watching two subjects from a covert position. The subjects were in a high drug area which the officer described in two sentences.<sup>11</sup> They were pacing around, and a man approached and spoke with Subject #1. The man then went between two cars and received suspected narcotics from Subject #2 in exchange for money. The man was later stopped, and two items of marijuana were recovered which he admitted to after the recovering officer told him that officers observed the sale. Subject #1 and #2 were also stopped and arrested upon confirmation of recovery of the marijuana from the buyer. Subject #2 had items of packaged marijuana matching those recovered from the buyer. Subject #1 had less than 10 grams of marijuana in packages inconsistent with that of Subject #2 and that of the buyer.

BPD found valid PC to arrest Subject #2. However, BPD's assessment found a lack of PC for Subject #1's arrest. While he spoke to the buyer and appeared to be an acquaintance of Subject #2, there was no indication he did anything else that would amount to PC for arrest.

Like the previously discussed case, this incident involved narcotics observations not captured on video. This is unlike other cases discussed later in this report which have more BWC footage depicting the events of the incident. It is uncertain that PC did not exist, as additional behavior of the subject was not available for assessors to view. It is possible that PC may have existed, and the officer failed to properly articulate the important elements of PC in the report. Although this is possible, assessors arrived at a no-PC determination, because they could not definitively verify otherwise.

Remedial SSA Training is recommended for the officer, who is a ten-year veteran. The incident also will be referred to PIB for review. Additionally, Policy 1112 and related training should be updated to address recovery of contraband that lacked PC, as previously stated in this report. It should provide guidance on how to release the subject, and reaffirm the need to submit the contraband as evidence.

#### *Handgun violation*

##### *Southeast District*

##### *SAO declination reason: Fourth Amendment Violation*

The subject matched the description from an anonymous caller of an individual armed with a gun in a bag. Officers approached him based on the anonymous tip only. They spoke with him for a brief period of time captured on BWC. The subject did not exhibit signs of an armed person while they spoke to him. Once officers shined a flashlight on the bag on his side, they confirmed the bag also matched the description from the unknown caller. An officer then approached the subject "to perform a weapons pat down" of the bag. The subject stood, bladed his body and ran as the officer grabbed his bag and held it, causing it to tear off his shoulder as the subject ran away. The officer felt the gun concealed in the bag. The subject was caught after a foot chase. Officers recovered a handgun from the bag.

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<sup>11</sup> Current training on stops, searches, and arrests addresses the need to specifically describe information about crime in a particular area if the crime in the area is relevant to the handling of the incident.

BPD's assessment found that officers did not have RAS to conduct a weapons pat down based solely on an anonymous call for service. They did not develop independent RAS upon arrival, and although the subject immediately stood and bladed his body in response to the officer approaching, this action did not amount to RAS, especially since the officer wrote that their intent was to conduct a pat-down prior to the subject blading his body.

Recent Stops, Searches, and Arrests training now has addressed this type of scenario. Training specifically addresses that anonymous information, even if perfectly credible, cannot solely be used to form RAS. Both the officer who attempted the pat-down and the primary officer did not receive the SSA training at the time of this incident. This case does not warrant a formal PIB referral since the understanding of the RAS elements was not clearly established through BPD training. BPD will refer similar cases for PIB review in the future now that all members have received updated training on stops, searches, and arrests. Additionally, the final version of this report will be provided to PIB who can open an investigation of specific incidents of their choice.

The officers involved in this incident do not have sustained violations for improper searches or arrests in their disciplinary history. The officer who attempted the pat-down has six years of experience as a police officer. The primary officer has less than two years of experience. Remedial SSA training is recommended for the officers in this case. This case will be provided to BPD's Education and Training Section (E&T) for possible inclusion in future training curriculum. Additionally, Policy 1112 and related training should be updated to address recovery of contraband that lacked PC and/or RAS, as previously stated in this report. It should provide guidance on how to release the subject, and reaffirm the need to submit the contraband as evidence.

*Malicious Destruction of Property*

*Southeast District*

*SAO declination reason: Elements of the crime not readily provable*

An Officer received a call to a building that had a rock thrown through the window. The manager of the property found the front door glass window broken. Video footage showed three males walk up and one pick up a rock and throw it through the window. Officers found the three individuals and arrested them but did not determine which one threw the rock. The officer is heard on BWC stating that the arrest of all three was because, "All three were together." One of the three was a 17-year-old juvenile who possessed 66 items of suspected heroin found incident to arrest. The other two men were arrested and released without charges.

Although crimes are sometimes committed by groups of people working together and the arresting officer may have assumed that to be true in this case, there was not documented evidence that all the subjects were responsible for the actions of one. BPD found that their arrests lacked PC. Remedial SSA training is recommended for the officer, who has ten years of experience. The incident also will be referred to PIB for review.

Inadequately Written Report<sup>12</sup>

*Second Degree Assault*

*Central District*

*SAO declination reason: Elements of the crime not readily provable*

At about 2:00 a.m., an officer on foot patrol saw Subject #1 arguing with an unidentified female being held back by Subject #2. Officers dispersed the individuals involved in the argument. Subject #1 later approached the unidentified female and hit her with a closed fist and ran. Police chased, and an unidentified man stopped Subject #1. Subject #2 hit that unidentified man with a closed fist. Both Subject #1 and #2 were arrested. Both victims left the scene before being identified. BPD's assessment found PC for the arrests for assault and affray.<sup>13</sup> However, the incident report authored by the arresting officer suffered from poor grammar and punctuation, causing the narrative to read as if Suspect #2 struck the officer, which was not the case. It contained run-on sentences, often lacked periods and commas when needed, and used the wrong form of verbs. The officer has nine years with the BPD. Remedial report writing training is recommended for the arresting officer.

**Recommendations**<sup>14</sup>

Operations Bureau:

1. Operations Bureau command should use this report and supporting data to determine why some commands may be focusing on crimes the SAO will not prosecute. The Operations Bureau should also attempt to identify other potential areas of operational improvement.
2. The Operations Bureau should provide a summary of actions taken, if any, within 60 days of the date of this finalized report and submit the summary to the Compliance Bureau.

Northeast District

1. Review the operational priorities of the DAT unit to determine reasons why the DAT unit leads the BPD in total RWOCs, and why DAT personnel have appeared in two RWOC reports as involved in problematic RWOCs. The Northeast District command should provide a report, through its chain of command to the Compliance Bureau, which summarizes actions taken, if any, within 60 days of the date of this finalized report.

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<sup>12</sup> Tables 6 and 8 list determinations of two problematic arrests based on poor reporting. Both the arrests occurred during one incident, documented under one poorly written report.

<sup>13</sup> Affray is a Common Law offence in Maryland defined as, "The fighting together of two or more persons, either by mutual consent or otherwise, in some public place, to the terror of the people." *Hickman v. State*, 193 Md. App. 238, 248 (2010).

<sup>14</sup> The Compliance Bureau will monitor the progress of approved recommendations through a "Recommendation Tracker" mechanism which will provide due dates to the responsible BPD entity along with mandates of written documentation certifying completion.

Public Integrity Bureau

1. Review the actions of the officers related in the respective RWOC arrests referred to PIB.
2. Review this report in its entirety and take additional appropriate action, including but not limited to opening an investigation, if necessary.

Policy Unit:

1. Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*, and related training should be updated to address recovery of contraband that lacked PC and/or RAS. It should provide guidance on how to release the subject and reaffirm the need to submit the contraband as evidence.

Education and Training:

1. Continue the ongoing SSA training in accordance with updated BPD policy. This will be provided to all sworn officers and addresses many of the deficiencies identified in this report.
2. Finalize and deliver eLearning on SSA Supervisory Review.
3. Develop and conduct individualized remedial training on report writing and documenting proper elements of crime for the three officers referred.
4. Conduct remedial 4th Amendment training for the five officers referred.
5. E&T should provide a summary of actions taken, if any, within 90 days of the date of this finalized report.

Performance Standards:

1. The Performance Standards Section will provide an overview presentation of this report to commands and district DAT leaders at COMSTAT, highlighting trends and recommendations.

**Appendix A**

*See attached spreadsheet detailing the case review findings.*

Date	Time	Gender	Race	Primary Charge	SAC Reason for MWO	Off. Gender	Off. Race	Unit #	Unit	Shift	Unit/Shift Occurrence	District/Division	BRD Findings	Analysed (Yes/No)
7/1/2020	1345	F	B	Distribution CDS	Prosecutor's Discretion	M	B	153	DAT	B	DAT	Central	Valid PC	No
7/1/2020	945	M	B	Distribution CDS	Prosecutor's Discretion	M	H	424	DAT	B	DAT	Northwest	Valid PC	No
7/1/2020	945	M	B	Distribution Marijuans	Elements of the crime not readily provable.	M	H	424	DAT	B	DAT	Northwest	No PC	No
7/1/2020	1433	M	B	PWID CDS	new Issue	M	H	961	DAT	C	DAT	Southern	Valid PC	No
7/1/2020	1445	W	F	Prosecution CDS	Prosecutor's Discretion	M	W	426	DAT	C	DAT	Northwest		No
7/1/2020	2345	M	B	PWID Marijuans	Prosecutor's Discretion	M	W	181	DAT	C	DAT	Central		No
7/1/2020	1800	F	W	Prosecution CDS	Prosecutor's Discretion	M	W	426	DAT	C	DAT	Northwest		No
7/1/2020	1445	M	B	PWID Marijuans	Prosecutor's Discretion	M	H	424	DAT	B	DAT	Northwest		No
7/1/2020	1445	M	B	Prosecution CDS	Prosecutor's Discretion	M	W	421	DAT	B	DAT	Northwest	Valid PC	No
7/1/2020	1445	F	B	Prosecution CDS	Prosecutor's Discretion	M	W	421	DAT	B	DAT	Northwest		No
7/1/2020	1600	M	B	Prosecution CDS	Prosecutor's Discretion	M	W	762	DAT	C	DAT	Western		No
7/8/2020	1400	M	B	Distribution Marijuans	Elements of the crime not readily provable.	M	H	421	DAT	C	DAT	Northwest	Valid PC	No
7/8/2020	1400	M	B	Distribution of M	Prosecutor's Discretion	M	H	421	DAT	C	DAT	Northwest	Valid PC	No
7/9/2020	1130	M	W	Prosecution CDS & Pseudoephedrine	Prosecutor's Discretion	M	W	421	DAT	B	DAT	Northwest		No
7/12/2020	1620	M	B	Distribution Marijuans	Prosecutor's Discretion	M	W	644	DAT	C	DAT	Northwest		No
7/12/2020	1330	W	M	Prosecution CDS	Prosecutor's Discretion	M	W	421	DAT	C	DAT	Northwest		No
7/13/2020	1330	M	B	Prosecution CDS	Prosecutor's Discretion	M	W	421	DAT	C	DAT	Northwest		No
7/14/2020	1300	B	M	PWID CDS & Trespass	Prosecutor's Discretion	M	W	426	DAT	C	DAT	Northwest		No
7/14/2020	1300	B	M	Prosecution CDS & Pseudoephedrine	Prosecutor's Discretion	M	W	421	DAT	C	DAT	Northwest		No
7/14/2020	1318	B	M	Distribution CDS	Prosecutor's Discretion	M	W	181	DAT	C	DAT	Central		No
7/14/2020	1812	B	M	PWID CDS	Prosecutor's Discretion	M	W	182	DAT	C	DAT	Central		No
7/14/2020	2147	M	B	Prosecution CDS	Prosecutor's Discretion	M	H	281	DAT	C	DAT	Southeast		No
7/19/2020	1830	M	W	Prosecution CDS	Prosecutor's Discretion	M	W	421	DAT	C	DAT	Northwest		No
7/19/2020	1830	F	W	PWID CDS	Prosecutor's Discretion	M	W	421	DAT	C	DAT	Northwest		No
7/21/2020	1231	M	B	Attorney Distribution M	Prosecutor's Discretion	M	B	644	DAT	C	DAT	Northwest		No
7/21/2020	1126	M	B	Marijuana Possession	Prosecutor's Discretion	M	W	461	DAT	B	DAT	Northwest		No
7/23/2020	1126	M	B	Distribution CDS	Prosecutor's Discretion	M	W	426	DAT	C	DAT	Northwest		No
7/23/2020	1390	B	M	Distribution CDS	Prosecutor's Discretion	M	W	426	DAT	C	DAT	Northwest		No
7/23/2020	1730	F	M	Distribution Marijuans	Prosecutor's Discretion	M	B	423	DAT	C	DAT	Northwest		No
7/24/2020	2100	F	B	Prosecution CDS	Prosecutor's Discretion	M	W	426	DAT	C	DAT	Northwest		No
7/27/2020	1136	B	M	Distribution Marijuans	Prosecutor's Discretion	M	W	426	DAT	B	DAT	Southwest		No
8/1/2020	1100	M	B	PWID Marijuans	Prosecutor's Discretion	M	W	461	DAT	B	DAT	Northwest		No
8/1/2020	1810	M	B	PWID CDS	Prosecutor's Discretion	M	W	164	DAT	C	DAT	Central		No
8/13/2020	1341	M	B	Distribution of a Prescription, PWID CDS	Prosecutor's Discretion	M	W	134	DAT	B	DAT	Central		No
8/13/2020	1643	M	B	Distribution M & Prescription CDS	Prosecutor's Discretion	M	H	424	DAT	C	DAT	Northwest		No
8/14/2020	0423	W	F	HGV	Elements of the crime not readily provable.	B	M	362	DAT	A	DAT	Eastern	Valid PC	No
8/14/2020	0423	B	F	Prosecution CDS	Prosecutor's Discretion	B	M	362	DAT	A	DAT	Eastern	Valid PC	No
8/17/2020	1400	M	B	PWID CDS	Prosecutor's Discretion	M	B	934	DAT	B	DAT	Southern		No
8/18/2020	1800	B	M	Prosecution CDS	Prosecutor's Discretion	M	W	426	DAT	B	DAT	Northwest		No
8/19/2020	1406	B	M	PWID Marijuans	Prosecutor's Discretion	M	W	187	DAT	B	DAT	Central		No
8/19/2020	1630	F	W	Prosecution CDS	Prosecutor's Discretion	M	W	421	DAT	C	DAT	Northwest		No
8/19/2020	1630	W	F	Distribution CDS	Prosecutor's Discretion	M	W	421	DAT	B	DAT	Northwest		No
8/22/2020	1830	B	M	Distribution CDS	Prosecutor's Discretion	M	B	423	DAT	C	DAT	Northwest		No
8/24/2020	1245	M	B	Distribution Marijuans	Prosecutor's Discretion	M	W	344	DAT	B	DAT	Northwest		No
8/24/2020	1245	M	B	Prosecution CDS	Prosecutor's Discretion	M	W	421	DAT	B	DAT	Northwest		No
8/26/2020	2207	M	W	PWID Marijuans	Prosecutor's Discretion	M	W	963	DAT	C	DAT	Southern		No
8/26/2020	2030	M	B	PWID CDS	Prosecutor's Discretion	M	W	233	DAT	C	DAT	Southern		No
8/26/2020	0705	M	B	Distribution CDS, Distribution Marijuans	Prosecutor's Discretion	M	B	163	DAT	B	DAT	Central		No
9/1/2020	1207	M	W	Prosecution CDS	Prosecutor's Discretion	M	B	963	DAT	C	DAT	Southern		No
9/1/2020	1207	M	B	Prosecution CDS	Prosecutor's Discretion	M	B	963	DAT	B	DAT	Southwest		No
9/1/2020	1342	M	B	Distribution CDS	Prosecutor's Discretion	M	B	973	DAT	C	DAT	Southern		No
9/1/2020	1643	M	B	Distribution of Marijuans	Prosecutor's Discretion	M	W	463	DAT	C	DAT	Northwest		No
9/6/2020	1300	M	B	Prosecution CDS	Prosecutor's Discretion	M	B	423	DAT	C	DAT	Northwest		No
9/9/2020	2030	M	B	Hemping Violation	Elements of the crime not readily provable.	M	B	596	DAT	C	DAT	Southern	Valid PC	No

Date	Time	Gender	Race	Primary Charge	SAC Reason for MWO	Off. Gender	Off. Race	Unit #	Unit	Shift	Unit/Shift Occurrence	District of Occurrence	District/Division	BRD Findings	Analysed (Yr/Mo)
9/9/2020	1800	M	B	Distribution CDS	Elements of the crime not readily provable.	M	B	423	DAI	C	DAI	Northeast	Northeast	Valid PC	N
9/9/2020	1800	M	B	Conspiracy to Distribute CDS	Elements of the crime not readily provable.	M	B	423	DAI	C	DAI	Northeast	Northeast	Valid PC	N
9/9/2020	1800	M	W	Possession CDS	Prosecutive Discretion	M	B	423	DAI	C	DAI	Northeast	Northeast	Valid PC	N
9/14/2020	1228	M	B	PWID CDS	Prosecutive Discretion	M	H	885	DAI	C	DAI	Southwest	Southwest	Valid PC	N
9/14/2020	2017	M	B	Possession CDS	Prosecutive Discretion	M	W	485	DAI	C	DAI	Northwest	Northwest	Valid PC	N
9/14/2020	1400	B	M	PWID CDS	Prosecutive Discretion	M	H	995	DAI	B	DAI	Southwest	Southwest	Valid PC	N
9/15/2020	1245	B	M	Possession CDS	Prosecutive Discretion	M	H	662	DAI	B	DAI	Northwest	Northwest	Valid PC	N
9/15/2020	1341	B	M	PWID CDS	Prosecutive Discretion	M	B	332	DAI	C	DAI	Northwest	Northwest	Valid PC	N
9/17/2020	2390	B	M	PWID CDS	Prosecutive Discretion	M	W	150	DAI	C	DAI	Central	Central	Valid PC	N
9/21/2020	1442	F	W	Attempted Distribution CDS	Elements of the crime not readily provable.	M	W	425	DAI	C	DAI	Northwest	Northwest	Valid PC	N
9/23/2020	1332	M	B	PWID Marijuana	Prosecutive Discretion	M	H	280	DAI	C	DAI	Southwest	Southwest	Valid PC	N
9/29/2020	1390	M	B	Distribution CDS	Prosecutive Discretion	M	H	631	DAI	C	DAI	Southwest	Southwest	Valid PC	N
9/29/2020	1400	W	M	Distribution Marijuana	Prosecutive Discretion	M	B	421	DAI	B	DAI	Northwest	Northwest	Valid PC	N
9/30/2020	1400	B	M	Distribution Marijuana	Prosecutive Discretion	M	W	485	DAI	C	DAI	Northwest	Northwest	Valid PC	N
7/21/2020	1400	M	B	Possession CDS	Prosecutive Discretion	M	H	601	Crime Supp B	B	B	Eastern	Eastern	Valid PC	N
7/21/2020	1009	M	B	Malicious Destruction	Elements of the crime not readily provable.	M	W	884	Patrol	B	B	Southwest	Southwest	Valid PC	N
7/6/2020	1155	M	B	Possession CDS	Elements of the crime not readily provable.	M	W	1833	Patrol	B	B	Central	Central	No PC	N
7/8/2020	1890	M	O	Trespassing	Prosecutive Discretion	M	B	960	CASINO DMC	C	C	Southern	Southern	Valid PC	N
7/10/2020	1616	M	W	PWID Heroin/Fentanyl, PWID H, Possessi	Prosecutive Discretion	M	W	1031	Patrol	C	C	Central	Central	Valid PC	N
7/13/2020	2045	M	W	Possession CDS	Prosecutive Discretion	M	H	903	Patrol	C	C	Southern	Southern	Valid PC	N
7/14/2020	1200	B	M	Possession CDS & Pamphelemia	Prosecutive Discretion	M	W	815	Patrol	B	B	Eastern	Eastern	Valid PC	N
7/16/2020	1115	M	M	Possession CDS	Prosecutive Discretion	M	H	684	Patrol	B	B	Northwest	Northwest	Valid PC	N
7/20/2020	1015	M	B	Possession CDS	Prosecutive Discretion	M	W	481	Patrol	B	B	Northwest	Northwest	Valid PC	N
7/22/2020	1815	M	B	Distribution Marijuana	Prosecutive Discretion	M	W	404	Patrol	B	C	Northwest	Northwest	Valid PC	N
7/23/2020	2005	W	M	Possession CDS	Prosecutive Discretion	M	B	904	Patrol	C	C	Southern	Southern	Valid PC	N
7/27/2020	1305	B	M	Possession CDS, Disorderly Conduct	Prosecutive Discretion	M	H	802	Patrol	C	C	Southwest	Southwest	Valid PC	N
7/28/2020	1312	M	B	Possession CDS	Prosecutive Discretion	M	H	1813	Patrol	B	B	Central	Central	Valid PC	N
7/28/2020	1900	M	B	Possession CDS	Prosecutive Discretion	M	W	504	Patrol	C	C	Northwest	Northwest	Valid PC	N
7/29/2020	1315	M	B	Possession CDS	Prosecutive Discretion	M	W	481	Patrol	B	B	Northwest	Northwest	Valid PC	N
7/31/2020	1744	M	B	CDS, Pamphelemia	Prosecutive Discretion	M	W	804	Patrol	B	B	Southwest	Southwest	Valid PC	N
8/2/2020	1890	F	B	Theft	Prosecutive Discretion	F	W	804	Patrol	C	C	Southwest	Southwest	Valid PC	N
8/4/2020	1290	M	B	Possession CDS	Prosecutive Discretion	M	W	481	Patrol	B	B	Northwest	Northwest	Valid PC	N
8/7/2020	0447	F	B	Disorderly Conduct	Prosecutive Discretion	M	W	2492	Patrol	A	A	Northwest	Northwest	Valid PC	N
8/7/2020	1300	M	B	Possession CDS	Prosecutive Discretion	M	W	481	Patrol	B	B	Northwest	Northwest	Valid PC	N
8/11/2020	1290	M	B	Possession CDS	Prosecutive Discretion	M	W	481	Patrol	B	B	Northwest	Northwest	Valid PC	N
8/13/2020	1916	W	F	Possession CDS	Prosecutive Discretion	M	W	3009	Patrol	C	C	Eastern	Eastern	Valid PC	N
8/17/2020	2146	M	W	Possession CDS & Pamphelemia	Prosecutive Discretion	M	H	904	Patrol	C	C	Northwest	Northwest	Valid PC	N
8/20/2020	1815	B	M	Possession CDS	Prosecutive Discretion	M	B	202	Patrol	C	C	Southwest	Southwest	Valid PC	N
8/22/2020	0090	M	W	Possession CDS	Prosecutive Discretion	M	B	1814	Patrol	B	B	Central	Central	Valid PC	N
8/23/2020	2195	M	B	Possession Pamphelemia	Prosecutive Discretion	M	B	2423	Patrol	A	A	Southwest	Southwest	Valid PC	N
8/24/2020	1804	F	B	Handgun Violation	Fourth Amendment Violation	M	H	2021	Patrol	C	C	Southwest	Southwest	No BAS	N
8/24/2020	1804	F	B	PWID CDS	News Issue	M	B	2021	Patrol	C	C	Northwest	Northwest	Valid PC	N
8/25/2020	1100	M	B	Burglary	Elements of the crime not readily provable.	M	B	2833	Patrol	B	B	Southwest	Southwest	Valid PC	N
8/27/2020	1805	F	B	Trespassing	Prosecutive Discretion	M	W	1033	Patrol	C	C	Central	Central	Valid PC	N
8/31/2020	0909	M	B	Possession CDS	Prosecutive Discretion	M	B	844	Patrol	A	A	Southwest	Southwest	Valid PC	N
9/1/2020	2111	F	B	B&E	Prosecutive Discretion	M	H	1021	Patrol	C	C	Central	Central	Valid PC	N
9/1/2020	1746	B	F	Possession CDS	Prosecutive Discretion	M	H	904	Patrol	C	C	Central	Central	Valid PC	N
9/4/2020	0733	M	B	Possession CDS	Prosecutive Discretion	M	W	784	Patrol	C	C	Northwest	Northwest	Valid PC	N
9/4/2020	1032	M	B	Possession CDS	Prosecutive Discretion	M	B	383	Patrol	B	B	Western	Western	Valid PC	N
9/11/2020	1390	M	B	Possession CDS	Prosecutive Discretion	M	B	312	Patrol	C	C	Eastern	Eastern	Valid PC	N
9/11/2020	0845	M	B	Marijuana Possession	Prosecutive Discretion	M	W	883	Patrol	B	B	Southwest	Southwest	Valid PC	N
9/14/2020	0940	B	M	Distribution of Marijuana	Prosecutive Discretion	M	W	5833	Patrol	B	B	Northwest	Northwest	Valid PC	N

Date	Time	Gender	Race	Primary charge	SAO Reason for RWOC	Off. Gender	Off. Race	Unit #	Unit	Shift	Unit/Shift	Division of Occurrence	District/Division	BRD Findings (Yes/No)	Analyzed (Yes/No)
9/13/2020	1730	B	M	Possession CDS	Prosecutor's Discretion	M	W	7432	Patrol	A	A	Western	Western	Valid PC	Yes
9/16/2020	1130	F	B	Assault Second Degree	Elements of the crime not readily provable.	M	W	1823	Patrol	B	B	Central	Central	Valid PC	Yes
9/16/2020	0103	F	B	Assault Second Degree	Elements of the crime not readily provable.	M	H	4431	Patrol	A	A	Northeast	Northeast	Valid PC	Yes
9/17/2020	1300	F	B	Possession CDS & Penetration	Prosecutor's Discretion	M	H	9833	Patrol	B	B	Southern	Southern	Valid PC	Yes
9/17/2020	1430	F	W	Car Theft	Elements of the crime not readily provable.	M	W	7833X	Patrol	B	B	Western	Western	Valid PC	Yes
9/22/2020	1605	M	B	Trespassing	Prosecutor's Discretion	M	W	4732	Patrol	C	C	Northeast	Northeast	Valid PC	Yes
9/24/2020	0909	M	B	Malicious Destruction	Elements of the crime not readily provable.	M	W	2413	Patrol	A	A	Southeast	Southeast	No PC	Yes
9/24/2020	0909	M	W	Malicious Destruction	Elements of the crime not readily provable.	M	W	2413	Patrol	A	A	Southeast	Southeast	No PC	Yes
9/24/2020	1338	M	B	Disorderly Conduct	Elements of the crime not readily provable.	F	H	6221	Patrol	C	C	Northwest	Northwest	Valid PC	Yes
9/26/2020	1231	M	B	Trespass	Prosecutor's Discretion	M	W	9892	Patrol	B	B	Southern	Southern	Valid PC	Yes
9/26/2020	0200	F	B	Artery & Disorderly Conduct	Elements of the crime not readily provable.	M	W	1413	Patrol	A	A	Central	Central	PC &/or RAS but poor reporting	Yes
9/26/2020	0200	M	B	Artery & Disorderly Conduct	Elements of the crime not readily provable.	M	W	1413	Patrol	A	A	Central	Central	PC &/or RAS but poor reporting	Yes
9/29/2020	1130	F	W	Possession CDS	Prosecutor's Discretion	M	B	7032	Patrol	C	C	Western	Western	Valid PC	Yes