

BALTIMORE POLICE DEPARTMENT

PUBLIC SAFETY HEARING



Anthony W. Batts
Police Commissioner
June 25, 2014



TOPICS

Force Investigation Team

**New Categorical Use of Force Review Board &
Website**

Tyrone West (Update)

George King (Update)

Conducted Electrical Weapons/TASER

Internal Affairs Division

Trial Board Procedures

Inspections



STRATEGIC PLAN FOR IMPROVEMENT

Strategic Objective 4.1: “Create a Use of Force Review Board and Force Investigation Team” to demonstrate that the Department is an “organization that maintains the highest standards of ethics, integrity and accountability.”



FORCE INVESTIGATION TEAM (F.I.T.)

WHAT F.I.T. DOES . . .



In the rare event that an interaction between a police officer and an individual results in a death or serious injury, FIT is committed to thoroughly and impartially investigating the tactics taken by the officer leading up to, during and immediately after the event, as well as the use of force applied, in order to maintain organizational transparency, improve performance and increase accountability.

REVIEWABLE INCIDENTS BY F.I.T. GENERAL ORDER G-10

An individual who is shot at by police, regardless of the circumstances.

Death or injury of an individual by police gunfire or other use of force.

Intentional discharging of a firearm by an officer including the shooting of an animal.



REVIEWABLE INCIDENTS BY F.I.T. GENERAL ORDER G-10

Head strikes with an impact device, regardless of the injury.

~~Death in police custody, including serious physical injury or death related to a vehicle accident that can be attributed to police action.~~

Legal intervention incidents where the intentional use of a departmental vehicle to strike another vehicle or individual to prevent escape, apprehension or to protect human life.

Any incident at the direction of the Police Commissioner or his/her designee.

POLICE INVOLVED SHOOTINGS 2006-2014



“OBJECTIVE REASONABLENESS STANDARD”



The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the “20/20 vision of hindsight.”

Graham v. Connor 490 U.S. 386 (1989)

“REASONABLENESS TEST”

The test of reasonableness is *not capable of precise definition or mechanical application*. Its proper application requires careful attention to the facts and the totality of circumstances of each particular case, including:

- **Whether the suspect poses an *immediate threat to the safety of the officers or others*, and**
- **Whether he/she is actively resisting arrest or attempting to evade arrest by flight.**
- **The severity of the crime at issue.**

CATEGORICAL USE OF FORCE REVIEW BOARD

Deputy Police Commissioners

Director Professional Development & Training Academy

Chief/Area Commander of Involved Member

Examines if the tactics used in such an incident are in accordance with Departmental policies and procedures.



CATEGORICAL USE OF FORCE REVIEW BOARD

DELIBERATION PROCESS

The Board will examine the incident in a manner reflective of the perspective of the involved member(s) and will not include personal or subjective opinions. The Board's findings will take into consideration the strategic, tactical, policy, and training implications of the incident, including whether changes to policy, procedures, equipment or training might be necessary.




CATEGORICAL USE OF FORCE REVIEW BOARD

DELIBERATION PROCESS

The Board will give findings of in-policy with recommended training or out-of-policy in the following categories:

- ❖ Tactics used leading up to, during and immediately after the event
- ❖ Lethal Use of Force (when applicable)
- ❖ Less-Lethal Use of Force (when applicable)
- ❖ Unintentional Discharge (when applicable)



CATEGORICAL USE OF FORCE REVIEW BOARD

DELIBERATION PROCESS

If the Board determines the categorical use of force applied by the member(s) was not within the policies of the Department, the Board will recommend one of the following actions:

Notice to Correct Deficiencies (NTC)

Out of Policy, Administrative Disapproval



WEBSITE

Demonstrating the Department's commitment to maintaining organizational transparency and to increase accountability, use of force incidents will be posted online. This level of transparency is based on Department of Justice recommendations.

The public will be able to view the following:

- ❖ Incident synopsis.
- ❖ Categorical Use of Force Findings Report.
- ❖ Maps and Summary Table.

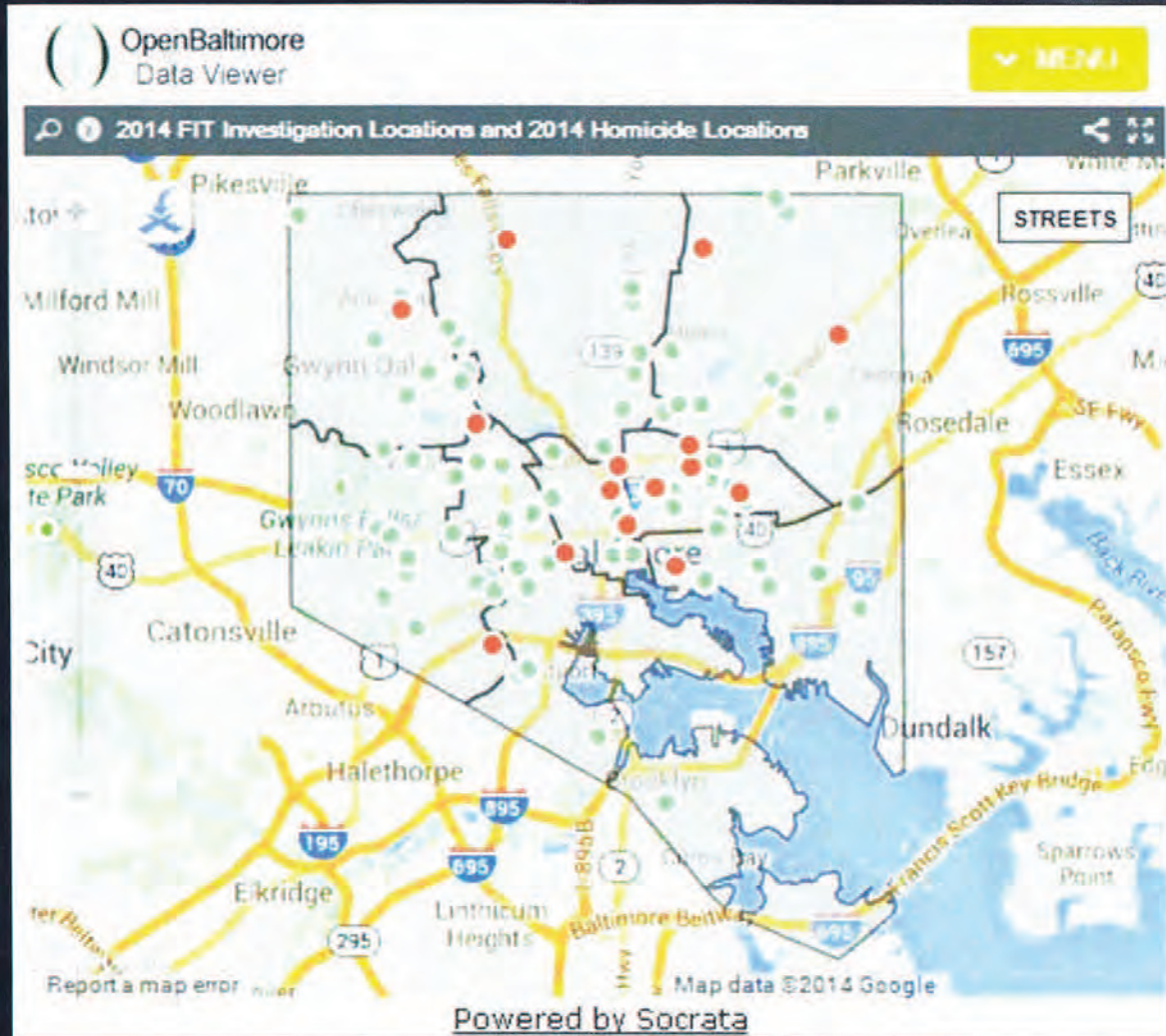
WEBSITE

FIT Investigations

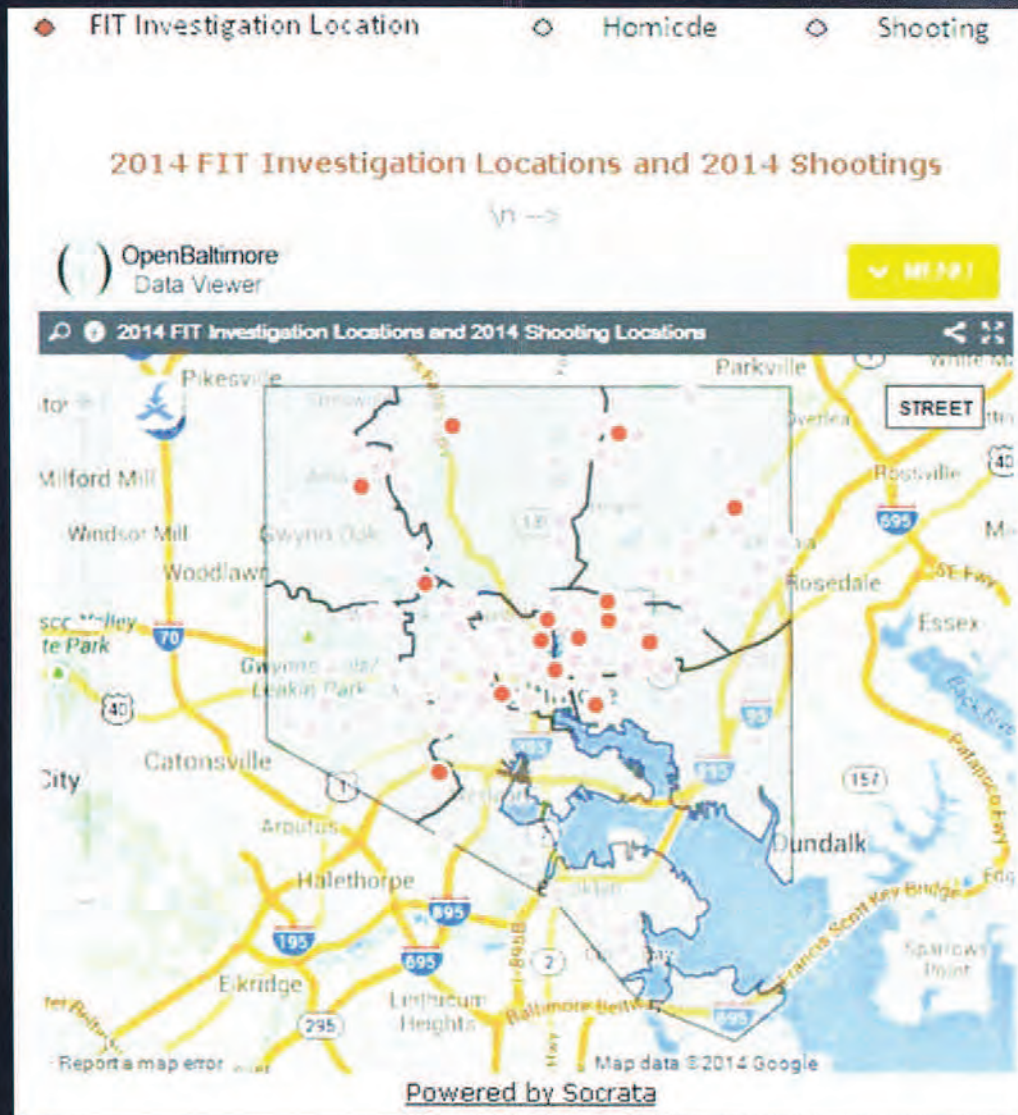
Date	CC#	District	Locations	Type
1/13/2014	143A00512	ED	1800 E Lanvale St	Shooting
1/26/2014	143A10366	SED	319 Ballou Ct	Taser
2/3/2014	143B01019	ED	2800 E Chase St	Shooting
2/12/2014	146B04997	NWD	2500 Liberty Heights Ave	Shooting
2/12/2014	148B05036	SWD	1801 Spence St	Shooting
2/21/2014	143B08290	ED	300 Centre St	Shooting
3/6/2014	145C01988	ND	1200 W Northern Plwy	Discharge
3/26/2014	144E11108	NED	4200 Anntaria Ave	Vehicle
4/4/2014	143D01711	ED	1745 Darley Ave	Fall/ <u>Head Injury</u> 
4/29/2014	201440429M0061 (PA)		300 Brentwood Ave. York PA +	Shooting
5/7/2014	144E03302	NED	5601 Loch Raven Blvd	Taser
5/16/2014	143E07568	ED	1200 Ensor St	Shooting
5/20/2014	141E05083	CD	1800 N Calvert St	Vehicle
5/27/2014	143E13006	ED	1100 E Preston St	Vehicle
6/6/2014	147F00214	WD	100 N Fremont Ave	Shooting
6/13/2014	141F05906	CD	Unit W Preston St	Shooting(Animal)
6/15/2014	146F06956	NWD	5000 Beaufort Ave	Shooting

+ Not included in map as this occurred beyond the geographical boundaries of Baltimore City.

WEBSITE



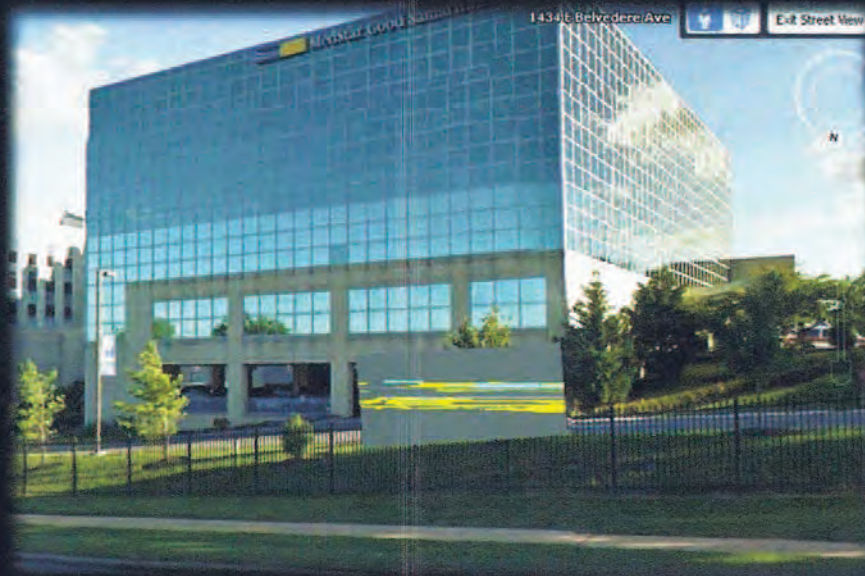
WEBSITE



TYRONE WEST CASE UPDATE

- Incident occurred July 18, 2013
- State's Attorney Declination issued December 19, 2013
- Independent Review Board (IRB) convened January 23, 2014 to review internal investigation. Board comprised of experts in the police, medical, legal, and defensive tactics field
- Known witnesses interviewed by Homicide and I.A.D.
- IRB in final stage of completing their review.

GEORGE KING CASE UPDATE



Good Samaritan Hospital
5601 Loch Raven Blvd.

OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY



F.I.T. is working in conjunction with the Baltimore City's State's Attorney's Office to interview witnesses.



CONDUCTED ELECTRICAL WEAPONS (CEWs)

- More than 15,000 law enforcement and military agencies use CEWs (also called Conducted Electrical Devices or CEDs) according to the National Institute of Justice (NIJ) 2011 study on Police Use of Force, Tasers and Other Less-Lethal Weapons.
- The study's most significant finding is that, "the use ofCEDs can significantly reduce injuries to suspects and the use of CEDs can decrease injuries to officers."



CONDUCTED ELECTRICAL WEAPONS (CEWs)

- Studies “indicate that deploying CEDs relative to other use-of-force option, such as pepper spray, physical force, police dogs, and batons reduces injuries to officers and suspects and reduces the use of lethal force.” – 2009 American Medical Association study on Use of Tasers by Law Enforcement Agencies.



CONDUCTED ELECTRICAL WEAPONS EASTMAN STUDY 2008

“Law enforcement professionals are able to comply with CED policies of their agencies. Rational and supported CED policies allow for decreased uses of lethal force. ... Police were compliant with policy in all cases, and, in addition to avoiding the use of lethal force in a significant number of circumstances [23 of 426 incidents, or 5.4%], the safety of CED use was demonstrated despite one death subsequently attributed to lethal toxic hyperthermia.”

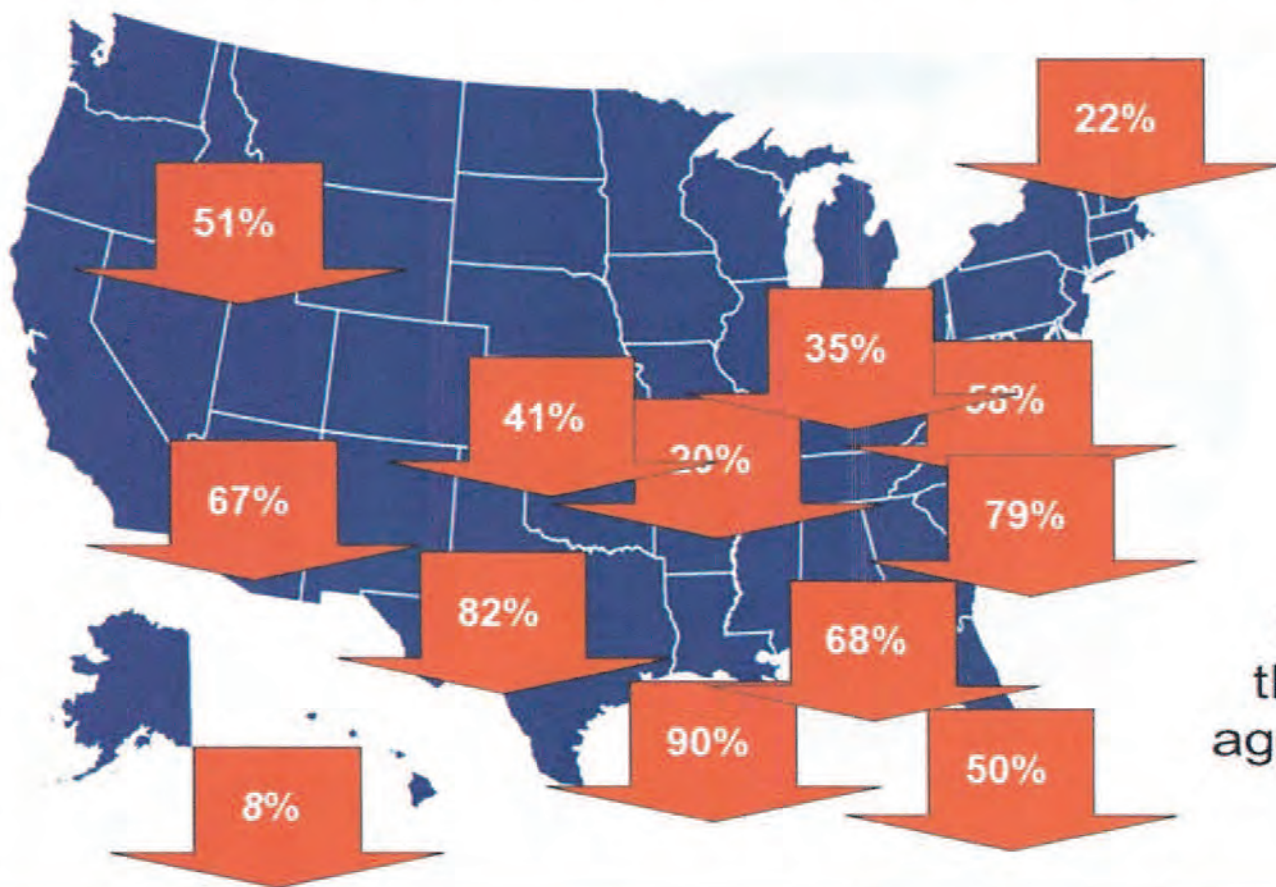
(06/2008 Eastman) Eastman, A.L., et al., Conductive electrical devices: a prospective, population-based study of the medical safety of law enforcement use,

CONDUCTED ELECTRICAL WEAPONS

Reduction in Suspect Injuries



POLICE EXECUTIVE
RESEARCH FORUM



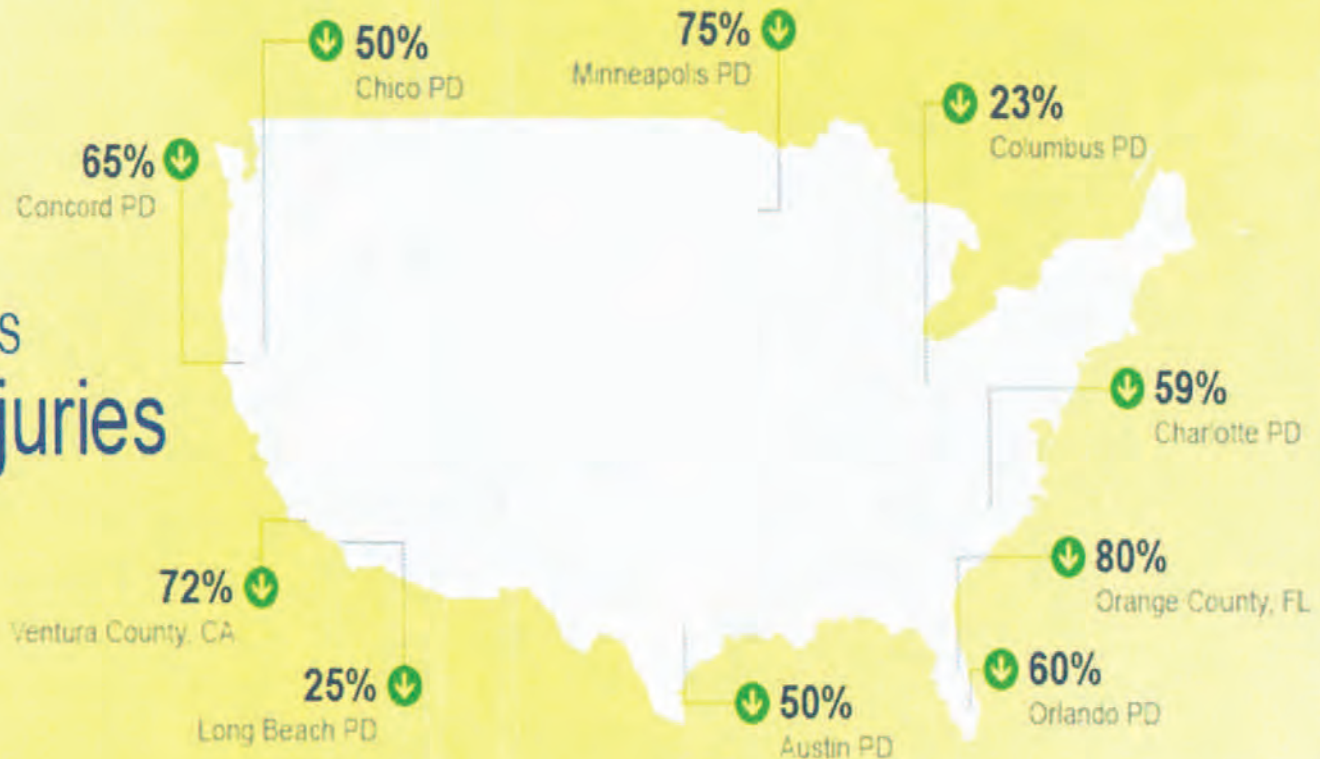
40%

Fewer **Suspect**
Injuries

The odds of a suspect being injured were reduced by more than 40% in ECW agencies compared to non-ECW agencies.

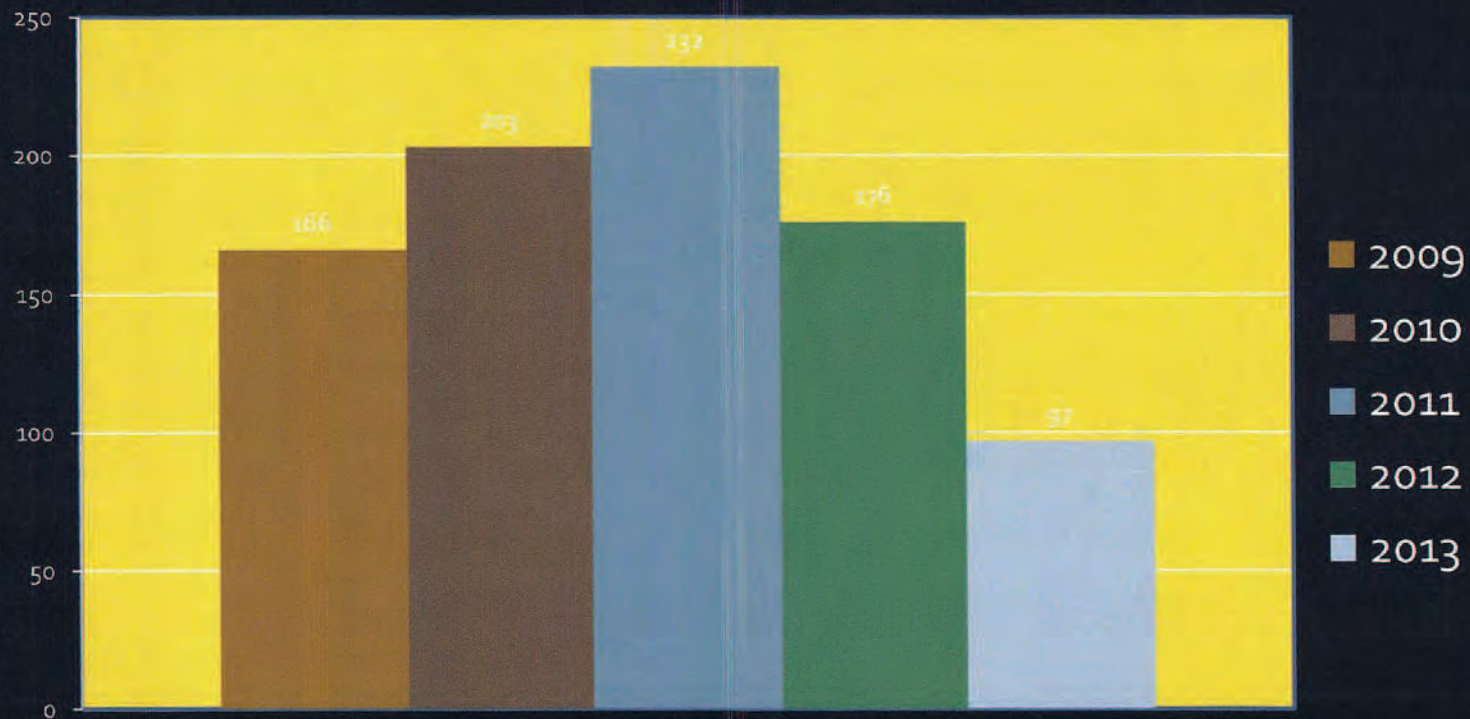
CONDUCTED ELECTRICAL WEAPONS

TASER REDUCES
Officer Injuries



CONDUCTED ELECTRICAL WEAPONS

From 2009 to 2013, the Baltimore Police Department has used TASERs on 877 people, for an average of 175 a year.



All Use of Force Incidents:

2013: Total Arrests: 48,423 (Juvenile 3,509 & Adult 44,914)

Reported Uses of Force: 471

97 Tased or .2% of total arrests. National average is 1.5%

2012: Total Arrests: 53,438 (Juvenile 3,503 & Adult 49,935);

Reported Uses of Force: 598

176 Tased or .3% of all arrests

All Use of Force Incidents:

2011: Total Arrests: 54,798 (Juvenile 3,582 & Adult 51,216);

Reported Uses of Force: 653

232 Tased or .4% of arrests

2010: Total Arrests: 60,985 (Juvenile 4,573 & Adult 56,412);

Reported Uses of Force: 477

203 Tased or .3% of all arrests

X26P TASER

TASER INTERNATIONAL, INC.



Internal Affairs

- ▣ Command Investigation Unit (CIU)
- ▣ Internal Affairs Division (IAD)

All pursuant to the Law Enforcement Officer's Bill of Rights (LEOBR)

Where to File

- ▣ On-line using BPD website
- ▣ Any District Station or Satellite Office
- ▣ Telephone to CIU or IAD
- ▣ In person at CIU or IAD
- ▣ With the Civilian Review Board (CRB)

The Complaint Process

- 1) Complaint received by the BPD
- 2) Based on severity, assigned to either CIU or IAD investigator
- 3) CIU handles less serious complaints at the unit/command level
- 4) IAD handles serious complaints dealing with integrity, excessive force, or serious misconduct

IAD Investigation

If criminal conduct, refer to State's Attorney

If sufficient evidence immediately discovered of criminal conduct – may lead to arrest

- ▣ E.g., May 2013 officer Jim Smith or recent dog killing case

2014 Separations

7 terminations

11 resignations in lieu of termination

2013 Separations

PSAB Formed in 2013

9 terminations

18 resignations in lieu of termination

2012 Separations

7 terminations

14 resignations in lieu of termination

Complaints/Sustained Cases

IAD/CIU Complaints: **Sustained:**

2012 1,540 643

2013 1,177 485

2014 331 75

All 2012 Trial Boards

246 Disciplinary Cases where members requested Trial Boards

- ▣ 28% accepted punishment
- ▣ **57% of those who went to trial were found guilty**
- ▣ 11% resigned prior to TB
- ▣ 4% Show Causes filed
- ▣ 2% findings changed to Not Sustained

2013 Trial Board Cases

189 Disciplinary Cases where members requested Trial Boards

- ▣ 35% accepted punishment
- ▣ **77% of those who went to trial were found guilty**
- ▣ 14% resigned prior to TB
- ▣ 2% Show Causes filed
- ▣ 3% findings changed to Not Sustained

2014 Trial Board Cases

57 Disciplinary Cases members requested Trial Boards

- ▣ 42% accepted punishment
- ▣ 80% of those who went to trial were found guilty
- ▣ 14% resigned prior to TB
- ▣ 5% Show Causes filed
- ▣ 4% findings changed to Not Sustained