

**Prince George's County Police Department
&
U.S. Department of Justice**

**Memorandum of Agreement
14th Status Report**



September 30, 2007

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Table of Contents

Introduction	3
Executive Summary	4
MOA – Section II – General Policy on Responding to Incidents Involving Mentally Ill Persons	8
MOA – Section III – Use of Force Policies	8
MOA – Section IV – Evaluation, Documentation and Review of Uses of Force	10
MOA – Section V – Training	13
MOA- Section VI – Receipt, Investigation, and Review of Misconduct Allegations	16
MOA – Section VII – Management and Supervision	19
MOA – Section VIII – Monitoring, Reporting, and Implementation	24
Appendix	27

Prince George's County Police Department Memorandum of Agreement 14th Status Report

Introduction

In July 1999, the U.S. Department of Justice initiated an investigation of alleged misconduct by the Canine Section of the Prince George's County Police Department. In October 2000, the Department of Justice initiated an investigation of an alleged pattern or practice of excessive force throughout the Prince George's County Police Department. Both investigations were commenced pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, and the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d.

Upon assuming office on December 5, 2002, Prince George's County Executive Jack B. Johnson sought to resolve the issues regarding the two Department of Justice investigations. The County Executive met with Department of Justice officials to facilitate Prince George's County's cooperation with the Department of Justice investigations and craft agreements addressing all the parties' concerns. The Memorandum of Agreement, along with the separate Consent Decree regarding the Canine Section investigation, is the result of a cooperative effort, which evinces a commitment to constitutional policing on the part of the U.S. Department of Justice; Prince George's County, Maryland; and the Prince George's County Police Department.

The work involved in meeting the expectations of both the Consent Decree and the Memorandum of Agreement began on January 22, 2004. The goal of the Police Department is to ensure full compliance with the mandates of both the Consent Decree and the Memorandum of Agreement. The men and women of the Prince George's County Police Department are rising to the challenges ahead. They are committed to making the Department one of the finest in the nation, "dedicated to serving the citizens and residents with excellence." The Department is continuing to develop new strategies, policies and procedures, and making systematic changes that will produce outstanding police work. The safety and well being of the citizens and residents of Prince George's County is dependent upon the Department's success in fulfilling the requirements of the Memorandum of Agreement and the Consent Decree.

Executive Summary

This is the 14th Status Report of the Prince George's County Police Department to the U.S. Department of Justice and the Independent Monitor. This report covers the period beginning July 1, 2007 through September 30, 2007.

During this reporting period, the Prince George's County Police Department (PGPD) continued to engage in several significant proactive efforts in order to ensure compliance with the requirements of this agreement. The PGPD focused on the five "areas of concern," *Use of Force Reports and Reporting, Early Identification System, Responding to Incidents involving Mentally Ill Persons, Office of Professional Responsibility (OPR) Investigations and Mobile Video Cameras*. The Department's efforts are a continuing testament to the commitment toward implementing and maintaining compliance with the requirements of the Memorandum of Agreement.

The remainder of this Executive Summary will focus on the five "areas of concern" cited above, in addition to other significant efforts that the Department has engaged in during the current reporting period.

Use of Force Reports & Reporting

During this quarter, the Office of Compliance Coordination (OCC) continued its review of the Use of Force documentation. The OCC has concentrated its efforts on improving the O.C. deployment documentation, specifically the O.C. deployment warning and distance.

The OCC has continued to meet throughout the quarter with the District Liaisons in order to ensure that any discrepancies in the documentation can be addressed on the District level. It is apparent that the meetings with the Command staffs and supervisors, conducted during previous quarters, have paved the way for significant improvement in our Use of Force documentation. Sergeant Curtis Royal has begun to attend the supervisory meetings again, in order to fine tune our supervisors' documentation efforts.

The OCC continues to observe improvement in the Commander's Information Report (the supervisor's review). We are pushing for better command reviews from our commanders in order to bring that paragraph into compliance. We have requested that the commanders fully document their actions as they review the supervisor's review and the Use of Force packets.

The Police Department has requested that the Independent Monitor explain the process that will determine the Police Department's compliance with paragraph 37. This paragraph, which concerns the issue of OC spray deployment against a restrained person, represents another example of a small sampling size and our efforts to overcome previous non-compliant reports. According to the 13th Quarterly Report, there have been a total of 10 completed SIRT cases reviewed and "The AG-IMT did not review any completed SIRT investigations of OC deployment during the last two reporting periods." This issue was discussed at the September All-Parties meeting and the attendees agreed that this paragraph, due to the small sampling size, should be monitored according to the same process established for paragraph 46.

Early Identification System

The Evalis implementation is on schedule and progressing smoothly. We have installed our customized version. There were a few minor problems, but those issues have been resolved. We are continuing to run through the software acceptance test plans.

Due to a delay in the customization process, the system was delivered two weeks late on August 22, 2007. We have been able, however, to maintain our schedule and after almost 2 years of work, the Police Department now has installed a customized version of EVALIS that covers all of our needs. Motorola has been on site, to conduct testing to ensure the systems proper functioning.

The implementation process is on track. The data entry and records conversion plan is based on a centralized/decentralized method of entry. While some departmental units will enter their own data, a centralized Supervisory Support Unit (SSU) will be responsible for entering personnel records, quality assurance checks, and data summaries. Strict access to the system will be ensured by all users.

The Technical Services Division received approval from the Monitors during their last site visit to implement the EVALIS system in a “phased roll-out approach.” The Pilot program will begin with District II, which was selected due to the number of calls for service and critical incidents that are handled there. District II will provide a sufficient, yet manageable volume of calls in the initial assessment phase of the system. A site survey was conducted at District II recently to determine the station’s readiness for the EVALIS implementation. The only issue discovered was that the station does not have enough computers, as each sergeant and lieutenant should have their own computer.

This year’s in-service training program includes familiarization training for corporals and below in the EVALIS system, with a similar overview being presented to the sergeants and lieutenants. Motorola will conduct a “train the trainer” process October 15th -19th. Those newly trained instructors will provide the more in-depth training program to the rest of the Police Department.

Responding to Incidents involving Mentally Ill Persons

During last quarter’s District meetings, the OCC recommended that the Commanders institute a “chain of command review” for the EPS reports, similar to that conducted for the Use of Force documentation. District V was the first District to institute such a system and their attention to detail in this matter is positively reflected in the quality of their EPS reports. The OCC recognizes the need for continued vigilance in this area despite the achievement of Phase II compliance, and strongly emphasized the requirement for a more in-depth review process at the supervisory level. Since that time, every District has adopted a chain of command review process.

This quarter’s EPS reports have been pulled for review. The OCC has observed a reduction in the number of EPS reports overall. There has also been an increase in the number of reports with checklists and petitions attached. This is clearly evident, as a result of the Districts’ review process.

The Community Policing Institute and the Psychological Services Division have again partnered to provide the annual In-Service training on Emergency Petitions for lieutenants and below. This one-hour block of instruction will enable officers to better identify and understand the behavioral indicators that

may signify mental distress. In addition, the best way to articulate these behaviors will be discussed and evaluated.

Sergeant Jackie Rafterry of the OCC has provided instruction on the Emergency Petition Service to newly promoted sergeants and lieutenants. This is an on-going campaign to ensure that the entire Police Department is aware of the requirements established by our policy and Maryland Law.

I have met with Joe Rollo to discuss this matter and he has advised that the reduction in Emergency Petitions should be examined in ways other than calls for service. (We average 1700-2000 calls per day).

- ***The reduction has been more gradual than Ms. Nicholl reports.***

June-August 2006 = 312 cases

September-November 2006 = 241 cases

December-February 2007 = 196 cases

March- May 2007 = 184 cases

- ***Activity of MCT.***
- ***A better trained/educated police force concerning EPS criteria.***
- ***An examination of the number of petitions generated by the Commissioner's office. (PGSD has noted a significant increase in EPS generated by families)***

Contact has been made with the Public Affairs Office at the Prince George's County Hospital and Southern Maryland Hospital.

Contact has been made with Lori Hester, Admin. Assistant to the Admin Clerk of the District Court and she advises that they have no way of tracking those petitions submitted to the court.

Contact has been made with Lt. Roccapriore of the Sheriff's Department and he has diligently attempted to compile some statistics. They could be ready by early next week.

Checklist utilization for June about 62%. Sgt. Rafterry will pull July's EPS reports next week.

M code usage; June and July about 60% are using the M code when coding out these incidents

Office of Professional Responsibility (OPR) Investigations

The Police Department has continued in its efforts to meet the requirements of the MOA paragraphs governing internal investigations. Paragraph #71, concerning the 90-day timeline for the completion of internal investigations, continues to present a challenge for the Department.

The Police Department has petitioned the Department of Justice, in writing, for an extension of the 90-day requirement. Mr. Gregory Gonzalez has preliminarily stated that the DOJ is not in favor of extending the 90-day requirement, as other departments have been held to that same standard. He has encouraged the full utilization and documentation of the "exceptional circumstances" provision when delays are deemed beyond the investigator's control. Captain Moore is also exploring the possibility of a "short form" for investigations, to serve IA cases in the same capacity that the Minor Disciplinary Action Disposition Report (MDADR) has done for PS cases.

During the September All-Parties meeting, the attendees agreed that Executive Review Panel paragraphs 47 and 48 should be monitored for compliance in the same manner as paragraph 46. This process determines compliance with 2 successive quarters of compliant reports and non-compliance with 2 successive quarters of non-compliant reports. This writer is in the process of making the formal request to DOJ for that revision.

The Police Department is confident that we can complete the SIRT investigations in a manner that ensures compliance with the mandates of the MOA.

Mobile Video Cameras

We are continuing to progress with the mobile video system. The department has shown a marked improvement in the activation of the cameras. Technical Services Division disseminated two training updates to remind officers to engage the audio portion of the system. This update was to be posted in all roll calls though out the department. The Technical Services Division's Mobile Video Unit taught 4 in-car camera classes during this quarter.

TSD held a meeting with all DOJ coordinators to remind/train on the correct way to complete all necessary forms for the MVS systems. The meeting also allowed the coordinators to ask questions and provide comments to TSD and the CCT staff. The OCC has pushed for improvement in the submission of the Failure to Record Activity Notification forms.

A revised MVS monthly report was disseminated at the meeting. It has been approved by the Chief and will be utilized starting October 1, 2007. The form has minor changes that will simplify the Monthly reporting.

PRMA is exploring a new clearance code for stationary radar traffic stops. Most stationary radar stops are performed outside a vehicle. Therefore the MVS system is not activate because the emergency lights are not activated. This code will enable the department to separate these stationary radar stops from routine traffic stops. This code will identify these stops for compliance issues. These changes will be approved by the Chief before they are implemented.

Captain Lee prepared a memo explaining the form and its importance in January. That memo was distributed department-wide via e-mail and, as a result, the OCC has seen a positive change in the submission rates.

The department currently has 755 MVS units installed.

Other Significant Update Efforts

As a continuing effort to sustain progress between quarterly visits, members of the Police Department and the Prince George's County Government, met with members of the Independent Monitoring Team, and the U.S. Department of Justice during August and September. These "All-Parties" meetings continue to benefit all, as critical issues are identified and resolutions are proposed in order to progressively move the implementation process forward.

During the current reporting period, the Office of Compliance Coordination held an Executive Committee briefing for members of the Executive Committee and various Workgroup and committee meetings. During these briefings, various MOA subcommittees provide updates, which highlight specific areas of the MOA and the progress made to implement the requirements assigned to those subcommittees. Finally, these briefings present an opportunity for inter-agency collaboration, as other governmental resources can be brought in to assist the Police Department with its implementation of the MOA.

Paragraph #107 of the Memorandum of Agreement (MOA) requires the Prince George's County Police Department to report its progress on implementing the provisions of this document. The remainder of this report will focus on the progress made on specific requirements during the current reporting period.

NOTE:

Section I – Background, General Provisions, and Definitions will not be reflected in this report.

Section VIII – Only those paragraphs that pertain to actions to be performed by the PGPD will be reflected in this report.

A complete copy of the Memorandum of Agreement and the Consent Decree is posted on the Police Department's website at www.pgpolice.org. All progress reports posted to date can also be located at that website.

Section II – GENERAL POLICY ON RESPONDING TO INCIDENTS INVOLVING MENTALLY ILL PERSONS.

33. In all appropriate cases involving a mentally ill person, the responding officer will file a request for an Emergency Petition for an In-Patient Evaluation. The PGPD will continue employment of its mental health care professionals that makes such professionals available to assist the PGPD with on site interactions with persons who are mentally ill. The PGPD agrees to continue to provide forty hours training on crisis intervention and dealing with mentally disordered individuals as part of its police academy recruit curriculum. Within six months from the date of this Agreement, the PGPD will supplement its current police mobile-based crisis team. This team will, at a minimum, consist of personnel who are highly motivated and attend annual in-service training by mental health professionals to improve their conflict resolution and situational de-escalation techniques. The PGPD will make best

efforts to secure the voluntary services of team members who are also sworn police officers. Members of this team will be available to respond to assist patrol officers deal with mentally ill subjects. The team shall have primary responsibility for dealing with the situation, unless there is a need for quick action.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I and Phase II of the MOA monitoring process.

Section III – USE OF FORCE POLICIES.

34. The PGPD will review and revise its use of force policies as necessary to:

- a. Define terms clearly.
- b. Define force as that term is defined in this Agreement;
- c. Incorporate a use of force model that teaches disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units as appropriate responses to a situation;
- d. Advise that, whenever possible, individuals should be allowed to submit to arrest before force is used;
- e. Reinforce that the use of excessive force will subject officers to discipline, possible criminal prosecution, and/or civil liability.
- f. Ensure that sufficient less lethal alternatives are available to all patrol officers.
- g. Explicitly prohibit the use of chokeholds and similar carotid holds except where deadly force is authorized.

Once the DOJ has reviewed and approved these policies, the PGPD shall immediately implement any revisions.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I and Phase II of the MOA monitoring process.

35. The PGPD will revise and augment its OC policy to:

- a. define all terms clearly;
- b. limit the use of OC to only those cases in which such force is necessary to protect the officer, the subject, or another party from physical harm, or is necessary to effectuate the arrest of an actively resisting subject, or prevent the escape of that subject;
- c. continue to prohibit the use of OC in passive, civil demonstrations;
- d. reinforce the prohibition against using OC spray in crowded areas;
- e. provide that OC may be used only when verbal commands and other techniques that do not require the use-of-force would be ineffective, or where issuing verbal commands would present a danger to the officer or others;
- f. require, that unless it would present a danger to the officers or others, a verbal warning to the subject that OC will be used must be issued prior to use, and that, where feasible, the officer will defer using OC a reasonable time to allow the subject to comply with the warning;
- g. require officers to target only the subject’s face and upper torso when using hand-held OC canisters;

- h. provide guidance regarding the proper duration of a burst of OC and the distance from which it is applied;
- i. require that, absent exceptional circumstances, officers will offer to decontaminate every subject exposed to OC within twenty minutes of the application of OC;
- j. require that officers request medical response or medical assistance for subjects exposed to OC when they complain of continued effects after having been de-contaminated, or they indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by OC;
- k. Require that officers remove a subject exposed to OC from a face down position as soon as it is safe to do so; and;
- l. Provide that OC may be used on a restrained subject only when, absent the use of OC, the subject or another person is likely to suffer injury, or escape.

Once the DOJ has reviewed and approved these revisions, the PGPD shall immediately implement the revisions.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I and **“Pending Compliance”** for Phase II of the MOA monitoring process.

36. The parties agree that the PGPD shall continue to require officers to notify their supervisor whenever they discharge OC. The PGPD shall continue to require supervisors to document the incident on a Commander’s Information Report. In addition, the supervisor shall record the basis for discharging OC, including the reason for the level of force used; the duration of the discharge; and an estimate of the distance at which the discharge occurred.

Quarterly Compliance Implementation Summary: The Independent Monitor has noted that this MOA paragraph is **“In Compliance”** for Phase I and **“Pending Compliance”** for Phase II of the MOA monitoring process.

37. The PGPD will require that all uses of spray against a restrained person be reviewed by the officer’s supervisor, who must, where feasible, take tape-recorded statements from the officer and subject. The PGPD will make best efforts to take tape-recorded statements from other witnesses and third parties. These reviews will be evaluated and signed by the BPR .

Quarterly Compliance Implementation Summary: The 13th Quarterly Report of the Independent Monitor has noted that this MOA paragraph is **“In Compliance”** for Phase I and **“Pending Compliance”** for Phase II of the MOA monitoring process.

38. The PGPD will provide regular in-service training on the proper amount of OC to use, how to deliver OC effectively, and the proper anatomical targets for OC.

Quarterly Compliance Implementation Summary: The 13th Quarterly Report of the Independent Monitor has noted that this MOA paragraph is **“In Compliance”** for Phase I and Phase II of the MOA monitoring process.

39. The PGPD will continue to maintain an accounting of the number of chemical spray canisters annually distributed to and utilized by each officer. Additionally, the PGPD will maintain an accounting of OC foam dispensers and ammunition used in pepper-ball launchers.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is **“In Compliance”** for Phase I and Phase II of the MOA monitoring process.

Section IV – EVALUATION, DOCUMENTATION, AND REVIEW OF USE OF FORCE.

40. Officers shall notify their supervisors following any use of force or upon the receipt of an allegation of excessive force. Except for those instances in which the only use of force is a canine deployment, supervisors will respond to the scene, examine the subject for injury, interview the subject for complaints of pain, and ensure that the subject receives needed medical attention.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is **“In Compliance”** for Phase I and Phase II of the MOA monitoring process.

41. Supervisors will review, evaluate, and document each use of force, and will prepare a Commander’s Information Report (“CIR”). The CIR will include a precise description of the facts and circumstances that either justify or fail to justify the officer’s conduct. As part of this review, the supervisor will evaluate the basis for the use of force, and determine whether the officer’s actions were within PGPD policy. An officer who used force during the incident, or whose conduct led to an injury, or who authorized conduct leading to the use of force or allegation of excessive force will not be eligible to review the incident.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is **“In Compliance”** for Phase I and Phase II of the Monitoring process.

42. BPR will respond to the scene of all serious uses of force. Serious uses of force are: all uses of force resulting in death; all uses of force by an officer resulting in a broken bone or an injury requiring hospitalization; all uses of force resulting in a loss of consciousness or creating a substantial risk of death, serious disfigurement, or disability; all incidents where a person receives a bite from a departmental canine; and all critical firearm discharges. The BPR will be required to review and evaluate in writing the supervisor’s performance reviews of such uses of force.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is **“In Compliance”** for Phase I and Phase II of the Monitoring process.

43. The parties agree that it is improper interview procedure to ask officers or other witnesses leading questions during use of force reviews that improperly suggest legal justifications for the officer’s conduct when such questions are contrary to appropriate law enforcement techniques. In each review, the PGPD will consider all relevant evidence including circumstantial, direct and physical evidence, as appropriate, and make credibility Determinations, if feasible. The PGPD will make all reasonable efforts to resolve material inconsistencies between witness statements. The PGPD will train all of its supervisors on the factors to consider when evaluating credibility.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is **“In Compliance”** for Phase I and Phase II of the MOA monitoring process.

44. Supervisors shall conduct a performance review of all uses of force or an injury resulting from a use of force by any officer under their command. In a performance review, supervisors shall interview all witnesses to a use of force or an injury resulting from a use of force. Consistent with the requirements of LEOBR, PGPD supervisors (or BPR as appropriate) shall ensure that all officer witnesses provide a statement regarding the incident. Supervisors (or BPR as appropriate) shall ensure that all use of force reports identify all officers who were involved in the incident or were on the scene when it occurred. Supervisors (or BPR as appropriate) shall ensure that all reports indicate whether an injury occurred, whether medical care was provided, and whether the subject refused medical treatment. Supervisors (or BPR as appropriate) shall ensure that all reports include contemporaneous photographs or videotapes taken of all injuries at the earliest practicable opportunity, both before and after any treatment, including cleansing of wounds.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is **“In Compliance”** for Phase I and Phase II of the Monitoring process.

45. The District or unit Commander will evaluate each performance review conducted by supervisors, identify any deficiencies in those reviews, and require supervisors to correct any deficiencies. Supervisors will be held accountable for the quality of their reviews. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervisor fails to conduct a timely and thorough review, or neglects to recommend appropriate corrective action, or neglects to properly implement appropriate corrective action.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is **“In Compliance”** for Phase I of the process. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **“Pending Compliance”** for Phase II of the MOA monitoring process.

46. The PGPD will investigate or review as appropriate all critical firearm discharges. The PGPD will ensure that the investigation or review accounts for all shots and the locations of all officers who discharged their firearms. The PGPD will conduct all ballistic or crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is **“In Compliance”** for Phase I and Phase II of the Monitoring process.

47. The PGPD will create a special board to review all critical firearm discharges. The board will review each BPR investigation and supervisor’s performance review (if applicable) of a critical firearm discharge for compliance with PGPD policy, as well as for tactical and training implications. The board’s review will include investigative files and interviews of the principal investigators and/or supervisors. Following its review, the board will prepare a report for the Chief of Police. The report will be made a part of the complete PGPD file regarding the incident, and it will include a description of the incident (including all uses of force); a summary and analysis of all relevant evidence; proposed findings; and analysis to support those findings. In particular, the board will determine: **a)** whether all uses of force during the encounter were consistent with PGPD policy and training; **b)** whether the officer(s) involved employed proper tactics; and **c)** whether lesser force alternatives reasonably were available. Membership on the board will rotate, but will at least include a member of the PGPD command staff, a Training Academy representative, the affected Bureau Commander and an attorney from the County Attorney’s office.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is “**In Compliance**” for Phase I of the process. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently “**Pending Compliance**” for Phase II of the monitoring process.

48. The PGPD policy that defines the Firearm Discharge Review Board’s role will:

- a. require the board, absent exceptional circumstances, to review within 90 days of the end of all criminal reviews of the incident, all critical firearm discharges;
- b. set forth the membership of the board;
- c. authorize the board to recommend to the Chief of Police that non-disciplinary corrective action be taken;
- d. require the board to act as a quality control mechanism for all shooting or firearm discharge investigations, with responsibility to return to the investigating unit all incomplete or mishandled shooting or firearm discharge investigations and/or supervisor’s performance reviews;
- e. charge the board with the authority and responsibility to recommend to the Chief of Police investigative protocols and standards for all critical firearm discharge investigations and/or supervisor’s performance reviews; and
- f. require the board annually to review each critical firearm discharge to detect patterns and/or problems and to report its findings and recommendations to the Chief of Police.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is “**In Compliance**” for Phase I of the process. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently “**Pending Compliance**” for Phase II of the monitoring process.

Section V - TRAINING

49. The PGPD will coordinate and review all use of force policy and training to ensure quality, consistency, and compliance with applicable law and PGPD policy. The PGPD will conduct regular subsequent reviews, at least semi-annually.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure, and is “**In Compliance**” for Phase I and Phase II of the monitoring process.

50. The Director of the Academy, either directly or through his/her designee(s), consistent with Maryland law and the Maryland Police and Correctional Training Commission standards, will:

- a. ensure the quality of all use-of-force training;
- b. develop and implement use-of-force training curricula;
- c. select and train PGPD officer trainers;
- d. develop, implement, approve, and oversee all in-service training;
- e. develop, implement, approve, and oversee a patrol division roll call protocol designed to effectively inform officers of relevant changes in policies and procedures;
- f. establish procedures for evaluating all training curricula and procedures; and

- g. conduct regular needs assessments to ensure that use-of-force training is responsive to the knowledge, skills, and abilities of the officers being trained.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

51. The PGPD will provide training consistent with PGPD policy, law, and proper police practices, and will ensure that only mandated objectives and approved lesson plans are taught by instructors. The PGPD will make best efforts to train each work shift as a team in their use of force training.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

52. The PGPD shall keep adequate records of lesson plans and other training materials, such that the most current training documents are maintained in a central, commonly accessible file, and are clearly dated.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

53. The PGPD shall maintain training records regarding every PGPD officer, which reliably indicate the training each officer has received. The training records shall, at a minimum, include the course description and duration, curriculum, and instructor for each officer.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

54. Either as a subcommittee of the existing Training Committee or as a stand-alone committee, the PGPD will form a curriculum and policy committee that will include core Academy staff, a broad cross-section of field personnel, PGPD command staff, and a representative of the County Attorney’s office. The committee will review all use of force training and use of force policies on a regular basis to ensure compliance with applicable laws and PGPD policy. The Chief of Police, in consultation with the County Executive, has decided to charge the committee with exploring best use of force practices and innovations. The committee will report its findings and recommendations in writing to the Chief of Police on an annual basis.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

55. The PGPD will continue to provide all recruits, officers, supervisors, and managers with annual training on use of force. Such training will include and address the following topics:

- a. the PGPD's use-of-force model, as described in this Agreement;
- b. proper use-of-force decision-making;
- c. the PGPD's use-of-force reporting requirements;
- d. the Fourth Amendment and other constitutional requirements;
- e. examples of scenarios faced by PGPD officers that illustrate proper use-of-force decision-making;
- f. interactive exercises that emphasize proper use of force decision-making;
- g. the proper amount of OC to use, how to deliver OC effectively, and the proper anatomical targets for OC;
- h. de-escalation techniques that encourage officers to make arrests without using force, and instruction that disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, calling in specialized units, or delaying arrest may be the appropriate response to a situation even when the use-of-force would be legally justified;
- i. additional training to its officers on alternate safe techniques for extracting subjects from stationary vehicles and disabling such vehicles;
- j. threat assessment;
- k. factors to consider in initiating or continuing a pursuit; and
- l. appropriate training on conflict management.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure, and is **"In Compliance"** for Phase I and Phase II of the monitoring process.

56. The PGPD will provide training to all its officers on the PGPD citizen complaint process, including the role of the CCOP and the BPR in the process. The PGPD will develop a protocol for all its officers on appropriate conduct and responses in handling citizens' complaints and will train officers in the protocol.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure, and is **"In Compliance"** for Phase I and Phase II of the monitoring process.

57. The PGPD will provide training on appropriate burdens of proof to all supervisors, as well as the factors to consider when evaluating complainant or witness credibility (to ensure that their recommendations regarding dispositions are unbiased, uniform, and legally appropriate). The PGPD will also provide training to supervisors on leadership and command accountability, including techniques designed to promote proper police practices. This training will be provided to all officers promoted to supervisory rank within 90 days of assuming supervisory responsibilities, and will be made part of annual in-service training.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the

Community Policing Institute Standard Operating Procedure, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

58. Within 120 days of the effective date of this Agreement, the PGPD will develop a protocol, subject to the approval of DOJ, to enhance the FTO program. The protocol shall address the criteria and method for selecting FTOs, the training provided to FTOs to perform their duties, the length of time that probationary officers spend in the program, the assignment of probationary officers to FTOs, the substance of the training provided by the FTOs, and the evaluation of probationary officer performance by the FTOs. The protocol will also set standards that require the appropriate assessment of an officer’s past complaint and disciplinary history before an officer is selected to serve as an FTO. FTO appointments will be subject to review for reappointment at the discretion of the Director of the Academy or the Commander of the Training and Education Division. District commanders will also have discretion, upon consultation with the Academy staff, to remove an officer from the FTO program.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

59. FTOs will be reviewed when an Academy class graduates, with re-certification dependent on satisfactory prior performance and feedback from the Academy and the FTO’s District Commander.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

Section VI - RECEIPT, INVESTIGATION, AND REVIEW OF MISCONDUCT ALLEGATIONS

60. The County and the PGPD will continue their programs to inform persons that they may file complaints regarding the performance of any officer.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

61. The County will make complaint forms and informational materials available at all PGPD district stations, libraries, the internet, and, upon request, to community groups and community centers. At each PGPD district station, the PGPD will permanently post a placard describing the complaint process and include the relevant phone numbers. The PGPD will require all officers to carry informational brochures in their vehicles at all times while on duty. If a citizen objects to an officer’s conduct, that officer will inform the citizen of his or her right to make a complaint. Officers will not discourage any person from making a complaint.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

62. Except for complaints alleging brutality, complaints may be filed in writing or verbally, in person or by mail, telephone (or TDD), facsimile or electronic mail. In cases where a complaint asserts only the individual’s contention of innocence of a charge, without any allegation of misconduct by the officer, the

complainant will be advised to seek judicial redress through established court procedures. In all other cases, the duty officer at the front desk of each district station will be authorized to take complaints, including third-party complaints, which persons may file at any district station. Complaint intake officers may describe facts that bear upon a complainant's demeanor and physical condition, but may not express opinions regarding his/her mental competency or veracity. Complaint forms shall be readily available at all precincts. A complaint form will be completed each time a person attempts to file a complaint as described herein. Brutality complaints will be accepted when they are notarized and filed within 90 days of the alleged brutality, consistent with the requirements of LEOBR. The PGPD shall ensure that at least one employee who holds a valid commission from the State of Maryland as a notary public is available 24 hours per day at all times to respond to the complainant's location within a reasonable amount of time and notarize the document.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **"In Compliance"** for Phase I and Phase II of the monitoring process.

63. Each complaint will be resolved in writing. Upon receipt at BPR, each complaint will be assigned a unique identifier, which will be provided to the complainant within 10 business days. Each complaint will be tracked according to the basis for the complaint (e.g., excessive force, discourtesy, improper search, etc.).

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **"In Compliance"** for Phase I and Phase II of the monitoring process.

64. The PGPD will request that the CCOP forward copies of all allegations of misconduct filed with the CCOP against the PGPD within five business days of receipt.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **"In Compliance"** for Phase I and Phase II of the Monitoring process.

65. All investigations shall be conducted in accordance with the LEOBR.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph and is **"In Compliance"** for Phase I and Phase II of the monitoring process.

66. Complaints will be evaluated based on a preponderance of the evidence standard, for which the County will develop and implement appropriate training.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph and is **"In Compliance"** for Phase I and Phase II of the monitoring process.

67. The PGPD will explicitly prohibit from investigating an incident any officer who used force during the incident, whose conduct led to the injury to a prisoner, or who authorized the conduct that led to these reportable incidents.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

68. The parties agree that in each investigation, the BPR will consider all relevant evidence including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations, if feasible. The BPR will make efforts to resolve material inconsistencies between witness statements. The BPR will train all of its investigators on the factors to consider when evaluating complainant or witness credibility. The BPR will prohibit investigators, during complaint investigations, from improperly asking officers or other witnesses’ leading questions that improperly suggest legal justifications for the officer’s conduct when such questions are contrary to appropriate law enforcement techniques. Consistent with the requirements of LEOBR, PGPD investigators will ensure that all officers on the scene of an incident provide a statement regarding the incident.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

69. During an investigation, all relevant police activity, including each use of force (i.e., the investigation will not be limited to the force complained about), will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident. The BPR will not close an investigation simply because the alleged victim is unwilling or unable to provide medical records or proof of injury; rather, the BPR will continue its investigation as necessary to determine whether the original allegation(s) can be resolved.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

70. In conducting investigations, BPR will, subject to and in conformance with applicable law, including the LEOBR, at a minimum:

- a. continue to tape record or videotape interviews of complainants, involved officers, and witnesses;
- b. whenever practicable and appropriate, conduct interviews of complainants and witnesses at sites and times convenient for them, including at their residences or places of business;
- c. whenever practical, prohibit group interviews;
- d. notify the supervisors of the involved officers of the investigation, as appropriate;
- e. interview all appropriate PGPD officers, including supervisors, in accordance with the requirements of the LEOBR;
- f. collect, preserve, and analyze all appropriate evidence, including canvassing the scene to locate witnesses and obtain the complainant’s medical records, where appropriate; and
- g. identify and report, in writing, all material inconsistencies in officer and witness interview statements gathered during the investigation.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

71. At the conclusion of each investigation, the individual responsible for the investigation will prepare a report on the investigation, which will be made a part of the investigation file. The report will include a description of the alleged misconduct and any other misconduct issues identified during the course of the investigation; a summary, and, where appropriate, analysis of all relevant evidence gathered during the investigation; and proposed findings and analysis supporting the findings. Absent exceptional circumstances, BPR will complete all investigations within 90 days after receiving the allegations.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I of the process for this MOA paragraph. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **“Not in Compliance”** for Phase II of the MOA monitoring process.

72. The complainant will be notified when the complaint is referred to the CCOP. Upon completion of the investigation and any necessary hearings required under the LEOBR, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken, to the extent permitted by Maryland law.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

- 73.** Each allegation in an investigation will be resolved by making one of the following dispositions:
- a. “Unfounded,” where the investigation determined no facts to support that the incident complained of actually occurred;
 - b. “Sustained,” where the person’s allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper;
 - c. “Not Sustained,” where there are insufficient facts to decide whether the alleged misconduct occurred; and
 - d. “Exonerated,” where a preponderance of the evidence shows that the alleged conduct did occur but did not violate PGPD policies, procedures, or training.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

74. District Commanders will evaluate each investigation of an incident in their command to identify underlying problems and training needs. Any such problems or needs will be relayed in the form of a recommendation to the appropriate PGPD entity.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I and Phase II of the monitoring process.

Section VII – MANAGEMENT AND SUPERVISION.

75. The PGPD will enhance and expand its Early Identification System to include a computerized relational database for maintaining, integrating, and retrieving data necessary for supervision and management of the entire PGPD. The PGPD will regularly use this data to manage risk and liability; and to evaluate the performance of officers across all ranks, units, and shifts.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I of the process for this MOA paragraph. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **“Pending Compliance”** for Phase II of the MOA monitoring process.

76. The new database will collect and record the following information for PGPD officers:

- a. all USES-OF-FORCE;
- b. the number of OC spray and foam canisters, and ammunition for pepper ball launchers used by officers;
- c. all injuries to prisoners;
- d. all instances in which force is used and a subject is charged with “resisting arrest,” “assault on a police officer,” “disorderly conduct,” or “obstruction of justice;”
- e. all critical firearm discharges, both on-duty and off-duty;
- f. all complaints (and their dispositions);
- g. all criminal proceedings initiated, as well as all civil or administrative claims alleging misconduct, and all civil lawsuits served upon, the County, or its officers or agents, resulting from PGPD operations or the actions of PGPD personnel;
- h. all vehicle pursuits; and
- i. all disciplinary action taken against officers.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I of the process for this MOA paragraph. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **“Pending Compliance”** for Phase II of the MOA monitoring process.

77. The database will include, for all incidents in the database, appropriate identifying information for each involved officer (e.g., name, badge number, shift and supervisor) and subject (e.g., race, ethnicity or national origin).

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I of the process for this MOA paragraph. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **“Pending Compliance”** for Phase II of the MOA monitoring process.

78. Pursuant to the schedule in paragraph 82, the PGPD will, within 90 days of the date of this agreement, prepare for the review and approval of DOJ, and thereafter implement, a protocol for using the new database. The County will submit for the review and approval of DOJ all proposed modifications to the protocol prior to implementing such modifications.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I of the process for this MOA paragraph. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **“Pending Compliance”** for Phase II of the MOA monitoring process.

79. Pursuant to the schedule in paragraph 82, the PGPD will, within 90 days of the date of this agreement, prepare for the review and approval of DOJ, and thereafter implement, a plan for including appropriate fields and values of new and historical data into the risk management system (the "Data Input Plan"). The Data Input Plan will identify the data to be included and the means for inputting such data (direct entry or otherwise), the specific fields of information to be included, the past time periods for which information is to be included, the deadlines for inputting the data, and the responsibility for the input of the data. The Data Input Plan will include current and complete data in the risk management system.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **"In Compliance"** for Phase I of the process for this MOA paragraph. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **"Pending Compliance"** for Phase II of the MOA monitoring process.

- 80.** The protocol for using the database will include the following provisions and elements:
- a. The protocol will comprise the following components:
data storage, retrieval, and analysis; reporting, pattern identification; supervisory assessment and intervention; and documentation and audit.
 - b. The protocol will require the automated system to produce the following information, based on the data:
 - i. number of incidents in each data category for each officer and for all officers in a unit;
 - ii. average level of activity in each data category for each officer and for all officers in a unit; and
 - iii. identification of patterns of activity in each data category for each officer and for all officers in a unit.
 - c. The protocol will require the system to generate reports on a monthly basis describing the data and data analysis and identifying individual and unit patterns.
 - d. The protocol will require that PGPD commanders, managers, and supervisors will review, on a regular basis but not less than quarterly, system reports, and will evaluate individual officer, supervisor, and unit activity.
 - e. The protocol will require that PGPD commanders, managers, and supervisors initiate intervention for individual officers, supervisors, and units based on appropriate activity and pattern assessment of the information contained in the database.
 - f. The protocol will require that intervention options include discussion by commanders, managers, supervisors, and officers; counseling; training; and supervised, monitored, and documented action plans and strategies designed to modify activity. All interventions will be documented in writing and entered into the automated system (appropriate intervention options will be employed based on the evaluation described in subsection (e) above).
 - g. The protocol will specify that actions taken as a result of information from the

relational database be based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and not solely on the number or percentages of incidents in any category of information recorded in the database.

- h. The protocol will require that PGPD commanders, managers, and supervisors be evaluated on their ability to use the database to enhance effectiveness and reduce risk.
- i. The protocol will require the PGPD to conduct audits of the system at reasonable intervals to ensure action is taken according to the process described above.
- j. The protocol will require regular reviews, at no less than quarterly intervals, by appropriate managers of all relevant risk management system information to evaluate officer performance Department-wide, and to evaluate and make appropriate comparisons regarding the performance of all PGPD units in order to identify any significant patterns or series of incidents.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **"In Compliance"** for Phase I of the process for this MOA paragraph. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **"Pending Compliance"** for Phase II of the MOA monitoring process.

81. The County will maintain all personally identifiable information about a PGPD officer included in the database during the officer's employment with the PGPD and for the maximum length of time permitted by the LEOBR. Information necessary for aggregate statistical analysis will be maintained indefinitely in the database. On an ongoing basis, the PGPD will enter information into the risk management system in a timely, accurate, and complete manner, and maintain the data in a secure and confidential manner.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **"In Compliance"** for Phase I of the process for this MOA paragraph. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **"Pending Compliance"** for Phase II of the MOA monitoring process.

82. The database will be developed and implemented according to the schedule below. The PGPD may satisfy the terms of this Agreement by obtaining necessary modifications to their existing database (subject to DOJ approval) or by obtaining a new database.

- a. Within 90 days of the effective date of this Agreement, subject to the review and approval of DOJ, the PGPD will issue the Request for Proposal (RFP), a preliminary outline of the protocol for using the risk management system, and a preliminary outline of the Data Input Plan.
- b. Within 120 days of the issuance of the RFP, or later with the agreement of DOJ, the PGPD will select the contractor to create the database or to make appropriate modifications to an existing database to bring it into compliance with this Agreement.
- c. Within 90 days of the effective date of this Agreement, the PGPD will submit the final protocol for using the risk management system and the final Data Input Plan to DOJ for review and approval. The PGPD will share drafts of this document with DOJ and the Monitor (a position

described in Section VIII) to allow DOJ and the Monitor to become familiar with the document as it develops and to provide informal comments on it.

- d. Within 12 months of selecting the contractor, the County will have ready for testing a beta version of the database consisting of the following elements:
 - i. server hardware and operating systems installed, configured and integrated with the PGPD's existing automated systems;
 - ii. necessary data base software installed and configured;
 - iii. data structures created, including interfaces to source data; and
 - iv. the use-of-force information system completed, including historic data.

DOJ and the Monitor will have the opportunity to participate testing the beta version using use of force data and test data created specifically for the purpose of checking the database.

- e. The database computer program and computer hardware will be operational and fully implemented within 18 months of the selection of the contractor.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I of the process for this MOA paragraph. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **“Pending Compliance”** for Phase II of the MOA monitoring process.

83. Prior to implementation of the database contemplated in this Agreement, the PGPD will maintain and use existing databases and resources to the fullest extent possible, to identify patterns of conduct by PGPD officers or groups of officers.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

See paragraph #75. The Department continues to utilize the current EIS system and the existing Data Input Plan, pending the implementation of the new EVALIS system.

84. Following the initial implementation of the database, and as experience and the availability of new technology may warrant, the PGPD may propose to add, subtract, or modify data tables and fields, modify the list of documents scanned or electronically attached, and add, subtract, or modify standardized reports and queries. The PGPD will submit all such proposals for review and approval by DOJ before implementation.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD is **“In Compliance”** for Phase I of the process for this MOA paragraph. The 13th Quarterly Report of the Independent Monitor indicates that this paragraph is currently **“Pending Compliance”** for Phase II of the MOA monitoring process.

85. The PGPD will develop a protocol for conducting audits. The protocol will be used by each officer or supervisor charged with conducting audits. The protocol will establish a regular and fixed schedule to ensure that such audits occur with sufficient frequency, and cover all six PGPD districts.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

86. The PGPD will conduct the following audits pursuant to the protocol in paragraph 85:

- a. It will conduct regularly scheduled quarterly audits, covering all six districts, that examine citizen complaints processed through the CCOP, including auditing selected samples of complaints that were resolved through the CCOP, contacting the complainants to evaluate whether the actions and views of the citizen were captured correctly in the CCOP report, and examining whether there is consistency in the CCOP across districts. It will issue a report on the results, which will be provided to each district commander. Each district commander will review the report in regard to all officers under their command involved in an incident and, if appropriate, the PGPD will impose disciplinary or non-disciplinary corrective action.
- b. It will conduct semi-annual integrity audits and issue a report on the investigations conducted by BPR. The report will evaluate BPR’s investigation of selected use of force and citizen complaints. The report will assess the reliability and completeness of BPR’s canvassing and interviewing of witnesses, preservation and analysis of the incident scene, and the appropriateness of BPR’s conclusions.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

87. The PGPD will semi-annually solicit in writing from local prosecutors whether the prosecutors are aware of any issues with any individual officer or Department-wide performance.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is **“In Compliance”** for Phase I and Phase II of the monitoring process.

88. The PGPD will continue to make its best efforts to operate video cameras in all currently equipped vehicles. The PGPD is encouraged to continue developing a policy on video cameras that will require:

- a. mandatory activation for all traffic stops and pursuits that continues until the motor vehicle stop is completed and the stopped vehicle departs, or until the officer’s participation in the motor vehicle stop ends;
- b. to the extent practical, manual activation for incidents in which the prisoner being transported is violent;
- c. supervisors to review the tapes in all cars of all officers listed in any PGPD report regarding any incident involving injuries to a prisoner or an officer, uses of force, vehicle pursuits, and citizen complaints; and
- d. that the PGPD retain and preserve tapes for at least 90 days, or as long as necessary for incidents subject to investigation.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is “**In Compliance**” for Phase I of the process and “**Pending Compliance**” for Phase II of the MOA monitoring process.

89. If an officer actively participates in a motor vehicle stop and is aware that the motor vehicle stop was not recorded using the video camera equipment, the officer will notify the shift supervisor of the reason the stop was not recorded.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is “**In Compliance**” for Phase I of the monitoring process and “**Pending Compliance**” for Phase II.

90. The PGPD will conduct periodic random reviews of mobile camera videotapes for training and integrity purposes. Supervisors conducting these reviews will document their activity in a logbook. In addition, the PGPD will require periodic random surveys of mobile video recorder equipment to confirm that they are in proper working order.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that this MOA paragraph is “**In Compliance**” for Phase I and Phase II of the monitoring process.

Section VIII – MONITORING, REPORTING, AND IMPLEMENTATION

96. Subject to the limitations set forth in this paragraph, the PGPD will reopen for further investigation any BPR investigation (including use of force and citizen complaint investigations) the Monitor determines to be incomplete. The Monitor will provide written instructions for completing any investigation determined to be incomplete. The Monitor will provide binding written recommendations to the Chief of Police and BPR to reopen an incomplete investigation. The Monitor will provide these recommendations so that the directive given by the Chief of Police to implement the Monitor’s instructions is given within a reasonable period following the investigation’s conclusion. The Monitor may not exercise this authority concerning any investigation the disposition of which has been officially communicated to the officer who is the subject of the investigation.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is “**In Compliance**” for Phase I and Phase II of the monitoring process.

97. The parties agree that the PGPD will hire and retain, or reassign a current PGPD employee or independent contractor, for the duration of this Agreement, to serve as a full-time PGPD Compliance Coordinator. The Compliance Coordinator will serve as a liaison between the PGPD, the Monitor and DOJ, and will assist with the PGPD’s compliance with this Agreement. At a minimum, the Compliance Coordinator will: coordinate the PGPD’s compliance and implementation activities; facilitate the provision of data, documents and other access to PGPD employees and material to the Monitor and DOJ as needed; ensure that all documents and records are maintained as provided in this Agreement; and assist in assigning compliance tasks to PGPD personnel, as directed by the Chief of Police or his designee. The PGPD Compliance Coordinator will take primary responsibility for collecting the information the Monitor requires to carry out the terms of this Agreement.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

99. The Monitor shall have full and direct access to all PGPD employees and facilities that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement. The

Monitor shall cooperate with the County and the PGPD to access people and facilities in a reasonable manner that, consistent with the Monitor’s responsibilities, minimizes interference with daily operations.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

100. The Monitor shall have full and direct access to all County and PGPD documents that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement, except any documents protected by the attorney-client privilege. Should the County or the PGPD decline to provide the Monitor with access to a document based on attorney-client privilege, the County shall provide the Monitor and DOJ with a log describing the document.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

102. The Monitor and DOJ shall provide the County or the PGPD with reasonable notice of a request for copies of documents. Upon such request, the County and the PGPD shall provide the Monitor and DOJ with copies (electronic, where readily available) of any documents that the Monitor and DOJ are entitled to access under this Agreement.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

104. For the purpose of implementing this Agreement, the Monitor shall have direct access to all documents in criminal investigation files that have been closed by the PGPD. The Monitor shall also have direct access to all arrest reports, warrants, and warrant applications whether or not contained in open criminal investigation files; where practicable arrest reports, warrants and warrant applications shall be obtained from sources other than open criminal investigation files.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

107. Within 90 days following entry of this Agreement and no later than every three months thereafter until this Agreement is terminated, the County shall file with the Monitor, with a copy to the DOJ, a status report delineating the steps taken by the County and the PGPD during the reporting period to comply with each provision of this Agreement. The County shall also file such a report documenting the steps taken to comply with each provision of this Agreement during the term of this Agreement 120 days before the end of the Agreement’s term.

Quarterly Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has implemented all the provisions of this MOA paragraph, and is **“In Compliance”** for Phase I and Phase II of the monitoring process.

108. During the term of this Agreement, the County and the PGPD shall maintain all records necessary to document their compliance with the terms of this Agreement and all documents expressly required by this Agreement.

Quarterly Compliance Implementation Summary: This task was assigned to the Office of Compliance Coordination for implementation. The Office of Compliance Coordination maintains all records to demonstrate the Department’s compliance with the MOA, both in hardcopy and electronic formats, where applicable. The Independent Monitor’s 13th Quarterly Report indicates that the PGPD is **“In Compliance”** for Phase I and Phase II of the monitoring process.

109. The County shall implement immediately all provisions of this Agreement, which involve the continuation of current PGPD policies, procedures, and practices. The remaining provisions shall be implemented either by the specified implementation date or, for those provisions that have no specified implementation date, as soon as is reasonably practicable and no later than 120 days after this Agreement’s effective date.

Compliance Implementation Summary: The Department has implemented those provisions of the MOA that address the continuation of current policies, procedures, and practices. Additionally, the PGPD continues the revision process on all affected policies and procedures identified by the Independent Monitor in their 13th Quarterly Report as being “Not in Compliance”, or “Pending Compliance” with the requirements of the MOA.

According to the 13th Quarterly Report of the Independent Monitor, the Department is **“In Compliance”** for Phase I and Phase II of the monitoring process.

Appendix

Previously Submitted Items:

- Use of Force Protocol, dated March 15, 2006
- Patrol Services E-mail message announcing Use of Force Protocol, dated March 15, 2006
- Emergency Petitions Protocol, dated March 29, 2006
- Patrol Services E-mail message announcing Emergency Petition Protocol, dated March 29, 2006
- DRAFT “Employee Intervention System (Use) Protocol,” dated March 30, 2006
- DRAFT “Data Input Plan,” dated March 30, 2006
- Executive Review Panel Annual Review

- Chief's Special Order, Revision for Executive Review Panel Membership Rotation, General Order Manual, Volume II, Chapter 51
- Emergency Petition Training Module with checklist
- Training Update on Emergency Petition Requirements
- Chief's Special Order, Early Identification System, General Order Manual, Volume I, Chapter 14
- New FTO Screening Summary Form
- Use of Force Training Committee, Meeting Minutes, March 30, 2006
- Use of Force Reports and Instructional sheets
- Use of Force Training Video
- Revised General Order Policy: Mobile Video Systems, Volume I, Chapter 26
- MVS/MDC Equipment Inspection/Malfunction Report
- Mobile Video System-Failure to Record Activity Notification
- District/Division MVS Monthly Report
- Community Policing Institute Training Update, Emergency Petitions, November 2006
- Chief's Special Order #07-002: amending Use of Force, Volume II, Chapter 51 (Paragraph #42).
- Revised Use of Force Checklist
- Technical Services Division Training Memo for the Mobile Video System: Failure to Record Activity Notification, January 2007
- District/Division MVS Monthly Report
- Use of Force Training Committee Meeting Minutes, March 22, 2007

Newly Submitted Items:

- Letter from Department of Justice approving request for Exemption for FTO Program.

- Technical Services Division Training Memo for the Mobile Video System: Audio Reminder
May 2007
- District/Division MVS Monthly Report
- MVS/MDC Equipment Inspection/Malfunction Report
- Mobile Video System-Failure to Record Activity Notification
- Updated Draft of Use of Force Checklist

This report was prepared by the Prince George's County Police Department's Office of Compliance Coordination
Captain Regina A. Taylor – Compliance Coordinator
Sergeant Jacqueline Raftery – Compliance Analyst Sergeant Curtis Royal – Compliance Analyst