

Chasing Justice

Addressing Police Violence
and Corruption in Maryland



ACLU
Maryland

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**Addressing Police Violence
and Corruption in Maryland**

January, 2021

Joe Spielberger

Public Policy Counsel

American Civil Liberties Union of Maryland

ACLU

Maryland

3600 Clipper Mill Road

Suite 350

Baltimore, MD 21211

Learn more and get involved:
www.aclu-md.org

Contents

5	Summary of Findings
6	Introduction
7	History
9	Race and Policing
13	Crimes by Police
15	Baltimore City Data
27	Conclusion
28	Methodology
28	Legal Disclaimer

“

A government which can protect and defend its citizens from wrong and outrage and does not is vicious. A government which would do it and cannot is weak; and where human life is insecure through either weakness or viciousness in the administration of law, there must be a lack of justice and where this is wanting, nothing can make up the deficiency.

Frances Harper

To those who have said “Be patient and wait,” we have long said that we cannot be patient. We do not want our freedom gradually, but we want to be free now! We are tired. We are tired of being beaten by policemen. We are tired of seeing our people locked up in jail over and over again. And then you holler, “Be patient.” How long can we be patient? We want our freedom, and we want it now.

John Lewis

“Speech at the March on Washington,” 1963

”

Michael Brown > [He] wasn't jaywalking.

Tamir Rice > He wasn't outside playing with a toy gun.

Elijah McClain > He didn't look like a "suspicious person."

Eric Garner > He wasn't suspected of "selling loose, untaxed cigarettes."

George Floyd > He wasn't suspected of passing a counterfeit \$20 bill.

Philando Castile > He didn't look like anyone suspected of a crime.

and Tony McDade

Jason Harrison > He wasn't mentally ill and in need of help.

Charles Kinsey > He wasn't assisting an autistic patient who had wandered away from a group home.

James Earl Green > He wasn't walking home from an after-school job.

Ben Brown > He wasn't walking back from a restaurant.

Phillip Gibbs > He wasn't hanging out on a college campus.

Amadou Diallo > He wasn't standing outside of his apartment.

Botham Jean > He wasn't inside his apartment eating ice cream.

Breonna Taylor > She wasn't sleeping in her bed.

Rayshard Brooks > He wasn't sleeping in his car.

Sandra Bland > She didn't make an "improper lane change."

Walter Scott > He didn't have a broken tail light.

Hannah Fizer > She wasn't driving over the speed limit.

Ace Perry > He wasn't driving under the speed limit.

– U.S. District Judge Carlton W. Reeves, *Jamison v. McClendon*, 2020

Summary of Findings

From 2015 through 2019 in Baltimore, Maryland,

- » There were misconduct complaints filed against 1,826 individual Baltimore Police officers.
- » Ten percent of complaints were for false arrest or imprisonment.
- » 86 officers had complaints related to domestic violence.
- » There were 40 complaints of criminal association.

» **Six percent of BPD officers received approximately 33 percent of all complaints.**

- » Only eight percent of external complaints, including resident complaints, were sustained.

» **Complaints by white residents were sustained at higher rates.**

» **Complaints against Black officers were sustained at higher rates.**

- » Officers remained on the force after sustained complaints of domestic violence, criminal sexual offenses, DUI, DWI, hit-and-run, and theft.

» **91% of officers' use of force was targeted toward Black residents.**

- » Police officers used force twice as often in the majority Black Southwestern District, as in the majority white Northern District.
- » Less than 10% of force was used in self-defense or to make an arrest.
- » Most arrest charges after a use of force incident were low-level, non-violent charges.
- » More than 400 individual officers would have triggered a Phase 1 intervention under current BPD policy.
- » With a stronger warning system, BPD may have prevented up to 20.4% of complaints.
- » Recent legislative proposals by Annapolis lawmakers to reform the Public Information Act would allow public disclosure of between two and seven percent of all complaints in Baltimore City, which is not nearly enough.

Introduction

As of early 2021, the Baltimore Police Department (“BPD”) remains under a U.S. Department of Justice consent decree to reform its systemically racist, corrupt, and abusive practices. The city still reels from the fallout of the Gun Trace Task Force (“GTTF”) scandal, criminal cases are being vacated upon further investigation into old arrests, and the Baltimore City State’s Attorney’s Office maintains an internal list of police officers it has found to be discredited.

Families across Maryland continue to mourn the senseless police killings of Freddie Gray and Tyrone West in Baltimore City; Christopher Brown, Korryn Gaines, and Emanuel Oates in Baltimore County; Anton Black in Caroline County; Robert White in Montgomery County; William Green, Gary Hopkins Jr., and Leonard Shand in Prince George’s County; and many others across the state.

Meanwhile, police departments, police unions, state’s attorneys, and too many legislators are content to keep in place the culture of secrecy around officer misconduct that shields officers from accountability for wrongdoing. Although a few officers will undoubtedly continue to be arrested and charged with criminal behavior, countless others will escape responsibility, and be known as a danger only to those in the neighborhoods they patrol.

Police officers are often asked to make split-second decisions, but they must do so in deference to Constitutional rights and the preservation of human life, and uphold the dignity and humanity of Black people. It is precisely because of the extraordinary power officers have – to lawfully kill and deprive us of our liberty – that they must be held accountable when they abuse their authority in the line of duty.

At this moment, we are tasked with ending police violence that robs communities of Black lives – fathers and mothers, sons and daughters, brothers and sisters, parents and children, grandparents, neighbors, and cherished friends. To that end, we must do no less than fundamentally transform the abusive practices that fester throughout the legal

justice system, because anything less will fail to bring about real, lasting change. The problem is not a lack of solutions. The problem is a lack of political will and courage. As we reimagine policing, now is the time to act boldly.

The purpose of this report is to examine

- 1 race disparities in different aspects of policing;
- 2 how police departments contribute to violence in the community and further distrust of both the legal justice system and internal disciplinary process; and
- 3 consequences of failing to hold officers and departments accountable.

Although police violence and misconduct are pervasive statewide, much of this report focuses on data analysis of individual officers in the Baltimore Police Department, from 2015–2019. This report seeks to better understand the scope of officer misconduct and use of force, and identify intervention points to not just reform police departments, but to change how policing is done.

History



On police violence and anti-Black vigilantism, author Tim Wise wrote, “Those who deny the racial angle...can only do so by a willful ignorance, a carefully cultivated denial of every logical, obvious piece of evidence before them, and by erasing from their minds...the entire history of American criminal justice.”ⁱ They must also necessarily disregard everything that Black people have said and the behavior that they continue to experience and witness firsthand.

The roots of organized American policing lie not in preventing crime, but maintaining race- and class-based inequity by preserving wealth, controlling Black, Indigenous and People of Color and low-income and working-class people, and enforcing segregation and white supremacy.ⁱⁱ Policing in this country began loosely – in the north with elected sheriffs and constables, and in the south with patrols of whites terrorizing Black people who were enslaved. The first organized police forces were established in the mid- to late-19th century to quash labor protests and actions by low-wage workers.ⁱⁱⁱ But race, segregation, class, and police violence have been inextricably linked. Where Black communities successfully accumulated wealth on their own terms, police deputized lynch mobs to kill people and destroy businesses that threatened the white community’s control over the region’s capital.¹ And it is only when popular uprisings threaten property damage, not just human lives, do militarized police move into American cities and lay siege like an occupying force.²

In 1963, Cambridge, Maryland police chief Brice Kinnamon infamously declared the city had no racial problems during the race riots between civil rights activists and police-backed segregationists that had engulfed the town.^{iv} Four years later, the town erupted again during the unrest of 1967, as Black residents protested racist local laws and historic inequity.

Almost fifty years after, Black Baltimoreans rose up in response to the police killing of Freddie Gray, after

officers took him for a “rough ride.” Shortly after, the U.S. Department of Justice released a scathing report exposing a long history of violence, racism, and corruption within BPD^v – a history that city residents had claimed for generations – and brought the department under a federal consent decree. Governor Larry Hogan, however, has not prioritized addressing inequity imposed on the city – the root cause of the uprising – instead chastising Black residents about crime, declaring recently, “I want to know where is the outrage from the city—from the residents of the city—to say ‘enough is enough.’”^{vi}

The Governor’s failure or refusal to understand was predicted by the 1968 Kerner Commission Report: “What white Americans have never fully understood but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.”^{vii} Not only did the report lay out the root causes of social unrest – lack of jobs and economic mobility, a broken education system, racism, white media, and police brutality and misconduct – but it also identifies the triggering event:

.....
Almost invariably the incident that ignites disorder arises from police action...precipitated by arrests of Negroes by white police for minor offenses.^{viii}
.....

¹ See Tulsa Race Massacre of 1921.

² See Watts Rebellion of 1965.

The report got it right. The problem is that nobody in power listened, and too many have forgotten it, or choose to ignore it today.

The violence and corruption within BPD were known long before the DOJ report, and well before the Kerner Commission, too. In 1965, before Donald Pomerleau became Baltimore Police Commissioner, he issued a report that “declared the Baltimore force to be among the nation’s most antiquated and corrupt, and characterized its use of force as excessive and its relations with the city’s black community as nonexistent.”^{ix}

Unfortunately, the response of police departments and police unions across Maryland has been to protect themselves first, to the detriment of the communities they are supposed to serve. Despite the outrage of rising incidents of police brutality during the Civil Rights Movement, Maryland legislators passed the Law Enforcement Officers’ Bill of Rights (“LEOBR”) in 1973, the first of its kind in the country, and one of the most extreme, even today. At the hearing, the executive director of Baltimore’s police union pushed the narrative of cops as long-suffering victims, testifying that police have “no rights for themselves, no defense. A policeman is never advised of his rights because he has no rights.” Some

legislators went further, declaring, “A vote against the bill is a vote for the criminal element [and] a criminal act on your part.”^x The bill passed easily.

The dangerous fallout was soon clear. In Howard County, the police chief abandoned a call for public disciplinary hearings. In Prince George’s (“PG”) County, after a pattern of police violence, state legislators amended LEOBR to prohibit the county’s human relations commission from accessing internal police misconduct files and investigating misconduct.^{xi} This period of time also coincided with the PG County Police Department’s “death squad” – a group of detectives who planned, incited, and entrapped people in violent crimes resulting in multiple deaths.^{xii}

Despite this history, police reform has been illusory because of a fundamental misconception about policing: only a fraction of police work is responding to calls about criminal offenses, and even then, only 5 percent of arrests are for so-called violent crimes.^{xiii} In practice, too much of police work consists of surveilling and targeting disproportionately Black and low-income people for low-level, non-violent offenses. Police budgets are spent on practices that criminalize poverty, and are often marked by fraud and abuse of the overtime system. And police have been entrusted to police themselves.



Race and Policing

Racial disparities have been widely documented nationwide in all aspects of policing and the legal justice system, including stops,^{xiv} searches,^{xv} use of force,^{xvi} arrests,^{xvii} charging,^{xviii} pretrial detainment,^{xix} plea bargaining,^{xx} disposition,^{xxi} and sentencing.^{xxii} Black communities face the paradox of being both over- and under-policed, criminalized at higher rates than whites for petty offenses, without the protection they need against serious threats that police are supposed to provide.

Like a schoolyard bully, our criminal justice system harasses people on small pretexts but is exposed as a coward before murder. It hauls masses of black men through its machinery but fails to protect them from bodily injury and death. It is at once oppressive and inadequate.
– Jill Leovy, *Ghettoside*^{xxiii}

Traffic Stops and Searches

Despite a prevalence of community-based policing, reducing police violence requires limits to rather than expansion of police presence in communities. Traffic stops are the most common police-resident encounter, one that most adults of all races have experienced, although the outcomes often differ by race. Maryland police officers in all jurisdictions stop and search Black motorists at disproportionate rates even though data show that white motorists are often more likely to possess contraband.^{xxiv}

While the total number of searches of all drivers increased between 2013 and 2017, searches of white drivers increased by 84 percent, while searches of Black drivers increased by 170 percent.^{xxv} If we limit the number of armed officers responding to routine traffic stops, we can reduce the likelihood of death for Black residents who are grossly targeted, like in the police killings of Philando Castille and Sandra Bland.

Arrests and Incarceration

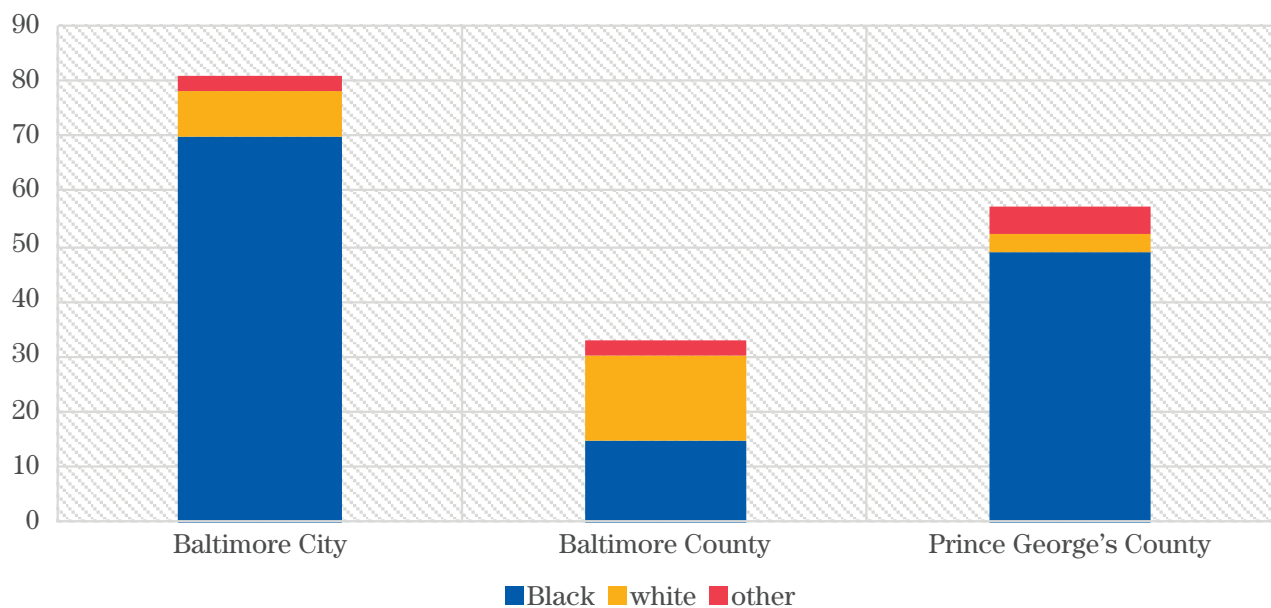
While Black people make up about 31 percent of Maryland's population, they make up 52 percent of Marylanders in jail^{xxvi} and 70 percent of Marylanders in prison.^{xxvii} Mass incarceration is far from only an urban issue; rural counties, particularly Wicomico, Worcester, and Dorchester on the Lower Eastern Shore, incarcerate the highest number of their residents per capita.^{xxviii} Pretrial detention, while

decreasing in larger, urban jurisdictions like Baltimore City, continues to increase in smaller, more rural counties like Garrett County in Western Maryland.³ However, although the total incarceration rate in Maryland has recently begun to decline, the percentage of Maryland's prison population that is Black remains the highest in the country, twice as much as the average state, and more than 25 percent higher than the second highest state, Mississippi.^{xxix} Recent studies have found significant racial disparities in marijuana arrests in Baltimore City,^{xxx} despite a decriminalization law enacted in 2014, as well as racial disparities in total police interactions in Montgomery County^{xxxi} and in misdemeanor arrests in Prince George's County.^{xxxii}

Officer Shootings

From 2010 to 2016, police officers shot at people during 30 incidents in Baltimore County, 56 in PG County, and 81 in Baltimore City. Fatality rates of these shootings were 42 percent in Baltimore County, 29 percent in PG County, and 36 percent in Baltimore City. Black people were 87 percent of those shot at in Baltimore City, 47 percent in Baltimore County, and 87 percent in PG County.^{xxxiii}

**Race of Victim in Police Shootings
(fatal and non-fatal), 2010–2016**

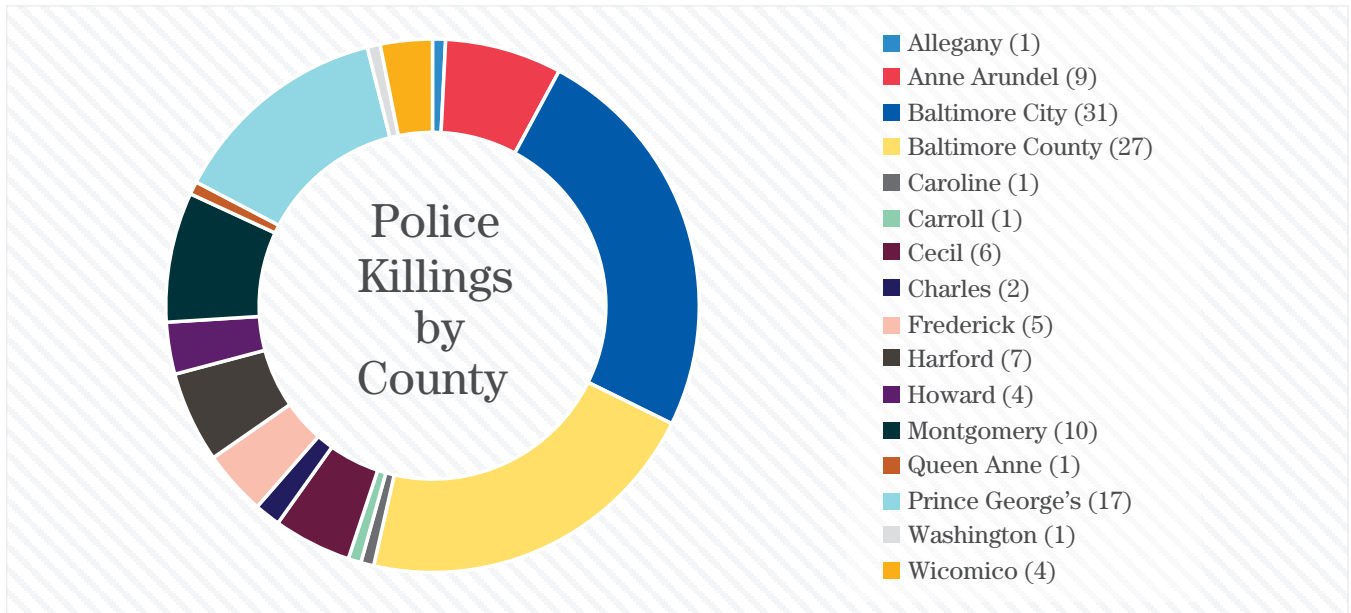


Vice News, "Shot by Cops and Forgotten"

³ From 2005 to 2015, pretrial detention decreased by 45 percent in Baltimore City, while increasing 30 percent in Garrett County.

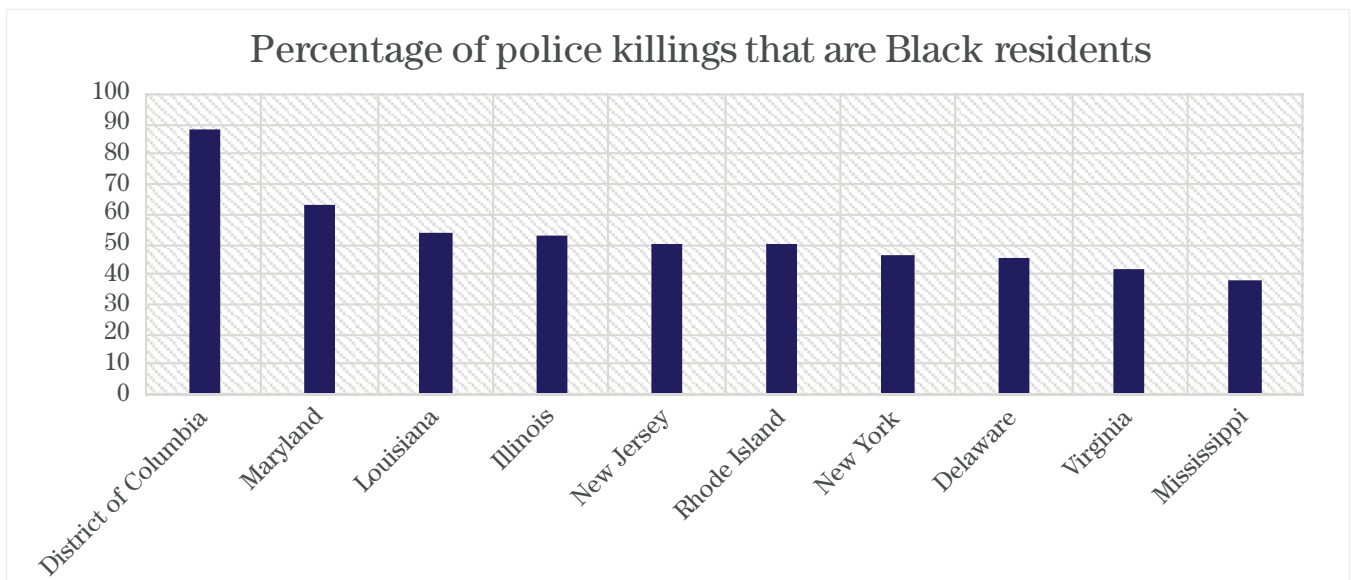
Killings

Over the past 20 years, police in Maryland have killed more than 500 people.^{xxxiv}
From 2013 to 2019, police killed 128 people in 16 jurisdictions in Maryland.^{xxxv}



Analysis from Mapping Police Violence

Black residents make up 63 percent of those killed by police in Maryland, even though only 31 percent of Marylanders are Black. This percentage is the second highest percentage in the country,⁴ and fifth highest disparity of any state between percentage of the population and percentage of people killed.^{xxxvi}



Analysis from Mapping Police Violence

⁴ Only the District of Columbia has a higher rate, 88 percent.

At least 18 percent of Maryland residents killed by police exhibited signs of mental illness. At least 22 percent were unarmed, 60 percent of whom were Black. Four percent were allegedly “armed” with a toy. The fact that someone may have been armed does not by itself justify killing them. The relevant question is not whether a person was armed but whether they posed a threat, and whether the officer had reasonable alternatives to ending their life. Government actors who shoot and kill at will directly subvert fundamental rights and the promise of American values.

Violent Crime Clearance Rates

Despite aggressive policing, police have an abysmal response record in solving serious violent crimes. The homicide clearance rate in Maryland has decreased from 94 percent in 1965 to just 42 percent in 2019.^{xxxvii}

A 2018 ProPublica study found low clearance rates for sexual assaults across four Maryland counties, and also shows how police departments pad clearance rates without making an arrest by liberally using an “exceptional clearance” categorization if they have enough evidence for an arrest but cannot do so for reasons outside their control.^{xxxviii} This helps departments enhance the narrative that they are preventing violent crime, without actually making communities safer.

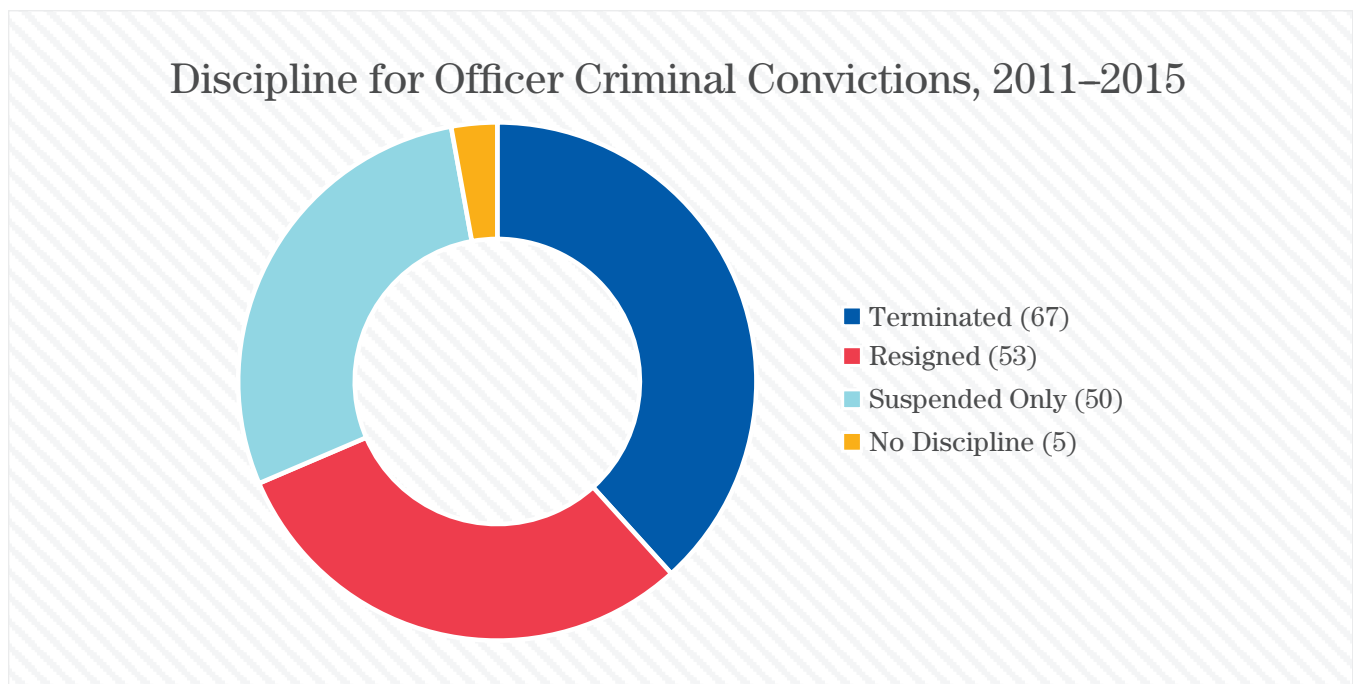
RAPE CLEARANCE RATE BY COUNTY, 2016			
County	Total Clearance Rate	Arrest Made	Exceptional Clearance Rate
Baltimore City	38%	25%	13%
Baltimore County	68%	28%	39%
Howard County	41%	15%	26%
Montgomery County	83%	22%	61%

ProPublica, “Could Your Police Department Be Inflating Rape Clearance Rates?”

Furthermore, police departments in the two jurisdictions with the highest Black population, Prince George’s County (64 percent) and Baltimore City (63 percent), had the lowest homicide clearance rates in 2019, 56 percent and 31 percent, respectively.^{xxxix} This presents the dangerous reality where the same institutions and individuals who terrorize Black communities are also deployed to protect them. The same often holds true for others who are vulnerable to police abuse, including immigrants,^{xl} the LGBTQ+ community,^{xli} and sex workers.^{xlii} More aggressive policing is also associated with undermining the effectiveness of informal social control systems, that help keep communities safe.^{xliii} Higher arrest rates and ordinary police violence hinder vulnerable communities’ ability to prevent harm, and routine police harassment deters people from reporting crimes or seeking help from police, because they view law enforcement as the greater threat.

Crimes by Police

Addressing crime and improving public safety requires accounting for crimes committed by police officers themselves. From 2005 to 2011, police officers in Maryland were charged with 271 crimes in 18 counties and Baltimore City, including 138 crimes of violence.^{xliv} However, officers are rarely convicted, and even a criminal conviction does not always result in employment discipline in the department.



Analysis from The Henry A. Wallace Police Crime Database, Bowling Green State University

Officers who were convicted of criminal offenses but received no internal discipline include Prince George's County officers convicted of larceny and driving under the influence, and a Baltimore City deputy sheriff convicted of aggravated assault. The data omits, of course, the countless illegal police assaults, sexual assaults, and other violent crimes on the job for which they are never charged and are shielded from accountability by the Law Enforcement Officers' Bill of Rights.

Transferring Agencies

Even when a criminal conviction prompts an officer's termination or resignation, they can often simply transfer to a different department. In 2012, Baltimore Police officer John King was forced to resign after he was investigated for sexual assault. He then moved to Utah and soon became chief of the Provo Police Department before being forced out after another sexual assault investigation. Utah officials were unaware of the Baltimore case, and said had they known, they would not have hired King.^{xlv} A Yale research study found that three percent of officers in Florida had previously been fired by another law enforcement agency.^{xlvi} A recent study in California identified 630 current officers who had criminal convictions over the past decade.^{xlvii} In Maryland, open source research has identified several officers with criminal convictions who transferred to different agencies, and currently work as law enforcement officers, including in Frederick and Wicomico Counties. There is also no reliable way for the public to track officers who transfer to agencies in other states, like former BPD officer Eric Snell, who worked as an officer in Philadelphia when he was indicted for his involvement in the GTTF scandal.

Decertification

Of the 45 states that allow decertification, Maryland has ranked last since 1963, decertifying only four officers until 2019 when one of the officers involved in the killing of Anton Black was de-certified.⁵ During this time period, 26 states decertified more than 100 officers each, and five states decertified more than 1,000.^{xlviii}

⁵ The police chief pled guilty to misconduct while in office after investigators discovered the officer's application failed to disclose more than two dozen use of force complaints from his previous job in Delaware.

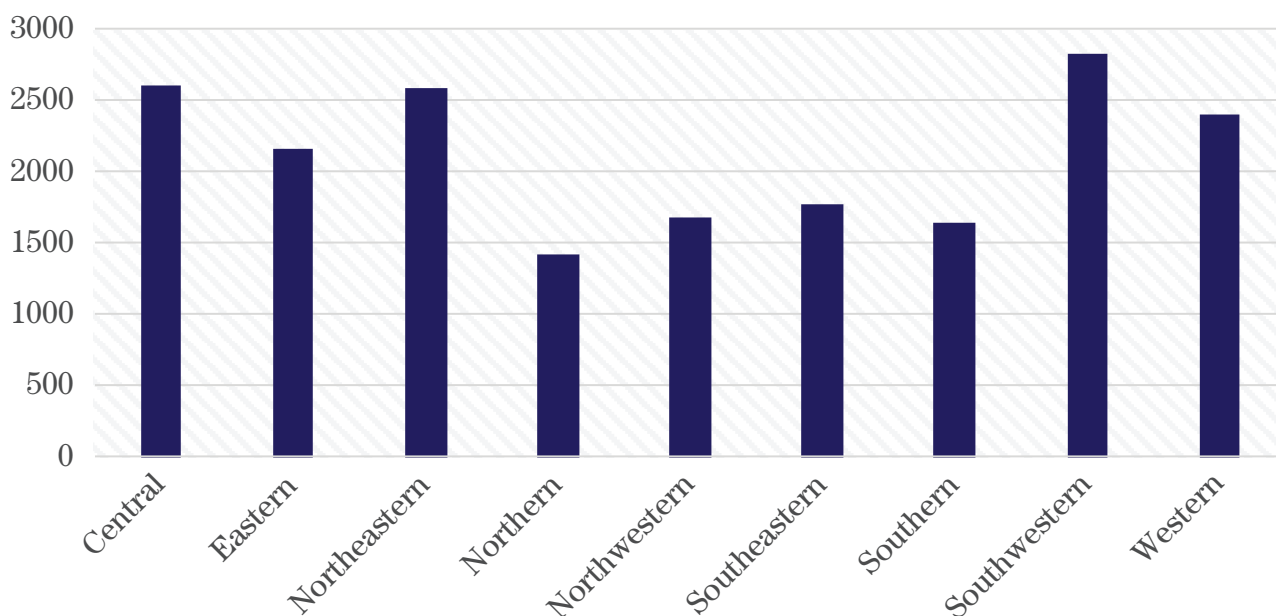
Baltimore City Data

In the wake of the consent decree, BPD agreed to provide Code for America's Project Comport with five years of data about misconduct complaints, use of force incidents, and officer-involved shootings, from 2015 through 2019.^{xlix}

Use of Force

From 2015–2019, there were 22,884 use of force incidents in Baltimore, showing both race- and district-based disparities. Black residents are approximately 63 percent of Baltimore City's population, but are 90.7 percent of those against whom officers used force, while white residents experienced only 7.3 percent of all force used by officers.

Use of Force Incidents by District



Analysis of Project Comport data

TYPE OF FORCE USED

Officers' Body (Hands, Fists, Feet, Knees)	58.8%
Firearms	22.3%
Taser/CEW ⁶	8.8%
Forcible Takedowns	7.5%
OC Spray/Pepper Spray	1.1%
Tackling Without Injury	1.0%

Analysis of Project Comport data

The data show that people in Baltimore interact with police officers in very different, racialized ways. Residents in the “White L”⁷ of North and South Baltimore do not witness and experience firsthand close to the level of police violence as Black residents do in the “Black Butterfly”⁸ of East and West Baltimore. While some may assume racial disparities in force relate to increased levels of crime in neighborhoods, and that police must use force to protect themselves and others, officers actually cited self-defense and defense of others at low rates for why they used force.

REASONS FOR OFFICERS' USE OF FORCE

Suspect Resistance/Combative Suspect	60.5%
Gain Tactical Advantage	20.7%
Defense of Others	6.3%
Self Defense	5.1%
Make an Arrest	4.3%

Analysis of Project Comport data

Only 40.9 percent of force incidents were from a 911 call for service. The types of arrests involved with force incidents also contradict the narrative that police are responding to serious crimes. The majority of arrests after a use of force incident are for low-level charges, which would include baseless charges to justify the force, or where the supposed offense occurred as a result of the force officers used.

ARREST CHARGES AFTER USING FORCE

CDS (Controlled Dangerous Substance) Violation	22.9%
Second Degree Assault	11.8%
Handgun Violation	9.2%
Resisting Arrest	8.5%
Assault on Police	7.6%
Disorderly Conduct	4.6%
First Degree Assault	4.2%
Traffic Violation	3.4%

Analysis of Project Comport data

⁶ Conducted Electrical Weapon

⁷ Brown, Lawrence. (2016, June 28). *Two Baltimores: the white l vs. the black butterfly*. Baltimoresun.com. <https://www.baltimoresun.com/citypaper/bcpnews-two-baltimores-the-white-l-vs-the-black-butterfly-20160628-htmlstory.html>

⁸ Ibid.

Addressing community violence also requires examining the role that police play in sparking violence. While killings and high-profile incidents garner the most attention, the more routine, low-level incidents maintain the cycle of violence as well.

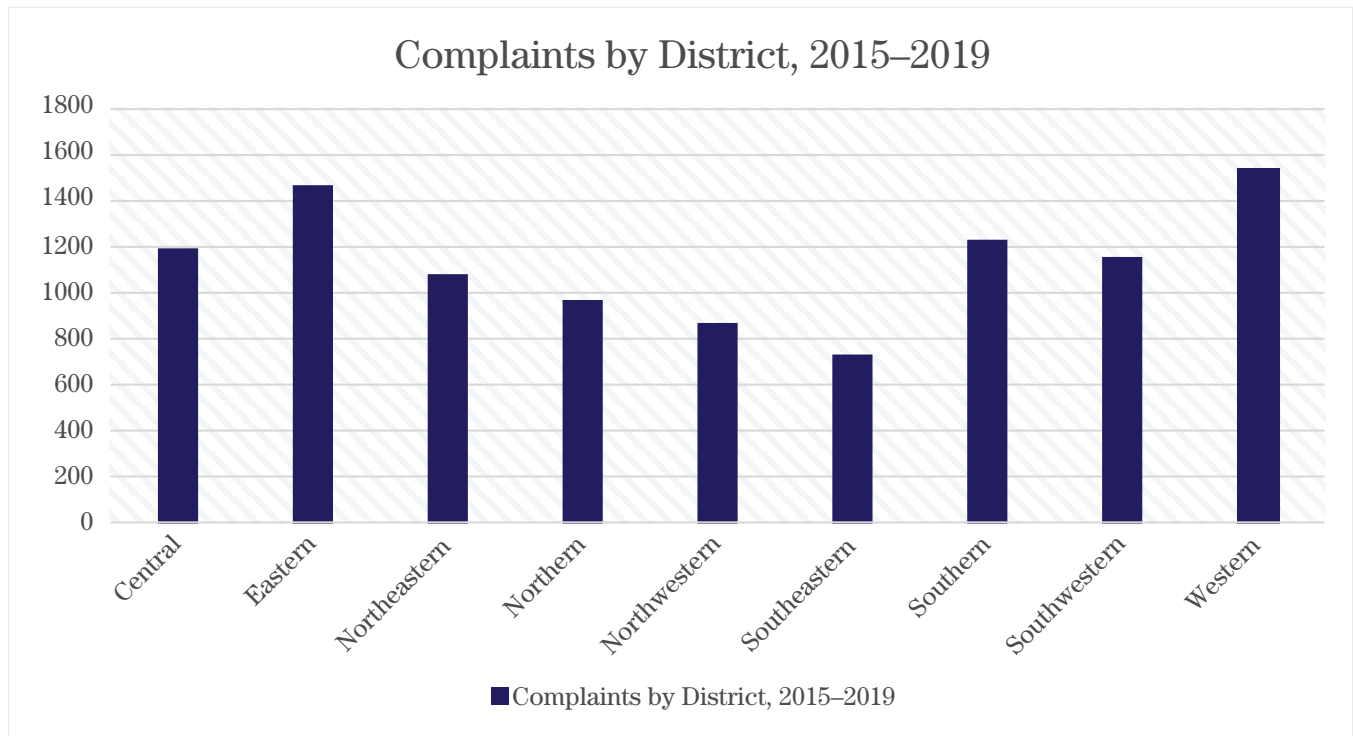
Misconduct Complaints

From 2015 to 2019, 13,392 complaints of misconduct were filed against 1,826 Baltimore City officers, even though as of December 2017, only 809 officers in total were patrolling the streets in BPD's nine districts.¹ This includes complaints that are mis-categorized, under-reported, or plea bargained down by the officer in order to accept punishment for a lesser charge.

Top Complaints	Percentage of Complaints
Conduct Unbecoming	12.9%
False Arrest and/or Imprisonment	10.5%
General Misconduct	8.7%
Unnecessary and/or Excessive Force	7.7%
Lawsuit Filed	6.7%
Harassment	6.3%

Analysis of Project Comport data

Similarly, there was a significant range in the number of complaints by residents in neighborhoods with different racial demographics.



Analysis of Project Comport data

Trends in Number of Complaints, 2015–2019



Analysis of Project Comport data

Only a small percentage of total complaints is sustained, and complaints are sustained disproportionately depending on the source, race of complainant, and target of the complaint.

Source of Complaint	Percentage of Total Complaints	Percentage of Sustained Complaints	Rate Complaints are Sustained
Ethics Board	7.5%	12.1%	21%
Internal	17.4%	40.9%	30%
External ⁹	75.1%	46.9%	8%

Analysis of Project Comport data

Race of Complainant	Total Complaints	Rate of Complaints Sustained
Black	73.2%	7.7%
White	13.7%	12.4%

Analysis of Project Comport data

Race of Officer	Total Complaints	Rate of Complaints Sustained
Black	44.5%	32.9%
White	46.5%	22.9%

Analysis of Project Comport data

469 individual BPD officers were the subject of at least one complaint of physical violence against a member of the public.¹⁰

Additionally, there were domestic violence-related complaints for 86 individual officers. There were 40 complaints of criminal association.

Officers remained on the force after sustained complaints of domestic violence, criminal sexual offenses, DUI, DWI, hit-and-run, and theft. For example, Richard Pinheiro, convicted of fabricating evidence during a 2017 incident, was still a BPD officer as of 2020.¹¹

Overall, six percent of BPD officers received approximately 33 percent of all complaints.

⁹ Includes complaints from city residents.

¹⁰ Assault, excessive force, unnecessary force, or domestic violence-related complaints.

COMPLAINTS AGAINST BALTIMORE POLICE OFFICERS, 2015–2019

Officer	Complaints	Officer	Complaints	Officer	Complaints
Wayne Jenkins	227 ¹¹	Luke Shelley	28	Mark Gurbelski	18
Evodio Hendrix	164	David Crites	27	Stephen Halstead	18
Marcus Taylor	161	Alexander Ames	26	Thomas Hodas, Jr.	18
Daniel Hersl	130	Anthony Weems	25	Jason Leventhal	18
Maurice Ward	119	Clemmie Anderson	24	Rafiu Makanjuola	18
Jemell Rayam	107	Betavia Elliott	24	David MacNeill	18
Steven Mahan	86	Frank Friend, Jr.	24	Phillip McMorris	18
Joseph Donato	66	Charles Thompson	24	Michael Nolan-Anderson	18
Calvin Moss	63	Adam Tondeur	24	Lonnie White, Jr.	18
Edward Creed	56	Arthur Williams	24	Devin Yancy	18
Momodu Gondo	56	Derick Allen	23	Nicholas Betz	17
Fabien Laronde	52	Scott Armstrong	23	Kevin Brown	17
Rashard King	50	Phoenix Frey	23	Bryan Chenowith	17
Benjamin Critzer	49	Sufian Hassan	23	David Ciotti	17
Charles Baugher	48	Denishia Jordan	23	Morgan Clasing	17
Courtney Wright	48	Sherrod Biggers	22	Orice Custis	17
James Klein	47	Aaron Dail	22	Gary Fanning, Jr.	17
Steven Foster	45	Ben Frieman	22	Johnta Gray	17
David Burch	44	Demario Harris	22	Darrell London	17
Erwin Scofield	42	Charles Manners	22	Jamil Shakir	17
Richard Guy	40	Keith Perry	22	Kurt Yourkovik	17
Sharod Watson	40	Leon Riley	22	Jason Zimmerman	17
Michael Mercado	38	Timothy Romeo	22	Bijay Ranabhat	16
Aisha White-Bey	37	Carl Ross	22	Aaron Cain	16
Christopher Lehman	35	Kenneth Sanchez	22	Jordan Distance	16
Ethan Newberg	33	Chris Sullivan	22	Deonte Duck	16
Joseph Wiczulis	33	Norman Jones	21	Kyle Gaskin	16
Scott Lawrence	32	Ian Meertens	21	Michael Jones	16
Brandon Smith-Saxon	32	Robert Messner	21	Supreme Jones	16
Richard Watts	32	Valentine Nagovich	21	Akeem Nelson	16
Ryan Hill	31	Ricardo Ojeda	21	Paulo Pereira	16
Robert Moorhead	31	Antonio Saunders	21	Brandon Sanchez	16
Rico Perry	31	Gabriel Barnett	20	Gregory Shuttleworth	16
James Craig	30	Anthony Casabona	20	Charles Smith	16
Bruce Dhaiti	30	Brandon Chambers	20	Christopher Amsel	15
John Gossett	30	Steven Angelini	19	Jacob Antignano	15
Dylan LaPorta	30	Alan Chanoine	19	Darius Carter	15
Hovhannes Simonyan	30	Taulant Halilaj	19	Nicholas De Jesus	15
Duane Williams, Jr.	30	Cody Holliday	19	Gregory Edleman	15
Shawn Fuksa	29	John Jaimes	19	Colin Harner	15
Ronald Rinehart	29	Tyler Scott	19	Thomas Kirby	15
Andres Severino	29	Laron Wilson	19	Brian Loiero	15
Joshua Hall	28	Jorge Bernardez-Ruiz	18	Thomas Mistysyn, Jr.	15
Clayton Leak	28	Jamal Brunson	18	Darryl Parker	15
Yolanda Nelson	28	Eric Dodson	18	Giusseppe Polanco	15
Andres Rodriguez	28	James Edge	18		

Analysis of Project Comfort data

¹¹ Numbers of complaints for GTTF officers Jenkins, Hendrix, Taylor, Hersl, Ward, Rayam, and Gondo include complaints after they were indicted. However, in only the short period of time from January 2015 up until the 2017 indictments, Hersl, Rayam, and Jenkins received accumulated 40, 46, and 47¹¹ complaints, respectively.

COMPLAINTS SUSTAINED AGAINST BALTIMORE POLICE OFFICERS, 2015–2019

Officer	Sustained Complaints	Types of Sustained Complaints
Rashard King	40	Discourtesy (7), False Arrest/Imprisonment (6), Assault (3), Firearms Regulations (3), Medical Leave Violation (2), DUI (1)
Jemell Rayam ¹²	38	False Arrest/Imprisonment (5), Theft (5), False Report (4), Harassment (3), Assault (1), Excessive Force (1), Reckless Driving (1)
Wayne Jenkins	36	False Arrest/Imprisonment (6), Improper Stop/Search/Seizure (4), Theft (4), False Report (3), Harassment (3), Hit and Run (1), Racial Bias (1)
Fabien Laronde	35	Assault (3), Theft (3)
Daniel Hersl	34	Theft (4), False Statement (4), False Arrest/Imprisonment (3), Excessive Force (1)
Erwin Scofield	26	Unnecessary Force (5)
Carl Ross	22	Child Pornography (11)
Duane Williams	18	Assault (4), Child Abuse (4), Excessive Force (1)
Bijay Ranabhat	13	False Statement (4), Nonfeasance (4)
Robert Mesner	12	Assault (3), False Arrest/Imprisonment (3), Malfeasance in Officer (3)
Paulo Pereira	12	Improper Stop/Search/Seizure (3)
Lonnie White, Jr.	12	False Statement (4), Nonfeasance (4)
Calvin Moss	11	Abusive or Discriminatory Language (2)
Steven Angelini	10	Inappropriate Comments (4)
David Burch, Jr.	10	Vehicle Pursuit (1)
Sherrod Biggers	10	Improper Stop/Search/Seizure (3)
Damon Cephus	10	False Arrest/Imprisonment (2)
Momodu Gondo	10	False Arrest/Imprisonment (2)
Ezekiel Abdi	9	Failure to Supervise (3), Neglect of Duty (3)
Jacob Antignano	9	Excessive Force (1), Unnecessary Force (1)
Brandon Chambers	9	Neglect/Body-Worn Camera (4)
Frank Schneider	9	Inappropriate Comment (3), Neglect of Duty (3)
Adam Tondeur	9	Failure to Supervise (2), Neglect/Firearms Related (2), Neglect/Prisoner Related (2)
Kyle Gaskin	8	Failure to Supervise (4), Neglect of Duty (4)
Valentine Nagovich	8	DUI, DWI, Armed While Intoxicated, Negligent Driving, Failure to Stop for Police Vehicle
Yolanda Nelson	8	Neglect/Body-Worn Camera (5)
Alan Chanoine	7	Inappropriate comments, Profanity, or Gestures to a Departmental Member (3)
Stephen Halstead	7	Neglect of Duty (5)
Dylan LaPorta	7	Vehicle Pursuit (1), Unsafe Operation of Departmental Vehicle (1)
Spencer Moore	7	Violation of Criminal Statute (2)

Analysis of Project Comport data

¹² Sustained complaints for Rayam, Jenkins, Hersl, and Gondo include complaints sustained after they were indicted.

Not only are complaints sustained at low rates, but they are sometimes not sustained even when officers admit to the misconduct. On December 1, 2017, Sharod Watson lied on the witness stand by falsely claiming to have seen a defendant “on a daily basis” and witnessing him selling drugs, even though the defendant was already in jail at the time. On cross-examination, Watson admitted that his testimony was “factually impossible,” and the defendant was acquitted.^{lii}

The Baltimore Sun reported this incident to BPD on January 11, 2018, and a perjury complaint was lodged against Watson. On August 1, 2018, BPD closed its internal investigation into Watson’s perjury. The complaint was not sustained.

**BALTIMORE POLICE OFFICERS IN 90TH PERCENTILE
FOR BOTH COMPLAINTS AND USE OF FORCE, 2015–2019**

Officer	Complaints	Use of Force Incidents	Officer	Complaints	Use of Force Incidents
Benjamin Critzer	49	82	Charles Smith	16	113
James Klein	47	46	Deonte Duck	16	75
Steven Foster	45	44	Brandon Sanchez	16	72
David Burch, Jr.	44	55	Paulo Pereira	16	40
Erwin Scofield	42	53	Gregory Edleman	15	92
Ryan Hill	31	41	Brian Loiero	15	90
Hovhannes Simonyan	30	120	Giusseppe Polanco	15	68
James Craig	30	76	Christopher Amsel	15	65
John Gossett	30	51	Thomas Kirby	15	47
Andres Rodriguez	28	99	Colin Harner	15	46
Luke Shelley	28	67	Jacob Antignano	15	43
Scott Armstrong	23	59	James Deasel	14	80
Leon Riley	22	63	Nicholas Yinger	14	76
Aaron Dail	22	40	David Colburn	14	65
Gabriel Barnett	20	50	Donald Waldron	14	61
Taulant Halilaj	19	51	Daniel Waskiewicz	14	47
Cody Holliday	19	45	Kevin Fassl	14	44
Jason Leventhal	18	93	Jeffrey Santos	13	55
Mark Gurbelski	18	52	Victor Villafane	13	55
Michael Nolan-Anderson	18	50	Tyler Sentz	12	62
Jamil Shakir	17	60	James Kostoplis	12	51
Kurt Yourkovik	17	51	Richard Whittaker	12	51

Analysis of Project Comport data

COMPLAINTS OF VIOLENCE¹³ AGAINST BALTIMORE POLICE OFFICERS, 2015–2019

Officer	Number of Violent Complaints	Officer	Number of Violent Complaints
David Crites	12	John Gossett	7
Joseph Donato	11	Michael Nolan-Anderson	7
Betavia Elliott	9	Andres Rodriguez	7
James Klein	9	Robert Moorhead	7
Derick Allen	8	Brian Loiero	7
Alexander Ames	8	Hovhannes Simonyan	7
Alan Chanoine	8	Anthony Casabona	6
Gary Fanning, Jr.	8	Brandon Chambers	6
Taulant Halilaj	8	Ben Frieman	6
Ronald Rinehart	8	Richard Guy	6
Aisha White-Bey	8	Rafiu Makanjuola	6
Charles Baugher	7	Robert Messner	6
Edward Creed	7	Andres Severino	6
Eric Dodson	7		

Analysis of Project Comport data

A 2019 study in Chicago found that officers who are partnered or in units with officers who have high numbers of excessive force complaints are more likely to receive such complaints themselves in the future.^{liii} Contact-tracing research would help identify newer officers who are more at risk of causing harm because of working alongside seasoned officers with high complaint totals.

BALTIMORE RISING “STARS”: NEW OFFICERS FASTEST TO THE MOST COMPLAINTS, 2015–2019

Officer	Joined BPD	Total Complaints	Time Until 10 Complaints
Arthur Williams	May 2017	24	1 year, 3 months
Christopher Valis	April 2015	11	2 years, 0 months
Brandon Smith-Saxon	June 2016	32	2 years, 2 months
Devin Yancy	March 2017	18	2 years, 2 months
Alex Young	July 2017	10	2 years, 2 months
Clayton Leak	February 2017	28	2 years, 5 months
Jacob Antignano	April 2015	15	2 years, 6 months
Gabriel Barnett	November 2016	20	2 years, 8 months
Nicholas Yinger	March 2016	14	3 years, 2 months
Anthony Taurisano	April 2015	10	3 years, 2 months
Wayne Adams, III	April 2016	10	3 years, 3 months
Luke Shelley	February 2016	28	3 years, 8 months
Joshua Cornelius	March 2015	11	4 years, 3 months
Derek Bristow	March 2015	10	4 years, 7 months
Terrell Howard	January 2015	11	4 years, 8 months

Analysis of Project Comport data

¹³ Assault, excessive force, unnecessary force

Discredited Officers

Baltimore City State’s Attorney Marilyn Mosby’s office recently compiled an internal list of more than 300 officers with “integrity” issues.^{liv} While the list is not publicly available, and it is unclear how the list was compiled, from 2015–2019 there were at least 252 officers with complaints about credibility,¹⁴ not including 1,659 additional complaints for a false stop, search, strip search, vehicle search, arrest, or imprisonment. This also does not include officers with sustained complaints of false arrest whose arrests are still being prosecuted.

The clear inclination of police departments to cover up the truth about misconduct shows why police chiefs and sheriffs are eager to support recent legislative proposals to supposedly reform Maryland’s Public Information Act: the proposals would only allow the disclosure of between two and seven percent of all complaints. Lower-level complaints – those hidden from view behind language of “general misconduct” and “conduct unbecoming,” brushed aside by officers, ignored by departments, and acknowledged only by the complainant and people they choose to tell – are just as corrosive to police-community relations as high-profile incidents. Incidentally, former Prince George’s County Police Chief Hank Stawinski, one of the main law enforcement negotiators for these proposals, was forced to resign earlier this year after a lawsuit brought by Black and Brown PGPD officers and an expert report that showed systematic racism, retaliation, and corruption in the PG County Police Department.^{lv}

Where BPD Officers Come From

Only approximately 25 percent of BPD officers live in Baltimore City,^{lvi} with the vast majority of officers with extensive records of misconduct coming from other counties.

HOME COUNTIES OF BPD OFFICERS WITH THE MOST COMPLAINTS

Residence	Percentage of Officers with Most Complaints	Residence	Percentage of Officers with Most Complaints
Baltimore County	31.3%	Cecil County	2.7%
Baltimore City	27.2%	Howard County	2.7%
Harford County	12.9%	Queen Anne’s County	2.7%
Anne Arundel County	7.5%	Dorchester County	0.7%
Pennsylvania (all counties)	6.8%	Montgomery County	0.7%
Carroll County	3.4%	Wicomico County	0.7%

Open source research and analysis of publicly available information

Early Intervention System

The Baltimore Police Department’s early intervention system [“EIS”] ostensibly flags for intervention officers who accumulate high numbers of adverse incidents and pose a greater risk to the community. Under its internal policy, the Department tracks excessive force complaints, misconduct allegations, preventable

¹⁴ Discriminatory policing, false information on search warrant, false probable cause statement, false report, false statement, lack of probable cause for warrant, misrepresentation of facts, perjury, planting evidence, race-based policing, racial bias, racial discrimination

departmental accidents, substance abuse, domestic-related incidents, and any violations of departmental policy. Three or more EIS alerts within a 12-month period may trigger referral for a Phase 1 intervention.^{lvii} In practice, this has proven to be inadequate at intervening with problematic officers.

Akeem Nelson had a sustained DWI complaint in 2015, and remained on the force after subsequent complaints for excessive force, sexual misconduct, and theft, before he was arrested for a hit-and-run in March, 2020.^{lviii} Leon Riley has had numerous complaints of false imprisonment, excessive force, abusive or discriminatory language, improper stop/search/seizure, as well multiple lawsuits before being charged again in August, 2020 for first degree assault, reckless endangerment, and misconduct in office.^{lix} And Ethan Newberg, the highest-paid officer in Baltimore City, was indicted in late 2019 on 32 counts of harassing, intimidating, and wrongfully detaining residents over the course of several months.^{lx}

CURRENT BALTIMORE POLICE OFFICERS THAT EIS SHOULD HAVE FLAGGED, 2015–2019

Officer	Triggering Incidents	Subsequent Complaints After Triggering ¹⁵
Officer C.L.	Theft, False Arrest, Improper Search, Harassment	Excessive Force, Neglect/Firearms Related, Vehicle Pursuit, Unsafe Operation of a Departmental Vehicle, False Statement
Officer B.D.	Excessive Force, False Arrest, Criminal Misdemeanor	Discriminatory Policing, False Imprisonment, Improper Stop
Officer A.W.	Criminal sexual misconduct, Harassment, Improper Stop/Search/Seizure	Improper stop, Harassment, Unsafe operation of a Departmental vehicle
Officer D.J.	Abuse of Authority, Harassment, Retaliation	Retaliation
Officer L.R.	Excessive Force, Abusive or Discriminatory Language, Improper Stop	Excessive Force, Abusive or Discriminatory Language, False Arrest, Harassment, Retaliation
Officer D.H.	Excessive Force, False Arrest/Imprisonment, Harassment	Excessive Force, Theft
Officer J.D.	Excessive Force, Improper Search, Failure to Write Report	False Imprisonment, Improper Stop, Sexual Misconduct, Unsafe Operation of a Department Vehicle
Officer C.H.	Excessive Force, False Imprisonment, Improper Stop/Search/Seizure	Excessive Force, False Arrest, False Imprisonment, Improper Search, Improper Stop, Planting Evidence
Officer N.Y.	Excessive Force, Improper Stop/Search/Seizure, Failure to Report Use of Force	False Arrest/Imprisonment, Improper Stop/Search/Seizure, False Statement/Report, Theft
Officer R.O.	False Arrest/Imprisonment, False Statement/Report, Harassment, Improper Stop/Search/Seizure	Criminal Misdemeanor, False Statement/Untruthfulness, Neglect of Duty
Officer J.J.	Abusive or Discriminatory Language, Harassment, Improper Stop/Search/Seizure	False Arrest/Imprisonment, Harassment, Planting Evidence
Officer E.N.	Abusive or Discriminatory Language, Excessive Force, False Statement	Abusive or Discriminatory Language, Excessive Force, False Arrest, Harassment, Vehicle Pursuit
Officer C.B.	Excessive Force, False Arrest/Imprisonment, Harassment	Excessive Force, False Arrest/Imprisonment, Harassment, Theft
Officer G.B.	False Arrest/Imprisonment, Harassment, Improper Stop/Search/Seizure	False Imprisonment, Harassment, Improper Search, Theft
Officer J.C.	Harassment, Improper Stop/Search/Seizure, Theft	Excessive Force, False Imprisonment, False Statement, Harassment, Improper Search, Theft

Analysis of Project Comport data

¹⁵ The dispositions of these complaints are unknown, and the data was published before the deadline for the Department to complete its investigation.

Overall, more than 400 individual officers should have triggered at least a Phase 1 intervention under BPD's policy. At the time of this writing, it is unclear how many interventions that BPD has conducted, which undermines accountability.

With a stronger warning system, as well as more accountability by allowing release under the Public Information Act of records concerning police misconduct under the BPD, approximately 20.4% of complaints may have been prevented from mid-2018 to end of 2019.

Financial Impact

Not only do officers use force and commit misconduct at exorbitant rates, they also earn an excessive amount of money doing so.

BALTIMORE POLICE OFFICER SALARY AND OVERTIME, 2015–2019^{lxi}

Officer	Complaints	Average Annual Salary	Average Annual Overtime	Total Pay 2015–2019
Rafiu Mekanjuola	18	\$83,215	\$119,216	\$1,012,152
Thomas Mistysyn, Jr.	15	\$110,531	\$101,194	\$992,309
Ethan Newberg	33	\$97,639	\$94,279	\$959,588
Steven Mahan	86	\$82,818	\$85,993	\$844,053
Courtney Wright	48	\$65,936	\$73,905	\$841,051
David C. Jones	14	\$85,168	\$81,881	\$835,244
Frank Friend, Jr.	24	\$88,999	\$70,953	\$799,760
Chris Sullivan	22	\$78,442	\$77,151	\$777,963
Ronald Rinehart	29	\$79,977	\$72,614	\$762,954
Billy Shiflett	12	\$92,654	\$50,757	\$717,056
Courtney Wright	48	\$65,935	\$73,905	\$699,202
Aaron Cain	16	\$77,324	\$59,424	\$683,739
Daniel Martin	9	\$90,269	\$46,152	\$682,103
Phillip McMorris	18	\$88,597	\$44,189	\$663,924
Edward Creed	56	\$84,082	\$44,951	\$645,063
Richard Guy	40	\$71,866	\$56,042	\$639,539
Joel Hawk	14	\$82,186	\$39,487	\$639,066
Keith Perry	22	\$85,168	\$41,264	\$631,359
David Crites	27	\$88,502	\$35,526	\$631,063
Scott Lawrence	32	\$72,557	\$52,032	\$622,947

Analysis of BPD Watch, Open Justice Baltimore

In addition to salaries and overtime, Baltimore continues to spend millions of dollars settling lawsuits against BPD officers. As of October 2020, Baltimore had paid out \$18.4 million to settle lawsuits just from 2015–2020, one of the highest amounts of any American city.^{lxii} In November 2020, the city agreed to pay out more than \$10 million in additional funds to settle GTTF lawsuits.^{lxiii} Recent settlements for non-GTTF officers range from \$2,500 to \$135,000.¹⁶ In addition to settlement costs, Baltimore taxpayers are also funding countless hours that attorneys in the Baltimore City Law Department and outside firms work and bill while representing these officers.

¹⁶ Analysis of the Baltimore City Law Department website and open-source research

From the time of the GTTF indictments in 2017 through the end of 2019, Baltimore police officers continued accumulating the same complaints as the GTTF officers:

918

complaints of false
arrest or imprisonment

464

complaints of excessive
or unnecessary force

14

complaints of
planting evidence

173

complaints of
theft

**IT IS ONLY THE NAMES THAT CHANGE.
THE CYCLE CONTINUES, UNINTERRUPTED.**



Conclusion

While the movement to reimagine policing grows stronger, many police officers and departments continue to demonstrate their indifference to the suffering of Black and Brown residents who they claim to serve. And there is no real incentive for them to change.

A 2020 survey of BPD police officers conducted by the Commission to Restore Trust in Policing garnered few responses, even with assurances of anonymity. But of the officers who did respond, 9 percent reported observing fellow officers committing theft or overtime fraud, selling or using drugs, planting evidence, or engaging in other criminal misconduct, and 35 percent agreed that it would be “easy for an officer who engages in criminal misconduct to go undetected,” suggesting a lack of faith of rank-and-file officers in BPD leadership.^{lxiv}

While chiefs and departments may try to shift the blame to avoid acknowledging their own complicity, they either know or should have known that so many of their officers have routinely engaged in criminal misconduct and brutality. Greensboro Police Chief Michael Petyo, who hired the officer who killed Anton Black, should have known he was taking a risk and listened to Black residents who protested the hiring. PGPD Chief Stawinsky should have known he was managing a corrupt department that mistreated Black and Brown officers and community members. And every Baltimore Police Commissioner in recent history knew or should have known about the GTTF officers and their equally culpable predecessors in plainclothes units. Whether it is due to a lack of reliable data, taking too many risks on dangerous officers, the white supremacist culture of policing, or simply indifference, law enforcement leaders have proven themselves unable or unwilling to make necessary changes.

Whether moved to act by the unacceptable loss of Black lives, or the denigration of Constitutional principles of freedom and personal liberty that should be for all people, we should distrust those authorized with so much power over our lives, do everything we can to limit the scope of that power, and reallocate it to communities so that they can focus on real solutions that might finally end the cycle of violence.

The moral cowardice Tim Wise wrote about can be directed at police chiefs, sheriffs, officers, and their unions; and states’ attorneys, prosecutors and the entire criminal legal apparatus:

.....
“They must *choose* to leave the dots unconnected between black men whose names – were I to list them – would take up page after page, and whose names wouldn’t mean shit to most white people even if I did list them, and *that* is the problem.”^{lxv}
.....

Methodology

In 2020, Project Comport published online five years of data from the Baltimore Police Department that had been de-identified. Over the course of many months, I cross-referenced the data of misconduct complaints, use of force incidents, and officer-involved shootings with Maryland Judiciary Case Search, Baltimore City Law Department records, Baltimore City employee data, *Baltimore Sun* and other newspaper articles, social media posts, and other publicly available sources. Using probabilistic matching, I identified the names of individual officers involved in these incidents, linked their names to their misconduct records over this period, and confirmed an officer's identity in the databases through multiple incidents in different years.

These lists are not inclusive, and for the officers listed, represent only their histories over the five-year period from 2015–2019. For officers with longer careers, these numbers likely represent only a fraction of their records. There are also additional complaints and use of force incidents during this time period that were unidentifiable because they were not assigned an officer's identifying number.

Legal Disclaimer

By including an officer's name, this report does not imply that the officer has committed a crime, or that the officer committed the offense for which the complaint was filed if it is not listed as sustained. The identification of an officer as involved in a use-of-force incident does not imply that the use of force was unlawful or unjustified. This analysis comes primarily from data provided by the Baltimore Police Department. This report does not guarantee the accuracy of that data. The author commits to being honest about any errors, transparent in the analytical process, and welcoming of any critiques or evidence to the contrary.

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3600 Clipper Mill Road
Suite 350
Baltimore, MD 21211

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