The Baltimore Police Department

Police-Involved Shooting of January 9, 2011

A report by the Independent Review Board

Final
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Independent Review Board Members

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This report was written under a Memorandum of Understanding between the Mayor and City Council of Baltimore, Police Department of Baltimore City, and CNA Corporation. The findings and recommendations contained in this report are exclusively those of the Independent Review Board.

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Foreword

In response to the police-involved shootings at Select Lounge in the City of Baltimore on January 9, 2011, Mayor Stephanie Rawlings-Blake and Police Commissioner Frederick Bealefeld, III appointed an Independent Review Board and charged it with examining the related policies, procedures, and actions of the police department. Although the board is not an investigative body with subpoena powers, it is an external and independent panel comprised of five police and legal experts with extensive knowledge of police practices and research. The Board met seven times from March through September 2011.

Within these six months, the Internal Review Board (IRB) reviewed the Baltimore Police Department (BPD) homicide investigation and a video of the incident; interviewed witnesses and key personnel; examined BPD policies and procedures relating to officers' use of lethal force; reviewed analysis of prior police-involved shootings; reviewed the incident reconstruction; and identified policy violations that occurred. Although the IRB was successful in obtaining interviews with three patrons of Select Lounge who were hit by stray bullets, a police officer who was at the scene standing next to the shooters, and police personnel not at the scene, the Board was limited by its inability to speak with the officers who discharged their firearms, a nearby officer, or the commanding officer at the scene, all of whom declined to answer the Board's inquiries on advice of their Fraternal Order of Police legal counsel. Thus, the Board was unable to ascertain their perceptions, decisions, and actions during the incident (except from their officially submitted memos) or to include those insights in its recommendations. Even though this lack of information has created some limitations on the IRB's charge, the IRB has accomplished a rigorous review based on available evidence.

The police-involved shooting on January 9, 2011 resulted in two deaths and four people wounded. It provides a clear example of how the authority that police have to use lethal force can carry the

heaviest of responsibilities and consequences. The IRB's comprehensive review documents a number of mistakes that cascaded through the entire incident, which ultimately resulted in the use of lethal force. These mistakes ranged from a lack of incident management and failures in proper police identification by a plainclothes officer to questionable discipline of the uniformed officers who fired their weapons. In addition, the police department's approach in handling both the incident at Select Lounge and the investigation of the shootings may have played a role in reducing the public's confidence in the investigation.

The IRB concludes its deliberations in this report, which first describes the incident, then presents a series of findings and recommendations for the police department. The Board believes that these findings and recommendations, if considered and incorporated by BPD, can assist the police department and the City of Baltimore in making important changes to current policies and procedures on crowd control, plainclothes officer protocols, the use of lethal force, incident management, homicide and internal investigations, and relations and interactions with the community they serve.

This Independent Review Board appreciates the professional leadership and cooperation of the Baltimore Police Department in sharing its internal information with the Board and with CNA for the incident reconstruction and analysis. We especially wish to acknowledge the leadership of Baltimore Police Commissioner Frederick Bealefeld, III and Mayor Stephanie Rawlings-Blake in their transparency, support, and maintenance of the Board's independence.

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Executive summary

In the early morning hours of January 9, 2011, Baltimore City police responded to Select Lounge, located at the corner of Franklin and North Paca Streets in the Central Police District, for crowd control and dispersal operations due to disorderly conduct and numerous fights at the location. Upon arrival, on-scene officers' initial request for additional units was ended shortly thereafter by a ñ10-32ò(sufficient units on scene).

However, soon after the "10-32," the Central District Duty Commander who was on the scene radioed for any free units to respond and assist in closing the club. Over 30 officers responded and began their attempts to control and disperse the crowd. With so many officers responding from a number of different units, managing the incident became difficult, especially after the Central District Commander failed to coordinate and assign units to specific tactical duties or to quickly establish an incident command structure. The lack of overall incident management of an agitated crowd placed the responding officers at risk and contributed to an increasingly chaotic situation.

This risk escalated as officers in plainclothes began responding to the scene without a crowd-control strategy in place and without the establishment of an incident command center to direct and control the increasingly complex police operation. Officer William Torbit was on duty in plainclothes that night and responded to the scene minutes after the District Commander's call was placed for all available units. Officer Torbit began to assist in dispersing the crowd in the parking lot and, in the process, intervened in an altercation in the lot. This altercation led to a fight between Officer Torbit and several of the club patrons, with a number of individuals punching and pushing him to the ground. Apparently unable to get up and finding himself assaulted and stomped by 6-8 individuals, Officer Torbit drew his gun and fired to stop the attack against him. Four uniformed officers rushed into the area of the fight and, not recognizing Officer Torbit, fired at him. After 6 seconds and 42

rounds discharged, the shooting ended, and the uniformed officers quickly realized they had shot a plainclothes police officer. In addition, one of the individuals assaulting Officer Torbit—Sean Gamble—was also shot and killed (likely by Torbit, himself), and four other persons (including a uniformed officer) were wounded. All of the rounds fired were by Officer Torbit and four uniformed officers.

The City of Baltimore Mayor's Office and the Police Commissioner tasked the Independent Review Board (IRB) with examining this police-involved shooting. The Mayor's Office and the Police Commissioner also asked the IRB to review crowd-control techniques, use of lethal force, deployment of incident command, and the homicide investigation. Appendix A provides a copy of the charge letter with a complete list of tasks for the IRB to complete. CNA was contracted to support the IRB in this process, though the IRB members, themselves, served without compensation.

Methodology

The IRB met seven times between March and September 2011 to deliberate on the incident of January 9, 2011. Because the IRB was charged with reviewing all of the materials available to them from the incident, as well as department policies and practices, CNA assisted the IRB by compiling this material. CNA provided research, analytic, writing, and editing support; scheduled and recorded the contents of meetings; and provided other support when needed.

Summary of findings

The IRB has made 20 findings and 33 recommendations, which are summarized in the table below.

Table 1. Summary of findings and recommendations

Issue Areas	Findings	Recommendations
1. Club/bar scene in the Central District	1.1 Baltimore Police Department (BPD) does not adequately engage in problem-solving for the club/bar issues in its jurisdiction.	1.1.1 The IRB recommends that BPD implement problem-solving methods to better understand and address the recurring crime and disorder at problem places (bars, clubs, or other relevant locations). 1.1.2: The IRB recommends that BPD and the City of Baltimore take actions necessary to ensure that it is aware of potential problem areas before events occur.
	1.2 BPD does not have formal oversight of outside promoters for clubs/bars in the city.	1.2.1: The IRB recommends that BPD seek to implement a permitting program for club promoters.
	1.3 Current Baltimore City crowd-control training that is provided in the police academy and during in-service training does not prepare officers for intervention in club/bar disorder.	1.3.1: The IRB recommends that BPD training reflect operational realities (i.e., club and bar response) and that officers, first-line supervisors, and commanders follow protocol and training when responding to club scenes. 1.3.2 The IRB recommends that a formal evaluation of the "Diamond Standard" program be conducted with respect to the crowd control situations that frequently occur in the Central District. 1.3.3 The IRB recommends that BPD conduct regular deployment and tactical exercises for both in-service officers and new recruits in the academy. 1.3.4 The IRB recommends that BPD also engage in training to *prevent* recurring problems at clubs and bars.

Issue Areas	Findings	Recommendations
2. Plainclothes officers	2.1 Current BPD policy regarding plainclothes policing is not specific in describing when such attire is necessary for a police purpose.	2.1.1 The IRB recommends that BPD carefully evaluate and rewrite policy permitting plainclothes officers to respond to non-life-threatening situations, in light of the danger and risks associated with plainclothes policing. 2.1.2 The IRB recommends that BPD develop a policy that comprehensively addresses the roles and responsibilities of officers who are operating in plainclothes. 2.1.3 The IRB recommends that BPD weigh the need for plainclothes officers with the dangers and lack of flexibility for other assignments and response to calls for assistance, and make adjustments as necessary.
	2.2 The majority of witnesses—civilian and police—did not recognize Officer Torbit as a police officer.	2.2.1 The IRB recommends that BPD policy require that officers in plainclothes verbally announce that they are police when taking enforcement action. 2.2.2 The IRB recommends that when BPD officers respond to any incident that may require enforcement action, all plainclothes officers wear outermost garments that clearly identify them as police officers on front and back (i.e., yellow raid jackets or ballistic outer vests that say "POLICE" in high-visibility letters). 2.2.3 The IRB recommends that BPD badges be firmly affixed to the officer's outermost garment.
3. Use of deadly force	3.1 Officer Torbit's tactics and safety were compromised when he took law enforcement action without backup. This action (while he was wearing plainclothes) contributed to the life-threatening situation where he used lethal force to stop the assault.	3.1.1 The IRB recommends that BPD policy dictate that officers do not take enforcement action in crowds without backup, especially when dressed in plainclothes.

Issue Areas	Findings	Recommendations
	3.2 Officer Torbit's use of deadly force was within policy (with important qualifications).	3.2.1 The IRB recommends that BPD evaluate training for use of deadly force in civilian crowd situations and that BPD place stronger emphasis on prevention and tactics to minimize the incidences where deadly force might be needed. 3.2.2 The IRB recommends that both academy and in-service training emphasize the circumstances that may lead to the use of deadly force, focusing not only on the analysis of BPD's own data, but also on other police departments' successful approaches to lethal force training.
	3.3 The four uniformed officers' use of deadly force was within policy (with important qualifications).	3.3.1 The IRB recommends that BPD enhance its training on firearms and use of lethal force to emphasize assessing situations, making informed judgments, and finding alternatives to lethal force other than reflexive shooting.
4. Incident management	4.1 The call for any free units to respond to the scene created a mass, decentralized response, making it difficult to organize the officers into squads for assignments and to expedite dispersal of the agitated crowd.	4.1.1 The IRB recommends that BPD develop, test, and implement a strategic plan for incident response in club/bar situations. Strategic and tactical incident response plans should be based on rigorous analysis and lessons learned from prior incidents.
	4.2 Less than half of the responding BPD officers reported to the Computer Aided Dispatch (CAD) system, which made tracking and managing the officers more difficult, despite General Orders requiring units to identify themselves as they responded to the scene.	4.2.1 The IRB recommends that BPD enforce the existing CAD system policy for command and control and officer safety.

Issue Areas	Findings	Recommendations
	4.3 The breakdown of response to the Select Lounge incident was, in large part, the result of failure to establish incident command, as trained by BPD.	4.3.1 The IRB recommends that BPD update standard operating procedures for incident management and incorporate the International Association of Chiefs of Police model policies for incident management. 4.3.2 The IRB recommends that BPD develop established protocols for club closures and other similar events, as well as have the incident commander assign roles and responsibilities to the responding officers. 4.3.3 The IRB recommends that BPD conduct additional incident management training and practice incident command and scenario-based exercises, as well as review and revise existing training policies and procedures.
5. Criminal and internal investigations	5.1 The inability to conduct accurate ballistics analysis on the shots fired made it impossible for the firearms examiner to determine who fired the shots that struck Officer Torbit and Sean Gamble.	5.1.1 The IRB recommends that BPD conduct further research into the costs and benefits of the Glock weapons and consider using alternate weapons or some modification to the barrels to ensure accountability in the future.
	5.2 BPD did not establish a photo log of the crime scene.	5.2.1 The IRB recommends that BPD closely examine its practices regarding crime scene processing and follow best practices.
	5.3 BPD's reporting process for a police-involved shooting incident is confusing, making it difficult to determine whether officers followed proper procedures.	5.3.1 The IRB recommends that BPD's current reporting policy regarding the use of force in police-involved shootings be re-examined and updated to call for Use of Force Reports from both the officers involved and from their first-in-line supervisors—in every case.
	5.4 BPD did not regularly conduct analysis of the use of force at the time of the incident, resulting in a continued lack of understanding about police-related shootings.	5.4.1 The IRB recommends that BPD establish regular and proactive systems to examine and update information and analyze patterns in police use of force.

Issue Areas	Findings	Recommendations
	5.5 BPD's current practice of deferring an internal investigation until after the homicide investigation and the State's Attorney's ruling in officer-involved shooting incidents unnecessarily delays the Department's ability to fulfill its responsibility to determine compliance with policy or any policy shortcomings.	5.5.1 The IRB recommends that BPD conduct the criminal and internal investigations in parallel for officer-involved shooting situations. 5.5.2: The IRB recommends that the Internal Investigation Division (IID) interview the BPD officers who used lethal force during the January 9th incident and conduct a systematic investigation into all the actions at the scene leading up to the use of lethal force to determine compliance with existing policies.
	5.6 BPD investigators did not interview the officers who used lethal force; instead, the officers involved in the incident prepared brief, formal memos summarizing their roles in the incident and did not provide specific details regarding their decisions to use lethal force.	5.6.1 The IRB recommends that if the BPD Homicide investigator is prohibited from interviewing the officers because of the assertion of constitutional protections, IID should interview the officers within 48 hours and compel their response under authority of *Garrity v. New Jersey (1967)*.
	5.7 BPD's policies and procedures provide for a Firearms Discharging and Assault Review Board; however, the Department has not convened the Review Board in several years.	5.7.1 The IRB recommends that BPD activate a Lethal Force Review Board to conduct a systematic review of any police-involved shooting, using both the Homicide and IID investigations. 5.7.2 The IRB recommends that BPD initiate an after-action review, incident reconstruction, and analysis for all lethal force incidents.
6.Police legitimacy, trust, and interactions with citizens	6.1 Some officers at the scene spoke to victims and witnesses rudely, in a matter unbefitting professional policing.	6.1.1 The IRB recommends that BPD consider incorporating into its academy, into its in-service curriculum, and into the Commissioner's general memos to the force, specific training and reminders about communication and interpersonal skills, procedural justice, and community trust.
	6.2 Significant delays in an IID investigation can have a direct effect on community perceptions and can ultimately undermine community trust in the Baltimore Police Department.	6.2.1 The IRB recommends that BPD review its procedures for public communications in officer-involved shooting investigations.

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Introduction

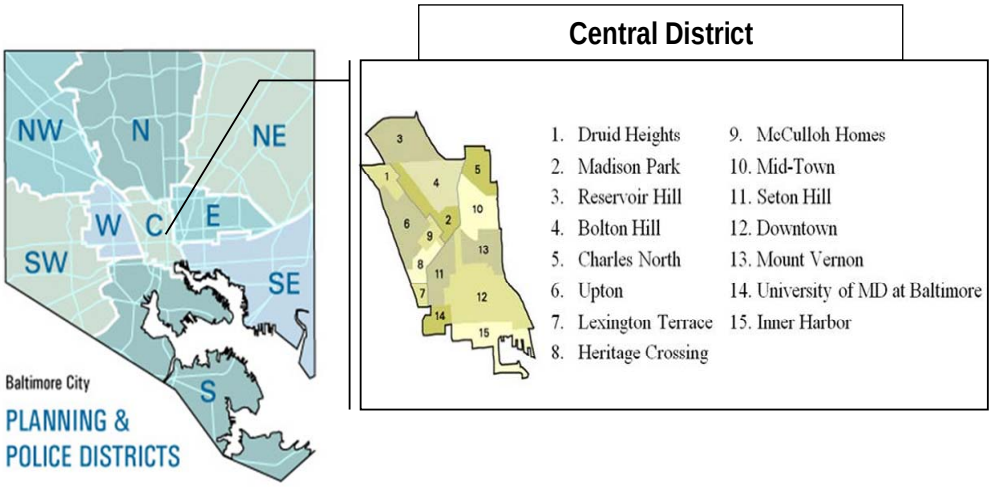
City of Baltimore Police Department

Baltimore Police Department (BPD) is the eighth largest municipal police force in the United States, staffed by nearly 4,000 sworn and civilian personnel. The police department administers police services across a jurisdiction of approximately 80 square miles and a population of approximately 621,000 people, the majority of whom are African-American (64 percent), with its second largest racial group as non-Hispanic White (30 percent).[1] The police department's stated mission is to “protect and preserve life and protect property, to understand and serve the needs of the city’s neighborhoods, and to improve the quality of life by building capacities to maintain order, recognize and resolve problems, and apprehend criminals in a manner consistent with the law and reflective of shared community values.”[2] Commanding the police department is Police Commissioner Frederick Bealefeld, III, who has led the department as its Commissioner since October 2007.

BPD divides the city into nine police districts: Central, East, North, Northeast, Northwest, South, Southeast, Southwest, and West Districts. A variety of patrol, investigative, plainclothes, and uniformed officers, as well as support and command staff, serve within these districts. The Central District—where the police department headquarters and its respective units are physically located—is further divided into 15 neighborhoods, as seen in Figure 1. It is home to the downtown area; University of Maryland at Baltimore; the Inner Harbor; and many restaurants, bars, clubs, hotels, retail shops, and residences.

Figure 1. Baltimore City planning and police districts [3]

- Central
- East
- North
- Northeast
- Northwest
- South
- Southeast
- Southwest
- West



Incident summary

In the early morning hours of January 9, 2011, police were called to Select Lounge—a club located on the corner of Franklin and North Paca Streets in the Central District—to control fights, disorderly behavior, and an unruly crowd both inside and outside of that location. Upon arrival, officers on the scene initially requested additional units, but shortly thereafter, issued a "10-32" (sufficient units on scene). The acting Central District Commander arrived on the scene and, for reasons unknown to the Board, he radioed for any free units to respond to assist in closing the club. Over 30 officers responded and began their attempts to control and disperse the crowd, but the commanding officers did not establish specific command and control or give specific assignments to direct specific tactical operations. Many officers stood at the front of the club, some entered the club, and others—on their own initiative—helped to expedite the departure of the agitated crowd that was forced to leave the club early.

One of the on-duty plainclothes responding officers was Officer Torbit, who walked into the parking lot adjacent to the club. A number of witnesses said that Torbit's badge was hanging on his neck by a chain, and he was wearing dark clothing (jeans,

sweatshirt), as well as a concealed, bullet-resistant vest. Officer Torbit walked into the parking lot and attempted to keep the peace between several women and the driver of a dark-colored vehicle, who were arguing. While attempting to defuse the situation, Torbit engaged in an altercation with another individual and was subsequently attacked by several males in the crowd. After 6-8 attackers engulfed the officer on the pavement, Officer Torbit drew his service weapon and fired. Several uniformed officers ran to the fight, and four of those officers—upon seeing but not recognizing Torbit as a police officer—fired until Torbit stopped shooting.[4] The Central District Commander, who was inside Select Lounge, ran outside into the parking lot and attempted to stop the shooting (although, at that point, the shooting had already stopped), and then he proceeded to control the scene.

The shooting lasted 6 seconds, and 42 rounds were discharged, all by police officers.[5] A plainclothes officer and civilian died on the scene from the shootings, three women were wounded, and a uniformed police officer was shot in the foot.

The Independent Review Board and its charge

On February 22, 2011, Baltimore Mayor Stephanie Rawlings-Blake and Baltimore Police Commissioner Frederick H. Bealefeld, III appointed an Independent Review Board (IRB, or “the Board”) to examine the police-involved shooting that occurred on January 9, 2011, as well as related police policies and procedures. In seven meetings between March and September 2011, the Board met to deliberate and create this final report.

The IRB is comprised of five experts in the fields of criminal justice, law, and policing. The members, who served without compensation, are listed below.

James (“CHIPS”) Stewart (IRB Chair) is the Senior Fellow for Justice at CNA, a nonprofit Analysis and Solutions firm. He served as a White House Fellow and Law Enforcement Advisor to the U.S. Attorney General from 1981–1982. Stewart was the presidentially appointed Director of the National Institute of Justice, and he is a

retired Commander of Criminal Investigations from Oakland Police Department in California. Mr. Stewart has over 40 years of law enforcement experience at the local, state, and federal levels.

Cynthia Lum is an Associate Professor and Deputy Director of the Center for Evidence-Based Crime Policy in the Department of Criminology, Law, and Society at George Mason University. Dr. Lum conducts research in the area of policing, counterterrorism, and crime and place. Lum is a former Baltimore police officer and detective, and she has served on many advisory boards and panels, including the Research Advisory Board of the Police Foundation.

Stephen H. Sachs is a graduate of Haverford College and Yale Law School, and he attended New College, Oxford on a U.S. Government (Fulbright) Grant. He served as United States Attorney for Maryland and as Maryland's Attorney General from 1979–1987. He practiced law privately with Frank, Bernstein, Conaway, and Goldman in Baltimore and with Wilmer, Cutler, and Pickering in Washington, D.C., now WilmerHale, where he is of counsel.

Darrel W. Stephens currently serves as the Executive Director of the Major Cities Chiefs Association and is an instructor in the Public Safety Leadership program at Johns Hopkins University. Mr. Stephens has served as Chief of Police in four police agencies: Largo, Florida; Newport News, Virginia; St. Petersburg, Florida; and Charlotte-Mecklenburg, North Carolina. He served as the Executive Director of the Police Executive Research Forum from 1986–1992.

Hubert Williams is the President of the Police Foundation in Washington, D.C. Prior to assuming this position, he served as the Director of the Newark, New Jersey Police Department. In that capacity, he commanded the largest police department in the State of New Jersey for 11 years. Mr. Williams currently sits on the Homeland Security Advisory Council's Southwest Border Task Force, and he is the founding president of the National Organization of Black Law Enforcement Executives. He earned a Bachelor of Science from the John Jay College of Criminal Justice, and a Juris Doctorate from Rutgers University School of Law. He

was a research fellow at Harvard Law School's Center for the Advancement of Criminal Justice and is a graduate of the FBI National Academy.

This Board was tasked with conducting an independent review of the January 9, 2011 Select Lounge incident and providing recommendations for changes to policies and procedures that could prevent a similar incident in the future.

The charge for members of the IRB, as written in the February 22, 2011 letter from the Mayor and Commissioner to members of the Board (see Appendix A), was to accomplish the following six tasks:

1. Review the Baltimore Police Department's investigation of the incident and its findings.

2. Conduct a comprehensive review of the circumstances surrounding the events of January 9, 2011.

3. Review the use the lethal force by officers of the Baltimore Police Department, and determine whether or not the use of force was consistent with existing law and departmental policy.

4. Review existing departmental policies and procedures, and identify any policy violations that occurred.

5. Identify best practices to improve BPD's policies related to incident response and incident management. This assessment shall include, but not be limited to, the following issues:

    a. Identification of plainclothes officers

    b. Crowd-control techniques in an urban setting

    c. Deployment and incident command in emergencies

    d. Judgmental-shooting training

6. Review Baltimore Police Department training practices related to use of force, crowd control, and firearms training, and make recommendations for improvement.

The IRB was also required to issue a written report that summarizes the steps it undertook to conduct the review, its findings, and its recommendations. At the conclusion of this work, the Board will make the final report available to the public.

Methodology

This section of the report describes the methods the Board used, including hearing dates, general rules of engagement, Board sessions, staff support, interviews, and public hearings. It also presents the data used for the report, including Computer Aided Dispatch recordings, calls for service information, *Preliminary Police-Involved Firearms Discharge Reports Form 99-177*, a communications log, crime scene sketches, the *24-Hour Crime Report*, video of the incident, BPD policies submitted to the Board, policies from other leading law enforcement departments, and open-source data. The IRB met seven times between March and September 2011 to deliberate on this incident.

Because the IRB was charged with reviewing all of the materials available to them from the incident, as well as departmental policies and practices, CNA assisted the IRB by compiling this material. CNA analysts also assisted by reconstructing the incident timeline and de-conflicting reports and actions. Specifically, Baltimore City contracted CNA to assist the Board by:

1. Conducting an incident reconstruction and analysis of events;
2. Gathering, analyzing, and summarizing relevant BPD policies and procedures for the Board's review;
3. Researching the Baltimore Police Department’s history of discharging firearms;
4. Identifying research on relevant practices from research literature, professional associations, and other law enforcement agencies;
5. Providing management support for the project;
6. Planning, facilitating, and recording the public hearings;

7. Documenting the IRB's review of the investigatory aspects of the incident;

8. Recording the IRB deliberations and hearings;[1] and

9. Assisting and synthesizing the writing and editing of this final report.

BPD provided the IRB with access to all related documents and personnel and provided insight into the structure and procedures the Department uses.

Meeting dates

The Board formally convened seven times on the following dates to facilitate the fulfillment of its charge:

- March 15, 2011 (preliminary organization meeting)
- May 2, 2011
- May 12, 2011
- May 24, 2011
- July 1, 2011
- July 19, 2011
- September 12, 2011

[1] The Board held hearings with a number of police department personnel, forensic examiners, and civilian witnesses. While the officers who discharged their weapons provided brief, formal memos to their Division Commander, it is important to note that the officers involved and officers who witnessed the incident declined to be interviewed by the IRB, on advice from their legal counsel.

Data

In the conduct of their charter, the Board gained access to data from the following sources:

Investigative volumes

The IRB received a five-volume set of documentation for the Torbit investigation, compiled by BPD. The set included the following documents:

- Written statements and brief formal memos from the BPD officers involved
- Transcribed interviews with civilian witnesses
- Computer Aided Dispatch data
- Communications log
- Notes from the camera operators
- Crime scene photos
- Crime scene sketches

Video from Closed-circuit Television (CCTV)

The IRB had access to the surveillance video that recorded the incident. The video was observed numerous times and helped inform the IRB's understanding of the incident. In addition to viewing the video privately, the IRB viewed the video with Homicide detectives, the Training Division Commander, and the Lieutenant in charge of Tactics and Firearms Training and Certification. This gave the IRB different (though not contradictory) perspectives on tactical training doctrine and how the incident unfolded.

Audio from Computer Aided Dispatch (CAD)

The IRB had access to an audio tape of the CAD recording from the January 9, 2011 incident, which helped to inform the Board's understanding of the sequence and nature of the events.

Policies and General Orders

The IRB had access to BPD policies, General Orders, procedures, and rules. In all, the IRB examined over 20 BPD policies to identify strengths, weaknesses, and non-compliance issues with respect to the police-involved shooting on January 9, 2011.

Interviews

After reviewing the investigation documentation, memoranda, written testimony, video and audio tapes, and the general policies and procedures of the police department, the IRB determined that further information was needed. Thus, the IRB requested to speak with the police officers who used lethal force, as well as the on-scene personnel who did not use lethal force but were in key positions—the Central District Commander, the Flex Squad Commander, and an officer who observed the critical events. The IRB also reached out to the three women who were in position to observe the entire incident and were wounded by bullets discharged by the BPD Officers.

In total, the IRB met and interviewed 25 members of the Department, including crime scene examiners; commanders of the Internal Investigation Division and the Training Division; firearms instructors; Homicide detectives; patrol officers; and the Chief of Patrol. The Board also met with the three civilian witnesses who had been shot. All of these interviews gave important context to the incident and filled in a number of important gaps that arose from only examining a video, an audio tape, or reading statements and reports.

At the time the IRB convened, the four officers who had discharged firearms were under investigation by the State’s Attorney. However, on August 4, 2011, the Office of the State's Attorney for Baltimore City issued a statement to the Acting Commander of the Homicide Division asserting that no criminal charges would be filed against the officers who discharged their weapons or against the individuals who attacked Torbit. The IRB attempted to speak with these officers, as they and their commanding officer had only submitted brief, one-page memos to their commanders after the shooting. The memos left substantial gaps in how the situation

unfolded. Questions remain unanswered, such as why they began shooting (though other officers did not), and what their perceptions and feelings were during the incident. Furthermore, the Board could not ascertain the officers' understanding of and compliance with policy, or their understanding of the command and control of the event. Understanding these factors and decisions would be crucial in learning about what happened and in making recommendations to prevent such a tragedy in the future.

The IRB Chair, on behalf of the Board, wrote a letter to Mr. Herbert Wiener, Attorney of Record and legal counsel of the Fraternal Order of Police, Lodge 9, on July 15, 2011, requesting that Officers Pawley, Dodge, Craig, and Williams—who had used lethal force during the January 9th incident—appear before the IRB and describe their roles and actions. Mr. Wiener said that he had advised the officers to decline the invitation on advice from legal counsel. The IRB then asked Commissioner Bealefeld to direct Deputy Major Partee, the highest-ranking officer on scene; Lieutenant Clayton, Officer Torbit's supervisor; and Officer MacMillan, who had a clear view of the events (and who radioed that a plainclothes officer was in a fight) to appear before the IRB. The IRB was advised that the three—Deputy Major Partee, Lieutenant Clayton, and Officer MacMillan (none of whom discharged a firearm)—would be present for the final IRB session. However, Attorney Mike Davey left a voice message the evening before the IRB session, indicating that "on the advice of legal counsel," the officers were declining to meet with the Board for the scheduled session. The Chair of the IRB asked that the attorney appear and explain the reasons for the declination and the late notice. The attorney appeared and restated that the personnel would not appear on the basis of advice from legal counsel and that the IRB had no authority to compel the officers to appear. The Chair of the IRB, on direction from the Board, then wrote a formal request to Commissioner Bealefeld that he order Deputy Major Partee, Lt. Clayton, and Officer MacMillan to appear.

In addition, the IRB requested that the Commissioner also order the four officers, who discharged 34 rounds, to appear before the Board, since they were no longer under criminal investigation or risk of criminal prosecution. Commissioner Bealefeld formally

ordered all of these officers to appear before the IRB on September 12, 2011 at 10:00 a.m.

However, at this meeting, the shooting officers and the witness officers declined to be interviewed by the IRB on the advice of their counsel (represented by Mr. Wiener and Mr. Davey). Examples of the questions the IRB hoped to ask the shooting officers and the witness officers included the following:

- What was your role when you arrived on the scene?
- What orders were given while you were on the scene?
- Who was responsible for Officer Torbit once he arrived at the scene?
- How do you keep track of plainclothes officers in an agitated or disorderly crowd?
- Was there a command post or supervisor to brief on the situation?
- Were there any uniformed officers in the parking lot?
- Where were the 30 responding officers during the fight?
- Did you see Officer Torbit on the scene prior to the fight?
- How did you respond to the fight?
- Where were you when initial gunshots were fired?
- When you drew your weapon, what or who was in your line of fire?
- Did you seek protective cover to assess the situation prior to discharging your firearms?
- What was behind the target you were aiming at?
- How do you account for the shooting of three civilians?
- Do BPD orders regarding the use of lethal force, incident management, and crowd control need to be revised?

Without their input, numerous questions remain as to why specific officers, commanders, and District Commanders apparently acted outside the scope of best practices and BPD policies, given the information the IRB has examined. However, their refusal to provide insight leaves no alternative to stating the facts without any

explanation as to why they acted the way they did on January 9, 2011.

Written memoranda to the Board

The IRB received two memoranda related to the incident in the course of its deliberations. One was from John Skinner, Deputy Commissioner of Administration, on the issue of club and bar closings in the Central District. The other was from Lt. Cromwell, the Range Commander, describing his view of the incident from a training perspective, after having watched the CCTV recording. These were in addition to all written memorandums that BPD provided to the Board.

Crime statistics

BPD's Research and Planning Division provided the IRB with a report on violent crimes occurring around alcohol-serving establishments throughout the city.

BPD police-involved shooting reports

The IRB obtained all of BPD's firearms discharge[2] reports from 2007 through present day and compiled them into a database to generate descriptive statistics on these incidents. In addition, the IRB obtained the raw counts of police-involved shootings dating back to 2001.

Best practices

The IRB examined current police research and reports to look for best practices that could improve BPD's actions and prevent a recurrence of the January tragedy. The Board examined policies from other police departments and review boards, as well as model policies from the International Association of Chiefs of Police. The

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[2] Here, "police-involved shooting" is defined as any incident where an officer discharged a firearm and someone (suspect, officer, or bystander) was struck with a bullet. Firearms discharge reports do not report instances where an officer discharged a firearm and no one was struck.

IRB notes that there is little rigorous, empirical research on the numerous issues (club/bar disorders, police shootings, police-on-police shootings, use of force in crowds) surrounding the January 9th incident and urges the research community to address these gaps in knowledge.

Organization of the report

The report is organized into three main sections. The first provides an in-depth incident reconstruction that draws from the many resources made available to the Board, including witness statements; official statements made by the officers involved; testimonies from BPD personnel and civilian witnesses before the Board; the recording of the incident from a surveillance camera; records from BPD's CAD system; radio logs; and open-source information.

Following the reconstruction is a series of findings and recommendations across six specific issues that the Board was charged with examining and that continuously emerged throughout the Board's deliberations. These issues involve the following:

- Club/bar scene in the Central District
- Plainclothes policing
- Use of deadly force
- Incident management
- Criminal and internal investigations
- Police legitimacy, trust, and interactions with citizens

The report closes with a list of references and appendices, which provide copies of memoranda and supporting documents.

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Incident reconstruction

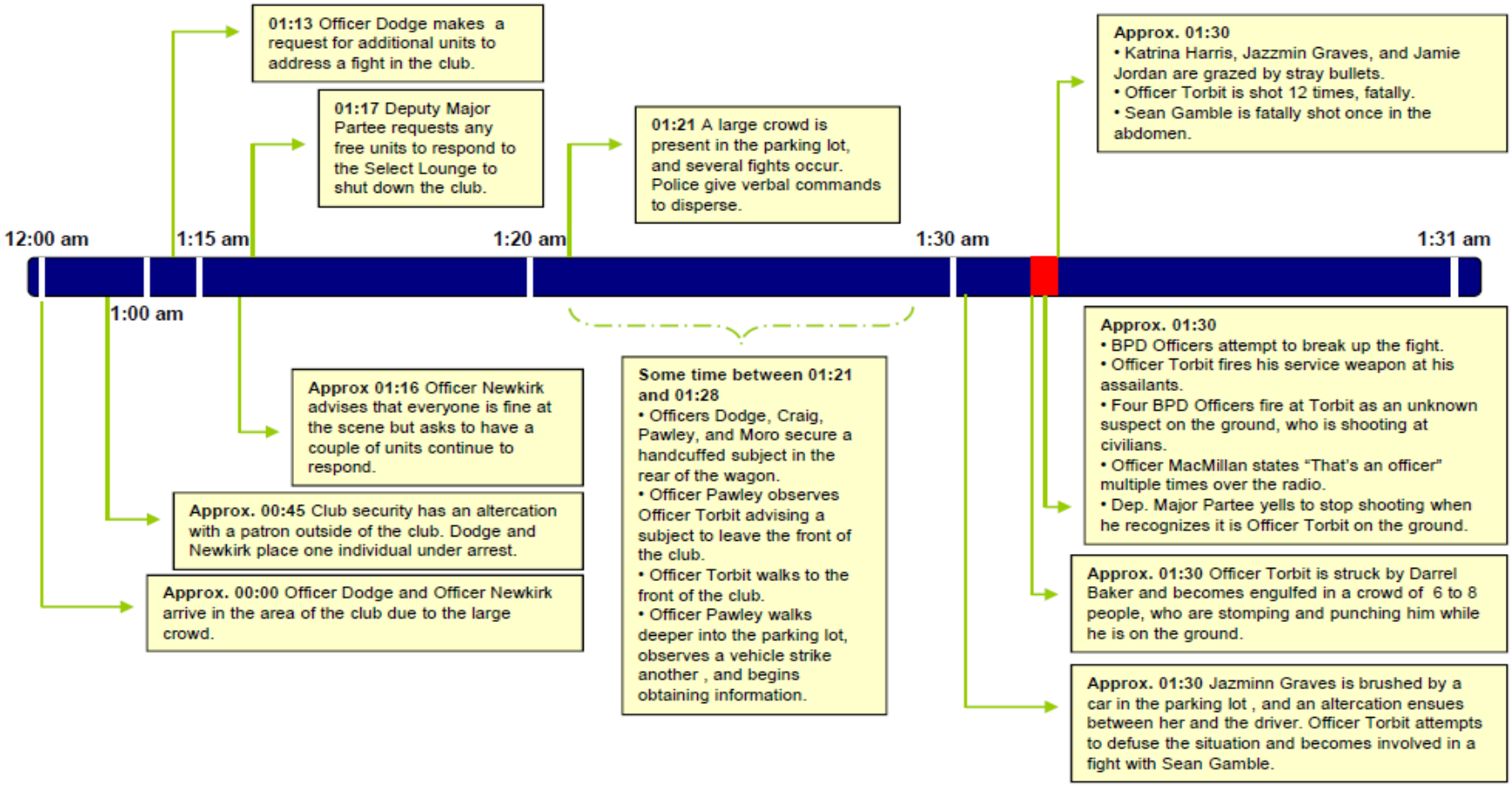
Background

The Central District in Baltimore is home to a vibrant and dense concentration of bars, clubs, and other social establishments among its residences and commercial entities. It is a large area comprised of 19 neighborhoods, including downtown, the Inner Harbor, and the University of Maryland – Baltimore. As a whole, the downtown Baltimore club and bar scene includes a mix of young people and club-goers, with over 200 establishments that serve liquor until 2:00 a.m. and that can remain open until 4:00 a.m.[5] The Baltimore Police Department has struggled to manage what it perceives as a growing problem in this area of the city, due in part to the growing presence of clubs that can hold over 1,000 patrons. The prevalence and proximity of alcohol-serving establishments and large crowds, fueled by promoters who over-book venues and often leave long lines of people outside, contribute to the problems of the area.[5]

BPD reports that when outside promoters lease a club and its liquor license for an event, bars are not required to notify the police. Outside promoters often sell more tickets than the permitted occupancy, and the beyond-capacity crowds frequently become involved in arguments and fights, as well as disrupt traffic.[5] The police called to the scene must deal with disturbances, disorder, violence, and property crimes.[5] BPD deals with these continuing problems by designating several patrol units that can be quickly re-assigned to respond to the area from midnight to 3:30 a.m., especially on Friday and Saturday nights. Responding officers frequently close adjoining streets to all through-traffic to expedite and assist the surge in pedestrian and vehicle traffic leaving the venues.

Until the incident of January 9, 2011, Select Lounge had not been the source of any problems or disturbances, nor had police identified it as a high-risk location requiring special supervision. Select Lounge had opened recently and, according to police, had never before had a crowd close to approaching the club's capacity. Police command and the patrol officers were also not aware that Select Lounge management had rented their facility to a private promoter for the evening of January 8 and early morning hours of January 9. Despite the below-freezing temperatures, the event drew approximately 500 customers.

Timeline


01:13 Officer Dodge makes a request for additional units to address a fight in the club.
01:17 Deputy Major Partee requests any free units to respond to the Select Lounge to shut down the club.
01:21 A large crowd is present in the parking lot, and several fights occur. Police give verbal commands to disperse.
Approx. 01:30
• Katrina Harris, Jazzmin Graves, and Jamie Jordan are grazed by stray bullets.
• Officer Torbit is shot 12 times, fatally.
• Sean Gamble is fatally shot once in the abdomen.
12:00 am
1:15 am
1:20 am
1:30 am
1:31 am
1:00 am
Approx 01:16 Officer Newkirk advises that everyone is fine at the scene but asks to have a couple of units continue to respond.
Some time between 01:21 and 01:28
• Officers Dodge, Craig, Pawley, and Moro secure a handcuffed subject in the rear of the wagon.
• Officer Pawley observes Officer Torbit advising a subject to leave the front of the club.
• Officer Torbit walks to the front of the club.
• Officer Pawley walks deeper into the parking lot, observes a vehicle strike another , and begins obtaining information.
Approx. 01:30
• BPD Officers attempt to break up the fight.
• Officer Torbit fires his service weapon at his assailants.
• Four BPD Officers fire at Torbit as an unknown suspect on the ground, who is shooting at civilians.
• Officer MacMillan states "That's an officer" multiple times over the radio.
• Dep. Major Partee yells to stop shooting when he recognizes it is Officer Torbit on the ground.
Approx. 00:45 Club security has an altercation with a patron outside of the club. Dodge and Newkirk place one individual under arrest.
Approx. 01:30 Officer Torbit is struck by Darrel Baker and becomes engulfed in a crowd of 6 to 8 people, who are stomping and punching him while he is on the ground.
Approx. 00:00 Officer Dodge and Officer Newkirk arrive in the area of the club due to the large crowd.
Approx. 01:30 Jazminn Graves is brushed by a car in the parking lot , and an altercation ensues between her and the driver. Officer Torbit attempts to defuse the situation and becomes involved in a fight with Sean Gamble.

Narrative reconstruction

The reconstruction of events is based on memos, radio transmission logs, video, and witnesses.

Club disturbance

Police patrolling around midnight in the vicinity of Select Lounge observed a large crowd waiting to be admitted and lines of cars attempting to park. Two patrol officers—Officers Dodge and Newkirk—remained in the area of the club to observe and assist on the chance that there was a disturbance.[6] Officer Pawley, who was the Officer-in-Charge (e.g., acting sergeant) for the shift, checked in with Officers Dodge and Newkirk, then left the area to make other patrol checks. Approximately 20–30 minutes later, Officer Dodge requested additional units for "a fight at the club."[6] Subsequently, police were dispatched to Select Lounge around 12:45 a.m. to assist in taking custody of a person arrested by private security officers working inside the club.[3] This was the first indication that Select Lounge was having problems managing the crowd.[4]

During this time, Deputy Major Marc R. Partee[5] was the acting Central District Commander and was on scene at Select Lounge for "crowd control as the result of a disorderly party there."[7] In a brief memo, he described in general terms what happened at

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[3] The Central District Patrol command has a standing practice that officers will help manage crowds and traffic outside a venue, while private security and club management handle issues inside.[5]

[4] The Central District Patrol units have developed a closing protocol that they implement in stages to avoid creating bottlenecks at valet parking, on streets, and in surrounding areas congested by a mass exodus.[5] However, the Central District Police units were apparently caught unaware and did not initiate any clear protocol to mitigate the large crowd, disturbances, and property destruction occurring at Select Lounge that night.

[5] On advice of legal counsel, Deputy Major Partee declined to answer any questions from the IRB.

Select Lounge. Deputy Major Partee decided “to shut down the club,” and he “had units escorting people from the club and standing by in the parking lot.”[7] However, the situation deteriorated and, at 1:17 a.m., he called for “all available units to assist” in the closure of the club and to “respond to the parking lot and the front of the club.”[8–9] Deputy Major Partee remained inside the club during this time, though his lack of response to the IRB's inquiries does not allow the Board to determine why he made this decision.

While inside the club, Deputy Major Partee “heard units calling out numerous fights on the parking lot.”[7] Responding units tried to restore order and facilitate the exit of patrons from the closed club. Many of the arriving units were gathering on North Paca Street at the front of Select Lounge.[10] The crowd appeared agitated but was complying with police requests to vacate the area.[10]

In addition, many exiting patrons were moving into the parking lot adjacent to the lounge. The parking lot contains 63 tight spaces and was completely filled with cars that evening. Police deployment was sparse in the lot, and many of the vehicles attempting to leave were bumping into other vehicles. One officer interviewed remarked that the problem was so bad that he could hear cars bumping into each other in the lot.[11]

District-wide response

As Acting Central District Commander, Deputy Major Partee’s personal call for all available units to assist in closing the club motivated officers in the area to respond immediately. Officers responded from various units, and even other districts, including street crimes divisions, SWAT, general patrol, special posts, traffic enforcement, and school patrol. The Homicide investigation estimated the number of officers who responded to be approximately 30, seven of whom were in plainclothes.[6][10]

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[6] This number is unconfirmed because many officers did not radio in; these were post-incident reconstruction numbers based on investigative reports.

As the units arrived, there was little to no command and control established, nor did any supervisor or officer in charge direct others as to their duties and responsibilities. Most officers assigned themselves to various tasks; some of the officers waited in front of the lounge, while others attempted to restore the peace and expedite pedestrian and vehicular traffic.[4] Given the radio correspondence, it is also clear that while the responding officers knew the general circumstances and location of the event, they had little, if any, situational awareness.[44] Deputy Major Partee's direction that any free units respond to the parking lot and front of the club was the only formal instruction responding officers received.

Less than one minute after Deputy Major Partee's request for units to respond, Lieutenant Charles Clayton, Jr. and his subordinate, Officer William Torbit, Jr., notified the dispatcher that they were "en route to club" from their current location.[9] Officer Torbit, who was working as a "Flex Squad" officer, was assigned in plainclothes[7] to suppress street drug sales in the area of Pennsylvania Avenue. He was not in an undercover capacity for this role on that evening. Upon arrival, neither the Lieutenant nor Officer Torbit put on yellow raid jackets or any other outer garment that would clearly identify them as police officers.[8] Shortly after their arrival, for reasons that remain unclear, Lt. Clayton separated from Officer Torbit[9] and entered the club to assist with crowd control and address

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[7] From witness statements and the autopsy inventory, Officer Torbit was wearing a dark-brown, hooded sweatshirt with a light-colored symbol on the chest, dark jeans, boots, and ballistic body armor under the sweatshirt. He had handcuffs and a service-issued Glock .40 caliber automatic pistol in a holster, as well as his BPD badge around his neck on a chain.

[8] These items were in the trunk of the unmarked vehicle and available, according to comments made by Lt. Clayton to police officials. Electing not to wear distinctive police identification while in casual clothes can place officers in danger, according to Lt. Cromwell's interview with the IRB on May 24, 2011.[66]

[9] According to BPD Training Commander Major Reynolds, police officers are trained that when entering a large crowd to be paired with another officer who can provide cover and call for assistance, if needed.[17]

disturbances between club patrons.[12] Officer Torbit remained outside of Select Lounge, dealing with valet disturbances at the club entrance.[6, 13]

Sergeant Devita, along with three SWAT Officers—Sergeant Harvey Bewblitz, Sergeant Stephen Wilson, and Major Anthony Brown—were standing along North Paca Street facing the club.[10] Inside the lounge, Lt. Clayton, Sergeant Harold Dent, and Sergeant Robert Jackson joined Deputy Major Partee.

Attempted dispute-resolution

Due to the forced closing of Select Lounge, a large crowd had gathered in the parking lot, with many patrons attempting to leave.[14–16] A Baltimore City School Police Officer who was on-scene—and who had recognized and exchanged greetings earlier with Officer Torbit—remarked that he could hear several cars bumping into each other and that the parking lot was incredibly crowded with cars. Several fights occurred, and police officers inside Select Lounge and on the outside perimeter gave verbal commands for the crowd to disperse and leave the area.[15]

One officer on the scene—Officer Pawley[10]—returned to the front of Select Lounge and located Officer Dodge, who had a subject handcuffed and under arrest. An arrestee transport van had already arrived and parked along North Paca Street, just north of the entrance to the club and along the parking lot perimeter. Officer Dodge secured the handcuffed subject in the rear of the transport, which was operated by Officer Craig. Officer Pawley then "observed Officer Torbit in front of the club advising a subject to leave. The subject was refusing to leave and was loud. The subject stated he was waiting for the parking valet. Officer Torbit took the subject's valet claim check and intervened to 'bump him' to the front of the line."[15] At this point, Officer Pawley lost visual contact of Officer Torbit. According to Officer Pawley's brief, formal memo written after the incident of January 9th, "Officer Torbit walked to

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[10] On advice of legal counsel, Officer Pawley declined to answer the IRB's questions relating to the incident of January 9th.

the front of the club, and I walked deeper into the parking lot on the north side of the club. At that time, I observed a vehicle strike an unoccupied vehicle in the parking lot."[15] Officer Pawley helped by obtaining the driver's information.[6]

Around this time, Officer Torbit entered the parking lot and intervened in an altercation between the driver of a dark-colored vehicle located inside the lounge parking lot and three women—Jazzmin Graves, Katrina Harris, and Moesha Scott.[18] According to a witness statement, Graves complained loudly that the driver had "bumped me with her car while she was pulling out. So we started arguing cause [*sic*] she didn't even apologize to me."[19] Jazzmin Graves and Katrina Harris began hitting the dark-colored vehicle with their shoes.[19] As a crowd gathered, Officer Torbit entered into the group and tried to defuse the situation. Witnesses report that Officer Torbit told the driver to exit the parking lot immediately.[14, 18–21, 25–28] Numerous civilian witnesses recognized Torbit as a police officer by observing a police badge on a chain around his neck.[18, 21, 25] Others concluded that Torbit was a police officer by his demeanor and actions.[20, 22, 27–30] Several witnesses reported noticing Officer Torbit's gun was exposed.[18, 27] However, other civilian witnesses statements indicated that they did not see a police badge displayed or ever hear Officer Torbit announce that he was a police officer at any time.[14, 23–24, 26, 29] Officer MacMillan,[11] in uniform and in a patrol car, "noticed a plainclothes officer walking around the parking lot"[31], later identified as Officer Torbit.

Once the dark-colored vehicle drove away, Jazzmin Graves began to protest to Officer Torbit, just as Sean Gamble walked toward them while talking on a cell phone.[32] Gamble asked if Jazzmin Graves and Katrina Harris were "okay."[18–21] According to witness statements, Officer Torbit replied to Gamble, "Mind your own fucking business!"[18, 20, 32] More words were exchanged, and Gamble hit Officer Torbit.[18, 23] Officer Torbit attempted to disengage by walking away, but Sean Gamble appeared to

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[11] On advice of legal counsel, Officer MacMillan declined to answer any questions asked by the IRB.

maintain physical contact with Officer Torbit.[16, 18, 25, 33] Jazzmin Graves saw the start of the fight between Officer Torbit and Sean Gamble and grabbed another man, Darrel Baker, to hold him back from joining the fight.[18–19] Darrel Baker broke away from Graves and rushed toward Officer Torbit, who was still fighting with Sean Gamble. Baker took several large steps forward and threw a "haymaker" punch at Officer Torbit's head, striking him.[14, 19, 23, 25–26, 34] The blow caused Officer Torbit to reel back and be shoved to the ground, an apparent catalyst for the surrounding people to join the assault on Officer Torbit.

A crowd surrounded the 6–8 people who were now assaulting Officer Torbit on the ground, and Officer Pawley ran toward the fight.[6, 4–16, 18–21, 23–26, 30, 32, 34–36] On the perimeter of the parking lot, Officer Dodge[12] followed Officer Latora Craig[13] (both in uniform) into the parking lot toward the crowd surrounding the fight.[14–16]

Sean Gamble continued to fight in the group and was on top of Officer Torbit, who was on the pavement and unable to get up.[14–16] Video of the incident shows that several individuals ran around the assaulting group, looking for an opening to kick and stomp Officer Torbit.[14–16] An unknown male began choking Officer Torbit from behind.[14–16]

At the same time, Officer MacMillan, slowly driving on Franklin St., pulled her patrol car alongside the Select Lounge parking lot and "noticed multiple unknown b/m (black males) come around the plainclothes officer [Torbit] and [start] to hit him with their hands. [She] then called for more units and advised that a plainclothes officer was involved."[14–16]

When Officer Craig, who was standing next to the police transport wagon, ran into the parking lot and approached the "large group that appeared to be fighting, [she] observed a black male on the

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[12] On advice of legal counsel, Officer Dodge declined to answer any questions from the IRB.

[13] On advice of legal counsel, Officer Craig declined to answer any questions from the IRB.

ground being repeatedly struck by several other black males while he was on the ground. [She] immediately observed a b/m wearing a pink shirt [later identified as Darrell Baker] kicking the b/m while he was on the ground, in his upper body and head area. Several other b/m's were also kicking and punching the b/m while he was being choked from behind by another b/m. [She] pushed the b/m with the pink shirt back away from the subject on the ground."[14–16]

Officer Pawley described in a two-paragraph formal letter to his commander, prior to the constitution of the IRB, that he removed his pepper spray from its holster and deployed it from left to right in an attempt to disperse the suspects and stop the assault on the individual on the ground.[6, 13, 23, 32, 35] The crowd began to disperse, and Officer Pawley stepped back to re-holster the pepper spray canister. Officer Dodge rushed over to the crowd and pushed a black male away from the unidentified individual on the ground, according to a brief memo to his commanding officer shortly after the incident.[16]

Major Anthony Brown, standing with Sergeant Devita and three SWAT Officers along North Paca Street facing Select Lounge, "heard a female officer on the radio stating there was a fight in the parking lot and, seconds later, [they] heard several gunshots being fired in the parking lot area. [They] then advanced toward the sound of the gunfire."[10] Numerous witnesses heard the shooting start, followed by a pause, then followed by further shots in rapid succession.[7, 14, 18–19, 26]

According to formal written statements by officers, Officer Pawley heard several gunshots discharged as the crowd of assaulters scattered and "was able to locate the source of the gunfire. [He] observed the individual who was the victim of the assault, still on his back and on the ground, discharging a handgun."[7, 14, 18–19, 26] Officer Dodge heard several gunshots, as well.[16] He saw an individual on the ground discharging a handgun.[16] Officer Craig pushed a suspect back and, "as [her] back was turned, [she] heard gunshots. [She] turned and observed the b/m that was on his

back…discharging a handgun while he was still being choked."[16] Officer Toyia Williams,[14] who was on North Paca Street, "did not see any of the assault or the fight involving Officer Torbit, but as she approached[,] the individual on the pavement [Officer Torbit] was firing his weapon while his forearm was held by an unidentified individual. He fired a total of 8 shots."[6, 15–16, 22, 37] In response to the shooting, these four officers—Officer Pawley, Officer Dodge, Officer Craig, and Officer Williams—drew and discharged their service weapons.

In an official statement, Officer Pawley wrote that "in fear of [his] life and the lives of the other people in the area…[he] began to discharge [his] service weapon at the individual. [He] continued to discharge [the] service weapon until the individual stopped discharging [his] weapon and dropped the gun."[6, 15–16, 22, 37] Officer Pawley fired 11 rounds from his Glock .40 caliber pistol from a distance of approximately 5 feet between himself and the person shooting.[38] No rounds were fired at Officer Pawley.[15][39]

In his official statement, Officer Dodge writes that he "discharged his service weapon at the individual on the ground who was discharging a weapon. The individual on the ground momentarily paused from discharging his weapon and then began to fire again."[38] Officer Dodge again discharged his service weapon at the individual on the ground until the person stopped discharging.[38] Officer Dodge was "8 feet from the shooter" when he discharged his service weapon.[39] Officer Dodge discharged a total of 14 rounds from his Glock .40 caliber pistol.[16] No rounds were fired at Officer Dodge, but he was shot, inexplicably, in his left foot, perhaps by a ricochet or due to a misfiring of his own weapon.

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[14] On advice of legal counsel, Officer Williams declined to answer any questions from the IRB.

[15] According to *Preliminary Police-Involved Firearms Discharge Reports*, the four uniformed officers who discharged their weapons reported that no shots were fired at them, and all but one (Dodge) had protective cover available, presumably parked vehicles; however, it was reported in their statements that they felt their lives and the lives of nearby citizens were at risk.

In her official statement, Officer Craig writes that she discharged her “service weapon at the black male on the ground with the handgun from a distance of 5 feet”[15], and she “observed Officer Pawley and Officer Dodge also discharging their service weapons at the black male.”[15] Officer Craig discharged a total of 5 rounds from her service weapon, a Glock .40 caliber pistol.[40] The number of shots fired at Officer Craig was reported as zero.[15]

Officer Williams wrote in her official statement that once shots were fired, she “ran towards the individual on the ground [Officer Torbit] from North Paca Street.”[41] Officer Williams got behind a car and fired.[41] Officer Williams estimates the distance between herself and the person shooting when she discharged her service weapon at 8 feet.[41] Officer Williams fired 4 shots from her service weapon, a Glock .40 caliber pistol. Officer Williams reported that no rounds were fired at her.[42]

Minutes before this event, Officer McLain—an on-duty, uniformed school police officer—had responded to the scene after hearing the call for any free units to respond. Officer McLain was called to testify to the IRB, and he did so on September 12, 2011. McLain described that in his normal duties, he often serves as backup for officers nearby his vicinity.[11] On that morning, McLain arrived at the corner of Franklin and North Paca Streets, parked his car at the corner, and proceeded to walk toward the club. While at the front of the club, near the prisoner transport wagon, McLain encountered Officer Torbit and exchanged greetings.

He then began assisting BPD in crowd control. When a fight broke out in the parking lot, he—along with the four other BPD officers—ran to the parking lot to break up the fight. He began to pull out pepper spray, saw people fall to the ground from pushing and fighting, and then heard three shots fired.[43] The group engaged in the stomping and kicking of the individual on the ground began to pull back and run.[14] School Police Officer McLain drew his service weapon and “[took] several steps back to identify the shooter.”[43] He saw the officers to the right and left of him fire their weapons, and he shouted, “No, no, no, stop shooting—that’s a plainclothes officer!”[43] Although he stood between two officers who were firing, he did not fire his weapon because he recognized Officer Torbit, whom he had passed and greeted in front of the club

a few minutes earlier.[11] Officer McLain stepped forward to where the shots were being fired and saw a plainclothes officer on the ground with a chain holding a BPD badge next to his left ear.[43] As he "tried to help him, another officer ran up and shouted [that] he [the man on the ground] is an undercover officer."[43] Officer McLain had a direct view and believed the other officers did, as well, since they were approximately 5–8 feet from Officer Torbit.

At the time the gunfire started, Deputy Major Partee, while inside Select Lounge, heard units calling out "numerous fights in the parking lot."[7] In his official written statement, he wrote that he "responded to the area of the parking lot by way of North Paca St. and saw a group of individuals fighting on a vehicle."[7] As Deputy Major Partee "approached the corner, shots began to ring out, with pauses in between; then, there were numerous shots in rapid succession. [He] recognized that uniform[ed] officers were shooting, so [he] looped around onto Franklin Street to get a better position."[7] As he cleared the corner, he recognized the person shot as Officer Torbit and yelled to stop shooting.[7] He ran to Officer Torbit—who was lying on the ground—summoned a medic, and attempted to control the scene.[7]

A police radio dispatcher announced "Signal 13" (officer in trouble).[44] Officer Deborah MacMillan stated on the BPD radio, "That's an officer" multiple times during the fight and the shooting.[44] She witnessed officers running from various locations, heard shots, noticed that multiple officers had drawn weapons, but "kept stating on the radio 'that's an officer, he is one of us, stop shooting.' [She] then heard Deputy Major Partee yell to someone, 'put your guns away; he is one of us.'"[7, 10, 31, 44]

Officer Pawley heard Officer Williams yell that the individual who was shot was a police officer. He wrote that he "briefly approached the individual on the ground, and observed what appeared to be a set of handcuffs hanging from his waist. [He] did not recognize the individual as Officer Torbit at any time during this incident."[6–7, 10, 31, 44] Officer Pawley had acknowledged in his memo to his commanding officer that he had earlier observed Officer Torbit in plainclothes at the front of Select Lounge dealing with a loud patron arguing with the valet. The elapsed time is estimated by

analysts to be 10 minutes or less from the valet observation to the discharge of firearms.[4, 6, 9]

Officer Craig wrote that she stopped shooting "once the b/m stopped discharging his handgun.… [She] quickly approached the b/m and observed a Baltimore Police Department badge hanging around his neck. After a few seconds, [she] realized that the b/m who was discharging his handgun from the ground was Officer Torbit."[15]

This incident occurred in a matter of seconds. The crowd's physical attack on Officer Torbit lasted approximately 11 seconds in duration, and Officer Torbit discharged his service-issued Glock .40 caliber pistol eight times. Four police officers fired 34 rounds at Officer Torbit, and 6 seconds elapsed from the first shot discharged to the final (42nd) round.[45]

Post-shooting crime scene

BPD radio dispatchers received calls for medics and ambulances, Homicide was notified, and aid was rendered to Officer Torbit. Lieutenant Clayton directed that Officer Torbit be carried to the nearest marked patrol vehicle for transport to the Shock Trauma Facility. Officer Newkirk drove while Wesley Watson[16] (a civilian medic) rendered aid to Officer Torbit en route. Officer Spearman called for at least three medics that were urgently required to aid the additional wounded. Three civilians had been wounded by gunfire (Jazzmin Graves, Katrina Harris, and Jamie Jordan).

A civilian, Tray Miller, attempted to give aid to Sean Gamble, who had been fatally shot. Police advised Miller that there was nothing he could do to help. Miller stated he was tasered by a police officer.[35] Subsequently, Darrell Baker was disorderly and menacing (according to police statements) and was also tasered by Lt. Smith.[5]

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[16] CNA and the Commissioner's Officer attempted several times to reach Wesley Watson for a statement, but Mr. Watson did not respond to the calls or the letters.

Police interviewed a total of 62 people from the parking lot. Sergeant Wilson responded to the Shock Trauma Center to set up a command post. Deputy Major Partee requested all Central District officers on scene to have other units relieve them and meet him at Franklin and North Paca Streets. At 2:10 a.m., Sean Gamble was pronounced dead, and at 2:11 a.m., Officer Torbit was pronounced dead.

Numerous questions remain in this narrative, and the answers are not accessible to the IRB. There were some non-shooting BPD personnel involved in this incident—a commander, a supervisor, and an officer—who declined to answer any questions from the IRB, on advice of legal counsel. Four officers who used lethal force against the individual on the ground also declined to answer any questions, on advice of legal counsel. These seven personnel only provided brief, formal memos and have declined to answer Homicide investigators' questions regarding this tragic incident. Their silence has unquestionably hampered our inquiry.

However, we believe that the evidence available to us permits the Board to reach specific findings and recommendations, which will be discussed in the next section of the report.

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Findings and recommendations of the IRB

This section of the report will address six issue areas that were developed using the scope of the review designated in the Mayor's charge to the IRB. These issues involve the following:

- Club/bar scene in the Central District
- Plainclothes policing
- Use of force
- Incident management
- Criminal and internal investigations
- Police legitimacy, trust, and interactions with citizens

The IRB presents findings and recommendations for each of these issues that played a role in the police-involved shooting incident of January 9, 2011.

1. Club/bar scene in the Central District

Overview

At the time of the IRB inquiry, reported violent crime in club/bar buffer zones[17] had increased at a number of establishments in the Central District, as well as in other districts.[46] Four of the ten most problematic bars and clubs in Baltimore in terms of violent

[17] These are 250-foot buffer areas surrounding each club.

crimes[18] are located in the Central District.[46] As of June 2011, 134 violent crimes have been reported within the buffer zones of all of Baltimore's bars and clubs since January 1, 2011.[43] Fifty-two violent crimes have been committed within the buffer zones of Baltimore's bars and clubs between the hours of 8 p.m. and 3 a.m. on the weekends, the time period in which they are generally patronized.[19][43] The majority of all violent crimes reported in the Baltimore club and bar buffer zones are aggravated assaults (80 incidents).[43] Not including the Select Lounge incident, six homicides have occurred this year in the club buffer zones.[43] The data suggest a potential security concern in those areas, though the IRB notes that the direct causation between the bars and the violent crimes in the buffer zones is uncertain, given the available analysis. However, research indicates that crime and disorder often cluster around clubs and bars and that the presence of such facilities is associated with disproportionate amounts of crime in those places.[47]

To address crime in the club and bar zones, the Baltimore Police Department has developed a number of tactics. Several units are reassigned during high-risk hours. Officers are assigned at roll call to certain areas with many clubs and bars and are posted there during the hours that the venues open and close. Generally, uniformed officers handle this duty.[5] However, if officers are in need of assistance with large crowds or incidents, they call the Major or Deputy Major in charge and request more resources. Officers respond on an ad hoc basis and could include plainclothes officers.[5] When police are called to close a club or bar, the informal procedure is to determine the number of patrons, stop the

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[18] Violent crimes are defined as Type I crimes: aggravated assault, homicide, rape, and robbery, as described by the Uniform Crime Reporting Program administered by the Federal Bureau of Investigation.

[19] Twenty-seven of these crimes occurred on Friday nights, leading into early Saturday mornings (8 p.m. to 3 a.m.). Twenty-five of these crimes occurred Saturday nights, leading into early Sunday mornings (8 p.m. to 3 a.m.). The IRB does not know whether these crimes are directly linked to the clubs and bars in those areas.[43]

serving of alcohol, turn off the music, turn the lights on, and move the crowd out and away from the area.

Some areas of the district have become so crowded with bar and club patrons that the police department has taken proactive measures to mitigate the situation. For example, the entire 400 block of East Baltimore Street (known as “The Block”) is routinely closed to vehicular traffic during club closings in order to improve the flow of foot traffic out of the area and reduce the probability of pedestrian or vehicular accidents.[5] For clubs and bars in Baltimore where criminal activity takes place, the city and the police department may seek a closing of the premises “to the extent necessary to abate the nuisance,” through what is known as the “padlock law,” which has been in place since 2008.[48] In general, an establishment must meet the criteria of having two or more separate occasions within a 24-month period where crimes are committed on the premises in order to fall within the law.[48] This law has helped BPD to successfully negotiate changes in the security protocols of some establishments (BPD has padlocked three clubs and bars in the city that have met the padlock threshold).[5] BPD has worked with several problem clubs and bars to make constructive security and management improvements and to report that these establishments are no longer problems.

It did not appear that Select Lounge was identified as a hotspot for violent crime prior to the incident on January 9, 2011. The club is somewhat isolated, located several blocks from the area with the majority of clubs and bars in the district.[5] Although the club and bar districts of Baltimore are known to have a number of troubled establishments that are frequently the locations of fights and disorderly conduct, Select Lounge was not one of these locations.[49] It had opened just two months prior to the incident, was billed as an upscale jazz club, and was sparsely attended.[49] On the night of January 9, 2011, however, Select Lounge had a surge in its crowd size that was unexpected by the police department. A private promoter had rented the club and had sold tickets ahead of the event.[5]

Numerous fights broke out inside and outside of the club, which prompted a call to the Baltimore Police Department. Units began to respond, and requests went out for additional units as more fights

broke out.[13] An observation made by Firearms Training Commander Lt. John Cromwell aptly summarizes the response: “The handling of the club crowd that night, both inside and out, equated to single officers trying to control multiple brushfires [incidents], with these brushfires inevitably engulfing an officer.”[33].

Findings and recommendations

Finding 1.1: BPD does not adequately engage in problem-solving for the club/bar issues in its jurisdiction.

Police agencies nationwide tend to respond to problems on a case-by-case, reactive basis. This traditional approach not only applies in police response to calls for service, but also in its response to specialized concerns and problems, such as the club and bar scene in Baltimore City. However, reactive approaches have repeatedly been shown to be less effective than proactive approaches in preventing crime, controlling outcomes, and improving police-community relations.[50]

BPD is similarly tradition-bound to reactive policing, and its response to the club and bar scene in downtown Central District reflects this law enforcement culture. The IRB concludes that BPD's response to the club scene lacks analysis of the problem, strategic application of ñwhat worksò to alleviate the problem, and clear directives and systems to prevent problems in the future. Although there appears to be a consensus among both the officers and the civilians we spoke with that the club/bar scene is a recurring problem that is somewhat predictable, there is no systematic or standard operating procedure, that can be used to analyze and prepare for such events. For example, there is some acknowledgement that certain days, times, and clubs are problematic, but much of this information is informal, ad-hoc, fragmented, and based on personal knowledge of the problem, none of which is analyzed systematically to develop better intelligence and tactical plans for intervention. Furthermore, there is no formally written strategic plan regarding the club and bar scene.

BPD has taken some initial steps in collecting and using information by producing Club Violence Reports. These reports had been produced on a weekly basis. However, the Department's Planning and Research Division stated that they have lacked the most up-to-date GIS (geographic information system) data needed to produce timely and accurate reports and had, therefore, discontinued regular production of the report in January 2011.[51] The IRB finds that the type of data needed to generate these reports is included in routinely collected crime data around the buffer zones; the lack of the most up-to-date GIS mapping software is an unjustified excuse.

Recommendation 1.1.1: The IRB recommends that BPD implement problem-solving methods to better understand and address the recurring crime and disorder at problem places (bars, clubs, or relevant other locations).

Comprehensive analysis and problem solving of the issues of concern to police agencies and the citizens they serve should be regular practice for a modern, democratic police agency. In this case, BPD should conduct a careful and comprehensive analysis of clubs and bars, whose problems have necessitated the deployment of extra departmental resources, and develop a methodology and strategy to reduce the scope of the problem. Proactive approaches that are highly targeted (i.e., specific to the problem and location) and based in both analytic information and rigorous evidence about effective police practices have been shown to produce the best results in terms of preventing and reducing crime.[50]

The Board recommends that, as with all of the city's crime and disorder problems, the Department initiate regular analysis of these concerns and develops a plan to deal with the variables that contribute to their recurrences. This includes the extent, nature, frequency, and byproducts of the crime and disorder that result from the club scene, as well as a detailed evaluation of the police department's existing command and deployment to these problems. Commanders and officers, crime analysts, community stakeholders, and club/bar owners and place-managers should strategize together on a system of response based on data analysis and proactive prevention. Examples of analyzing places

from a problem-solving approach are readily available to BPD and extend to more complex schemes than the Department's current practice of increasing police presence around these high-risk addresses.[20] The Planning and Research Division should also reinstitute the Club Violence Reports to analyze the problem.

The IRB also recommends that BPD develop district-level strategic planning meetings with regard to any problem in its respective jurisdictions that involve officers who might be assigned to these areas, involve first-line supervisors, or involve crime analysts, in order to engage in active, problem-solving analysis, such as the ñSARAò model (Scan, Analyze, Respond, and Assess).[21] The problem-solving approach should not only begin with rigorous crime analysis and research about the problem and responses to the problem, but should also be tailored to the Department's specific needs as they relate to the club and bar areas in the city,

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[20] Braga and Weisburd, in their book *Policing Problem Places* (Oxford 2010), describe a number of evidence-based approaches to addressing problem places, including bars (see also A. Braga. *Problem-Oriented Policing and Crime Prevention, 2nd Edition*. Monsey, NY: Criminal Justice Press. 2008.). The Center for Problem-Oriented Policing also has a guide on *Assaults in and Around Bars* (see www.popcenter.org/problems/assaultsinbars/).

[21] In a National Institute of Justice report entitled *Newport News Tests Problem Oriented Policing* (1987), Eck and Spelman describe the SARA model, a concept derived from Herman Goldstein's article in *Crime and Delinquency 25,* "Improving Policing: A Problem-Oriented Approach" (1979). Evoking a more scientific, analytic approach, the SARA model describes a step-by-step, recursive method in which police (1) scan for problems using systematic observation and engagement with officers, community stakeholders, and others; (2) formally analyze both qualitative and quantitative data to understand a problem, as well as the causes and potential responses to the problem; (3) respond based on the results of the in-depth systematic analysis, as well as the research evidence on what we know about law enforcement tactics; (4) assess the results of that response using evaluation research, such as experimental or quasi-experimental methods; and (5) revise, change, discard, or keep the response, based on findings from that assessment (suggesting a continuous feedback loop between analysis, problem solving, assessment, and re-analysis).

engaging numerous stakeholders, including business owners, civilians, the liquor board, patrol officers, and commanders.

In particular, the IRB urges BPD to engage its partners in the city and beyond to ensure timely updates of the data they need to produce crime reports and actionable intelligence.

Recommendation 1.1.2: The IRB recommends that BPD and the City of Baltimore take actions necessary to ensure that it is aware of potential problem areas before events occur.

This effort should be based on data such as ticket sales, promoter histories, and location histories, and it will require building relationships with the bar and club businesses in the city to ensure that information is shared with the Department. This information will in turn help police to better prepare units for their club/bar operation shifts. As part of this effort, BPD should consider monitoring radio stations and popular social media sites that advertise and promote special events at clubs and bars, as a means to prepare in advance for large crowds and potential disorders.

Finding 1.2: BPD does not have formal oversight of outside promoters for clubs/bars in the city.

BPD has little advance notice of outside promoters and the subsequent club/bar crowds. In Baltimore, promoters are not required to obtain permits or licenses to conduct their business. There is also no legal requirement that the Department be notified of club/bar events, the estimated attendance, or whether appropriate private security has been arranged.

For the night of January 8, 2011 (and the early morning hours of January 9), Select Lounge used an outside promoter who sold advanced tickets. The Department did not have the opportunity to plan for this incident, and since the location was not a typical problem-area, the Department had not previously deployed such a large number of units there to assist in the club closure and crowd-control operations. This unforeseen event impeded the Department's operations and was a contributing factor to its disorganized response.

Recommendation 1.2.1: The IRB recommends that BPD seek to implement a permitting program for club promoters.

BPD should work with the appropriate parties in city government to require that promoters who rent alcohol-serving establishments in Baltimore obtain permits or licenses.

Finding 1.3: Current Baltimore City crowd-control training that is provided in the police academy and during in-service training does not prepare officers for intervention in club/bar disorder.

The *Baltimore Police Academy Lesson Plan* on crowd control focuses primarily on events of civil disobedience and riots.[53] This traditional training is reflected in many police agencies with regard to civil disturbances. Much of the guidance provided in the lesson plan is inapplicable to the more frequent crowd-control issues that arise in modern policing (e.g., the closure of clubs/bars or the command and control of disorder at large events). The prevalence of alcohol consumption and intoxication in the club-going crowd, alone, makes it and many other disorders that police agencies frequently encounter different from those of protesters in demonstrations.

Furthermore, the limited training in crowd control that does apply to disorder at clubs/bars, as well as general response to major events, is not executed. The Board believes training in crowd control and Incident Command System (ICS) management should have been (but were not) applied to the incident at Select Lounge. The Board finds that the officers, supervisors, and commanders did not follow the applicable BPD training protocols.

In addition, the Board finds that BPD did not follow basic ICS and National Incident Management System training, which BPD complies with in their training regimens. Neither a formal command post nor an organized incident command was established at the scene, which led to a lack of command and control throughout the incident. For example, there were contradictory communications from the scene regarding whether the units on scene were sufficient or if more units were needed.[8] According to statements

from officers on the scene, many officers were unaware of what other officers were doing, and a number of officers simply assigned themselves to various tasks. The lack of incident command structure also meant that officers were not positioned and tasked by an on-scene supervisor. According to Range Commander Lt. Cromwell, “cardinal rules” of law enforcement such as staying together, staying in sight of each other, and backing each other up were not adhered to in this incident.[33] Overall, the Department did not use incident management principles that are appropriate for either crowd-control situations or a major incident, which hindered situational awareness and resulted in an ineffective response.

It is BPD’s view that the new “Diamond Standard” training program better prepares officers for these kinds of situations. According to the Department, “the main thrust of the Diamond Standard training is to equip the officers with the tools to communicate effectively with crowds and persons who can informally help restore order so that the problems may be addressed rather than [facing] the breakdown of discussions.”[54] However, the shift on duty that responded to the incident at Select Lounge had not undergone the new training program. The Diamond Standard training curriculum takes 28 days to complete and, because of patrol staff shortages, it is a challenge to schedule the training time for an entire district. The IRB also notes that there has been no rigorous evaluation of the Diamond Standard training to link principals within it to effectiveness in practice. More importantly, with or without Diamond Standard training, basic incident command and cardinal rules of police practice were not adhered to during this incident.

Recommendation 1.3.1: The IRB recommends that BPD training reflect operational realities (i.e., club and bar response) and that officers, first-line supervisors, and commanders follow protocol and training when responding to club scenes.

In the Select Lounge incident, the basics and fundamentals of the craft of policing needed to be followed, regardless of whether specialized training had been received. Baltimore Police Department should improve its training plans to reflect the actual club/bar-closure situations that the Department routinely encounters, as well as other regularly encountered crowd

situations. The Board also recommends that district commanders and shift lieutenants regularly reinforce training principles and frequently discuss the recurring problems in their jurisdictions, as well as possible solutions.

Recommendation 1.3.2: The IRB recommends that a formal evaluation of the "Diamond Standard" program be conducted with respect to the crowd control situations that frequently occur in the Central District.

BPD contends that the new training program (the "Diamond Standard," described above) is in place and that it vastly improves police operations, including police-community interactions and responses to clubs/bars, crowd control, and police shootings. However, the IRB does not have enough information to determine whether the program specifically addresses crowd control and club/bar response operations, or whether it does so sufficiently. There is not enough information to determine or independently validate the effectiveness of the "Diamond Standard" training curriculum, which is not widely used by law enforcement agencies. Evaluation should be a regular part of all of BPD initiatives and training. The evaluation should focus on the effectiveness of the tactics that officers are trained to use and whether they are appropriately applied in real-life operations.

Recommendation 1.3.3: The IRB recommends that BPD conduct regular deployment and tactical exercises for both in-service officers and new recruits in the academy.

Regular, scenario-based practice and training can help officers and commanders become more familiar with the problems that might quickly ensue in real situations. The academy classroom may not be the most appropriate place for officers to be trained on response to crowd situations. The IRB recommends that BPD leadership and training command consider asking club owners during non-open hours to use facilities and surrounding areas to run training exercises about response, perhaps even involving a mixture of veteran officers and trainees. Officers, first-line supervisors, special operations officers, and commanders should practice together to improve their communication protocols and responses to crowd situations.

Recommendation 1.3.4: The IRB recommends that BPD also engage in training to *prevent* recurring problems at clubs and bars.

An important part of preparing for events and crowd control is attempting to prevent problems in the first place. All ranks, from officers to commanders, should understand and be trained in basic problem-solving approaches so that a more strategic, preventative approach to crowd control can also be implemented. Surprisingly, such skills are often missing entirely from either academy or in-service training modules, yet they are fundamentally important in creating a culture and mindset for improving responses to community concerns, including club and bar scenes.

2. Plainclothes policing

Overview

Policing in advanced democracies is complex, demanding the ability to both control and prevent crime, while doing so lawfully and constitutionally, as well as with transparency, community trust, and legitimacy. A fundamental characteristic that is connected with these goals of democratic policing is the personal presentation of the officer, both in physical appearance and interpersonal manners. For example, wearing a uniform, badge, and nameplate, as well as carrying a weapon, indicates the officer's official authority and accountability and clearly identifies the individual as an agent of the state who is bound to assist citizens.

The practice of wearing a uniform and presenting a professional image has been challenged by the tradition in American policing of officers wearing plainclothes. Plainclothes officers have traditionally been detectives or undercover officers, although specialized or "street crime" units have also begun wearing plainclothes. This practice is believed to serve a variety of functions. In the case of undercover police work, which is highly specialized, wearing plainclothes allows officers to hide their profession for specific tactical and investigative purposes.

Detectives often wear business or professional attire (e.g., coat and tie, dress suit), given their regular appearances in court and in front of civilians whom they are interviewing. The justification for wearing casual clothing by non-undercover and non-investigatory units is often unclear. Some might argue that casual wear allows for greater comfort and maneuverability, while others argue that officers are better able to blend into their environment in order to more effectively carry out their functions. It is important to note that there is no empirical evidence that the practice of officers wearing plainclothes leads to greater detection or crime prevention rates, or more effective policing. Indeed, case clearance rates for most agencies have remained relatively stable across years of police policy adjustments regarding clothing requirements. Evidence related to crime reduction and improved detection and clearance rates suggests that uniformed officers can affect a community's sense of security and crime reduction.

However, for street enforcement units, the rationale in modern policing for wearing plainclothes is less clear compared to the clothing of detectives or undercover officers. These are tactical units that are not operating in undercover or detective capacities and, in most agencies, must still clearly identify themselves with a badge. However, policies concerning wearing a nameplate, wearing a garment with clear identification of the word "POLICE" in the front and back, and even visibly displaying a weapon are often left unclear or at the discretion of supervisors or traditional practice within specialized units.

Some evidence suggests that wearing plainclothes and the lack of clear identification pose a risk to police legitimacy, safety, and the ability to carry out enforcement duties. Civilians may not immediately, or ever, recognize the plainclothes officer as an officer of the law, thereby impacting the officer's ability to gain compliance and control of the situation. Additionally, other officers on the scene may not recognize the plainclothes officer, and tragedies such as the shooting of another officer (as with this current case) can occur and have occurred in a number of police agencies in both on- and off-duty capacities.[55, 72, 81]

Along with undercover officers, those in plainclothes are most likely to have weapons drawn on them when taking enforcement action

and be involved in confrontations because of their lack of identification.[55] Since 2007, plainclothes officers in Baltimore who are involved in shooting incidents are more likely (23 percent) than their uniformed counterparts (12 percent) to be wounded as a result of the incident.[56] One cannot ignore the potential contradiction of expectations in plainclothes policing: a plainclothes officer may attempt to carry out his/her work undetected and with the element of surprise, while, in another case, the same officer may have to take enforcement action and need to be recognized as an officer of the law.

There is also an inherent contradiction between employing officers in plainclothes to problem-solve and the Department's ability to simultaneously engage the community. While attempting to suppress crime in plainclothes, police officers reduce visibility and risk eliminating civilian recognition that police departments are patrolling the community.[57]

BPD policy permits officers to wear plainclothes during the execution of their duties in several assignments or with the permission of their commanding officer. The current dress culture of street/flex/tactical units in Baltimore City can be wide-ranging, from business attire to military-like wear. In the case of many street crime units, casual "street clothes" (e.g., jeans, t-shirts, sweatshirts, "hoodies," boots, tennis shoes) are common, and Officer Torbit's attire on January 9th is not an uncommon example.

General Order O-4, which governs uniform wear, reflects a lack of clarity for street crimes and tactical units who are not operating in undercover capacity. Regarding the attire of specialized units, it states, "Non-uniformed sworn personnel assigned throughout the agency are required to wear coat and tie, unless assignments dictate a more casual attire.[58] This shall be determined by one's commanding officer."[58] For instance, officers conducting surveillance operations may be in plainclothes.[5] However, *General Order O-4* supplies no further information about what types of assignments dictate a more casual attire or why they do so. It does not provide guidelines to commanding officers as to how or why a commanding officer might permit casual attire.[58]

If plainclothes officers respond to calls for assistance, they are required to make their identity known. *General Order O-4* states, "Plainclothes officers and detectives[,] while acting in their official capacity at the scene of a serious crime or other police emergency where their identity should be known, shall affix their badges in a similar manner on the left side of their outer garments, or wear them around the neck on a secure chain or similar device."[58] However, the order also continues on to say that “this does not apply to routine investigations in which [officers] must perform their duties in an inconspicuous manner.”[58] BPD Drug Enforcement Units, on the other hand, must wear a Department-issued raid jacket that clearly identifies an individual as “POLICE.”[58] The reasoning for the different clothing regulations pertaining to plainclothes officers and Drug Enforcement Unit raids is unclear to the IRB.

On the night of the shooting at Select Lounge, seven plainclothes officers, including Officer Torbit, responded to the scene. This means that out of the 30 total on-scene officers, approximately 23 percent of them were not in uniform. There is no clear evidence that any of these officers were wearing jackets or ballistic external vests that clearly said "police" on them, which would make them visible as police from afar.

Officer Torbit and Lt. Clayton responded to the scene together, sometime shortly after 01:15 a.m.[22][12] They were both working on flex-squad detail and were in casual, plainclothes attire. Lt. Clayton proceeded into the lounge to assist in its closing, while Officer Torbit remained outside the club to assist in the dispersal of lounge patrons from the area. It is surprising to the IRB members that the two plainclothes partners split up upon arrival. During these initial actions, there are no indications that there was any confusion or uncertainty about Officer Torbit’s identity as a police officer. For instance, Officer Pawley, who was the officer-in-charge, according to the brief memo he prepared for his commanding officer, says he observed Officer Torbit advising a subject to leave the front outside

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[22] The IRB does not know the exact time.

area of Select Lounge.[6] Officer Pawley has yet to address the reason he recognized Officer Torbit in plainclothes at 01:20 a.m. yet failed to recognize him at 01:30 a.m. standing 5–8 feet from him and shooting at him. The facts of what occurred are well documented, but all of the details of the actions and decisions of the officers who discharged their service weapons are not clear because of the refusal by officers to speak with the IRB.

Some civilian witnesses identified Torbit as an officer. There are conflicting accounts on the identification of Officer Torbit as an officer during the altercation in the parking lot. The incident investigation by Homicide resulted in 63 civilian witness statements. The IRB conducted follow-up interviews with three civilian witnesses who were intimately involved in the incident, present when Officer Torbit first intervened in an altercation until the final shots were fired. These witnesses were also wounded by bullets discharged by BPD officers. Out of the 63 civilian statements collected from BPD's investigation, 22 show that they observed the beginning of the altercation and, therefore, have the only insight into whether or not Torbit was recognizable as an officer at the time of the altercation. Out of these 22, 8 witnesses recall they recognized Torbit as a police officer (~36 percent).

Table 2Table 2 below breaks down the location of witnesses that recognized Torbit was an officer, along with the information they used to make such a determination. There were five different ways in which witnesses stated they recognized Torbit was a police officer: (1) observations of his badge, (2) observations of his gun, (3) observations of his handcuffs, (4) his behavior, and (5) previous knowledge of Torbit as a police officer. The observations are not mutually exclusive—in other words, some witnesses had observed numerous indicators that Torbit was a police officer. For "Behavior," we include "Behavior Alone" in parentheses, meaning that Officer Torbit's behavior is the only variable used by a witness to recognize him as a police officer. Most of the witnesses were in the parking lot and on foot at the time of the incident. Out of the six

witnesses[23] who were in the parking lot and not in their vehicles, three had observed a badge, two observed a gun, and four were able to tell from his general behavior. Two of the witnesses relied solely on Torbit's behavior to determine that he was a police officer or security guard (i.e., assertive or acting like a person of authority).

Table 2. Witness recognition of Torbit as an officer

Witness Location	Number of witnesses	Badge	Gun	Handcuffs	Behavior (Behavior Alone)	Personal Knowledge
In parking lot	6	3	2	0	4 (2)	0
In car in parking lot	1	1	0	0	0 (0)	0
Near parking lot	1	0	0	1	0 (0)	1

It is noteworthy that over 60 percent of the civilian witnesses to the altercation did not identify Torbit as a police officer. Furthermore, none of the witnesses indicated that Torbit had declared himself to be a police officer. However, the IRB acknowledges that the witnesses had just left an alcohol-serving establishment and could have been impaired at the time of the incident. The mix of alcohol, loud music, commotions inside the establishment, and lack of visibility,[24] in addition to Torbit wearing plainclothes, could have impacted the ability of the witnesses to recognize Torbit as a police officer. The lack of recognition of Officer Torbit as a police officer suggests a serious safety handicap for officers in plainclothes.

In addition, some on-scene police officers initially identified Torbit as an officer. Three officers indicated in their official statements that they realized that Torbit was a police officer during the altercation and leading up to the shooting. Deputy Major Partee ran to the parking lot when the shots rang out and, upon a closer look, was able to observe it was Officer Torbit lying on the

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[23] One of these witnesses (accompanied by her attorney) was later interviewed by the IRB and stated, in contradiction to her previous interview, that she did not know Torbit was an officer.

[24] Although the parking lot area appeared to be fairly lit, the time of occurrence was approximately 01:30 a.m.

ground.[7] At that time, he ordered the officers to stop shooting. Officer McLain, from Baltimore City School Police had drawn his weapon with other officers, but did not fire, stating he recognized Torbit as an officer he had seen a few moments prior.[11, 43] Furthermore, once Torbit had been shot, McLain noticed a badge lying next to Torbit's left ear, on a chain around his neck.[43] Officer MacMillan, sitting in a patrol car, knew it was Officer Torbit from the beginning of the altercation and called for more units, advising radio that a plainclothes officer was involved in the fight.[31] Finally, Officer Pawley indicated that he had seen Torbit minutes before, and knew him to be a police officer. However, he did not know Torbit was an officer when shooting at him.[6]

None of the shooting officers recognized Torbit as a police officer during the incident. By their written accounts, they observed an unknown black male on the ground, firing his gun into the crowd. By this time, it is possible that (but unknown whether) Torbit's badge was no longer visible, as he was kicked, punched, and beaten while on the ground. School Officer McLain's statement indicates that when the shooting ceased, he saw Officer Torbit's badge hanging around his neck and realized that it was Officer Torbit who had been shot.[43] Out of the seven officers to have witnessed the shooting, three were able to recognize Torbit as a police officer.

Findings and recommendations

Finding 2.1: Current BPD policy regarding plainclothes policing is not specific in describing when such attire is necessary for a police purpose.

BPD's policies and practices on the wearing of plainclothes are vague and inconsistent, and they should be revised. The Department currently has two policies that peripherally address plainclothes policing. One does so within the larger context of uniform and equipment regulations; the other addresses plainclothes policing in the context of one specialized unit—Drug Enforcement. The policy that addresses the current incident is *Baltimore Police Department General Order O–4 Departmental Uniforms and Equipment*, stating that officers responding to an

enforcement action must make their identity known and wear badges affixed to their outermost garment.[58] Officer Torbit was in general compliance with this regulation, as numerous independent accounts verify. Torbit had his badge around his neck on a chain at the time of the altercation. The badge on the chain can and did swing around, possibly concealing the badge during the assault while Officer Torbit was on the ground being stomped by 6 to 8 attackers.

BPD policy is vague when it comes to how officers are to “make their identity known.”[58] By every witness account, Officer Torbit did not verbally announce that he was a police officer to the patrons outside in the parking lot. BPD policy does not adequately address the need for plainclothes officers to announce themselves as police when taking enforcement action, especially when wearing casual attire other than coat and tie, as prescribed in the uniform policy. In addition, Officer Torbit was not wearing a raid jacket or another piece of clothing that clearly identified him as “POLICE,” either on the front or back of the outermost garment.

Furthermore, the IRB finds that there exist no clear and detailed guidelines on how plainclothes officers might shift into a more clearly identifiable role when backing up another officer or responding to situations in which many officers from different units might respond (i.e., crowd control, Signal 13 alerts, backing up other officers). Both the lack of clean and reinforced policy guidelines and the influence of officer culture had deleterious effects on officer safety, which became apparent on January 9, 2011.

Recommendation 2.1.1: The IRB recommends that BPD carefully evaluate and rewrite current policy concerning plainclothes officers’ response to non-life-threatening situations, in light of the danger and risks associated with plainclothes policing.

The IRB recommends that BPD more clearly describe the term “plainclothes” and, specifically, delineate exactly the type of plainclothes that officers, detectives, and ranked officers can wear. This includes a clear description for each function, as well as the proper location of the badge, nameplate, and other identification

symbols (i.e., “POLICE” written on the front or back of the outermost garment). Differences between officers acting officially in an undercover capacity versus officers who are not part of uniformed patrol but who are conducting street prevention and enforcement activities need to be clearly described, to include detectives at both the district and headquarters level. Standards for clothing for each of these groups should be clearly described and enforced. The IRB urges the Department to consider requiring some consistency in wear for non-undercover, non-detective, and street enforcement units, which should include the wearing of uniforms.

Recommendation 2.1.2: The IRB recommends that BPD develop a policy that comprehensively addresses the roles and responsibilities of officers who are operating in plainclothes.

In addition to descriptions about plainclothes wear, there are instances where plainclothes officers may be assigned to calls for service, where crowds are involved, or where there is likelihood for mixed police units (plainclothes and uniformed officers). This policy may include a number of issues, such as:

1. Radio/communications discipline and protocol for alerting dispatchers of a plainclothes officer’s arrival, presence, and role;

2. Chain of command, the role of supervisors, and protocols concerning whom plainclothes officers must report to when responding to calls for assistance that involve other units;

3. A clear description of the potential special assignments that plainclothes officers may be more equipped for (compared to their uniformed counterparts), and a justification of why plainclothes are necessary to fulfill such an assignment; and

4. Techniques for the most efficient and quick adjustments to their plainclothes to increase their visibility and identification. This includes donning—*upon arrival*—raid jackets or other outerwear that clearly identifies them as “POLICE,” or the adequate securing of badges,

nameplates, and other symbols that specifically identify them and their official capacity.

Recommendation 2.1.3: The IRB recommends that BPD weigh the need for plainclothes officers with the dangers and lack of flexibility for other assignments and response to calls for assistance, and make adjustments as necessary.

The potential for misidentification of officers as criminal suspects increases with each plainclothes officer on scene. BPD should investigate empirical knowledge about plainclothes policing and assess whether operating in plainclothes (versus more standard outerwear or a uniform) contributes to real outcomes.

As part of this effort, BPD should revisit the number of officers operating in plainclothes and the justification for those units, in light of ample research evidence regarding the types of police activity that can achieve crime prevention, reduction, and improved detection/case clearance. In other words, BPD leadership should analyze the allocation of plainclothes officers against the backlog of calls for police service before approving assignments in plainclothes. The number or percentage of officers in the patrol division assigned to plainclothes is at the expense of uniformed officers who can respond to calls without facing the problem of misidentification.

Finding 2.2: The majority of witnesses—civilian and police—did not recognize Officer Torbit as a police officer.

The IRB finds that over 60 percent of civilian witnesses did not recognize that Torbit was a police officer. Furthermore, four out of seven officers who witnessed the shooting did not recognize that Torbit was a police officer during the shooting. These figures are noteworthy regarding the capacity of a plainclothes officer to be effective in enforcement situations. Officer Torbit's badge was hanging from a chain around his neck rather than affixed to his outermost garment. This meant that during the altercation, it is possible that the badge was not visible at all times. Although yellow raid jackets were available, it appears to be a practice in BPD to leave the jackets in their cars or elsewhere, as was

apparently the case on January 9th. Again, this decision may have contributed to the inability of both civilians and officers to recognize Officer Torbit.

Recommendation 2.2.1: The IRB recommends that BPD policy require that officers in plainclothes verbally announce that they are police when taking enforcement action.

Current policy and practice do not dictate that plainclothes officers verbally announce their presence and authority as a police officer whenever enforcement action is required. The IRB recommends that BPD revise their policies on plainclothes officer conduct and their operations manual to require such officers to verbally announce in a commanding voice that they are police to any civilians with whom they are interacting. Officers in plainclothes should also follow radio protocol and announce their arrival, appearance if in plainclothes, and function when aiding other officers in an incident or when responding to any situation.

Recommendation 2.2.2: The IRB recommends that when BPD officers respond to any incident that may require enforcement action, all plainclothes officers wear outermost garments that clearly identify them as police officers on front and back (i.e., yellow raid jackets or ballistic outer vests that say "POLICE" in high-visibility letters).

When responding to disturbances, bar closings, any crowded situations, active-shooter situations, crimes in progress, or a fleeing suspect, it is imperative that officers are recognized as law enforcement officials by civilians, suspects, and their fellow officers. At a minimum, the IRB recommends that moving forward, any plainclothes officer who responds to incidents requiring enforcement action wear Department-issued yellow raid jackets or external ballistic vest carriers with “POLICE” in large, highly visible block letters on the front and rear, in addition to a badge (described below). This will clearly identify the wearer as a law enforcement officer and is a routine practice in many local, state, and federal police agencies. The IRB recommends that all command officers in BPD be held accountable and ensure that all plainclothes officers follow protocol. Violations should be followed

with discipline and training to prevent recurrence of the January 9th tragedy.

Recommendation 2.2.3: The IRB recommends that BPD badges be firmly affixed to the officer's outermost garment.

When responding to the scene of an incident that may require enforcement action, officers should wear their badge firmly affixed to their outermost garment, as opposed to hanging the badge from a chain. This will mitigate the risk of the badge not being seen; turning over so the back of the badge holder is displayed rather than the badge, itself; or the badge even being torn off of someone's neck during an altercation. BPD supervisors and commanding officers are responsible for ensuring compliance with policies and training.

3. Use of deadly force

Overview

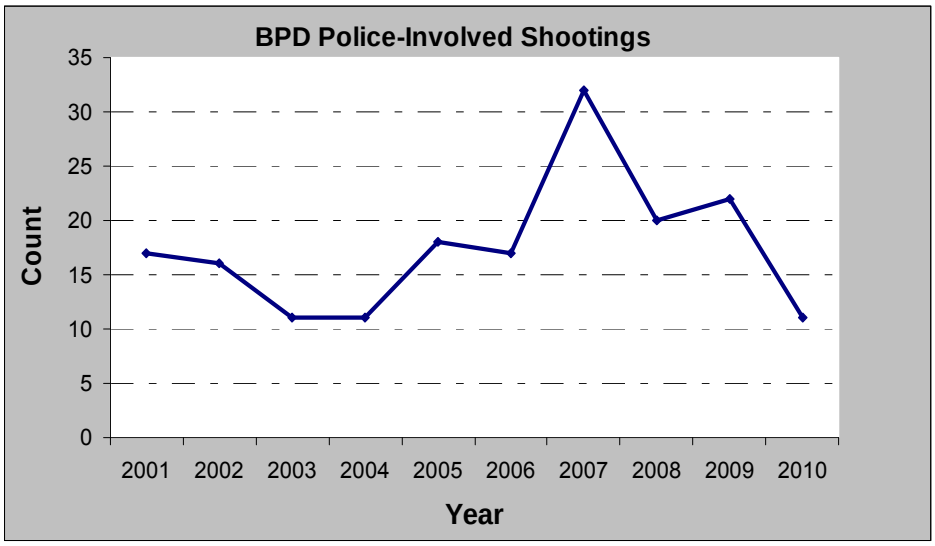
BPD officers used deadly force on January 9th, when 42 shots were fired—all by the police, killing two individuals and wounding four. Two main instances concerning the use of force are discussed below: (1) Officer Torbit firing his weapon, and (2) four officers firing their weapons at Officer Torbit. The amount of gunfire and the fact that the only shooters were officers raise serious questions as to the appropriate use of deadly force, whether policies and training are enforced, and whether revisions need to be made to existing policies, training, and practices.

To understand BPD's history of its use of deadly force, CNA analyzed BPD police shootings from departmental records which was reviewed by the board. Upon request, the Department was able to provide the IRB with a yearly count of police-involved

shootings dating back to 2001, as well as actual reports of shootings from 2007–2011.[25]

Figure 2 plots the police-involved shooting counts from 2001–2010. The total number of shootings declined from 2001 to 2003, leveling off at 11 incidents. From 2004 to 2007, there was a dramatic increase in the number of police-involved shootings, rising to 32. From 2007 onward, the number of BPD shootings declined, dropping precipitously back down to 11 in 2010.

Figure 2. BPD historical police-involved shootings



When examining the detailed reports of police-involved shootings from 2007–2011, no district in the City of Baltimore appears to be particularly prone to police-involved shootings, although disparities do exist. Excluding the incident at hand, a total of 88 (out of 95) police-involved shooting reports identified the district in which they took place. As Table 3 indicates, the range of shooting incidents is from 7 shootings in the North and Northeast districts to 13 in the Northwest and South districts. Compared to other districts in the city, the Central District falls in the middle range (10) when it comes to police-involved shootings since 2007.

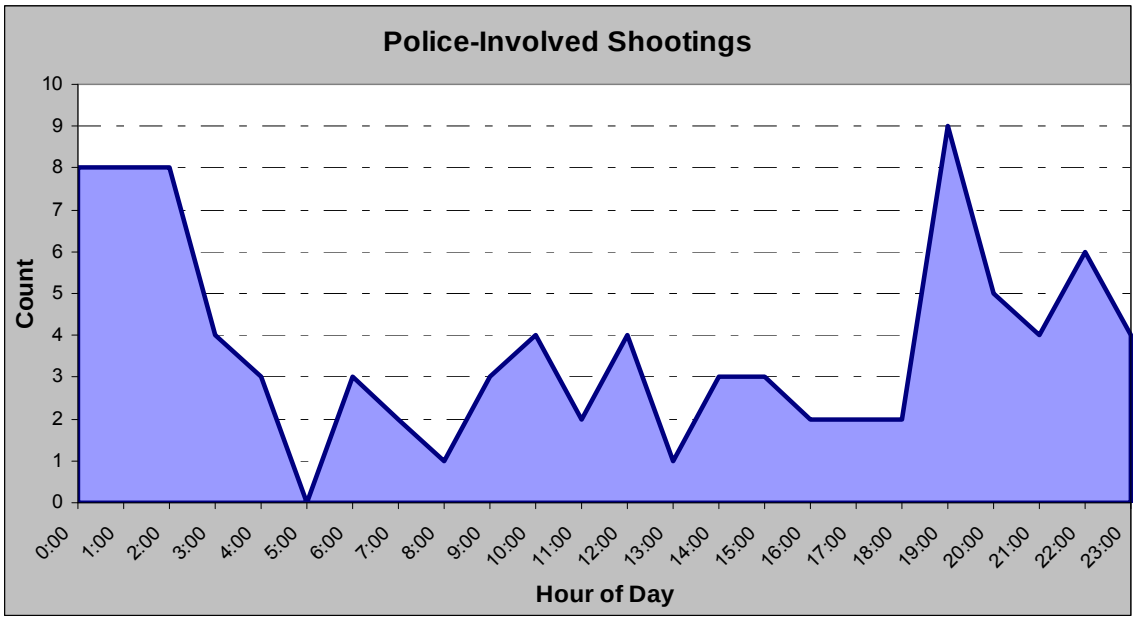
[25] Earlier reports were not available, as BPD is in the process of digitizing them.

Table 3. Police-involved shooting by District, 2007–2011

District	Police-involved Shootings
North	7
Northeast	7
East	8
Southwest	9
West	10
Central	10
Southeast	11
Northwest	13
South	13

The January 9, 2011 police-involved shooting occurred at approximately 1:30 a.m., which appears to be within a common timeframe that BPD shootings occur historically. Figure 3 below shows BPD police-involved shootings by time of day, from 2007–2011.[26][56] Since 2007, the most frequent times in which police-involved shootings have occurred are between 7:00 p.m. and 3:00 a.m.

Figure 3. BPD police-involved shootings by time of day, 2007–2011



[26] The incident of January 9, 2011 is not represented in this graph.

The majority of police-involved shootings have occurred at night, which is also when crime (and the occasion for officer-involved shootings) also increases. Limited visibility can therefore play a role in officer-involved shootings, which many officers reported in the available data. Although it is vital that BPD officers protect life by any appropriate means, it should be recognized that the most extraordinary means of preserving life (use of deadly force) is most often exercised in the hours of darkness, increasing the likelihood that visibility will be poor.

When examining the circumstances and context of these past events, the Select Lounge shootings in January stand apart from previous officer-involved shootings. Below, we describe the use of force by Officer Torbit and the use of force by the four officers against Officer Torbit, comparing these actions to past incidents throughout.

Officer Torbit

Officer Torbit used deadly force when he fired his service weapon to stop the assault against his person. With regard to past shootings involving officers, the circumstances Officer Torbit found himself in were unique. Officer Torbit was vastly outnumbered and lying on his back being beaten and kicked, with no backup officer assisting him. An analysis of the 2007–2011 police-involved shooting reports reveals that, when using lethal force, officers often faced on average 1.2 assailants. When examining use of force upon unarmed assailants, the average number of assailants is also approximately one. Officer Torbit had been overpowered by a group of 6 to 8 assailants. This kind of scenario is outlined in BPD's training bulletin on use of deadly force, stating that one characteristic that may warrant an officer using deadly force on an unarmed suspect(s) is "force of numbers, officer is outnumbered or being attacked."[60] Officer Torbit was facing a highly unusual number of attackers and an overwhelming threat.

The number of assailants also impacted Officer Torbit's ability to disengage from the altercation, step away, and/or call for backup, as prescribed in policy.[60] Officer Torbit was struck by two

different men within seconds of each other, while *possibly* attempting to arrest one of them for interfering with his duties to clear the parking lot.[33] At this point, Officer Torbit was engulfed by the crowd and endured numerous punches and kicks to his person for 11 seconds. The IRB believes that one can reasonably conclude that Torbit was in fear of his own life at the time he decided to discharge his firearm at his assailant(s). The BPD *Training Bulletin: Use of Deadly Force Guidelines* also clearly describes this circumstance as a justifiable use of deadly force. The guideline states:[60]

> *"Members of this department shall not use firearms in the discharge of their duty, except in the following cases:*
>
> *1. In self-defense, or to defend another person (unlawfully attacked) from death or serious injury.*
>
> *a. The attacked officer is the person who has to evaluate the potential seriousness of the attack and determine an appropriate level of response.*
>
> *2. The evaluation and response must be reasonable from the perspective of a reasonable police officer similarly situated.*
>
> *3. There is no requirement that an actual specific injury be inflicted. It is, however, required that the potential for such injury be present and the threat must be immediate."*

Although Officer Torbit was justified in using deadly force at the time he did, his prior actions may have contributed to the danger and situation in which he found himself. First, as discussed in the previous section of the report, Officer Torbit was not well-identified as a police officer. Officer Torbit (and Lt. Clayton) left their yellow identification vests in the squad car, and the IRB has no evidence that Torbit verbally identified himself as a police officer during the incident.

Officer Torbit also decided to move into the parking lot alone to take enforcement action, which was not in compliance with training.[33] Although club-closing activities appear to have been

routine for Officer Torbit, BPD *Training Bulletin: Use of Deadly Force Guidelines* caution that “officers should try to avoid placing themselves in a situation where they have no options but to use deadly force.”[60] The lack of clear command directives also contributed to Officer Torbit's self-assignment and discretion as to his actions.

Furthermore, numerous accounts describe Officer Torbit’s interaction with Jazzmin Graves and Sean Gamble as aggressive, and Officer Torbit allegedly used profane language (“Mind your own fucking business!”) toward Sean Gamble while in the lot. On the other hand, some civilian witnesses described Officer Torbit as a peacemaker who was earnestly trying to mitigate the altercation between Jazzmin Graves and the driver of the vehicle that brushed her on its way out of the lot. Treating civilians with respect and refraining from using profane language appears in multiple BPD policies. BPD’s *Training Bulletin: Use of Deadly Force Guidelines* address this issue directly, stating, “Talk to suspects in a manner consistent with training, which will convince them to comply with orders. No Profanity!”[60]

However, what is more important from the IRB's perspective is not simply the use of profanity (or policies focused on profanity), but the broader issue of how situations might be escalated through officer-civilian interactions. Officer demeanor, choice of words, tone of voice, physical movement, and discretion during tense situations can either escalate or de-escalate situations. The complexities of policing require that officers take command and control of situations, but also that they act in a manner that is respectful and that avoids unnecessary escalation of tension or panic.

Finally, it is clear to the IRB that Officer Torbit did not have a “soft backdrop”[27] when he fired his service weapon at his assailants and the surrounding crowd. According to BPD policy, any substantial risk to innocent civilians precludes an officer from using deadly force.[60] However, there is no formula for balancing an officer’s

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[27] “Soft backdrop” refers to an area surrounding the officer’s target that does not include innocent civilians.

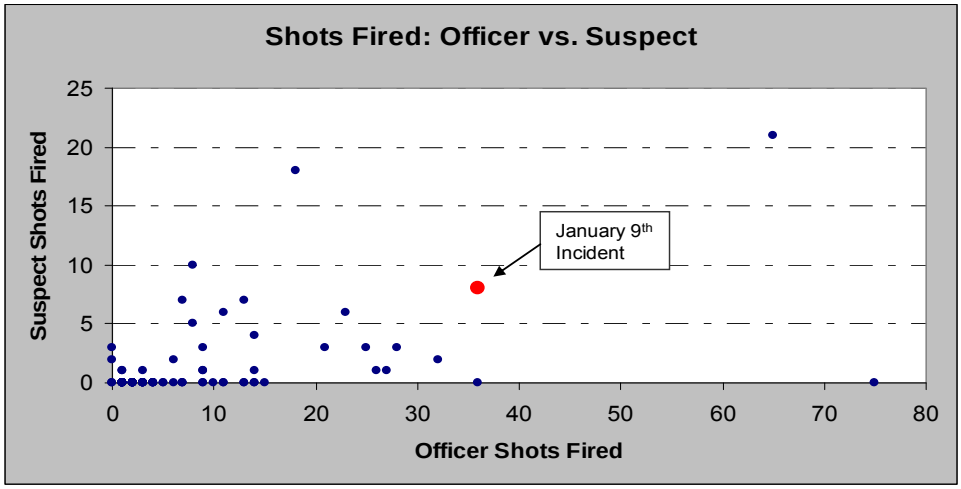
right and obligation to protect his/her life and the lives of others at the risk of harming bystanders in the process, nor does the IRB suggest there should be one.

Uniformed Officers

Four uniformed officers on the scene that night used lethal force. Upon seeing an unidentified individual on the ground firing a gun, those officers fired 34 shots in total, stating in their written statements that they did so to protect the lives of civilians, fellow officers, and themselves. The number of shots fired by each uniformed officer ranged from 4 to 14 (Torbit, himself, fired 8 rounds).

Figure 4 below shows the relationship between the number in the BPD data of officer and suspect shots fired in police-involved shootings that resulted in either the officer or the suspect being wounded or killed. The data point for the current incident is marked in red.

Figure 4. Officer vs. suspect shots fired in BPD police-involved shootings, 2007–2011



According to BPD reports, the number of shots fired by the four uniformed officers on January 9th is in the high range—the third highest out of 95 BPD incidents where shots were fired and someone was struck by a bullet. The number of shots fired in an incident are partly an artifact of the number of officers involved in

the shooting. The two highest totals for shots fired involved the greatest number of officers—six.

Figure 4 also illustrates a lack of linearity between officer shots fired and suspect shots fired. Indeed, there is one case where the suspect had not fired any shots and six officers fired 75 rounds. Overall, the number of suspects in these cases ranges from one to three.

The IRB does not contest the belief professed by the uniformed officers that they were acting in defense of life when they fired upon an unidentified person—who turned out to be Officer Torbit. However, it is notable that at least two, and possibly three, other officers witnessed the shooting but did not discharge their firearms. One uniformed officer—Officer MacMillan—had seen Officer Torbit overcome by the crowd and called for backup, noting that a plainclothes officer was involved.[31] Another officer who did not fire was Baltimore City School Police Officer McLain, who had previously seen Torbit and who had identified him as an officer. According to written statements, McLain had drawn his weapon and taken a step toward Torbit, but did not shoot, recognizing him as an officer and seeing his badge.[43] Officer McLain also appeared before the IRB and answered specific questions regarding his perceptions, the surrounding circumstances, and his recognition that the person shooting from the ground was a BPD plainclothes officer. This officer was very close in proximity to Officer Torbit (5–8 feet) and next to a uniformed BPD officer who was discharging his weapon. Officer McLain recounted that he tried to tell others, “No, no, don’t shoot—he is a police officer,” but he was unable to stop the shooting.[11] The third officer who did not fire was the Deputy Major on the scene, who ran out of the club and toward the parking lot when the shooting began, calling on the officers to stop shooting.[7] However, the IRB believes it is unlikely that Deputy Major Partee was close enough to have fired his weapon at any time during the shooting. Based on his written statement, it is unclear whether Partee had witnessed the shooting and was in a position to fire his weapon, or whether the he knew or had heard an officer was involved prior to the start of the shooting. Deputy Major Partee declined to answer questions from the IRB regarding the incident, on advice from legal counsel.

The fact that four officers discharged 34 rounds in a crowded parking lot, while two—possibly three—did not, raises two additional issues in use of deadly force and firearms training: *contagious fire* and *tunnel vision*.

Contagious fire, also known as “sympathetic fire,” refers to an officer discharging his/her firearm based solely on the observations of other officers firing their weapons. As a matter of BPD policy, this is considered a “deviation from good firearms discipline” and is “not justifiable and is a pitfall that officers should be aware of and avoid.”[60] Based on the officers’ brief, formal memos, they each had observed an unidentified male on the ground discharging a weapon, which prompted them to fire in fear of their lives and the lives of others. However, the IRB recognizes that even the officers, themselves, may not be able to fully recognize when they’ve engaged in contagious fire, as it is primarily a reflex as opposed to a conscious effort.

Furthermore, “tunnel vision” may have also been present, which occurs when individuals under stressful situations narrow their sensory field and focus on threatening external elements—such as a person shooting a gun—more than internal elements (such as awareness of their own behavior/wellbeing or the wellbeing of any bystanders). BPD policy states that “if there is a substantial risk of injury to innocent people from an officer’s use of deadly force, the office may not use deadly force.”[60] Tunnel vision can prevent officers from having that awareness.

In the hail of gunfire, two individuals were killed, and four were injured. Three of the four people injured were bystanders who were struck by bullets discharged by the uniformed officers. The fourth injury was an officer, who was shot in the foot. It is not clear to the IRB if his wound was self-inflicted or the result of friendly fire.

Findings and recommendations

Finding 3.1: Officer Torbit's tactics and safety were compromised when he took law enforcement action without backup. This action (while he was wearing plainclothes) contributed to the life-threatening situation where he used lethal force to stop the assault.

Officer Torbit was in a high-risk situation when he walked into the crowded parking lot alone and intervened in a conflict involving an agitated group of individuals who had exited a place that serves alcoholic beverages. The fact that he was in plainclothes and alone left him vulnerable to an attack. The IRB does not believe that Officer Torbit foresaw the incident that would lead him to use deadly force. However, the seemingly minor decisions he made had a cumulative effect of placing Officer Torbit in a position that left him no other alternatives than to use deadly force. Situations where an officer's actions lead him/her into a situation where use of lethal force is the only alternative are specifically prohibited by BPD General Orders and training.

Recommendation 3.1.1: The IRB recommends that BPD policy dictate that officers do not take enforcement action in crowds without backup, especially when dressed in plainclothes.

The IRB recommends that BPD update its policies on officer actions in a large crowd. Although it was stated to the IRB that officers acting alone are trained to not allow themselves to be engulfed by crowds, there is no policy guidance against acting alone in a crowd.[66] BPD policy should dictate that officers do not take enforcement action alone while in crowds in seemingly non-life threatening incidents, and it should reinforce this policy in roll calls, informal training, and formal training. Appropriate tactics for officers dealing with agitated crowds is to always have sufficient backup, especially when dressed in plainclothes. Had this policy been in place and followed, lethal force may not have been used during this January 9, 2011 tragedy. Officers should be accountable for acting prudently and not moving into situations where deadly force is the only alternative, unless there is an immediate threat to life. BPD training states, "Officers should try to

avoid placing themselves in a situation where they have no options but to use deadly force."[60] The IRB is concerned that other officers in the area were aware of Officer Torbit's presence, yet they did not adequately cover him.

Finding 3.2: Officer Torbit's use of deadly force was within policy (with important qualifications).

The IRB recognizes that the decision by an officer to use deadly force is often based upon facts determined by the officer within a limited time parameter and under stressful situations. Processing such facts in a split second so that good decisions are made and, more importantly, making the right decisions early to avoid such a situation in the first place, are the result of constant training, knowledge acquisition, analysis of past incidents, and open and active dialogue across ranks about this information.

Although the IRB cannot know what was in Officer Torbit's mind when he fired eight shots to stop the assault against his person, one can reasonably conclude that his position on his back on the ground, while surrounded by 6–8 people who were kicking and stomping him, could certainly have caused him (or any reasonable officer) to conclude that he was in a position where he could be seriously injured, struck unconscious, or killed.

However, the IRB, in reviewing the totality of circumstances, qualifies this finding as a result of several decisions made by Officer Torbit that contributed to his ultimate tragic situation: the decision to not wear a police raid jacket (left in his vehicle trunk); the decision to separate from Lt. Clayton (it is unclear who left whom, since Lt. Clayton declined to answer questions from the IRB, on advice of legal counsel); the decision to enter the parking lot alone without any supervision or cover; the decision to engage in crowd dispersal operations and intervene in an argument between several agitated persons; and the decision to use profane language during the confrontation, which may have escalated the situation.

Recommendation 3.2.1: The IRB recommends that BPD evaluate training for use of deadly force in civilian crowd

situations and that BPD place stronger emphasis on prevention and tactics to minimize the incidences where deadly force might be needed.

In addition to the policy changes recommended by the IRB, BPD should conduct an evaluation of its use of force training to ensure that training and policy are well matched to each other, as well as to operational realities. The evaluation should include an examination of the best practices of leading enforcement agencies with regard to the use of force.

Furthermore, BPD's policies are found in several different orders and directives. Placing them into a single, easy-to-locate document, with clearly stated guidelines, may improve the understanding of the circumstances and different uses of force. BPD should view use of force not as a final reaction to a situation, but as the outcome of many cumulative decisions that may also be controlled by the officer. The IRB recommends that training modules include the steps and decisions that officers should make to help minimize situations where deadly force has to be used.

The use of lethal force should be consistent with constitutional standards and democratic values, which are anchored in the principles of defense of life and imminent peril to the community. Police department policies should be consistent with these standards and predicated on the establishment of accountability whenever lethal force is used.

Recommendation 3.2.2: The IRB recommends that both academy and in-service training emphasize the circumstances that may lead to the use of deadly force, focusing not only on the analysis of BPD's own data, but also on other police departments' successful approaches to lethal force training.

In addition to going into the crowd alone, an officer's actions, demeanor, tone of voice, and use of profanity can all escalate minor situations into ones where force may be needed. During academy and in-service training, the IRB recommends that the Torbit case and this report be used to highlight to officers and recruits the accumulated effects that decisions and actions can have on the outcome of a situation related to the use of force.

BPD's trainers should also be aware of the research related to use of force, in particular the continuum of the use of force; escalation and de-escalation; and factors that may contribute to the use of force. Research includes:

- C. Stone et al. *Reducing Inherent Danger: Report of the Task Force on Police-on-Police Shootings.* New York State Task Force on Police-on-Police Shootings. 2010.
- C.J. Harris. "Police Use of Improper Force: A Systematic Review of the Evidence." *Victims & Offenders*, 4(1), 25-41. 2009.
- J.H. Garner et al. "Measuring the Continuum of Force Used By and Against the Police." Georgia State University *Criminal Justice Review*, 20(2), 146-168. 1995.
- National Research Council (NRC). *Fairness and effectiveness in policing: The evidence.* Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Subcommittee to Review Research on Police Policy and Practices. Eds. W. Skogan & K. Frydl. Washington, DC: The National Academies Press. 2004.
- William Terrill. *Police Coercion: Application of the Force Continuum*. New York, NY: LFB Scholarly Publishing LLC. 2001.
- William Terrill, Fredrik H. Leinfelt, and Dae-Hoon Kwak. "Examining police use of force: a smaller agency perspective." *Policing*, 31(1), 57-76. 2008.

Finding 3.3: The four uniformed officers' use of deadly force was within policy (with important qualifications).

The IRB has significant gaps as to the specific decisions the officers made since they refused to answer any questions from the IRB, on advice of legal counsel. For example, written statements by the officers do not indicate to the IRB what the officers may have been thinking prior to and at the time of the shooting, whether contagious fire, tunnel vision, or reflexive firing were at play, or what the sense of the environment and realities of the situation were at the time. All of this information would be useful for BPD to understand why this incident happened and to work on policies,

procedures, training, and culture so that such a tragedy can be avoided in the future.

However the IRB can reach informed judgments with some confidence based on considerable evidence, video of the incident, and direct witness testimony from officers in very close proximity to the shooting who did answer the IRB's questions or provided written memos. The IRB believes the four officers who discharged their service weapons were within a very strict and narrow interpretation of BPD policy on use of force in defense of others. They reported that they acted to protect the lives of civilians and their fellow officers, but shooting into a crowded parking lot in the dark is questionable and very dangerous to numerous bystanders. The IRB finds the claim that officers' own lives were in jeopardy is undermined by their reports that zero shots were fired at them by Officer Torbit.

In particular, the IRB has concerns about the following issues: the location of civilians at the time the officers started shooting; the fact that these four uniformed officers did not recognize Officer Torbit when others did; the number of shots fired; and the wide pattern of bullet strikes, increasing the possibility of collateral injuries or death.

The IRB discussed at length the policy prohibiting the use of lethal force when innocent civilians are present and in the line of fire. There were three bystanders not involved in the physical altercation who were hit by bullets or fragments fired by BPD officers. A BPD officer was also wounded in the shooting. It is not possible to determine precisely which officers' bullets or fragments actually wounded the victims. The firearm(s) that officers are issued—the Glock .40 caliber—has a barrel that does not leave unique identifying marks on the bullet fired. Nevertheless, the IRB believes that the proximity of the innocent bystanders to the unidentified gunman (Officer Torbit) made firing a high-risk action. The officers' actions of firing to protect others should be weighed against the risk they posed to bystanders by firing on Officer Torbit. From the uniformed officers' perspectives, not shooting posed its own danger, in that the shooter would have remained able to continue to fire and harm others.

However, two officers who were present at the time of the shooting did not shoot, as they recognized that the individual on the ground discharging his weapon was a plainclothes police officer. A third officer, the Deputy Major in charge, arrived in the parking lot as the shooting stopped. Thus, while the strictest interpretation of BPD lethal force policy may indicate that officers complied with use of force policy, the IRB finds that it is able to acknowledge only qualified compliance.

The following qualifications are important to BPD in its consideration of improving its training and guidelines policy regarding the use of force: (1) Officers who discharged their firearms reported that they were not being shot at by Officer Torbit; (2) Three of the four officers stated that cover (presumably parked vehicles) was available to them; (3) Other officers recognized the unknown shooter as a plainclothes police officer and, under the same circumstances as those who fired, refrained from discharging their service weapons; (4) There was a pause in the initial shots fired by Officer Torbit and the discharging of officer weapons; and (5) Officers chose to discharge their lethal weapons into areas where innocent civilians were lying on the ground trying to protect themselves from the police shooting.

It is with these reservations that the IRB qualifies its finding of compliance.

Recommendation 3.3.1: The IRB recommends that BPD enhance its training on firearms and use of lethal force to emphasize assessing situations, making informed judgments, and finding alternatives to lethal force other than reflexive shooting.

BPD Officers are taught to respond to active shooters and to fire until the active shooter is incapacitated. It is extremely difficult to make a judgment regarding incapacitation when the subject is on the ground. The Board is especially concerned about the presumption by the shooting officers who fired into a crowd of people in the darkness to justify their actions based on defense of life, where these same decisions actually placed those lives at risk. In this incident, four people were wounded by bullets apparently intended for the active shooter. The danger to the civilians in the parking lot

was exacerbated by the questionable marksmanship and undisciplined shooting. It should be noted again that some officers restrained themselves from discharging their weapons. At least two officers assessed the scene, yet made the decision not to shoot their firearms, while four others fired despite the pause after the initial shot(s) were fired from the suspect on the ground.

The IRB recommends that new judgmental-shooting training include exercises that emphasize situations that require decisions on whether or not to shoot. The quick reflex to draw their service weapon and fire until a subject is incapacitated may lead to mistakes in rapidly evolving situations. Officers should be trained when to shoot or not to shoot, predicated on both the dangers posed by the situation and the hazards to which innocent third parties would be subjected.

Avoiding situations that would necessitate use of lethal force should be a high BPD priority, since it is the duty of the police to protect and defend life. Officer Torbit was shot by fellow officers who failed to recognize him. The police department should carefully assess what occurred to determine what might have been done differently without increasing the risk to the responding officers (including those who actually discharged their firearms) or to the people in the parking lot. The Department has a duty to answer these questions and to establish policies, training, and practices that will limit the potential for a tragic incident of this nature in the future.

4. Incident management

Overview

A number of incidents to which police respond, including managing crowds and disorderly behavior, can escalate quickly into complex situations that require the response of many officers. Command and control of these situations, including maintaining situational awareness and ensuring organization, are important goals in safely accomplishing the mission at hand. Systems, protocols, and guidelines for effective management of large incidents and events

are essential to police operations, as incident management is essential to ensure the safety of officers involved, the safety of citizens, the proper management of personnel and resources, and the overall success of the response to an incident.

Law enforcement agencies have long realized the importance of implementing incident command in a wide variety of situations, especially in cases where multiple units and/or agencies should be managed. For example, in 2010, Tampa Police Department quickly realized the need to implement incident command after the shooting of two police officers and a prolonged manhunt. Tampa police used the components of the incident command to organize the 22 law enforcement agencies and 1,000 officers involved, throughout the 96-hour incident.[61] In addition, agencies like the District of Columbia's Metropolitan Police Department have used incident command to manage simultaneous shooting events.[62] In both examples, incident command provided a means for the agencies to manage their resources and personnel in successful response to the situations.

Establishing command and control in large incidents like the events at Select Lounge is a regular and important part of police work. However, incidents vary dramatically, in both timing and type, and small situations can escalate quickly into larger problems. Incident command systems provide the flexibility and adaptability to scale up or down as the situation requires. Currently, BPD formally trains all of its officers on the U.S. Department of Homeland Security's (DHS's) Incident Command System (ICS).[63] While this system was developed primarily for large-scale incidents, DHS describes the ICS as a flexible system that can be used "for incidents of any type, scope, and complexity."[63]

Table 4 indicates the number of BPD officers by rank who have completed the required ICS training courses, as of August 15, 2011.

Table 4. ICS training courses completed by BPD officers

Rank	ICS Course 100	ICS Course 200	ICS Course 300	ICS Course 400	ICS Course 700	ICS Course 800
Commanders	39	39	4	14	39	42
Lieutenants	110	110	N/A	N/A	110	46
Sergeants	346	335	N/A	N/A	335	N/A
Officers	2408	N/A	N/A	N/A	2408	N/A
Total	**2903**	**484**	**4**	**14**	**2892**	**88**

BPD has activated and used ICS on a frequent basis for both planned and unplanned events. For example, BPD uses ICS for Baltimore's annual Fourth of July Fireworks show, the Artscape Festival, sporting events in the city's stadiums, and VIP visits, as well as informally in festivals, marathons, community/neighborhood celebrations, severe weather occurrences, local disasters, and relief efforts.[89]

Although, BPD uses ICS to manage events large and small, during the January 9, 2011 incident, there was no clear indication that the police response to the scene was effectively managed using ICS or any other command system. Once the on-scene commander placed a call for any free units, over 30 officers from a number of different divisions responded.[13] These included uniformed officers from various districts, plainclothes units, and also non-BPD units whose radios capture calls for Signal 13s ("officer in trouble"). When the units arrived on scene, they did not receive direction on what to do and, therefore, were left to their individual discretion. Some did not report their arrival to the city dispatcher. Some officers went inside the club, some to the front of the club, and others to the parking lot perimeter. The result was a disorganized response, with supervisors and officers acting on their own without a sense of clear purpose.

The lack of supervisory command of the scene and the disorganized police response left the officers with no clear direction on how to approach and disperse the crowds. The lack of direction contributed to a situation where officers individually self-deployed without sufficient consideration for safety issues. It was not until

after the shooting occurred that the police employed ICS and established command posts at the hospital and at the club.

While the IRB was able to discern from witness testimony, 9-1-1 recordings, and written statements that command and control had not been sufficiently established at the scene, other questions remain unanswered. The officers, supervisors, and Deputy Major Partee—the acting Central District Commander and on-scene commander, refused to answer the IRB's questions, on advice of legal counsel. Unanswered questions for the Deputy Major and others include the following:

- What brought you to Select Lounge?
- What circumstances did you observe that caused you to decide to close Select Lounge?
- What actions did you specifically take while on the scene?
- How did you coordinate the 30 responding units to accomplish the mission at Select Lounge?
- How did you supervise the numerous plainclothes and uniformed officers that arrived in response for your call for all available units?
- Why did you choose not to implement ICS to manage this incident?

The answers to these and other questions hold the key as to why, for this particular incident, supervisors did not initiate a command structure. Such knowledge would be helpful in training other supervisors and commanders to be vigilant in maintaining command discipline during difficult situations.

Findings and recommendations

Finding 4.1: The call for any free units to respond to the scene created a mass, decentralized response, making it difficult to organize the officers into squads for assignments and to expedite dispersal of the agitated crowd.

Due to the lack of an Incident Commander and incident management protocol, the officers who were called to Select

Lounge were not given clear instructions on *where* to report, *to whom* to report, or *what specific tasks* needed to be accomplished to control the situation. Accordingly, there was little or no situational awareness beyond what individual officers could see and no specific tasking or deployments made according to the evolving flow of the crowd. As a direct result, there was no unified front on behalf of the officers to control the crowd, which was slowly becoming more unruly and disorderly. The officers who responded to the scene were, in large part, acting as individual police officers rather than as an integral part of a larger unit deployed for specific tasks. A Baltimore Police Firearms Training Commander noted that it "should have been a goal of police personnel to show a unified front, to send the appropriate psychological message of control and professionalism to the crowd, in hopes of preventing it from mutating to a mob."[66] With no unified front, the police appeared as a disorganized group, which hindered their ability to efficiently control the closing of the club and disperse the large crowd in an expedited fashion. The apparent disorganization of the on-scene police and the mass exodus of the club patrons contributed to the disorder.

BPD's *General Order G-5 Procedure for Assist an Officer Call* notes that the "primary responsibility of the supervisor dispatched to the scene is to ensure field units adhere to the policy of controlled response and to expedite the return to service of all vehicles not required at the location of the assist. Supervisors shall also identify, for appropriate remedial action, units failing to discontinue response after the communications section dispatcher has broadcast a "10-32."[28][67] However, the call for multiple units to respond without following proper command and control protocols created a disorganized scene, leading officers to assign themselves independently to various responsibilities.

Recommendation 4.1.1: The IRB recommends that BPD develop, test, and implement a strategic plan for incident response in club/bar situations. Strategic and tactical incident

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[28] "10-32" is a call indicating that there are sufficient units on scene.

response plans should be based on rigorous analysis and lessons learned from prior incidents.

Current training on incident command is not tailored to specific types of incidents. While training is a first step toward effective police response, tailoring that training to specific and recurring problems is essential to the strategic planning of the police department.

Finding 4.2: Less than half of the responding BPD officers reported to the Computer Aided Dispatch (CAD) system, which made tracking and managing the officers more difficult, despite General Orders requiring units to identify themselves as they responded to the scene.

Communications systems and computer aided dispatch play a crucial role in incident command, as well as post-incident accountability and assessment. CAD systems and proper radio protocol help officers on scene keep track of each other. They also, allow supervisors and dispatchers to allocate police resources more effectively and efficiently.[9]

General Orders regarding communications were not followed in the Select Lounge incident. Under the *G-1 General Order for Departmental Radio Communications System – Emergency Response*, officers must notify the dispatcher upon arrival that they are on scene and then, upon leaving the scene, they again must notify the dispatcher. In addition, Baltimore's *General Order G-1* also dictates that "the supervisor on the scene monitors response calls for service, downgrades inappropriate Code One responses and upgrades Code One, as needed, as well as increases/decreases the number of units assigned to calls for service as necessary."[65]

After the on-scene Commander called for all available units to report to Select Lounge, over 30 officers initially reported to the scene (including command and supervisory officers); however, of these 30 or so officers who responded, less than half called in to dispatch and/or updated CAD to reflect their arrival to the scene.[9] This made it difficult for the senior commanding officer and

dispatch to keep track of and manage officers who responded. Related to this, the commanding officer did not know which officers were standing by and which were taking action. Ultimately, the scene was flooded with officers who did not have specific assignments, including Officer Torbit.

Recommendation 4.2.1: The IRB recommends that BPD enforce the existing CAD system policy for command and control and officer safety.

More than 50 percent of the officers on the scene were not recorded in the CAD system. This is an indication that supervisors and commanders are not requiring officers to follow policy, which negatively affects deployment management. Along with the enforcement of existing CAD policy, training on the proper use of the CAD system should be conducted to ensure that all officers are aware of the protocols and importance of reporting into the system upon arrival to a scene. Furthermore, supervisors need to use the radio more effectively to establish command and control early, as well as to give clear directives and deployment options efficiently.

The Internal Investigation Divisi on or Compliance Officers should monitor the CA D system and v oice radio protocols and traffic periodically to ensure compliance with this policy.

Finding 4.3: The breakdown of response to the Select Lounge incident was, in large part, the result of failure to establish incident command, as trained by BPD.

According to the *Baltimore Police Academy Lesson Plan* for crowd control operations, the first unit on the scene is tasked with evaluating and communicating incident needs to the supervisor.[53] According to the *24-Hour Crime Report* provided by the Homicide Division for this incident, responding officers called for additional support once it was clear that backup was needed to disperse the crowd out of the club and parking lot.[13]

The lesson plan also states that the on-scene supervisor is responsible for assessing the situation, evaluating the location of the command post, and making sure that an adequate number of

officers are on the scene. In the January 9, 2011 incident, once the supervisory officer arrived on scene,[29] he called for all available units, though the specific reasons for the call were not documented and remain unknown. Despite the call, he did not provide a method for these officers to report and organize, and instead simply ordered them to respond to the front of the club and the parking lot.

The National Incident Management System (NIMS) identifies 14 management characteristics that are crucial to the success of an incident command system; many of these are related more to resource utilization or communications than strictly to management and coordination of incident response.[63] One of the key concepts of ICS that directly relates to this incident is “manageable span of control.” Span of control is key to effective and efficient incident management. Supervisors must be able to adequately supervise and control their subordinates, as well as communicate with and manage all resources under their supervision. The type of incident; nature of the task; hazards and safety factors; and distances between personnel and resources all influence span-of-control considerations.

It should be noted that this feature of NIMS/ICS is not as rigid as it is sometimes understood to be. While the doctrine and training materials for ICS emphasize that the span of control of any individual with supervisory responsibility for incident management should range from 3 to 7 subordinates, with 5 being optimal, these materials also state that during a large-scale law enforcement operation, 8 to 10 subordinates may be optimal.[63] It follows logically, then, that the span of control doesn’t need to be any exact ratio, but—especially in complex law enforcement operations—must be whatever ratio the incident commander and section chiefs are comfortable with, so long as the other management concepts of ICS are met.[63]

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[29] The IRB was unable to learn when Deputy Major Partee arrived on scene. Deputy Major Partee did not report his arrival, but he is recorded calling for “any free units” to respond and close Select Lounge and directing the units to respond at approximately 1:15 a.m.[8]

Maintaining an accurate and up-to-date picture of resource utilization in light of an unfolding situation is a critical component of incident management and emergency response.[53] Commanders must therefore be skilled at incident command and practice regularly to acquire such skills. In this case, the on-scene commander did not exhibit these skills. He had not made arrangements for continuous situational awareness. For example, Deputy Major Partee seems to have been unaware that the BPD deployment was very thin in the parking lot, where there were numerous fender benders and arguments escalating, and little to no consideration seems to have been given to the span of control. In his brief, formal memo to the commanding officer, he reports that he remained inside the club, hearing on the radio reports of numerous fights in the parking lot.[7] However, he does not mention considering establishing ICS, supervisory span of control, or officer safety elements.[7]

However, post-shooting incident command was implemented, but not by the on-scene commander; sergeants and lieutenants self-initiated forms of incident control. After the mortally wounded officer had been transported to the hospital via a patrol car, an officer noted that he set up a command post at the Shock Trauma.[64] In addition to this, it was also after the shooting that a formal perimeter and crime scene management were established. The on-scene commander called for a meeting of all units involved at a location close to Select Lounge, but the IRB has no information as to what was discussed at the meeting.[44]

Recommendation 4.3.1: The IRB recommends that BPD update standard operating procedures for incident management and incorporate the International Association of Chiefs of Police model policies for incident management.

The IRB recommends that BPD update current procedures and incorporate model policies for incident command to address any potential gaps. These are best practices, which are available to all law enforcement agencies as basic guidelines for police operations and command. They include adapting to ICS/NIMS requirements.

Recommendation 4.3.2: The IRB recommends that BPD develop established protocols for club closures and other

similar events, as well as have the incident commander assign roles and responsibilities to the responding officers.

Officers and their supervisors should follow protocol and guidelines for incident command and establish command and control using agency guidelines. Through incident command, officers are assigned roles and responsibilities by the commander in charge, according to a plan to efficiently mitigate the disorder and aid in crowd dispersal. The incident commander should manage the overall response and control the deployment of arriving officers to maintain order, prevent injury, and prevent property damage.

Recommendation 4.3.3: The IRB recommends that BPD conduct additional incident management training and practice incident command and scenario-based exercises, as well as review and revise existing training policies and procedures.

BPD should conduct additional incident management training and exercises, with a particular focus on supervisors and commanders. Furthermore, the BPD should create, test, and implement a strategic plan for incident command in club and bar situations. Regular drills and reinforcement of command and control principals and best practices can help supervisors and commanders become more comfortable and skilled at managing regularly occurring events, such as club and bar disorders. This training should be informed by actual after-action assessments of their own ICS implementations and reviews, as well as analysis of the problems that the police might encounter through problem-oriented policing methods. Commanders should also be regularly aware of existing research on the command and control practices, as they should be with many other aspects of police work.

Regular training in policing is essential to an effective, efficient, and safe police force. Yet, learning the craft of BPD policing is often done in an ad hoc, informal, unsupervised, and decentralized manner. Leadership and command is often incorrectly believed to arise from experience or from an individual's personality. This approach to policing is dangerous and problematic. Leaders, from first-line supervisors to the Chief Executive, must undergo regular training, drills, and knowledge-acquisition related to the skills needed both for their specific rank and responsibilities, and for

policing, more generally. With regard to responding to club and bar scenes, such training might include commanding large numbers of officers from different units, commanding multi-environment situations (inside and outside, daylight and darkness), and using radios effectively and efficiently. Training might cover how to deliver directives and reminders clearly and quickly, such as staying with a partner or reporting back to dispatch frequently. Furthermore, such training requires pre-planning about decisions, such as sending key witnesses to the hospital or potentially providing medical treatment prior to securing the scene.

Additionally, the Training Command should stay current with leading law enforcement training practices. Commanders and trainers from the training division should be included in after-action reviews, use of lethal force review boards, and any investigations involving policies and disciplinary hearings. Where policies and rules need revisions, changes should be made, and where non-compliance issues exist, the personnel and their supervisors should be held accountable.

5. Criminal and internal investigations

Overview

In the case of officer-involved shootings in the Baltimore Police Department, two separate investigations take place: homicide (criminal) and internal (policy compliance) investigations. Both investigations focus on the facts and circumstances of the incident, but the investigations have separate and distinct missions. The homicide investigation includes systematically examining the facts and circumstances to determine whether there is reasonable cause to believe that criminal law has been violated. The internal investigation is also systematic, but focuses on whether BPD policies were followed. While the Homicide Division’s investigation is given to the State's Attorney to review for prosecution, the Internal Investigation Division’s (IID’s) investigation is strictly focused on policy-compliance and cannot be shared with criminal investigators or prosecutors. Unlike criminal investigations, the

constitutional protections against self-incrimination do not apply to internal investigations, according to U.S. Supreme Court decision *Garrity v. New Jersey (1967).*[68] Both types of investigations are essential for public accountability and to ensure that BPD performs its demanding tasks with integrity and professionalism.

The IRB was not charged with recreating the criminal investigation of these shootings. However, in the scope of the IRB's duties and examination of BPD's response to this incident, a number of issues emerged concerning BPD's policies and practices in the investigation of officer-involved shootings. These issues involved BPD's policies and practices between the Homicide Division and the IID. In these investigations, the ability of the Department to conduct internal affairs investigations effectively, given its existing practices, appears to be unnecessarily delayed and unresponsive to its mission.

According to BPD policy on police-involved firearms discharges, both the criminal and internal investigations are to take place at the same time. The "Supervisory Response and Reporting" of these incidents calls for the inclusion of IID in responding to an incident; however, the Homicide Division retains control of the scene.[69] Thus, in officer-involved fatal shootings, policy requires that an IID investigator be dispatched to all police-involved shootings and permits them to observe and access all records, evidence, statements, and findings. Additionally, the IID should dispatch the officer on duty (normally a sergeant) to the crime scene.[69] This officer shadows the criminal investigation and completes the required IID *24-Hour Crime Report*, which is forwarded to the Director of IID.[69]

However, BPD practices diverge from policy. Although the policy permits parallel investigations of incidents by IID and Homicide, the IID defers to the Homicide unit until that investigation is completed and the State's Attorney's Office has issued a finding. The homicide investigation can take considerable time, and the State's Attorney requires sufficient time to review the case, make a decision, and make that decision public.

Once the homicide investigation is completed and the State's Attorney's Office issues a finding, the internal investigation begins.

This process may take an additional three to six months. According to the cases *Garrity v. New Jersey (1967)* and *Lybarger v. City of Los Angeles (1985)* [70], the officers involved in shooting incidents can be compelled to answer questions from an internal affairs/investigatory unit as a condition of employment; however, their answers cannot be used against them in a criminal investigation.[30][68, 70] In addition, these cases also state that officers must be advised of their legal rights prior to questioning. According to the IRB interview with the IID Commander, BPD's IID also has the authority to compel the officers to provide a statement. However, IID does not compel these statements until the homicide investigation is complete, because of the belief that it can interfere with the homicide investigation.[71] The concern is that if BPD IID were to question officers during the same period of time that homicide investigations are being conducted—in view of the fact that anything said to IID would not be admissible in a criminal case on grounds of self-incrimination—confusion and possible contamination could result. The Homicide investigators as well as prosecutors, contend that IID's presence may foreclose answers relevant to the criminal case; they traditionally harbor the inchoate fear that simultaneous investigations will somehow compromise their own. As a result, IID conducts its investigation and interviews after the homicide investigation and State's Attorney's investigation are completed, while maintaining an awareness of the homicide investigation.[71]

It should also be noted that once an officer-involved shooting occurs, officers on the scene may write a *Preliminary Police-Involved Discharge of Firearms Report Form-99* memo, in which they very briefly describe what happened. Some officers write this in the presence of an attorney, and it appears that agency culture defaults to the protections of Fraternal Order of Police (FOP)

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[30] *Garrity v. New Jersey (1967)* states, "The protection of the individual under the Fourteenth Amendment against coerced statements prohibits use in subsequent criminal proceedings of statements obtained under threat of removal from office, and extends to all, whether they are policemen or other members of our body politic."[68]

attorneys as soon as an incident occurs.[31] Indeed, the IRB found that some officers and commanders not involved in the shooting but who were at Select Lounge also retained attorneys. Officers involved in the shooting are often not re-interviewed by Homicide detectives because they invoke Fifth Amendment protections with regard to the criminal investigation. Because the internal investigation is delayed, they are not interviewed by IID. Officers at the scene who were *not* involved in the shooting are often not interviewed by IID during the investigation because of the practice of delaying the IID investigation. This also delays the Department's ability to determine what policies were violated or how it might improve its practices. Indeed, the officers called in front of the IRB refused to speak to the IRB on the advice of the FOP counsel, even after the criminal investigation had concluded. Moreover, given that IID may not be seeking the type of broad understanding of policy improvements that the IRB seeks, it is uncertain whether the IID would call upon these officers, and if they were called, whether they would be asked questions similar to those the IRB had prepared.

Once IID completes its investigation, the case file is delivered to the Commissioner if no policy is violated.[71] If there are violations, the case is forwarded to the Charging Committee. The Charging Committee is comprised of civilians and a commander who were appointed by the Commissioner. The Committee reviews the case and provides recommendations with respect to the charge. After all investigations are completed, an ad hoc firearms review board is supposed to be formed and convened.[69] Although called for in the *General Order G-10*, forming such a firearms review board is not a common practice in BPD.[69] It is uncertain when such a review board was last convened.

Figure 5 below provides a visual representation of BPD practices on investigating a police-involved shooting. The red boxes identify

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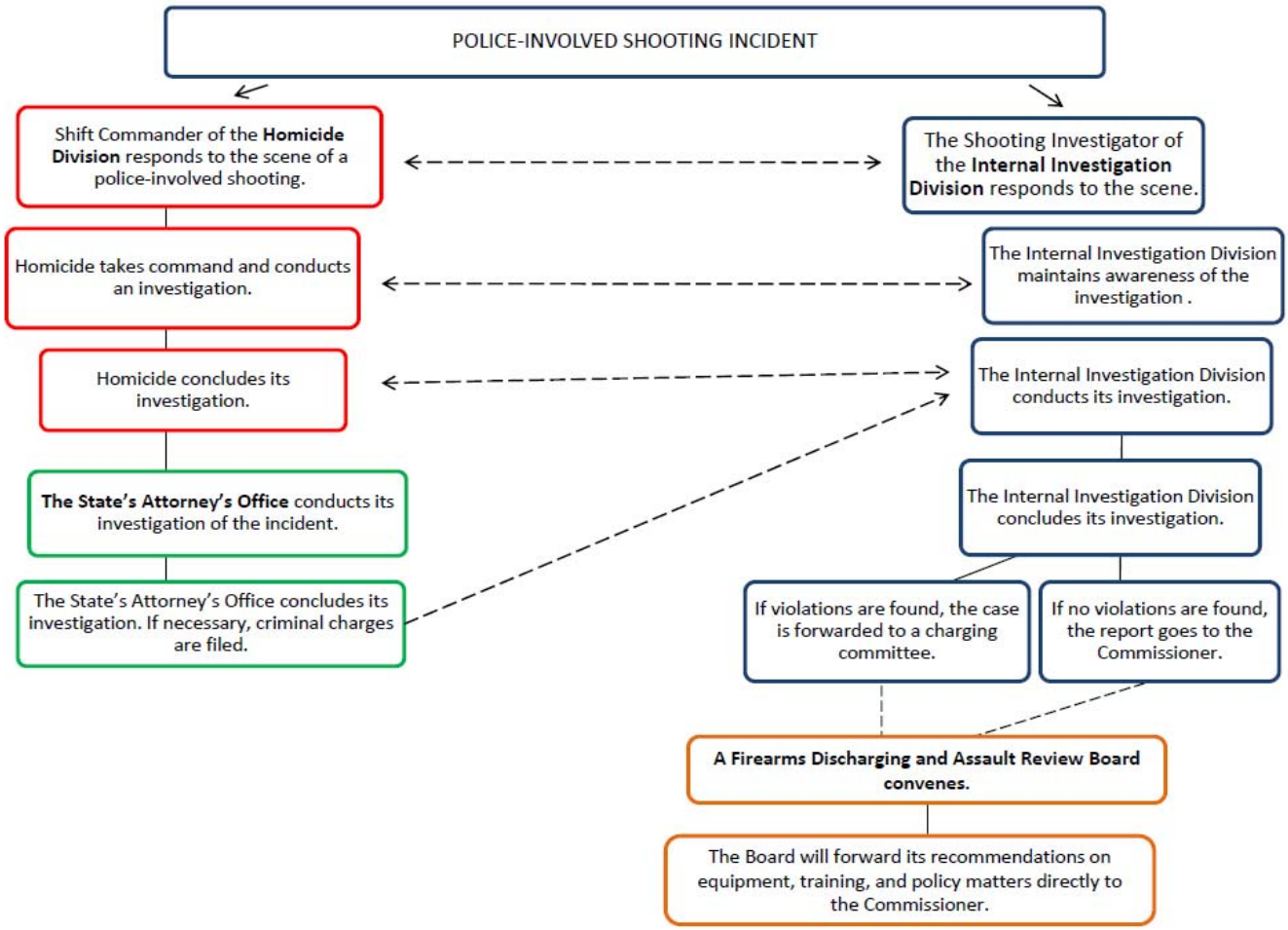
[31] The IRB does not mean to imply or suggest that seeking and accepting the advice of counsel is in any way inappropriate. While the jeopardy of criminal prosecution may be remote, the threat of civil ligation may not be.

the homicide/criminal investigation, the blue boxes identify the internal/policy investigation, the orange boxes identify the Firearms Discharge and Assault Review Board, and the green boxes identify the State's Attorney's Office investigation.

Figure 5. BPD's practices on investigating a police-involved shooting



Findings and recommendations

Finding 5.1: The inability to conduct accurate ballistics analysis on the shots fired made it impossible for the firearms examiner to determine who fired the shots that struck Officer Torbit and Sean Gamble.

The Glock .40 caliber automatic pistol is currently the standard issue for BPD officers and for many other law enforcement agencies in the United States. This specific type of weapon "does not have a cut shoulder to mark a bullet" in the weapon's barrel.[83] The lack of unique identifying marks on the bullets makes it forensically impossible to trace a bullet and match it to a particular weapon, therefore making it hard to identify the responsible shooter and his/her position. Being able to identify the weapon and officer is especially important in conducting investigations in officer-involved shootings. Without ballistic investigation of the bullets that struck the victims, it is not possible to match the discharged bullets to the specific officers who fired the rounds.

In the January 9, 2011 incident, the bullets retrieved from the scene provided no evidence to determine which officers shot from which locations. As a result, other methods had to be used to substantiate officer statements and crime scene evidence, such as using bullet casing clusters to determine the location of the shooter. Using the bullet casings, however, only allowed crime scene and firearms investigators to place the shooters in general areas but not specific positions.[83]

Recommendation 5.1.1: The IRB recommends that BPD conduct further research into the costs and benefits of the Glock weapons and consider using alternate weapons or some modification to the barrels to ensure accountability in the future.

Many law enforcement agencies at the local, state, and federal levels have adopted the Glock .40 caliber automatic pistol for its ease of use and effectiveness for law enforcement. However, the Glock design does not leave unique ballistic impressions on the

bullet (projectile); thus, ballistic examination is unable to differentiate bullets recovered at a crime scene and match them with the gun that fired them. This is particularly important for police departments where many officers are using the Glock .40 caliber automatic pistols in lethal force situations. Without this capacity to match the bullet with the gun that fired it, it is virtually impossible to assign accountability.

Finding 5.2: BPD did not establish a photo log of the crime scene.

During the IRB's research of this incident, it had to examine crime scene photographs. The photos taken at the scene by BPD evidence technicians were not captioned or catalogued, and they did not include narratives describing what the photos were documenting. There was also no overall photo to orient the viewer to the crime scene layout. Properly documenting the crime scene allows others—including IID, Homicide, and external review boards—the ability to become familiar with all aspects of the case to achieve an accurate depiction of the crime scene and all the aspects of the investigation.

Recommendation 5.2.1: The IRB recommends that BPD closely examine its practices regarding crime scene processing and follow best practices.

The IRB encourages BPD to ensure that its crime scene technicians stay up-to-date on current research regarding forensics processing, solvability, and case clearances. Lessons learned can be helpful from this case and from resources available on crime scene processing, which are available from the National Criminal Justice Reference Service. There are also respected training aides, such as Crime Scene Photo Log curriculum, which is used by the State of Connecticut Police Forensic Examiners, as well as other well-accepted practices by leading police agencies, such as the Charlotte-Mecklenburg, Oakland, and Los Angeles Police Departments.

Finding 5.3: BPD's reporting process for a police-involved shooting incident is confusing, making it difficult to determine whether officers followed proper procedures.

Currently, three BPD policy documents reference procedures for police firearm discharges: the *Baltimore Police Department's Operations Manual,* the *General Order G-10 Police Involved Firearms Discharges: Supervisory Response and Reporting,* and the *General Order K-15 Use of Force*. The *Baltimore Police Department's Operations Manual* states that officers involved in a use of force incident have until the end of their "tour of duty" to submit a Use of Force Report and 10 days to submit a written statement to their supervisor.[75] The *Baltimore Police Department's Operations Manual* does not reference specific reporting requirements or *General Orders G-10* or *K-15*, only noting the response requirements for a police-involved discharging of a weapon.[75] When referencing *Baltimore Police Department's General Order K-15* for further instruction, the order notes that when the use of reported force involves the discharge of a firearm, the direction given in *General Order G-10* supersedes that of *General Order K-15*.[76]

General Order G-10 also fails to identify any specific reporting requirements for the officers directly involved in a police shooting; rather, it notes that the Lieutenant or Sergeant in Charge of the Members (officer involved) "complete the required Use of Force reporting, in accordance with *General Order K-15*, when directed to do so by your Commanding Officer."[69] The fact that *General Order G-10* references *General Order K-15*, which then references *General Order G-10*, makes determining which reports are required unclear. In addition, as noted by *General Order G-10*, all reporting on the use of force by the lieutenant or sergeant in charge is only to be completed "when directed."[69] According to correspondence with an officer within BPD's IID Ethics Section:[77]

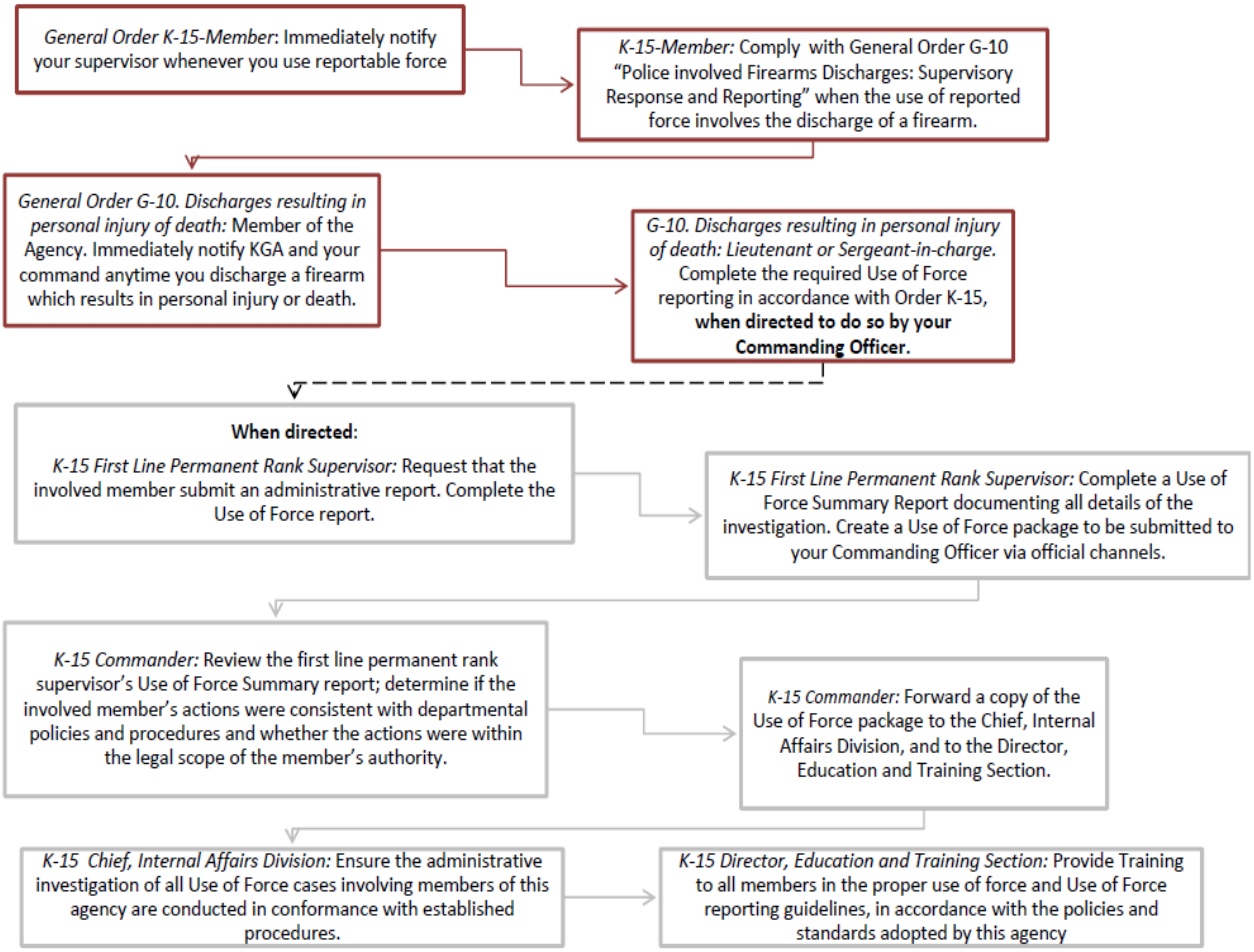
> *"Per existing policy, in non-fatal and/or fatal police-involved discharging incidents, use of force reports and a review report for compliance[,] which is normally completed by the first-line supervisor, are not required... These reports are only completed in these situations by order of the Chief of the Criminal Investigation Division... [A]s a matter of*

common practice, they are rarely completed in these instances."[32]

Figure 6 presents the steps officers and their supervisors typically follow when reporting incidents that involve use of force. BPD only practices the first four steps, and because this case involved a police shooting, the reporting process was halted before the supervisor and commander could form opinions of whether policy and procedures were followed.

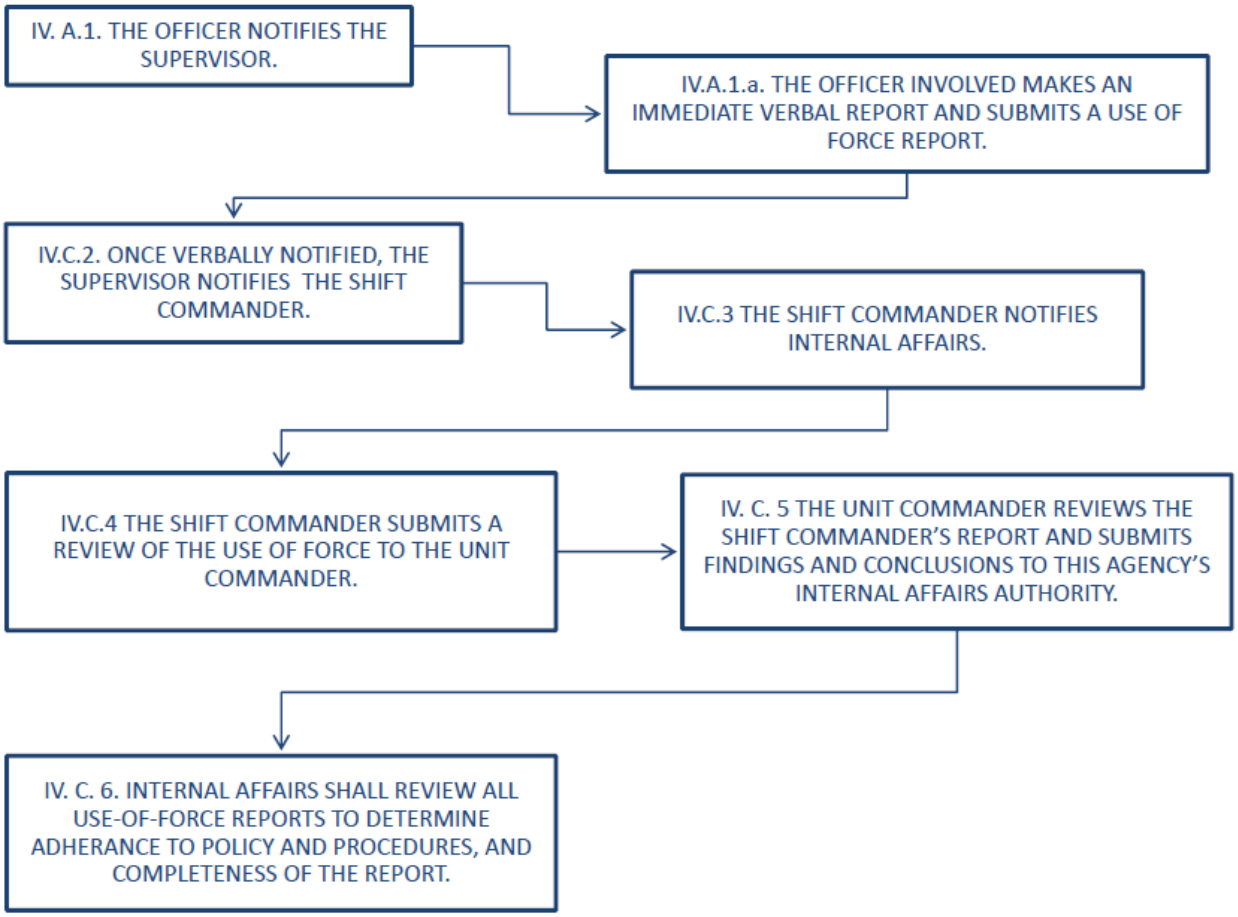
[32] The January 9th incident also involved the use of tasers on two individuals.[5, 35] There were no use of force reports for these two tasing incidents.

Figure 6. BPD's practices on reporting the use of force



In contrast to BPD's complex set of orders, rules, and practices, the International Association of Chiefs of Police (IACP) Model Policy for Reporting Use of Force states, "Each officer who uses force in an incident shall submit a separate written Use of Force Report."[78] This model policy does not discriminate against situations where a firearm is used; it calls for a report in every instance. In addition, this model policy also calls for a Use of Force Report from the supervisor. In situations involving death, the supervisor would assist IID in conducting an investigation of the circumstances and the officer's role and actions.[78] Figure 7 demonstrates the process for reporting an incident with use of force, according to the IACP model policy.[78]

Figure 7. IACP's model policy on reporting the use of force



If BPD supervisory officers for police-involved shootings were to complete a Use of Force Report as they would an incident not involving the discharge of a firearm, any issues in compliance could be highlighted as the investigation unfolds, rather than after all investigations are completed. In contrast to BPD policy, the IACP model policy is more streamlined, it does not limit reporting in incidents where firearms are used, and it calls for the shift commander to submit findings and conclusions to Internal Affairs.[78]

Recommendation 5.3.1: The IRB recommends that current reporting policy regarding the use of force in police-involved shootings be re-examined and updated to call for Use of Force Reports from both the officers involved and from their first-in-line supervisors—in every case.

BPD should follow required reporting practices for all use of force incidents, especially those involving deadly force. Both the officers involved and their first-in-line supervisors should complete these reports, regardless of whether ordered to do so by their commanding officer or the Chief of the Criminal Investigations Division. Updating both *General Order K-15* and *General Order G-10* to include this modification will ensure that the actions of the police are appropriately documented and can be utilized in the both the criminal and internal investigations, if needed. In addition, the positive reporting requirement will allow for "accountability [in the use of force] in order to safeguard the rights of the public and preserve the integrity of the police agency and the jurisdiction that provides this authority."[78]

Finding 5.4: BPD did not regularly conduct analysis of the use of force at the time of the incident, resulting in a continued lack of understanding about police-related shootings.

The IRB examined BPD reports of past shootings, which only recently were being digitized for future analysis.[88] This reflects a lack of proactive analysis. However, IID should regularly analyze and examine officer use of force, whether involving a gun or other weapon. Such information could prove invaluable in assisting police leadership in proactively addressing training and identifying trends that may not reflect best practice and BPD policy.[82]

Recommendation 5.4.1: The IRB recommends that BPD establish regular and proactive systems to examine and update information and analyze patterns in police use of force.

Although fatal police-on-police shootings are rare events, a recent report by the New York State Task Force on Police-on-Police Shootings discusses the importance of agencies examining the

phenomenon carefully in order to avoid future tragedies.[55] The report emphasizes that the likelihood of officer confrontation with other officers and with citizens for reasons of mistaken identity, miscommunication, or poor incident command may be higher than what is documented.[55]

Recording and analyzing police actions and the consequences of those actions should be a departmental priority, so as to understand and prevent mistakes in the future.[82] A good step toward such a goal is the creation of independent review boards to identify issues of concern. However, such boards are often convened after a tragedy has already occurred and are focused only on the facts at hand. Other internal divisions, such as Crime Analysis, Research and Planning, or Internal Investigation, can play an important role in assuring the accurate reporting and analysis of incidents to better understand officers' actions, and ultimately, how these actions are connected to effective service.

The IRB also recommends that BPD update training and emphasize positive reinforcement by supervisors.

Finding 5.5: BPD's current practice of deferring an internal investigation until after the homicide investigation and the State's Attorney's ruling in officer-involved shooting incidents unnecessarily delays the Department's ability to fulfill its responsibility to determine compliance with policy or any policy shortcomings.

Although BPD policy and procedures regarding police-involved shootings suggest that criminal and internal investigations are conducted simultaneously, it has become common practice for IID to wait to formally begin its investigation until after the conclusion of the homicide investigation process and after the State's Attorney has made a decision.[71] This is also what occurred in the shootings of Officer Torbit and Sean Gamble. The IRB finds that the delay from this practice serves little public or police agency interest. It impedes the Department from determining what happened and what corrective actions need to be taken to avoid a similar situation. It is also a cultural practice that does not conform with the policy of parallel investigations as implied in BPD's policies

on police-involved firearms discharges. This can also leave family members of victims, the community, and the police department without a resolution, potentially for over a year. This drawn-out process can create further conflict and anxiety among the Department; the officers who are the subjects of investigation; victims and family members; and the community.

The IRB believes this deferment of IID to Homicide and the State's Attorney regarding major incidents such as police-involved shootings is unwarranted, especially given the protections afforded by *Garrity v. New Jersey (1967)*. According to the IID Commander, this process for investigation between IID and the Homicide Division, although not necessarily the most efficient, is one of necessity for BPD, especially when dealing with shortages in staff and resources in their daily operations.[71] However, it is unclear how staff shortages may matter in the parallel investigation of officer-involved shootings.[33]

Furthermore, it should be noted that in this case, the IID sergeant reported to the scene and received the preliminary case information.[71] However, no formal IID *24-Hour Crime Report* was completed.[90] This is another area where *General Order G-10* was not observed in practice.

Recommendation 5.5.1: The IRB recommends that BPD conduct the criminal and internal investigations in parallel for officer-involved shooting situations.

In most police departments across the country, the criminal investigation and internal investigation for officer-involved shootings are conducted simultaneously. According to the *Seattle Police Department Survey on Investigations of Officer-Involved Shootings*, over 60 percent of the police departments that

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[33] IID is comprised of 35 detectives, 11 sergeants, 2 lieutenants, and 4 civilians.[71] Currently, the locations of their 49 open cases involving officer shootings are as follows: 11 in the Homicide Unit, 18 in the Assistant State's Attorney's Office, and 20 in the Internal Investigation Division. In total, IID has approximately 260 open/active investigations.[71]

responded to the survey noted that the investigation of officer-involved shootings is typically conducted as a dual effort by internal units.[72] Over 50 percent of the larger law enforcement agencies noted that Homicide served as the lead in these investigations.[72] For example, the Denver Police Department includes Internal Affairs investigators in the Homicide investigation. Internal Affairs typically receives full access to the investigatory materials, such as tapes and transcripts of interviews from the homicide investigations. Internal Affairs is also allowed to request that Homicide conduct further questioning of the officers involved if there are gaps in information that would prove useful to the administrative investigation.[73]

The IRB recommends that BPD follow its policy and adopt this practice, giving the IID equivalent power to conduct its investigations alongside and in collaboration with the Homicide Division. In conducting simultaneous investigations, it is important that both units display a level of professionalism, regard for the interests of the other, and a willingness to accommodate the investigations when appropriate. The IRB also suggests that more detailed roles, responsibilities, goals, and activities be clearly defined and described in a revision of the policy regarding the parallel evaluation of officer-involved shootings, and that re-training on new policies ensues.

The IRB also recommends that BPD discontinue *General Order C-9 Integrity Control Officer*,[34] since it is not used.[74] Keeping a policy in circulation that is not followed can cause confusion, misunderstandings, and a sense of disorganization within the Department.

The IRB recommends that the BPD examine the practices of agencies that practice simultaneous IID and criminal investigations,

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[34] General Order C-9 Integrity Control Officer. This General Order established an Integrity Control Officer to ensure compliance with departmental policies and procedures. Integrity Control officers are lieutenants and report directly to the commanding officer of the division, district, or section to which they are assigned. Currently, there are no Integrity Control Officers within BPD.[91]

especially regarding officer-involved shootings. Some examples might include the Denver, Seattle, Charlotte-Mecklenburg, or Oakland Police Departments.[72, 79–81]

Recommendation 5.5.2: The IRB recommends that the IID interview the BPD officers who used lethal force during the January 9th incident and conduct a systematic investigation into all the actions at the scene leading up to the use of lethal force to determine compliance with existing policies.

Given that Homicide Division has now completed its investigation, and given that the State's Attorney has submitted its ruling, the IRB strongly recommends that the IID carry out its investigation of this incident, and not simply rely on the results of Homicide's criminal investigation to guide its decisions. The IRB also recommends that IID not confine itself only to the actual discharge of firearms. Since IRB's mission is to improve internal practices and policies, we urge the IID to consider the totality of circumstances that surround this tragic event. As the IRB has discovered from its own charge, the decision to use lethal force by both Officer Torbit and the officers who shot him may be the result of a chain of events that can include a wide variety of mistakes in both practice and existing policy. Issues related to command and control, supervision, escalation of the use of force, and officer interaction with citizens all emerged from the IRB's research of this incident. This type of research and the knowledge that emerges from it can play a crucial role in IID's efforts to improve and perfect the policies and training regimens of the Department.

This investigation must be comprehensive and conducted with all deliberate speed and include a report to the Commissioner. Again, the IRB suggests that IID examine other police agencies and their internal investigation practices, as well as consult with police research groups and leaders for guidance.

The IRB finds that if Homicide detectives do not interview the officers who used lethal force, the consequence under existing practice is that BPD and its leaders are kept in the dark for 9–12 months regarding compliance with policies, procedures and training. BPD is also denied the opportunity to revise policies and procedures to ensure that mistakes are not repeated in the future.

IID has the responsibility and the capability to conduct simultaneous investigation into the officers' conduct surrounding the use of lethal force and should not be delayed.

Finding 5.6: BPD investigators did not interview the officers who used lethal force; instead, the officers involved in the incident prepared brief, formal memos summarizing their roles in the incident and did not provide specific details regarding their decisions to use lethal force.

After the incident occurred on January 9, 2011, the four uniformed officers who fired shots were asked to deliver written reports[35] to their supervisors about what they did at the scene. Two of the four officers involved did so; the other two officers did not submit their statements until almost a month after the incident.[36] Although these reports were requested and voluntarily delivered, the timeframe in which it took the officers to submit the briefest of statements summarized in a memo raises questions of whether the reports accurately capture the details of the incident.

The brief memos that the officers involved in the shooting provided to BPD were inadequate to inform a judgment regarding compliance with established policies and training, to make appropriate revisions, or to acquire improved safety equipment and technology for officer safety. Furthermore, the IRB attempted on two separate occasions to interview the four officers who discharged their weapons on January 9th (Officers Pawley, Dodge, Craig, and Williams), the on-scene commander (Deputy Major Partee), Lieutenant Clayton, and Officer Macmillan. However, they all declined to answer questions, on advice of legal counsel. The IRB's last attempt was an appeal to the Commissioner to order the involved personnel to appear on September 12, 2011, a full nine months after the incident and two weeks after the State's Attorney

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[35] The written reports are brief, one- to two-paragraph memos summarizing the event.

[36] This is not in compliance with the Baltimore Police Department's Operations Manual.[75]

declined any criminal prosecution. The personnel still declined to answer the IRB's questions, leaving the reasons for, circumstances of, and other details of their conduct unanswered.

Recommendation 5.6.1: The IRB recommends that if the BPD Homicide investigator is prohibited from interviewing the officers because of the assertion of constitutional protections, IID should interview the officers within 48 hours and compel their response under authority of *Garrity v. New Jersey (1967)*.

In a police shooting with two deaths and four others shot, it is essential that accurate statements of those involved are taken in a timely manner rather than summarized into a brief memo. Not having a complete picture of the incident can leave gaps in the gathering of lessons learned from the incident, which could benefit the entire BPD and the Baltimore community. If BPD is unable to gain an understanding of how and why events occurred as they did or whether mistakes occurred, the Department will be unable to implement the appropriate training and updates to the policies and procedures that would help ensure that a similar incident does not occur.

IID should ask detailed questions regarding the officers' decisions, perceptions, and actions. According to the *Denver Report on the Use of Deadly Force*, the Los Angeles County Sheriff's Department's police require its Internal Affairs Bureau to re-interview the involved officers.[73] In addition, the policy also states that new or additional interviews of other witnesses be conducted when necessary.[73]

Currently, BPD policies do not provide detailed guidance for the content of the memos or even require a memo to the Commanding Officer. The necessary official investigation needs full access to all evidence to make findings. The discharge of Firearm/Use of Deadly Force Reports should include a detailed description of what an officer saw and knew at the incident. An officer must describe the facts and circumstances upon which he/she formed a decision to use deadly force. The policy guidance for the reports and memos must require identification of the pertinent policy elements that apply in the officer's mind, how the officer assessed the imminent threat, and what steps he/she took to mitigate the risks of

using deadly force where others not involved could be endangered by the police discharge of firearms. Where constitutional protections prevent Homicide from interviewing officers, no such protection extends to officers providing information to IID; however, IID statements cannot be used in the Homicide investigation or criminal prosecution.

Finding 5.7: BPD's policies and procedures provide for a Firearms Discharging and Assault Review Board; however, the Department has not convened the Review Board in several years.

According to BPD's *General Order G-10*, "All firearms discharges by departmental personnel and assaults against departmental personnel, while they are acting as a law enforcement officer, which involve the discharge or attempted discharge of a firearm, will be reviewed by an ad hoc board."[69] In addition, the board is responsible for reviewing all incidents as they pertain to equipment, training, and policy matters, and then forwarding any recommendations to the Police Commissioner. According to BPD, this process was not conducted for the January 9th incident. It is unclear to the IRB why the Firearms Discharging and Assault Review Board was not used in this incident or why it has not been used in past shootings involving police personnel.

According to the U.S. Department of Justice:[92]

> *"An internal...review should be conducted of all firearms discharges by officers...and of any other use of deadly force...*
>
> *The review should determine whether firearms discharge or other use of deadly force was within agency policy and reasonable and necessary, and if not, whether, and what discipline should issue; indicates a need for additional training or counseling, or any other remedial measure for the involved officer; and suggests the advisability of revising or reformulating agency policy, strategy, tactics, or training.*

> *To the extent possible, the review of the use of force incidents and use of force reports should include an examination of the police tactics and precipitating events that led to the use of force, so that agencies can evaluate whether any revisions to training or practices are necessary."*

The Charlotte-Mecklenburg Police Department (CMPD) provides a promising model for high-quality review of all police-involved shootings. CMPD has developed a Police Officer Shooting Team (POST) as a means to "establish guidelines detailing responsibilities of all CMPD personnel responding to any police shooting incidents resulting in death or personal injuries and the subsequent criminal and administrative investigations."[79] The POST is composed of Homicide, Internal Investigation, and Crime Scene Search personnel and is activated if the patrol sergeant at the crime scene determines that the incident qualifies for a response by POST.[79] The POST ensures that both the criminal and administrative aspects of an incident are reviewed simultaneously with efficiency and accuracy.

In addition to CMPD, the Oakland Police Department (OPD) also successfully uses a shooting team to conduct a formal inquiry as a Force Review Board:[80]

> *"The Force Review Board is convened to evaluate force investigations, in-custody death, or vehicle pursuit-related death investigations, and any related administrative or criminal investigation."*

The board is composed of the three deputy chiefs (as voting members) and the head of training, patrol, and Internal Affairs as *ex officio* members, and it is used to "determine whether the force used was in compliance with departmental policies and procedures and will identify any policy revision, training, tactical, or other issues related to the use of force."[80]

The Denver Police Department has also successfully implemented a Use of Force Review Board. The policy states:[73, 81]

> *"The Board is investigative in nature and is responsible for making recommendations on*

> *administrative justification, Internal Affairs investigations, Department policy modifications, training[,] and commendations. The Board is empowered to classify a case as Unfounded, Exonerated, Not Sustained, or Sustained, and specify what disciplinary action, if any, should be taken."*

Recommendation 5.7.1 The IRB recommends that BPD activate a Lethal Force Review Board to conduct a systematic review of any police-involved shooting, using both the Homicide and IID investigations.

BPD has authorized an Ad Hoc Force Review Board, but it has not convened in years, if ever.[91] The Lethal Force Review Board should follow well-established practices from CMPD, OPD, and Denver PD, and adapt them to Baltimore's specific needs. The Lethal Force Review Board should convene within 30 days of the completion of the IID incident report.

Recommendation 5.7.2 The IRB recommends that BPD initiate an after-action review, incident reconstruction, and analysis for all lethal force incidents.

The IRB considers the use of lethal force to be the most serious action a police agency can take against another human being and should be treated in a special category. Accordingly, in an instance of lethal force, a systematic inquiry should include analyses of policies, rules, and training, coupled with a formal reconstruction of the incident, as well as lessons learned. The after-action review and analysis should be conducted by independent experts with specialized experience in law enforcement or by appropriately trained and objective BPD command personnel.

6. Police legitimacy, trust, and interactions with citizens

Overview

One of the most important assets that police officers or agencies can garner is the legitimacy afforded to them by citizens and the community. In modern democratic policing, this belief that legitimacy, trust, and transparency matter is widely shared among community leaders, scholars, and police leaders, alike. Legitimacy and trust can be established at both the micro and macro levels.

At the micro level, legitimacy of police authority can be established through individual interactions between police and citizens (specifically, how officers treat those citizens, in both negative and positive encounters). Scholars have argued that the way officers treat individuals, even during arrest, can generate a belief that officers' actions are appropriate and legitimate, which in turn provides greater legitimacy to the law and compliance with it.[84] In other words, how an individual is treated in the process of an encounter with a police officer can matter as much as the outcome that individual may receive (which may be negative, in the case of arrest). This is often referred to as "procedural justice."[84]

At the macro level, legitimacy may be garnered by a police agency through the way that agency interacts with the public when it responds to crime problems or other crises. At the organizational level, building trust within the community is an extension of this sense of legitimacy. As with any relationship—but especially between government and civilians—trust is built through transparency of action, policies, and practices; two-way communication; attentiveness to perspectives and knowledge; civility and kindness; and responsiveness.[85] The position of the police within a democratic framework demands no less, and building this trust at both the individual and organizational level is the responsibility of the police. Police legitimacy is the foundation for effectiveness and is predicated on building public trust, support, and cooperation.

In *all* instances of contact between police and citizens, the legitimacy and trust of both an individual officer and a broader organization can be earned or destroyed. At the individual level, the nature or difficulty of the situation is irrelevant; police officers most often interact with citizens on minor crimes and disorders, accidents, or traffic violations. How officers treat individuals in these everyday instances can have cumulative effects on how officers are viewed over time in a community. And, during major crises and situations (like the Torbit-Gamble shootings), interactions between police officers and citizens not only become more challenging given the heightened nature of the situation, but also become more visible. Providing dignity, procedural justice and fairness during all sorts of situations indicates the type of behavioral discipline expected of advanced and professional police officers. Similarly, at the organizational level, whether addressing a single major incident like the Select Lounge shootings or police practices over time, how an agency handles its interactions with the public and how it treats the jurisdiction it serves is fundamental in garnering legitimacy.

In the case of the shootings of Officer Torbit and Sean Gamble, there were a number of opportunities in which the police could have garnered community trust and legitimacy at both the individual and agency level. At the individual level, there were ample opportunities for high-quality interactions between Officer Torbit and patrons, as well as other police officers and civilians before and after the shooting. Numerous witnesses suggested that Officer Torbit had spoken to individuals in a manner they construed as rude and abrupt, as well as profane. There is no evidence that Officer Torbit spoke directly to Darrel Baker, who choose to attack Officer Torbit with a “haymaker” punch that knocked Officer Torbit back and precipitated the assault against Officer Torbit by numerous persons, ultimately causing him to fall to the parking lot pavement.

In one instance, a witness told the IRB that she believed the entire incident, including Officer Torbit's death, may have been avoided had the officer not been rude and had identified himself and his authority.[86]

Other opportunities for officers to exhibit their legitimacy are found after the shooting occurred. The IRB spoke with three of the women who had been hit by stray bullets during the shooting. In one instance, one of the victims told the IRB that after being shot, she and a friend had approached a police officer for assistance. In that case, she perceived the officer to be rude to her. She and another witness told the IRB Board that the officer said he would "tase her if she didn't shut the fuck up."[86] Another officer asked her to stop crying.[86] The officer also told her that she was not allowed to leave the scene.[86] On the other hand, another bystander hit by a stray bullet had a very different encounter.[87] The officer with whom she interacted spoke to her with sympathy and called for an ambulance immediately.[87] It was clear her view of officers and the police department was different and more positive than the other woman who had been shot.

At the agency level, there were further opportunities for BPD to earn legitimacy and trust with the public. Already described in detail is the inefficiency in the ways BPD investigates officer-involved shootings, leading to lengthy delays and lack of knowledge-building with regards to the case. Furthermore, the IRB, itself, met with resistance from officers, who were advised by FOP attorneys not to speak to the IRB. BPD has the authority—and the responsibility—to assure officers and the community that police are in compliance with policies, rules, and training. Expediting investigations and displaying an attitude of service must be priorities. BPD is ultimately accountable to the citizens it serves and is required to provide assurances that officer actions are appropriate.

Findings and Recommendations

Finding 6.1: Some officers at the scene spoke to victims and witnesses rudely, in a manner unbefitting professional policing.

While it may be understandable in emotionally charged situations that any individual, including a police officer or civilian, might be rude and curt, it is also the case that officers are trained to act professionally, with discipline and calmness, even in the most

difficult of situations. Cursing at individuals who have been shot is neither professional nor helpful. Telling victims to "shut up," asking them why they are crying, or not calling for medical aid does not build trust and respect with the community, which was essential components for effective policing, including acquiring witness accounts that may help in the investigation of the incident. Additionally, though the IRB does not find any excuse for the assault on Officer Torbit, it may be the case that the way in which Officer Torbit spoke to individuals at the scene may have escalated an already tense situation.

Recommendation 6.1.1: The IRB recommends that BPD consider incorporating into its academy, into its in-service curriculum, and into the Commissioner's general memos to the force, specific training and reminders about communication and interpersonal skills, procedural justice, and community trust.

How officers speak to individuals and what they say may be just as important as what they do. Officers' responses to citizen concerns, problems, and crises (large or small) affects both an individual and community perceptions of the police, as well as the legitimacy officers afford. This legitimacy, in turn, is the foundation for future community trust of BPD, which is an important asset in fighting crime.

The IRB does not simply suggest "more training" or "retraining." Officers, supervisors, and commanders need to understand advanced policing concepts such as procedural justice versus distributive justice, legitimacy, and trust, as well as the importance of communication and its connection with compliance. Officers should be exposed to these concepts and the connection of their behaviors with compliance; escalation and de-escalation; and recidivism. Basic directives like "Don't swear" or "Be more polite" in a General Order fail to recognize the complexities of policing and the level of understanding of policing that individuals who are (or are becoming) officers must reach.

Furthermore, while training is recommended on procedural justice and police-citizen communication, training is only the first step in improving and garnering trust and a sense of legitimacy from the

public. BPD should make a concerted effort to change its beliefs and practices about how it views the importance of professional conversation and respectful behavior. Supervisors, academy trainers, command staff, officers in charge, field training officers, and patrol officers must understand why speaking properly and treating people with dignity—even when arresting them—is important, as well as the negative consequences to officer safety, community legitimacy, and trust that could result from not doing so.

Finding 6.2: Significant delays in an IID investigation can have a direct effect on community perceptions and can ultimately undermine community trust in the Baltimore Police Department.

Although the systematic and meticulous nature of both criminal and internal investigations can take time, the delay in the internal investigation of an agency can considerably erode a community's trust. After such an incident as what transpired on January 9, 2011, unanswered questions about what police did, should have done, or didn't do can often lead to a decrease in a sense of trust among the community. These feelings can be intensified by a lack of transparency in the process, the extended timeframe of an investigation, or the inability for the Commissioner to determine what happened if officers do not speak about their actions. Losing community trust has a negative effect across all of the police department's endeavors and may influence the willingness of the community to cooperate with police in future incidents.

Recommendation 6.2.1: The IRB recommends that BPD review its procedures for public communications in officer-involved shooting investigations.

Transparency is important to the development and sustainment of community trust. This is especially important in a case where the actions of the police are being questioned and where irreversible lethal force has been used. The Police Commissioner requires a *24-Hour Crime Report* from Homicide. He should have a similar timely report from IID to identify any preliminary gaps or concerns in adherence to policies and procedures.

Two reports—*New York State Task Force on Police-on-Police Shootings* and *Denver Report on the Use of Deadly Force*—note that keeping the public aware of the process and findings of such investigations is key in maintaining transparency.[55, 73] The Denver Report cites the use of public reports issued by the Manager of Safety as a means to keep the public aware of the facts and tactical issues faced in the investigation. It also notes the following as “important and appropriate tactical issues” that should be included in these public reports:[73]

- The reasonableness of the tactics employed by the officer immediately before the shooting;
- The reasonableness of the officer’s assessment of the threat; and
- The reasonableness of the use of force option chosen by the officer.

These letters from the Manager of Safety “are a critical component in explaining to the community how the Denver Police Department and the Manager analyzed the policy and tactical issues in officer-involved shooting cases.”[73] The New York State Task Force Report, discussing specifically officer-on-officer shootings, also suggests greater transparency, and adds that investigations must "provide a complete public account of the shooting that assures the public, the family and friends of the victim officers, former colleagues, and concerned law enforcement officers everywhere that the investigation itself has been thorough and objective."[55]

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Conclusion

The deaths of one police officer and a citizen, and the wounding of another police officer and three bystanders at Select Lounge in the early morning hours of January 9, 2011, were tragic events. An even greater tragedy would be to fail to take the steps necessary to prevent a similar event from happening again.

The IRB has completed its independent review of the incident and provided recommendations as to what changes could be made in policies and procedures to prevent a similar occurrence in the future.

There is a way forward for the Baltimore Police Department. It requires significant change in its policies and practices, ethos, interactions with the community, culture, and internal systems. It requires a greater reliance on both research evidence and advice from others about how to bring its actions and procedures into line with what works best, consistent with the law and in the interests of the public. Both police policy and practice should be anchored in this fundamental principle and supported by the rules and regulations of the department, which should be rigorously enforced.

Following are the most important corrective steps the Baltimore Police Department should take to ensure that such a tragedy is not repeated:

- BPD should hold all sworn members accountable to the Department's policies, training, and procedures. The IRB recommends that compliance officers make frequent inspections and that the Internal Investigation Division monitor compliance with policies, procedures, rules, and regulations. Compliance inspections are routine in modern, proactive police agencies and are required to ensure accountability with the law enforcement agency's policies, rather than in reaction to a tragic incident.

- BPD should update its operating policies and reorganize them for ease of use and clarity. Most importantly, while the policies can be comprehensive and detailed, they are useless if not implemented in practice.

- BPD leadership should implement problem-solving policing to mitigate the recurring calls relating to disorder and criminal conduct. As an example, BPD should consider best practices concerning the management of unruly behavior and fights in clubs and bars. The IRB recommends that BPD consider establishing a permit or licensing process for outside promoters who intend to lease or rent a club/bar facility, ensuring that police have advance notice and an opportunity to consult on security and management responsibilities during the event.

- BPD policy needs to be significantly restricted as to the numbers of officers permitted to wear plainclothes. Plainclothes officers present a significant risk and are more likely to be shot or injured than uniformed officers when taking enforcement action. New policies should be issued, requiring that before an officer in plainclothes considers responding to calls for assistance, he/she must wear a ballistic outer vest with a BPD badge firmly affixed and the word “POLICE” in high-visibility letters on the front and rear panels, or wear yellow raid jackets, as is currently required for narcotics officers.

- There should be a mandatory requirement for officers who discharge their firearms, except at an approved range, to report the incident. BPD should have a Firearms Discharge Review Board to comprehensively review an officer’s actions and the totality of circumstances. The officer should be required to appear before the Firearms Review Board and answer questions. The Review Board should be composed of the BPD Assistant Commissioners (voting members), the Commander of Training, the officer’s unit commander, a citizen observer, and a police bargaining-represented observer; also in attendance could be the Department’s legal advisor. The Review Board shall reach a

finding of “compliant” or “non-compliant” and report the findings to the Commissioner.

- BPD should implement the Incident Command System for managing any police action involving units from outside a single squad, as a matter of routine. Inspections should be made to assure compliance with this policy, and commanders, supervisors, and officers should constantly practice and train, proactively anticipating future events.

- BPD should streamline and restructure the entire process of investigations. The homicide investigation and the internal investigation should be conducted in parallel, as is practiced in most leading police agencies. The results of the high-quality inquiry into policy- and procedure-compliance should be the foundation for a Force Review Board. The Force Review Board should be convened within 30 days of the completion of the internal investigation.

- BPD should initiate an after -action review, incident reconstruction, and analysis for all lethal force Incidents.

- BPD leadership, training command, supervisors, support staff, and officers must stay constantly informed about research in policing related to crime prevention and control; police legitimacy and garnering community trust; crime scene investigations; and best practices regarding command, control, and internal investigations. At all levels, BPD should become more open to outside knowledge.

These steps are necessary to enhance the general public’s level of cooperation with and support for the Baltimore Police Department and, if implemented, they also have the potential for improving the quality of services the Department is able to deliver.

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Appendix A: Statement of Work letter

STEPHANIE RAWLINGS-BLAKE
MAYOR

100 Holliday Street, Room 250
Baltimore, Maryland 21202

February 22, 2011

James CHIPS Stewart, MPA
Senior Fellow
CNA Institute for Public Research
4825 Mark Center Drive
Alexandria, VA 22311

Dear Mr. Stewart,

Thank you for agreeing to participate as a member of the Review Board that will examine the police-involved shooting that occurred on January 9, 2011, as well as related police policies and procedures. You will be conducting an independent review of the incident and providing recommendations as to what changes could be made in policy and procedures to prevent a similar occurrence in the future.

Your charge as a member of the Review Board is to accomplish the following tasks:

1. Review the Baltimore Police Department's investigation of the incident and its findings.
2. Conduct a comprehensive review of the circumstances surrounding the events of January 9, 2011.
3. Review the use of lethal force by officers of the Baltimore Police Department and determine whether or not the use of force was consistent with existing law and departmental policy.
4. Review existing departmental policies and procedures and identify any policy violations that occurred.
5. Identify best practices to improve BPD's policies related to incident response and incident management. This assessment shall include, but not be limited to, the following issues:
    a. Identification of plain clothes officers
    b. Crowd control techniques in an urban setting
    c. Deployment and incident command in emergencies
    d. Judgmental shooting training
6. Review Baltimore Police Department training practices related to use of force, crowd control and firearms training and make recommendations for improvement.

phone: 410.396.3835 fax: 410.576.9425 email: mayor@baltimorecity.gov

The Review Board will also be required to issue a written report that summarizes the steps it undertook to conduct the review, its findings and recommendations. Mr. James Stewart, Senior Fellow at the Center for Naval Analysis will be responsible for drafting this report with your input. The final report issued by the Review Board at the conclusion of its work will be made available to the public.

Commissioner Bealefeld and Sheryl Goldstein, Director of the Mayor's Office on Criminal Justice will be in contact with you once the internal investigation is completed so that you may begin your work. Thank you once again for agreeing to participate in this critically important endeavor. We know that the City of Baltimore will benefit greatly from your independence, experience and expertise.

Sincerely,

Stephanie Rawlings-Blake
Mayor
Department

Frederick H. Bealefeld, III
Commissioner, Baltimore Police

Appendix B: Detailed timeline of events

This timeline is a reconstruction of the events that occurred the night of January 8, 2011 and morning of January 9, 2011, as well as follow up activity since the incident. Where exact times are knowable they are noted in the "Time" column. Where entries do not have specific times associated with them, the approximate time or time frame based on other sources is listed and highlighted in grey. These entries are all organized and labeled to address the sequence in which they occurred. Relevant sources and persons involved in the description of the event are also provided for each entry.

Entries without specific times are bookended where possible by using entries with exact times. For example entry 5, Officer Craig responding, is listed between 1:05:00 AM and 1:21:05 AM because this occurred after Officer Dodge's request for additional units and before she arrives on scene.

The Statement of 911 Tape times were altered to match the video times by adding 2:54 to each entry. This matches the time the call "Shots fired" occurred to when the crowd runs in the video.

Table 5. Timeline of January 9, 2011 incident

Time	Description of Event/Action	Source	Persons Involved
Around 12:01:00 AM	Officer Dodge and Officer Newkirk arrive in the area of the club due to the large crowd.	Officer Involved Statements: Dodge	P/O Dodge, Newkirk
Around 12:45:00 AM	Club security has an altercation with a patron outside of the club. Officer Dodge and Officer Newkirk place one individual under arrest.	Officer Involved Statements: Dodge	P/O Dodge, Newkirk

Time	Description of Event/Action	Source	Persons Involved
Around 1:00:00 AM	Around 0100 hrs., Officer Pawley (Officer in Charge) leaves a parking lot near the club to make other patrol checks.	Officer Involved Statements: Pawley	P/O Pawley
1:13:36 AM	Request for additional units for a fight in the club. (Made by Officer Dodge/1A24)	Officer Involved Statements: Pawley, Dodge, Witness Officer Administrative Reports: Major Anthony Brown, *24-Hour Crime Report*, Statement of 911 tape	P/O Dodge
Between 1:13:36 and 1: 21:05 AM	Officer Craig responds from the Central District to assist. While in route, she hears KGA request a wagon to respond and announce a Signal 13	Officer Involved Statements: Craig	P/O Craig
1:15:31 AM	1A22 (Benjamin Newkirk) is primary unit on scene	CAD Computer Aid Dispatch	P/O Newkirk
1:15:40 AM	1A20 (Officer Pawley) is back en route to club	CAD Computer Aid Dispatch	P/O Pawley
Between 1:15 :40 AM and 1:21:05	Officer Pawley arrives back to the club.	Officer Involved Statements: Pawley	P/O Pawley
Between 1:16 :30 and 1:16:42 AM	22 (Officer Newkirk) advises that everyone is fine at Paca and Franklin, but to keep having a couple units respond.	Statement of 911 tape	P/O Newkirk
1:17:51 AM	Deputy Major Partee (101) requests additional units to respond to the "Select Lounge" on Paca Street to shut down the club, requests any free units to respond to parking lot and front of club.	Officer Involved Statements: Craig, Statement of 911 tape, Witness Officer Administrative Reports: Partee, *24-Hour Crime Report*: Summary	P/O Partee
1:21:00 AM	A large crowd is observed in the parking lot	Camera Operator's Notes (Terry), Officer Involved Statements: Officer Craig and Officer Dodge	
1:21:05 AM to 1:21:12	Wagon responds from Franklin Code I, pulls onto Paca. Officer Craig opens up back doors	Camera Operator's Notes (Terry) & Camera Operator's Notes	P/O Craig
Around 1:21:05 AM	Several fights are occurring and police officers are giving verbal commands for the crowd to leave and disperse.	Officer Involved Statements: Craig	P/O Craig
Between 1:21:05 and 1:28:00	Officer Dodge secures a handcuffed subject in the rear of the wagon operated by Officer Craig. He is assisted by Officers Pawley and Moro.	Officer Involved Statements: Craig, Dodge, Pawley, Witness Officer Administrative Reports: Moro	P/O Dodge, Craig, Pawley, Moro

Time	Description of Event/Action	Source	Persons Involved
Between 1:21:05 and 1:28:00	Officer Pawley observes Officer Torbit advising a subject to leave the front of Select Lounge. Subject is refusing request and states they are waiting on the valet. Officer Torbit takes subject's valet ticket to the front of the line.	*24-Hour Crime Report* Pawley Statement, Officer Involved Statements: Pawley	P/O Pawley, Torbit
Between 1:21:05 and 1:28:00	Officer Torbit walks to the front of the club and Officer Pawley walks deeper into the parking lot on the North side of the club.	Officer Involved Statements: Pawley	P/O Pawley, Torbit
Between 1:21:05 and 1:28:00	Officer Pawley observes a vehicle strike another and begins obtaining information.	Officer Involved Statements: Pawley	P/O Pawley
Between 1:21:05 and 1:28:00	Officer Williams joins Officer Craig at the rear of the wagon.	Officer Involved Statements: Craig	P/O Craig
1:21:40 AM	2 marked school police vehicles leave lot, Code I, heading W/B on Franklin.	Camera Operator's Notes (Terry)	
1:21:55 AM	School police vehicles, Code 1, from Franklin onto Paca.	Camera Operator's Notes	
Around 1:25	Officer Dent is inside club to obtain the liquor license.	Witness Officer Administrative Reports: Dent	P/O Dent
1:26:58 AM	Shop # 180 or 780 arrives via Franklin.	Camera Operator's Notes (Terry)	
1:27:06 AM	A dark vehicle is parked on the sidewalk with 15+ people gathered around it.	Camera Operator's Notes (Terry)	
1:27:50 AM	Group of males in front of parked patrol cars appear to be having words - aggressive.	Camera Operator's Notes (Terry)	
1:28:10 AM	Unknown vehicles (just out of camera view, possibly silver in color) stopped in travel lane S/S Franklin with driver's side door open. Group in words exchange appear to yell at them.	Camera Operator's Notes (Terry)	
1:28:28 AM	Unknown B/M in that group shuts that car door and vehicle goes out of camera range. B/M stays on scene.	Camera Operator's Notes (Terry)	

Time	Description of Event/Action	Source	Persons Involved
1:28:34 AM	Shop # 288 arrives via Franklin.	Camera Operator's Notes (Terry)	
1:28:36 AM	Group appears to gather into one larger group. They appear to be exchanging words.	Camera Operator's Notes (Terry)	
Around 1:30:00 AM	Jazzmin Graves is brushed by a car in the parking lot. She asks for an apology and begins arguing with the driver of the car. Jazzmin Graves and Katrina Harris begin hitting the car with their shoes.	Civilian Witnesses: Graves, Harris, Jordan, Dumas, Wells, Baker, Robinson, Watson, Robinson, Huterson, Early	Civilian Graves, Harris
Around 1:30:00 AM	Officer Torbit tries to diffuse the situation. He tells the car to leave.	Civilian Witnesses: Watson, Dumas, Graves, Harris, Jordan, Huterson, Early, Scott, Wells, Harrington	P/O Torbit, Civilian Graves, Harris
Around 1:30:00 AM	Katrina Harris notices Officer Torbit's gun and badge. Moesha Scott notices his gun.	Civilian Witnesses: Harris	P/O Torbit
Around 1:30:00 AM	Numerous civilian witnesses recognize Torbit as an officer by observing his badge around his neck.	Civilian Witnesses: Watson, Dumas, Harris,	P/O Torbit
Around 1:30:00 AM	Other observers think Officer Torbit is a police officer.	Civilian Witnesses: Watson, Dumas, Jordan, Harris, Graves, Harrington, Scott, McMayo, Wells, Aybar	P/O Torbit, Civilian
Around 1:30:00 AM	Sean Gamble is on a cell phone.	Civilian Witnesses: Johns	Civilian S. Gamble
Around 1:30:00 AM	Sean Gamble asks if Jazzmin Graves and Katrina Harris are okay.	Civilian Witnesses: Dumas, Jordan, Harris, Graves	Civilian S. Gamble, Graves, Harris
Around 1:30:00 AM	Torbit swears at Sean Gamble, "mind your own fucking business." An altercation ensues.	Civilian Witnesses: Jordan, Harris, Baker, Johns, Harrington, Dumas, Watson	P/O Torbit, Civilian S. Gamble
Around 1:30:00 AM	Officer Torbit turns to walk away	Civilian Witnesses: Watson	P/O Torbit
Between 1:30:00 AM and 1:30:30	Officer Pawley is informed by vehicle occupants that there is a fight in the parking lot. He observes people running in that direction.	Officer Involved Statements: Pawley	P/O Pawley

Time	Description of Event/Action	Source	Persons Involved
Between 1:30:00 AM and 1:30:30	Officer Pawley runs toward fight.	Officer Involved Statements: Pawley	P/O Pawley
Between 1:30:00 and 1:30:30	Sean Gamble and Officer Torbit begin arguing (possible low scale physical altercation).	Civilian Witnesses: Harris, Baker	P/O Torbit, Civilian S. Gamble
1:30:30 AM	Officer Dodge follows Officer Craig to the parking lot where a large crowd has gathered. Officer Craig speeds up as it is apparent a fight is breaking out.	Officer Involved Statements: Craig, Dodge, Camera Operator's Notes	P/O Dodge, Craig
1:30:35 AM	Officer MacMillan observes plainclothes officer being surrounded and hit by multiple B/Ms. MacMillan calls for more units and advises that a plainclothes officer is involved.	Witness Officer Administrative Reports: MacMillan, Statement of 911 tape, Witness Officer Administrative Reports: Partee, Officer Brown	P/O Torbit, unknown assailants
1:30:42 AM	Jazzmin Graves holds Darrel Baker back from fighting.	Video, Civilian Witnesses: Graves, Harris	Civilian Graves, S. Gamble
1:30:44 AM	Darrel Baker punches Officer Torbit (possibly from behind).	Camera Operator's Notes (Terry), Civilian Witnesses: Early, Huterson, Graves, Baker, Ogeltree, Watson	P/O Torbit, Civilian Baker
1:30:47 AM	Operator announces Signal 13.	Statement of 911 tape	
Between 1:30:44 AM and 1:30:55	Multiple people (6-8) are fighting (kicking/stomping/punching). Sean Gamble is fighting in the group and on top of Officer Torbit, who is on the ground while Darrel Baker is kicking Torbit. B/Ms are actually running around other people to kick and stomp the individual on the ground. Unknown B/M choking Torbit from behind.	Civilian Witnesses: Early, Huterson, Jordan, Harris, Graves, Baker, Dumas, Ogletree, Watson, Johns, Miller, Moulton, Roscoe, Robinson, Aybar, Camera Operator's Notes (Terry), Officer Involved Statements: Craig, Pawley, Dodge	P/O Torbit, Civilian Baker, S. Gamble, unknown assailants
Between 1:30:44 AM and 1:30:55	Officer Dodge runs over to the crowd and pushes a B/M away from the individuals who are on the ground.	Officer Involved Statements: Dodge	P/O Dodge
Between 1:30:44 AM and 1:30:55	Officer Craig pushes Darrel Baker back away from the subject on the ground.	Officer Involved Statements: Latora Craig, *24-Hour Crime Report* Craig Statement	P/O Craig, Civilian Baker

Time	Description of Event/Action	Source	Persons Involved
Between 1:30:44 AM and 1:30:55	Officer Pawley un-holsters his pepper spray and sprays from left to right in an attempt to disperse the crown and stop the assault on the individual on the ground. The crowd begins to disperse.	Officer Involved Statements: Pawley, Citizen Witnesses: Baker, Johns, Miller, *24-Hour Crime Report* Pawley Statement	P/O Pawley
Around 1:30:55 AM	As Pawley steps back to begin to re-holster his pepper spray, shots ring out.	Officer Involved Statements: Pawley	P/O Pawley
Around 1:30:55 AM	As Officer Craig's back is turned, she hears gunshots.	Officer Involved Statements: Craig, *24-Hour Crime Report* Craig Statement	P/O Craig
Around 1:30:55 AM	Officer Torbit (individual on ground) is firing his weapon while his arm is being held by an unknown individual. He fires eight shots.	Witness Officer Administrative Reports: Dodge, Pawley, Craig, Civilian Witnesses: Wells, Causion, Firearms Examinations Summary Report	P/O Torbit
Around 1:30:55 AM	Officer Dodge hears several gunshots. He sees an individual on the ground discharging a weapon.	Officer Involved Statements: Dodge	P/O Dodge
Around 1:30:55 AM	Officer Pawley while re-holstering his pepper spray hears several gunshots. After several gunshots he is able to locate the source of the gunfire.	Officer Involved Statements: Pawley	P/O Pawley
Between 1:30:55 AM and 1:31:04	Shots ring out with pauses between, followed by numerous shots in rapid succession.	Witness Officer Administrative Reports: Officer Partee, Citizen Witnesses: Early, Huterson, Harris, Graves	
Between 1:30:55 AM and 1:31:04	Officer McLain begins to pull out his O/C spray and sees some of the crowd falling down, and then three shots are fired. Officer McLain draws his service weapon and steps back while attempting to identify the shooter.	Witness Officer Administrative Reports: McLain	P/O McLain
1:30:55 AM	The crowd runs.	Camera Operator's Notes (Terry)	
1:30:55 AM	B/F officer appears to take a step back and reach for her gun (she's on sidewalk - North).	Camera Operator's Notes (Terry)	

Time	Description of Event/Action	Source	Persons Involved
1:30:55 AM	Patrol announces via radio, "shots fired."	Statement of 911 tape	
1:30:57 AM	W/M officer in front of black car pulls weapon.	Camera Operator's Notes (Terry)	
Between 1:30:57 AM and 1:31:04	In fear of his life and the lives of the other individuals in the area, Officer Dodge begins to discharge his service weapon at the individual discharging a weapon. Then he realizes he has been shot in his left foot. The individual on the ground momentarily pauses discharging his weapon and then begins to fire again. Officer Dodge realizes the threat has not ended and therefore, begins to discharge his service weapon again and continues to discharge his weapon until he determines the threat has stopped. Officer Dodge fires 14 shots.	Officer Involved Statements: Dodge, Firearms Examinations Summary Report	P/O Dodge
Between 1:30:57 AM and 1:31:04	Officer Pawley observes the assault victim, still on the ground, discharging a handgun. In fear of his own life and the lives of the other people in the area, he discharges his service weapon until the individual has stopped discharging their weapon and drops the handgun. Officer Pawley fires 11 shots.	Officer Involved Statements: Pawley, Firearms Examinations Summary Report	P/O Pawley

Time	Description of Event/Action	Source	Persons Involved
Between 1:30:57 AM and 1:31:04	When Officer Craig turns back toward the fight, she observes the assault victim discharging a handgun while he is still being choked from behind. In fear of her life and the lives of the other people in the area, she discharges her service weapon several times at the B/M on the ground who was discharging a handgun. She also observes Officers Pawley and Dodge discharging their service weapons at the B/M. Officer Craig fires 5 shots.	Officer Involved Statements: Craig, Firearms Examinations Summary Report	P/O Craig
Between 1:30:57 AM and 1:31:04	Once shots were fired Officer Williams ran toward Officer Torbit from Paca Street. Officer Williams got behind a car and shot. Officer Williams fires 4 shots	Officer Involved Statements: Williams, Firearms Examinations Summary Report	P/O Williams
Between 1:30:57 AM and 1:31:04	Officer MacMillan states "That's an Officer" multiple times.	Witness Officer Administrative Reports: MacMillan	P/O MacMillan, Torbit
Between 1:30:57 AM and 1:31:04	Officer Partee yells to stop shooting when he recognizes Officer Torbit	Witness Officer Administrative Reports: MacMillan, Partee	P/O Partee, Torbit
Between 1:30:57 AM and 1:31:04	Officer McLain steps forward where the shots are being fired and sees a plainclothes officer on the ground with a chain holding a badge next to his right ear.	Witness Officer Administrative Reports: McLain	P/O McLain, Torbit
1:30:58 AM	Ricochets appear on ground.	Camera Operator's Notes (Terry)	
1:30:58 AM	Females go down.	Camera Operator's Notes (Terry)	
1:30:58 AM	Operator announces Signal 13 again.	Statement of 911 tape	
1:30:58 AM	21 (unknown) requests medic and says it is an off duty police officer.	Statement of 911 tape	
1:30:59 AM	The crowd reacts to gunshots - groups running S/B Paca.	Camera Operator's Notes	
1:30:59 AM	People are ducking/falling to the ground.	Camera Operator's Notes (Terry)	

Time	Description of Event/Action	Source	Persons Involved
Around 1:31:00 AM	Officer McLain sees Officer Torbit attempting to rise, so he runs over to assist. Officer Torbit falls back down and stops moving. He recognized Torbit as an officer since he could see the vest and flaps hanging out from his shirt. At that time, another Officer runs up shouting that the victim is an undercover officer.	Witness Officer Administrative Reports: McLain	P/O McLain, Torbit
Around 1:31:00 AM	Officer Craig quickly approaches the B/M who had discharged his weapon on the ground and observes a Baltimore Police Department badge hanging around his neck. After a few seconds she realizes that he is Officer Torbit.	Officer Involved Statements: Latora Craig	P/O Craig, Torbit
Around 1:31:00 AM	Officer Pawley hears Officer Williams to his left yelling that the individual shot was a police officer. He briefly approaches the individual on the ground and observes what appeared to be a set of handcuffs hanging from his waist. He does not recognize the individual as Officer Torbit at any time during this incident.	Officer Involved Statements: Pawley	P/O Pawley, Williams, Torbit
Around 1:31:00 AM	Officer Dodge backs up due to injury as other officers begin to attempt to secure the individual on the ground. Approximately one (1) hour later at the hospital he learns that it was Officer Torbit who was the individual who was discharging the weapon from the ground.	Officer Involved Statements: Dodge	P/O Dodge
1:31:04 AM	At least 3 female civilians are observed on the ground. Women are stumbling trying to get up.	Camera Operator's Notes (Terry)	
1:31:04 AM	3 uniformed officers are walking up to Torbit.	Camera Operator's Notes (Terry)	P/O Torbit

Time	Description of Event/Action	Source	Persons Involved
1:31:12 AM	More backup running toward lot (some plainclothes). (Thompkins runs with weapon drawn to assist) Hildebrant and Funk (weapon drawn) also respond.	Camera Operator's Notes (Terry), Witness Officer Administrative Reports: Thompkins, Hildebrandt, Funk	P/O Thompkins, Hildebrandt, Funk
Between 1:31:04 and 1:35:49 AM	Causion's car runs over Sean Gamble (who has sustained gunshot wounds).	Citizen Witnesses: Miller, Gamble, Causion	Civilian S. Gamble, Causion
Between 1:31:04 and 1:35:49 AM	Tray Miller attempts to render aid to Gamble. Police tell Miller there is nothing he can do to help. Miller is tased.	Citizen Witnesses: Miller	Civilian S. Gamble, Miller
Between 1:31:04 and 1:35:49 AM	Officer Partee (101) summonses a medic.	Witness Officer Administrative Reports: Officer Partee	P/O Partee
Between 1:31:04 and 1:35:49 AM	1A30 (Officer Spearman) requests 3 medics and additional units from other districts (approximately 9 respond via radio).	Statement of 911 tape	P/O Spearman
Between 1:31:04 and 2:00:00 AM	Officer Funk asks Officer Dodge if he is injured. He has a gunshot wound to the leg. Officer Spearman remains with Officer Dodge until a medic arrives. Officer Spearman advises Officer Lee to stay with Officer Dodge until medic arrives.	Witness Officer Administrative Reports: Funk, Lee, Spearman	P/O Funk, Dodge, Lee, Spearman
1:31:20 AM	3580 requests an ambulance as soon as possible and a couple additional units. They state that the area needs to be locked down.	Statement of 911 tape	
1:31:37 AM	Uniform B/M scuffling with large B/M wearing light hoodie over blue shirt. Officer draws down on him momentarily.	Camera Operator's Notes (Terry)	
1:31:40 AM	Operator 3027 requests medic for an officer who is shot.	CAD Computer Aid Dispatch	
1:31:42 AM	People tending to wounded.	Camera Operator's Notes (Terry)	
1:32:00 AM	Officers trying to move crowd.	Camera Operator's Notes (Terry)	

Time	Description of Event/Action	Source	Persons Involved
1:32:01 AM	Operator 3027 again requests medic for an officer who is shot.	CAD Computer Aid Dispatch	
1:32:43 AM	Officers running toward another altercation/incident in lot (out of camera view).	Camera Operator's Notes (Terry)	
1:32:50 AM	Unknown B/M (Wesley Watson, off-duty medic) tending to Torbit.	Camera Operator's Notes (Terry), Citizen Witnesses: Watson	P/O Torbit, Civilian Watson
1:33:30 AM	Per Officer Clayton's decision, Officer Torbit is carried to a marked patrol vehicle to transport to Shock Trauma (out of camera view). Officer Newkirk drives Officer Torbit to Shock Trauma. Wesley Watson renders aid while en route.	Camera Operator's Notes (Terry), Witness Officer Administrative Reports: Lt. Clayton, Devita, MacMillan, Moro, Craig, Citizen Witnesses: Watson, Police Reports: Newkirk	P/O Torbit, Clayton, Devita, Moro, MacMillan, Newkirk, Civilian Watson
1:33:51 AM	23 (Officer Sabb) requests additional medic for a male civilian run over in the parking lot.	Statement of 911 tape	P/O Sabb
1:34:00 AM	Blazer and marked car leave W/B Franklin quickly (Black unmarked impala).	Camera Operator's Notes (Terry)	
1:34:06 AM	09 (Officer Dent) requests another Signal 13.	Statement of 911 tape	P/O Dent
1:34:11 AM	Operator announces a Signal 13 for Paca and Franklin saying, "anyone else 10-2 (signals good) a 10-34 (Major Civil Disturbance).	Statement of 911 tape	
1:34:39 AM	23 (Officer Sabb) requests additional units to respond to the scene.	Statement of 911 tape	P/O Sabb
1:34:51 AM	09 (Officer Dent) requests someone to respond with crime scene tape.	Statement of 911 tape	P/O Dent
1:35:00 AM	30 (Officer Spearman) clarifies that 3 medics are needed. He adds that someone was shot in the head and two others were shot, one in the leg.	Statement of 911 tape	P/O Spearman
1:35:00 AM	More marked cars arrive for crowd control.	Camera Operator's Notes (Terry)	

Time	Description of Event/Action	Source	Persons Involved
1:35:19 AM	Injured females stumbling on N/S of Franklin. Officer follows them to a white car and prevents them from leaving.	Camera Operator's Notes (Terry)	
Between 1:35:19 AM and 1:50:00 AM	Officer Parks approached by two women with gunshot wounds who attempted to leave the scene. Officer Parks remains until medics are on scene.	Witness Officer Administrative Reports: Parks	P/O Parks
Between 1:35:19 AM and 1:50:00 AM	Officer Shannon stands by two injured females until medics are on scene.	Witness Officer Administrative Reports: Shannon	P/O Shannon
1:35:31 AM	30 (Officer Spearman) requests additional units from other districts.	Statement of 911 tape	P/O Spearman
1:35:42 AM	Operator reports units are coming from multiple districts. (Over 9 units from SE, N, SW, E and NE call in that they are responding)	Statement of 911 tape	
1:35:49 AM	Operator 3027 requests second medic for person run over by vehicle then requests several medics for a female shot in the leg and a male shot in the head.	CAD Computer Aid Dispatch	Civilian S. Gamble
1:35:58 AM	Univ. Police observed blocking traffic	Camera Operator's Notes	
1:35:49 AM	Operator 3027 requests two additional medics for two civilians who are shot.	CAD Computer Aid Dispatch	
1:36:04 AM	Operator requests 2 additional medics for 2 civilians who are shot.	CAD Computer Aid Dispatch	
1:36:42 AM	1A09 (Officer Dent), Reports off duty officer is shot in the head.	CAD Computer Aid Dispatch	P/O Dent
1:37:17 AM	Patrol reports units blocking Paca Street that need to be moved for ambulances to access scene.	Statement of 911 tape	
1:37:42 AM	Fire department red jeep is observed parked on Paca.	Camera Operator's Notes	
1:37:42 AM	MTA on Mulberry.	Camera Operator's Notes	

Time	Description of Event/Action	Source	Persons Involved
1:37:52 AM	Reports of crime scene tape on scene.	Statement of 911 tape	
Between 1:30:04 AM 1:38:00 AM	Darrel Baker is tased.	Citizen Witnesses: Baker	Civilian Baker
1:38:00 AM	One male in cuffs is lead to wagon.	Camera Operator's Notes (Terry)	
1:38:32 AM	Patrol gives initial directions for crime scene tape.	Statement of 911 tape	
1:38:38 AM	5267 asks all officers on scene to detain everybody on the lot.	Statement of 911 tape	
1:39:00 AM	Crime scene is tape up.	Camera Operator's Notes (Terry)	
1:42:10 AM	09 (Officer Dent) requests a wagon from the NE.	Statement of 911 tape	P/O Dent
1:40:36 AM	KGA requests units on Paca to clear the street for the ambulances.	Statement of 911 tape	
1:40:00 AM	Tasers are out for crowd control	Camera Operator's Notes (Terry)	
1:44:00 AM	Altercation between B/M (no shirt) and plainclothes at door of ambulance.	Camera Operator's Notes (Terry)	
1:44:00 AM	Crowd continues to surround plainclothes.	Camera Operator's Notes (Terry)	
1:44:24 AM	5312 requests another ambulance for a lady (Jamie Jordan) who has been shot in the arm.	Statement of 911 tape	Civilian Jordan
1:45:00 AM	One stretcher leaves empty (returns at 1:47:30).	Camera Operator's Notes (Terry)	
1:46:00 AM	Communications Supervisor contacts Homicide Section and advised Detective Dohony of a police-involved shooting at Franklin and Paca Streets.	*24-Hour Crime Report*	P/O Dohony
1:46:00 AM	Monitors following combative crowd N/B Paca.	Camera Operator's Notes (Terry)	
1:46:00 AM	Cameras follows group who returns back to scene.	Camera Operator's Notes	
1:46:00 AM	Police (plainclothes & uniform) fight with group.	Camera Operator's Notes (Terry)	
1:46:00 AM	One male in custody .	Camera Operator's Notes (Terry)	

Time	Description of Event/Action	Source	Persons Involved
1:48:21 AM	22 (Officer Newkirk) advises he is supervisor on this 10-20 (location).	Statement of 911 tape	
1:49:00 AM	Group is turned away by same plainclothes.	Camera Operator's Notes	
Around 1:50:00 AM	2A32 (Kufaseju E.) follows medic 5 that is transporting Jamie Jordan to Shock Trauma.	Police Reports: 2A32	Civilian Jordan, P/O Kufaseju
Around 1:50:00 AM	Officer Dodge is transported to Shock Trauma by a medic unit.	Officer Involved Statements: Dodge	P/O Dodge
Between 1:50:00 AM and 2:38:00 AM	Officer Wilson responds to Shock Trauma to set up the command post.	Witness Officer Administrative Reports: Wilson	P/O Wilson
1:52:41 AM	3831 reports a medic about to depart eastbound on Franklin and requests vehicles to be moved.	Statement of 911 tape	
1:54:10 AM	Medic (27) observed leaving E/B Franklin, followed by a patrol car.	Camera Operator's Notes (Terry)	
1:57:00 AM	Homicide Section investigators arrive on scene.	*24-Hour Crime Report*	
1:58:38 AM	101 (Deputy Major Partee) requests all Central District Officers on scene to have another unit relieve them and meet him at Paca and Franklin.	Statement of 911 tape	
Around 2:00 AM	Officer Spearman transports Officer Pawley to Homicide.	Police Reports: Spearman	P/O Spearman, Pawley
Around 2:00 AM	Officer Hall transports Officer Craig to Homicide.	Police Reports: Hall	P/O Hall, Craig
2:05:04 AM	Adam 10 asks if there is any unit available in the city to assist them at Cavert and Redwood.	Statement of 911 tape	
2:10:00 AM	Officer Hall arrives with Officer Craig at Homicide	Crime Scene Log	P/O Hall, Craig
2:10:00 AM	Sean Gamble is pronounced dead.	*24-Hour Crime Report*	Civilian S. Gamble
2:10:47 AM	09 (Officer Dent) asks units to respond to the crime scene to fill out a crime scene log.	Statement of 911 tape	P/O Dent

Time	Description of Event/Action	Source	Persons Involved
2:11:00 AM	Officer Torbit is pronounced dead.	*24-Hour Crime Report*	P/O Torbit
2:15:00 AM	Officer Spearman arrives with Officer Pawley at Homicide.	Crime Scene Log	P/O Spearman, Pawley
2:17:00 AM	Officer Munyon from the Critical Stress Team arrives at Homicide.	Crime Scene Log	P/O Munyon
2:40:54 AM	Per Command, Operator requests all units not to respond to Shock Trauma.	Statement of 911 tape	
3:15:51 AM	Request to notify Critical Incident Stress Team.	Statement of 911 tape	
3:30:00 AM	Officer McLarney, Commanding Officer Homicide Unit arrives at Homicide.	Crime Scene Log	P/O McClarney
3:35:14 AM	101 (Deputy Major Partee) calls for all free units that were on scene for the incident to meet at the Central District roll call room.	Statement of 911 tape	P/O Partee
3:36:56 AM	101 (Deputy Major Partee) gives 7600 control of the district. He is bringing in units who were on the scene and will relieve 7600 when he has another ranking supervisor available.	Statement of 911 tape	P/O Partee
3:39:48 AM	101 (Deputy Major Partee) asks 7600 to disregard last request as Adam 09 (Officer Dent) has already been assigned for the district.	Statement of 911 tape	P/O Partee, Dent
1/9/11	Gamble has no criminal record, according to a check of online court records. "This guy goes to church, sings, plays in the semi pro-football team," said Tray Miller.	http://www.abc2news.com/dpp/news/crime_checker/baltimore_city_crime/one-baltimore-city-police-officer-dead-another-injured-in-nightclub-shooting	Civilian Gamble
1/9/11	The website says Select Lounge caters to a professional, upscale crowd. Eight hours after a shooting kills two people, including a city police officer, investigators were still collecting evidence.	http://www.abc2news.com/dpp/news/crime_checker/baltimore_city_crime/one-baltimore-city-police-officer-dead-another-injured-in-nightclub-shooting	Civilian Gamble

Time	Description of Event/Action	Source	Persons Involved
1/9/11	Police released a few details about the circumstances of the shooting, "There was an altercation that took place very near the club and some officers worked to intercede in that fight, at which time some gunshots were discharged," said Police Commissioner Frederick H. Bealefeld III. "Several officers fired multiple shots."	http://articles.baltimoresun.com/2011-01-09/news/bs-md-ci-select-lounge-shooting-20110109_1_service-weapon-fellow-officer-plainclothes	Commissioner Bealefeld
1/9/11	Baltimore City Police Commissioner Fred Bealefeld said, "Several officers fired multiple shots and, as a result of that, one of our officers -- an eight-year veteran 33-year-old male -- was shot and killed, "A second officer sustained a gunshot wound to the left foot and four civilians were also shot -- one man was killed and three sustained non-life-threatening injuries." The second officer who suffered a gunshot wound to his foot was released from the hospital by the afternoon. The injured officer is an 11-year veteran of the Baltimore Police Department.	http://www.wbaltv.com/news/26415287/detail.html	Commissioner Bealefeld

Time	Description of Event/Action	Source	Persons Involved
1/9/11	"We have scores of detectives working on the case, processing evidence, interviewing witnesses and we have a ton of work to do to put together the facts of what happened here," Bealefeld said. Miller said investigators are reviewing camera footage. As many as 30 shots may have been fired, but it was not clear whether anyone in the crowd fired. Baltimore Mayor Stephanie Rawlings-Blake asked the public to keep the officers and their families in prayers. She said. "This is an absolutely horrible incident that I pray we would never lose another officer. Here we are again, and it is a terribly rough time for the family, for the Police Department and for the city."	http://www.wbaltv.com/news/26415287/detail.html	Commissioner Bealefeld, Mayor Rawlings-Blake
1/10/11	According to the Baltimore City Police Department. The officer was on duty but was in plainclothes. Police Commissioner Fred Bealefeld confirmed Monday that Torbit was killed by friendly fire."All of the firearms that were discharged at the incident were those that belonged to police officers," Bealefeld said. He promised a full and thorough investigation.	http://www.wbaltv.com/news/26427374/detail.html	Commissioner Bealefeld
1/10/11	Police identified the other four officers who were involved at the scene: Harry Dodge, 37, an 11-year veteran of the force; Harry Pawley, 40, a 17-year veteran; Toyia Williams, 36, a 13-year veteran; and Latora Craig, 30, a nine-year veteran. All four officers have been put on routine administrative leave with pay pending the result of the investigation.	http://www.wbaltv.com/news/26427374/detail.html	

Time	Description of Event/Action	Source	Persons Involved
1/10/11	Bealefeld said 41 rounds were discharged by the officers, including Torbit, during the incident. Three women were wounded, and another officer was shot in the foot, he said. An attorney issued a statement on behalf of Select Lounge that said any comment on the case "would be inappropriate at this time." The attorney said he and the business "join the grief that has descended on Baltimore."	http://www.wbaltv.com/news/26427374/detail.html	Commissioner Bealefeld
1/11/11	The civilian who was killed was identified as 22-year-old Sean Gamble. Kelsey Tucker, Gamble's stepsister, told 11 News on Monday that she was with him when he and Torbit were killed. She said armed, uniformed officers just started shooting. "There was no warning. I don't understand why they didn't use Tasers, nightsticks and mace," she said. All of the civilian victims were said to be in their 20s, and it was not clear by whom they were shot or if they were hit by bullets that had ricocheted. Gamble worked full time and was a semi-pro football player with the Baltimore Saints and the Anne Arundel Admirals. Court records show he had no criminal record.	http://www.wbaltv.com/news/26427374/detail.html	Civilian S. Gamble and Tucker
1/11/11	Police said most of incident was captured by city crime cameras, which could help in the investigation. Authorities made no immediate arrests, but dozens of people were being questioned. "We have scores of detectives working on the case, processing evidence, interviewing witnesses and we have a ton of work to do to put together the facts of what happened here," Bealefeld said.	http://www.wbaltv.com/news/26427374/detail.html	Mayor Rawlings-Blake

Time	Description of Event/Action	Source	Persons Involved
1/11/11	Commissioner Bealefeld III said officer Torbit "loved being a cop." Michael Mfume, son of Kweisi Mfume, the former Baltimore congressman and NAACP president, said Mr. Torbit often returned while off-duty to the community he policed to make sure it was safe. A candlelight vigil was held for Sean Gamble, also killed in the nightclub incident. Close to 200 huddled together for 80 minutes on the Woodlawn High School football field, where Gamble had been a star football player. Mr. Gamble went on to play semiprofessional football with the Baltimore Saints. He was due to be married in March, family and friends say.	http://www.dailymail.co.uk/news/article-1346152/Baltimore-police-confirm-plainclothes-officer-killed-fellow-cops-outside-nightclub.html	Commissioner Bealefeld, Civilian S. Gamble
1/11/11	According to sources familiar with the investigation, Officer William Torbit Jr. was hit by as many as 20 bullets, most of which caused penetrating wounds. According to experts, that number suggests that Torbit was being fired on well after he was down on the ground. Meanwhile, Mayor Stephanie Rawlings-Blake said she has ordered both internal and external investigations. Rawlings-Blake said the city has been in contact with outside agencies about investigating the shooting, but a final decision hasn't been made about who will conduct the external review. Some community representatives are pushing for an independent investigation of the shooting. Rawlings-Blake had said she was not opposed to that kind of review.	http://www.wbaltv.com/r/26453680/detail.html	P/O Torbit, Mayor Rawlings-Blake

Time	Description of Event/Action	Source	Persons Involved
2/22/11	The Independent Review Board is charged with conducting an independent review of the incident. Signed by Mayor Stephanie Rawlings-Blake and BPD Commissioner Frederick Bealefeld, III.	Letter from the Mayor's Office	Mayor Rawlings-Blake, Commissioner Bealefeld

Appendix C: Memo from Deputy Commissioner Skinner

Police Department
Baltimore, Maryland

June 17, 2011

To: James Stewart

From: John Skinner
Deputy Commissioner, Administration

Subject: Follow Up Response: Torbit Review Board

Mr. Stewart,

During my meeting with the Review Board, I know there were several questions concerning the licensing and permit process of promoter run events. I am preparing this administrative report to clarify any confusion concerning these issues.

Within Baltimore, it has been my experience that promoter based events tend to be, from a policing perspective, the most challenging to manage and deploy for. Promoters will often look for a location that has a large capacity and active liquor license and will rent the venue from the normal management. When doing so, promoters will often bring in all their own managers and employees to the venue to run normal business operations like security and valet services. I have found that these "temporary" managers and employees have no real vested interest in the venue and generally make decisions solely on the basis on the one night of revenue. Additionally, the promoters will often widely advertise the event and pre-sell tickets. As a result, the venue will draw large crowds of people and will often reach over capacity.

It is my understanding that within Baltimore, promoters are not required to obtain a permit or license prior to these events. Additionally, it is my belief the there is no legal requirement or obligation for a promoter to notify the police prior to an event. In some cases, I have found that promoters will go to great lengths to avoid notification to the police for fear that the event will be shut down. Additionally, the lack of licensing makes it very difficult to sanction promoters that oversell events or create conditions that effect public safety.

Please let me know if you have any additional questions or concerns.

Respectfully Submitted,

John Skinner
Deputy Commissioner, Administration

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Appendix D: Memo from Lt. Cromwell

Police Department
Baltimore, Maryland

16 May 2011

From: Range Commander, Lt. John Cromwell
Subject: Police Involved Shooting/Fatal CC#111A03320
Date/Time: 9 January 2011, 0115hrs
Location: 400 East Franklin St., Baltimore, Md.

I am authoring this report by request of the Independent Review Board (IRB) tasked with investigating the police involved shooting incident which resulted in the fatality of an on duty plain-clothes officer and civilian. In addition to the fatalities, an on duty uniform officer was also injured as well as three civilians receiving bullet graze wounds.

Terms Explained

Tunnel vision (selective attention)-

…it translates into a sharply narrowed field of sensory concentration, in which elements of the scene that do not relate directly to an officer's survival are effectively screened out by his or her brain…The average officer in the experiment was 4 times more likely to remember "external" elements associated with the threat (the type of weapon presented, the suspect's behavior, etc.) than "internal" elements (such as an awareness of his/her own thoughts and physical behavior). The more closely the "external" elements were related to the threat being presented the more likely they were to be recalled. "This narrow focus allowed the threatened officers to concentrate on what was important to them at the time–assessing and reacting to the suspect," **Lewinski** explains. "This appeared to greatly facilitate their performance and effectiveness." (Force Science Institute, 2008)

Primal fight or flight response-

This fundamental physiologic response forms the foundation of modern day stress medicine. The "fight or flight response" is our body's primitive, automatic, inborn response that prepares the body

1

to "fight" or "flee" from perceived attack, harm or threat to our survival.

When our fight or flight response is activated, sequences of nerve cell firing occur and chemicals like adrenaline, noradrenaline and cortisol are released into our bloodstream. These patterns of nerve cell firing and chemical release cause our body to undergo a series of very dramatic changes. Our respiratory rate increases. Blood is shunted away from our digestive tract and directed into our muscles and limbs, which require extra energy and fuel for running and fighting. Our pupils dilate. Our awareness intensifies. Our sight sharpens. Our impulses quicken. Our perception of pain diminishes. Our immune system mobilizes with increased activation. We become prepared—physically and psychologically—for fight or flight. We scan and search our environment, "looking for the enemy."

When our fight or flight system is activated, we tend to perceive everything in our environment as a possible threat to our survival. By its very nature, the fight or flight system bypasses our rational mind—where our more well thought out beliefs exist—and moves us into "attack" mode. This state of alert causes us to perceive almost everything in our world as a possible threat to our survival. As such, we tend to see everyone and everything as a possible enemy. Like airport security during a terrorist threat, we are on the look out for every possible danger. We may overreact to the slightest comment. Our fear is exaggerated. Our thinking is distorted. We see everything through the filter of possible danger. We narrow our focus to those things that can harm us. Fear becomes the lens through which we see the world.

We can begin to see how it is almost impossible to cultivate positive attitudes and beliefs when we are stuck in survival mode. Our heart is not open. Our rational mind is disengaged. Our consciousness is focused on fear, not love. Making clear choices and recognizing the consequences of those choices is unfeasible. We are focused on short-term survival, not the long-term consequences of our beliefs and choices. (Neimark, n.d.)

My findings are based on review of a video recording of the actual incident and the 24 Hour Crime Report provided to me by Sgt. Richard Purtell of the Criminal Investigation Division (CID) Homicide Section. This writing will concisely address the actions of the four involved uniform police officers and the plainclothes officer. Areas covered:

A. Departmental Use of Deadly Force Guideline
B. Officer protocols when dealing with large crowds training recommendations
C. Officer protocols when in plain-clothes training recommendations
D. Police-on-Police Shootings (on and off duty) training recommendations

A. Departmental Use of Deadly Force Guideline (July 27, 2001)

Uniformed Officers Involved

Based on the totality of the circumstances it appears that Officers Pawley, Craig, Williams, and Dodge found themselves in the position of delivering deadly force defined as "…that force which is used with the purpose of causing or which is known to create a substantial risk of causing death or serious bodily harm.", upon an unknown suspect at the time who appeared to pose death or serious injury to the officers and civilians. Based on the very close proximity of the officers to the deadly force threat and the very small window of approximately six seconds to ascertain the threat and incapacitate the threat. There actions were within the guidelines that read,

> Members of this department shall not use firearms in the discharge of their duty, except in the following cases:
>
> 1. In self-defense, or to defend another person (unlawfully attacked from death or serious injury."
> a. The attacked officer is the person who has to evaluate the potential seriousness of the attack and determine an appropriate level of response.
> b. The evaluation and response must be reasonable from the perspective of a reasonable police officer similarly situated.
> c. There is no requirement that an actual specific injury be inflicted. It is, however, required that the potential for such injury be present and the threat must be immediate.

It must also be considered that prior to the actual shooting, three of the involved officers were attempting to control the attacking mob by use of pepper spray and hand on hand force. Suffice it to say, these officers were in a heightened state of primal alarm, (adrenaline rush) subsequently being intensified by the sound of gun fire from the unknown suspect, this appearing to produce the tunnel vision, which only allowed them to focus on the threatening object (handgun), which is a natural human response for most. The Baltimore Police Department teaches officers to be aware of the proper back stop as well as for the potential for ricochets and the danger of injury to innocent people,

> "If there is substantial risk of injury to innocent people from an

officer's use of deadly force, the officer may not use deadly force."

Considering the circumstances I believe that these officers acted reasonably in their delivery of deadly force and in fact controlled their subsequent use of deadly force due to the concern for innocent citizens. The statements provided by three of the involved officers indicate for a brief time they observed the unknown suspect with gun in hand discharging, but also at various positions observed numerous (attackers) around and on top of the unknown suspect, but these officers at no time delivered deadly force until a clear and safe path was established by virtue of attackers as well as innocent citizens getting out of the line of fire.

In regard to the amount of rounds fired (42):

1. Torbit- 8
2. Pawley- 11 (stove-pipe)
3. Craig- 5
4. Williams- 4
5. Dodge- 14

This issue appears to be a consistent response based on each officer's proximity and actual participation of the incident, affecting each officer's level of fear and perception. Off. Pawley appeared to be the closest to the unknown male firing the weapon. Off. Craig was the next closest to the unknown suspect. Off. Dodge was also close to the unknown suspect but subsequently received a gunshot injury to his left foot, in turn heightening his primal fight mentality. Off. Williams who does not deliver a written statement, appears to have been the furthest away from the unknown suspect during the shooting.

Plain-clothes Officer Torbit (unknown suspect)

Off. Torbit's actions were well within the current Use of Deadly Force Guideline.

Members of this department shall not use firearms in the discharge of their duty, except in the following cases:

1. In self-defense, or to defend another person (unlawfully attacked from death or serious injury."

   a. The attacked officer is the person who has to evaluate the potential seriousness of the attack and determine an appropriate level of response.

   b. The evaluation and response must be reasonable from the perspective of a reasonable police officer similarly situated.

   c. There is no requirement that an actual specific injury be inflicted. It is,

however, required that the potential for such injury be present and the threat must be immediate.

Officer Torbit was the victim of an unarmed assault that posed a potential threat of death or serious injury to him during this multiple suspect attack. The current Use of Deadly Force Guideline reads the following,

I. Unarmed Suspects

1. From time to time law enforcement is confronted with the unarmed individuals who possess the ability and intention of inflicting life threatening injures with their bare hands or the ability and intention to disarm the officer. This ability may exist in one or more of the following characteristics offered as examples:

    a. Force of number, officer is outnumbered and being attacked.

Off. Torbit's attack lasted approximately 11 seconds, at which time he was punched by numerous attackers from multiple positions, subsequently forcing him to the ground. Off. Torbit's attack was of a severity that resulted in him being moved approximately 10-15 feet away from the initial location of attack, leaving him in a vulnerable position of being on his back while being punched, kicked, stomped, and chocked simultaneously by 6-7 suspects.

B. Officer protocols when dealing with large crowds training recommendations

Unfortunately it appears that the actions prior to the actual shooting incident may have in fact contributed to the tragic results. The handling of the club crowd that night, both inside and out, equated to single officers trying to control multiple brush fires (incidents); these brush fires inevitably engulfing an officer. At the very worse that night there was not a sufficient police presence and or the police personnel were not properly deployed to handle this event. It should have been a goal of police personnel to show a united front, to send the appropriate psychological message of control and professionalism to the crowd, in hopes of preventing it from mutating to a mob. This is even more disconcerting when we consider that by virtue of a club crowd, alcoholic beverages are consumed which exacerbates an already volatile situation for officers. At the very least that night, the cardinal rules of law enforcement officers of staying together, staying insight of each other, and backing each other up were not adhered to by all. The statement made by Off. Pawley in the 24 hour report makes this quite clear, in it he states, "I walked back towards the front of the club. I observed Officer Torbit advising a subject to leave. The subject was refusing to leave and was loud. The subject stated that

he was waiting for the valet parking. Officer Torbit took his ticket to bump him to the front of the line. Officer Torbit walked to the front of the club and I walked deeper into the parking lot on the north side of the club." It appears that despite Off. Pawley observing Off. Torbit engaging a disorderly person that could have resulted in the need for assistance, Off. Pawley allowed Off. Torbit to engage this person by himself. Off. Pawley subsequently decided to leave Off. Torbit's location and walk away alone deeper into the parking lot and crowd.

Off. Torbit is eventually observed alone going into the crowd to intercede between the driver of a vehicle and Ms. Graves who was possibly brushed with the vehicle. Based on witness testimony it was very apparent that Off. Torbit was a police officer performing his duty. The video shows that when Off. Torbit instructed the driver of the vehicle to leave the area Ms. Graves either pushes and or makes aggressive comments towards Off. Torbit, his back was facing her at this time. Off. Torbit is seen at that point briefly taking a chest bump challenging posture towards Ms. Graves closing distance with her, which we teach is an indicator of a primal fight reaction that should be avoided, in addition we teach that this type of posturing is not tactically sound as well. In less than one second, Off. Torbit does this same chest bump posture towards Sean Gamble, rather than "immediately" pulling himself out of a bad position. At this point it appears that Off. Torbit possibly reaches with his right hand for his handcuffs that were hanging from his front waistband to attempt an arrest of Sean Gamble. During attempting to arrest Sean Gamble, Off. Torbit does move toward Sean Gamble at which time Sean Gamble punches Off. Torbit.

The 24 Hour Report contains multiple statements that allude to Sean Gamble being the first to assault Off. Torbit:

> **Civilian Witness Katrina Harris**, "…Ms. Harris also identified "Rico" (Darrell Baker) as being held back by Jazzmin Graves. Ms. Harris also stated that she observed Sean Gamble throw the first punch."
>
> **Civilian Witness Tray Miller**, "…He observed the officer confront Sen Gamble and saw them start fighting."
>
> **Civilian Witness William Roscoe Jr.**, "…He observed an unidentified person go into a group of people and physically move them. The person extended his arm and got into a physical altercation with Sean Gamble."
>
> **Civilian Witness Yorel** Johns, "…He reports that the officer told Sean to "mind his fucking business." The officer then pushed Sean."

This punch by Sean Gamble is immediately followed by Darrell Baker punching Off. Torbit from the rear. These two almost simultaneous assaults by Gamble and Baker ignited the mob to participate in the already brutal attack upon Off. Torbit. Prior to punching Off. Torbit, Darrell Baker is initially seen taking an ambush position behind Off. Torbit, attempting to get to him, but he is grabbed back by Jazzmin Graves. Darrell

Baker so intent on assaulting Off. Torbit, he pulled free from Jazzmin Graves subsequently attacking Off. Torbit.

There is no denying that Off. Torbit did eventually go to primal mode, when dealing with this incident. We can only speculate why he went into the crowd alone. Two reasonable considerations are; one he was already in primal fight mode due to the previous interactions with the disorderly person and or crowd. Two, the video shows that Off. Torbit comes into camera view at approximately 1:29:51 at which time walking past a marked patrol unit with roof lights activated, stopped in the street approximately 10 yards away from him to his left, occupied by Off. MacMillian. He may have assumed that Off. MacMillian would have exited her vehicle to assist him, which was not the case. It appears that Off. Torbit was interceding with the initial incident for approximately 44 seconds prior to the assault upon him. The initial brushing by the car upon Ms. Graves occurred 1:29:33 and Off. MacMillian was present during the initial incident but did not exit her vehicle. Off. MacMillian makes it a point to drive slightly past an unoccupied marked patrol unit to gain a better point of view of the parking lot placing her in an even better and closer position to observe the disturbance being caused by Ms. Graves. Off. MacMillian's car door does not come ajar until 1:30:33 at this point Off. Torbit is being surrounded by the mob. Off. MacMillian does not exit her vehicle until 1:30:45, at this point the assault had begun.

Training Recommendations:

1. Very specific protocols in dealing with large crowds to include, scrimmage lines, rules of engagement, rules of retreat, personnel numbers, clearly designated supervision and overall person in charge, etc.
2. Emphasize the very basic rule of proper contact and cover
3. Officers must never be allowed to place themselves in the middle of a crowd alone.
4. The one incident at a time mentality must be emphasized.
5. The advantage of psychological affect upon a crowd must be learned and used to control and or guide a crowd.
6. Officers must be taught to control their human innate fight or flight instinct.
7. Officers can be taught to replace primal innate reaction with primal controlled response based on training.

C. Officer protocols when in plainclothes training recommendations

I believe the natural first reaction to this incident is to assume that if Off. Torbit was clearly identifiable as a law enforcement officer to his fellow officers, this tragedy may not have occurred. If must be first noted that he absolutely was not clearly identifiable as a fellow officer from his final position of being on the ground, especially when considering the above instances of likely tunnel vision of the uniformed officers in this case. I would go so far as to say, unfortunately even if he was in a patrol uniform, this incident still may not have been avoided due to the close proximity of the unknown officer, the unavoidable tunnel vision of staring at the weapon and not the suspect.

I do believe that if Off. Torbit was wearing a brightly colored outer garment such as a yellow raid jacket, lime reflective vest, etc., the officers may have had a chance to be drawn out from tunnel vision mode.

Training Recommendations:

1. Yellow Raid Vest or lime reflective vest when dealing with crowds
2. As is the case with uniformed officers, plainclothes officers must never engage a crowd by themselves.
3. Plain-clothes officers' presence must be clearly announced and acknowledged over the radio

D. Police-on-Police Shootings (on and off duty) training recommendations

This incident may not have been avoided, even if Off. Torbit was in a patrol uniform, due of the totality of the rapidly evolving circumstances of the actual shooting. I must consider the fact that if the officers involved would have been more attune to the possibility of plain-clothes officers being present, in addition to Off. Torbit being more aware of his actions as a plainclothes officer, could this tragedy have been avoided?

Training Recommendations

1. Very specific training curriculum to academy and in-service officers on the subject of police on police shootings of on duty as well as off duty officers.

2. The training should address expected actions for the plain-clothes officer as well as the challenging officer.

Plain-clothes Officer

a. Intervene if absolutely necessary, be a good witness
b. Inform 911 dispatcher of you presence
c. Don't move when confronted by officers
d. Avoid the reflexive spin
e. Consider colors of the day clothing or verbal indicator, weekly possibly.
f. Implement a certain arm and hand positions when ordered by an officer to, "Put your hands up".
g. Give very specific verbal indicators when encountering a police officer, such as clearly and loudly stating that you are a police officer, prior to indicating that you have a gun.

Challenging Officers

a. Don't assume simply based on initial appearances
b. Take cover to afford provide more time to analyze a situation
c. Fight tunnel vision and broaden your focus

d. During live fire training implement courses of fire that require officers to adequately assess the target/person prior to delivering deadly force. Require the officer to look for specific criteria prior to delivering deadly force. If the criteria is present, the officer will or will not be instructed to deliver deadly force. The goal is to not have officers simply fire at a turning target, on the whistle, etc. The Baltimore City Police Academy must introduce officers to cognitive/critical thinking in addition to controlling emotional primal response.

3. Scenario based training ensuring that students participate in both roles as challenging and plain-clothes officer.

4. Scenario based training must also address potential stereotypical biases during shoot don't shoot situations.

5. Racial bias should be screened during the hiring process as well as during academy training.

6. A diverse pool of plain-clothes officers should be allowed to share their experiences with trainees and in-service during this training.

7. Eventually implement this subject and training statewide via our Maryland Police and Correctional Training Commissions.

Respectfully,

Lt. John Cromwell
Range Commander
Baltimore Police Department

Acknowledgment

I must acknowledge a portion of the Police-on-Police Shootings (on and off duty training recommendations were derived from the very extensive study conducted by the New York State Task Force on Police-on Police Shootings, Reducing Inherent Danger: Report of task Force on Police-on-Police Shootings.

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Appendix E: Statement on video enhancement

Police Department
Baltimore, Maryland

Criminal Investigation Bureau
24-HOUR CRIME REPORT
93/151

From 0001 Hours to 2400 Hours on: **CC# 111A03320**

To: **Chief of the Criminal Investigation Division**

FROM: **CID-Homicide**

Incident: Police Involved Shooting/ Fatal
CC# 111A03320 10H005

Location: 400 West Franklin St. Baltimore, MD

Date / Time: 09 January 2011, 0115 Hours

Secret Service Enhancement of Camera 46 Footage

Immediately following the initial viewing of the incident captured by Camera 46, City Watch, a copy of the video was sent to the Secret Service to be enhanced (01/11/11).

The returned enhanced copies provided by the Secret Service (101-848-39743-S) were of same or lesser quality then the original provided by City Watch. The copies have remained secured.

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Appendix F: Glossary

b/m	Black Male
BPD	Baltimore Police Department
CAD	Computer Aided Dispatch
CCTV	Closed Circuit Television
CMPD	Charlotte-Mecklenburg Police Department
DHS	U.S. Department of Homeland Security
FOP	Fraternal Order of Police
GIS	Geographic Information System
IACP	International Associate of Chiefs of Police
ICS	Incident Command System
IID	Internal Investigations Division
IRB	Independent Review Board
MOIT	Mayor's Office on Information and Technology
NIMS	National Incident Management System
OPD	Oakland Police Department
POST	Police Officer Shooting Team
SARA	Scan, Analyze, Respond, and Assess
SWAT	Special Weapons and Tactics

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