

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

**Memorandum of Agreement
3rd. Status Report**



December 31, 2004

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Prince George's County Police Department Memorandum of Agreement 3rd. Status Report

Introduction

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

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

The work involved in meeting the expectations of both the Consent Decree and the Memorandum of Agreement began on January 22, 2004. The goal of the Police Department is to ensure full compliance with the mandates of both the Consent Decree and the Memorandum of Agreement. The men and women of the Prince George's County Police Department are rising to the challenges before them. They are committed to making the Department truly one of the finest in the nation, "dedicated to serving the citizens and residents with excellence". The Department is continuing to develop new strategies, policies and procedures, and making systematic changes that will allow them to do good constitutional police work, and be held accountable for their actions. The safety and security of the citizens and residents of Prince George's County is dependent upon the success of the Department in fulfilling the requirements in the Memorandum of Agreement and the Consent Decree.

Executive Summary

This is the third status report to the Independent Monitor and the U.S. Department of Justice. This report covers the period beginning on October 1, 2004 and ending on December 31, 2004. During this reporting period several significant efforts outlined below have occurred. The PGPD has made an intense effort to focus on the three areas of concern (*Directives, Disparity in Use of Force Reports, and the Early Identification System*) cited by the Independent Monitor in their 2nd. Quarterly Report, for specific action during this reporting period. The Department's efforts are a continuing testament to the commitment that the Police Department is making to fulfill the mandates of the Memorandum of Agreement.

During the current reporting period, the PGPD made a positive effort to have further dialogue with some members of the Independent Monitoring team to obtain additional feedback and analysis on their second site visit. Telephone conferences were held with Mr. Eduardo Gonzalez, Dr. John Kolfas, and Chief Patrick Oliver who provided the PGPD and representatives of the County government with specific recommendations in the areas of improving the agencies policies and directives, designing and preparing a Data Input Plan and a Use Protocol for the Early Identification System, and suggestions on designing and implementing the training curriculums and lesson plans needed to meet the requirements of the MOA.

The remainder of this Executive Summary will highlight key areas of effort during this reporting period.

Early Identification System Update

The meetings cited above with the Independent Monitoring Team were further enhanced by a technical assistance site visit from Dr. John Klofas on November 11, 2004. Dr. Klofas spent half a day with PGPD personnel who are involved with the various phases of the development of the Early Identification System. Specific focus was spent analyzing the various components of information that should be included in the agencies "Data Input Plan", and the "Use Protocol" required by MOA paragraphs 78, and 79. PGPD personnel attending this meeting included the Deputy Chief(s) of the Support Services Bureau, and the Bureau of Professional Responsibility, as well as personnel from the Internal Affairs, Professional Compliance, and Technical Services Division(s), the Compliance Coordinator, a representative from FOP Lodge #89, and several other operational personnel. Mr. Gregory Gonzalez from the U.S. Department of Justice, and Mr. Larry Davis, the USDOJ EIS consultant from the University of Maryland joined the meeting via teleconferencing and also shared some recommendations for PGPD personnel as the development of the Early Identification System requirements were being discussed. While the technical assistance visit was informative it presented the PGPD with a wealth of information that must be used as the Department prepares the written documents that will govern the use of the Early Identification System component of the Personnel Records Management System.

On November 17, 2004 representatives from the PGPD and the Office of the County Attorney traveled to the Pittsburgh, PA Police Bureau, for a briefing on their Performance Assessment and Review System (PARS). The PARS system is an automated personnel performance management system which was mandated in the Pittsburgh Consent Decree settling a civil rights complaint filed by the U.S. Department of Justice alleging that the Pittsburgh Police Bureau had engaged in a pattern or practice of police misconduct. The Pittsburgh PARS system has been cited nationally by many law enforcement officials as a "best practice" model for Early Identification and Warning Systems. The Independent Monitor recommended that PGPD

personnel make this site visit to learn as much as possible about how to implement such a system within the agency, under a MOA or a Consent Decree.

The first visit to the Pittsburgh Police Bureau resulted in a second site visit December 14 - 15, 2004, for a much smaller group of PGPD personnel to observe a COMPSTAR meeting. The Pittsburgh Police Bureau uses the quarterly COMPSTAR meeting as an accountability measure for its PARS system. COMPSTAR is a command level meeting modeled after COMPSTAT crime management initiative which originated in New York city in the mid 1990's. COMPSTAR shares the same philosophy as COMPSTAT, but the focus is on personnel management rather than on crime statistics. The Pittsburgh Police Bureau PARS System and the COMSTAR Process has provided the PGPD with invaluable insight on designing and building an enhanced personnel management system which collects a wide range of data, and can conduct analysis to determine and identify top-performing and under-performing officers as well as officers with performance problems.¹

On December 7, 2004, PGPD personnel traveled to Trenton New Jersey, for a briefing on the New Jersey State Police Management Awareness Personnel Performance System (MAPPS). This site visit was also a recommendation from the Independent Monitor, in order to obtain more information to assist the PGPD with its MOA Early Identification System requirements. MAPPS is an integrated system for maintaining, retrieving, and analyzing information regarding the performance of members of the New Jersey State Police, to identify, reward, and promote professionalism, civil rights integrity, best practices, as well as to identify, intervene, and remediate potentially problematic behavior.² Once again the information and knowledge gained from the New Jersey State Police site visit will benefit PGPD personnel who are currently undergoing a process to design and implement a comprehensive personnel records management system which adheres to the MOA requirements for an Early Identification System.

The Support Service Bureau Technical Services team assigned to implement the MOA Early Identification System requirements has prepared an Action Plan which details the steps and actions that will guide this effort. (This Action Plan has been made available to the U.S. Department of Justice and the Independent Monitor as a part of the Appendix to this report).

Directives Update

During this reporting period the PGPD has also made more progress on addressing the Directive/Policy issues identified in both the 1st, and 2nd. Quarterly Report(s) of the Independent Monitor.

In October the PGPD began to search for an experienced directive/policy writer, who would be able to assist the agency in resolving some outstanding formatting and style issues with the directives and policies relative to the MOA. The Department has obtained the services of a part-time directive/policy writer who is assisting the PGPD with this task. Although the drafting, reviewing, and consulting with the appropriate MOA task-holders is tedious and time consuming, the resultant product will yield policies which are clear, concise and can be understood and implemented by police officers and supervisors in the field.

¹ Early Intervention Systems for Law Enforcement Agencies – A Planning and Management Guide, Chapter 2, The Components of an Early Intervention System. 2003.

² New Jersey State Police - Operations Instruction # 04-01; Management Awareness and Personnel Performance System, Section I – Policy, C. 2004.

The PGPD is also pursuing the services of a large law enforcement consultation firm to assist with the long term goals of designing a new General Order manual for the entire agency. The Department also formed a new workgroup to coordinate its directive/policy reforms. This workgroup known as the “General Order Manual Reformation Working Group” consists of two Police Lieutenants, and a Police Sergeant. This working group will facilitate the tasks required to rectify all Directive/Policy issues and has established the following goals and objectives for facilitating this process:

Goals:

The goals of the General Order Manual reformation are to: 1) complete an examination of the Department’s existing policies, 2) revise the Department’s policies to reflect best practices, and 3) publish the updated policies in a clear and concise format by January 1, 2006. This project will be completed in collaboration with the Institute of Law and Justice (ILJ) of Alexandria, Virginia. In order to accomplish these goals, the Working Group has established the following objectives:

Objectives (Immediate, Intermediate, and Long Term Strategies):

1. Creation of topic files to categorize subject matter in the existing Manual. (Completed: 12-08-04)
2. Completion of a manual and electronic topic search of the existing Manual. (In process)
3. Development of a new format for the Manual. (In process)
4. Appointment of a formal review committee and scheduling of informal “Input Sessions” to discuss proposed policies and procedures. (In process)
5. Drafting policy topics pertinent to the Department of Justice (DOJ) Consent Decree, pursuant to a time-line established in collaboration with the Compliance Coordination Team. (Pending)
6. Drafting of policy topics not pertinent to the DOJ Consent Decree. (Pending)
7. Publication of the “new” General Order Manual for distribution by January 1, 2006. (Pending)³

The Strategic Management Bureau’s team assigned to implement and oversee the MOA Directives requirements has prepared an Action Plan which details the steps and actions that will guide this effort. (This Action Plan has been made available to the U.S. Department of Justice and the Independent Monitor as a part of the Appendix to this report).

Disparity In Use of Force Reports Update

The PGPD began an extraordinary effort during this reporting period to address the “Disparity in Use of Force Reports” area of concern, identified in the Independent Monitor’s 2nd. Quarterly Report. The PGPD initiated a comprehensive review of its Use of Force Reporting System under the leadership of the Deputy Chief of the Bureau of Professional Responsibility. This review focuses on the following areas:

³ Prince George’s County Police Department Action Plan memorandum dated December 22, 2004 – “Prince George’s County Police Department Policy/Directive System”.

1. The feasibility of adopting a universal Use of Force form to be completed by police officers that use force
2. Tracking each Use of Force Report using a Central Complaint Number issued by the Computer Aided Dispatch System
3. Adhering to applicable State law mandated Records Retention Schedules, and maintaining each use of force incident in a central repository
4. Ensuring that each Use of Force incident is properly entered into and processed through the Department's Early Identification System

In order to facilitate these focus areas, the PGPD established a Use of Force Reporting Committee, which is comprised of a broad cross-section of Department personnel. The Committee has held several work sessions and will be preparing a report of recommendations for the approval of the Chief of Police in January 2005. Once approved, these recommendations will be implemented by the Department.

The PGPD also distributed a memorandum dated October 20, 2004, from the Chief of Police. This memorandum was directed to all PGPD Commanders/Directors informing them to brief their personnel that "effective immediately ALL Commanders Information Reports regarding the use of force being faxed to the Internal Affairs Division, as well as to Captain James, the Compliance Coordinator".

Finally, the Deputy Chief of the Bureau of Professional Responsibility has prepared an Action Plan which details and outlines the steps, efforts and actions that are being taken to address this issue by the Department. (This Action Plan has been made available to the U.S. Department of Justice and the Independent Monitor as a part of the Appendix to this report).

Other Significant Update Efforts

It is important to note that the PGPD has engaged in many other efforts designed to continue to proactively address the requirements of the MOA. Some of those efforts are outlined in this section of the Executive Summary.

During this reporting period the PGPD has had two Monthly meetings with the Independent Monitor, and representatives from the Department of Justice. These meetings have been very helpful to all parties as critical issues are identified and recommended resolutions are proposed in order to progressively move the implementation process forward. These meetings are also helpful to the parties in understanding the challenges that are faced by a local law enforcement agency implementing reform changes mandated by a federal government agency, while those reforms are monitored by a private industry entity, yet the local law enforcement agency is challenged to continue its day to day primary mission of preventing and solving crime issues, and proactively serving and protecting its citizens and residents.

In November 2004, the PGPD established a Communications Committee to handle the public relations challenges of the MOA and the Consent Decree. This committee is responsible for both internal and external communications and public education.

Another significant effort that has made tremendous strides during this reporting period has been the partnerships and working relationships that have been established between the Police Department and several other County Government agencies. The County Executive and the Chief Administrative Officer have pledged to use all available Prince George's County resources to assist the PGPD in successfully implementing the requirements of both the MOA and the Consent Decree. These partnerships have resulted in providing transportation and funding for PGPD members to attend site visits in three different states; provided for enhancing the parameters of the current contract for the Mobile Crisis Team that assists the police with mental health professionals trained to handle cases involving the mentally ill; and provided a Management Information Systems Coordinator to assist with the implementation of the Early Identification system requirements of the MOA and the Consent Decree. These measures are just a few of the many efforts which have been undertaken by the Police Department during this reporting period.

By continuing to take a proactive approach and incorporating all the available resources, the Prince George's County Police Department is continuing to make progress toward achieving its goal of being in substantial compliance with all the requirements of the Memorandum of Agreement, and the Consent Decree, while building a more professional and accountable Police Department dedicated to serving the citizens and residents of Prince George's County.

Paragraph #107 of the Memorandum of Agreement (MOA) requires the Prince George's County Police Department to report its progress on implementing the provisions of this document. The remainder of this report will focus on the progress made on specific requirements during the second quarter that the MOA has been in effect.

NOTE:

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

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

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

33. In all appropriate cases involving a mentally ill person, the responding officer will file a request for an Emergency Petition for an In-Patient Evaluation. The PGPD will continue employment of its mental health care professionals that makes such professionals available to assist the PGPD with on site interactions with persons who are mentally ill. The PGPD agrees to continue to provide forty hours training on crisis intervention and dealing with mentally disordered individuals as part of its police academy recruit curriculum. Within six months from the date of this Agreement, the PGPD will supplement its current police mobile-based crisis team. This team will, at a minimum, consist of personnel who are highly motivated and attend annual in-service training by mental health professionals to improve their conflict resolution and situational de-escalation techniques. The PGPD will make best efforts to secure the voluntary services of team members who are also sworn police officers. Members of this team will be available to respond to assist patrol officers deal with mentally ill subjects. The team shall have primary responsibility for dealing with the situation, unless there is a need for quick action.

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Psychological Services - Subject Matter Team for follow-up action. The Subject Matter Team has continued to work on devising appropriate strategies for implementing the requirements of this paragraph.

During the current reporting period a revised general order policy has been drafted to provide police officers with the procedures for responding to and assisting mentally ill persons and requesting an emergency petition in the appropriate cases.

The Department is also in the process of developing an in-service curriculum for the 2005 In-Service Training session which will focus on re-orienting our officers on the appropriate procedures for “Responding and Handling cases involving the Mentally Ill”. This curriculum will consist of a basic course for all sworn officers, and an advanced curriculum will be offered to volunteers who have completed the basic course. The basic will be taught by personnel from the Psychological Services Division, and other mental health professionals. The advanced course for volunteer police officers will be delivered through a partnership with the Montgomery County MD Police Department, which has been offering an advanced course on handling the mentally ill to its personnel. Several Prince George’s County Police Department personnel have also attended this course during 2004. This strategy is designed to better equip our police officers for responding and making the best decisions possible when encountering those incidents involving the mentally ill.

The PGPD has also has also worked diligently with the Price George’s County department of Family Services – Mental Health Division to ensure that the services offered by the Mobile Crisis Team is available on a twenty-four (24) hour basis.

Compliance Documentation:

DRAFT General Order Policy - Section(s) 4/242.

DRAFT document: “Police Officers Guide for handling Incidents involving Mentally Ill Persons Revised County Memorandum of Agreement with the Mobile Crisis Team provider, Matrixx.

Section III – USE OF FORCE POLICIES.

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

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

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

Compliance Implementation Summary: This provision of paragraph 34 of the MOA was assigned to the Community Policing Institute – Subject Matter Team for implementation. The current Use of Force Training Guide and curriculum reflect the techniques and tactics described in the requirements. The General Orders on the Use of Force have been redrafted to reflect the requirements in the MOA.

On December 21, 2004, the PGPD and the Office of the County Attorney sent a letter to the U.S. Department of Justice regarding a recommendation concerning item (g) of paragraph 34 of the MOA. The PGPD and the Office of the County Attorney have proposed to insert language in the PGPD Use of Force Policies, specifically prohibiting the use of choke holds and similar carotid holds by its police officers. This proposal does not incorporate the MOA's extended requirement in item (g) which makes an exception to allow the use of choke holds and similar carotid holds in those instances where deadly force is authorized. The PGPD is awaiting a response from the USDOJ on this issue

The PGPD is also addressing the Independent Monitors comments from the 2nd. Quarterly Report, regarding the use of terminology in the Use of Force policy which defines “aggressive, excessive, and unnecessary force” as variations of its Use of force policy. An opinion on removal or redefinition of these terms is being sought from the PGPD's attorney assigned from the Office of law.

Compliance Documentation:

RE-DRAFTED portions of General Order Manual (GOM) Vol. 3 Section(s) 3/900, 3/901, 3/902, 3/905. Prince George's County Police Department's - Use of Force Training Guide.

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

- a. define all terms clearly;
- b. limit the use of OC to only those cases in which such force is necessary to protect the officer, the subject, or another party from physical harm, or is necessary to effectuate the arrest of an actively resisting subject, or prevent the escape of that subject;
- c. continue to prohibit the use of OC in passive, civil demonstrations;
- d. reinforce the prohibition against using OC spray in crowded areas;
- e. provide that OC may be used only when verbal commands and other techniques that do not require the use-of-force would be ineffective, or where issuing verbal commands would present a danger to the officer or others;
- f. require, that unless it would present a danger to the officers or others, a verbal warning to the subject that OC will be used must be issued prior to use, and that, where feasible, the officer will defer using OC a reasonable time to allow the subject to comply with the warning;
- g. require officers to target only the subject's face and upper torso when using hand-held OC canisters;
- h. provide guidance regarding the proper duration of a burst of OC and the distance from which it is applied;
- i. require that, absent exceptional circumstances, officers will offer to decontaminate every subject exposed to OC within twenty minutes of the application of OC;
- j. require that officers request medical response or medical assistance for subjects exposed to OC when they complain of continued effects after having been de-contaminated, or they indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by OC;
- k. Require that officers remove a subject exposed to OC from a face down position as soon as it is safe to do so; and;
- l. provide that OC may be used on a restrained subject only when, absent the use of OC, the subject or another person is likely to suffer injury, or escape.

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

Compliance Implementation Summary: The provisions of this MOA paragraph were determined to be within the General Order sections provided to the Independent Monitor during their second site visit in October 2004, and the Monitor has determined that the PGPD has achieved a "Pending Compliance" assessment for this paragraph of the MOA. The Department has begun to reorganize and reformat the content of this general order to ensure that it is more logically organized and provides clear and sufficient direction for officers and supervisors in the field. This work is being done by the newly formed Policy Development Working Group.

Compliance Documentation:

General Order Manual (GOM) Vol.3 Section(s) 3/906/10, 3/906.15, and 3/906.20.
RE-DRAFTED PGPD Community Policing Institute – O.C. Spray Lesson Plan.

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

Compliance Implementation Summary: The provisions of this MOA paragraph were determined to be within the General Order sections provided to the Independent Monitor during their second site visit in October 2004, and the Monitor has determined that the PGPD has achieved a Phase I "Pending Compliance" assessment for this paragraph of the MOA. During the January 2005 site-visit, the Independent Monitor will follow the approval process to determine if this policy has been promulgated.

Compliance Documentation:

GOM Vol.3 Section 3/903, 3/903.10, and 3/906.25

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

Compliance Implementation Summary: The provisions of this MOA paragraph were determined to be within the General Order sections provided to the Independent Monitor during their second site visit in October 2004, and the Monitor has determined that the PGPD has achieved a Phase I "Pending Compliance" assessment for this paragraph of the MOA. During the January 2005 site-visit, the Independent Monitor will follow the approval process to determine if this policy has been promulgated.

Compliance Documentation:

GOM Vol. 3 Section 3/906.20

Bureau of Professional Responsibility (BPR) - Internal Affairs Division - Standard Operating Procedure (SOP), page #7, item C10.

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

Compliance Implementation Summary: The provisions of this MOA paragraph were determined to be within the General Order sections provided to the Independent Monitor during their second site visit in October 2004, and the Monitor has determined that the PGPD has achieved a Phase I "Pending Compliance" assessment for this paragraph of the MOA. During the January 2005 site-visit, the Independent Monitor will follow the approval process to determine if this policy has been promulgated.

Compliance Documentation:

GOM Vol. 6 Section 6/204.15

Prince George's County Police Department's - Community Policing Institute (CPI) OC Spray Lesson Plan.

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

Compliance Implementation Summary: The provisions of this MOA paragraph were determined to be within the General Order sections provided to the Independent Monitor during their second site visit in October 2004, and the Monitor has determined that the PGPD has achieved a Phase I “Pending Compliance” assessment for this paragraph of the MOA. During the January 2005 site-visit, the Independent Monitor will follow the approval process to determine if this policy has been promulgated.

Compliance Documentation:
GOM Vol. 3 Section 3/906.15.

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

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

Compliance Implementation Summary: The provisions of this MOA paragraph were determined to be within the General Order sections provided to the Independent Monitor during their second site visit in October 2004, and the Monitor has determined that the PGPD has achieved a Phase I “Pending Compliance” assessment for this paragraph of the MOA.

This MOA paragraph has been assigned to the newly formed Use of Force Reporting Committee in order to ensure that all the requirements of this paragraph are consistent with the other MOA and PGPD policies regarding the reporting of all Use of Force incidents. The Use of Force Reporting Committee has developed a Use of Force Reporting form to be completed by all personnel using any type of force. The Use of force form, a checklist, and instructions are in the process of being finalized and reviewed by the appropriate stakeholders prior to the approval of the Chief of Police.

Compliance Documentation:
GOM Vol. 3 Section 3/903, 3/903.10
DRAFT USE of Force Forms

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

Compliance Implementation Summary: The Independent Monitor’s comments regarding this paragraph focused on the fact that the policies that were reviewed during their second site-visit made no mention of the requirement that “the precise description of the facts and circumstances of the event’ particularly delineates the justification or the failure to justify the officer’s conduct. The PGPD has drafted a revision to incorporate this provision into the general order addressing this MOA paragraph

Compliance Documentation:

GOM Vol. 3 Section 3/903, 3/903.05, RE-DRAFTED portions of 3/903.10.

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

Compliance Implementation Summary: The provisions of this MOA paragraph were determined to be within the Bureau of Professional Responsibility – Special Investigative Response Team (SIRT) Standard Operating Procedure provided to the Independent Monitor during their second site visit in October 2004, and the Monitor has determined that the PGPD has achieved a Phase I “Pending Compliance” assessment in the Draft 2nd. Quarterly Report, however, inadvertently determined that this paragraph of the MOA was in “Not in Compliance” in the final report., however the Independent Monitor indicated in the final report that during the January 2005 site-visit, they will follow the approval process to determine if this policy has been promulgated.

Compliance Documentation:

BPR – Special Investigative Response Team's Standard Operating Procedure (SOP), page #4, Investigative Responsibility.

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

Compliance Implementation Summary: This paragraph was assigned to the Bureau of Professional Responsibility (BPR) – Subject Matter Team and the Community Policing Institute – Subject Matter Team for implementation. The BPR's Standard Operating Procedure was revised to address this requirement of the MOA.

During this reporting period, the PGPD finalized a curriculum entitled “Internal Investigations”. This curriculum is a joint effort between the BPR and CPI subject matter teams to ensure that the MOA requirements pertinent to Internal Administrative Investigations are taught to all supervisors. Training on this curriculum is scheduled to begin in January 2005, and will be given to all PGPD supervisors.

Compliance Documentation:

BPR – Internal Affairs Division – Standard Operating Procedure, pages # 10, 11, and 12, items I6, I7, I14, I22.

BPR/CPI Joint Training Curriculum/Lesson Plan entitled: “Internal Investigations”.

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

Compliance Implementation Summary: This paragraph was assigned to the Bureau of Professional Responsibility (BPR) – Subject Matter Team for implementation. The provisions of this MOA paragraph were determined to be within the PGPD Administrative Investigations Guide, Appendix E. During the January 2005 site-visit, the Independent Monitor will follow the approval process to determine if this policy has been promulgated.

Compliance Documentation:

PGPD Administrative Investigations Guide, page #58, Appendix E.

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

Compliance Implementation Summary: This paragraph was assigned to the Bureau of Professional Responsibility, and the Patrol Services Bureau – Subject Matter Team(s) for implementation. The Independent Monitor has determined that the PGPD revised its General Order policies to incorporate the provisions of this MOA paragraph. During the January 2005 site-visit, the Independent Monitor will follow the approval process to determine if this policy has been promulgated.

Compliance Documentation:

GOM Vol. 3 Section 3/903.15

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. The Independent Monitor has determined that the PGPD has incorporated the provisions of this MOA paragraph into its General Order Manual and the SIRT Standard Operating Procedure. During the January 2005 site-visit, the Independent Monitor will follow the approval process to determine if this policy has been promulgated.

Compliance Documentation:

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

Compliance Implementation Summary: The Independent Monitor has determined that the PGPD has incorporated the provisions of this MOA paragraph into its General Order Manual. During the January 2005 site-visit, the Independent Monitor will follow the approval process to determine if this policy has been promulgated.

Compliance Documentation:
GOM Vol. 3 Section 3/919, 3/919.25

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

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility, and the Policy Research – Subject Matter Team(s) for implementation. The Independent Monitor has determined that the PGPD has incorporated the majority of the provisions of this MOA paragraph into its General Order Manual, however; item (48e) was not appropriately addressed. The PGPD has re-drafted this General Order policy to incorporate appropriate language for item (48e).

Compliance Documentation:
RE-DRAFT portions of - GOM Vol. 3 Section 3/919.10, 3/919.25

Section V - Training

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Community Policing Institute – Subject Matter Team for Implementation. The mandated reviews are being conducted by the PGPD. Supervisory and Command review are already in place for all curricula to include all Use of Force lesson plans. The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure.

Compliance Documentation:

GOM Vol. 6 Section 204.05

PGPD Community Policing Institute’s Standard Operating Procedure (SOP), Chapter #1, page #3.

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

- a. ensure the quality of all use-of-force training;
- b. develop and implement use-of-force training curricula;
- c. select and train PGPD officer trainers;
- d. develop, implement, approve, and oversee all in-service training;
- e. develop, implement, approve, and oversee a patrol division roll call protocol designed to effectively inform officers of relevant changes in policies and procedures;
- f. establish procedures for evaluating all training curricula and procedures; and
- g. conduct regular needs assessments to ensure that use-of-force training is responsive to the knowledge, skills, and abilities of the officers being trained.

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Community Policing Institute – Subject Matter Team for implementation. The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure.

Compliance Documentation:

GOM Vol. 6, Section 6/204.10

PGPD Community Policing Institute’s Standard Operating Procedure (SOP), Chapter 1, pages 3 – 4; Chapter 5, pages 1 – 3; Chapter #10, page 3; Chapter 19, pages 2 – 4, 5 – 6, Chapter 25, pages 1, 7.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Community Policing Institute – Subject Matter Team for implementation. The requirements of this paragraph are currently being met. All lesson plans are designed and taught to meet the objectives as established by the Maryland Police and Corrections Training Commission (MPCTC). MPCTC conducts biennial audits, with the last inspection conducted on October 2003. The CPI received a 100% compliance rate. Unit training for each work shift is conducted by the Department whenever the required manpower resources are in place to permit the agency to replace entire work units from all operational components and still fulfill the full service requirements of the Department, within the community. The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure.

Compliance Documentation:

GOM Vol. 6, Section 6/204.10

PGPD Community Policing Institute’s Standard Operating Procedure (SOP), Chapter 1, pages 2 – 4; Chapter #3, page 5; Chapter #10, page 2 - 3; Chapter 19, pages 2 – 5; Chapter 25, pages 1 - 2, 6 - 7.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Community Policing Institute – Subject Matter Team for implementation. The team has determined that all lesson plans are currently kept in clearly dated, commonly accessible location. Copies of all lesson plans, handouts, and testing materials are all kept on file. If a lesson plan incorporates a presentation via a computer program, those presentations are also maintained. This helps to ensure consistent training for each officer. The PGPD has drafted a letter to the Office of the County Attorney requesting guidance regarding the Independent Monitors concerns about the relocation of all Canine and EST training records in light of the Consent Decree, which addresses to Canine and EST Sections, and is monitored by the U.S. Department of Justice.

Compliance Documentation:

GOM Vol. 6, Section 6/205.05

PGPD Community Policing Institute’s Standard Operating Procedure (SOP), Chapter 1, pages 3 – 4; Chapter #3, page 5; Chapter #10, page 2 - 3; Chapter 19, pages 4 – 5; Chapter 25, pages 1 – 2.
Copy of Letter to the County Attorney.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Community Policing Institute – Subject Matter Team for implementation. The team determined that the requirements of this paragraph are currently being conducted by two separate methods. The MPCTC Skills Manager program that is required for record keeping and tracking of officer training, and via the individual files maintained on each PGPD officer which contain reporting forms and testing originals. Recruit training records are maintained using the MPCTC computerized “training manager” program. The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure

Compliance Documentation:

GOM Vol. 6, Section 6/204.10

PGPD Community Policing Institute's Standard Operating Procedure (SOP), Chapter 1, pages 3 – 4; Chapter #10, page 2; Chapter 19, page 5; Chapter 25, page 19.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Community Policing Institute – Subject Matter Team for implementation. This committee was established as directed by the MOA. The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the Community Policing Institute Standard Operating Procedure

Compliance Documentation:

GOM Vol. 6, Section 6/201.10.

PGPD Community Policing Institute's Standard Operating Procedure (SOP), Chapter 1, page 3.

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

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

Compliance Implementation Summary: This provision of paragraph 55 of the MOA was assigned to the Community Policing Institute – Subject Matter Team for implementation. A new General Order policy was designed to incorporate the provisions of this MOA requirement. The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual policy.

Compliance Documentation:
GOM Vol. 6, Section 6/205.15

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

Compliance Implementation Summary: This paragraph was assigned to the Bureau of Professional Responsibility, and the Community Policing Institute – Subject Matter Team(s) for implementation. The training required by this paragraph is being developed as a separate block of training for all sworn police officers

Compliance Documentation:
Pending.

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

Compliance Implementation Summary: This paragraph was assigned to the Bureau of Professional Responsibility (BPR), and the Community Policing Institute (CPI) – Subject Matter Team(s) for implementation. During this reporting period, the PGPD completed the formulation of a curriculum entitled Internal Investigations. This curriculum is a joint effort between the BPR and CPI subject matter teams to ensure that the MOA requirements pertinent to Internal Administrative Investigations are taught to all supervisors. Training on this curriculum is scheduled to begin in January 2005, and will be given to all PGPD supervisors. The Independent Monitor has determined that the PGPD has incorporated all the provisions of this MOA paragraph into its General Order Manual and the appropriate Standard Operating Procedure (SOP).

Compliance Documentation:
BPR/CPI Joint Training Curriculum/Lesson Plan entitled: "Internal Investigations".
PGPD Community Policing Institute's Standard Operating Procedure (SOP), Chapter 19, pages 7 – 8.

58. Within 120 days of the effective date of this Agreement, the PGPD will develop a protocol, subject to the approval of DOJ, to enhance the FTO program. The protocol shall address the criteria and method for selecting FTOs, the training provided to FTOs to perform their duties, the length of time that probationary officers spend in the program, the assignment of probationary officers to FTOs, the substance of the training provided by the FTOs, and the evaluation of probationary officer performance by the FTOs. The protocol will also set standards that require the appropriate assessment of an officer's past complaint and disciplinary history before an officer is selected to serve as an FTO. FTO appointments will be subject to

review for reappointment at the discretion of the Director of the Academy or the Commander of the Training and Education Division. District commanders will also have discretion, upon consultation with the Academy staff, to remove an officer from the FTO program.

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Community Policing Institute – Subject Matter Team for implementation. The Basic Training Section of CPI, has completed the development of an FTO protocol in order to enhance the FTO program. The objective is to fully comply with the DOJ requirements while using this opportunity as an impetus to upgrade the current program. On September 30, 2004, the FTO Protocol, and the FTO Manual, along with the FTO General Order policy were sent to USDOJ for review and approval.

Compliance Documentation:

RE-DRAFTED portions of GOM Vol. 6, Section 6/206.

PGPD Community Policing Institute’s Field Training Officer’s Manual, pages 6, 7, 10, 20-24, 27, 36 – 39.

PGPD Community Policing Institute’s Field Training Officer’s Protocol, pages 1, 6, 12, 13, 20 – 30.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Community Policing Institute – Subject Matter Team for implementation. The Basic Training Section of CPI, has completed the development of an FTO protocol in order to enhance the FTO program. The objective is to fully comply with the DOJ requirements while using this opportunity as an impetus to upgrade the current program. On September 30, 2004, the FTO Protocol, and the FTO Manual, along with the FTO General Order policy were sent to USDOJ for review and approval.

Compliance Documentation:

RE-DRAFTED portions of GOM Vol. 6, Section 6/206.

PGPD Community Policing Institute’s Field Training Officer Manual, pages 16, 25, and 26.

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

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. This team determined that the Department currently performs this requirement. The Department implemented a “Police Accountability” project which provides for the placement of Placards at all police District Stations. These placards describe the process for filing a complaint against a Prince George’s County police officer. Bilingual brochures are also being made available through this project. A video-tape describing the complaint process is also available to the community from all police District Stations. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site-visit.

Compliance Documentation:

GOM Vol. 3, Section 3/810.10

BPR – Police Accountability Project items; placards, brochures, videotapes.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility, and the Policy Research – Subject Matter Team(s) for implementation. This team determined that the Department currently performs this requirement. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site-visit.

Compliance Documentation:

GOM Vol. 3, Section 3/810.10

BPR – Police Accountability Project items; placards, brochures, videotapes.

62. Except for complaints alleging brutality, complaints may be filed in writing or verbally, in person or by mail, telephone (or TDD), facsimile or electronic mail. In cases where a complaint asserts only the individual's contention of innocence of a charge, without any allegation of misconduct by the officer, the complainant will be advised to seek judicial redress through established court procedures. In all other cases, the duty officer at the front desk of each district station will be authorized to take complaints, including third-party complaints, which persons may file at any district station. Complaint intake officers may describe facts that bear upon a complainant's demeanor and physical condition, but may not express opinions regarding his/her mental competency or veracity. Complaint forms shall be readily available at all precincts. A complaint form will be completed each time a person attempts to file a complaint as described herein. Brutality complaints will be accepted when they are notarized and filed within 90 days of the alleged brutality, consistent with the requirements of LEOBR. The PGPD shall ensure that at least one employee who holds a valid commission from the State of Maryland as a notary public is available 24 hours per day at all times to respond to the complainant's location within a reasonable amount of time and notarize the document.

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility, and the Policy Research – Subject Matter Team(s) for implementation. The team determined that this paragraph is currently being done by the Department. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site visit.

Compliance Documentation:

GOM Vol. 3 Section 3/810.15

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility, and the Policy Research – Subject Matter Team(s) for implementation. The teams determined that the requirements of this paragraph are contained within the Bureau of Professional Responsibility Internal Affairs Division Standard Operating Procedures. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site visit.

Compliance Documentation:

BPR- Internal Affairs Division (IAD), Standard Operating Procedures, page # 10, items 12, and 13.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team(s) for implementation. The team determined that the Department had completed the requirements mandated by this paragraph. The Department submitted a letter dated March 15, 2004 to the Citizen Compliant Oversight Panel (CCOP) requesting that all allegations of misconduct filed with the CCOP be forwarded to the Department within five (5) business days of receipt. During the first and second Quarterly visits of the Independent Monitor, it was determined that the Police Department is “In Compliance” with this requirement of the MOA.

Compliance Documentation:

GOM Vol. 3, Section 3/811.40

PGPD Letter to the Citizen Complaint Oversight Panel (CCOP) dated March 15, 2004.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. The requirements of this paragraph are currently being performed by the Department and are found in the General Order Manual Volume 3, Section 811.05. During the first and second Quarterly visits of the Independent Monitor, it was determined that the Police Department is “In Compliance” with this requirement of the MOA.

Compliance Documentation:

GOM Vol. 3 Section 3/811.05.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. The team determined that the Department is currently performing the requirements of this paragraph. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site visit.

Compliance Documentation:

BPR – Internal Affairs Division – Standard Operating Procedure, page #16, item L-11.

General Order Manual (GOM) Section 3/817.70

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. The team determined that the Department has revised its General Order policies to accommodate the requirements of this paragraph. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site visit.

Compliance Documentation:
GOM Vol.3 Section 3/903.05

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. The team determined that the Department has revised its Internal Affairs Division Standard Operating Procedure to accommodate the requirements of this paragraph. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site visit.

Compliance Documentation:
BPR – Internal Affairs Division – Standard Operating Procedure, pages # 10, 11, and 12, items I6, I7, I14, I22.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. The team determined that the Department has revised its Internal Affairs Division Standard Operating Procedure to accommodate the requirements of this paragraph. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site visit.

Compliance Documentation:

BPR – Internal Affairs Division – Standard Operating Procedure, pages # 12, item I23.

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

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. The team determined that the Department has revised its Internal Affairs Division Standard Operating Procedure to accommodate the requirements of this paragraph. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site visit.

Compliance Documentation:

BPR – Internal Affairs Division – Standard Operating Procedure, pages # 10, and 11, item I9 – I 15.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. The team determined that the Department has revised its Internal Affairs Division Standard Operating Procedure to accommodate the requirements of this paragraph. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site visit.

Compliance Documentation:

BPR – Internal Affairs Division – Standard Operating Procedure, pages # 12, and 13, items I25 and I 29.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. The team determined that the Department has revised its Internal Affairs Division Standard Operating Procedure to accommodate the requirements of this paragraph.

During this reporting period the PGPD was advised via email from the Office of the County Attorney that the current procedure used by the PGPD to advise complainants of the results of an investigation, but not the specifics of any discipline assessed, was proper.

Compliance Documentation:

BPR – Internal Affairs Division – Standard Operating Procedure; page 13, item # I-28, page 13 – 14, item #I-34.

Email from the Office of the County Attorney dated October 20, 2004.

73. Each allegation in an investigation will be resolved by making one of the following dispositions:

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. The team determined that the Department has revised its Internal Affairs Division Standard Operating Procedure to accommodate the requirements of this paragraph. The Independent Monitor has determined that the PGPD has met the requirements of this MOA paragraph. The Independent Monitor will follow the approval process to determine if this policy has been promulgated during the January 2005 site visit.

Compliance Documentation:

BPR – Internal Affairs Division – Standard Operating Procedure, page 15, item K1.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility, and the Patrol Services Bureau – Subject Matter Team(s) for implementation. Revisions to accommodate this MOA requirement were incorporated into the General Order Manual.

Compliance Documentation:

RE-DRAFTED GOM Vol. 3, Section 3/811.05

Section VII – MANAGEMENT AND SUPERVISION.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Early Identification System/Risk Management System (EIS/RMS) Select – Workgroup for implementation. This workgroup is comprised of members with subject matter expertise in technology related issues. This group conducted an assessment of the Department’s current Early Identification System in order to determine the feasibility of complying with the requirements of this paragraph. The initial assessment has concluded that the current department-wide Early Identification System is not capable of meeting the requirements set forth in the MOA. The workgroup has made a recommendation that the Department pursue a configuration that would result in the Department completely developing a new system, creating a centralized database and Case Management System that would be inclusive of an Internal Affairs Module - Early Identification System, specifically tailored to the needs of the Department while satisfying the DOJ requirements. A copy of the Request for Proposal for such a Records Management System developed by the County and inclusive of the MOA requirements was submitted to the U.S. Department of Justice on April 15, 2004 for review and comment.

In March of 2004, Prince George’s County issued a Request for Proposal (RFP) for a Public Safety Central Records Management System. The RFP outlined the bidding process for potential vendors, and also described the needs of the proposed system, which included an Appendix H that addressed the requirements for designing an Early Identification System, and a Canine Risk Management System as described in the Memorandum of Agreement, and the Consent Decree issued by the U.S. Department of Justice. A significant number of vendors responded and submitted proposals to RFP S04-074. A performance appraisal group was established and all proposals were thoroughly studied and evaluated.

In October 2004, the County selected Trans-Global Business Systems, a systems integration firm located in Prince George’s County to design and build the Public Safety Central Records Management System. Trans-Global Business Systems is using the Motorola NetRMS delivered application package, (formerly the CRISNET Net RMS application package). The Motorola Net RMS application package, has been used by other law enforcement agencies that are currently under U.S. Department of Justice MOA’s or consent Decree(s) in several other cities across the United States. During this reporting period the PGPD has had several meetings with the vendor, and the preliminary tasks necessary to develop a work plan to build the various modules that will operate the system have begun. In November 2004, the PGPD requested a technical assistance visit with Dr. John Klofas of the Independent Monitoring Team. The purpose of this visit was to obtain specific technical advice on the steps, and measures necessary for successfully implementing the Early Identification System (EIS) requirements of the MOA.

During this reporting period the PGPD also fulfilled a recommendation made by the Independent Monitor that personnel involved with the EIS project travel to the Pittsburgh, PA Police Department, and the New Jersey State Police for briefings on their experiences with implementing the Performance Assessment and Review System (PARS) in Pittsburgh, and the Management Awareness and Personnel Performance System (MAPPS), in New Jersey. PGPD personnel from the four (4) Bureaus attended these site visits.

Compliance Documentation:

DRAFT Data Input Plan dated December 30, 2004; EIS/RMS Action Plan dated December 15, 2004.

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

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

Compliance Implementation Summary: See paragraph #75.

Compliance Documentation: See paragraph #75.

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

Compliance Implementation Summary: See paragraph #75.

Compliance Documentation: See paragraph #75.

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

Compliance Implementation Summary: See paragraph #75. Additionally, the PGPD has begun developing a Use Protocol which will be the document that will outline how the Department will store, retrieve, and analyze all data within the new EIS system. The Use Protocol will also detail what type of reports will be created, how trends and patterns will be detected and by whom, as well as how supervisors, managers and Commanders will perform their assessments of their personnel, conduct appropriate intervention strategies concerning their personnel, and document their actions. The Use Protocol will also contain information on how the system and its functions will be audited, and who will perform the auditing tasks. This MOA paragraph has been delegated for implementation to a workgroup consisting of members of the Information Services Division, the Internal Affairs Division, and Professional Compliance Division, and the Community Policing Institute. This workgroup is using the technical assistance advice provided by Dr. John Klofas on November 11, 2004 as it prepares the Use Protocol, which is scheduled to be completed by February 1, 2005.

Compliance Documentation: See paragraph #75.

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

Compliance Implementation Summary: See paragraph #75.

Compliance Documentation: see paragraph #75.

80. The protocol for using the database will include the following provisions and elements:

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

i. The protocol will require the PGPD to conduct audits of the system at reasonable intervals to ensure action is taken according to the process described above.

j. The protocol will require regular reviews, at no less than quarterly intervals, by appropriate managers of all relevant risk management system information to evaluate officer performance Department-wide, and to evaluate and make appropriate comparisons regarding the performance of all PGPD units in order to identify any significant patterns or series of incidents.

Compliance Implementation Summary: See paragraph #78.

Compliance Documentation: See paragraph #75.

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

Compliance Implementation Summary: See paragraph #75 and #78.

Compliance Documentation: See paragraph #75.

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

a. Within 90 days of the effective date of this Agreement, subject to the review and approval of DOJ, the PGPD will issue the Request for Proposal (RFP), a preliminary outline of the protocol for using the risk management system, and a preliminary outline of the Data Input Plan.

b. Within 120 days of the issuance of the RFP, or later with the agreement of DOJ, the PGPD will select the contractor to create the database or to make appropriate modifications to an existing database to bring it into compliance with this Agreement.

c. Within 90 days of the effective date of this Agreement, the PGPD will submit the final protocol for using the risk management system and the final Data Input Plan to DOJ for review and approval. The PGPD will share drafts of this document with DOJ and the Monitor (a position described in Section VIII) to allow DOJ and the Monitor to become familiar with the document as it develops and to provide informal comments on it.

d. Within 12 months of selecting the contractor, the County will have ready for testing a beta version of the database consisting of the following elements:

i. server hardware and operating systems installed, configured and integrated with the PGPD's existing automated systems;

ii. necessary data base software installed and configured;

iii. data structures created, including interfaces to source data; and

iv. the use-of-force information system completed, including historic data.

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

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

Compliance Implementation Summary: See paragraph #75 and #78.

Compliance Documentation: See paragraph #75

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

Compliance Implementation Summary: See paragraph #75. The Department continues to utilize the current EIS system and the existing Data Input Plan until a new EIS is developed.

Compliance Documentation:
PGPD Early Identification System Manual.

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

Compliance Implementation Summary: See paragraph #75. The Department continues to utilize the current EIS system and the existing Data Input Plan until a new EIS is developed. However, a separate policy will be developed to address this paragraph more specifically.

Compliance Documentation:
PGPD Early Identification System Manual.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility – Subject Matter Team for implementation. Based on the comments made by the Independent Monitor in the 2nd. Quarterly Report, the PGPD has re-drafted the BPR Professional Compliance Division’s Standard Operating Procedure to address those concerns.

Compliance Documentation:
RE-DRAFTED portions of the BPR- Professional Compliance Division – Standard Operating Procedure, page 6, item # H-5; Appendix A, pages 32 – 33.

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

a. It will conduct regularly scheduled quarterly audits, covering all six districts, that examine citizen complaints processed through the CCOP, including auditing selected samples of complaints that were resolved through the CCOP, contacting the complainants to evaluate whether the actions and views of the citizen were captured correctly in the CCOP report, and examining whether there is consistency in the

CCOP across districts. It will issue a report on the results which will be provided to each district commander. Each district commander will review the report in regard to all officers under their command involved in an incident and, if appropriate, the PGPD will impose disciplinary or non-disciplinary corrective action.

b. It will conduct semi-annual integrity audits and issue a report on the investigations conducted by BPR. The report will evaluate BPR's investigation of selected use of force and citizen complaints. The report will assess the reliability and completeness of BPR's canvassing and interviewing of witnesses, preservation and analysis of the incident scene, and the appropriateness of BPR's conclusions.

Compliance Implementation Summary: The specific responsibilities outlined under this MOA requirements, cannot be fulfilled by the Police Departments internal auditing function. This would pose a conflict of interest between the Department and the Citizen Complaint Oversight Panel, which has oversight responsibility for monitoring the performance of the Department and the way it receives, processes, investigates and resolves citizen complaints. The Police Department referred this matter to the County's Office of Law for resolution, and a letter proposing a resolution was sent to the U.S. Department of Justice during this reporting period.

Compliance Documentation: Copy of a letter from the Office of the County Attorney to USDOJ.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Bureau of Professional Responsibility for implementation. The appropriate revisions to the General Order Manual were made to incorporate the provisions of this MOA paragraph. The Independent Monitor has indicated in the 2nd. Quarterly Report that the PGPD is in "Pending Compliance regarding this MOA paragraph since the G.O was approved after September 30, 2004.

Compliance Documentation:
GOM Vol. 2, Section 2/305

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

a. mandatory activation for all traffic stops and pursuits that continues until the motor vehicle stop is completed and the stopped vehicle departs, or until the officer's participation in the motor vehicle stop ends;

b. to the extent practical, manual activation for incidents in which the prisoner being transported is violent;

c. supervisors to review the tapes in all cars of all officers listed in any PGPD report regarding any incident involving injuries to a prisoner or an officer, uses of force, vehicle pursuits, and citizen complaints; and

d. that the PGPD retain and preserve tapes for at least 90 days, or as long as necessary for incidents subject to investigation.

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Support Services Bureau – Mobile Video Section for revisions based on the Independent Monitors 2nd. Quarterly Report.

Compliance Documentation:

GOM Vol. 4 Section 4/203 – Mobile Video System.

RE-DRAFTED portions of the Mobile Video System – Standard Operating Procedure.

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

Compliance Implementation Summary: See paragraph 88a.

Compliance Documentation: See paragraph 88a.

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

Compliance Implementation Summary: This paragraph of the MOA was assigned to the Support Services Bureau – Mobile Video Camera Section, the Patrol Services Bureau, and the Bureau of Professional Responsibility – Subject Matter Team(s) for implementation. These teams have revised and updated the affected General Order policy, and an updated Mobile Video Camera Section Standard Operating Procedure to reflect the requirements of this paragraph. Additionally, the Professional Compliance Division (PCD) of the Bureau of Professional Responsibility is responsible for conducting random monthly inspections of Mobile Video Section videotapes, and the PCD Standard Operating Procedure has been updated to satisfy this requirement.

Compliance Documentation:

GOM Vol. 4 Section 4/203 – Mobile Video System.

RE-DRAFTED portions of the Mobile Video System – Standard Operating Procedure.

BPR – Professional Compliance Division Standard Operating Procedure, Appendix A, page 32.

Section VIII – MONITORING, REPORTING, AND IMPLEMENTATION

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

Compliance Implementation Summary: This task was assigned to the Compliance Coordination Team (CCT) for implementation. During this reporting period the CCT has continued to gather all signature receipt forms from the Department, acknowledging receipt and awareness of these procedures.

Compliance Documentation: On August 31, 2004 a Chief's Memorandum to all Prince George's County Personnel outlining selected paragraphs from Section VIII of the Memorandum of Agreement regarding the Independent Monitor and the monitor's functions and role, was signed by Chief High. On September 2, 2004, a Department-wide electronic mail (email) message was sent to all Commanders and Directors, directing them to ensure that all personnel under their commands receive and sign for the above referenced Chief's Memorandum. The Independent Monitor's 2nd. Quarterly Report indicates that the PGPD is "In Compliance" for Phase I, regarding this MOA paragraph.

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

Compliance Implementation Summary: During the current reporting period, the Office of the Compliance Coordinator was re-assigned to report directly to the Chief of Police. A memorandum dated October 20, 2004 was sent Department-wide notifying all Commanders/Directors of this organizational change. The Independent Monitor's 2nd. Quarterly Report indicates that the PGPD is "In Compliance" for Phase I, regarding this MOA paragraph.

Compliance Documentation:

Chief of Police Memorandum dated October 20, 2004, to all Commanders/Directors.

99. The Monitor shall have full and direct access to all PGPD employees and facilities that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement. The Monitor shall cooperate with the County and the PGPD to access people and facilities in a reasonable manner that, consistent with the Monitor's responsibilities, minimizes interference with daily operations.

Compliance Implementation Summary: The Independent Monitor's 2nd. Quarterly Report indicates that the PGPD is "In Compliance" for Phase I, regarding this MOA paragraph. During this reporting period the CCT has continued to gather all signature receipt forms from the Department, acknowledging receipt and awareness of these procedures.

Compliance Documentation:

On August 31, 2004 a Chief's Memorandum to all Prince George's County Personnel outlining selected paragraphs from Section VIII of the Memorandum of Agreement regarding the Independent Monitor and the monitor's functions and role, was signed by Chief High. On September 2, 2004, a Department-wide electronic mail (email) message was sent to all Commanders and Directors, directing them to ensure that all personnel under their commands receive and sign for the above referenced Chief's Memorandum.

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

the Monitor and DOJ with a log describing the document.

Compliance Implementation Summary: The Independent Monitor's 2nd. Quarterly Report indicates that the PGPD is "In Compliance" for Phase I, regarding this MOA paragraph. During this reporting period the CCT has continued to gather all signature receipt forms from the Department, acknowledging receipt and awareness of these procedures.

Compliance Documentation: On August 31, 2004 a Chief's Memorandum to all Prince George's County Personnel outlining selected paragraphs from Section VIII of the Memorandum of Agreement regarding the Independent Monitor and the monitor's functions and role, was signed by Chief High. On September 2, 2004, a Department-wide electronic mail (email) message was sent to all Commanders and Directors, directing them to ensure that all personnel under their commands receive and sign for the above referenced Chief's Memorandum.

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

Compliance Implementation Summary: The Independent Monitor's 2nd. Quarterly Report indicates that the PGPD is "In Compliance" for Phase I, regarding this MOA paragraph. During this reporting period the CCT has continued to gather all signature receipt forms from the Department, acknowledging receipt and awareness of these procedures.

Compliance Documentation: On August 31, 2004 a Chief's Memorandum to all Prince George's County Personnel outlining selected paragraphs from Section VIII of the Memorandum of Agreement regarding the Independent Monitor and the monitor's functions and role, was signed by Chief High. On September 2, 2004, a Department-wide electronic mail (email) message was sent to all Commanders and Directors, directing them to ensure that all personnel under their commands receive and sign for the above referenced Chief's Memorandum.

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

Compliance Implementation Summary: The Independent Monitor's 2nd. Quarterly Report indicates that the PGPD is "In Compliance" for Phase I, regarding this MOA paragraph. During this reporting period the CCT has continued to gather all signature receipt forms from the Department, acknowledging receipt and awareness of these procedures.

Compliance Documentation: On August 31, 2004 a Chief's Memorandum to all Prince George's County Personnel outlining selected paragraphs from Section VIII of the Memorandum of Agreement regarding the Independent Monitor and the monitor's functions and role, was signed by Chief High. On September 2, 2004, a Department-wide electronic mail (email) message was sent to all Commanders and Directors, directing them to ensure that all personnel under their commands receive and sign for the above referenced Chief's Memorandum.

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

Implementation Summary: The Department submitted its third status report to the Independent Monitor and the USDOJ, on December 31, 2004.

Compliance Documentation: 3rd. Status Report on the Memorandum of Agreement dated December 31, 2004.

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

Compliance Implementation Summary: This task was assigned to the Compliance Coordination Team for implementation. The Compliance Coordination Team maintains all records to demonstrate the Department's compliance with the MOA both in hardcopy and electronic formats as applicable. The Independent Monitor's 2nd. Quarterly Report indicates that the PGPD is "In Compliance" for Phase I, regarding this MOA paragraph.

Compliance Documentation: On August 31, 2004 a Chief's Memorandum to all Prince George's County Personnel outlining selected paragraphs from Section VIII of the Memorandum of Agreement regarding the Independent Monitor and the monitor's functions and role, was signed by Chief High. On September 2, 2004, a Department-wide electronic mail (email) message was sent to all Commanders and Directors, directing them to ensure that all personnel under their commands receive and sign for the above referenced Chief's Memorandum.

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

Compliance Implementation Summary: The Department has implemented those provisions of the MOA that address the continuation of current policies, procedures, and practices. Additionally the PGPD continues the revision and re-drafting process on all affected policies and procedures identified by the Independent Monitor in their 2nd. Quarterly Report as being non-compliant with the requirements of the MOA. The Independent Monitor's 2nd. Quarterly Report indicates that the PGPD is "In Compliance" for Phase I, regarding this MOA paragraph.

Compliance Documentation: See Appendix.

Appendix

- RE-DRAFTED portions of General Order Manual (GOM) Policy - Volume (Vol.) 4, Section 4/242.
- ✚ RE-DRAFTED portions of General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/901, 3/902, 3/903.
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/906.10, 3/906.15.
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/906.20
- ✚ RE-DRAFTED portions of General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/903.10
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/906.25
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/903.05
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/901.10
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/903.10
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 6, Section 6/204.05, 6/204.10, 6/204.15
- ✚ RE-DRAFTED portions of General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/919, 3/919.25
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 6, Section 6/205.05
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 6, Section 6/201.10
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 6, Section 6/205.15
- ✚ RE-DRAFTED portions of General Order Manual (GOM) Policy - Volume (Vol.) 6, Section 6/206
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/810.10, 3/810.15
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 3, Section 3/811.05, 3/811.40
- ✚ General Order Manual (GOM) Policy - Volume (Vol.) 4, Section 4/203.
- ✚ DRAFT Police Officers Guide for handling incidents involving the Mentally Ill
- ✚ Current Prince George's County Mobile Crisis Team Memorandum of Agreement
- ✚ RE-DRAFTED portions of the PGPD - Use of Force Training Guide

- ✚ RE-DRAFTED portions of the PGPD – Use of Force Continuum
 - ✚ PGPD - Bureau of Professional Responsibility (BPR) – IAD Standard Operating Procedures
 - ✚ PGPD – Bureau of Professional Responsibility (BPR) – SIRT Standard Operating Procedures
 - ✚ PGPD – Bureau of Professional Responsibility (BPR) – PCD Standard Operating Procedures
 - ✚ RE-DRAFTED portions of the PGPD – Community Policing Institute OC Spray Lesson Plan
 - ✚ PGPD- Community Policing Institute Standard Operating Procedures
 - ✚ PGPD – BPR/CPI Joint Training Curriculum “Internal Investigations”.
 - ✚ PGPD- BPR – Administrative Investigations Guide
 - DRAFT Use of Force Report Forms ref: MOA paragraph #40
 - Directives Action Plan Memo dated December 22, 2004
 - Early Identification System Action Plan Memo dated December 15, 2004
 - Use of Force Reporting Action Plan Memo dated December 23, 2004
 - Copy of a Letter from the County Attorney to USDOJ ref: MOA paragraph #86a
 - Copy of a letter from the PGPD to the County Attorney ref: MOA paragraph #52
 - Email Message from the County Attorney to the PGPD ref: MOA paragraph #72
 - ✚ RE-DRAFTED portions of the PGPD – CPI Field Training Officer Protocol
 - ✚ PGPD – BPR Police Accountability Project items: Placards, brochures, videotapes
 - ✚ PGPD – BPR Letter to the Citizens Complaint Oversight Panel (CCOP) dated March 15, 2004
 - ✚ RE-DRAFTED PGPD – EIS Data Input Plan dated December 30, 2004
 - ✚ Prince George’s County Government - Request for Proposal No. S04-074 – Record Management System.
 - ✚ RE-DRAFTED portions of the PGPD – Mobile Video System Standard Operating Procedure
 - ✚ Police Chief’s Memorandum regarding the role of the Independent Monitor, dated August 31, 2004.
-