



Policy 724

Subject	
PERFORMANCE REVIEW BOARD	
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By Order of the Police Commissioner

POLICY

Advisory Body. The Performance Review Board (PRB) serves as an advisory body to the Police Commissioner. The PRB reviews serious use of force and other incidents and investigations. At the conclusion of its review of such incidents and investigations, the PRB makes a recommendation to the Police Commissioner regarding the completeness of the investigations, findings, and action items.

GENERAL

As a professional law enforcement organization, the Baltimore Police Department (BPD) must continuously engage in a process of self-examination. To that end, when certain significant events occur, a detailed performance review shall occur. The scope of the review shall be:

1. A determination of whether the initial police contact was conducted in a manner that was constitutional, consistent with training, and consistent with policy.
2. Whether involved members acted in accordance with BPD policy.
3. Whether the investigation of the incident was thorough and complete.
4. In use of force situations, whether the member's use of force was objectively reasonable based on the totality of the circumstances.
5. In use of force situations, whether the member attempted to de-escalate.
6. In use of force situations, whether different tactical decisions could have allowed the member to resolve the incident without the need to use force.
7. Whether the member's actions were consistent with the member's training.
8. Whether any deficiencies in policy, training, supervision, tactics, or equipment were identified during the PRB review.

DEFINITIONS

Action Items — Recommendations to the Police Commissioner to consider the review of policies, training, supervision, tactics, and equipment identified during the PRB process.

REVIEWABLE INCIDENTS

The Board will examine the following:

1. All Level 3 Use of Force incidents, as defined by Policy 1115, *Use of Force*.
2. Any fatal motor vehicle crash in which the actions of a BPD member were a contributing cause.
3. Any other incident or investigation at the direction of the Police Commissioner or his/her designee.
4. A ten percent random sample of all Level 2 Use of Force incidents.

Timeline

In order to provide a decision in a timely manner, the PRB should convene within forty-five (45) days of the completion of the final investigative report by the Office of Professional Responsibility or other appropriate BPD investigative unit. The Police Commissioner makes the final decision on whether or not to adopt the PRB's recommendations.

Voting Members

There are seven voting members of the PRB appointed by the Police Commissioner. The Chairperson shall be a member of the command staff. The remaining six members shall be a cross section of the BPD amongst varying ranks and disciplines as follows:

1. Three shall be assigned to the Patrol Division and/or Special Operations Division.
2. Two shall be assigned to the Police Training Academy.
3. One shall be assigned to the Criminal Investigations Bureau

Attendance at PRB meetings is mandatory for PRB members. Any PRB member who is unable to attend a PRB meeting shall promptly notify the PRB Chairperson. A qualified replacement, who has been approved by the Chairperson and Police Commissioner, will attend on behalf of that member.

Non-Voting Participants

The following individuals, or their designee, shall attend and participate in PRB meetings:

1. Chief, Legal Affairs.
2. Chief, Office of Professional Responsibility.
3. Chief, Compliance Accountability and External Affairs Division.
4. Involved member's Commanding Officer.

Presentation

The PRB will receive a case presentation from the Office of Professional Responsibility or other appropriate BPD investigative unit. The intent of the presentation is to show, in chronological order, the events leading up to, during and immediately after the incident. The presentation should include all relevant evidence. Relevant evidence includes but is not limited to photos, videos, audio recordings, diagrams, body worn camera recordings, and other evidence developed during the investigation of the incident under review.

Board Deliberation Process

At the conclusion of the presentation, voting members of the PRB, along with the PRB Chair and the Chief Legal Advisor, will deliberate. The PRB will examine the incident from the perspective of an objectively reasonable officer, and will not include personal or subjective opinions. The PRB's findings will take into consideration the strategic, policy, and training implications of the incident, including whether changes to policy, procedures, equipment or training may be necessary.

Submission of Recommendations

Within fourteen (14) days of the PRB hearing, the PRB Chair will submit a memorandum to the Police Commissioner outlining the findings and recommendations of the PRB. If the PRB does not come to a unanimous agreement, any voting member who does not join the majority decision must prepare a separate memorandum stating the member's position and recommendations. The PRB shall also include the following action items in its deliberation, as applicable:

1. **Tactical Improvement:** Observations of the tactics employed by BPD members, including de-escalation, and how the incident may provide an opportunity to improve BPD training. PRB members should also recommend specific supplemental or remedial training for the members involved in the incident under review, and/or for BPD as a whole, as appropriate.
2. **Equipment/Technology:** Recommendation from the PRB on any equipment, including technology, which may have improved the outcome of the incident under review and should be evaluated for future use.
3. **Organizational:** Any issues observed relating to the structure and function of BPD command and control.
4. **Other Critical Analysis:** Any other issues observed that could improve future performance of the member(s) involved, other members, or the BPD as a whole. This includes tactical decisions and other circumstances/considerations leading up to the incident.

APPENDIX

- A. Performance Review Board Committee Worksheet

RESCISSION

Remove and destroy/recycle General Order G-24, *Categorical Use of Force Review Board*, dated 8 July 2014.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

APPENDIX A

Performance Review Board Committee Worksheet

Performance Review Board				PRB#	
Member's Name:			Seq. No:		E.O.D:
Assignment:			Type of Force:		
Street Address of Occurrence:			Date & Time of Occurrence:		Complaint Number:
Board Members in Attendance					
Chair Person:			Notes:		
1-	2-	3-	4-	5-	6-
Non - Voting Members	Legal Affairs	OPR	CAEAD	FSEMD	Professional Dev.
Scope of the Review					
Was the incident consistent with policy? If not, explain.				Yes:	No:
Was the incident consistent with training? If not, explain.				Yes:	No:
Has the Board identified any issues with the following? If yes, explain.					
Initial contact:				Yes:	No:
De-escalation:				Yes:	No:
Supervision:				Yes:	No:
Tactics:				Yes:	No:
Equipment:				Yes:	No:
Investigation:				Yes:	No:
Other:				Yes:	No:
Does the Board have recommendations in reference to the issues identified? If yes, explain.				Yes:	No:
PRB Notes					

APPENDIX A

Performance Review Board Committee Worksheet

<p>Recommendation #1</p>
<p>Recommendation #2</p>
<p>Recommendation #3</p>
<p>Recommendation #4</p>
<p>Recommendation #5</p>
<p>Recommendation #6</p>