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# Toward Trust

Grassroots Recommendations for Police Reform in Baltimore

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By Ben Jealous

October 2015

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## Grassroots Recommendations for Police Reform in Baltimore

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# Introduction and summary

When Freddie Gray, a 25-year-old black man, died in the custody of Baltimore police officers, the incident brought to a head years of community anger and frustration with the city's police department. The protests and violence that followed—sometimes referred to as the Baltimore Uprising—focused a national spotlight on the city.<sup>1</sup> But Gray's death was only the latest grievance against a police department that many local residents have long perceived as overly aggressive, out of touch with the community, and able to act with impunity.

The call for police reform is especially relevant at this moment. Baltimore is just one of a number of major U.S. cities that recently have experienced tensions between police and the communities they serve, particularly poor communities and communities of color. The deaths of Eric Garner,<sup>2</sup> Walter Scott,<sup>3</sup> and others at the hands of police sparked a national conversation on police violence, and the Black Lives Matter movement has emerged as a powerful voice calling for reform.

The federal government has also acknowledged the need for policing reform and accountability. Between 2009 and 2014, the U.S. Department of Justice's Civil Rights Division has opened more than 20 investigations into police departments, more than twice as many as the previous five years.<sup>4</sup> Last year, the Department of Justice convened the President's Task Force on 21st Century Policing, which released its recommendations in May 2015.<sup>5</sup> In light of this national focus on policing, this report proposes a series of recommendations that the mayor of Baltimore, the Baltimore City Council, and the police commissioner of the Baltimore Police Department, or BPD, can adopt to reform and improve the BPD.

In the weeks after Gray's death, a coalition of local community organizations began holding regular meetings in Baltimore to come up with a plan to move forward. Called the Campaign for Justice, Safety, and Jobs, the coalition represents a wide range of grassroots, civic, and religious leadership in Baltimore, including

countless organizations and institutions that have advocated for police reform for years. On June 8, 2015, the campaign released the following framework, which has informed the recommendations in this report:

*Effective law enforcement upholds equal justice and protects public safety by ensuring community accessibility, transparency, and accountability. True community policing must include an intentional orientation in language, practice and policy of police as protectors, partners and fellow community members, rather than antagonists and occupiers of our neighborhoods, towns and cities.<sup>6</sup>*

Building off of that framework, this report focuses on ideas that, together, would make the BPD more accountable to residents, more transparent about its internal workings, and ultimately more effective at preventing and solving serious crimes.

The six recommendations are:

1. Fire police officers who have demonstrated corruption or unnecessary violence
2. Remove the gag order on victims of police misconduct
3. Distribute body cameras to all police officers within one year and ensure that the public has access to footage
4. Improve community policing by prioritizing, measuring, and incentivizing problem solving and community satisfaction
5. Publish all Baltimore Police Department policies online
6. Ensure that every police officer is trained in de-escalation techniques

As broad principles, these recommendations can serve as a model and be adapted and repurposed for other cities dealing with police-community tensions.

## A history of aggression

The Baltimore Police Department has a long history of aggressive policing, particularly in communities of color. In 1930, the city's black newspaper, *The Baltimore Afro-American*, covered a police shooting of an unarmed black man and blamed a police captain's policy of "shoot first, investigate and explain later."<sup>7</sup> High-profile police shootings have made news every decade since,<sup>8</sup> and police-community relations continued to suffer, including in 1980, when the NAACP called for a federal investigation into police brutality by the BPD. In the mid-1990s, city leadership instituted a policy of zero-tolerance policing,<sup>9</sup> which led to a rise in arrests for minor crimes, culminating in 2005, when police made approximately 100,000 arrests in a city of 640,000 people.<sup>10</sup> More than 23,000 of those arrested were released without charge.<sup>11</sup>

In 2010, city leadership abandoned the official policy of zero-tolerance policing, but residents continued to complain of overly aggressive police officers and their continued reliance on "quality

of life"-style arrests for minor crimes.<sup>12</sup> In 2013, tensions escalated when Baltimore resident Tyrone West died in police custody after being pulled over and beaten by police.<sup>13</sup> In September 2014, *The Baltimore Sun* found that the city had paid \$5.7 million in court judgments and settlements in the previous three years for more than 100 civil suits related to allegations of police misconduct, brutality, and civil rights violations.<sup>14</sup>

In many ways, the Baltimore Uprising was a manifestation of the city's failure to fulfill the promise of police reform. Since the incident, the city's leadership has failed to deliver. However, with the national spotlight on Baltimore, the city's elected and appointed officials must respond to the long-standing demands of the community.

# Recommendations

This report focuses primarily on changes that Baltimore city leadership can make immediately, without the Maryland state legislature altering state law. Certain state statutes, such as the Law Enforcement Officers' Bill of Rights, provide police officers with protections that impede accountability on the city level, but city leaders still have plenty of tools at their disposal.<sup>15</sup> In addition, the U.S. Department of Justice opened a pattern or practice investigation into the Baltimore Police Department in May 2015.<sup>16</sup> If a pattern or practice of unlawful policing is found, it is likely that a reform agreement will be negotiated between the city of Baltimore and the federal government. But this does not excuse Baltimore city leadership from acting immediately to stem the tide of violence by police against the communities they are sworn to serve.

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## 1. Fire police officers who demonstrate corruption or unnecessary violence

The six officers allegedly involved in Freddie Gray's death were arrested and charged with murder within two weeks of the incident, but many in Baltimore saw this as an exception to the rule.

From 2006 to 2015, 67 people died in encounters with BPD officers. Only two officers faced criminal charges in those incidents, and one was acquitted.<sup>17</sup> Over the past three decades, at least 120 people have died in encounters with Baltimore police, but only five officers have faced criminal prosecution for their actions.<sup>18</sup> While it is hard to quantify arrest-related deaths and police culpability, these arrest numbers seem disproportionately small.

Even within the police rank and file, there is a perception that justice is not always meted out fairly and evenly. According to an internal BPD survey conducted as part of a 2013 five-year strategic plan, many officers felt that "accountability and

discipline were too dependent on relationships and friendships within the department, and that ‘who you were friends with’ influenced the discipline process too much, leading to inconsistencies.”<sup>19</sup>

The commissioner of the Baltimore Police Department should take steps to ensure that officers with a record of corruption or unnecessary violence are permanently removed from duty.<sup>20</sup> This will involve making changes inside the department and advocating alongside other city officials for changes outside the department.

First, the police commissioner should add more investigators to the Internal Affairs Division—following the lead of Prince George’s County,<sup>21</sup> which sits between Baltimore and nearby Washington, D.C., and had success reforming its police department over the past decade. The commissioner should also ensure that no officer assigned to Internal Affairs has a record of complaints about abusive use of force.

Second, the commissioner should make the Internal Affairs Division more transparent by releasing an annual report detailing the division’s handling of citizen complaints. This report should include officer-specific information on all complaints filed against the department, as well as any recommendations made to the commissioner and any disciplinary action taken. The report should also include data on all people who file complaints, including their age, their race, and the location of the incident, as well as the stated reason for the officer’s interaction. A June 2015 court case<sup>22</sup> ruled that internal records related to a police officer’s misconduct are exempt from the Maryland Public Information Act, but this does not preclude the BPD from sharing this information voluntarily.<sup>23</sup>

Finally, the commissioner and other city leaders should seek systemic reforms outside the city’s direct control. A statewide Maryland statute known as the Law Enforcement Officers’ Bill of Rights, or LEOBR, provides police officers with significant legal protections not enjoyed by other citizens. For example, the statute provides a 10-day delay in the interrogation of an officer in matters involving possible discipline,<sup>24</sup> which critics argue can help officers get their stories straight and avoid disciplinary action.<sup>25</sup> City leaders should use their bully pulpits to lobby for state-level reform, as Baltimore Mayor Stephanie Rawlings-Blake (D) has done.<sup>26</sup>

Aside from LEOBR, another obstacle to accountability is the semiannual contract negotiated between the police union and the city of Baltimore.<sup>27</sup> The contract contains several provisions that impede police accountability. For instance, offi-

cers charged with serious misconduct are placed in front of a three-person hearing board before the matter goes to the commissioner. The police union contract requires that at least one member of each hearing board be of the same rank as the officer under investigation. Advocates have argued that giving discipline power to peer officers lowers the standard for police misconduct, since peer officers have an incentive to shield fellow officers from meaningful investigations and discipline.<sup>28</sup>

Under the federal Fair Labor Standards Act, the city council or mayor cannot bind city negotiators with instructions about the police union contract negotiating process. However, they can hold public hearings to gather resident input to inform negotiators about the public's position. The mayor and Baltimore City Council should organize these hearings with the support of the police commissioner, before the contract is renegotiated in 2016.

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## 2. Remove the gag order on victims of police misconduct

The Freddie Gray incident was a reminder that sunlight is the best disinfectant. The widely shared amateur cell phone footage of Gray's arrest brought the case to the public's attention and increased pressure on city leaders to act. However, a legal loophole in Baltimore ensures that many such allegations are kept quiet.

Victims of alleged police misconduct often agree to settle their case with the city—in other words, they accept a negotiated payout instead of taking the case to trial. As noted in the introduction, Baltimore has negotiated millions of dollars' worth of these settlements in the past few years. However, the Baltimore City Law Department has a standard policy of inserting “nondisparagement clauses”<sup>29</sup> into these settlements that prohibit plaintiffs from discussing the details of their cases with the public or news media. Critics describe this policy as a gag order on the truth.<sup>30</sup>

If plaintiffs violate the gag order by breaking their silence, they risk losing the settlement reward.<sup>31</sup> This is not an idle threat: In 2014, the city withheld \$31,500 of a \$63,000 settlement from Baltimore resident Ashley Overbey, who used Facebook to defend her allegation that police brutally assaulted her with a Taser.<sup>32</sup>

In the interest of transparency, the mayor should end this practice. This would bring Baltimore in accordance with other cities of similar size—including Philadelphia and Washington, D.C.—that allow victims of police misconduct to

speak about their experience even after agreeing to a settlement and have rejected the use of nondisparagement clauses in an effort to increase transparency in government.<sup>33</sup> This action would also serve as an example for other cities that have comparably restrictive clauses, including Atlanta and Boston.

Gag orders are a convenient way for the city to suppress information about cases of police misconduct, brutality, or other wrongdoing, including naming the officers who are involved. Victims of police abuse should be allowed to share their stories for the public record so that journalists, activists, elected officials, and other community members can hold police officers accountable. The city of Baltimore should not be allowed to buy its way out of trouble when BPD officers abuse their power.

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### 3. Distribute body cameras to all police officers within one year and ensure that the public has access to footage

Over the past few years, there has been a rising interest in equipping police with body cameras. The idea is popular among police reform activists, who believe the devices would make police think twice before abusing their power. At the same time, it is also popular among officers, who believe that cameras can reduce the incidence of false allegations of police misconduct.<sup>34</sup> According to a recent survey, roughly 80 percent of police departments are evaluating the effectiveness of some form of a body-worn camera device.<sup>35</sup>

In 2014, the Baltimore City Council passed a bill that would have required all 2,800 officers in the Baltimore Police Department to be equipped with body cameras within one year.<sup>36</sup> Mayor Rawlings-Blake vetoed the legislation<sup>37</sup> and convened a task force to conduct research on privacy issues and other concerns. The task force recommended a pilot program followed by a purchase of 2,500 cameras. The pilot program is set to begin in October 2015 and conclude in February 2016,<sup>38</sup> at which point the BPD will select a vendor and begin to purchase and distribute the 2,500 cameras.

While it is appropriate that Baltimore city leadership has acknowledged the importance of body-worn cameras, the process for getting these cameras in use needs to be hastened. After the pilot program ends in February, it will take a number of months to distribute cameras, train officers to use them, and install technology upgrades to support increased bandwidth, according to the BPD.<sup>39</sup> At a city council hearing this summer, police officials said that this may stretch out the timeline for the full implementation of all the cameras to 2017.<sup>40</sup>

This is too long. The 2014 city council bill called for 2,800 cameras to be distributed in one year, and that timeline can certainly be applied to the 2,500 cameras that the BPD now intends to purchase. All cameras should be purchased and distributed by the end of October 2016. Every day that goes by is another chance for an unrecorded incident; there were two use-of-force incidents by BPD officers in June 2015 alone.<sup>41</sup>

In addition to the timing question, it is also crucially important that the public retains access to body camera footage pursuant to the current standards of the Maryland Public Information Act, or MPIA. The MPIA already includes sufficient privacy protections, and the mayor and city council should oppose any proposed exemptions to the MPIA that would limit access to the footage.<sup>42</sup>

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#### 4. Improve community policing by prioritizing, measuring, and incentivizing problem solving and community satisfaction

The city of Baltimore has a long history of overly aggressive policing. From 1999 to 2007, the Baltimore Police Department embraced a philosophy of zero-tolerance policing that officially prioritized mass arrests for minor “quality of life” crimes.<sup>43</sup> That led the NAACP and ACLU to file a lawsuit claiming that thousands of people were being arrested without probable cause. The lawsuit was settled in 2010, and as part of the settlement, the BPD agreed to officially reject zero-tolerance policing.<sup>44</sup>

Since then, the number of arrests for minor crimes has declined from a high of 5,401 in 2005 to a total of 2,016 last year.<sup>45</sup> However, the data indicate that people of color are still targeted by police at a disproportionate rate: In 2014, black people accounted for 93 percent of loitering arrests and 84 percent of trespass arrests, despite making up 64 percent of Baltimore’s population.<sup>46</sup> Moreover, officers still rely heavily on so-called Terry stops,<sup>47</sup> named for the court case that made it legal to stop and search an individual based solely on suspicion of involvement in criminal activity.<sup>48</sup> In 2012, officers made 123,000 stops in a city of 622,000 people.<sup>49</sup> These stops led to the confiscation of only 9 guns, 10 illegal forms of drugs, and 1 knife.<sup>50</sup>

Most worrisome are the charges that officers are still encouraged and even rewarded for conducting stops and making arrests. As *The Baltimore Sun* reported:

*Adam Braskich, a Baltimore police officer from 2007 to 2011, recalls a constant pressure to clear people from corners, where drug-dealing often occurred. He said officers resorted to creative measures, making arrests on charges such as loitering, disorderly conduct and trespassing, even though the legal elements of the crime were not always present.*

Braskich further noted that officers felt pressure to “generate stats, especially in poor, high-crime neighborhoods.” *The Sun* also reported that a commander recently emailed officers and instructed them to begin a “daily narcotics initiative” that would involve the evaluation of “daily measurables.”<sup>51</sup>

This continued reliance on stops and arrests has had devastating effects on residents of Baltimore because it diverts officers’ attention and resources away from more serious crimes, such as rapes, homicides, and home invasions; saddles community members with arrest records<sup>52</sup>; and fosters distrust of the police. In particular, a criminal record carries with it a host of societal and economic costs, as well as barriers to employment, housing, education, and other means to economic stability.<sup>53</sup> Even the police agree that reform is needed: In 2012, the union that represents Baltimore police officers called for the BPD to “discontinue the practice of rewarding statistically driven arrests.”<sup>54</sup>

In order to truly move past the remnants of zero-tolerance policing, the BPD should stop evaluating officers on the number of arrests they make and the quantity of drugs they seize. Instead, supervisors should be encouraged to reward officers—with commendations, promotions, and transfers to elite assignments—for more holistic achievements, such as problem solving and community satisfaction.

Measuring problem solving can be a challenge. One academic paper, reflective of a growing consensus, encourages officers “to develop their own performance measures in concert with their community partners,” with the ultimate goal of improving the quality of life and solving the deep-seated problems of the community,<sup>55</sup> whether those problems are truancy, burglary, or speeding. Ultimately, supervisors need to develop creative and tailored performance-measure solutions to determine if their officers are working effectively with community members to solve problems.

Just as importantly, supervisors need to develop performance measurements around community satisfaction. Officers should receive credit for how competently and respectfully they handle calls for service and how effective they are in

building collaborative relationships with community members. One way to quantify this is through citizen satisfaction surveys. One model, the National Police Research Platform's Public Satisfaction Survey, involves reaching out to residents who have had recent contact with a police officer and asking them to complete a short survey evaluating the encounter.<sup>56</sup> It has been field tested with success in Illinois and Massachusetts.<sup>57</sup>

A renewed focus on community-oriented policing can ultimately make Baltimore a safer city. One model is the Los Angeles Police Department, or LAPD, Community Safety Partnership, which started in 2012. The LAPD trained 45 officers in community policing tactics and assigned them to build relationships in two of the highest-crime neighborhoods in the city. They built relationships by, for example, attending community events and conducting safe passages for young people to walk safely through high-crime neighborhoods. The program successfully reduced violent crime by 70 percent in those areas, all while reducing total arrests by 50 percent.<sup>58</sup>

## From warriors to guardians: A culture shift to community policing

The task of building a truly community-oriented police department is broad and multifaceted; indeed, it comprises one of the six pillars of the President's Task Force on 21st Century Community Policing report.<sup>59</sup> No one reform will rebuild broken trust between community members and police officers; rather, there is a need for a broader cultural shift in the Baltimore Police Department and an understanding that officers play the role of guardian, not warrior.<sup>60</sup> With that in mind, two other potential reforms are offered here.

### Take steps to encourage relationship building between community members and police

The safety of a neighborhood is in many ways dependent on a minimum level of trust between residents and the police department, which is built on recurrent, productive interactions between officers and individual residents. Many residents of Baltimore feel that this

trust is nonexistent in the city's most violence-prone neighborhoods and express skepticism that a greater police presence would make these neighborhoods safer.

This kind of trust cannot be built overnight. But the BPD can take proactive steps, modeled on the success of other police departments, to encourage constructive relationships between police and residents affected by violence.

The BPD should increase the resources devoted to nonenforcement activities during which police and community members have a chance to meet and interact on neutral ground. The Prince George's County Police Department has experienced success with formal advisory groups that bring together police and various constituencies—including youth, business leaders, the Muslim community, and the Asian American and Pacific Islander community—for regular meetings to discuss issues in their area. Similarly, for the past several

years, the department has held weekly coffee clubs in each police district, where citizens can meet with district commanders. Prince George's County police leadership reports that these meetings, and the rapport built by holding them regularly, helped defuse tensions after police shot a young man holding an airsoft gun in 2014.<sup>61</sup>

Nonenforcement activities can also include more casual interactions. The BPD recently created a youth basketball league in which officers serve as coaches and mentors.<sup>62</sup> This type of program should be expanded and replicated in high-crime neighborhoods.

A common suggestion around community policing involves officers walking the beat, meaning increasing foot patrols, handing out business cards, and developing personal relationships with residents. While this is an important long-term goal, some community members have expressed concern that high levels of distrust toward police would prevent positive interactions. The other recommendations suggested in this section could help mitigate those concerns and lead to a more trusting Baltimore where officers and residents develop productive personal relationships.

### Incentivize police officers to live in the communities they serve

Baltimore offers housing incentives<sup>63</sup> for city employees, but they should be strengthened for police officers.

A demographic analysis by the BPD in June 2015 showed that only 21 percent of Baltimore police live in the city of Baltimore, while 68 percent live in the surrounding Maryland counties.<sup>64</sup> The latest federal data from 2010 provided similar numbers, showing that out of 2,800 BPD officers, only 26 percent live in Baltimore city, including 39 percent of black officers and 13 percent of white officers.<sup>65</sup> These

numbers compare unfavorably with other major cities. For instance, 62 percent of New York City police officers reside within city boundaries. In Philadelphia, the number is 84 percent. Other cities have lower percentages, including Los Angeles at 23 percent and Washington, D.C., at 12 percent.<sup>66</sup>

Some cities, including Philadelphia and Pittsburgh, impose residency requirements for city officials or police officers specifically.<sup>67</sup> However, cities can provide officers with preferential housing incentives instead.

A 2012 report by the Baltimore-based Abell Foundation found that providing additional housing incentives would likely lead more officers to live in the city of Baltimore. The report recommended expanding general incentives that connect police officers with housing opportunities and more effectively communicating information about incentives with officers. One simple step would be to create a one-stop clearinghouse of information about housing options and to name a point person to answer housing-related questions.<sup>68</sup> The city should also consider individual housing incentives such as down-payment assistance or favorable terms for loans on home renovations.

As the Abell Foundation notes, increasing the number of officers living in the city could have a beneficial impact on community-police relations, helping humanize police, building empathy and trust, and leading to increased feelings of safety.<sup>69</sup> Put another way, according to an officer quoted in a compilation of testimony about community policing:

*Officers living in the city are more responsible to the city. They're not just an army coming in ... they are your neighbors ... you might have gone to school together, and your kids will go to school together. When there's trouble in your own neighborhood, you respond more quickly.<sup>70</sup>*

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## 5. Publish all Baltimore Police Department policies online

One of the recommendations of the President’s Task Force on 21st Century Community Policing is that “in order to embrace a culture of transparency, law enforcement agencies should make all department policies available for public review.”<sup>71</sup> In fact, cities across the country—including Chicago,<sup>72</sup> Minneapolis,<sup>73</sup> Seattle,<sup>74</sup> and Los Angeles<sup>75</sup>—have posted their policy and procedure manuals online. Yet the Baltimore Police Department has not.<sup>76</sup> In the name of transparency, the BPD should honor its promises to be more transparent and publish its policy manual on a regularly updated website.

The people of Baltimore deserve to know the parameters in which police officers are trained to operate. The BPD’s decision to keep its manual private limits transparency and prevents community members from productively engaging with police leadership and elected officials when it comes to advocating for change.

One commonly cited concern is that sharing policies publicly would give an advantage to criminals. However, a spokesman for the Portland, Oregon, Police Bureau, which shares its manual online, told *USA Today* in 2012 that this is not the case. He explained that Oregon’s manual, similar to other manuals, does not include interview techniques, surveillance methods, or other tactics but rather explains the department’s rules, regulations, and standards of conduct.<sup>77</sup> The BPD could similarly publish comparable rules, regulations, and standards that do not put officers in harm’s way.

To illustrate the importance of transparency, consider the example of use-of-force standards. Maryland is one of nine states with no explicit law addressing the use of deadly force; the state instead defers to federal law and allows police departments to set their own guidelines.<sup>78</sup> In June 2015, when Amnesty International released a report on the use of lethal force by police departments in the United States, *The Baltimore Sun* reached out to the BPD to request a copy of the city’s use-of-force standards. The department did not respond to the request for comment.<sup>79</sup>

The President’s Task Force on 21st Century Policing recommended that use-of-force standards should be “clear, concise, and openly available for public inspection.”<sup>80</sup> In Baltimore, the standards are not open to public inspection. As a result, there is no way to know whether they are clear, concise, or fair. The same logic applies to countless other rules, regulations, and standards that should be available for public review.

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## 6. Ensure that every police officer is trained in de-escalation techniques

There is a fine line between a legally justified police shooting and an act of undue aggression. According to a recent report by the Police Executive Research Forum, or PERF:

*As we look back at the most controversial police shooting incidents, we sometimes find that while the shooting may be legally justified, there were missed opportunities to ratchet down the encounter, to slow things down, to call in additional resources, in the minutes before the shooting occurred.<sup>81</sup>*

The Baltimore Police Department has a long history of failing to de-escalate situations that could have been resolved without the use of force. The most recent high-profile case preceding Freddie Gray's death was the 2013 case of Tyrone West, who died in police custody after being pulled over in his car and beaten by police.<sup>82</sup> An independent panel later determined that officers had failed to properly de-escalate and "potentially aggravated the situation,"<sup>83</sup> though the officers involved were cleared of criminal wrongdoing.

De-escalation training is lacking in police departments across the country. A recent PERF survey of 281 police agencies found that new recruits spend a median of 58 hours on firearms training and 49 hours on defensive tactical training, but they receive only eight hours of de-escalation training.<sup>84</sup> Meanwhile, only 65 percent of responding agencies reported providing training on de-escalation for veteran officers; only 5 percent of total in-service training time was dedicated to de-escalation tactics.<sup>85</sup>

It is not clear how many hours of training academy trainees or veteran officers in Baltimore receive; a request to the BPD was not answered. BPD officers do participate in so-called reality-based training, in which role-playing is used to practice arrests and other potentially volatile actions.<sup>86</sup> Also, according to *The Baltimore Sun*, "several hundred Baltimore police have already been trained for 'fair and impartial policing' in the hope that it will improve relations with residents."<sup>87</sup> These are all positive, proactive steps, but more can be done.

The Baltimore Police Department should hire an outside, community-based agency to perform de-escalation training with every academy trainee with refresher trainings occurring regularly throughout an officer's career. Moreover,

these trainings should be integrated into traditional use-of-force and tactical trainings, and the trainings should also address cultural competency and crisis intervention skills for interacting with mentally ill or special needs individuals.

As PERF notes, cities across the country have begun to revamp their use-of-force trainings to incorporate de-escalation components, along the lines of the recommendation of the President's Task Force on 21st Century Policing.<sup>88</sup> For instance, the New York City Police Department is undertaking a massive three-day retraining of all its officers on de-escalation, communications, and tactics to minimize use of force, and the San Diego Police Department is beginning to train officers on emotional intelligence, helping officers learn not to take it as a personal affront if a citizen speaks to them disrespectfully. The Oakland, California, Police Department is teaching officers how to handle stress in threatening situations.<sup>89</sup>

More broadly, there is a need to shift the mindset of police officers. As Leesburg, Virginia, Police Chief Joseph Price said, "We need to ... teach officers that at times they may need to fight like a warrior, but most of the time they need to have the mindset of a guardian."<sup>90</sup>

# Conclusion

The eyes of the nation are on Baltimore. The city's leadership has a chance to respond to the demands of the community and make the Baltimore Police Department a model for other cities by making the department more community oriented, accountable, and transparent. The actual implementation of these recommendations will take leadership and a long-term commitment to changing the culture of the department. However, it can be done.

The reforms achieved in Cincinnati, Ohio, are one good example. In 2001, the police department received intense scrutiny for aggressive policing tactics after police killed Timothy Thomas, a 19-year-old black man.<sup>91</sup> Following public outcry and a U.S. Department of Justice probe, the Cincinnati Police Department shifted to a community policing model. It encouraged officers to interact more with the community and agreed to improve accountability, tracking officers who received an inordinate number of complaints. Additionally, the department became more transparent about its policies.<sup>92</sup>

Between 1999 and 2014, Cincinnati saw a 69 percent reduction in police use-of-force incidents, a 42 percent reduction in citizen complaints, and a 56 percent reduction in citizen injuries during encounters with police. Also, violent crime dropped from a high of 4,137 incidents in the year after Thomas' death to 2,352 incidents in 2014. Misdemeanor arrests dropped from 41,708 in 2000 to 17,913 last year.<sup>93</sup>

In any city, building the legitimacy of the police department is crucial to the big-picture health of democracy. As Angela Glover Blackwell and Penda D. Hair write, "for many, with police as the first and perhaps only contact with governmental authority, transgressions of that authority undermine public faith in democratic government as a whole."<sup>94</sup> As the first step in the criminal justice process, police have a tremendous responsibility to exercise their power responsibly.

The ideas in this report should resonate outside of Baltimore. As more cities across the country are challenged to reform their police departments and improve accountability, Baltimore's experience can serve as an example. Although there is no one-size-fits-all solution for police reform, the recommendations in this report can be a valuable framework to guide police reform in other cities.

The true purpose of law enforcement is to maximize safety, decrease victimization, and ensure that justice is served. Baltimore's leaders have an opportunity at this moment to turn the page on decades of distrust between police and the communities they serve. In so doing, they can provide a model for the rest of the country and help bring policing into the 21st century.

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## About the author

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## Endnotes

- 1 Kevin Rector, Scott Dance, and Luke Broadwater, "Baltimore descends into chaos, looting, violence," *The Baltimore Sun*, April 28, 2015, available at <http://www.baltimoresun.com/news/maryland/freddie-gray/bs-md-ci-police-student-violence-20150427-story.html>.
- 2 Travis Anderson and others, "Thousands protest Eric Garner case in downtown Boston," *The Boston Globe*, December 4, 2014, available at <http://www.boston-globe.com/metro/2014/12/04/protest-planned-christ-mas-tree-lighting-common/875sx4ZA1JcHliKte9UyCJ/story.html>.
- 3 Michael S. Schmidt and Matt Apuzzo, "South Carolina Officer is Charged with Murder of Walter Scott," *The New York Times*, April 7, 2015, available at [http://www.nytimes.com/2015/04/08/us/south-carolina-officer-is-charged-with-murder-in-black-mans-death.html?\\_r=0](http://www.nytimes.com/2015/04/08/us/south-carolina-officer-is-charged-with-murder-in-black-mans-death.html?_r=0).
- 4 U.S. Department of Justice, "Police Reform and Accountability Accomplishments Under Attorney General Eric Holder," available at [http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/12/04/spl\\_police\\_accomplishments\\_12.4.14.pdf](http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/12/04/spl_police_accomplishments_12.4.14.pdf) (last accessed October 2015).
- 5 Office of Community Oriented Policing Services, *Final Report of the President's Task Force on 21st Century Policing* (U.S. Department of Justice, 2015).
- 6 Campaign for Justice, Safety, and Jobs, "We Demand Police Reform in Baltimore!" (2015).
- 7 *The Baltimore Afro-American*, "Murderous Cops," March 29, 1930, p. 6.
- 8 Nick Alexandrov, "A Bloody History of Police Brutality in Baltimore," *The Root*, May 4, 2015, available at [http://www.theroot.com/articles/history/2015/05/a\\_bloody\\_history\\_of\\_police\\_brutality\\_in\\_baltimore.html](http://www.theroot.com/articles/history/2015/05/a_bloody_history_of_police_brutality_in_baltimore.html).
- 9 Kira Lerner, "Activists Crash O'Malley's Presidential Announcement: 'He Must Atone' For Zero Tolerance Policing," *ThinkProgress*, May 30, 2015, available at <http://thinkprogress.org/election/2015/05/30/3664429/omalley-baltimore/>.
- 10 Catherine Rentz, "Arrests for minor crimes spur resentment in some Baltimore neighborhoods," *The Baltimore Sun*, August 23, 2015, available at <http://www.baltimoresun.com/news/maryland/investigations/bs-md-ci-minor-arrests-20150823-story.html>.
- 11 *Ibid.*
- 12 *Ibid.*
- 13 Justin Fenton, "Independent review faults city police in Tyrone West case," *The Baltimore Sun*, August 8, 2014, available at [http://articles.baltimoresun.com/2014-08-08/news/bs-md-ci-tyrone-west-outside-review-20140808\\_1\\_tyrone-west-james-chips-stewart-excessive-force](http://articles.baltimoresun.com/2014-08-08/news/bs-md-ci-tyrone-west-outside-review-20140808_1_tyrone-west-james-chips-stewart-excessive-force).
- 14 Mark Puente, "Undue Force," *The Baltimore Sun*, September 28, 2014, available at <http://data.baltimoresun.com/news/police-settlements/>.
- 15 Justia, "Law Enforcement Officers' Bill of Rights," available at <http://law.justia.com/codes/maryland/2010/public-safety/title-3/subtitle-1> (last accessed October 2015).
- 16 U.S. Department of Justice, "Justice Department Opens Pattern or Practice Investigation into the Baltimore Police Department," Press release, May 8, 2015, available at <http://www.justice.gov/opa/pr/justice-department-opens-pattern-or-practice-investigation-baltimore-police-department>.
- 17 Doug Donovan and Jean Marbella, "Baltimore police rarely charged in deaths," *The Baltimore Sun*, May 17, 2015, available at <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-gray-police-rare-charges-20150516-story.html>.
- 18 *Ibid.*
- 19 Baltimore Police Department, "Public Safety in the City of Baltimore: A Strategic Plan for Improvement" (2013).
- 20 The ultimate parameters of who falls into this category are up to the commissioner, but any misconduct among officers should not be tolerated.
- 21 Personal communication with J.P. Raftery, captain, Prince George's County Police Department, August 31, 2015.
- 22 Mark Puente, "Debate over police and community relations seeps into dissent from Maryland's high court," *The Baltimore Sun*, June 27, 2015, available at <http://www.baltimoresun.com/news/maryland/sun-investigates/bs-md-sun-investigates-mpia-lawsuit-20150627-story.html>.
- 23 A special investigative unit created last year to investigate shootings by officers and deaths in police custody—the Force Investigation Team—was recently overhauled and replaced with a new model after just 15 months. See Kevin Rector, "Police unit at center of Freddie Gray review, use-of-force investigations dismantled," *The Baltimore Sun*, September 24, 2015, available at <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-fit-to-sirt-20150924-story.html>.
- 24 Justia, "Law Enforcement Officers' Bill of Rights."
- 25 It is worth noting that the largest police associations in Maryland donated \$1,834,680 to state politicians over the past decade. See Lee Fang, "Baltimore Activists Recount How Police Unions Crushed Accountability Reforms," *The Intercept*, May 1, 2015, available at <https://theintercept.com/2015/05/01/police-union-influence-maryland-runs-deep>.
- 26 Roberto Alejandro, "Mayor Rawlings-Blake's Proposed Reforms vs. Police Union Pushback," *Afro*, February 5, 2015, available at <http://www.afro.com/mayor-rawlings-blakes-proposed-reforms-vs-police-union-pushback/>.
- 27 Samuel Walker, "The Baltimore Police Union Contract and the Law Enforcement Officer's Bill of Rights: Impediments to Accountability" (Omaha, NE: University of Nebraska at Omaha, 2015), available at <http://s3.documentcloud.org/documents/2086432/baltimore-police-union-contract.pdf>.
- 28 *Ibid.*
- 29 Mark Puente, "Baltimore to continue limiting comments about police brutality settlements," *The Baltimore Sun*, May 22, 2015, available at <http://www.baltimoresun.com/news/maryland/bs-md-settlement-clause-20150522-story.html>.

- 30 Ben Jealous, "Gag Order Silences the Truth About Police Brutality," *Afro*, June 17, 2015, available at <http://www.afro.com/gag-order-silences-the-truth-about-police-brutality/>.
- 31 Mark Puente, "City withholds part of settlement in police brutality lawsuit," *The Baltimore Sun*, October 10, 2014, available at <http://www.baltimoresun.com/news/maryland/sun-investigates/bs-md-overbey-settlement-20141010-story.html>.
- 32 Ibid.
- 33 Puente, "Baltimore to continue limiting comments about police brutality settlements."
- 34 Doug Wyllie, "Survey: Police officers want body-worn cameras," *PoliceOne*, October 23, 2012, available at <http://www.policeone.com/police-products/body-cameras/articles/6017774-Survey-Police-officers-want-body-worn-cameras/>.
- 35 Ibid.
- 36 Luke Broadwater, "City Council approves police body camera bill," *The Baltimore Sun*, November 10, 2014, available at <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-body-camera-bill-20141110-story.html>.
- 37 Yvonne Wegner, "Mayor vetoes plastic bag ban, body camera bill," *The Baltimore Sun*, December 1, 2014, available at <http://www.baltimoresun.com/news/maryland/politics/bs-md-ci-vetoes-20141201-story.html>.
- 38 City of Baltimore, "Body Camera Working Group Report" (2015), available at <http://mayor.baltimorecity.gov/programs/body-camera-working-group/report>.
- 39 Danielle Sweeney, "Two-year rollout needed for body cameras, police say," *Baltimore Brew*, August 4, 2015, available at <https://www.baltimorebrew.com/2015/08/04/two-year-rollout-needed-for-body-cameras-police-say/>.
- 40 Ibid.
- 41 Baltimore Police Department, "Force Investigation Team 2015," July 17, 2014, available at <https://www.baltimorepolice.org/fit-investigation-team>.
- 42 There are many legitimate concerns about the cost and process of storing and cataloging body camera footage, including how long to retain the footage, and these decisions should be made in consultation with the experts on the mayor's task force.
- 43 Rentz, "Arrests for minor crimes spur resentment in some Baltimore neighborhoods."
- 44 Ibid.
- 45 Ibid.
- 46 Ibid.
- 47 Justin Fenton, "Baltimore Police ditch 'stop and frisk' in name but not practice," *The Baltimore Sun*, September 23, 2013, available at [http://articles.baltimoresun.com/2013-09-23/news/bs-md-ci-baltimore-stop-and-frisk-20130830\\_1\\_new-york-police-department-police-officers-stop-and-frisk](http://articles.baltimoresun.com/2013-09-23/news/bs-md-ci-baltimore-stop-and-frisk-20130830_1_new-york-police-department-police-officers-stop-and-frisk).
- 48 USLegal, "Terry Stop Law & Legal Definition," available at <http://definitions.uslegal.com/t/terry-stop/> (last accessed October 2015).
- 49 Rentz, "Arrests for Minor Crimes Spur Resentment in Some Baltimore Neighborhoods"; U.S. Census Bureau, "Baltimore city, Maryland," available at <http://quickfacts.census.gov/qfd/states/24/24510.html> (last accessed October 2015).
- 50 ACLU of Maryland, "ACLU Calls on Baltimore Police to Monitor Use of 'Stop and Frisk' Tactics," Press release, November 19, 2013, available at [http://www.aclu-md.org/press\\_room/153](http://www.aclu-md.org/press_room/153).
- 51 Rentz, "Arrests for minor crimes spur resentment in some Baltimore neighborhoods."
- 52 Ibid.
- 53 Rebecca Vallas and Sharon Dietrich, "One Strike and You're Out" (Washington: Center for American Progress, 2014), available at <https://www.americanprogress.org/issues/poverty/report/2014/12/02/102308/one-strike-and-youre-out/>.
- 54 Baltimore City Fraternal Order of Police, Lodge 3, "Blueprint for Improved Policing" (2012), available at <http://www.fop3.org/wp-content/uploads/2015/05/blueprint.pdf>.
- 55 Geoffrey P. Alpert, Daniel Flynn, and Alex Piquero, "Effective Community Policing Performance Measures," *Justice Research and Policy* 3 (2) (2001): 79-94.
- 56 Dennis P. Rosenbaum and others, "Community-based Indicators of Police Performance: Introducing the Platform's Public Satisfaction Survey" (Washington: National Institute of Justice, 2011), available at <http://static1.1.sqspcdn.com/static/f/733761/11089087/1299437174827/Public+Satisfaction.pdf?token=TfmAn5CEK%2Bb%2F8aep9oZ%2B7TTCtp0%3D>.
- 57 Ibid.
- 58 Constance Rice and Susan K. Lee, "Relationship-Based Policing: Achieving Safety in Watts" (Washington: Advancement Project, 2015), available at <http://67.20.108.158/sites/default/files/imce/President%27s%20Task%20Force%20CSP%20Policy%20Brief%20FINAL%202002-27-15.pdf>.
- 59 Office of Community Oriented Policing Services, *Final Report of the President's Task Force on 21st Century Policing*.
- 60 Harvard Kennedy School and National Institute of Justice, "From Warriors to Guardians: Recommitting American Culture to Democratic Ideals" (2015).
- 61 Personal communication with J.P. Raftery, captain, Prince George's County Police Department, August 31, 2015.
- 62 Baltimore Police Department, "Interim Police Commissioner Davis' Youth Basketball League," Press release, July 16, 2015, available at <https://www.baltimorepolice.org/news>.
- 63 Adam Bednar, "Report: Baltimore Cops Not Fond of City Living," *North Baltimore Patch*, September 6, 2012, available at <http://patch.com/maryland/northbaltimore/report-baltimore-cops-not-fond-of-city-living>.
- 64 Maryland General Assembly "Public Safety and Policing Workgroup" (2015), available at <http://mgaleg.maryland.gov/pubs/committee/2015-ppsp-workgroup-agenda-june-23.pdf>.
- 65 Nate Silver, "Most Police Don't Live In The Cities They Serve," *FiveThirtyEight*, August 20, 2014, available at <http://fivethirtyeight.com/datalab/most-police-dont-live-in-the-cities-they-serve/>.

- 66 Ibid.
- 67 Ibid.
- 68 Matt Van Itallie, "Police Housing Incentives Could Encourage Police Officers To Move Into Baltimore City—Heightening Prospects For Reducing Crime and Increasing Citizen Satisfaction," *The Abell Report* 25 (4) (2012).
- 69 Ibid.
- 70 Maya Harris West and others, "Community-Centered Policing: A Force for Change" (Oakland, CA: PolicyLink, 2001), available at [http://www.policylink.org/sites/default/files/CommunityCenteredPolicing\\_final.pdf](http://www.policylink.org/sites/default/files/CommunityCenteredPolicing_final.pdf).
- 71 Office of Community Oriented Policing Services, *Final Report of the President's Task Force on 21st Century Policing*.
- 72 Chicago Police Department, "Rules and Regulations of the Chicago Police Department," January 12, 2011, available at <http://www.chicagopolice.org/2013MayDirectives/data/a7a57bf0-12d7c186-a4912-d7c1-8b12822c2ca106c4.html>.
- 73 Minneapolis 311, "MPD Policy & Procedure Manual," available at <http://www.ci.minneapolis.mn.us/police/policy/index.htm> (last accessed October 2015).
- 74 City of Seattle, "Seattle Police Department Manual," available at <http://www.seattle.gov/police-manual/> (last accessed October 2015).
- 75 Los Angeles Police Department, "Manual," available at [http://www.lapdonline.org/lapd\\_manual/](http://www.lapdonline.org/lapd_manual/) (last accessed October 2015).
- 76 The last available iteration of the department's field manual is a historical document from 1990. See Baltimore Police Department, "Operational Procedures Manual" (1990), available at <https://www.ncjrs.gov/pdffiles1/Digitization/137295NCJRS.pdf>.
- 77 Mike Chalmers, "Police departments putting use-of-force policies online," *USA Today*, December 5, 2012, available at <http://www.usatoday.com/story/news/nation/2012/12/05/police-force-policies-online/1748919/>.
- 78 Amnesty International, "Deadly Force: Police Use of Lethal Force in the United States" (2015).
- 79 Kevin Rector, "Maryland legislators considering law to further restrict when police can use deadly force," *The Baltimore Sun*, June, 18, 2015, available at <http://www.baltimoresun.com/news/maryland/bs-md-amnesty-force-report-20150618-story.html>.
- 80 Office of Community Oriented Policing Services, *Final Report of the President's Task Force on 21st Century Policing*.
- 81 Police Executive Research Forum, "Re-Engineering Training On Police Use of Force" (2015), available at <http://www.policeforum.org/assets/reengineeringtraining1.pdf>.
- 82 Fenton, "Independent review faults city police in Tyrone West case."
- 83 Ibid.
- 84 Police Executive Research Forum, "Re-Engineering Training On Police Use of Force."
- 85 Ibid.
- 86 Mark Puente, Richard A. Serrano, and Matt Pearce, "Cleveland consent decree being watched in Baltimore," *The Baltimore Sun*, May, 26, 2015, available at <http://www.baltimoresun.com/news/maryland/sc-dc-cleveland-police-20150526-story.html#page=1>.
- 87 Ibid.
- 88 Office of Community Oriented Policing Services, *Final Report of the President's Task Force on 21st Century Policing*.
- 89 Police Executive Research Forum, "Re-Engineering Training On Police Use of Force."
- 90 Ibid.
- 91 Associated Press, "Cincinnati Officer Is Acquitted in Killing That Ignited Unrest," *The New York Times*, September 27, 2001, available at <http://www.nytimes.com/2001/09/27/us/cincinnati-officer-is-acquitted-in-killing-that-ignited-unrest.html>.
- 92 Ibid.
- 93 Alana Semuels, "How to Fix a Broken Police Department," *The Atlantic*, May 28, 2015, available at <http://www.theatlantic.com/politics/archive/2015/05/cincinnati-police-reform/393797/>.
- 94 Harris West and others, "Community-Centered Policing: A Force for Change."

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The Campaign for Justice, Safety, and Jobs is a diverse group of over 25 community, faith, civil rights, and community leaders in Baltimore City who have come together to advocate for meaningful police reforms to promote transparency, accountability, and safety in our communities. The affiliated groups include: 1199 SEIU, ACLU of Maryland, Amnesty International, Baltimore Algebra Project, Beats, Rhymes, and Relief, Bmore United, CASA, Citibloc, Communities United, Council on American-Islamic Relations, Equity Matters, Empowerment Temple, Freddie Gray Project, Fusion Group, Jews United for Justice, Justice League, Leaders of a Beautiful Struggle, Maryland State Conference NAACP, Peace by Piece, Pleasant Hope Baptist Church, Power Inside, SEIU 32BJ, Southern Engagement Foundation, Ujima People's Progress, and Universal Zulu Nation.

