



February 5, 2018

Via First Class and Electronic Mail

Steven Rosenbaum, Chief
Timothy Mygatt, Deputy Chief
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue
Washington, DC 20530

Andre M. Davis, City Solicitor
City of Baltimore
City Hall – Suite 101
100 N. Holliday Street
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Kenneth Thompson, Independent Monitor
Venable, LLP
750 East Pratt Street, Suite 900
Baltimore, MD 21202

**RE: *U.S. v. Baltimore Police Department, et. al*, Case No. 1:17-cv-00099-JKB
Police Academy Training**

Dear Mr. Rosenbaum, Mr. Mygatt, Mr. Davis, and Mr. Thompson:

On behalf of NAACP Legal Defense and Educational Fund, Inc., I write to express serious concerns about recent news reports that Baltimore Police Department (BPD) officials graduated 17 police academy recruits who failed initial scenario-based tests on laws governing constitutional policing, such as the need for probable cause before making arrests.¹ According to these articles, in response to recruits' failing grades, BPD academy officials administered an older, less rigorous test that all recruits passed.² LDF looks forward to learning the outcome of Acting Police Commissioner Darryl De Sousa's reported review of the academy's legal instructor's concerns and curriculum.³

Officers who have not demonstrated proficiency in the legal requirements of constitutional policing should not patrol city streets. Thus, we seek assurances from your office and from the BPD that this matter will be given the highest priority and that you will inform the public of the steps the City will take to address this issue. We also ask that you consider your resolution of this matter in the context of the federally-monitored consent decree. The first-year plan of the decree is set to be finalized in the coming weeks.

¹ See Kevin Rector and Justin Fenton, *Baltimore police recruits set to hit the streets with poor understanding of law, academy's legal instructor says*, The Baltimore Sun, Feb. 2, 2017, <http://www.baltimoresun.com/news/maryland/crime/bs-md-ci-recruits-law-understanding-20180202-story.html>.

² See Jessica Anderson, *Baltimore police recruits receive badge, gun in ceremony, despite concerns about academy training*, The Baltimore Sun, Feb. 3, 2017, <http://www.baltimoresun.com/news/maryland/crime/bs-md-ci-police-badge-ceremony-20180203-story.html>.

³ *Id.*



Now, more than ever, BPD and Baltimore City officials must ensure that police officers and police academy recruits are trained properly on how to engage in constitutional law enforcement practices. This is critical for the building of trust between communities and law enforcement, and for the safety of residents and officers. As you know well, thirteen months ago, the BPD and Baltimore City officials entered into a federal consent decree with the DOJ (collectively the Parties) to address evidence of countless incidents of unlawful policing practices by BPD officers that occurred for years. Consequently, the Parties and Independent Monitor for the federal court are in the process of finalizing a First-Year Monitoring Plan that identifies changes to policies and training that the BPD must perform from February 2018 through February 2019.⁴

According to this draft Monitoring Plan, BPD must revise its policies and training curricula relating to use of force, stops, searches, arrests and voluntary police-community interactions by November 2018, and implement new training by January 2019. It seems unreasonable and in contravention of the letter and spirit of the consent decree to place new police recruits on city streets prior to the implementation of new policies and training curricula required by a court-enforceable agreement. Doing so may expose residents of Baltimore to the same unlawful stops and public strip searches documented in the DOJ's investigative report and thwart the purpose and intent of the consent decree. We also do not serve new cadets well by failing to ensure that they are properly trained and fully prepared to engage in constitutional policing.

We recognize that BPD may have an immediate need for new police officers. We recommend, in accordance with the consent decree and in consultation with input from the public, that the Parties expedite revisions to BPD's policies and academy and in-service training curricula so that all officers are adequately trained for the job. Moreover, we respectfully request that the City undertake to retrain immediately any officers who failed to demonstrate a full understanding of the parameters of constitutional policing requirements, and that those officers be withheld from patrol duties until they have met the necessary standards.

Thank you for considering this request. We welcome the opportunity to discuss further our concerns in a meeting. Please feel free to contact Monique L. Dixon, Deputy Director of Policy and Senior Counsel, or me at 202-682-1300 to schedule a mutually convenient time to meet.

Sincerely yours,

Sherrilyn A. Ifill
President & Director Counsel

⁴ See BPD Monitoring Team, *First-Year Monitoring Plan Draft*, 7-10 and 21-24, Jan. 8, 2018, <https://www.bpdmonitor.com/first-year-monitoring-plan>.