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February 20, 2018

Via Electronic Mail

Executive Appointments Committee Members
Baltimore City Council
100 N. Holliday Street, Suite 400
Baltimore, Maryland 21202

RE: Confirmation hearing of Police Commissioner-Designate Darryl DeSousa

Dear Baltimore City Council Executive Appointments Committee Members:

On behalf of the NAACP Legal Defense and Educational Fund, Inc., I respectfully request that you present the questions below to Police Commissioner-Designate Darryl DeSousa during his confirmation hearing scheduled for Wednesday, February 21, 2018.

The Gun Trace Task Force and Police Accountability

1. Following the recent guilty verdict in the corruption trial of former police officers of the Baltimore Gun Trace Task Force (GTTF), you penned an op-ed in which you stated that “rooting out corrupt officers” is one of your highest priorities,¹ and you will work toward building public trust. This is an ambitious goal and will require a command staff that have a successful track record in anti-corruption policies and practices.
 - a. What training or experience have you had in addressing corruption within a police department? Do you have plans to participate in any trainings or programs devoted to addressing this problem?
 - b. Please identify the members of your team who have been designated to prepare and carry out your anti-corruption plan? Can you tell us what outside sources or support you are engaging to assist in this process?
 - c. In the GTTF trial, one of the testifying officers described Internal Affairs as “part of the culture” of corruption. Please describe specifically what actions you are taking to audit and examine the policies, practices and personnel of Internal Affairs, and your plans to create a true and effective system of investigation and discipline.
 - d. Will you subject your Internal Affairs investigatory and disciplinary process to an outside audit and evaluation?

¹ <http://www.baltimoresun.com/news/opinion/oped/bs-ed-op-0215-darryl-desousa-20180214-story.html>

- e. Given your stated priority of “rooting out corrupt officers” have you been in discussions with the State’s Attorney about reinstating that office’s “do not call” list of officers whose credibility is so questionable that prosecutors will not call them to testify? Do you have a “do not call” list? If not, have you requested it from the State’s Attorneys’ office? When you receive the list, what actions will you take to address the track record of these officers?
 - f. Have you had discussions with the State’s Attorney about how your offices can work collaboratively to address the problem of dishonest and corrupt officers?
2. The testimony of officers in the GTTF trial describing officers robbing civilians and engaging in other misconduct mirrors accounts of police officer misconduct that Baltimore City residents have stated for years – both before and after Freddie Gray’s death. In essence, residents of Baltimore had valuable information about corruption in the police department that was not heeded.
 - a. What plans do you have to ensure that community members have a regular and meaningful opportunity to inform the department about the conduct of police officers and about their overall experience with officers at particular police precincts?
 - b. What plans do you have to ensure that the information provided by residents becomes part of your evaluation process and disciplinary procedures for supervisors and officers?
 - c. What is your plan to personally engage with residents of Baltimore as you undertake this job? For example, do you plan to conduct listening tours in each precinct? Will you have “office hours” when community leaders can come and meet with you to discuss matters of concern?
 3. You served as Deputy Commissioner to former Police Commissioner Kevin Davis. Are there any policies and practices adopted by Davis that you will continue? If so, please describe them? What policies, practices or initiatives do you intend to discontinue?
 - a. For example, Davis publicly supported civilians serving on police administrative disciplinary trial boards, as permitted by state law.² Do you believe civilians should serve on trial boards? If so, why? If not, why not?
 - b. Davis assured Baltimore residents that the police department will protect and serve everyone; that Baltimore police do not care about immigration status,³ and presumably would not partner with federal agents to enforce immigration laws. Do you agree with this principle? If so, why? If not, why not?
 4. Previous police commissioners have utilized independent review boards to investigate police-involved deaths. The independent review board that considered the 2013 in-custody death of Tyrone West made several findings that the officers involved did not follow Baltimore Police Department (BPD) procedures and made several recommendations to improve police training and recruitment.⁴

² <http://www.citypaper.com/news/features/bcp-042716-feature-commissioner-davis-interview-20160427-story.html>.

³ <http://www.wbalv.com/article/davis-baltimore-police-will-not-ask-about-immigration-status/8676204>

⁴ <https://www.scribd.com/document/236257430/Baltimore-Police-independent-report-into-Tyrone-West-death>

- a. Have you reviewed this or other independent review board reports? If so, which findings were the most disturbing, and which recommendations were most helpful.
- b. Will you utilize similar independent review boards in the future?

The federal consent decree in *U.S. v. Police Department of Baltimore City, et al*

5. Your promotion has occurred during the first year of implementation of the consent decree between the U.S. Justice Department and the BPD. The agreement is over 200 pages. You've created a consent decree implementation unit.
 - a. Can you please identify all of the members of that unit? What will be their duties?
 - b. What are the qualifications they possess that led you to select them for this unit?
 - c. What training have they had, or will they have to prepare them to undertake this task?
6. The U.S. Justice Department found that the BPD engaged in a pattern or practice of unconstitutional policing for years. On several occasions, you have stated publicly that crime reduction strategies will be conducted in a constitutional manner. What systems are currently in place to identify officers who are engaging in unconstitutional or otherwise unlawful policing? What systems need to be in place.
7. The U.S. Justice Department's investigation of the BPD found that the police department fails to appropriately coordinate its efforts with other law enforcement agencies that it has granted authority to exercise concurrent jurisdiction. For example, the BPD has a Memorandum of Understanding (MOU) with the Baltimore School Police Force, which gives school police the authority to patrol city streets. However, the Justice Department found that the MOU does not clearly state which agency is in charge at an incident and which agency's policies control decisions made during incidents. The consent decree requires BPD to evaluate its relationship with school police.
 - a. Should law enforcement agencies follow the same policies and training as the BPD if your agency has granted them the authority to patrol city streets? If so, why? If not, why not?
 - b. Do you think it is necessary to continue to use school police as auxiliary police? If so, why? If not, why not?

The police academy and recruitment

8. This month, the BPD graduated a new class of police academy recruits. An academy instructor, Sgt. Joshua Rosenblatt, complained that 17 recruits failed a scenario-based test on the laws police officers must follow. The consent decree requires the police department to develop a robust training program.
 - a. What specific steps have you undertaken to ensure that the officers who failed the scenario-based tests are re-trained and re-tested?
 - b. Are those officers currently engaged in patrols? Given their inability to pass the scenario-based test, what decisions did you make regarding the pairing of these new officers for Field Training?
 - c. Did command staff provide supervising officers with any instruction or direction in how to best supervise and instruct the new cadets?
 - d. How often are officers re-trained on scenario-based models?



- e. Would you approve a police academy training program that goes beyond what is required by the Maryland Police Training and Standards Commission?
9. Let's talk about recruiting police officers. It is clear that there are instances in which the BPD has hired individuals who are simply unsuited by temperament, ethics, judgment, moral standard and competence to serve as police officers.
 - a. What steps are you taking to review the BPD's recruitment practices? With whom or with what institutions are you consulting to assist you in this review?
 - b. In your view what are the qualities of an ideal police officer by age, education, temperament, background, etc?
 - c. Do you believe that most police officers in your department should reside in Baltimore City? If so, why? If not, why not?

Thank you for considering this request. If you have any questions, please do not hesitate to contact Monique Dixon, Deputy Director of Policy and Senior Counsel, or me at 202-682-1300.

Sincerely yours,

A handwritten signature in black ink that reads 'Sherrilyn A. Ifill'. The signature is written in a cursive, flowing style.

Sherrilyn A. Ifill
President & Director Counsel