



February 26, 2019

Via Electronic Mail (schoolboard@bcps.k12.md.us)

Ms. Cheryl A. Casciani, Board Chair
Baltimore City Board of School Commissioners
200 E. North Avenue, Room 406
Baltimore, Maryland 21202

RE: Written testimony urging the Baltimore City Board of School Commissioners to oppose legislation allowing school police to carry firearms during school hours.

Dear Ms. Casciani:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), we appreciate the opportunity to submit written testimony for today's Baltimore City Board of School Commissioners' (the Board's) meeting, during which commissioners will reconsider whether the Board should support new legislation changing state law that prohibits Baltimore School Police (BSP) officers from carrying firearms on school grounds during school hours. This meeting comes on the heels of an incident at Frederick Douglass High School on February 8 that left a school staff member critically injured after an intruder reportedly entered the school and shot him.

For almost 80 years, LDF, which has been a separate organization from the NAACP since 1957, has relied on the U.S. Constitution and federal and state civil rights laws to pursue equality and justice for African Americans and other people of color. LDF's commitment to ensuring equity in education is demonstrated by our leadership in the seminal U.S. Supreme Court case of *Brown v. Board of Education*¹ and our current work to advance quality educational opportunities for students of color nationwide and in Baltimore.²

LDF has advocated for school police reforms in Baltimore for the past four years. Most recently, in our October 11, 2018, and January 22, 2019,³ letters to the Board, we urged you to oppose any efforts to repeal or relax state laws that limit the possession of firearms by

¹ 347 U.S. 483 (1954).

² See, e.g., Letter to Larry Hogan, Governor of Md., from Ajmel Quereshi, Senior Counsel, LDF, et al. (Jan. 22, 2019) (expressing concern that the state has failed to adequately fund Baltimore's aging schools to address infrastructure needs), <https://www.naacpldf.org/press-release/concerned-parents-civil-rights-organizations-call-state-maryland-provide-education-funding-baltimore-schools-investment-children-color/>. See also LDF, *Our Girls, Our Future: Investing in Opportunity and Reducing Reliance on the Criminal Justice System in Baltimore* (Jun. 28, 2018), <https://www.naacpldf.org/press-release/new-ldf-report-reveals-black-girls-pushed-baltimore-classrooms-criminal-justice-system/>.

³ Letter to the Board from LDF (Oct. 11, 2018), available at <https://www.naacpldf.org/wp-content/uploads/NAACP-LDF-Written-Testimony-to-Baltimore-School-Board-for-Public-Forum-on-School-Police-Firearms-FINAL-1.pdf>; Letter to the Board from LDF (Jan. 22, 2019), available at <https://www.naacpldf.org/wp-content/uploads/1.22.19-LDF-letter-to-Baltimore-City-Board-of-School-Commissioners-Opposing-Arming-School-Police.pdf>.

school police. In the aftermath of the incident at Frederick Douglass High School, we reiterate our opposition and urge the Board to require Frederick Douglass school administrators and BSP to conduct an after-action investigation of the February 8 shooting and use the results of that investigation to make evidence-based updates to school procedures relating to visitors.

Maryland law provides that Baltimore School Police officers who are assigned to schools or are on school property may carry firearms at their assigned school outside of regular school hours.⁴ BCPS General Order 10-10 reiterates this legal requirement by stating that officers must place their service weapons in a secure location during regular school hours “unless and until a legal and necessary ground requires the officer to retain possession and control of the firearm.”⁵ Recently introduced Maryland legislation House Bill 1373 proposes to eliminate this measured restriction by allowing officers to carry firearms at all times on and off school grounds if they are acting in an official capacity.⁶

As we described in our prior letters,⁷ lifting the prohibition on school police carrying weapons in school would not make students safer. In fact, increasing the availability of weapons in schools is more likely to create gun violence than to resolve or prevent violence, as research consistently shows that the presence of guns is correlated with a higher risk of violence, homicide, and suicide. Allowing officers to carry guns in schools especially endangers Black students because the judgment of the very people charged with keeping them safe is often clouded by the implicit, and sometimes explicit, bias that is endemic in our society and can affect split-second decisions such as the decision to discharge a weapon.

Also, the restriction on carrying firearms during the school day does not appear to have negatively impacted school police officers’ ability to do their jobs. According to news reports, after the shooting at Frederick Douglass, the assigned school police officer, who was in another location in the school, and two armed school police supervisors ran to the incident when they heard gunfire, but did not need to draw their weapons.⁸ Instead of taking the drastic step of changing state law to allow school police to be armed during the school day, Baltimore City Schools should instruct school administrators and school police to conduct an after-action investigation of what occurred that day to understand how the shooter got into the school, what role school staff played, including school police, and what evidence-based changes are needed to ensure student and staff safety.

Finally, to the extent that new legislation seeks to expand BSP’s ability to patrol off school grounds, we urge the Board to consider the troubling relationship between the school police and the Baltimore Police Department (BPD). Specifically, BPD has an agreement with BSP to patrol city streets. In its investigative report of the BPD, the U.S. Department of Justice (DOJ) found that BPD does not adequately oversee arrests made by and complaints filed against BSP and other law enforcement agencies that serve as auxiliary police for BPD. This year, the federal court-ordered agreement between DOJ and BPD requires city police to

⁴ MD. CODE ANN., EDUC. § 4-318.

⁵ BCPS General Order 10-10, Section C-3, available at https://www.baltimorecityschools.org/cms/lib/MD01001351/Centricity/domain/8818/2018/10-10_Firearms.pdf.

⁶ H.B. 1373, Baltimore City – School Resource Officers – Firearms, <http://mgaleg.maryland.gov/2019RS/bills/hb/hb1373f.pdf>.

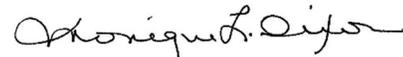
⁷ LDF, *supra* note 3.

⁸ Sarah Mechan & Talia Richman, *Staffer shot at Baltimore’s Frederick Douglass High School remains in serious condition*, BALTIMORE SUN, Feb. 9, 2019.

evaluate its relationship with BSP and make needed changes to any future memoranda of understanding between the two agencies.⁹ State legislators must not get in the way of policing reforms in Baltimore by passing legislation that will upend the important requirements of the federal agreement consent.

Thank you for considering our recommendations. If you have any questions, please contact us at 202-682-1300.

Respectfully submitted,



Monique L. Dixon
Deputy Director of Policy

Nicole Dooley
Policy Counsel

cc: Akil Hamm, Chief, Baltimore School Police
Christian Gant, Board Executive Officer

⁹ U.S. v. Baltimore Police Dep't, et al., Submission of Second-Year Monitoring Plan for Approval 6-7 (D. Md. 2019), <https://static1.squarespace.com/static/59db8644e45a7c08738ca2f1/t/5c66f9bfeb393166d4869036/1550252480054/BPD+-+Dkt+181+-+2nd+Yr+MP+Submission+%281%29.pdf>.