



February 12, 2020

Via First Class and Electronic Mail

Kenneth Thompson, Monitor
BPD Monitoring Team
Venable LLP
750 East Pratt Street, Suite 900
Baltimore, MD 21202

**RE: *United States v. Police Department of Baltimore City, et al,*
Comments on Baltimore Police Department's Community Policing Plan**

Dear Mr. Thompson:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. ("LDF"), we welcome the opportunity to provide comments on the Baltimore Police Department's ("BPD") draft Community Policing Plan (the "Plan").¹ As identified by the U.S. Department of Justice's report, *Investigation of the Baltimore City Police Department* ("DOJ Report" or "Report"), community policing is a "central component" to "constitutional and effective policing . . ."² As such, the draft Plan is a promising first step toward cementing the principles of community policing, such as community engagement and problem solving,³ into all aspects of BPD's activities as required by the above-captioned consent decree.⁴ The Plan also appropriately recognizes that community policing is more than officers and residents playing sports together, but also includes community input in policy development and requires officers to be assessed annually on their community policing performance.⁵

The comments and recommendations provided below seek to expand "opportunities for routine and frequent positive interactions between officers and community members."⁶ Specifically, we urge BPD to clearly articulate the need for the Plan's adoption, expand the definition of community to include all identifiable groups directly impacted by policing practices,

¹ Baltimore Police Department, *Community Policing Plan*, 1, Draft Jan. 13, 2020, <https://www.baltimorepolice.org/0cpl-draft-community-policing-plan> [hereinafter the "Plan"].

² U.S. Dep't of Justice Civil Rights Div., *Investigation of the Baltimore City Police Dep't*, 157, 162, (Aug. 10, 2016), available at <https://www.justice.gov/opa/file/883366/download>. [hereinafter "*DOJ Report*" or "*Report*"].

³ U.S. Dep't of Justice Civil Rights Div., *Community Policing Defined*, 10, (2014), available at <https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>.

⁴ Consent Decree, at ¶¶ 15-23, *United States v. Police Department of Baltimore City*, No. 1:17-cv-00099-JKB, Doc. 2-2, (D. MD Jan. 12, 2017), <https://www.justice.gov/crt/case-document/file/925036/download>. [hereinafter "*Consent Decree*"].

⁵ *Plan*, *supra* note 1, at 10 and 15.

⁶ *Consent Decree*, *supra* note 4, at ¶ 19.

ensure that BPD will work with other agencies to address root causes of public safety concerns, use various strategies for soliciting community input on BPD policies and practices, provide a clear and concise timeline for the collection of data and information to monitor and assess the Plan, and ensure that officers and supervisors are held accountable if they do not comply with the Plan.

1. Clearly articulate the need for BPD’s Community Policing Plan

The Introduction of the Plan appropriately identifies its mission of improving community-police relations and reducing crime through collaborative problem-solving strategies with the community. However, it must also articulate why a community policing plan is necessary in Baltimore. The DOJ Report found that “community relations are BPD’s weakest attribute[,]”⁷ and the relationship between BPD and “many of the communities it serves is broken,”⁸ particularly in predominately Black and poor communities. Consequentially, and unsurprisingly, residents were unlikely to cooperate with the police to solve or prevent crimes.⁹

At the outset, the Plan must underscore that building trust with community is a necessary component to effective policing and is directly related to police officers exhibiting behavior that inspires trust and respect, truthfulness, and, helpfulness. “Police departments can repair and strengthen community relationships by understanding and training officers on three key concepts: procedural justice, bias reduction, and racial reconciliation.”¹⁰

In a recent focus group of BPD officers, participants noted that they were unable to explain the agency’s community policing strategy and commented that there is only time during the day to respond to calls for service and not to engage in proactive, problem-solving policing strategies.¹¹ The officers recommended a return to patrol post assignments that would allow officers time to build trust with members of the community they patrol.¹² Additionally, the West Baltimore Commission on Police Misconduct and the No Boundaries Coalition recommended “fully funded permanent foot posts” for officers in designated communities.¹³ BPD should state the need for the Plan by recognizing the distrust that exists between police and communities and what both communities and police regard as potential solutions. Therefore, we recommend the Plan clearly articulate why BPD is adopting it – to promote effective policing by building trust with the communities BPD serves.

⁷ DOJ Report, *supra* note 2, at 156.

⁸ *Id.* at 157.

⁹ *Id.* at 158.

¹⁰ U.S. Department of Justice, Community Oriented Policing Services Office, *Building Trust*, <https://cops.usdoj.gov/buildingtrust> (last visited Feb. 12, 2020).

¹¹ Crime and Justice Institute, *Feedback from the Field: A Summary of Focus Groups with Baltimore Police Officers*, 3, July 17, 2019, http://www.crj.org/assets/2019/08/Feedback-from-the-Field_A-Summary-of-Focus-Groups-with-Baltimore-Police-Officers_2019.pdf.

¹² *Id.* at 3-4.

¹³ West Baltimore Commission on Police Misconduct and the No Boundaries Coalition, *Over-Policed, Yet Underserved: The People’s Findings Regarding Police Misconduct in West Baltimore*, 21, (Mar. 8, 2016), available at <http://www.noboundariescoalition.com/wp-content/uploads/2016/03/No-Boundaries-Layout-Web-1.pdf>.

2. Revise the definition of community to include all identifiable groups directly impacted by policing practices

The DOJ Report found residents in predominately Black and poor communities described “being belittled, disbelieved, and disrespected by officers.”¹⁴ It also found “overwhelming statistical evidence of racial disparities in BPD’s stops, searches, and arrests,”¹⁵ as well as incidents during which BPD officers used racial slurs or other statements that indicated racial bias.¹⁶ Yet, the Plan presently defines community as people who share “geographies, activities, ideals, languages, and norms.”¹⁷ BPD must expand this definition to include individuals who share the same race, national origin, gender, gender identity, age, disability, and religion among other personal characteristics. An expanded and inclusive definition of community will inform BPD’s training and implementation of community policing and problem-solving policing methods, which must include “techniques to reduce misunderstanding, conflict, and complaints due to perceived bias or discrimination.”¹⁸ Also, the community policing training curriculum must include an anti-bias instruction in accord with BPD Policy 317, Fair and Impartial Policing.¹⁹

3. Underscore the need to utilize other public service agencies and community organizations as a problem-solving strategy

The Plan rightly seeks to identify, understand and address the underlying problems that impact public safety, such as drug use and homelessness. Yet, it fails to recognize that BPD cannot and should not be the primary institution to address these problems. Therefore, the Plan must emphasize the need for BPD and community members to invite and collaborate with other public agencies and community organizations that are best situated to respond to drug addiction, homelessness, behavioral health crises and other public health concerns. The Baltimore Public Behavioral Health System Gap Analysis report provides helpful recommendations on how various agencies may serve persons experiencing behavioral health or related crises.²⁰ BPD must reference these and other services in the Plan.

4. Utilize multiple strategies for soliciting community input in the development of BPD policies, trainings and practices

Although the Plan states “BPD will continue to post policy drafts for public input, and incorporate much of the feedback received, so that policies reflect community values and priorities[.]”²¹ posting draft policies on BPD’s website is not the only method for soliciting community feedback on important policies, trainings and practices. A national survey conducted by the Policing Project, the Police Foundation, and the National Urban League found that

¹⁴ *DOJ Report*, *supra* note 2, at 157.

¹⁵ *Id.* at 48-70.

¹⁶ *Id.* at 66.

¹⁷ *Plan*, *supra* note 1, at 5.

¹⁸ *Consent Decree*, *supra* note 4, at ¶16.

¹⁹ Baltimore Police Department, Fair and Impartial Policing, Policy 317, Draft Aug. 24, 2018, available at <https://www.baltimorepolice.org/317-draft-fair-and-impartial-policing>.

²⁰ Human Service Research Institute, *Baltimore Public Behavioral Health System Gap Analysis Final Report*, (Nov. 2019), available at <https://www.baltimorepolice.org/baltimore-public-health-system-gap-analysis>.

²¹ *Plan*, *supra* note 1, at 10.

“[c]ommunity members overwhelmingly said that they want more opportunities to weigh in on department policies and practices.”²² Therefore, BPD must utilize community meetings, surveys and other mechanisms to solicit feedback from residents about the agency’s policies and trainings that directly impact them, such as use of force and surveillance technology. BPD must include these strategies in the Plan.

5. Provide a timeline for the collection of data and information to monitor and assess the Plan

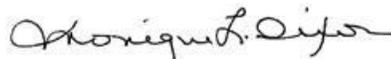
We appreciate the helpful implementation timeline at the end of the draft Plan and urge BPD to develop and include a schedule for identifying and collecting data and information that will be used to monitor and assess the effectiveness of the Plan. For example, BPD could distribute and analyze resident and police surveys, review body-worn camera footage, and consider the rate of attendance at and participation in community meetings to assess its community policing strategies. Because the consent decree explicitly requires BPD to assess its community engagement,²³ BPD must include in its implementation timeline the collection and analysis of community policing data and information.

6. Ensure the Plan includes accountability measures for noncompliance

The DOJ Report found great inconsistencies in the implementation of community policing, noting that “description[s] of the specific actions BPD is taking often differed widely.”²⁴ Indeed, the “vast majority” of BPD command staff and supervisors were “unable to accurately describe what community policing is or how BPD implements community policing efforts.”²⁵ Recognizing the need for accountability and consistency, the consent decree requires all officers, including supervisors, to receive training on community policing principles. To ensure that officers and supervisors are properly implementing the Plan, we urge BPD to provide clear steps it will take if BPD personnel fail to comply with the Plan, including corrective actions, such as retraining, and appropriate disciplinary actions.

Thank you for considering our comments and recommendations. If you have questions, please do not hesitate to contact us at 202-682-1300.

Sincerely yours,



Monique L. Dixon
Director of State Advocacy/Deputy
Director of Policy

²² The Policing Project, et al., *Beyond the Conversation: Ensuring Meaningful Police-Community Engagement*, 5, available at <https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5b29056a758d460f539bc079/1529415022872/Policing+Project+Beyond+the+Conversation.pdf>.

²³ *Consent Decree*, *supra* note 4, at ¶ 22.

²⁴ *DOJ Report*, *supra* note 2, at 158-59.

²⁵ *Id.* at 158.

Allen Liu
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cc: Timothy Mygatt, Civil Rights Divisions, U.S. Department of Justice
Andre Davis, Baltimore City Solicitor