



March 1, 2019

Senator Bobby A. Zirkin, Chair
Senator William C. Smith, Jr., Vice Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Building
Annapolis, MD 21401

Delegate Luke Clippinger, Chair
Delegate Vanessa E. Atterbeary, Vice Chair
House Judiciary Committee
House Office Building, Room 101
Annapolis, MD 21401

**RE: Senate Bill 793/House Bill 1094 – Community Safety and Strengthening Act -
OPPOSED**

Dear Senators Zirkin and Smith and Delegates Clippinger and Atterbeary:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), we welcome the opportunity to submit to the record written testimony in opposition to Senate Bill 793 (SB 793) and House Bill 1094 (HB 1094). The bills would offer additional funding to Baltimore for community development and youth programs as well as create a law enforcement cadet apprenticeship program, which would allow opportunities for the city's youth to launch a career in law enforcement. This funding is much needed and laudable. We have serious concerns, however, with provisions of SB 793 and HB 1094 authorizing Johns Hopkins University (JHU) to establish its own campus police force based on a memorandum of understanding (MOU) with the Baltimore Police Department (BPD).

Last year, we wrote a letter to JHU President Ronald Daniels opposing a similar bill and met with him to engage in productive discussions on the matter.¹ While SB 793 and HB 1094 include more information about how the proposed JHU campus police would operate, they raise new questions and fail to address several of our previous concerns. Specifically, the bills will maintain the status quo as it relates to JHU's security force's ability to respond to violent crime—the primary reason the University presented for the creation of a campus police force—making a change in state law unnecessary; and will allow JHU campus police overly board ability to patrol city streets permitting yet another armed police force to operate in Baltimore without the explicit requirement that it must comply with the accountability measures detailed in the federal consent decree issued in *United States v. Police Department of Baltimore City*.²

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education,

¹ See Letter from Sherrilyn A. Ifill, President and Director Counsel, LDF, to Ron Daniels, President, JHU, Mar. 22, 2018, <https://www.naacpldf.org/files/about-us/2018-03-22%20-%20NAACP%20LDF%20Letter%20to%20JHU%20President%20-%20Final.pdf>.

² See Consent Decree, *U.S. v. Police Dep't of Baltimore City*, 17-cv-00099-JKB (D. Md. Jan. 17, 2017), http://www.mdd.uscourts.gov/sites/mdd/files/ConsentDecree_0.pdf.

economic justice, political participation, and criminal justice. It has been a separate organization from the NAACP since 1957. Throughout its history, LDF has consistently worked to promote unbiased and accountable policing policies and practices at the national, state, and local levels. For the past four years, we have partnered with local advocates, activists, and attorneys to reform unlawful policing practices in Baltimore City by joining the community call for a federal investigation of the police department,³ advocating for fair provisions in the police union contract,⁴ and calling for more transparency regarding police misconduct complaints.⁵ We have also urged city officials to reconsider its MOU with the Baltimore School Police Force, which allows school police to patrol city streets with little to no oversight.⁶

I. SB 793/HB 1094 will maintain the status quo as it relates to JHU’s ability to intervene in violent crimes making a change to state law unnecessary

Public safety is a critical shared goal of everyone who lives, works, and attends school in Baltimore City. Everyone wants safe neighborhoods; and safe neighborhoods are ones that are both free of violent crime *and* unlawful policing practices. Time and again in Baltimore City, we have seen approaches to public safety that have done anything but make low-income communities of color feel safer, such as discriminatory practices against Black residents; unlawful stops, searches, and arrests; and excessive force, all described at length in the U.S. Department of Justice’s (DOJ) 2016 report on its investigation of the BPD.⁷

At the request of the Maryland General Assembly, JHU studied various approaches to improving public safety on and off campus. In a recently released report, *Interim Study on Approaches to Improving Public Safety on and around Johns Hopkins University Campuses*, JHU considered several options for strengthening campus security and reducing violent crime, including what it called the “status quo plus option,” which would involve JHU making improvements to its current security force without seeking a change in state law that would allow it to create its own police department.⁸ The University rejected this option arguing that its officers would be unable to

³ See Letter from Rev. Dr. S. Todd Yeary, Maryland State Conference of NAACP, and Sherrilyn Ifill, LDF, to President Barack Obama, May 6, 2015, <http://www.naacpldf.org/document/clergy-letter-president-obama-regarding-death-freddie-gray>.

⁴ See Letter from Campaign for Justice, Safety and Jobs to Stephanie Rawlings-Blake, Mayor of Baltimore City and Kevin Davis, Police Commissioner, Baltimore City, July 20, 2016, <http://www.naacpldf.org/document/campaign-justice-safetyand-jobs-ltr-re-baltimore-fraternal-order-police>.

⁵ See Letter from Monique Dixon, Deputy Director of Policy, LDF, to Members of the Maryland House of Delegates regarding support for House Bill 413, Feb. 12, 2019, <https://www.naacpldf.org/wp-content/uploads/NAACP-LDF-Written-Testimony-in-Support-of-HB-413-Public-Information-Act-FINAL.pdf>.

⁶ See Letter from Monique Dixon, Deputy Director of Policy, LDF, to Vanita Gupta, Principal Deputy Assistant Attorney General, U.S. Dep’t of Justice, Sept. 8, 2015, <http://www.naacpldf.org/document/ldf-letter-doj-requesting-expansion-fedinvestigation-school-police>. See also, U.S. Dep’t of Justice Civil Rights Div., Investigation of the Baltimore City Police Department, 154, Aug. 10, 2016, <https://www.justice.gov/opa/file/883366/download> (finding that Baltimore Police Department fails to appropriately coordinate its efforts with other agencies it has granted authority to exercise concurrent jurisdiction).

⁷ U.S. DOJ, CIVIL RIGHTS DIV., INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT (2016), <https://www.justice.gov/crt/file/883296/download> [hereinafter “DOJ Investigation”].

⁸ JOHNS HOPKINS UNIVERSITY PUBLIC SAFETY INITIATIVES, INTERIM STUDY ON APPROACHES TO IMPROVING PUBLIC SAFETY ON AND AROUND JOHNS HOPKINS UNIVERSITY CAMPUSES 34-39 (2018),

intervene in violent crimes and would have to rely on BPD officers to be dispatched to campus, hindering JHU's ability to stop crimes in progress.⁹ Yet, SB 793/HB 1094 provides that BPD, not JHU, appropriately will have primary responsibility for enforcing violent crimes, thus essentially maintaining the status quo.

According to SB 793/HB 1094, JHU may create a campus police force through a MOU with the BPD that mandates Baltimore City police to "have primary responsibility for all investigations and arrests related to Part I offenses specified under the Uniform Crime Reporting Program," i.e., serious offenses such as robbery, aggravated assault, and criminal homicide.¹⁰ There are three exceptions: JHU would be responsible for responding to theft, burglary, and motor vehicle theft.

JHU has justified its need for a campus police force by citing repeatedly to armed robberies, serious assaults, and even a national rise in active-shooter incidents.¹¹ Yet, under SB 793/HB 1094, BPD—not the JHU police force—would have the responsibility to conduct investigations and make arrests regarding these crimes. This squarely contradicts what has been communicated to the public and what JHU has submitted as the basis for needing its own police force. It is unclear why the proposal for this police force has been pressed so urgently as an answer to violent crime on the JHU campus when these officers would not be authorized to address serious, violent crimes.

This leads us to recommend that instead of seeking changes to state law, JHU should adopt its own recommendation by taking steps to enhance its current security force "making improvements where [it] . . . can, but without the capacity to intervene in violent crimes and arrests."¹²

II. The proposed JHU campus police force will needlessly expand the number and jurisdiction of armed campus officers without adequate accountability measures

With the limited number of offenses that would fall under the jurisdiction of the proposed JHU campus police force, one would expect a limit on the number of officers. SB 793/HB 1094, however, is silent on the size of the police force that JHU would establish. Yet, the bills clearly state that a campus police force would be in addition to the private security JHU maintains, which currently includes over 1,000 personnel, including 63 unarmed "special police officers" with arrests powers and 63 armed off-duty Baltimore Police Department officers and deputy sheriffs with arrest

<https://publicsafetyinitiatives.jhu.edu/assets/uploads/sites/8/2018/12/Interim-study-report-FINAL.pdf> [hereinafter "JHU Study"].

⁹ *Id.* at 35-36.

¹⁰ See Maryland General Assembly, SB 793 at 9, <http://mgaleg.maryland.gov/2019RS/bills/sb/sb0793F.pdf>, [hereinafter "SB 793"]; see also, U.S. Department of Justice, Federal Bureau of Investigations, UCR Offense Definitions, Jan. 26, 2017, <https://www.ucrdatatool.gov/offenses.cfm>.

¹¹ See, e.g., Scott Calvert, *Johns Hopkins Pushes for Armed Police on Campus*, Wall Street Journal (Feb. 1, 2019), <https://www.wsj.com/articles/johns-hopkins-pushes-for-armed-police-on-campus-11549029601>; Ian Duncan & Talia Richman, *Johns Hopkins University wants its own police department. What would that mean for Baltimore?*, Baltimore Sun (Mar. 18, 2018), <https://www.baltimoresun.com/news/maryland/education/higher-ed/bs-md-ci-johns-hopkins-police-20180315-story.html>.

¹² JHU Study, *supra* note 8, at iii.

powers.¹³ Moreover, with respect to surveillance, JHU maintains over 2,000 security cameras in its “campus areas.”¹⁴ JHU already has a sizeable security force.

Additionally, SB 793/HB 1094 grants campus police officers the overly broad ability to patrol off-campus and creates the unacceptably high risk of campus police being used by the BPD or the Mayor as an auxiliary police force. Specifically, the bills would allow the MOU between BPD and the JHU police force to grant campus police all the powers granted to BPD, not only while on the three university campuses, but also in “areas adjacent to the campus area”¹⁵ and, in a broad set of circumstances, Baltimore streets in general. One circumstance in which JHU campus officers would be authorized to exercise police powers anywhere in the city is if doing so were “[s]pecially requested . . . by the Mayor of Baltimore City.”¹⁶ SB 793/HB 1094 places no procedural or substantive constraints or guidelines on such requests—such as requiring the request be for a limited duration, in a writing explaining the need for the request, or subject to any type of review—inviting and widening the possibility that the proposed JHU campus police force will be used in inappropriate and unintended ways. This is of particular concern in a city that has faced a years-long police shortage.¹⁷

Concerns about campus police exercising their powers inappropriately on the streets of Baltimore are not just hypothetical. For example, in 2013, Baltimore police officers, including a Morgan State University officer, repeatedly beat a man, Tyrone West, with batons until he went into medical distress, was taken to a hospital, and died.¹⁸ Additionally, in its 2016 investigative report of BPD, DOJ criticized BPD for its inappropriate coordination with other agencies, and specifically for signing an MOU with the Baltimore School Police Force that allowed school police to patrol city streets, thus using them “as an auxiliary force to BPD.”¹⁹ DOJ further noted that school police officers were being asked to exercise their powers particularly “in districts that were understaffed,”²⁰ yet BPD failed to adequately oversee arrests made by and complaints filed against school police. This history, along with the City’s chronic police shortage, underscore the concern about the lack of safeguards to prevent JHU campus police officers from acting as auxiliary police to the BPD.

If a JHU campus police force were to be established, the MOU between it and the BPD must require campus police to comply with policies and practices required under the federal consent decree between BPD and DOJ. Indeed, JHU, in its December 2018 study and report to the

¹³ *Id.* at 9.

¹⁴ *Id.* at 10.

¹⁵ SB 793, *supra* note 10, at 10.

¹⁶ *Id.*

¹⁷ See, e.g., Keith Daniels, *City Council Hearing Addresses Baltimore Police Officer Shortage*, Fox 45 News (Sept. 10, 2018), <https://foxbaltimore.com/news/local/city-council-hearing-addresses-baltimore-police-officer-shortage>.

¹⁸ See Mark Reutter, *City to pay \$600,000 to settle Tyrone West lawsuit*, Baltimore Brew (July 26, 2017), <https://baltimorebrew.com/2017/07/26/city-to-pay-600000-to-settle-tyrone-west-death-lawsuit/>.

¹⁹ DOJ Investigation, *supra* note 7, at 154. DOJ detailed BPD’s poor coordination with other agencies in a chapter of the report titled, “BPD Does Not Coordinate with Other Agencies Appropriately.” *Id.*

²⁰ *Id.*

Maryland General Assembly on approaches to improving public safety, has in fact expressed a commitment to exceeding legally required standards, such as those contained in the consent decree: “In keeping with the ‘rightful policing’ model, these [recommended] best practices often go well beyond what is strictly required by the law and the Constitution, laying out a path for the procedurally just provision of public safety at Johns Hopkins.”²¹ JHU should begin applying these best practices to its current security force.

III. Conclusion

We share JHU’s commitment to student safety as well as the concerns of JHU faculty and students who say a private campus police force is not the answer.²² We echo the fears of community members, who have assembled in opposition to a JHU campus police force, that any new campus police may lead to an increase in incidents of racial profiling and an influx of firearms on campus.²³ It is imperative that other approaches be explored before opting for the most drastic and high-risk measure.

We respectfully request that Senate and House committee members consider the concerns set forth in our testimony. We strongly believe that these concerns must be addressed and resolved before this bill moves forward.

Sincerely yours,



Sherrilyn A. Ifill
President and Director Counsel

Monique L. Dixon
Deputy Policy Director & Senior
Counsel

cc: Senate Judicial Proceeding Committee Members
House Judiciary Committee Members

²¹ JHU Study, *supra* note 8, at 41.

²² Quinn Lester, Op-ed, *Say ‘no’ to Hopkins’ private police*, Baltimore Sun (Feb. 11, 2019), <https://www.baltimoresun.com/news/opinion/oped/bs-ed-op-0212-jhu-police-20190211-story.html>.

²³ See Catherine Rentz, *Johns Hopkins’ latest plan for police force prompts protest from students, faculty, neighbors*, Baltimore Sun (Feb. 13, 2019), <https://www.baltimoresun.com/news/maryland/education/higher-ed/bs-md-students-against-jhu-police-20190213-story.html>.