

JUSTICE NEWS

Head of the Civil Rights Division Vanita Gupta Delivers Remarks at Press Conference Announcing Findings of Investigation into Baltimore Police Department



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Good morning. I'd like to start by thanking Mayor [Stephanie] Rawlings-Blake and Commissioner [Kevin] Davis – for their cooperation and leadership throughout the Justice Department's investigation. I want to also thank my outstanding team from the Civil Rights Division for their tireless and focused efforts. Fifteen months ago – in the aftermath of Freddie Gray's tragic death – we talked to community members, police officers, police union leaders, and city officials about the challenges related to policing in Baltimore. The Mayor, members of the City Council, members of Congress, and residents asked us to open a pattern-or-practice investigation into the Baltimore Police Department, which we launched in May 2015.

Since then, we talked to residents in every corner of Baltimore – from Roland Park to Sandtown. We interviewed command staff and rank-and-file officers. We participated in ride-alongs in each police district. We met with leaders of the police unions, religious organizations, advocacy groups, and neighborhood associations and reviewed their reports and publications. With law enforcement and statistical experts, we reviewed hundreds of thousands of pages of documents – covering 2010 to 2016 – including policies and training materials; internal affairs files; data on stops, searches, and arrests; and use-of-force reports. Nearly everyone who spoke to us – from the Baltimore City Fraternal Order of Police, who showed us their 2012 report, "Blueprint for Improved Policing," to the residents who shared serious concerns – agreed that the Baltimore Police Department needs sustainable reform. Indeed, the mayor and the commissioner have been aware of many of the problems that our findings report details, and have not stood still during our investigation, and I want to commend them for that.

We recognize the challenges faced by police officers in Baltimore and other communities around the country. Every day, police officers risk their lives to uphold the law and keep our communities safe. Investigatory stops, arrests – and, at times, force – are all necessary tools used by BPD officers to do their jobs and protect the safety of themselves and others. Providing policing services in many parts of Baltimore is particularly challenging, where residents and officers regularly confront complex social and economic challenges rooted in poverty; racial segregation; and deficient educational, employment, and housing opportunities. Baltimore residents, just like Baltimore police officers, want to address these challenges, to fight crime, and to ensure public safety. And our guide to policing amidst these realities must be the Constitution and federal anti-discrimination law.

Today, the Department of Justice announces the outcome of our investigation and issues a 163-page report detailing our findings. We conclude that there is reasonable cause to believe that BPD engages in a pattern or practice of conduct that violates the Constitution and federal anti-discrimination law. BPD engages in a pattern or practice of:

- making unconstitutional stops, searches, and arrests;
- using enforcement strategies that produce severe and unjustified disparities in the rates of stops, searches, and arrests of African Americans;
- using excessive force; and
- retaliating against people engaging in constitutionally-protected expression.

These violations have deeply eroded the mutual trust between BPD and the community it serves, trust that is essential to effective policing, as well as officer and public safety. The problems in Baltimore didn't happen overnight or appear in a day. The pattern or practice we found results from long-standing, systemic deficiencies at BPD. The agency fails to provide officers with sufficient policy guidance and training; fails to collect and analyze data regarding officers' activities; and fails to hold officers accountable for misconduct. BPD also fails to provide officers with the necessary equipment and resources they need to police safely, constitutionally, and effectively.

But these systemic failures alone did not cause the problem. The police department's "zero tolerance" street enforcement strategy became a quest to produce large numbers of enforcement actions – pedestrian stops in particular – often without enough consideration of their limited impact on solving crime and their caustic damage to community relationships. While today's city leaders have recognized these issues, many in the BPD still continue to follow this strategy. Only 3.7 percent of the police department's more than 300,000 pedestrian stops – from January 2010 to May 2015 – resulted in officers issuing a citation or making an arrest. Many of those stops and the resulting frisks lacked constitutional justification. And many of the discretionary arrests were simply street-clearing activities. Supervisors at BPD's Central Booking and local prosecutors rejected over 11,000 charges made by BPD officers because they lacked probable cause or otherwise did not merit prosecution.

The city's African-American residents and African-American neighborhoods bore the brunt of this activity. Out of the data we surveyed, the police department made roughly 44 percent of its stops in two small, predominantly African-American districts that contain only 11 percent of the city's population. African Americans accounted for 95 percent of the 410 individuals the police department stopped at least 10 times. Indeed, one African-American man was stopped 30 times in less than four years – with none of the stops resulting in a citation or criminal charge.

We also found a pattern or practice of excessive force. For example, officers frequently resort to physical force when a person does not immediately respond to verbal commands, even where the person poses no imminent threat to the officer or others. Officers also end up in unnecessarily violent confrontations with people with mental health disabilities. We have seen in communities throughout the country that improved policies and enhanced training on de-escalation and dealing with people in crisis can enhance officer safety and reduce the need for force.

BPD also violates the First Amendment by retaliating against individuals engaged in constitutionally-protected activities. Officers frequently detain and arrest members of the public for engaging in speech the officers perceive to be critical or disrespectful. And BPD officers use force against members of the public who are engaging in protected speech.

Finally, although this pattern-or-practice investigation did not review the specific circumstances surrounding Freddie Gray's death, we did investigate BPD's transport practices. Our report identifies continuing concerns about the safety risks and lack of data in BPD's transport practices.

We also identified deficiencies in the way BPD investigates sexual assaults.

Policing that violates the Constitution or federal law severely undermines community trust. Blanket assumptions and stereotypes about certain neighborhoods can lead to resentment of the police. And resentment can prevent the type of effective policing needed to keep communities *and* officers safe. We found incident reports that documented how witnesses wouldn't share basic information with officers. We read several reports where the person who originally called the police or needed assistance refused to cooperate after becoming upset by the police response. When residents don't trust the police, that distrust makes it harder for officers to prevent and solve crimes.

Proactive policing does not have to lead to these consequences. When the community trusts the police, residents work with law enforcement to ensure public safety. Effective proactive policing is community policing. It requires a different set of tactics than those employed by Baltimore for many years. Proactive policing requires officers and residents solving problems to build trust and to reduce crime.

I'd like to take this opportunity now to speak directly to the men and women of the Baltimore Police Department. We know that most officers in the Baltimore Police Department work hard to provide vital services to the community and to abide by the Constitution and federal law. We have seen you run toward danger to protect the community you serve, and we are grateful. We also know that to do your job well, to meet the highest standards of the profession, you need clear policies and state-of-the-art training. You need to be supported with today's technology. In the 21st century, that means computers in your cars and other modern equipment to do your job well. You need to have adequate staffing and material resources to get the job done. And you need to know you will be recognized for the work you do – and treated fairly when your work is challenged.

In Baltimore, we see a city filled with vibrant, strong communities invested in their future. A city determined to engage in the tough but vital work needed to build real reform. Already, Baltimore has begun to build the foundation for reform. The police department has initiated changes to its policies, training, data management, and accountability systems. These are positive developments and a testament to the Mayor's and Commissioner Davis' leadership. To help support these changes, during our investigation, the Justice Department's Office of Community Oriented Policing Services and Office of Justice Programs provided federal resources, including technical assistance, to the Baltimore Police Department, city officials, and community leaders.

I want to applaud and commend city officials for their collaborative, cooperative partnership. The Justice Department and the city have entered into an agreement in principle that identifies the types of reforms we plan to address as we prepare to negotiate a court-enforceable, independently-monitored consent decree. By entering into this agreement in principle, the city and the police department have shown their commitment to moving forward expeditiously.

The agreement in principle only represents a framework. In the coming months, we will use this framework to negotiate a comprehensive consent decree with the city. In the coming days, the Justice Department will be meeting with, and reaching out to, community members and law enforcement to hear your ideas about the kind of police department you want to see in your community. We need this entire community – and the *energy* of this entire community – to help us craft the details of our consent decree and drive real, lasting change in this city. So we urge all of you to stay engaged.

Whether here in Baltimore or around the country – police reform won't happen overnight or by chance. It will take time, along with focused effort and sustained commitment. In communities across America, even in communities where trust has been broken, we've seen transformative reform rebuild relationships and advance public safety. And in the days ahead – because of the proactive leadership in this city; because of the energy and vibrancy of this community; and because of this police department's desire for reform – together, we can shape that same progress right here in Baltimore. Together, we can build a stronger Baltimore: a Baltimore that protects the rights, safety, and dignity of all – residents and officers alike. Thank you very much. At this time, I will turn things over to Mayor Rawlings-Blake.

Topic:
Civil Rights



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