

**Agreement in Principle
Between
The United States and the City of Baltimore
Regarding the Baltimore City Police Department**

This Agreement in Principle (“Agreement”) between the United States and the City of Baltimore (the “City”) (collectively, “the Parties”) reflects the Parties’ commitment to work together and with the many communities that make up the City to ensure that the Baltimore City Police Department (“BPD”) delivers services in a manner that respects the rights of residents, increases trust between officers and the communities they serve, and promotes public and officer safety. Through this Agreement, the Parties commit to negotiate reforms to ensure sustainable, constitutional, and effective policing. The Parties will seek input on these reforms from the various constituencies that make up Baltimore, including residents, community groups, City leaders, local businesses, and BPD officers, to inform the negotiations.

The United States Department of Justice conducted an investigation pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 (“Section 14141”), Title VI of the Civil Rights Act of 1964 (“Title VI”), the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d (“Safe Streets Act”), and Title II of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. §§ 12131-12134. The City of Baltimore requested the Department of Justice’s investigation, and the investigation was conducted with the full and open cooperation of the City and BPD. The United States has concluded its investigation, finding reasonable cause to believe that BPD engages in a pattern or practice of conduct that violates the Constitution and federal law, including: (1) making unconstitutional stops, searches, and arrests; (2) using enforcement strategies that produce severe and unjustified disparities in the rates of stops, searches and arrests of African Americans; (3) using excessive force; and (4) retaliating against people engaging in constitutionally-protected expression. The details of its findings are set forth in a separate findings letter to the City.

The City and BPD recognize that the findings raise issues of great importance to the City and the community. By entering into this Agreement, the City and BPD do not necessarily admit or agree with the findings, which they have only recently received. However, the City and BPD fully agree there is a long road ahead and additional reforms are necessary. The City and BPD fully agree to continue and redouble their efforts to make improvements in the areas set forth below in order to achieve long-lasting, sustainable change.

The United States commends the City and BPD for working cooperatively with the Department of Justice, recognizing the need for reform, and taking the initiative to begin the reform process. Some reforms started before the Department of Justice announced its investigation, while others began or accelerated while the investigation was ongoing. In October 2014, for example, the City began a collaborative effort with the United States Department of Justice’s Office of Community Oriented Policing Services to make changes to BPD’s policies and practices. Since that time, BPD has overhauled its use of force and other policies in an effort to incorporate best practices and will continue strengthening them as part of this Agreement.

BPD's reforms have included, but are not limited to, providing additional trainings in crucial areas including fair and impartial policing; committing resources to enhance BPD's crisis intervention program; retrofitting prisoner transport vehicles; and committing additional officers to the Community Collaboration Division to enhance BPD's community policing efforts. BPD is taking initial steps toward enhancing accountability and transparency throughout the Department, including implementing a comprehensive plan to equip all officers with body-worn cameras. BPD has begun to take steps toward improving and expanding its community outreach to better engage its officers with the community they serve, with a specific emphasis on working with youth. BPD has started investing in technology and infrastructure in order to provide support for these and other reforms. The United States recognizes that these efforts reflect the City and BPD's commitment to making the reforms necessary for its officers to police constitutionally, safely, and effectively.

Despite this progress, the Parties recognize there is still much work to do. Going forward, the Parties commit to negotiate in good faith to reach a comprehensive settlement in the form of a consent decree, with independent monitoring, to be entered by the United States District Court for the District of Maryland ("Consent Decree"). The Parties will seek input from the City's residents, stakeholders and BPD officers regarding necessary reforms and engage in good faith negotiations to reach a settlement.

The Parties are committed to working together to negotiate and seek court approval of a Consent Decree in as expeditious a manner as possible, so that the important work of implementing reforms can proceed to this next level. The Parties intend to have completed negotiations by November 1, 2016.

The Parties know that the development and implementation of police reform helps rebuild trust between a community and its police, and ensures appropriate accountability and transparency. The Parties recognize that BPD officers and employees are BPD's greatest resource and that the vast majority of officers are committed to upholding the Constitution with honor and distinction while carrying out their important duties to ensure public safety. The Parties recognize that the process of reform is complex and requires continued sustained effort. Reform does not occur overnight and requires clear goals and objectives. The Parties also are committed to implementing reforms in a cost-effective manner.

To these ends, the Parties commit to work collaboratively, earnestly, and with necessary urgency to ensure that they have achieved their mutual goal of sustainable reform. The Parties anticipate that these reform measures will enhance public safety and make the work of police officers more effective and safer.

I. Community Input on Reforms

The Parties have engaged with community stakeholders in Baltimore, and recognize that recommendations and suggestions received through the community engagement process are critical in order to craft a comprehensive and effective plan for BPD. The Parties additionally recognize that the successful implementation and sustainability of reforms will depend, in part,

on the active participation of, and input from, the Baltimore community. Accordingly, the Parties commit to engage with community members and seek ideas from the City's residents, stakeholders, and BPD officers regarding recommendations to continue BPD's reform efforts. A detailed report of the Justice Department's investigative findings may be found at: <https://www.justice.gov/crt>. Any person or group who wishes to provide recommendations or ideas for reforms to be included in the Consent Decree may do so by submitting ideas and recommendations in writing to Community.Baltimore@usdoj.gov, communityfeedback@baltimorepolice.org, or by speaking with representatives of the Parties at a series of meetings to be held in various parts of the City in the coming weeks. To provide the Parties as much time to consider the recommendations as possible as they negotiate the Consent Decree, the Parties request that all written submissions be submitted by September 9, 2016. In the interest of transparency, the Parties request that written submissions be sent to both Parties, although the Parties understand that some individuals or groups may be more comfortable making submissions to only one of the Parties, and those will also be considered.

This initial period for community input will not be the last. The Parties commit to creating mechanisms through the Consent Decree to ensure that community members will continue to be able to provide input to the Parties, the court, and an Independent Monitor throughout the reform process. The successful implementation and sustainability of reforms will require the active participation of, and input from, Baltimore's diverse communities.

II. Areas of Reform

The Parties agree that additional reforms are necessary in at least the areas set forth below, and seek community input on the ways to implement the reforms.

A. Policies, Training, and Data Collection and Analysis

The Parties agree that, although BPD has made improvements in its policies, training, investigations, data collection, and analysis, further reforms are needed. The City commits to continue improving its policies, training, data collection and analysis to permit the assessment of officer activity and ensure that officers' actions conform to legal and constitutional requirements. The City commits to ensuring that input from community members and officers is considered in revising or implementing its policies and training.

1. Stops, Searches, and Seizures

BPD will ensure that all policies and training materials on stops, searches, and arrests are consistent with current law, and will revise any policies or training materials as needed to ensure that stops, searches, and arrests by BPD officers are conducted in accordance with constitutional standards. BPD will incentivize officers to conduct stops, searches, and arrests in a manner that promotes community confidence and legitimacy.

BPD will collect data on all stops, searches, and arrests and maintain it in a manner that can be analyzed in a meaningful way to ensure that officers' enforcement activities promote public safety and are consistent with constitutional and legal standards. BPD will analyze the data regularly to identify trends and issues that may lead to violations of law or policy.

2. Discriminatory Policing

BPD will continue improving and implementing policies and training on implicit bias in policing to ensure that officers do not improperly use race, gender, ethnicity, national origin, or sexual orientation as a factor in enforcement decisions. BPD will analyze data on stops, searches, arrests, and uses of force to identify trends and issues that may indicate biased policing or lead to violations of law or policy.

3. Use of Force

BPD will ensure that all policies and training on use of force provide officers and supervisors with clear guidance on when force is appropriate in accordance with legal and constitutional policing. BPD will revise any policies and create new policies as necessary to meet constitutional standards. BPD will ensure its policies train and incentivize officers to use community policing and problem-solving techniques, including de-escalation, to decrease the need for officers to resort to force. BPD will continue to revise its policies and training to improve its force investigations and reviews of force incidents to ensure proper oversight for officers' force and tactics leading to force, and to promote accountability.

BPD will also ensure that its policies and training conform with legal and constitutional standards for law enforcement interactions with individuals with disabilities, individuals in behavioral health crisis, and juveniles. BPD will seek to partner with community organizations to explore practices to lower the number of incidents involving force, and the amount of force, used against persons with disabilities and in behavioral health crisis. BPD will expand its behavioral health crisis intervention program and seek to work with disability organizations and mental health care providers in the community to increase its ability to divert individuals from the criminal justice system to community resources. BPD will ensure that its policies and training conform with legal and constitutional standards for law enforcement interactions with youth and divert youth from the criminal justice system, where possible.

BPD will ensure that its policies and training on transport practices conform with legal and constitutional standards to protect people in BPD custody from harm. It will implement increased auditing mechanisms to ensure that BPD policies and training on transport practices are being followed.

4. First Amendment

After considering guidance from DOJ, in 2012 BPD adopted a policy on the right to record interactions with police officers. BPD will continue to expand and strengthen its policies and training on individuals' First Amendment rights to ensure that they are consistent with current law, and will revise any policies or training materials as needed to ensure that individuals' First Amendment rights are protected. BPD will train officers regarding the prohibition against retaliating against individuals for exercising their First Amendment rights and will ensure timely investigation and discipline of officers who retaliate against citizens for exercising their First Amendment rights.

5. Response to Sexual Assaults

BPD will ensure that its policies and training on responding to reports of sexual assault are consistent with constitutional and legal requirements and the Parties will negotiate provisions to ensure that law enforcement actions do not reflect explicit or implicit gender bias, including in cases involving reports of sexual assault or coercion of sexual acts by BPD officers. BPD will ensure that all officers responsible for responding to and investigating sexual assault are provided with specialized training about sexual assault, including legal and constitutional standards for responding to and investigating reports of sexual assault, interviewing victims of sexual assault, and investigating reports of sexual assault or coercion of sexual acts by BPD officers.

6. Supervision, Accountability, and Coordination

BPD will ensure that supervisors at all levels receive supervisory or leadership training appropriate for their rank that provides them with the skills to implement reforms and promote community policing and problem-solving strategies. BPD will ensure that supervisors have tools to supervise officer activity, such as an effective and flexible early intervention system.

BPD will implement policies and training to improve oversight for all officers and supervisors involved in the complaint intake, complaint investigation, or disciplinary process. It will ensure that policies provide guidance on how to properly classify complaints and ensure that there is oversight over the classification of complaints. BPD will take measures to be transparent about the complaints it receives, as well as its process for investigating complaints and disciplining officers for violations of policy, including considering publishing on its website the numbers of complaints it received in various categories of offenses, the number which were sustained, and an explanation of each step of the process for disciplining an officer from the time a complaint is received until discipline is implemented.

BPD will strengthen its accountability measures, which may include audits, integrity checks, or using anonymous testers to assess whether officers are complying with policies. It will regularly audit samples of stops, searches, arrests, uses of force, and sexual assault investigations, use of force reports and incident reports to ensure that officers' actions comply with constitutional standards.

The City and BPD will work to improve their coordination with other law enforcement agencies with concurrent jurisdiction so that officers conducting joint enforcement activities have clear guidance regarding governing policies and chains of command, including the Baltimore School Police Force.

B. Technology and Infrastructure

The City will ensure that BPD's technology infrastructure is capable of effectively monitoring officer activity by collecting and analyzing data.

C. Officer Support

The City and BPD will build on the resources they have already invested to ensure that officers are provided with the equipment and technology required to perform their jobs effectively and constitutionally. The City and BPD also commit to developing effective strategies for recruitment, retention, and staffing patterns.

D. Judicial Enforceability, Independent Monitoring, and Outcome Measures

The Parties agree that the settlement will be in the form of a Consent Decree to be entered and enforced as a court order of the United States District Court for the District of Maryland. The Consent Decree will include the appointment of an Independent Monitor who will act as an agent of the Court, monitor and assess the City's compliance with the Consent Decree, and be paid for by the City. The Parties will develop a set of objective outcome measures to be used by the Parties, the Independent Monitor, and the Court to assess whether the Consent Decree is promoting constitutional policing and increasing community trust.

E. Community Policing and Engagement

1. Community Policing Strategies

The City and BPD will ensure that the fundamental principles of community policing guide all aspects of BPD's operations, including its patrol activities, investigations, and enforcement activities conducted by specialized units. The Parties recognize that rebuilding the relationship between BPD and the various communities it serves is essential to constitutional and effective policing. Although BPD, with the assistance of the Department of Justice's Office of Community Oriented Policing Services, has been working on implementing community policing principles, the Parties agree that more work remains to be done. BPD will explore community policing strategies for Baltimore's neighborhoods, including developing micro-community policing plans.

2. Strengthen Community Oversight

The City commits to continue to strengthen community oversight of BPD, including entities or mechanisms to inform BPD's policies and practices consistent with community values and confidence in BPD. The City agrees that it will ensure that any community and civilian oversight entities or mechanisms created through this process have the resources and access to data and information they need to effectively fulfill their mandate.

3. Increase Transparency

The Parties recognize that increased transparency about BPD's activities is critical to rebuilding trust between BPD and the people of Baltimore. The City commits to improve its collection and analysis of data and making this information publicly available.

4. Community Engagement in the Reform Process

The Parties agree that community input is essential throughout the reform process, and they will include mechanisms in the Consent Decree to receive that input and update the community about the implementation of the Consent Decree. These mechanisms may include written submissions directly to the Independent Monitor and the Parties, periodic public meetings attended by representatives of the Parties and the Independent Monitor, or other mechanisms suggested by the community.

The Parties also agree that the input of BPD officers and their representatives is a critical factor to consider in ensuring that the Consent Decree provides officers with the practical guidance, tools, and support they need to effectively and efficiently carry out the Consent Decree's requirements and enhance safety for both officers and the community they serve.

Once a Consent Decree is reached, the Parties commit to engage with community stakeholders, including BPD officers, to ensure a broad understanding of the terms of the Consent Decree. The Consent Decree will not substitute or foreclose other initiatives by the community or the City to promote reform and oversight of, or partnerships with, BPD.

F. Timing and Process

The Department of Justice agrees to defer filing a lawsuit against the City while the Parties seek input from the City's residents, stakeholders and BPD officers regarding necessary reforms and engage in good-faith negotiations to reach a settlement. This Agreement does not otherwise limit or restrict the Department of Justice's ability to initiate a civil action under Section 14141, the Safe Streets Act, Title VI, or the ADA or to conduct any investigation or bring any criminal charge, or to seek other enforcement action to protect the rights, privileges, or immunities of individuals that are secured or protected by the Constitution or laws of the United States. Nor does this Agreement waive any defenses that the City or the BPD may have to any civil action initiated by the Department of Justice under Section 14141, the Safe Streets Act, Title VI, or the ADA.

The Department of Justice acknowledges that the City and BPD are subject to state law and collective bargaining obligations. While negotiations are pending, the Parties will, with community input, identify qualified candidates who will provide objective, cost-effective, and thorough assessments of compliance with the Consent Decree. The Consent Decree will specify the selection and appointment process for the Independent Monitor.

Once the Parties reach a mutual settlement that provides for reform that addresses the Department of Justice's findings, the proposed Consent Decree will be presented to the City Council. Subsequently, the Parties will seek to have the proposed Consent Decree approved by and entered as a court order by the U.S. District Court for the District of Maryland to ensure that the terms of the settlement are implemented fully and faithfully.

This Agreement shall not be construed as an admission or evidence of liability by or against the City or the BPD under any federal, state or municipal law including, but not limited to, 42 U.S.C. § 1983. This Agreement is not intended to limit or expand the right of any person

or entity seeking relief against the City, BPD, or any officer or employee thereof, for their conduct or the conduct of BPD officers. No person or entity is or is intended to be a third-party beneficiary of this Agreement for the purposes of any civil, criminal, or administrative action.

Agreed to this 9th day of August, 2016.

For the United States:



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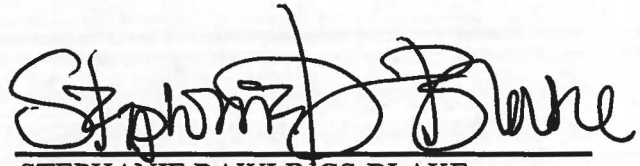


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