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Murder, Scandal and a State Intervention: What's Going on With Baltimore's Police Department?

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It's been almost three years since Baltimore was engulfed by protests following the death of an African-American man, Freddie Gray, while in police custody. Buildings were set ablaze, some businesses were looted and many people were arrested as activists took to the streets.

What followed has been an ongoing upheaval in Baltimore policing: three police commissioners in as many years; three years of record or near-record homicide rates; a series of scandals within the police department, including officers' being indicted for planting evidence, which led the state to overturn dozens of drug convictions; and, recently, an attempt by Gov. Larry Hogan to intervene in the city's crisis.

The most recent disruption came last week when Mayor Catherine Pugh fired Police Commissioner Kevin Davis, saying she was "impatient" with his ability to make a dent in the city's high crime rate. In his place, she appointed Darryl De Sousa, a 30-year veteran of the city's police force.

"Crime is now spilling out all over the city, and we've got to focus," Pugh said at the press conference in which she announced the firing. "I am charging [De Sousa] and his staff to get on top of it to reduce the numbers and to reduce them quickly."

It's the latest indication that, for Baltimore policing over the past few years, the only constant is change.

More than 1,000 people have been murdered in Baltimore since January 2015. Last year, the city's per capita homicide rate hit an all-time high, with 343 killings in 2017, or roughly 56 homicides per 100,000 people. That's about double the per capita murder rate for Chicago.

High crime rates aren't the only problem.

A 2016 Department of Justice report detailed a pattern of civil rights abuses by Baltimore police, a pervasive culture of "unlawful and unconstitutional conduct, ranging from the use of excessive force to unjustified stops, seizures and arrests," according to former Attorney General Loretta Lynch. Following the release of the report, Pugh fast-tracked a consent decree that placed the

Baltimore Police Department under a court-appointed monitor charged with making sure the department implemented reforms.

Davis, the now-fired commissioner, had been seen as the best leader to oversee those reform efforts, after having been appointed acting commissioner in June 2015. But his tenure was marked by controversy within the department. Several members of the department's Gun Trace Task Force were indicted on racketeering charges in 2017, after federal a corruption investigation "exposed the unit was robbing criminals and citizens of drugs and cash, filing false court paperwork and making fraudulent overtime claims," according to the *Baltimore Sun*.

Other scandals plagued the department under Davis.

Body-camera footage emerged showing what defense attorneys have said is officers planting drugs on criminal defendants. Those allegations caused the state to toss out dozens of drug convictions and review more than 100 additional drug cases. Then, in late November, an officer was killed on duty one day before he was set to testify in the federal corruption probe of the Gun Trace Task Force.

Some Baltimore leaders are optimistic that De Sousa can help turn the police around.

"If we go back two years, I would say De Sousa was the person many of us in the city wanted as police commissioner," says City Councilmember Brandon Scott. "And now we have the change we need to improve the department."

Scott had been critical of the former commissioner's performance. In July, he abruptly called an end to a city council meeting to highlight what he felt was city leadership dragging its feet on reducing crime.

"[I said] we are not going to have a meeting until you come up with a plan to reduce violence in the city," says Scott. "That was my No. 1 focus, and I felt Pugh and Davis were too slow on coming up with a plan."

The change in leadership isn't the only shift regarding Baltimore police. Hogan has stepped in with his own plan to augment city officers with more state police.

Hogan says the stepped-up approach, which he announced in December, will get the most violent offenders, so-called "trigger pullers," off the street and reduce crime. It's a return to a strategy implemented under Gov. Martin O'Malley (himself a former Baltimore mayor), and it coincided with a significant reduction in Baltimore's violent crime rate.

In addition to adding state police, Hogan has also proposed increased minimum sentences for violent offenders and for gun possession. His plan also calls for using state police more aggressively to serve high-priority warrants, and for federal agents and U.S. marshals to conduct an "aggressive sweep" of the city to round up violent offenders.

But for many police reform advocates, Hogan's new law-and-order plan represents a troubling about-face.

Less than two years ago, Hogan signed sweeping criminal justice reforms aimed at greatly decreasing the number of people locked up in jail. The Maryland Justice Reinvestment Act reduced, or in many cases eliminated, prison time for nonviolent offenders. Critics see his new plan to step up policing in Baltimore as an undoing of those reforms before they've even had a chance to have much impact.

“It will eviscerate what he claims to be his biggest policy achievement, which was the Justice Reinvestment Act,” says Marc Schindler, executive director of the Justice Policy Institute. “What he’s proposing is completely contrary to what he supported.”

Baltimore Public Defender Todd Oppenheim, a vocal proponent of criminal justice reform, agrees.

“It’s the total wrong direction to go,” he says. “Is punishing people doing anything? Let’s not [just] keep passing more laws. They are not deterring more crime.”

Even some right-leaning advocates have suggested that Hogan's tougher strategy seems less about reducing crime and more about scoring political points. (Hogan is running for reelection this year.)

“It’s the easiest thing to do,” says Jonathan Blanks, a research associate with the Project on Criminal Justice at the libertarian Cato Institute. “If you want to show people you are doing something, get tough on crime. But are you reducing crime?”

“If Hogan wants to put more cops on the street as a deterrent, that’s fine,” he adds. “But if they're going to be overly aggressive in policing, that’s going to lead to self-defeating policing. What works is proactive policing that is targeted but not abusive and works alongside the community to build trust. If you don’t have the trust of the community, you can’t police the community.”