



Empowerment. Integration. Equality.

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www.DisabilityRightsMD.org

March 7, 2017

Submitted via e-mail to: Baltimore.Consent.Decree@usdoj.gov

Re: *United States v. Baltimore Police Dep't et al., Civil No. JKB-17-99*

Statement in Support of Proposed Consent Decree

Disability Rights Maryland (DRM) is the federally mandated state designated protection and advocacy agency. DRM has over thirty years of experience advocating for and with Marylanders with disabilities. DRM has worked with people in state psychiatric hospitals and private inpatient psychiatric hospitals, in emergency rooms, in state residential centers, in community programs, incarcerated or determined incompetent to stand trial, and in homeless shelters and homelessness. DRM participated in the Ethan Saylor Commission and on the committee establishing police training for interactions with persons with intellectual disabilities. DRM attorneys have decades of experience with special education and the disparate impact of school discipline and the juvenile and criminal justice system on individuals with disabilities.

DRM writes in support of the findings resulting from the U.S. Department of Justice (DOJ) investigation into the practices and policies of the Baltimore City Police Department (BCPD). One of the most significant violations cited by the DOJ investigation is the finding that BCPD violated the rights of people with disabilities and the Americans with Disabilities Act (ADA). While DOJ has investigated multiple police departments across the country, only BCPD has been found to engage in systemic disability based discrimination.

As documented by DOJ, BCPD *routinely* uses unreasonable force against individuals with disabilities and those in crisis, including situations where the individual has not committed a crime, or a minor crime and when such individuals are in restraints. DOJ contends that police practices expose individuals to serious harm that exacerbates their disability and the crisis that precipitated the request for BCPD assistance. DOJ's findings include officers repeatedly using drive-stun tasers inappropriately on people with mental health disabilities causing unnecessary suffering; police assault of a youth with disabilities who was in a hospital; and a questionable police shooting resulting in the death of an individual in crisis. BCPD does not routinely use trained officers to interact with individuals who are demonstrably in a behavioral health crisis, and does not properly utilize community based health care services or supports as proper interventions. The disparate numbers of individuals with disabilities in arrests, detention and police use of force incidents demands attention as do the practices of unconstitutional stops, excessive force and related misconduct.

The criminalization of disability related behaviors by BCPD and its failure to modify policies and practices to accommodate individuals with disabilities must end. It is unjust,

unethical, illegal and cruel. The proposed Consent Decree offers hope for systemic reform that will result in policing that complies with our Constitution and federal civil rights laws. Significantly for our community, if the potential of the Decree is realized, there will be a decrease in the numbers of individuals with disabilities being involved with BCPD and an increase in the numbers of individuals with disabilities offered community based supports.

General goals of the Consent Decree that are supported by DRM include: the involvement of our community to help ensure transparency and sustained change; mandatory review and revision of policies, procedures, and training within BCPD; consultation with experts for technical assistance; improved data keeping and reporting; heightened oversight and accountability measures, including for systems responding to police misconduct; improvements to investigating and processing allegations of sexual assault; and terminating use of school resource officers as adjunct to BCPD. Disability discrimination intersects with race discrimination and DRM is in full support of activities needed to end the racial discrimination identified at BCPD.

More specifically, DRM endorses those requirements of the proposed Consent Decree that require:

- increased training of BCPD related to de-escalation and implicit bias;
- the involvement of members of the disability community in BCPD trainings;
- a specific group of officers receive enhanced training and screening such that if BCPD must respond to calls for assistance involving persons with behavioral health challenges or in crisis, the response involves these specially designated officers who will better protect the rights of persons with disabilities and cause less harm in interactions;
- implementation of crisis response techniques;
- decreased reliance on use of force;
- a decrease in the involvement of persons with disabilities in the criminal justice system;
- affirmative obligations of BCPD to connect people with behavioral health challenges or in crisis with community services;
- an individual (crisis intervention coordinator) tasked with responsibility for oversight and implementation of the reforms related to individuals with disabilities and for analyzing the number of specialized officers and resources needed to respond to persons in behavioral health crisis;
- a process that engages BCPD with the community to identify gaps in services and needed reforms such that alternatives and supports for persons in behavioral health crisis are available to divert them from the current reliance on jails and hospitals;
- reform to dispatch operations to ensure that BCPD is not a default first responder, and that community based services are utilized for individuals in crisis or with apparent behavioral health issues.



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DRM is concerned that the community process to identify needs for services lead to actual service system reforms. We have multiple sets of recommendations supporting the need for implementation of a behavioral health crisis system. Existence of such a system is a lynchpin to that portion of the proposed Consent Decree requiring diversion from and decreased reliance on BCBDB, jail and hospitals for persons with behavioral health challenges or in crisis.

As implementation details are not articulated in the proposed Consent Decree, DRM emphasizes that this Decree must not be short term; must provide an active role for our community, and; place heavy reliance on the monitoring team selected to oversee its provisions. Community involvement in selection of the Monitor is important to establishing a culture of trust and transparency critical to the success of the proposed Consent Decree. DRM urges this Court to fully empower the Monitor to enable the broad remedial goals of the proposed Consent Decree, which are so desperately overdue.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lauren Young". The signature is written in a cursive, flowing style.

Lauren Young
Director of Litigation

DRM

Fed. Bar No. 14364

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