



CRIMINAL AND JUVENILE JUSTICE

**Recommendations from the
Half-Day Summit**

December 5, 2016

Introduction

On November 8, 2016, Baltimore City residents elected Catherine Pugh to be their new mayor, and elected new members to represent them on city council. Now that Baltimore City has its new leaders in place, residents have an opportunity to engage these new leaders on the priorities most important to them. To that end, OSI-Baltimore is convening a Solutions Summit on December 10, 2016. This will be a free, full-day event that will bring together community leaders, experts, activists, and concerned residents in an open forum to develop specific recommendations for the new mayor and city council to consider implementing in their first 12-24 months in office. These recommendations will be focused on three areas— jobs, justice, and behavioral health.

The Solutions Summit will build on work done at three public half-day events that each focused on one of the three issue areas of jobs, justice, and behavioral health. Half-day event participants discussed and voted on the top 10 recommendations they wanted to see advance to the full Solutions Summit for consideration.

At the full day Solutions Summit in December, recommendations from each of the half-day events will be described and discussed by Solutions Summit attendees. Solutions Summit participants will vote on the top 15 overall recommendations (five from each issue area) to send to the new mayor and city council for their consideration. In order to ensure that the recommendations selected during this process would bring about impactful and timely change, ***the recommendations only will include solutions that are within the control of the Baltimore City mayor and/or city council, and are such that they could be implemented within the first 12-24 months of their terms.***

OSI-Baltimore will then present to the mayor and city council the top 15 solutions selected by Solutions Summit attendees. OSI-Baltimore will stay in touch with city leaders to ensure they are making progress on the community's requested priorities and help hold them accountable for making progress.

The Solutions Summit will take place on December 10, 2016 from 9:30am to 4:00pm at the Baltimore War Memorial. More details about the Solutions Summit and half-day issue summits can be found at the Solutions Summit website: <http://www.solutionssummitbaltimore.org/>

Half-Day Justice Summit

On October 22, 2016, over 100 citizens attended the half-day justice summit at The Real News Network in Baltimore to discuss and debate justice reforms they felt were most important to highlight for Baltimore City's next mayor and city council. The summit began with brief opening remarks by OSI-Baltimore that were immediately followed by powerful and inspiring spoken word performances by young local artists. Summit participants then heard presentations on proposed recommendations divided into four issue buckets, including Police Reform and Community Strengthening; Pretrial Reform; Reentry and Collateral Consequences; and Youth Justice Reform. Presenters on each of these issue buckets included:

- **Police Reform and Community Strengthening:** Liz Alex, CASA de Maryland and the Campaign for Justice, Safety, and Jobs and Tara Huffman, OSI-Baltimore
- **Pretrial Reform:** Zina Makar, University of Baltimore School of Law
- **Reentry and Collateral Consequences:** Michael Pinard, University of Maryland School of Law and Caryn York, Jobs Opportunities Task Force

- **Youth Justice Reform:** Karen Webber, OSI-Baltimore

After these presenters described the key recommendations for each issue bucket, there was another engaging spoken word performance before summit participants moved into “table talk” discussions. During these small group conversations, attendees participated in moderated discussions that helped to further unpack the recommendations, answer follow up questions, and identify important comments and suggestions. Participants spent over an hour engaged in conversation with other community members about which of the 27 proposed justice reform recommendations should rise to the top for consideration by the full Solutions Summit in December. Community leaders moderated the discussions with assistance from roving experts, who helped to answer specific questions. Participants were also invited to share comments and recommendations on “solutions cards” that were collected and analyzed by OSI-Baltimore staff. Participants were encouraged to share their thoughts, feedback, and ideas with Good News Baltimore video journalists who were recording community input throughout the morning.

After the “table talk” discussions and one last moving spoken word performance by a Baltimore City high school student and artist, participants cast votes for the top 10 recommendations to be advanced to the December Solutions Summit. Individuals used cell phones to vote, and those who were not able to do so were assisted so that every vote was counted. After tallying all votes, the top 10 recommendations were posted on OSI-Baltimore’s website and are presented here in this paper.

The white paper presenting the original 27 justice reform recommendations is on the Solutions Summit website at: <https://www.solutionssummitbaltimore.org/wp-content/uploads/2016/07/Solutions-Summit-Justice-White-Paper.pdf>

Police Reform

The recent Department of Justice (DOJ) findings report regarding the Baltimore Police Department (BPD) served to underscore what Baltimoreans have known for decades—that there is an urgent need to reform the BPD.¹ This is plainly stated in the report’s executive summary:

In the course of our investigation, we learned there is widespread agreement that BPD needs reform. Almost everyone who spoke to us—from current and former City leaders, BPD officers and command staff during ride-alongs and interviews, community members throughout the many neighborhoods of Baltimore, union representatives of all levels of officers in BPD, advocacy groups, and civic and religious leaders—agrees that BPD has significant problems that have undermined its efforts to police constitutionally and effectively.²

The DOJ report goes on to document the long-term discriminatory treatment that residents, particularly African American residents, have received.³ The DOJ report also finds that “BPD lacks meaningful accountability systems to deter misconduct”⁴ and that BPD “fails to provide information about officer misconduct in a transparent manner or receive input on the accountability process

¹ *Investigation of the Baltimore City Police Department*. Washington, DC: Civil Rights Division, U.S. Department of Justice; August 2016, p. 3-11. <https://www.justice.gov/opa/file/883366/download>

² *Ibid.*, at p. 4

³ *Ibid.*, at p. 62-73

⁴ *Ibid.*, at p. 128

from the community it serves.”⁵ These issues have led to a lack of trust in police by community members and demands for greater accountability and transparency within the BPD. The DOJ report and consent decree process present an opportunity for a community-driven process that can work to repair relations between police and the community.

We are at a critical point now in that process, and thousands of residents are hinging their hopes for reform on a strong consent decree between city officials and the DOJ that truly reflects the concerns residents have been courageous enough to report. While the consent decree will not be the only vehicle for reforming Baltimore policing, it will be a significant mechanism for advancing reform. In the wake of the recent elections, we do not want to lose the momentum current elected leaders and Baltimoreans have enjoyed over the past year to advance policing reforms. President-Elect Trump campaigned against the type of the police reform project and DOJ oversight that Baltimore is seeking. However, the residents of Baltimore have made clear that they do not share the new federal administration’s position on this issue; therefore, it is imperative that Baltimore’s newly elected leaders act swiftly to ensure that the progress made by so many -- legislators, advocates, police leadership, and community members -- is not undone by the new federal administration or by inaction by local officials.

The recommendations for police reform presented below make specific requests of new city leadership to increase police transparency, accountability, and effectiveness, so that improved public safety is achieved for all Baltimore City residents. Please note that these recommendations were made with the assumption that a DOJ consent decree would be in place by September 2016, and therefore a call for that consent decree to be finalized is embedded in all of these recommendations. Finally, these recommendations focus on actions that the new mayor and city council should take within the first 12-24 months of their new term.

RECOMMENDATIONS

1. Increase the transparency of the Baltimore Police Department (BPD).

- a. Remove non-disparagement clauses from Baltimore City settlements with victims of police misconduct so victims are able to speak freely about their stories and the outcomes they would like to see.
- b. Increase public input for BPD policies, practices, and procedures and make all BPD policies, collective bargaining agreements, audits, and financial statements publicly available.
- c. Collect comprehensive data that is reportable and searchable on law enforcement interactions, including:
 - i. Traffic and pedestrian stops;
 - ii. Frisks;
 - iii. Searches;
 - iv. Arrests;
 - v. Use of force incidents;
 - vi. 911 response times; and
 - vii. Civilian complaints, including the types and outcomes of those complaints.This information should be disaggregated by race, national origin, ethnicity, gender-identity, age, mental and physical disability, and zip code and language spoken by the

⁵ *Ibid.*, at p. 139

citizen involved, and should be reported to the general public annually on BPD's website.

- d. Collect comprehensive aggregate data that is reportable and searchable on internal affairs investigations of BPD officers. This data should be reported to the general public annually on BPD's website.

2. Mandate ongoing training from independent experts and community based organization(s) for all BPD cadets and in-service officers on best practices on:

- a. De-escalation techniques;
- b. Procedural justice and fairness;
- c. Implicit bias;
- d. Institutional racism;
- e. Cultural competency;
- f. Crisis intervention;
- g. Trauma informed practices;
- h. Community engagement/relations;
- i. Appropriate engagement with immigrant communities;
- j. Appropriate engagement with youth based on the science of adolescent brain development;
- k. Appropriate engagement with LGBTQ, transgender, and gender non-conforming community members; and
- l. Documenting, preventing, and addressing sexual harassment, abuse, and assault by local law enforcement agents.

3. Work with the Baltimore City state legislative delegation to introduce and enact a public local law to transfer the Baltimore Police Department from nominal state control to full Baltimore City control.

Pretrial Reform

Many actors in the Baltimore pretrial system recognize the need for reform.⁶ The current pretrial system is expensive and unnecessarily subjects Baltimore City residents to pretrial detention. This overuse of pre-trial detention negatively impacts residents' lives, including their ability to keep their jobs, care for their families, or continue to take care of other daily responsibilities. The use of monetary conditions of pretrial release, or money bail, ensures that those with means are able to escape pretrial detention while individuals with few or no resources must remain in detention, with no regard for their criminal culpability.⁷ According to a report from the Justice Policy Institute on the criminal justice system in Baltimore City, it is extremely costly to incarcerate an individual pending trial.⁸ It costs an estimated \$100 a day to detain an individual in the Baltimore City Detention Center and \$159 a day to detain an individual in Baltimore City Central Booking.

⁶*Bailing on Baltimore: Voices from the Front Lines of the Justice System*. Baltimore, MD: Justice Policy Institute, September 2012. <http://www.justicepolicy.org/uploads/justicepolicy/documents/bailingonbaltimore-final.pdf>

⁷ *Attorney General of Maryland Office of Counsel to the General Assembly Opinion on Maryland's System of Pretrial Detention*. Annapolis, MD: October 11, 2016. <http://bit.ly/2es4mwG>

⁸ *Baltimore Behind Bars: How to Reduce the Jail Population, Save Money and Improve Public Safety*. Washington, DC: Justice Policy Institute, June 2010, p. 17. http://www.justicepolicy.org/images/upload/10-06_rep_baltbehindbars_md-ps-ac-rd.pdf

Alternatively, it costs an estimated \$2.50 a day to supervise an individual in the community pending trial through pretrial services.⁹ These cost estimates do not factor in the higher rates of criminal activity associated with low and moderate risk individuals who are detained pretrial, the significant negative physical and psychological effects of unnecessary detention, or the individual costs experienced, such as losing a job.¹⁰

For these reasons, it is essential that Baltimore City officials influence and educate Maryland State decision-makers, Baltimore courts, and pretrial services stakeholders to ensure that Baltimore residents are not subject to unnecessary detention and to the personal and financial costs associated with it. Although most of the authority to alter pretrial policies sits with the Maryland General Assembly and the Baltimore courts, the new Baltimore City mayor and city council could use their positions of power to advocate for these important changes within the first 12-24 months of their first terms.

RECOMMENDATION

4. Create a Baltimore City executive commission to review pretrial agencies and practices (including pretrial services, state practices, and court practices), and have the commission release an advisory opinion.

Reentry and Collateral Consequences

Returning citizens and other individuals with criminal records face significant barriers to employment, housing, and education. These barriers increase the challenge of achieving a successful reentry back into the community. Given these barriers, it is essential that Baltimore City provide services and supports that help returning citizens and other individuals with criminal records achieve reentry success.

Individuals, communities, and Baltimore City do better when individuals with criminal records get the tools they need to secure stable employment and provide for themselves and their families. Baltimore City has taken steps towards achieving this goal by enacting “Ban the Box” legislation, which will help ensure that individuals with criminal records are given a fair opportunity to work by making it illegal to conduct a background check or ask an applicant about their criminal history before making a conditional offer of employment. However, as both a major employer and leader to Baltimore’s businesses and nonprofit organizations, Baltimore City should do more to improve reentry success.

Removing city-level barriers to employment and ensuring access to legal services for individuals with criminal records will help improve reentry success. Additionally, investing city resources in workforce training, tools, and supports for individuals with criminal records; working with businesses to encourage and incentivize the hiring of individuals with criminal records; and intentionally training and placing individuals with criminal records in city jobs will increase reentry success by increasing access to stable employment and providing opportunities for skills building.

Finally, returning citizens and other individuals with criminal records face stigma related to their records when seeking employment. To address and help reduce this stigma, the city should

⁹ *Ibid.*

¹⁰ *The Hidden Costs of Pretrial Detention*. Houston, TX: The Arnold Foundation: November 2013, p. 3.

support training on implicit bias and anti-discrimination for employers. Additionally, it is important to protect individuals with criminal records through local anti-discrimination laws.

RECOMMENDATIONS

5. Encourage and incentivize public and private employers to hire returning citizens and other individuals with criminal records.

- a. Train and place returning citizens and individuals with criminal records in jobs with the City of Baltimore through job placement and workforce training programs.
- b. Create a city tax credit for hiring ex-offenders.
- c. Provide city procurement preferences for companies that employ returning citizens and individuals with criminal records.
- d. Enforce the city's Ban the Box law by providing the necessary funding and support to the Baltimore City Office of Civil Rights and Wage Enforcement.
- e. Work with businesses to educate their employees and human resources departments on the benefits and existing incentives for hiring returning citizens and individuals with criminal records, and train employees on implicit bias and anti-discrimination.
- f. Provide city incentives such as tax credits and wage reimbursement for private businesses hiring returning citizens and individuals with criminal records

6. Provide tools, workforce training, and supports for returning citizens and other individuals with criminal records seeking employment.

- a. Better align workforce training programs with needs and expectations of employers in high growth job sectors.
- b. Focus on placing returning citizens and individuals with criminal records in permanent employment rather than temporary placement.
- c. Increase funding for workforce specialists dedicated to assisting returning citizens and individuals with criminal records.
- d. Create a peer network for returning citizens involving formerly incarcerated individuals connecting newly released individuals to services.
- e. Increase funding and capacity for existing "One Stop" employment services.
- f. Enhance current "One Stop" employment services for returning citizens by including linkages to mental health services, substance use treatment, legal services, housing, etc.
- g. Support entrepreneurship programs for returning citizens who want to start their own businesses.

7. Remove legal and systemic barriers to employment for returning citizens and other individuals with criminal records.

- a. Expand funding and capacity for legal services for expungement and shielding of criminal history information and for certificates of rehabilitation.
- b. Enact local anti-discrimination ordinances for returning citizens and individuals with criminal records.
- c. Address collateral consequences in housing subsidies such as Section 8 and other barriers to ex-offenders accessing affordable housing.
- d. Work with the State to limit public access to criminal records where no conviction resulted or where the conviction has been lawfully expunged.

Youth Justice Reform

Zero tolerance school discipline policies have resulted in the criminalization of adolescent behavior and have contributed to the school-to-prison pipeline for young people across the nation. Baltimore City's schools are no different and the same types of policies have criminalized Baltimore students. In order to break the cycle and reform the system, Baltimore City must ensure that its schools develop positive, age-appropriate accountability systems that improve outcomes for Baltimore City school students. Baltimore City schools must reimagine the school discipline process, and this new vision should focus on positive youth development. Adolescent brain science tells us that kids are different, and that they will make mistakes, and that age appropriate responses to those mistakes reinforce positive future behaviors.¹¹

A significant part of developing an age appropriate accountability system is ensuring that resources are available to support students. Such resources should include providing wrap-around services to address challenges which students and their families face, such as safe and secure housing, medical and behavioral health concerns, and legal assistance needs. Supports should include increased social work staff. Other reforms should include the integration of school guidance counselors into the discipline process so that they can help assess why a student may be acting out. Additionally, positive youth development should incorporate platforms for youth to find their voice and develop leadership skills, as well as resources to employ youth and effectively prepare them for their future college and/or career choices. Finally, city officials should focus on re-opening recreational centers and offering other positive outlets for youth.

Since Maryland State has authority over youth incarceration facilities, and because of the current and robust community conversation taking place on school-to-prison pipeline issues, youth justice advocates consulted on these recommendations placed a priority on reforming school discipline practices when helping to craft these recommendations.

RECOMMENDATIONS

8. Advocate for school discipline reform by:

- a. Improving conduct of school police by:
 - i. Clarifying the role of school police vis-à-vis school administrators.
 - ii. Improving training of school police (including in the use of restorative justice practices).
 - iii. Defining levels of student behavior which school police are responsible to address.
 - iv. Developing systems of accountability for school police.
- b. Amending the Baltimore City student handbook to specifically define "prompt" or "reasonable."
- c. Reallocating funds from punitive school discipline practices to restorative justice practices and peer mediation, which are permitted under the Baltimore City Schools Student Handbook.

9. Baltimore City schools should offer an environment that is comfortable, nurturing, safe, and conducive to learning by improving school climate and processes, including:

¹¹ Woolard, Jennifer, et al. "Are Adolescents Less Mature Than Adults?" *American Psychologist* Vol. 64, No. 7 (2009): 583-594.

- a. Re-opening recreational centers and developing schools clubs and recreational programs for students.
- b. Offering climate and culture clubs for students to voice their concerns and thoughts about school climate and work proactively on solutions to improve climate.
- c. Integrating Baltimore City school police officers into the school community by fostering dialogue between students and officers and implementing age-appropriate systems for student feedback, such as officer report cards that include space for narrative comments.
- d. Utilize restorative practices to foster interpersonal relationships and use these practices to build community and resolve conflicts among community members, including staff, teachers, officers, and students.
- e. Incorporating mental health workshops and cultural competence into the curriculum.

10. *Allocate resources to support Baltimore City school students through increased wrap-around services for students and their families, and increased access to social workers to address family challenges (including housing, medical and behavioral health, and legal assistance needs).*

Conclusion

Reforming Baltimore City's justice system is imperative, and these recommendations outline important first steps the new mayor and city council can take to achieve this much-needed reform. Baltimore justice system and community leaders, experts, organizers, and residents came together to select these top 10 justice recommendations at the half-day justice summit on October 22nd. Participants in the day-long Solutions Summit on jobs, justice, and behavioral health will select the final recommendations to send to the new mayor and city council for action. The free, public Solutions Summit will take place on December 10, 2016 from 9:30am to 4:00pm at the Baltimore War Memorial. More information about the Solutions Summit, including registration details and information about the half-day summits, can be found on the Solutions Summit website: [**http://www.solutionssummitbaltimore.org**](http://www.solutionssummitbaltimore.org)