



August 6, 2014

Mayor Stephanie Rawlings-Blake
Office of the Mayor
100 N. Holliday Street
Baltimore, MD 21202

Anthony W. Batts, Police Commissioner
Baltimore City Police Department
242 W. 29th St.
Baltimore, MD 21211

Dear Mayor Rawlings-Blake and Commissioner Batts:

The American Civil Liberties Union of Maryland writes seeking clarification of the City's plans to implement Baltimore's newly-expanded curfew. We have carefully reviewed the representations made by City officials at community forums, in the press, and in materials the City has disseminated about the curfew. It is now a mere two days before the law goes into effect, and key questions remain unanswered. The City should be able to answer basic questions such as those posed below that go to the law's likelihood to criminalize youth – *before* the curfew takes effect.

What happens to youth the five nights of the week when curfew centers are not open?

The new curfew law requires police to take youth home or to a curfew center. But, for the foreseeable future, the City will only have two curfew centers serving the entire City, operating from 8 pm – 4 am on weekend nights *only*. What will happen to youth the five nights of the week when curfew centers are closed? Will the curfew be enforced even when curfew centers are not open?¹

What happens to individuals without ID?

The expanded law also requires police to seek identification from anyone stopped under the curfew. Many young adults do not carry identification. What instructions are being given to police about how to proceed in such cases? What will police do if an individual stopped for a curfew violation says he or she is old enough to be outside, but does not have identification?

How will police respond to youth who flee or who do not want to accompany them?

¹ Although not the focus of this letter, we are also troubled that the City's plans for the "services" offered at the curfew centers appeared to be limited to screening by Child Protective Services (CPS), including automatic referral to CPS for any youth under 13, and various arts or technical courses offered by volunteers. Given that the cost of operating two curfew centers two nights a week with these minimal services is \$195,000 – not including law enforcement hours – we question how the City proposes to fund nine centers at 24 hours a day, with the robust services promised before the law was enacted. We also cannot help wonder how the law will impact parents and caretakers who find themselves scrambling to locate a missing child that has been picked up by police.

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City officials have also made conflicting statements about whether or not a young person stopped under the curfew may refuse to accompany a law enforcement officer. What instructions and what training are being given to line officers about how to handle a young person who refuses to accompany an officer or who is otherwise non-compliant? Will police pursue individuals who run in the course of a curfew stop? Are they authorized to use force or restraints?

What steps is the City taking to ensure that curfew stops do not escalate into arrests or the use of force?

Finally, it is foreseeable that youth and others will be criminalized, whether intentionally or not, because curfew enforcement relies upon police. Even if Baltimore police are simply employing standard protocols, any individual stopped under the curfew law will, by definition, be experiencing increased law enforcement contacts and all the consequences that flow from that. For example, will police conduct warrant, probation or other checks on any of the individuals stopped under the curfew? Will those stopped under the curfew be frisked, asked to empty their pockets, or otherwise searched? How is the city tracking stops that begin as curfew encounters, but which result in arrests, or the use of force, or in which the individual stopped is not brought to the curfew center? Merely tracking what happens to youth brought to curfew centers is not sufficient. What proactive steps is the City taking to ensure that encounters do not escalate into arrest or use of force? How will the City ensure that the curfew is enforced fairly and in a non-discriminatory manner?

In coalition with 20 other groups, the ACLU offered City officials an alternate plan that would help support youth in crisis. City officials enacted the curfew over objections about the risks of increasing police encounters with youth. The very least the City owes youth is a prompt answer to these basic questions and to consider delaying enforcement until they are answered.

To further public understanding of the curfew law's implementation, we enclose with this letter a request for documents pursuant to the Maryland Public Information Act.

We look forward to your response.



Sonia Kumar
Staff Attorney



Garland Nixon
Board Member



Isis Misdary
Law Clerk

Enclosure

Cc: Angela Johnese, Mayor's Office of Criminal Justice
Honorable Jack Young, Baltimore City Council President

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