

EXHIBIT 2

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

HISPANIC NATIONAL LAW
ENFORCEMENT ASSOCIATION NCR, *et*
al.,

Plaintiffs,

v.

PRINCE GEORGE'S COUNTY, *et al.*,

Defendants.

Civil Action No.: 8:18-cv-03821

Hon. Theodore D. Chuang

**DECLARATION OF
UNITED BLACK POLICE OFFICERS ASSOCIATION**

I, Thomas Boone, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am a member and President of the United Black Police Officers Association (“UBPOA”).
2. UBPOA is a non-profit membership association.
3. UBPOA is open to all employees of the Prince George’s Police Department (“PGPD” or “the Department”). UBPOA has approximately 200 members, including individual Plaintiffs Paul Mack – who serves as UBPOA’s Vice President – and, Danita Ingram, Sonya Zollicoffer, Thomas Wall, Chris Smith, Tasha Otis, and Clarence Rucker, in addition to myself.
4. UBPOA aims to bridge the divide or perceived divide between law enforcement and its communities of color. UBPOA’s mission includes the improvement of the department and the betterment of the circumstances of its members. UBPOA’s mission includes helping with the relationship between law enforcement and the diverse communities it serves by providing

law enforcement officers of color with professional development and training. UBPOA furthers its missions by advocating for equal appointments, assignments, and promotions within the law enforcement profession.

5. UBPOA supports initiatives that foster relationships and mentorships with youth of color who are interested in careers within law enforcement professions. For instance, UBPOA sponsors a tour of Historically Black Colleges and Universities (“HBCUs”) for youth of color. UBPOA has also worked with both PGPD and the Prince George’s County community to engage in public education and charitable initiatives, especially those that support youth of color. Such initiatives include Christmas Baskets for Families in Need, Operation I.D., and Christmas Toys for Tots. Between 2017 and 2018, UBPOA (with HNLEA) and other law enforcement organizations participated in four bike giveaways, including Halloween Bikes for Kids in the Community.
6. UBPOA works in tandem with the National Capital Region of the Hispanic National Law Enforcement Association (“HNLEA”) on its advocacy and charitable projects. For instance, HNLEA and UBPOA co-sponsor the Strength in Unity Banquet with other law enforcement organizations, and participated in a food drive that benefitted those who were affected by Hurricane Maria in 2017.
7. UBPOA advocates for legislation that strengthens police and community relations. For instance, on January 24, 2019, UBPOA (with HNLEA) held an event on Police Accountability. UBPOA (with HNLEA) advocated for and provided testimony in support of Maryland House Bill 698, Public Information Act, a bill related to the public availability of alleged job-related misconduct by law enforcement officers. UBPOA and HNLEA supported

the Public Information Act because of the need for transparency between law enforcement and the communities that they are sworn to protect.

8. UBPOA and HNLEA were also members of the Equality for Promotions, Discipline, and Practices panel (“the Panel”), which was convened in March 2017. The Panel, comprised of PGPD officers, government officials, community members, and academics, was convened to hear public and private testimony from PGPD representatives, private organizations, and individuals. The Panel’s last meeting was on January 9, 2018.
9. UBPOA advocates for a more diverse and inclusive police force, including more equitable employment practices within the PGPD. For instance, in 2018 HNLEA and UBPOA partnered with the National Organization of Black Law Enforcement Executives, the American Civil Liberties Union of Maryland, the Washington Lawyers’ Committee for Civil Rights and Urban Affairs, and other civil rights groups to file an amicus curiae brief in support of former Pocomoke City Police Chief Kelvin D. Sewell, the Town’s first Black police chief who became a target of retaliation and discrimination. The Hispanic American Police Commanders Association (“HAPCOA”), HNLEA, and UBPOA also participated in the Body Worn Camera Expert Panel hosted by the U.S. Department of Justice’s (DOJ) Office of Justice Programs’ Bureau of Justice Assistance (BJA) on February 27, 2015.
10. PGPD’s culture and policy of failing to appropriately discipline white officers who engage in racist behavior and/or other misconduct relative to civilians undermines UBPOA’s mission to promote positive relationships between officers of color and the communities that they are sworn to serve. Officers of color are retaliated against when they complain about PGPD’s culture and policy of racism and discrimination towards citizens. For instance, a black male officer who is a UBPOA member faced egregious retaliation for making complaints or

raising concerns about racist comments made by other officers throughout his tenure at PGPD. In 2009, the UPBOA member's supervisor referred to the patrol area as a "ghetto" and "shithole," referred to the midnight shift as the "black patrol," and instructed his squad to stop black people and find any reason to arrest them; after the UPBOA member and other officers of color complained about the incident, the supervisor changed the squad's assignments, putting officers of color on the busiest beats. In 2013, the UPBOA member stopped other officers from beating the father of the alleged victim of the robbery to which the officers had responded; although the father was later hospitalized for the beating, the UPBOA member was instructed to sign fraudulent paperwork regarding the incident or face retaliation. He was later investigated and transferred. In 2015, the UPBOA member got in an argument with a white male officer for referring to a citizen as a "project ni**er"; the white male officer later alleged that the UPBOA member had interfered with an investigation, and the UPBOA member was suspended without pay from May to December 2017. Despite being found not guilty of all charges over a year ago, the UPBOA member (i) has not been paid for the eight months that he was suspended; and (ii) is awaiting a trial board date to face administrative charges within PGPD for false statement and conduct unbecoming an officer based on the white male officer's allegations.

11. PGPD's custom and practice of disciplining officers of color more harshly than similarly situated white officers undermines UBPOA's mission of fostering a diverse police force with equitable employment practices. For instance, a black female officer who is a UBPOA member was punished more severely than white officers who were charged with similar infractions. In May 2017, the UPBOA member incorrectly believed that her gun had been stolen in Charles County and reported it to relevant authorities as well as her superiors in

PGPD. Defendant Major Mills ordered the UPBOA member to provide a DNA sample in violation of the police bill of rights. When the UPBOA member reported that she had found the gun in October 2017, she was reprimanded, forced to pay a \$500 fine, made ineligible for any good conduct awards, and investigated by the special investigation team. Over a year later, the UPBOA member was charged and suspended for this offense (while she was on leave under the Family and Medical Leave Act (FMLA) following a hip surgery), and faced the possibility of termination. Similarly situated white officers, including those who are supervised by the same Lieutenant, have not been questioned, much less investigated or faced termination, for the same infraction.

12. Because of PGPD's discriminatory and retaliatory conduct against UBPOA's members, UBPOA has had to shift attention and resources from serving the Prince George's community. UBPOA (with HNLEA) filed a letter of complaint concerning Defendants' discriminatory and retaliatory actions, as described in the Complaint, with the DOJ on March 1, 2016, and filed amended complaints on October 31, 2016. UBPOA (with HNLEA) submitted additional information for the complaint on January 24, 2017; February 10, 2017; February 22, 2017; April 12, 2017; July 25, 2017; and October 15, 2017.
13. Since 2016, the complaints filed with the Equal Employment Opportunity Commission ("EEOC") against PGPD have risen approximately 600 percent. In addition to cooperating with the DOJ's investigation, UBPOA has had to devote significant time and attention to counseling and assisting its members to navigate various redress processes to combat retaliation and discrimination within PGPD. Many officers of color have contacted UBPOA and HNLEA for guidance about discrimination that they have faced within PGPD and UBPOA and HNLEA leadership have devoted significant time and organizational resources

to assisting as many officers as possible. The number of officers of color who have experienced discrimination within PGPD impedes UBPOA's ability to provide individualized guidance to each officer.


14. PGPD uses transfers and other disciplinary tactics to retaliate against and make examples of UBPOA and HNLEA members. As a result, officers within PGPD, particularly officers of color are intimidated to be photographed at events, support fundraisers, or be otherwise publically associated with UBPOA and HNLEA. For instance, in the past, UBPOA, HNLEA, and HAPCOA co-hosted the Strength In Unity Awards Banquet annually as their primary fundraising event to fund community programs. UBPOA and HNLEA have not been able to host the banquet since 2016.
15. PGPD's retaliation against HNLEA and UBPOA and their members have negatively impacted the organizations' ability to engage in charitable activities. For instance, UBPOA (with HNLEA), HAPCOA, and other law enforcement groups have sponsored the Annual Food Baskets Drive for Needy Families for 18 years. The coalition was able to provide over 1000 food baskets for families in need in 2018. In the past, the event was held in partnership with PGPD and was typically held at a building provided by the County. Every year prior to 2015 when Chief Stawinski took office, PGPD issued a press release as well as a reminder to all officers that attendance was required at this and other community events. Beginning in 2016, PGPD refused to co-sponsor the event, falsely claiming that it no longer partnered with community groups on such events. Without PGPD's partnership, UBPOA and HNLEA were unable to secure a building to hold the event. UBPOA and HNLEA also lost the partnership of the radio station that historically provided live coverage of the event ("El Zol" 107.9) as well as Prince George's County Crime Solvers, Inc., which provided \$1200 to buy materials

needed to distribute the donations. And since PGPD pulled its support, the total number of officers who support the Annual Food Baskets Drive has also dropped by about 75 percent, which has led to less donations and diminished community engagement.

16. PGPD's custom and policy of discrimination and retaliation have also diminished UBPOA's ability to fundraise and frustrate its missions. Since 2016, UBPOA and HNLEA have had to rely solely on membership dues and personal funds in order to maintain basic operations. However, in 2018, UBPOA stopped collecting membership dues because of the pervasive fear and hesitation among officers of color in PGPD to freely associate with UBPOA and HNLEA, including attending regular meetings and events. As a result of their diminished ability to fundraise, UBPOA and HNLEA have not been able to fund various community related programs and initiatives. For instance, UBPOA has not been able to host the awards luncheon for volunteers who assist with the Annual Food Baskets drive, and has scaled back back-to-school donations of backpacks and school supplies for area children. UBPOA and HNLEA have been able to secure bicycle donations from area businesses, but typically use their own funds to buy helmets to include in giveaways for children in the area. However, UBPOA has only had sufficient funds and member donations to buy helmets four of the seven planned giveaways in the last 18 months.

17. PGPD's discriminatory conduct and the fearfulness caused by its retaliation against members affect the choices that UBPOA makes as an organization and strains our already stretched organizational capacity. PGPD continues to impede our ability to serve our members and foster better relationships between law enforcement and the Prince George's community.

DATED: March 12, 2019



Thomas Boone
President
UBPOA