



MEDIA RELEASE

Plaintiffs Win Justice in Illegal Arrests Lawsuit Settlement with the Baltimore City Police Department

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BALTIMORE, MD – The American Civil Liberties Union of Maryland announced today a comprehensive settlement in its long-running lawsuit challenging a pattern of improper arrests by the Baltimore City Police Department (BPD). The settlement, which culminates more than a year of negotiations between the City and the Plaintiffs, provides for far-reaching reforms of the BPD’s arrest and monitoring practices. The suit, which was filed in 2006, and amended in 2007, was brought on behalf of thirteen individual plaintiffs and the Maryland State Conference and Baltimore City Branch of the NAACP.

“It is so exciting to finally reach justice and announce this agreement,” said Tyrone Braxton, a Plaintiff who in 2005 was wrongfully arrested, strip searched, and held at the Baltimore City Detention Center for 36 hours. “For me, it has always been about finally getting the police to do what is right, and I hope that now no one else has to experience what I went through.”

“This settlement puts in place policies and structures that will improve policing in Baltimore, and lessen the likelihood that what happened to our clients will be repeated,” said David Rocah, Staff Attorney at the ACLU of Maryland, and one of the lawyers for the Plaintiffs.

The important agreement has four major components:

1. New directives, agreed upon by the parties, that clearly define the scope of Baltimore City Police officers’ authority in connection with numerous low-level, non-violent offenses (such as disorderly conduct, failure to obey, or loitering). BPD officers will also be required to use the least intrusive method reasonably available when responding to non-violent, “quality of life” offenses (such as warnings or citations in lieu of an arrest).
2. New training for each officer on the policies and directives adopted pursuant to the agreement. The training will help ensure that officers clearly understand exactly what conduct does, and does not, constitute one of the offenses, and is intended to reduce the number of improper arrests caused by inadequate training of officers regarding the limits of their authority. In addition, each officer will receive new training on First Amendment rights intended to clarify

the limits of their authority when encountering persons engaged in free speech activities (several of the plaintiffs in the lawsuit were arrested when engaged in leafleting or picketing).

3. The BPD has committed to implement a new system of comprehensive data collection and monitoring to ensure that the policies and directives are adhered to in practice. The BPD will establish a database to track each arrest for a quality of life offense, by officer, as well as track all citizen complaints by officer, among many other items. Supervisors will be required to review each probable cause statement for each arrest involving a quality of life offense to verify that probable cause in fact existed, and that the officer adequately articulated why an arrest, as opposed to other intervention, was necessary. In addition, the database will have trigger points that will alert supervisors to officers whose arrest or complaint history is out of the norm for other comparable officers. Supervisors will be required to meaningfully review those officers' actions and intervene as necessary.

4. Finally, and most importantly, the BPD has agreed to the appointment of an independent auditor who will monitor their compliance with the agreement, and who will ensure not only that the data is being kept and appropriately used and analyzed, but who will also review probable cause statements to verify that supervisors are adequately monitoring officers' actions, and intervening as necessary.

"We think this agreement is an important, and necessary step for the Baltimore City Police Department," said Dr. Marvin L. Cheatham, President of the Baltimore City Branch of the NAACP. "Our hope is that the agreement will help foster better trust, transparency, and communication between the police and the community that they serve."

The agreement also provides compensation to the thirteen individual plaintiffs in the lawsuit, and pays the plaintiffs' attorneys' fees. The City has agreed to set aside \$870,000 for the damages payments, attorneys' fees, and independent monitoring.

"Gibson Dunn got involved in this matter over four years ago because we saw an opportunity to positively influence the way the Baltimore Police Department served its citizens," said Mitch Karlan, partner with Gibson, Dunn & Crutcher who served as co-counsel along with ACLU on a *pro bono* basis. "We are glad to see a fair settlement was finally reached, not only for our clients, but also for Baltimore citizens who could have been subjected to similar unlawful arrests. It's a win-win for everyone."

Plaintiffs are represented by ACLU cooperating counsel Mitch Karlan, New York partner at Gibson, Dunn & Crutcher LLP, along with Washington D.C. associates Daniel Cantu, Bennett Borden, and Jason Morrow, and by ACLU of Maryland lawyers Deborah A. Jeon and David Rocah.

Go to ACLU-MD's website to read the settlement agreement and learn more about the case: <http://www.aclu-md.org>

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