FREDDIE GRAY CASE

Report finds cops biased in Baltimore

Justice report on police validates blacks’ claims of racial discrimination.

By Sheryl Gay Stolberg ©2016 The New York Times

Baltimore — As a black man and a lifelong resident of this city, Ray Kelly has been stopped by the police more times than he can count. And as a community organizer who tried to document police bias after the death of Freddie Gray, Kelly, 45, had always expected that an investigation by the Justice Department would uncover a pattern of racial discrimination.

Even so, the department’s findings — a scathing indictment that includes detailed data on how Baltimore police officers have for years systematically stopped, searched and arrested black residents — gave him a jolt. “Hearing the actual numbers, like on the traffic stops, is blowing my mind,” Kelly said.

Vanita Gupta (right), who leads the Justice Department’s Civil Rights Division, speaks on the department’s report at a news conference Wednesday as Police Commissioner Kevin Davis (center) and City Council President Bernard C. “Jack” Young listen at City Hall. KIM HAIRSTON / BALTIMORE SUN
In one stark statistic after another, the department’s report, a copy of which was obtained by The New York Times on Tuesday, has helped validate the experiences of Kelly and countless others in poor African-American neighborhoods who regard the police as an occupying force.

The report, over 160 pages long, was to be made public Wednesday at a news conference at City Hall.

In Baltimore, a city that is 63 percent black, the Justice Department found that 91 percent of those arrested for discretionary offenses like “failure to obey” or “trespassing” were African-American. Blacks make up 60 percent of Baltimore’s drivers, but they account for 82 percent of traffic stops. Of the 410 pedestrians who were stopped at least 10 times in the 5½ years of data reviewed, 95 percent were black.

Mayor Stephanie Rawlings-Blake and the police commissioner, Kevin Davis, appeared Wednesday morning with Vanita Gupta, who leads the Justice Department’s Civil Rights Division, to discuss the findings. The report will form the basis for the first steps toward reaching a negotiated settlement, known as a “consent decree,” in which police training and practices will be overhauled under court supervision.

At the news conference, Rawlings-Blake said the city would move as quickly as possible to make changes in the department. But meaningful change, Davis said, will take time, commitment and trust. the inquiry has already had a positive effect, even before the findings were released.

“I’m beginning to see much of what I hope will come out of it, which is that elected officials and the police commissioner no longer believing they can continue business as usual,” said Jill Carter, a Democratic state delegate who has long pushed for overhauls of the police.

Still, she said, “It’s extremely unfortunate that it took the death of Freddie Gray and national and international attention to be placed onto the gravity of the problem.”
Gray, 25, died in April 2015 of a spinal cord injury he sustained while in police custody. His death set off a wave of looting and violence in Baltimore that prompted the governor to call in the National Guard. But Rawlings-Blake, who invited the Justice Department investigation, noted that black residents have had a “broken relationship” with the police long before Gray’s death.

The tensions date to at least 1980, when the NAACP called for a federal investigation into police brutality, and they continued into the past decade with a crime-fighting strategy known as “zero-tolerance policing,” which was singled out by the Justice Department for criticism.

“People say, ‘driving while black, walking while black,’” said Brandon Scott, a member of the City Council and vice chairman of its committee that oversees the police. “When you’re talking about zero tolerance, it’s breathing while black.”

He said the Justice Department should have investigated years ago. “I regard this as government doing what it should have already been doing,” he said. “It’s like a huge taste of ‘too little, too late.’ ”

Baltimore is among nearly two dozen cities that the Obama administration has investigated after they were accused of widespread unconstitutional policing. Using its broad latitude to enforce civil rights laws, the Justice Department has demanded wholesale change in how cities conduct policing. In several cities, including Seattle, Cleveland and Ferguson, Missouri, those investigations began in the aftermath of a high-profile death that set off protests and in some cases riots.

But Jonathan Smith, a former Justice Department official who supervised the Ferguson inquiry, said the department had resources to investigate only “a tiny fraction of the places where there is a need for civil rights engagement.” Still, he said, each report, while perhaps not surprising, was an important step toward community healing and reform.

“I’ve often thought of the reports as a necessary cathartic moment, maybe an act of witness, where you give voice to people who wouldn’t otherwise have a voice,” Smith said.

Kelly, the head of the No Boundaries Coalition, an advocacy group in Sandtown-Winchester, the West Baltimore neighborhood where Gray grew up, agreed. “The only way Baltimore’s police department will change the way they operate is if they’re forced to change,” he said.
After Gray died, Kelly’s organization convened a public hearing, attended by 100 people who spoke out about police abuses, he said. Yet only nine were willing to be publicly identified; the coalition videotaped interviews with them and submitted them to the Justice Department.

Those interviews, and other, anonymous ones, formed the basis for a report, “The People’s Findings,” that was issued in March and submitted to the Justice Department; the department cited the work in its report.

Kelly said he was among those providing testimony. Two years ago, while working as a facilities director for the YMCA, he was stopped by the police on his way to work. He unzipped his jacket, to reveal his purple shirt with the Y insignia, and the officer let him go.

“You are just hoping that you don’t get arrested for loitering or something crazy like that, and you get 23 hours in Central Booking for something that never even makes it to a courtroom,” he said. “That’s been routine my whole life. I can’t remember a time when that wasn’t the way it was.”