



 **SUN INVESTIGATES**

UNDUE FORCE

STORY BY MARK PUENTE | PHOTOGRAPHY BY ALGERINA PERNA

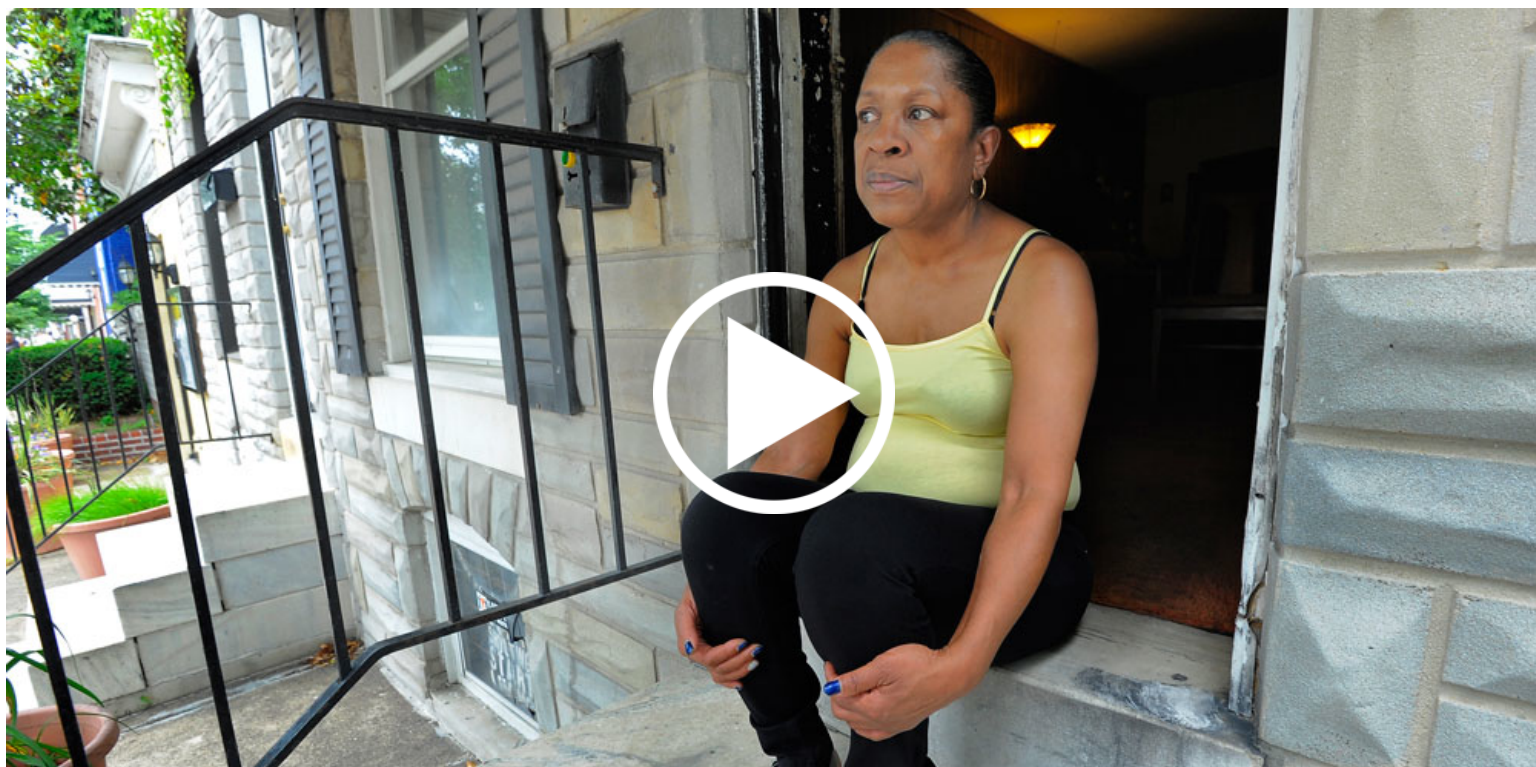
September 28, 2014

The city has paid about \$5.7 million since 2011 over lawsuits claiming that police officers brazenly beat up alleged suspects. One hidden cost: The perception that officers are violent can poison the relationship between residents and police.

On a cold January afternoon, Jerriel Lyles parked his car in front of the P&J Carry Out on East Monument Street and darted inside to buy some food. After paying for a box of chicken, he noticed a big guy in jeans, a hooded sweatshirt and a baseball cap.

“What’s up?” the man said to Lyles. Others, also dressed in jeans and hoodies, blocked the door to the street — making Lyles fear that he would be robbed. Instead, the man identified himself a police officer, frisked Lyles and demanded he sit on the greasy floor. Lyles objected.

“The officer hit me so hard it felt like his radio was in his hand,” Lyles testified about the 2009 incident, after suing Detective David Greene. “The blow was so heavy. My eyes swelled up. Blood was dripping down my nose and out my eye.”



The Baltimore detective offered a different version of events in court, saying that Lyles’ injuries might have resulted from poking himself in the face. He also couldn’t say why officers stopped Lyles, who was not charged with any crime.

But jurors didn’t buy the officer’s explanation. They ruled in Lyles’ favor, and the court ultimately ordered the city to pay him \$200,000, the statutory limit in Maryland for most lawsuits against a municipality.

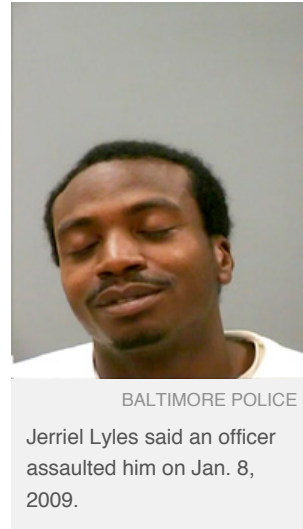
The beating Lyles received from Baltimore police officers — along with the resulting payout from city funds — is part of a disturbing pattern, a six-month investigation by The Baltimore Sun has found.

Over the past four years, more than 100 people have won court judgments or settlements related to allegations of brutality and civil rights violations. Victims include a 15-year-old boy riding a dirt bike, a 26-year-old pregnant accountant who had witnessed a beating, a 50-year-old woman selling church raffle tickets, a 65-year-old church deacon rolling a cigarette and an 87-year-old grandmother aiding her wounded grandson.

Those cases detail a frightful human toll. Officers have battered dozens of residents who suffered broken bones — jaws, noses, arms, legs, ankles — head trauma, organ failure, and even death, coming during questionable arrests. Some residents were beaten while handcuffed; others were thrown to the pavement.

And in almost every case, prosecutors or judges dismissed the charges against the victims — if charges were filed at all. In an incident that drew headlines recently, charges against a South Baltimore man were dropped after a video showed an officer repeatedly punching him — a beating that led the police commissioner to say he was “shocked.”

Such beatings, in which the victims are most often African-Americans, carry a hefty cost. They can poison relationships between police and the community, limiting cooperation in the fight against crime, the mayor and police officials say. They also divert money in the city budget — the \$5.7 million in taxpayer funds paid out since January 2011 would cover the price of a state-of-the-art rec center or renovations at more than 30 playgrounds. And that doesn't count the \$5.8 million spent by the city on legal fees to defend these claims brought against police.





Largest payouts

Baltimore has paid \$5.7 million since January 2011 for settlements and court judgments in lawsuits accusing city police officers of false arrests, false imprisonment and excessive force. Virtually all of the people who won large awards were cleared from criminal charges.

EXPLORE THE LARGEST PAYOUTS

“These officers taint the whole department when they create these kinds of issues for the city,” said City Council President Bernard C. “Jack” Young. “I’m tired of the lawsuits that cost the city millions of dollars by some of these police officers.”

City policies help to shield the scope and impact of beatings from the public, even though Mayor Stephanie Rawlings-Blake acknowledges that police brutality was one of the main issues broached by residents in nine recent forums across Baltimore.

The city’s settlement agreements contain a clause that prohibits injured residents from making any public statement — or talking to the news media — about the incidents. And when settlements are placed on the agenda at public meetings involving the mayor and other top officials, the cases are described using excerpts from police reports, with allegations of brutality routinely omitted. State law also helps to shield the details, by barring city officials from discussing internal disciplinary actions against the officers — even when a court has found them at fault.

The Rev. Jamal-Harrison Bryant, a local pastor who has railed against police brutality, was surprised to hear that the city has spent millions to settle police misconduct allegations.

“I am absolutely stunned,” said Bryant, who leads a Northwest Baltimore mega-church. “I had no idea it was this bad. I had no idea we had this volume in this city.”

Among the findings of The Sun’s investigation, which included a review of thousands of court records and interviews with victims, along with audio and video recordings of trials:

Since 2011, the city has been involved in 102 court judgments and settlements related to allegations of civil rights and constitutional

violations such as assault, false arrest and false imprisonment, making payouts that ranged up to \$500,000. (The statutory cap can be exceeded when there are multiple claims in a lawsuit, and if there is malice the cap may not apply.) In 43 of the lawsuits, taxpayers paid \$30,000 or more. In such settlements, the city and the officers involved do not acknowledge any wrongdoing.

Many of the lawsuits stemmed from the now-disbanded Violent Crimes Impact Section, which used plainclothes officers to target high-crime areas. Officers frequently wrote in charging documents that they feared for their safety and that residents received the injuries when resisting arrest.

Department officials said some officers were exonerated in internal force investigations, even though jurors and the city awarded thousands of dollars to battered residents in those incidents.

For years, leaders in Baltimore's Police Department, the nation's eighth-largest, didn't track or monitor the number of lawsuits filed against each officer. As a result, city officials were unaware that some officers were the target of as many as five lawsuits.

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They were just kicking. I was kicked about three times in the side, kicked in my forehead. After a while, I couldn't really tell where I was being assaulted. I just knew my body was hurting.

JONATHAN HUNT
Deposition from Jan. 5, 2012

Hunt settled for \$60,000 after alleging an officer broke his leg, collarbone and cracked three ribs.

The Sun's findings include only lawsuits that have been settled or decided in court; dozens of similar cases are still pending. The city has faced 317 lawsuits over police conduct since 2011 — and recently budgeted an additional \$4.2 million for legal fees, judgments and lawsuits, a \$2.5 million increase from fiscal 2014.

“This is not something I take lightly,” Rawlings-Blake said. “I've worked hard, very hard, to have a dialogue with the community about how do we build trust and send the message that law enforcement that acts outside of the law will not be tolerated.”

Police Commissioner Anthony W. Batts, who took over in late 2012, has publicly vowed to eliminate misconduct among the city’s 2,800 officers. Other police officials say the department has begun to track such allegations more closely to punish officers in the wrong.

“I can’t speak to what was done before, but I can certainly tell you that’s what’s being done now, and we won’t deviate from that,” said Deputy Commissioner Jerry Rodriguez, who joined the agency in January 2013 to lead the new Professional Standards and Accountability Bureau.



LLOYD FOX

Deputy Commissioner Jerry Rodriguez leads the bureau tasked with keeping police officers accountable.

Rodriguez, who once worked in Internal Affairs at the Los Angeles Police Department, said the mandate is to provide policing in a professional manner that doesn’t violate constitutional rights.

“We will not let officers get away with any wrongdoing,” Rodriguez said. “It will not be tolerated.”

The department would not allow The Sun to interview officers named in the lawsuits, saying that would violate department policy. Annual base salaries for the officers ranged from \$61,000 and \$67,000.

But Robert F. Cherry, president of the city’s Fraternal Order of Police lodge, cautioned that some people file frivolous lawsuits against officers who work to keep the city safe.

“Our officers are not brutal,” he said. “The trial attorneys and criminal elements want to take advantage of the courts.”

THE GRANDMOTHER

Eighty-seven-year-old Venus Green heard the scream while rocking on her porch on Poplar Grove Street in West Baltimore’s Walbrook neighborhood.

“Grandma, call the ambulance. I been shot,” she thought she heard her grandson say on that morning in July 2007. As he lumbered closer,

she spotted blood from a wound in his leg and called 911.

The retired teacher was used to helping others. Green had moved to Baltimore decades earlier from South Carolina after working at R.J. Reynolds and Westinghouse. Once here, she worked at Fort Meade and earned two degrees at Coppin State University.

The mother of two and grandmother of seven dedicated her career to teaching special-education students, but couldn't sit still in her retirement years. She had two hobbies: going to church and raising foster kids. Dozens of children funneled through her home. They, like her own grandchildren, called her "Grandma Green."

Paramedics and police responded to the emergency call, but the white officer became hostile.

"What happened? Who shot you?" Green recalled the officer saying to her grandson, according to an 11-page letter in which she detailed the incident for her lawyer. Excerpts from the letter were included in her lawsuit. "You're lying. You know you were shot inside that house. We ain't going to help you because you are lying."

"Mister, he isn't lying," replied Green, who had no criminal record. "He came from down that way running, calling me to call the ambulance."

The officer, who is not identified in the lawsuit, wanted to go into the basement, but Green demanded a warrant. Her grandson kept two dogs downstairs and she feared they would attack. The officer unhooked the lock, but Green latched it.

He shoved Green against the wall. She hit the wooden floor.

"Bitch, you ain't no better than any of the other old black bitches I have locked up," Green recalled the officer saying as he stood over her. "He pulled me up, pushed me in the dining room over the couch, put his knees in my back, twisted my arms and wrist and put handcuffs on my hands and threw me face down on the couch."

After pulling Green to her feet, the officer told her she was under arrest. Green complained of pain.

"My neck and shoulder are hurting," Green told him. "Please take these handcuffs off."

An African-American officer then walked in the house, saw her sobbing and asked that the handcuffs be removed since Green wasn't violent.

The cuffs came off, and Green didn't face any charges. But a broken shoulder tormented her for months.

“I am here because of injuries received to my body by a police officer,” Green wrote on stationery stamped with “wish on a star” at the bottom of each page. “I am suffering with pain and at night I can hardly sleep since this incident occurred.”

In June 2010, she sued the officers; an April 2012 settlement required the city to pay her \$95,000.

Green died six weeks later of natural causes

THE PREGNANT WOMAN

Many Baltimoreans who reached similar settlements declined to be interviewed about the alleged police misconduct — with good reason.

▣ A clause in the city’s agreements prohibits any public statement about the incident that triggered the lawsuit. Limitations on “public statements shall include a prohibition in discussing any facts or allegations ... with the news media” except to say the lawsuit has been settled, it states.

The penalty for talking? City lawyers could sue to get back as much as half or more of the settlement.

That amount is negotiated in each case, depending on the severity of the allegations, said David Ralph, deputy city solicitor. The amount of money involved is shielded from the public because the clause might never be triggered, he said, adding that in “99.9 percent of the cases it’s never an issue.”

Such “non-disparagement” clauses are common in legal settlements, he noted. “We don’t want to pay taxpayers’ money and then have people saying things that they couldn’t say in court. Some facts are hotly disputed.”

In such settlements, the city and the officers involved do not acknowledge any wrongdoing.

Starr Brown, an East Baltimore woman who reached a settlement agreement, wanted to talk about her arrest — an encounter with police that left the pregnant accountant face down, bleeding and bruised, on the sidewalk. (Her baby was unhurt.)

But Brown, a Morgan State University graduate, said the clause prevented her from sharing details, so the events of Sept. 18, 2009, can only be reconstructed from court transcripts.

Returning home with her young daughter as the sun set, Brown was on the front steps of her brick house when she spotted two girls walking along North Luzerne Avenue.

Suddenly, a group of about 20 girls came from the other direction and attacked the two girls.

Brown, who went into her house to avoid the fighting, watched the beating through a window. Other neighbors called 911, but by the time officers Karen Crisafulli and Andrew Galletti arrived, the attackers had fled.

Brown, who was then 26, could hear the officers yelling at the victims and came outside to urge the officers to chase the girls who had fled. An argument started, and Galletti lunged at her, she later testified in court.

She grabbed the iron railing, but Galletti wrapped his arm around her neck. She said she screamed that she was pregnant, but Galletti



BALTIMORE POLICE

Starr Brown said officers slammed her to the ground on Sept. 18, 2009. She was pregnant.

neck. She said she screamed that she was pregnant, but Galletti responded, “[We] hear it all the time.”

“He comes and grabs my arms,” Brown, who had no criminal record, testified. “He’s like, ‘You’re getting arrested. You’re coming with me.’”

“They slammed me down on my face,” Brown added, her voice cracking. “The skin was gone on my face. ...

“I was tossed like a rag doll. He had his knee on my back and neck. She had her knee on my back trying to put handcuffs on me.”

Since 2011, Baltimore City has paid

\$5,765,065

in settlements and court judgments on cases
alleging misconduct by police

[How else could this have been spent? >](#)

The officers arrested her for obstruction, disorderly conduct, resisting arrest and assault. She fought the charges in District Court in March 2010.

The officers minimized the incident and Brown’s injuries, telling the judge that her screams drew a crowd and she refused to go back in her house. Crisafulli said Brown hit the ground after letting go of the railing.

“It was like a sling shot,” Crisafulli testified. “The resistance stopped. We all fell off the porch.”

Brown then kicked and flailed, Crisafulli added, noting that bystanders told the officers that Brown was pregnant. Crisafulli said Brown scratched her with fingernails; Galletti said Brown bit his arm and knuckle.

But the testimony of two witnesses confirmed Brown’s version of events.

“Mrs. Brown was standing up in her doorway,” said neighbor Ruby Lee. “They threw her to the ground, and [Galletti] put his knee in her back.”

The judge acquitted Brown of all criminal charges. She sued in April 2010 and settled the case in March 2011 for \$125,000.

VIOLENT CRIMES IMPACT

Scandals have plagued Baltimore's Police Department in recent years. Sixteen officers were convicted in a kickback scheme with a towing company, and another was convicted of selling heroin from the Northwest District police station's parking lot.

When Rawlings-Blake hired Batts in 2012, the mayor talked about Baltimore becoming "the safest big city in America." Batts earned a reputation of building community engagement during his 30 years of leading departments on the West Coast.

But ridding the Baltimore agency of misconduct may not be easy. The agency's strategic plan, released late last year, said discipline "has not always been a priority for the Baltimore Police Department," and it has been common "for cases in this department to take as many as three years to resolve." A more recent consultant's report on the Internal Affairs Division said detectives lack training and often take shortcuts when investigating officers suspected of misconduct.

Many complaints have focused on the Violent Crimes Impact Section, which had more than 260 officers in 2012. City Council members and community activists said those officers used heavy-handed tactics and had no accountability.

In addition to the allegations of excessive force, officers in the unit were accused by prosecutors of lying on a search warrant and working to protect a drug dealer in order to make arrests. One received six months of home detention; the other went to prison for eight years for protecting the drug dealer.



ALGERINA PERNA

Police Commissioner Anthony W. Batts has vowed to eliminate police misconduct.

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Discipline has not always been a priority for the Baltimore Police Department.

Baltimore City Police Strategic Plan 2013

Three other members were charged in 2010 with kidnapping two city teens and leaving one in a Howard County state park without shoes, socks or his cellphone. A jury acquitted two officers of assault, kidnapping and false imprisonment but convicted them of misconduct.

In September 2012, the unit sparked outrage when a detective threw Anthony Anderson, 46, to the ground during a drug arrest. Anderson's spleen ruptured, and he died a short time later.

The state medical examiner's office said the death was a homicide caused by blunt force trauma. But Baltimore State's Attorney Gregg Bernstein declined to bring charges, ruling that the officers did not use excessive force and followed police guidelines. The family filed a federal lawsuit, alleging that three detectives kicked Anderson for several minutes; the case is ongoing.

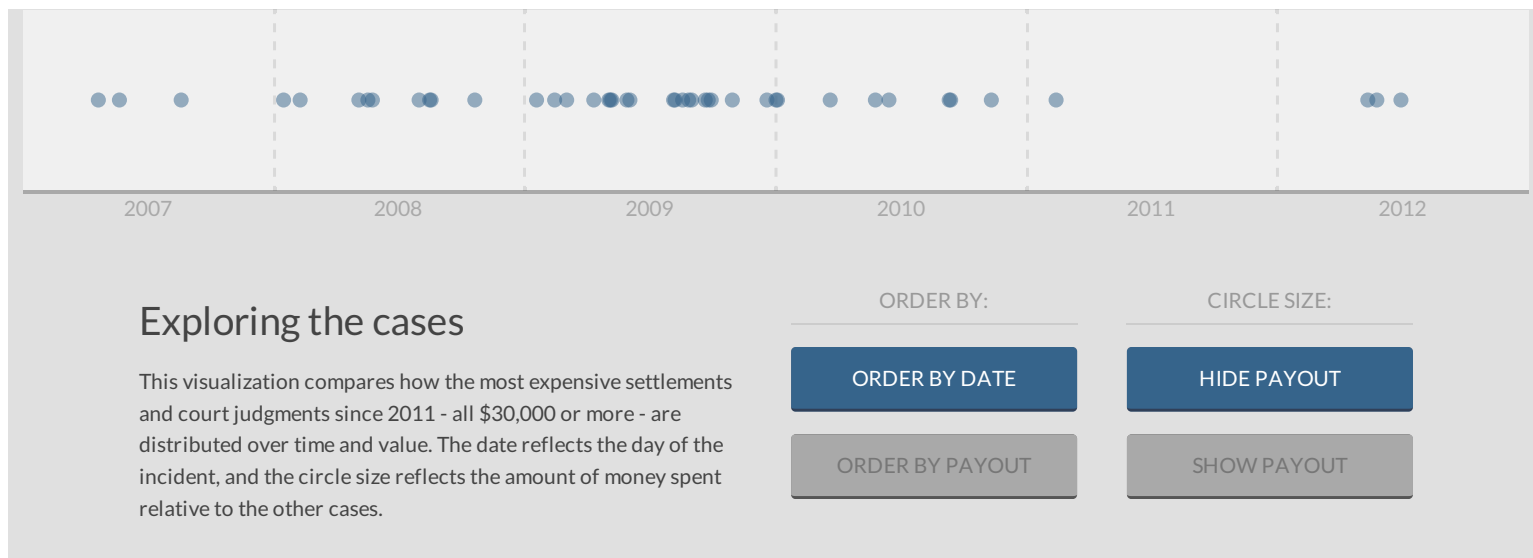
Batts disbanded the Violent Crimes Impact Section in December 2012 in response to complaints and created the Special Enforcement Section to address spikes in serious crimes. The unit has about 130 officers.

The name change brought a new direction, Rodriguez said. New leaders have been appointed and officers are wearing uniforms that identify them as police.

"It's not just a philosophical and name change," he said. "What is acceptable has changed."

Still, misconduct persists.

This year, other officers have been accused of killing a dog while off-duty in February and of an attempted homicide in April. An officer went to jail in April for 45 days for beating a drug suspect who had broken into his girlfriend's home. Another officer was arrested in June and charged with slitting a Shar-Pei's throat while on duty; he has pleaded not guilty.



AFTER THE CARRYOUT

The Violent Crimes Impact Section detectives who testified in Lyles' lawsuit — which accused police of hitting him at the P&J Carry Out in East Baltimore — appeared confident on the witness stand as Domenic Iamele, Lyles' attorney, pressed for answers on the injuries.

Detective Greene told jurors Lyles became hostile in the carryout and tried walking away. Lyles lifted his hands up as Greene tried to stop him, the officer said.

"Did Mr. Lyles touch his face?" Iamele asked.

"I don't know if Mr. Lyles touched his face," Greene replied, noting that he blinked and could have missed it. He suggested Lyles injured himself. "That's the only thing that could've happened. I don't know how he broke the bridge of his nose."

"You didn't punch him in the nose?"

"No sir."

Sgt. Michael Guzman told jurors he didn't recall being in the store or seeing anything suspicious.

Lyles then told jurors about another incident: Three weeks after his

nose was broken, Lt. Christopher Nyberg and Detective Paul Southard stopped him near his apartment on Moravia Park Road.

The officers ordered Lyles to drop his pants and underwear. He did. They told him to squat and cough. He did — out of fear. Lyles testified that an officer then searched his genitals for drugs and rammed a gloved finger in his rectum.

He told jurors the incident wasn't a "coincidence." He believed the officers were retaliating because he had complained about his broken nose.

Jurors awarded Lyles \$500,000 for the incident at the carryout, but the judge reduced it to \$200,000 to comply with a state law that caps damages in suits against municipalities.

The city also paid Lyles \$24,000 to settle a separate lawsuit related to the street search.

Today, Lyles, who served probation for credit card theft in 1999, is reluctant to talk about the civil trial.

"I'm afraid of the police," he said. "I want to speak out, but it could be dangerous. These people are dangerous. Internal Affairs is not like they say they are. I complained. They said it was unsustainable."

Rodney Hill, who took over the Internal Affairs Division in May 2013, confirmed that Lyles' complaint was not sustained — meaning investigators could not prove it was true. Police said Southard left the force in May 2012, but would not say whether it was related to Lyles' case, noting that state law prohibits the disclosure of personnel matters. Police would not say whether the other officers were disciplined.

'WE HAVE TO FIRE THEM'



Civil rights abuses can tarnish a police department's image in any city, experts say. Strained relationships make it difficult for officers to gain trust on the streets — from getting tips to solving crimes to winning taxpayer support to hire more officers.

"All of those things are put in jeopardy," said David A. Harris, an expert at the University of Pittsburgh Law School on police

expert at the University of Pittsburgh Law School on police misconduct and accountability. “People will tend to view [police] as illegitimate. This is a real problem for police departments.”

Good, solid policing requires mutual respect between officers and residents, he added.

Rawlings-Blake acknowledged the importance of that relationship in an interview about the costly settlements. “It is a sacred covenant that each officer makes with members of the community, and when it’s broken, it’s devastating for not just the victim, but it’s devastating for our ability to move forward as a city.”

She said the relationship between the community and police has improved since Batts was hired, noting that residents are providing more tips to Crime Stoppers and making fewer complaints about discourteous officers.

But more than a dozen bystanders who were named in court records or who testified in court declined to talk to The Sun about the arrests and altercations that they witnessed — saying, like Lyles, that they feared retaliation from police.

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And just by him placing that gun, pointing that gun, I had so much fear in me I begged him don’t shoot me, don’t shoot me. And I went to take my backpack to drop it and before I knew it, he had hit me and I fell.

JACQUELINE ALLEN

Deposition from Oct. 26, 2010

The city paid Allen \$200,000 after an officer shot her in the stomach at a bus stop. She was unarmed.

City Councilman Brandon Scott, vice chairman of the council's Public Safety Committee, said police leaders need to cleanse the force of bad officers.

"We have to expedite the process," Scott said. "We have to fire them. We can't afford to keep paying these settlements. These folks that are beating people have to go."

The Sun's findings come as the nation's attention has been focused on a white officer's shooting of an unarmed black teenager in Ferguson, Mo. — an incident that triggered days of violent protests. The officer said he acted in self-defense, but many area residents saw the shooting as a symptom of racially biased policing.

The shooting triggered a nationwide debate on the use of force by police, and U.S. Attorney General Eric H. Holder Jr. announced an investigation of the town's police department. Published reports noted that five current and one former member of the 53-officer agency faced pending federal lawsuits that claimed they used excessive force.

Such broad inquiries by the Department of Justice's civil rights division examine whether officers have a history of discrimination or using force beyond standard guidelines. They typically lead to consent decrees and years of court monitoring. Twenty federal probes have started in the past six years, in cities that include Cleveland, New Orleans and Portland.

Attorney A. Dwight Pettit questions why the Department of Justice hasn't opened an investigation into the Baltimore Police Department.

He has filed scores of lawsuits against officers, and his office gets dozens of calls each week from people alleging police abuse. He says he only takes the cases in which injuries are visible.

"It's absolutely called for," Pettit said, noting the long list of settlements and court judgments involving city police. "Baltimore City is so much out of control, the Police Department, in my opinion, warrants federal intervention and investigation."

FACE DOWN ON CONCRETE





Barbara Floyd gazes out her window at the spot on North Montford Avenue where she says a detective ground her face into the concrete in 2009. She reached a \$30,000 settlement 2011.

Five years after an incident that left her injured, Barbara Floyd still wonders what happened to the officer she said attacked her.

“I believe in justice,” Floyd said, recounting a confrontation with undercover officers who were making a drug sweep in her McElderry Park neighborhood. “That’s what I believe in. I don’t think people should be treated like animals — even guilty ones. But I was an innocent one.”

On a Tuesday afternoon in March 2009, Floyd spotted a crowd of officers and bystanders up the street, her lawsuit stated. She then heard a detective threaten to fire a stun gun at her 20-year-old grandson.

Floyd, who was 58 at the time and without a criminal record, climbed down the four steps of her gray brick rowhouse to usher her grandson away from the drug operation.

After being told to leave, she said she walked home and leaned on a tree. Someone suddenly wrapped an arm around her neck and threw her to the ground.

“I was struggling ’cause I didn’t know who it was,” Floyd recalled in an interview that mirrored her descriptions in court records. “He was trying to grab my arms. He put his knee on my neck. He put another leg in the small of my back. He was grinding my face to the pavement.”

Though she was face down on the sidewalk, she heard Detective Joseph Grossman, a member of the Violent Crimes Impact Section, scream at her to lie down.

Floyd, who is 4-foot-11 and 107 pounds, couldn’t breathe with Grossman on her back. A struggle ensued and Floyd tried standing, but Grossman kept her down while handcuffing her.

Her vision faded.



Floyd provided these images of her injuries. She lined up the photo on the concrete where her forehead was ground into the pavement.

“After that I thought I was gonna die because I had tunnel vision,” she said in the interview, fighting back tears. “Everything had gotten dark, dark and black.”

When the altercation ended, Floyd had gashes on her forehead, face and knees. Paramedics treated her before she was taken to jail.

But because her blood pressure topped 200, jailers declined to admit her to the Central Booking and Intake Facility, according to court records. Medics rushed her to Mercy Hospital.

After she was released from the hospital, Grossman charged her with resisting arrest and obstruction.

In charging documents, he gave a different account of the incident, accusing Floyd of stepping between officers and her grandson. When officers ordered the grandson to leave, he refused. Floyd then “adopted a hostile and aggressive posture” and tried to pull him away, Grossman wrote. Officers then tried to arrest her, but she tried breaking away and fell face-first to the ground. When officers handcuffed Floyd, she scraped “her forehead on the sidewalk, causing a minor laceration.”

Floyd soon received a letter from Internal Affairs stating that Grossman and another officer were being investigated for misconduct.

Still, Floyd was ashamed to go outside after the melee.

“My face was a mess,” she recalled, her voice dropping as she stared at the street from a kitchen chair. “My hair was gone on that side. I was bruised up. Not only my face, my arms, my legs. My whole body was sore.”

She is still upset that officers ignored her questions that day. “All they

do is tell you to shut the hell up.”

Floyd, who reached a \$30,000 settlement in 2011, initially declined to discuss her case when The Sun contacted her in May. The next day, she changed her mind and agreed to an interview, even though she fears retaliation from police and city lawyers for speaking out, and has moved out of the city.

Hill, the Internal Affairs chief, said her complaint against Grossman was not sustained. Grossman left the force in July 2012, but officials declined to say why, noting the legal restrictions on releasing personnel records to the public. He joined the Baltimore County Police Department the same month; that agency would not make him available for comment.

COMPLAINTS AND AWARDS

Although the city’s settlements and judgments have totaled \$5.7 million since 2011, a state law may have saved Baltimore taxpayers millions of dollars. The Local Government Tort Claims Act caps damages against local governments at \$200,000 per claim.

Taxpayers in other cities aren’t as lucky. Cleveland and Dallas have paid between \$500,000 and more than \$1 million to settle individual police misconduct cases.

The Dallas Police Department has paid \$6.6 million in 26 settlements and judgments since 2011; the Miami-Dade County department paid \$1.8 million over that period in an unspecified number of cases. Both agencies are similar in size to Baltimore’s.

In addition to the settlements and jury awards, Baltimore has paid \$5.8 million to outside law firms to defend those lawsuits and others since July 2010.

According to city policy, officials are bound to defend officers as long as they follow departmental guidelines when using force to make arrests. An agreement between the city and police union guarantees that taxpayers will pay court damages in such cases.

Although police officials declined to release individual personnel records, they did discuss the issue in broad terms, saying that from

records, they did discuss the issue in broad terms, saying that from 2012 through July, the department received 3,048 misconduct complaints against officers. Of those, officials sustained 1,203 complaints — 39 percent — meaning investigators could prove the claims were true.

That led to 61 resignations and discipline for more than 850 officers, measures ranging from written reprimands to suspensions.

But in some cases that resulted in settlements or judgments, officers were not disciplined even after they were found liable in court.

Cherry, the union president, said it would be unfair to discipline officers if they were cleared in internal investigations. He stressed that nobody can predict how a jury will decide cases.

“The [officers] who get the most complaints are the ones who are doing their work,” he said. “These may be some of the best officers.”

BROKEN NOSE, FACIAL FRACTURE



Salahudeen Abdul-Aziz still has a scar on his forehead. He was awarded \$70,000 in 2011 by a Baltimore jury as compensation for a beating by police in West Baltimore's Upton area. But he remains haunted by the incident and fears the police.

The nightmare began on a warm day in September 2009 as he walked out of a corner store and headed toward Westwood Street, sipping on a cold soda and munching on potato chips.

Abdul-Aziz, then 24, was hurrying back to his aunt's air-conditioned home. On the way, he joined up with a neighborhood acquaintance.

Officers Robert Stokes and Marvin Gross spotted them leave an alley in a well-known drug area, according to charging documents. As the officers neared, the man with Abdul-Aziz tossed a glass vial with white powder.

Abdul-Aziz was questioned, handcuffed and put in the back of a cruiser as officers quizzed the other man on the curb. As Abdul-Aziz wriggled his hands, trying to adjust his wristwatch, he was yanked out of the car.

The officers slammed him onto the ground and started punching him in the face, two witnesses testified at a 2011 civil trial over police misconduct allegations. One witness said the officers switched positions "probably six times" during the beating, as Gross "hit him five or six times with his fist."

Abdul-Aziz was helpless. "I was unable to do anything. I was handcuffed," he testified.

He described a broken nose and facial fracture, along with severe swelling and a hemorrhage in his right eye — injuries that took more than three weeks to heal.

"What was your state of mind that day?" his lawyer asked.

Abdul-Aziz replied, "I thought I was gonna die that day."

Gross' account of the incident was different. He said he saw Abdul-Aziz, hands cuffed behind his back, wiggle around in the cruiser. Gross thought Abdul-Aziz was hiding drugs, so he pulled him from the car and told him to open his hands. But Abdul-Aziz tried to head-butt Gross and run, the officer testified.

The officers said they feared for their safety and tackled Abdul-Aziz.

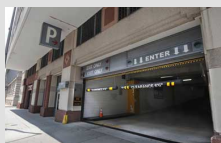
Abdul-Aziz tried getting up, but the officers ordered him to stop. Gross placed a forearm across Abdul-Aziz's chest and Stokes pinned his legs to the ground, Gross said, adding: "He just refused to stay still."

“What was Mr. Abdul-Aziz doing that was illegal?” Abdul-Aziz’s lawyer asked.

“He wasn’t doing anything,” Gross replied. “That’s why I conducted a field interview.”

Stokes told jurors he didn’t hit Abdul-Aziz. “I didn’t really do anything except hold his legs down,” Stokes said, adding he didn’t see Abdul-Aziz do anything illegal before the stop.

Locations of incidents



Abdul-Aziz was vindicated by the court system. After a two-day civil trial in February 2011, jurors awarded him damages. And a judge dismissed criminal charges of resisting arrest, assault, drug possession and disorderly conduct.

Still, Abdul-Aziz, who was found guilty of carrying a firearm in 2005, is upset that despite his complaint, police officials said the two officers were cleared by an internal investigation.

“If I fight on any other job or beat up anybody, I’m terminated,” Abdul-Aziz, 29, said recently in his Baltimore home.

“You beat up a citizen for no reason and had no real probable cause, and you still have your jobs. That’s crazy. These cops still have jobs.”

REFORMS IN PROGRESS

Police officials say a host of department reforms are underway to address misconduct.

For example, months after taking over, Batts created the Professional Standards and Accountability Bureau, which oversees training, policies and all internal issues, and pushed to eliminate a backlog of more than 130 disciplinary cases.

He moved to toughen trial boards, which hear disciplinary cases after complaints are investigated internally, by changing their makeup. They now consist of two command staff members and a lieutenant instead of a command staff member, a lieutenant and a person of the same rank as the accused. As a result, the rate at which officers are held responsible has jumped from 57 percent to 88 percent, officials say.

A computer system implemented five months ago tracks lawsuits filed against officers, Rodriguez said.

The information is combined with another tracking system in use since 2010. That system tracks matters such as injuries from arrests, citizen complaints and use-of-force reports. It is designed to enable police leaders to intervene with counseling, better supervision, training and, if appropriate, disciplinary action.

“We’re monitoring them where it was not done before,” Rodriguez said, adding that “bugs” are being worked out as the department studies the best national standards to measure officers. Other police agencies, including the Maryland State Police, already use the same system.

Still, the tracking system has shortcomings. For example, police officials acknowledge that it does not include lawsuits that concluded before the agency started tracking them this year.

Samuel Walker, emeritus professor of criminal justice at the University of Nebraska, isn’t surprised that Baltimore lacked a system to track lawsuits. “It has a national reputation of not being a professional and effective department.”

Former Police Commissioner Frederick H. Bealefeld III, who retired from the department in 2012, declined to be interviewed about the issue, but said through a spokesman that he had worked to eliminate misconduct and improve the agency’s relationship with residents.

“Commissioner Bealefeld was committed to making Baltimore a safer city while building a professional, community-focused and accountable police department,” said the spokesman, Anthony Guglielmi.

Asked about investigations into allegations of police brutality, Baltimore State’s Attorney Gregg Bernstein said his office has prosecuted 10 officers for assault and 10 others for less serious

offenses since 2011. In some high-profile deaths, officers were not prosecuted because they had only seconds to make decisions, Bernstein said. That’s very different from cases where officers are more deliberate and assault handcuffed suspects, he added.

He said that improved training and recruitment, a better discipline process, and greater transparency would enhance the Police Department’s trust with the community.

“It’s a real issue for us in Baltimore,” Bernstein said.

Young, the City Council president, says many African-American residents have an uneasy relationship with the police force.

“Every black male or every African-American in this city are not criminals and shouldn’t be treated as such,”

Young said. “I was stopped myself a couple times, and I am the president of City Council.”

He wants officers trained to communicate better with residents. He’s heard too many complaints about them not allowing people to talk to defend themselves.

“They violate your civil rights and tell you you can’t talk,” Young said.

He added: “[Residents] fear the police more than they fear the drug dealers on the corner.”

Baltimore Sun research librarian Paul McCardell contributed to this article.



KIM HAIRSTON

Baltimore State’s Attorney Gregg Bernstein says his office has been tough on police misconduct.

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