On April 12, a police patrol encountered Freddie Gray on a corner in Sandtown-Winchester, a neighborhood whose unemployment rate is double that of Baltimore as a whole. Seeing the police, Gray ran, but officers caught up with him, detained him, arrested him on a weapons possession charge, and called a van to take him to Central Booking. By the time Gray arrived, he was unresponsive. He died a week later from spinal cord injuries at the University of Maryland Medical Center’s Shock Trauma Center, a block from Maryland Carey Law. Demonstrations and, later, civil unrest broke out in the city, continuing on and off until April 30, when State’s Attorney Marilyn Mosby charged six officers with crimes including murder, manslaughter, assault, and false imprisonment.
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And that counts for a lot.

MICHAEL PINARD
PROFESSOR & CO-DIRECTOR, CLINICAL LAW PROGRAM

Dean Donald B. Tobin calls the death tragic and says, “It has focused attention on years of inequality of opportunity, injustice, and hopelessness for many in the city.” As to the unrest, Tobin adds, “There was a lot of pride in the way that people were seeking justice and change in a peaceful way, so we were all devastated when that process broke down.”

According to Professor Renée Hutchins, the co-director of the Clinical Law Program, Freddie Gray’s story started more than 40 years ago. “You need to go at least that far back to understand the frustrations in the community,” she says. Hutchins, who once prosecuted street crime in Washington, D.C., and did criminal defense work in New York City and Atlanta, points out that the policing methodology that led to Gray’s arrest has roots in a 1968 Supreme Court case, Terry v. Ohio, which for the first time allowed police officers to stop a citizen without probable cause for an arrest, providing that an officer has reasonable suspicion to justify the stop. Not long after Terry came the War on Drugs. “The confluence of those two events,” says Hutchins, “led to very negative consequences for people who happened to be black and brown”—consequences such as mass incarceration and what many see as routine police harassment.

Terry enabled “broken windows” policing, a method that targets minor quality-of-life infractions and rewards police officers making stops and arrests. Professor Michael Greenberger, who in the late 1990s worked with police officials nationwide as a top advisor to then-Attorney General Janet Reno, believes that many of those arrests are unnecessary. In his view, broken windows policing, the dominant model for the past 15 years, lowers crime in the short run, but alienates many citizens from police, with terrible long-term ramifications. It also “overburdens the system,” notes
Professor Susan Leviton ’72. “You can’t ensure that the 500 most violent offenders are in secure detention if you are arresting and locking up all the nonviolent folks standing on the corner.”

Events in Baltimore, Cleveland, New York, Missouri, and elsewhere have revived interest in an alternative model called community policing, in which officers embed in neighborhoods, walking beats, attending community meetings, organizing sports leagues and after-school programs, and working with neighbors to lower crime. Community policing builds trust instead of mistrust, Greenberger says, adding that officers in cities that use the broken windows model never learn basic policing skills. Like many of the officers recently caught on video abusing citizens, he says, they “don’t know anger management, they don’t know how to relate to people, they don’t know how to deal with people who’ve been stopped and don’t behave the way they want them to.”

A CALL TO ACTION

After Freddie Gray’s death, Hutchins, at the dean’s request, convened a group of faculty to formulate a response on behalf of the law school. The group devised a plan with two components—community engagement and education—both of which are gradually taking shape.

The community engagement piece includes considerable involvement by the law school’s clinics, many already deeply engaged with Baltimore’s poor neighborhoods.

Plans include programs for residents at the University’s Community Engagement Center, near the law school in the Poppleton neighborhood. Just Advice®, a law school project, in cooperation with six other legal service providers, will offer advice on a range of legal questions during its three-hour sessions at the center. In the law school’s low-income taxpayer clinic, Tobin, a former tax attorney, will work with Professor Beverly Winstead ’08, the clinic’s director. They hope to meet with residents during the semester to help them take advantage of provisions like the Earned Income Tax Credit, says Ashley Valis, executive director of the University’s Office of Community Engagement, which runs the center.

The clinic also will host a Community Outreach Day at the center to help low-income taxpayers determine if they qualify for Maryland state tax amnesty. In addition, the community development law clinic will offer presentations on the rights of public housing tenants in their dealings with management companies, and students in the re-entry clinic will lead workshops on expunging criminal records as a way to improve employment prospects.

The law school plans to collaborate with Community Law in Action, Inc. (CLIA), a nonprofit founded by Terry Hickey ’98, that works with students in four city high schools who are thinking of careers in law. It is envisioned that CLIA students will
spend one day a month at the law school, where, according to CLIA Executive Director Corryne Deliberto, they will be mentored by law students and professors and possibly attend a class. In addition, law students and professors will serve as coaches and judges for CLIA’s twice-yearly mock trial competitions. Finally, the mediation clinic plans to work with police and high school students. The mediation work, predicts Hutchins, will allow students to appreciate the very real dangers police officers face daily, and the ways those stresses can impact their interactions with the community.”

A possible collaboration with the mayor’s office and other organizations in the city would further expand the law school’s work on expungement of criminal records. “They know what we’re doing” in this area, says Tobin, “and they’re interested in it because it is helpful in expanding economic opportunity.”

**EDUCATING STUDENTS TO EFFECT CHANGE**

The educational component of the law school’s response launched this fall, with a new eight-week, one-credit course called “Freddie Gray’s Baltimore: Past, Present, and Moving Forward.” Overseen by Greenberger and team-taught by a long list of faculty, the course will lay out the issues facing Baltimore’s low-income neighborhoods, in hopes of inspiring students to work with residents—as clinic members, activists, pro bono lawyers, and volunteers or interns with community nonprofits. “We asked ourselves how we could use our knowledge and experiences to educate our students and the community, and a course was one of the first and quickest things we could do,” says Toby Treem Guerin ’02, the managing director of the law school’s Center for Dispute Resolution (C-DRUM), who helped Hutchins and others plan the law school’s response to the April events. While the course will have units on policing methods, taught by Greenberger, and race and policing, taught by Hutchins, it will focus on many other issues contributing to inner city unrest in Baltimore.
Confrontational policing is just one of Baltimore’s many problems, according to faculty teaching the course, who emphasize the way one problem (e.g., substandard housing with mold or lead paint) often causes another (asthma, learning disabilities), which leads to another (poor school attendance and low grades) that can in turn lead to others (unemployment and involvement with the justice system). “I plan to talk about the link between housing and health,” says Professor Deborah Weimer, who will co-teach a unit of the course. “People who are homeless because they’ve just been evicted can’t maintain their health. Eviction is also a major contributor to poverty for women. And once you have an eviction on your record, it’s hard to get decent housing in the future.”

Weimer adds that, despite legal protections, “lead paint is still a huge problem,” often because tenants lack representation, resulting in inaction by housing courts, and mold is a rapidly growing problem “as more and more people are living in basements because of the affordable housing crisis.” Professor Barbara Bezdek, who has practiced public interest law, representing neighborhoods, tenant associations, and housing co-ops, says she hopes to help students in the course “understand the bodies of federal and state law that structure neighborhoods. There’s a geography of opportunity that’s baked into our system.” Partly it’s local government development policies and incentives, she says, that allow well-off communities to thwart affordable housing construction. Bezdek also cites weaknesses and uneven enforcement of fair housing laws, and she supports legislation that would require towns and cities to more equitably address the dire need for affordable housing and neighborhood business needs of low-income residents.

Like poor health, “zero tolerance” school discipline can keep kids out of school, harming school performance and increasing their chances of involvement in the criminal justice system. “Small things at a very young age can be so impactful on a student’s academic performance, and once you get on a path of being labeled a bad kid, it just is an incredible snowball effect,” says Guerin, of C-DRUM, which helps public school students across the state learn to settle disputes nonviolently. Suspensions, for example, “are tied to an increase in poor school performance and dropping out of school, which greatly increases
Small things at a very young age can be so impactful on a student’s academic performance, and once you get on a path of being labeled a bad kid it just is an incredible snowball effect.

TOBY TREEM GUERIN '02
CLINICAL LAW INSTRUCTOR & MANAGING DIRECTOR, CENTER FOR DISPUTE RESOLUTION AT THE UNIVERSITY OF MARYLAND CAREY SCHOOL OF LAW
Leigh Goodmark, who will teach a unit on the topic. Goodmark, who for 20 years has worked with domestic violence victims, sees domestic violence as a side effect of mass incarceration. Inmates, she says, “are often abused, physically and sexually, in prison, and sometimes bring the trauma of that violence into their own relationships. Moreover, people who are incarcerated have a difficult time finding employment after release, and men who are under- or unemployed are more likely to abuse their partners.”

Like Goodmark, Professor Michael Pinard sees criminal convictions, even for trivial offenses, as a challenge for people whose job prospects may be weak to start with, and thus an economic challenge to their neighborhoods. Pinard, who will co-teach a unit on economic development with Bezdek, plans to focus on criminal records and employment. “I want students to understand the barriers to employment that poor black residents of Baltimore confront—that despite their best efforts, the obstacles are burdensome, even if you don’t have a criminal record. I want students to have a sense of the injustice and desperation around these issues, and to feel that they need to do something about it,” says Pinard.

Maryland state law allows expungement of very minor criminal convictions, such as eating on the light rail, evading public transit fares, and sleeping in parks. As director of the re-entry clinic, Pinard supervises students who have represented clients in hundreds of expungement proceedings. The students also worked with a coalition of organizations and individuals on newly passed legislation making certain more serious misdemeanor convictions eligible for “shielding,” giving oral and written testimony in favor of the legislation based on legal research and their experience with clients. Under the new law, law enforcement authorities will still have access to shielded records, but the records are closed to everyone else, including employers, says Pinard.

“Freddie Gray’s Baltimore” could be repeated, according to Greenberger, and possibly opened to community leaders and to students from the medical and other schools at the University of Maryland, Baltimore, as well as to undergraduates in the University System, where interest in the course is high. The course is seen by Greenberger, Hutchins, and its other organizers as one step on a journey—a catalyst for more discussion, an incubator for future courses, a source of crucial insights for future leaders and advocates, and a call to action for students and graduates.

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David Reich has published profiles of nationally known political figures, as well as articles on politics, business, science and technology, the arts, the law, and law enforcement. His novel The Antiracism Trainings was published in 2010, and his personal essay on violent crime in Mexico will appear in this year’s issue of the literary journal Gargoyle.