



Response to Questions from the Community

Prepared for:

U.S. Department of Justice
City of Baltimore

Submitted:

August 21, 2017

A blue police tape with the words "BALTIMORE POLICE" in white, bold, capital letters. The tape is stretched across the bottom of the frame, with a blurred city street scene in the background.

BALTIMORE POLICE

Table of Contents

| | |
|---|-----------|
| 1. Baltimore Action Legal Team | 1 |
| 2. Campaign for Justice, Safety, and Jobs | 4 |
| 3. Disability Rights Maryland | 7 |
| 4. NAACP Legal Defense Fund | 11 |
| 5. Immigration Outreach Service Center | 15 |
| 6. Barbara Tunstall | 15 |
| 7. Betty Robinson | 17 |
| 8. Hilary Hellerbach | 18 |
| 9. David Cramer | 19 |
| 10. Jerome Briscoe | 20 |
| 11. Karis Haslam | 20 |
| 12. Kim Trueheart | 21 |
| 13. Keesha Ha | 22 |
| 14. Marilyn Howard | 25 |
| 15. Mary Jane Oelke | 25 |
| 16. Stan Becker (professor, Johns Hopkins) | 25 |
| 17. Yvette Muhammad | 26 |

Exiger/21CP Monitoring Team Answers to Additional Community Questions

1. Baltimore Action Legal Team

Submitted by Richard Ochs (Zip code: 21214) and also by Mary Elsesair (Zip Code: 21218)

- 1. What can be done to stop the 'no snitch' practice amongst police?*
- 2. Will you oppose FOP Lawsuit against Marilyn Mosby?*
- 3. Will you recommend amnesty for persons arrested for Freddie Gray uprising?*
- 4. Will you call for review of the Tyrone West case?*
- 5. Will you support Police cameras that cannot be turned off?*
- 6. Do you support jury trials for all police accused of murder or manslaughter?*

Answer: Mr. Ochs and Ms. Elsesair raise questions that are clearly of deep concern to the community, and our team members, as law enforcement and criminal justice professionals, certainly have concerns and views about these issues. Some of these issues, while important, fall beyond the scope of the role and duties of the Consent Decree monitor – including supporting or opposing other legal actions, amnesty for those arrested, and the initiation of investigations and jury trials for police. Our responsibilities as monitor directly relate to the provisions of the Consent Decree and ensuring that the Baltimore Police Department is complying fully and effectively with reforms relating to use of force, impartial policing, and a host of other areas.

The “no snitch” practice among police is something that our team has experience confronting in a number of other cities where we have successfully turned around police departments. Changing that practice requires changing the culture by holding all officers accountable for reporting instances of possible misconduct to supervisors and requiring that supervisors respond swiftly and appropriately. New policies, training, and accountability mechanisms will underscore the duty of officers to report misconduct.

With respect to cameras that capture police interactions, whether mounted in cars or worn by police officers, both officers and residents benefit from clear, well-defined, and pragmatic policies about what should and should not be captured. These policies must carefully balance interests in police accountability and privacy – ensuring, for instance, that sensitive encounters with victims of sexual assault, children, or other vulnerable populations are not filmed and then subject to potential public release because of any public records regulations. Our team has worked on striking this balance in the implementation of body-worn camera programs in Los Angeles, Seattle, Cleveland, and other cities. While there is no “one size fits all solution,” direct community participation in this area can help ensure that cameras serve as a vital accountability tool while not compromising the privacy of Baltimore residents.

Question for Exiger Submitted by Kathryn M. (Zip Code: 21210)

- 1. Only two members of your team are from Baltimore City. How do you plan to get to know the community in a relational way, not just through community meetings and data collection?*

Answer: Forming relationships requires presence, listening, and shared experiences. To facilitate this, our team has pledged to have a continuous presence in Baltimore so that we are not simply having isolated or scattered interactions across the community but developing ongoing relationships that can thrive across the monitoring effort.

We have proposed mechanisms beyond simply attending community meetings or reviewing data to have the community participate directly and substantively in our day-to-day efforts. Most notably, we are establishing a Monitoring Team Advisory Board, for which our Community Engagement Lead, Jessica Drake, has already recruited some 15 members from diverse community organizations across Baltimore, and whose activities our to-be-hired Advisory Board Liaison will coordinate.

Through the Advisory Board, we will engage community leaders from every corner of the city, of multiple races, access, and backgrounds. Board members will serve as community liaisons who provide insights into community needs and feedback about Consent Decree implementation. We will initiate face-to-face communications through the auspices of Board members and other local organizations. For example, returning citizens, youth, and communities with disproportionate rates of arrests and police complaints will be asked to engage in forums regarding the Consent Decree at sites such as the Patrick Allison Halfway House, local high schools and after-school centers.

Whether through a community-based office, “drop-in hours,” other in-person and web-based feedback mechanisms and communication avenues, we will establish relationships not only with members of the Advisory Board, but also with other community leaders and individual residents from across Baltimore’s diverse communities. Our answers to several additional questions below expand on the primary importance of true community participation in the reform process.

Through this commitment to robust community participation, we believe that Baltimore can benefit from a team with a proven track record of reforming troubled police departments with significant concomitant crime reduction, while at the same time being assured that the solutions implemented under the Consent Decree work for Baltimore and are consistent with the values of Baltimore’s diverse communities.

1. The monitoring team should include individuals most impacted by decisions made by the monitoring team. Please provide concrete examples of how the team plans on engaging those impacted by this Consent Decree.

Answer: As noted in answer to the previous question, our team will focus not only on community engagement, but on community participation in the reform process. Our monitoring plan will provide for consistent and sustained opportunities for direct community participation.

In most police departments, the rules of the road are decided by the police in a vacuum, without the community having the opportunity to have its voice heard – let alone partner with the police on solutions that will work for the community. Members of our team have extensive experience in changing this paradigm across the country. For instance, in Greenville, South Carolina, Chief Hassan Aden invited the community to work closely with the police on a long-term strategic plan that has been widely credited with improving police services and strengthening the police-community relationship. In Seattle, working on a Consent Decree, Matthew Barge designed training on bias-free policing in which community members directly participate in a dialogue about how their communities have been affected by the police relationship.

In Baltimore, the community – in all of its forms – will have the ability not just to provide feedback on a comment card that’s ignored or to give their two cents at an open mic night that ultimately nobody listens to. Instead, Baltimore’s residents will get to participate in reform itself – on the drafting of new policies, the creation of new training, and the construction of new plans, all yielding a new beginning for police community relations and, at the same time, significant crime reduction. This means that all new policies, for instance, will, through the monitoring process, be the subject of community review and comment prior to being finalized. This process will incorporate active participation by the Advisory Board, resident focus groups, and community-wide surveys.

In short, the reform process will be structured so that Baltimore’s communities can give voice to their values, experiences, histories and concerns, as well as comment specifically on whether various reforms under the Consent Decree adequately reflect them.

A renewed relationship between the police and community will require real change that people can see and feel on the streets and in their neighborhoods. Our Monitoring Team knows that this is not an academic exercise or social science, nor can it be business as usual. This process is about getting tough things done so that people across Baltimore’s communities see and feel a real impact.

2. The monitoring process should be transparent and ensure community access to the entire process. How does the team plan on ensuring a transparent process from beginning to end?

Answer: Our monitoring effort will seek at every juncture to promote community participation in the substance of police reform. Indeed, our team members know from their experience reforming troubled police departments that real reform that resets the relationship between the police and the community requires ongoing, authentic community participation. Whether through formal structures and processes (the Monitoring Team Advisory Board, dedicated team members working on community outreach and engagement), specific mechanisms (our website, social media), and ongoing relationship-building efforts (regular meetings with community organizations, public forums), the success of the reform effort depends on an open and transparent process at all stages. This transparency will include the ability for community residents and organizations to provide specific, substantive feedback on new policies, procedures, and training before they take hold – so that the community can shape, in dynamic partnership with stakeholders, the types of granular, real-world reforms that make a difference to community members on the streets of Baltimore.

The challenge for all stakeholders will be to continually recommit to robust community participation and to seek the involvement of individuals who may be skeptical or afraid of having their voices heard. To that end, we will need to reach into networks and structures that may not regularly be involved on policing issues or in local civic life.

In short, we take community access to the process as a given – and a prerequisite for the type of community participation that we will seek to guarantee throughout the reform process. Such broad-based community participation requires transparency.

3. Please provide concrete examples of how you will engage affected persons and community stakeholders to engage in the court process (i.e. allow persons to be heard in open court during the process).

Answer: As noted above, our team is committed to having the community participate directly in reform in a detailed, substantive way – and we have a track record of doing so in other reform and Consent Decree processes. For example, in Cleveland, the Monitoring Team and stakeholders collaborated on an unprecedented process in which community members got the opportunity to provide detailed feedback on a work-in-progress draft of a new use of force policy. By structuring the reform process in a way that enables the community to be directly involved, our team hopes that all community stakeholders will feel involved and heard throughout the court process.

2. Campaign for Justice, Safety, and Jobs

1. Community Engagement: According to the Consent Decree, “the Monitor will designate a member of the team as a community liaison, who will serve as a point of contact to community members.”

a. How will your community liaison(s) interact regularly with Baltimore residents and the monitor team?

b. How will your team select an individual or entity to design, distribute, and analyze the community survey required by the Consent Decree? Do you plan to, or would you be willing to contract with community based organizations to conduct the annual survey?

c. What steps do you plan to take to ensure that you are inclusive of ALL Baltimore residents, including youth, immigrants, people with disabilities, and others who may be more difficult to reach?

d. Baltimore is a city of neighborhoods. How do you plan to engage people in every corner of the city? Who do you have on your team that has the depth of local knowledge and connections to local grassroots organizations and neighborhood leaders to be able to accomplish this?

Answer:

a) Jessica Drake will be the team’s Community Engagement Lead, serving as a primary coordinator of our continuous, substantive engagement between the reform process and the community. A Baltimore resident with deep ties to community residents and organizations, Jessica will by no means be the sole liaison. We have structured the team and will organize our time such that all members of the team will be interacting directly with the community to listen to concerns and experiences, gather input and feedback, and provide information about the progress and status of reform.

To this end, numerous other team members have extensive experience in involving the community directly on police reform and conversations about how policing should look in our communities. Commissioner Ramsey implemented innovative police-community partnerships in Washington, D.C. and Philadelphia. Ron Davis, the former head of the Department of Justice’s Community Oriented Policing Services Office, will formally oversee work on the Consent Decree’s Community Policing and Engagement front. Team members Jeff Schlanger, Chief Hassan Aden, Matthew Barge, Richard Jerome, Tracey Meares, Roberto Villasenor, and others all will be involved in ensuring various mechanisms for incorporating the community into the reform process.

b) Our team will seek to hire a Baltimore-based market research firm to conduct the Community Survey and assist with other compliance assessments. We will work with community-based organizations on the survey, seeking their support with survey distribution and submissions, and to ensure the survey's accuracy, we will engage local research professionals to design the questions and tabulate and analyze the results. The Monitoring Team has conducted similar, community-wide survey efforts in other jurisdictions and will apply lessons learned in cities like Cleveland to ensure a community survey that can inform the City, Court, and Community.

c/d) The Monitoring Team is mindful that many Baltimore City residents will understandably not come to the reform process unless we go to them – in their neighborhoods, churches, schools, and organizations. We also must pursue all avenues available to get the input, feedback, and participation of community members who are not necessarily affiliated with formal community organizations and who are skeptical of the possibility of real and enduring police reform.

Our Monitoring Team Advisory Board is one key component in helping the reform effort access difficult-to-reach residents and people in every corner of the city. The Board comprises leaders from every corner of the city, of multiple races, access, and backgrounds. Our Board members will serve as community liaisons who provide insights into community needs and feedback about Consent Decree implementation. The Advisory Board is an effort to compound and build upon existing structures, relationships, and affiliations to reach into all corners of Baltimore City – north, south, east, and west – and across all of the city's diverse communities.

Additionally, the Monitoring Team will employ a wide range of other communications and research techniques such as forums, online and print surveys, suggestion boxes and focus groups, to gather additional insights and feedback from Baltimore's most heavily affected communities. For example, returning citizens, youth, and communities with disproportionate rates of arrests and police complaints will be asked to engage in forums regarding the Consent Decree at sites such as the Patrick Allison Halfway House, local high schools and after-school centers. Our efforts will ensure that those who may not traditionally be able to attend community meetings have a profound and impactful voice in the solutions that will heal our city.

Finally, as part of our Monitoring Plan, we will develop a matrix of all key communities and the organizations that represent them, and will then craft tailored strategies for communications and collaboration with each. This will ensure that specific mechanisms are in place to reach particular communities in the ways that will be most successful given their histories, characteristics, experiences, and geographic location.

2. Monitor Team Composition: Each monitor finalist has either designated a former law enforcement official as the lead monitor or has a large representation of law enforcement officials on its team.

a. What steps will you take to address any distrust felt by Baltimore residents who have been victims of police misconduct and may not want to communicate with team members because of their law enforcement backgrounds?

b. To the extent that your law enforcement team members have been named as defendants in law suits or have been the subject of misconduct complaints, how will you assure the parties and Baltimore communities that these team members are qualified to assess and recommend policing reforms detailed in the Consent Decree?

Answer:

a) First, many of our team members are civilians. Some are attorneys who have spent their careers focused on civil rights issues; others have worked in community engagement and organizing throughout their professional lives, and others have been engaged in various types of civilian oversight. Our team, with its combination of civilians and police leaders who have successfully reformed police agencies while reducing crime, provides the appropriate balance of skills and experience to discharge the monitor's duties most effectively and most efficiently.

Second, our objectives as monitor are to foster policing in Baltimore City that is safe, effective, and constitutional – and a relationship between the police and community that is grounded in trust and committed to partnering closely to reduce crime and address community problems.

These objectives will be consistently communicated during our monitorship along with the message that these objectives can only be achieved with community participation. To that end, we will provide continuous opportunities for Baltimore residents to communicate their views anonymously or interact with team members who are not former police officers.

b) Because it is common for heads of police departments to be named as defendants in lawsuits as a regular matter of course in incidents or matters in which they have not been directly involved in any way – in the same way that mayors or political leaders sometimes are – our team members have been identified as defendants in lawsuits brought to address misconduct of officers, as well as those brought to block reform and prevent progress in the police departments they have reformed.

All of our team members with track records of law enforcement leadership have been nationally recognized for their commitment to police reform and to community policing – as evidenced by their appointments to President Obama's Task Force on 21st Century Policing, national law enforcement associations, and various academic and foundation panels.

3. Track Record: According to the U.S. Department of Justice's (DOJ) investigative report, significant racial disparities exist in the Baltimore Police Department's (BPD) pedestrian stops, vehicle stops, searches, arrests, and use of force. The report also uncovered evidence of gender bias in BPD officers' treatment of transgender individuals and their investigation of reports of sexual assault.

a. What is your team's experience in identifying and addressing biased policing; specifically, racial, ethnic, and gender bias?

b. Please share examples of law enforcement agencies that realized a reduction in incidents of biased policing after receiving assistance from members of your team.

Answer (a & b): Our team has a long history of successfully addressing discriminatory and bias-related policing issues that affect police departments across the country.

In monitoring the Consent Decree involving the LAPD, the proposed monitor, Jeff Schlanger, directly supervised the reform efforts designed to address biased policing – those involving pedestrian and vehicular stops. Likewise, while at the Manhattan District Attorney's Office, Mr. Schlanger was involved in the voluntary effort with the nationally-recognized Vera Institute of Justice to understand whether biases were playing a role in charging and sentencing decisions.

Mr. Barge is currently serving as a police practices expert, and Dr. Taylor is conducting data analysis, for an agreement between the City of Chicago and the ACLU addressing discriminatory and biased policing issues with respect to “stop and frisk” practices.

Team members are also recognized as thought leaders on the topic of constitutional policing. For example, Commissioner Ramsey, a crusader against biased policing, partnered with the Anti-Defamation League to develop an innovative and experiential training program at the U.S. Holocaust Museum, called “*Law Enforcement & Society: Lessons from the Holocaust.*” This program, which every FBI agent must take, examines what can happen when law enforcement personnel do not question authority or uphold democratic principles, and highlights their role as defenders of the Constitution and protectors of individual rights. Ron Davis co-authored the Harvard University and National Institute of Justice publication, “*Race and Policing: An Agenda for Action,*” and a DOJ publication on how to correctly collect and analyze racial profiling data. Sean Smoot serves on the Race Profiling Advisory Committee for the Illinois Law Enforcement Training & Standards Board.

In the police departments that they have headed, Commissioner Ramsey, Chief Aden, Chief Davis, and other law enforcement experts on the team have implemented policies, training, and practices that have led to reductions in biased policing and discriminatory policing practices. Perhaps most notable is the success that Commission Ramsey achieved in Philadelphia while addressing bias, simultaneously bringing about a 20% reduction in crime and a 37% drop in homicides in 2014, the lowest rate since 1985.

Again, our team believes that we can use and apply our experiences in solving problems related to biased policing in other jurisdictions in a way that can make reform in Baltimore faster, more effective, and enduring.

3. Disability Rights Maryland

1. How do each of the applicants’ view their role in monitoring BPD activities as distinct from their role in providing technical assistance to BPD?

Answer: Monitoring and assessing the BPD’s compliance with DOJ-mandated reforms go hand-in-hand with our team’s technical assistance role. The two functions are intertwined rather than distinct. By providing technical assistance, which is possible because of our breadth of expertise in policing best practices, we will enable the BPD to more quickly achieve full compliance with the mandated reform. Likewise, our technical expertise enables us to accurately assess whether the BPD is achieving compliance in all the subject areas of the Consent Decree.

2. What does each applicant, or their relevant subject matter expert, see as the most relevant experience they bring to the issue of police interactions with people with disabilities?

Answer: Our team members have been setting the agenda for forward-looking police reform for their entire careers, and this has included specific outreach and work with communities with disabilities, particular needs, and unique challenges. Commissioner Ramsey, Chief Aden, Chief Davis, and Chief Villasenor have all worked on initiatives while leading police departments to enhance the delivery of services to individuals with disabilities.

Rachel Harmon, a civil rights lawyer and professor of law, has spent her career working for equitable treatment. Matthew Barge has overseen police reforms that have addressed the intersection of law enforcement and individuals with disabilities – including the creation of use of force and search and seizure policies that directly address issues of subject non-compliance that stem from hearing impairment or developmental challenges.

3. What experience does each applicant, or their relevant subject matter expert, have in creating and implementing diversion policies that reduce interaction of persons in crisis with police whenever possible?

Answer: As the proposed Deputy Monitor, Commissioner Ramsey, noted during the community forums, our team believes that the job of the police is to starve the criminal justice system, not feed it. BPD can do this by preventing crime and by steering people away from the criminal justice system – effectively providing social services, interventions, and resolutions outside of the formal justice system.

Our team has extensive experience implementing crisis intervention programs aimed at ensuring better outcomes for individuals experiencing behavioral crises. For instance, Commissioner Ramsey, Chief Villaseñor, Chief Aden, Chief O'Toole, and Deputy Commissioner Joyce have implemented comprehensive crisis programs, along the lines of the best-of-class Memphis Model, in their cities. Mr. Schlanger has overseen the implementation of this model of crisis intervention service delivery in Los Angeles, as has Mr. Barge in both Seattle and Cleveland.

4. What experience does each of the applicants, or their relevant subject matter expert, have in implementing crisis response techniques?

Answer: Former Tucson Police Chief Roberto Villaseñor, who will lead the People in Crisis work stream, has extensive practical experience in crisis response. In January 2011, at a Tucson shopping mall, Congresswoman Gabby Giffords was critically wounded and six people killed in a shooting perpetrated by an individual suffering from acute mental illness. This incident was one of an increasing number of such incidents demonstrating that the mentally ill were being inadequately served and falling through the cracks, sometimes with fatal consequences.

As a result, under Chief Villaseñor's direction, the Tucson Police Department joined forces with the Pima County Sheriff's Department to implement the Mental Health Support Team (MHST). This was one of the first units of its kind in the nation that brought law enforcement, mental health court representatives and behavioral treatment providers together to help hold the mentally ill accountable to their treatment programs. This synergistic effort was devised to prevent tragedies such as a mass shooting from taking place. Officers in the unit work proactively with mental health providers and the courts to make sure that those who need the treatment to maintain control are not be allowed to fall by the wayside. They also respond directly to many of the calls for service concerning mentally ill individuals, so that regular patrol officers can be released back into normal patrol to handle criminal matters. And because of their knowledge of the behavioral health community, MHST members are often the best method of ensuring that the individuals causing a disturbance get the help they need, as opposed to just being taken to jail. This program has proven to be extremely successful and has been written up at the national level as an example of law enforcement's potential role in mental health service.

Commissioner Ramsey, Chief Aden, and other law enforcement experts have implemented or overseen crisis intervention programs in the agencies they led. Mr. Schlanger has overseen the implementation of crisis response techniques in Consent Decree reform in Los Angeles as has Mr. Barge in Cleveland and Seattle. Consequently, our team will be able to hit the ground running on helping BPD and Baltimore's social service providers to dynamically partner to address community problems and the particular challenges of those experiencing crises.

5. What would each applicant recommend to BPD or the City for having greater involvement of mental health professionals and services for people in crisis in lieu of police interactions?

Answer: Police are often called in to address situations and interact with individuals where other parts of the social service fabric have broken down. A central task under Consent Decree reform will be ensuring that all officers have the training they need to interact with individuals experiencing a behavioral crisis, including those dealing with mental health, substance abuse, or other similar challenges. The development of a specialized cadre of crisis intervention experts will ensure that the police officers dispatched to interact with subjects in a crisis will have extensive training and experience in addressing such situations and linking subjects to the social services most appropriate.

In BPD's training programs, de-escalation tactics and techniques need to be emphasized so that force is only used as a last resort. BPD also needs to continue to explore partnerships with social service agencies that deal with these marginalized individuals, since they are best equipped to handle these types of scenarios.

Mental health professionals and social service providers from across Baltimore City have to be close working partners with BPD in the formulation of policies and training on the crisis intervention front. By building common understandings on policy, training, and data collection, conversations can inevitably develop about how various providers and the police can partner to address issues impacting the delivery of services and care to subjects.

6. How will each applicant define successful community engagement?

Answer: Successful community engagement will be achieved when it results in robust community participation in the reform process – and drives greater confidence and trust in the police across Baltimore City's communities. We will measure the success of our engagement efforts by the volume of participation in surveys, the extent of visits to our office, nature and volume of feedback obtained through the website, the number and quality of relationships established, and the reform expertise developed within the community as a result of direct participation in the process.

7. For CNA Consulting and Exiger: Please explain the criteria that will be used to select members of the community advisory panel or community council to provide community input to Monitor positions and activities.

Answer: We have already successfully recruited 15 members of our Monitoring Team Advisory Board and intend to add more members. We have been and will continue to look for diverse organizations and residents from across Baltimore's neighborhoods and communities who are participants or leaders in existing networks that have credibility with the residents whom they know and serve. That is, we want individuals with diverse networks and diverse points of view who can commit to serving as an ongoing, substantive conduit between the reform process and the broader Baltimore City community.

As evidenced by the list of already-committed members, we are seeking individuals from every corner of the city, of multiple races, access, and backgrounds:

- Jesse Greenspan, **Open Society**
- Talib Horne, **Community Works**
- Leila Kohler-Frueh, **Habitat for Humanity of the Chesapeake**
- Celia Neustadt, **The Inner Harbor Project**
- Elizabeth Nix, **University of Baltimore**
- Ava Pipitone, **Transgender Alliance and Red Emma's**
- Leanna Powell, **University of Maryland Baltimore County and Station North Toolbank**
- Johnette Richardson, **Belair-Edison Project**
- Cheryl Riviere, **Fresh Start / Living Classrooms**
- Travis Street, **P.O.W.E.R. House / Children's Target Investment Zone**
- Ivan Sheehan, **University of Baltimore (conflict negotiations specialist)**
- Saida Agostini, **Force Baltimore**
- Durryle Brooks, **Love and Justice Consulting**
- Rhonda Elsey-Jones, **Women Healing Our Lives Entirely Intervention Project**
- Gianna Rodriguez, **Baltimore Youth Arts**

8. Please explain how each applicant will approach the disparity of police practices experienced by the "wealthier and largely white neighborhoods," and "largely African-American communities," in obtaining community input and engagement in implementing the Consent Decree?

Answer: Our team understands that the burdens of law enforcement are not equally shared – and that, while disparities in crime rates are often proffered as the reason for harmful collateral consequences of police activity, every effort must be taken to eliminate the collateral damage that is occurring in communities of color. The Consent Decree, as much as anything, is designed to correct various unconstitutional police practices that have both led to the collateral damage and to the lack of confidence and trust in the police. Our team commits to seeking community participation in reform across the Consent Decree from all of Baltimore's communities and neighborhoods. The team also believes that those communities which confront the realities of crime on a more regular basis must be especially represented in the process to ensure that policing in Baltimore going forward is effective, safe, and constitutional.

9. Each applicant discusses dispute resolution methods for differing opinions and recommendations on the monitor teams, to what extent will community input be sought in addressing disputes of opinion or recommendations within monitor teams?

Answer: We would expect that input from the community and our Advisory Board, in particular, will inform the opinions and recommendations of our team leads. As we have discussed in other materials, our team members have collaborated on policing issues in multiple contexts in the past, and share a common commitment to community policing and similar views on policing practices. Any differences of opinion will be discussed by the team and resolved by the Monitor.

Specific, ongoing care will be provided to ensure that the resolution of any differences in opinion or points of view directly incorporate the insights, feedback, and viewpoints of the Advisory Board and more generalized community engagement – such that policing in Baltimore, going forward, can be consistent with the values of the Baltimore community.

4. NAACP Legal Defense Fund

1. According to the U.S. Department of Justice's (DOJ) investigative report, significant racial disparities exist in the Baltimore Police Department's (BPD) pedestrian stops, vehicle stops, searches, arrests, and use of force. The report also uncovered evidence of gender bias in BPD officers' treatment of transgender individuals and their investigation of reports of sexual assault.

a. What is your team's experience in identifying and addressing biased policing; specifically, racial, ethnic, and gender bias?

b. Please share examples of law enforcement agencies that realized a reduction in incidents of biased policing after receiving assistance from members of your team.

Answer: This question was also submitted by the Campaign for Justice, Safety & Jobs of which the NAACP Legal Fund is a member. Please see our team's answer to this question above.

2. The Consent Decree includes provisions that require the BPD to engage in policing practices that protect an individual's right to free speech, assembly, and to be free from unreasonable searches and seizures and the excessive use of force.

a. What is your team's experience in identifying and addressing unconstitutional policing practices?

b. Please share examples of law enforcement agencies that realized a reduction in incidents of unconstitutional policing after receiving assistance from members of your team.

Answer (a and b): The law enforcement officials and legal experts on our team have dedicated their careers to reforming police departments and enhancing constitutional policing. A look through their bios (Appendix A of the Application) provides evidence of team members' full immersion in reform efforts – participation in innumerable thought-leadership initiatives dedicated to community and constitutional policing, studies that they have conducted to assess incidents of unconstitutional policing, articles and books they have written on identifying and addressing unconstitutional policing, and lawsuits they have prosecuted against perpetrators of unconstitutional policing.

Specific examples of reductions in incidents of unconstitutional policing can be found in our team member's work on Consent Decrees in Los Angeles and Seattle. In Los Angeles, an independent study by Harvard University found that use of force fell every year from the second year of the Consent Decree onward – and resulted in 83% of residents, by the end of the Consent Decree, saying that the LAPD was doing either a good or excellent job. In Seattle, use of force has decreased by more than 60% overall, with more than 96% of intermediate- and high-level force entirely consistent with the Department's rigorous new use of force policies. This marked decrease in force overall and inappropriate force specifically has occurred even as crime and officer injury has not increased – and as community confidence in the police department has increased.

Our team believes that this experience matters to Baltimore. Reform will be faster, deeper, more effective, and longer-lasting with a team that has experiencing monitoring consent decrees – allowing Baltimore to fast-forward past what has not worked in other places and to benefit from a process that adapts best practices in a manner to best fit the needs of Baltimore and its neighborhoods.

3. The Baltimore Consent Decree requires the BPD to assess and improve its relationship with the Baltimore School Police Force, which has a contract with the BPD to serve as auxiliary police.

a. What is your team's opinion about the appropriate role of school police officers?

b. Should all police officers who patrol city streets under contract with the BPD be held to the same training, disciplinary, and data collection standards? If not, why not.

Answer: Our team believes that the role for school police officers should primarily be to ensure the type of educational environment that allows students to excel. School police officers have a unique opportunity to form relationships with young Baltimore residents at a critical developmental time and can serve as dynamic agents of change with respect to the views of young people toward the police.

That said, we do understand, that because of staff shortages, BPD has entered into a Memorandum of Understanding where the Baltimore School Police are called upon to perform non-school-related policing functions. Given our team's experience with the University of Cincinnati Police Department (UCPD), we are keenly aware of the challenges and potential dangers brought about by this kind of arrangement.

Because of this understanding, the Monitoring Team will work closely with BPD and the Baltimore School Police Force to identify means of unifying standards, community policing approaches, and commitments to diversion strategies to ensure that Baltimore's values are reflected not just by the BPD but by the other police officers with whom Baltimore residents interact on a daily basis. To the extent that contractual relationships might promote or facilitate a more unified mission, vision, and approach to policing across Baltimore's neighborhoods and professional police forces, the Monitoring Team stands at the ready to provide technical assistance on approaches that might work well.

In providing technical assistance in this area, the experience of the Monitoring Team includes not only the team's experience with UCPD, but also team member Kevin Bethel's implementation of new approaches in Philadelphia, which cut the school police department's arrest rate by more than half in just one year, and the experience of Matthew Barge, who has conducted policy reviews for the Los Angeles School Police and the University of California, Los Angeles Police Department.

4. As indicated in your Request for Application submissions, several of your team members have multiple, ongoing professional commitments. The 227-page Consent Decree details sixteen areas of reforms to BPD policies and practices.

a. If you are selected as the independent monitor, would you commit team members who will serve full-time over the course of the monitoring term?

b. Have you identified these team members? If so, who are they and what will be their responsibilities?

Answer (a and b):

The complex, interrelated elements of the Consent Decree require a wide range of experience and expertise on a monitoring team. That is why we have brought together a 20-person team of experts who each have the knowledge and skills to address the host of issues that must be addressed.

Our team committed at the start to have a continuous presence in Baltimore City. Our monitoring will not be a part-time or fly-by-night operation. Although Primary Monitor Jeff Schlanger retains responsibilities with the Exiger organization, the Baltimore monitorship will be his primary project and involve the overwhelming majority of his time. Mr. Schlanger will be available at any and all times to address any issues that arise from the monitorship and to ensure that the appropriate expertise from the team is brought to bear in effectuating the Consent Decree and discharging the Monitor's duties.

Our experience with reform in Philadelphia, the District of Columbia, Cleveland, Los Angeles, Seattle, and other cities has taught us that not every Monitoring Team expert will be required to work on the monitoring, or be present in Baltimore, for 35 hours per week every week. Partly, this is because the reform process will sometimes focus on progress on particular issues and sometimes focus on other issues – requiring that subject matter experts be intensively involved for a period before other issues come to the forefront and other experts work more intensively. We are mindful of the tremendous scope of progress that must be made under the Consent Decree and want to be sure that our monitoring is as efficient and effective as possible.

Finally, it must be noted that nearly every one of our team leads has retired from highly demanding full-time law enforcement positions, but has chosen to join the monitoring team because it enables them to continue to pursue their passion for police reform on a consulting basis.

5. Each monitor finalist has either designated a former law enforcement official as the lead monitor or has a large representation of law enforcement officials on its team.

a. What steps will you take to address any distrust felt by Baltimore residents who have been victims of police misconduct and may not want to communicate with team members because of their law enforcement backgrounds?

b. To the extent that your law enforcement team members have been named as defendants in law suits or have been the subject of misconduct complaints, how will you assure the parties and Baltimore communities that these team members are qualified to assess and recommend policing reforms detailed in the Consent Decree?

Answer: This question was also submitted by the Campaign for Justice, Safety & Jobs of which the NAACP Legal Fund is a member. Please see our team's answer to this question above.

6. According to the Consent Decree, "the Monitor will designate a member of the team as a community liaison, who will serve as a point of contact to community members."

a. How will your community liaison(s) interact regularly with Baltimore residents and the monitor team?

b. How will your team select an individual or entity to design, distribute, and analyze the community survey required by the Consent Decree?

c. If necessary, would you be willing to expand the number of community liaisons for your team through a transparent selection process?

Answer:

a) As stated in reply to a similar question from the Campaign for Justice, Safety & Jobs, all of our team members will be charged with forming relationships across Baltimore's diverse communities. Ron Davis, formerly of the Department of Justice's Community Oriented Policing Services Office, will oversee the team's Community Policing and Engagement efforts. Baltimore resident Jessica Drake will be the Community Engagement Lead.

The team will be assisted by a to-be-hired third team member, the Advisory Board Liaison, and will coordinate closely with the Monitoring Team Advisory Board, which already has some 15 community organizations and their leaders as members. The Board's membership will grow as we seek to ensure that every one of Baltimore's diverse communities is represented.

Advisory Board members will serve as community liaisons who provide insights into community needs and feedback about Consent Decree implementation, and serve as conduits for the Monitoring Team's interactions with the community, further expanding our community engagement efforts.

b) We will seek to hire a Baltimore-based market research firm to conduct the Community Survey and assist with other compliance assessments. In our work on the federal Consent Decree in Cleveland, we have identified Cleveland-based survey research firms for various survey requirements. Our Baltimore Monitoring Team will similarly look to qualified local firms with relevant expertise to perform the survey tasks outlined in the Consent Decree.

c) Our team members have significant experience in taking a leadership role in a new city and quickly becoming deeply enmeshed in the fabric of that city's communities – whether as police chiefs or Consent Decree monitors. We have already identified the need to expand the number of formalized community liaisons to the Monitoring Team, which is why we already have plans to hire locally for the position of Community Board Liaison. This position description will be posted on local job boards and non-profit hiring websites and distributed to Advisory Board members, other community organizations and appropriate individuals in the BPD, City and DOJ. The selection process will be transparent and involve the input of the community via the Advisory Board.

If the Monitoring Team, the Parties, or the Baltimore community identify other individuals, relationships, or mechanisms that might enhance community participation in the reform process, our team is dedicated to exploring and potentially implementing them.

7. The Venable, LLP and Exiger monitor applications have identified potential conflicts of interests, including members who have worked for the BPD or DOJ, or who provided legal representation to the City of Baltimore.

a. If you are selected as the independent monitor, how will you manage potential conflicts of interests and assure Baltimore communities that your service will be impartial?

Answer:

The only member of our Monitoring Team who has had contracts with the city of Baltimore or BPD is Dr. Ralph Taylor, who received two small grants from the Mayor's Office more than 30 years ago.

Many other team members have long-standing relationships with the Department of Justice through work on past or current monitorships, as police leaders implementing mandated reforms, and as DOJ employees. Several team members are currently contributing their expertise to DOJ programs such as the Collaborative Reform Initiative, the Critical Response Technical Assistance Program, and the Advancing 21st Century Policing Initiative as well as other COPS and Bureau of National Assistance endeavors.

Our team's decades of collaboration with the DOJ highlight and underscore the great strengths the team would bring to this monitorship. Team members' past employment with the DOJ and experience working on both sides of monitorships gives us in-depth, first-hand knowledge of the how monitorships run and all of the intricacies involved in dealing with the parties, other stakeholders and the Court.

The Monitoring Team reported these prior relationships and experiences in an effort to be fully transparent with the Baltimore community. However, we do not view them as "conflicts" so much as advantages and opportunities for Baltimore to leverage the experience that each member of the team can apply in the context of Baltimore. Put simply, these experiences will enable the Consent Decree process in Baltimore to be more effective, efficient, and enduring.

5. Immigration Outreach Service Center

1. What would a micro-community plan for immigrants look like?

- *How would it be implemented?*
- *How will you (as a candidate for independent monitor) ensure that established immigrant voices (those who have struggled with the immigration process, been successful, and have a wealth of experience) be included in the development and implementation of the plan?*
- *How will you guarantee that immigrant voices that may be undocumented might be included in the conversation and plan?*

Answer: Our team would, through our Monitoring Team Advisory Board, identify and partner with organizations to which established immigrants belong, as well as the advocacy and support agencies serving new and undocumented immigrants. In both cases, we would aim to leverage their outreach and communications channels to reach their constituents. The development of communications materials in Spanish and other languages would obviously be required. We would also initiate outreach through churches, seeking their support in the use of bulletin boards and suggestion boxes.

The success of any outreach with immigrants will depend on assuring them, and the organizations that involve and serve them, that participating in the police reform process will not put them at risk with respect to other law enforcement or immigration activity. This will include the fashioning of spaces and mechanisms where undocumented immigrants might be able to interact anonymously or one-on-one with Monitoring Team members or via trusted community intermediaries.

While many on the team have worked extensively on immigration issues in communities in which they have worked, Monitoring Team member and former Tucson Police Department Chief Roberto Villaseñor worked for decades on the intersection of police trust and immigration status and will lead our efforts at outreach, communication, and involvement with respect to immigrants.

6. Barbara Tunstall

1. Who among you are Baltimore city residents? For those (if any) who are, speak to an interaction with BCPD. What was the reason for that interaction? How did it begin? What was the end result?

Answer: Our team currently includes one current Baltimore resident, Jessica Drake. She has worked with non-profit agencies in Baltimore for more than 15 years and has had interactions with BPD both good and bad. Here is her account of two such interactions:

“As a longtime Greater Baltimore resident, I have seen both good and bad in community-police relations in Baltimore. In most incidents, I felt that the police had the community’s best interest at heart but were challenged with limited access to critical information due to community silence and seclusion. Two specific incidents stand out in my mind, one on the bad end of the spectrum and the other on the good end:

Sometime around 2012, I was visiting the McElderry neighborhood of East Baltimore to discuss upcoming events with the S.A.F.E. Streets Community Liaison. As we were talking, night had fallen when a police officer with his lights and siren on pulled up in front of us. The officer rolled down his window, looked at me and said, ‘Something is about to pop off, the neighborhood is heating up. Time to head home white lady.’ In response, I looked around me at a young girl I knew, maybe four years old playing on her tricycle, and asked the police officer, ‘And what about her, is her safety not equally as important?’ To which he responded, ‘She is from here, ‘they’ know how to handle themselves. If you get shot, that ends up on the news.’ Appalled at the idea that my life held any greater value than this child, I picked her up and got in the back of his patrol car and insisted he drive her around the corner to her home, a Habitat for Humanity house with which I had grown familiar. The officer was angry, but I believe realized I was not getting out without a scene and, that my point was valid. He drove us to her home as I had ‘requested.’”

“In 2016, I engaged with a lieutenant from the Inner Harbor Precinct after a friend of mine witnessed a troubling incident near Market Street. In talking to the officer, we discussed the power of the Inner Harbor Project, a youth-led initiative that teaches both law enforcement and youth about the best way to interact at the Inner Harbor and bridges the gap between youth and police in order to ensure safety and access for all. The officer was deeply motivated by the students he worked with, and had created community policing initiatives with the students and his officers that included a lighted bike competition during the annual City Lights Event, daily golf cart rides from Digital Harbor High School to local bus stops after school, and fun in school personal development activities where officers and students learned from each other. The conversation was very moving and I was grateful to hear of such dedication to the youth of Baltimore from the BPD lieutenant and his team.”

2. If any are not residents of Baltimore city, what recent news reports have you seen come from Baltimore city, please list one positive story, one negative story and one neutral story involving Baltimore city police and the citizens. From each story, please detail, from your perspective how the disparate stories can be learning opportunities, that is what can the individuals learn from each corresponding experience?

Answer: The three stories below point to the complexity of crime and policing in Baltimore, the impact on families and the pace of police reform, and overall the challenges of achieving reform.

Neutral story:

https://www.washingtonpost.com/local/public-safety/as-the-voice-of-baltimore-police-hes-spoken-about-hundreds-of-murder-victims-now-his-brother-is-one/2017/07/05/Ofa00a84-6190-11e7-a4f7-af34fcd9d39_story.html?utm_term=.704d8697af49

Negative:

<http://www.baltimoresun.com/news/maryland/crime/bs-md-ci-policing-in-flux-20170814-story.html>

Positive:

<http://www.baltimoresun.com/news/maryland/baltimore-city/bs-hs-police-crisis-response-20170727-story.html>

The first article, which addresses the murder of the police spokesperson's brother, highlights the personal impact of the high homicide rate in Baltimore – and one dedicated police employee's commitment to carrying out his responsibilities despite his family's loss.

The second story discusses police officers' actions in subduing an alleged drug dealer that involved use of force and raised a number of critical questions. The article highlights the community's distrust of the police and how differently community residents and police officials view and interpret the same scene. The wide gulf in perspectives underscores the challenges of achieving reform and building community trust.

The final article is about a new crisis response unit that includes an officer and social worker. To us, this article demonstrates that, even before the start of the monitorship, the BDP is working with purpose to address the mandates and already making some progress.

3. Many of Baltimore city residents have experienced years of systemic trauma. The living environments are sorely in need of not only cosmetic and also structural readjustment. Please name a cosmetic as well of a structural intervention that you experience as a need for this committee to function at its peak.

Answer: The Monitoring Team is mindful of the history of many of Baltimore City's communities with respect to the police and to broader social and economic challenges and realities. As we have indicated elsewhere in our answers to these questions and in other submitted materials, our experience in policing has led us to know that policing does not happen in a vacuum. Instead, it is influenced, shaped, and informed by broader social, cultural, and socioeconomic factors.

The Consent Decree focuses on changing the policies, training, practices, procedures, and oversight of the Baltimore Police Department – all with the goal of establishing a renewed and reset relationship between the police and the communities that it serves. On some issues, such as establishing new ways for the police to interact with individuals experiencing a behavioral crisis, other non-police services will be directly implemented or involved in the reform process. Other issues will reside outside the scope of the Consent Decree. The Monitoring Team's hope is that police reform, and community participation in that reform, will be consistent with change and dynamic community involvement in addressing other areas of Baltimore life that fall beyond the boundaries of police reform and the Consent Decree.

7. Betty Robinson

1. Since we know that the DOJ identified racist practices as a crucial area for the BPD to address, how will you ensure if you are selected as the Consent Decree Monitor that you are taking account the underlying factors of structural racism and white supremacy when evaluating compliance?

Answer: A number of the Consent Decree's reforms are focused on identifying and addressing instances where long-term practices may be perpetuating outcomes that are not consistent with the values of the Baltimore community. For instance, provisions relating to bias-free policing and stops and searches of Baltimore residents necessarily will involve addressing any practices that contribute to the burdens of law enforcement being inequitably distributed. Consequently, dealing with long-term social factors and issues of bias are built into the reform process.

Our team has turned around troubled police departments while reducing crime in other cities – not just a few of us in scattered cities, but nearly all of us in major law enforcement departments nationwide. We know the immense challenges of overcoming some of the long-term, institutional forces that can become entrenched in police departments. We will look forward to partnering with the Baltimore community on solutions for ensuring not just superficial, but long-term, lasting reform.

8. Hilary Hellerbach

Four years ago, a 44 year old healthy unarmed black man named Tyrone West was stopped by police, allegedly for a traffic violation, pulled from his car, beaten, tazed, pepper sprayed, and kicked, by police officers (10 to 15 of them), and then stood on by a 300 lb officer, resulting in his death. The family was not officially notified of his death until after it had been on the news. The family was told early on that there would be no charges filed. A representative of the police department told the family that a request for internal investigation was submitted on their behalf. Baltimore's CRB has no record of having it. The States Attorney's Office never filed charges against any of the officers involved, although there was a recent civil settlement with Mr. West's children. His sister and other's in the family continue to advocate for accountability and have recently even presented additional evidence to the States Attorney's office.

Given this case, how would you change policies to insure that accountability of the officers is addressed, that the CRB receives all requests for investigations of police brutality/misconduct, enabling them to enact disciplinary measures if necessary, and work to make sure that this response and trauma doesn't happen again to another family? What would you do if selected, to hold those officers involved in Mr. West's death accountable now?

Answer: We recognize that Mr. West's death continues to be a source of deep anger and distrust for community residents. However, it is critical that the community understand the role of the monitor as created by the City and the United States. Our responsibilities as monitor directly relate to ensuring implementation of the reforms of the Consent Decree, that is, assessing whether the Baltimore Police is complying with the mandates on Use of Force, Impartial Policing and more than a dozen other specific reforms required by the Department of Justice. As monitor, we are authorized to observe, assess and make recommendations on how the BPD can achieve compliance with the mandated reforms. Like with any individual or entity selected to be the monitor, we will not have legal authority to take specific actions with respect to specific officers.

Our team has emphasized, from the beginning of this process, that accountability is at the heart of the Consent Decree and will be a primary focus of our monitoring. We will work closely with all stakeholders to ensure that civilian oversight of the police is robust, fair, well-defined, and well-functioning.

Where changes to existing policies, procedures, or structures are necessary, our team is well-positioned – having established or overseen reform of similar review boards and civilian oversight mechanisms across the country – to ensure effective and efficient reform. In executing our duties, our team will review Use of Force and Complaint investigations, and will report its findings to the public, making any recommendations that it deems appropriate for improvement to the process and compliance with the Consent Decree.

9. David Cramer

The Loyola team headed by Heather Z. Lyons, Ph.D. of the Department of Psychology, included an approach to organizational development and racial equity that was unique and could enhance the approach proposed by each of the four leading candidates. Furthermore, the BPD is hiring two additional contract staff funded by the Open Society Institute – a Organizational Development Advisor and a Social Justice Equity Advisor. A Monitoring team member who could relate directly with these two staff and enhance their capacity to affect internal BPD change, has the potential for long lasting impact beyond the five-year Consent Decree period and potentially outlast current city and BPD executive leadership.

1. Would you be willing to include Dr Lyons or another member of her team (if they are willing) as part of your team?

Answer: We laud the addition of the two funded contractors to the BPD and welcome the opportunity to work with them as part of the monitorship. In our discussions with BPD, it has become clear that the Department intends to involve them its reforms across functions and throughout the Consent Decree process. We will look for ways to support their efforts.

With respect to Dr. Lyons, we would certainly consider – with the City, Department of Justice, Police Department, and broader Baltimore City Community – adding her or anyone else who might be well-situated to enhance the community’s voice and participation in the reform process. We remain flexible, pragmatic, and committed to incorporating whatever resources to our team that will make reform more comprehensive and effective.

2. In addition, Susan Burke’s team proposed a unique community engagement strategy of hiring local leaders to be part of the team. Would you be willing to adjust your budget to include such a local hiring option?

Answer: Again, our initial proposal has outlined mechanisms – via the Monitoring Team Advisory Board and two Baltimore-resident liaisons – to engage Baltimore’s communities. While this mechanism was a thoughtful attempt to begin the type of outreach necessary to achieve the community participation that is vital to the success of the Consent Decree process, our team remains enthusiastic about implementing approaches or including additional team members that stakeholders believe would enhance the quality and credibility of the reform process. Our team has consistently signaled a willingness to adjust our budget in light of any such changes in personnel or engagement mechanisms. We have also indicated that this willingness to be flexible and pragmatic will continue throughout the monitoring process.

3. Once the final Monitoring team is selected, it is customary to include their proposal as part of the contract they sign with the City by reference. Any additional commitments made in response to questions in writing or verbally at public forums may not be captured in the agreement. Would all of you be willing to incorporate your written and verbal commitments?

Answer: In our experience, the Monitoring Team does not work as a city contractor because the Monitoring Team is an agent of the Court, not the city. Instead, the Court will appoint the Monitoring Team pursuant to understandings about the financial commitments involved. Put another way, we remain committed to being an independent voice – working closely with all stakeholders but beholden to none. If, in Baltimore, some other structure is contemplated, we commit to ensuring full transparency. That being said, we fully intend to honor any commitments that we have made.

10. Jerome Briscoe

His question was for another candidate, not for Exiger.

11. Karis Haslam

1. What is your team's position on current Baltimore City policy that prohibits persons who receive cash settlements in police brutality cases from speaking out publicly – or talking to the media? Note that this policy is currently under challenge by the ACLU.

Answer: We appreciate the transparency and accountability concerns that this issue implicates. While not directly implicated in the provisions of the Consent Decree, our team would want to fully understand this issue, and will do so during the initial 90-day period, as it develops a detailed monitoring plan for the Consent Decree going forward.

2. The complaint types covered under the Civilian Review Board's current statutory authority include: Excessive Force, False Arrest, False Imprisonment, Harassment, Abusive Language. Does your team support statutory revision to include or specifically note that the following complaint types are covered: Failure to investigate when responding to a call, Police theft and/or extortion of citizens/detainees, Planting of evidence by police officers?

Answer: Various provisions of the Consent Decree relate to the role of the Civilian Review Board, some of which will fall in the Monitor's purview and others of which will fall within the purview of the Community Oversight Task Force. The goal of the Consent Decree is to ensure fair, thorough, and objective investigations of possible officer misconduct that are aimed at identifying the truth and setting the basis for remedial or disciplinary action where warranted. We will, as part of the discharge of our duties, be looking at the current complaint process, how the CRB operates vis-à-vis BPD. If it appears that the achievement of compliance with any relevant provision of Consent Decree reforms requires changes in current structure or responsibilities, we will work closely with all stakeholders, including the Baltimore community, to identify real-world solutions that provide such change.

3. Currently approximately 85% of all police misconduct complaints are filed directly with the Baltimore Police Dept. and 15% filed with the Civilian Review Board. The Baltimore Police Department reviews and decides which police misconduct reports are forwarded to the CRB according to their interpretation of whether the complaint falls under the CRB's jurisdiction according to statutory guidelines. Does your team support a transparent process whereby all police misconduct complaints are shared with CRB to verify that reporting is compliant with the Civilian Review Board's statutory jurisdiction?

Answer: Our Monitoring Team has a good deal of experience with setting up, reforming, and strengthening civilian oversight mechanisms. In Baltimore, we will work closely with the CRB and BPD to understand the current jurisdictional practices, explore processes that might strengthen the overall performance and outcomes of the civilian complaint process, and implement necessary reforms. Our team is committed to ensuring that all complaints of possible misconduct are fully, fairly, and thoroughly investigated – regardless of the entity that ultimately is entrusted with investigating them.

4. Four years ago this summer Tyrone West was detained in a traffic stop. A struggle with police officers ensued and thirty minutes later he was dead. No charges have been brought against any of the police officers involved. This is in spite of new evidence uncovered that includes (but is not limited to) an independent medical examiner review that concluded cause of death to be positional asphyxia, and the revelation that no drugs are held in evidence in this case as claimed by Baltimore police. The two plain clothes police officers who initially detained and engaged Tyrone West were involved in the brutal beating of Abdul Salaam less than three weeks earlier. Salaam won a civil suit against these same officers. Will your team recommend that the Baltimore State's Attorney's Office re-open the Tyrone Case in light of new evidence uncovered?

Answer: We recognize that Mr. West's death continues to be a source of deep anger and distrust for community residents. However, it is critical that the community understand the role of the monitor as created by the City and the United States. Our responsibilities as monitor directly relate to ensuring implementation of the reforms of the Consent Decree, that is, assessing whether the BPD is complying with the mandates on Use of Force, Impartial Policing and more than a dozen other specific reforms required by the Department of Justice. As monitor, we are authorized to observe, assess and make recommendations on how the BPD can achieve compliance with the mandated reforms. As would any individual or entity selected to be the monitor, we will not have legal authority to take specific actions with respect to specific officers.

12. Kim Trueheart

1. One of the reforms noted in the Consent Decree is a Staffing Study to ensure a sufficient number of officers and supervisors. The BPD is promoting itself as the 8th largest department in the nation. If the results of the staffing study conclude that the department is overmanned, will the monitor ensure the department is right-sized according to the study results?

Answer: The Monitoring Team is committed to pursuing evidence-based approaches informed by best practices and knowledge of what has worked and not worked for communities facing similar challenges across the country. This approach extends to issues related to staffing, which will evaluate not merely how many officers and supervisors BPD currently employs but, importantly, how the department is using existing resources. In many departments, the issue is not necessarily limited to whether there are too many or too few employees but, rather, whether existing employees are doing the kind of work and community problem-solving that is necessary to ensure policing consistent with the values of the community. If adjustments are needed to BPD's overall staffing and/or day-to-day deployment, we will, in our technical assistance capacity, work with stakeholders to determine what those adjustments might be.

2. One of the systemic violations noted in the DOJ Findings Report states that BPD Officers have engaged in “Retaliation against people engaging in constitutionally protected expression”.

a. This practice continues today as exemplified by the overwhelming presence of BPD officers at a city council public hearing on July 11, 2017 on a proposed city ordinance imposing a mandatory minimum sentence for carrying an illegal handgun. It appears that the political officials who sponsored the public hearing requested this heavy police presence to restrict constitutionally protected expression. The morning of the hearing, citizens were greeted by officers who formed a gauntlet-like formation on the sidewalk entrance to city hall; lined the hallway on the 4th floor outside the council chambers as well as numerous officers were posted inside the chambers, which all appeared as a clear attempt to intimidate citizens attending the council hearing and engaging in their constitutionally protected right to express themselves. Will the monitor address this violation which does not yet appear to have a solution identified in the reforms being undertaken by BPD?

Answer:

If, as this question suggests, this particular situation is not addressed as part of the reforms mandated by the Consent Decree, any monitor will not have the legal authority to address it. Our responsibilities as monitor directly relate to the provisions of the Consent Decree, i.e. assessing whether the Baltimore Police is complying with the mandates on Use of Force, Impartial Policing and more than a dozen other specific reforms required by the Department of Justice. As monitor, we are authorized to observe, assess, provide in-depth technical assistance, facilitate progress, and make recommendations on how the BPD can achieve compliance with the mandated reforms. All that said, to the extent that a complaint is filed relative to the situation described, it will be within the mandate of the Monitor to assess whether that complaint has been fully and fairly investigated.

13. Keesha Ha

1. Explain your process for the selection and role of Law Enforcement personnel chosen to participate on your team.

Answer: We have enlisted the participation of law enforcement professionals with a proven track record of turning around troubled police departments while reducing crime. The law enforcement personnel on our team have successfully implemented community policing initiatives, advanced constitutional policing, and built greater community trust. A number were hand-selected by President Obama to serve on his blue-ribbon commission, the Task Force on 21st Century Policing, convened to provide a blueprint for police reform nationally in the wake of the unrest in Ferguson, Missouri. Commissioner Ramsey, Chief Davis, Chief O’Toole, Chief Aden, Chief Villaseñor, Chief Turner, and Deputy Commissioner Joyce have all been national leaders on police reform and know, having successfully achieved it in other places, that effective policing is constitutional policing.

2. In what ways have the recent disclosures by defense attorneys of a seemingly pattern and practice within the BPD that encourages the manipulation of evidence to the detriment of innocent citizens and subsequent criminal case dismissals affect your approach to the monitoring process as it relates specifically to the BPD?

Answer: Our team is aware of the issues with respect to the handling of evidence that have arisen in Baltimore recently. To us, these disclosures emphasize the importance of supervision to the Consent Decree process – ensuring that first-line supervisors are both empowered and held accountable in their own right for overseeing the day-to-day performance of the officers under their command. Our team clearly recognizes that front-line supervisors – police sergeants – are the most important position in a police department. Our monitoring approach will emphasize training and professional development for supervisors so that they can be the lynchpin of reform and a transformed culture of accountability within BPD.

3. Reflecting upon your experience on statutory regulations involving the Law Enforcement Bill of Rights (LEOBR), in what ways are you prepared to overcome obstacles that afford officers protections?

Answer: At the outset of this process, our team identified the challenges presented by Maryland's LEOBR and the collective bargaining agreement between the FOP and the City. Many of our team members have dealt with this issue before, both in the context of leading departments in jurisdictions across the country with similar statutory provisions, and in the context of monitorships, where departments monitored by team members had such provisions. In the vast majority of these situations, protocols were developed, with police union involvement, that allowed the essence of reforms, thought to be impeded, to nonetheless take place. We will work with all stakeholders in Baltimore to do the same.

In any event, while it is not within the purview of the monitor to conduct legislative advocacy or to identify ways in which the Parties can circumvent state law, to the extent that Maryland's LEOBR impedes constitutional policing or interferes with the efficient implementation of the Consent Decree, we will identify for the Court and the Parties specifically how it does so.

It is likely that the area of internal investigations and the disciplinary system, which the City, the Department and the FOP have all acknowledged is broken, will be a primary area of the Consent Decree potentially impacted. Using the depth of experience that our team members have on all sides of these issues, we are prepared to work with the Court and the Parties to ensure that members of the BPD, and the public they serve, have the reform that is being sought, including a credible complaint and investigation process that provides them with confidence in both process and disposition.

We clearly recognize how important this issue is to overall reform. In its report, the President's Task Force for 21st Century Community Policing, co-chaired by our proposed Deputy Monitor, Charles Ramsey with participation of five additional members of the team, noted the following in its final recommendations:

"There are both internal and external aspects to procedural justice in policing agencies. Internal procedural justice refers to practices within an agency and the relationships officers have with their colleagues and leaders. Research on internal procedural justice tells us that officers who feel respected by their supervisors and peers are more likely to accept departmental policies, understand decisions, and comply with them voluntarily."¹

[1] Nicole Haas et al., "Explaining Officer Compliance: The Importance of Procedural Justice and Trust inside a Police Organization," *Criminology and Criminal Justice* (January 2015), doi: 10.1177/1748895814566288; COPS Office, "Comprehensive Law Enforcement Review: Procedural Justice and Legitimacy," accessed February 28, 2015, <http://www.cops.usdoj.gov/pdf/taskforce/Procedural-Justice-and-Legitimacy-LE-Review-Summary.pdf>.

It follows that officers who feel respected by their organizations are more likely to bring this respect into their interactions with the people they serve."

In short, our team will be heavily engaged with the community, the department, and the union to develop a system that provides internal procedural justice for officers and procedural justice for citizens that is efficient, timely and transparent.

4. Under the assumption that that a monitoring teams' lead monitor(s) reflects an overall philosophy/approach in addressing the process specific to the needs of Baltimore, what does your selection reveal about your insight into the uniqueness of the challenges Baltimore faces that lead to the creation of the need for a Consent Decree?

Answer: Our team's selection of Jeff Schlanger and Commissioner Chuck Ramsey as Primary Monitor and Deputy Monitor, respectively, reflect our conclusion that the Baltimore community needs a monitoring team that has successfully turned around troubled police departments while reducing crime – so that change in Baltimore is faster, more effective, and long-lasting. Given the significant scope of the reforms that BPD must implement and the history of the Baltimore community with respect to the police, Baltimore needs and deserves a team that has successfully tackled the same challenges, wherever those individuals come from and wherever those other experiences may have been. We believe that Baltimore needs a team that already knows the difference between what sounds good or looks good on paper and what real reform that people actually see on the streets looks like.

To this end, Mr. Schlanger monitored the federal Consent Decree of the Los Angeles Police Department (LAPD). A Harvard University study certified that the decree dramatically reduced use of force while significantly enhancing community trust and confidence – with 83% of LA residents at the end of the reform process saying that the LAPD does either a good or excellent job. These outcomes were reached even as crime decreased over time. Commissioner Ramsey has led reform in two police departments – asking the Department of Justice to come in and help him reform the police in Washington, D.C. and Philadelphia. In both jurisdictions, unconstitutional policing and crime decreased while community confidence increased.

5. In what capacity do you see the 1. The office of public defenders and 2. And States Attorney's Office in assisting the monitoring of the Consent Decree?

Answer: The Consent Decree process will be most effective if all community stakeholders are at the table and participating in the hard work of reform. On issues such as internal affairs investigations, use of force, search and seizure, it has been useful in other jurisdictions to have representatives of the public defenders' office and the State's Attorney's Office collaborating in the Consent Decree process. Our team will hope to establish ongoing relationships with these and others so that all elements of the community can participate directly in the formation of a new, shared vision of policing in Cleveland.

14. Marilyn Howard

1. I am requesting the forum to include a discussion on "Persistent Surveillance Systems" an arm of Baltimore City Police Department that violates Baltimore City citizens and other residents 1st Amendment rights conducting (24) surveillance by videotaping, audiotaping and monitoring citizens movements into other jurisdictions throughout state of Maryland including DC and Virginia. Police have been allowed to continue to violate citizens' rights under this program by keeping program secret using, National Security as a crutch which is bogus. The program has already been exposed by numerous of news station's, newspapers and lawmakers during the Freddie Gray police murder case. So police cannot use National Security or State Secrecy when this program has been exposed as unconstitutional.

Answer: Issues related to First Amendment rights are directly implicated by the Consent Decree. Our Monitoring Team has civilians and law enforcement professionals who have worked on these issues in other jurisdictions – and sought to ensure that individuals can express their First Amendment rights while remaining safe.

15. Mary Jane Oelke

1. I have reported police misconduct of Baltimore COUNTY police to DOJ and FBI with no response or investigation or results of any kind. With a history as riddled with questionable incidents and procedures (ignoring rape kits for example, also the death of Korrin Gaines and Christopher Brown and others I could name and the robbery of evidence against a police officer from a secret IA location known only by fellow officers, etc, etc.) I ask why there is not a DOJ restructuring and investigation into COUNTY police misconduct and violation of due process engaged in by COUNTY police. I am relieved to see Baltimore City police finally scrutinized, but the violations of citizens rights by misguided police departments crosses the county line and you need these same hearings out in the county and finally allow community input from witnesses in Baltimore County as well as the city. WHEN WILL THIS HAPPEN? That is my question.

Answer: The Consent Decree addresses the Baltimore Police Department, and any monitoring team's authority focuses solely on BPD. An important element of our community outreach will be on working closely with community members and organizations to recognize the scope and limits of the Monitoring Team's authority and of the Consent Decree process. Nevertheless, in our experience, we have found that a community-focused reform process can lead to changes among nearby or adjacent law enforcement departments not bound by the Consent Decree – because they see the value and positive outcomes of implementing reforms in real time.

16. Stan Becker (professor, Johns Hopkins)

1. In a rigorous statistical analyses of crime rates in 31 jurisdictions where DOJ has had Consent Decrees, Rushin and Edwards (2017) found significant increases in property crimes and violent crime in the period 0-3 years after the Consent Decree settlement. Subsequently (after year 3) there was a decline so rates were not significantly different from those in comparison jurisdictions. Baltimore seems no exception with a record number of homicides so far this year. To what do you attribute these increases post Consent Decree and how do you think your monitoring will help bring down crime rates as fast as possible? (Rushin, S and Edwards, G. 2017. De-Policing. Cornell Law Review 102)

Answer: It is hard for us to identify one factor, or one set of factors, that might contribute to crime trends in the context of a Consent Decree. Mindful, however, that de-policing certainly is one potential explanation, we believe that the police department, city, and monitoring team must do much more than has been done in some other Consent Decree efforts to ensure that rank-and-file police officers have a clear understanding of what reform is and what reform is not. Speculation and rumor can run rampant in police departments and might have negative effects on police officer performance if not grounded in facts. Accordingly, we will work closely with police officers, their unions, command staff, and the city on a formal education program and informal relationship-building opportunities to ensure that officers know what to expect under reform – and know that the goal of reform is constitutional policing that keeps them and the community safe while decreasing crime.

More generally, our team knows that constitutional policing is effective policing – and that communities that have greater trust in the police will partner more closely with police to address community problems and help the police solve crime. We have assembled a team that has done Consent Decree work in other jurisdictions precisely so that Baltimore can benefit from people who already know where to look, what to scrutinize, and what is possible within a police department and reform process. Because our experience will make reform quicker, more effective, and more efficient, our hope is that the effects on crime will be felt across the streets of Baltimore that much more quickly.

17. Yvette Muhammad

1. What makes your team so special for us to trust? Your team consist of who & were any pick from the Community? How does one become a part of the team? I certainly would like to be part of the team if it hasn't already been picked? (Will be there August 15th.)

Answer: As other of our answers here outline, and our previously submitted materials demonstrate, we are flexible and pragmatic when it comes to ways of ensuring maximum community participation in the reform effort and on our monitoring team – and will remain so throughout the Consent Decree process. However, even to the extent that not all community residents might be able to participate in a formal role in monitoring, our effort will rely on the direct participation of community residents and organizations from across Baltimore City. All Baltimore residents will be able to participate as much and as substantively as they are willing as the hard work of reform progresses.