

**RESPONSE TO THE PARTIES' REQUEST FOR
ADDITIONAL INFORMATION**

Submitted by Proposed Monitoring Team

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David Rudovsky

Saul A. Green

Joseph Brann

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Michael Davis

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Dr. Bernard Melekian

Dr. Greg Ridgeway

Keith Rohman

Joseph Vince

1. Project Management: Our Team agrees that cost-effective and efficient project management is the key to successful implementation of the Consent Decree. In the event our Team is selected, Susan L. Burke, the proposed Monitor, will be the primary person responsible for the implementation of the Team's duties. Ms. Burke has been clearing her litigation schedule in order to be able to devote the majority of her time to this effort. She anticipates no significant demands on her time, except for two oral arguments, one at the Third Circuit on September 28, 2017, and one at the Fourth Circuit that has not yet been scheduled.

In order to ensure that the costs associated with the time-consuming project management tasks do not become a factor, our Team's budget caps compensation for Ms. Burke at \$250,000. That budgeting approach will allow Ms. Burke to spend significant time (at least 1600 hours as budgeted, but likely approximately more than 2000 hours per year, at least in the first few years) engaged daily in the many different aspects of the Consent Decree implementation, including project management, report drafting, court appearances, team discussions, attending community and police meetings, interviewing and other fact-finding, training and overseeing Community Staff, and ensuring the efficient use of the time of other expert team members.

Ms. Burke's prior experiences make her well suited to this project management role. She has served as lead counsel for various complex litigation matters being handled by virtual teams of lawyers and experts (including lawyers working for non-profits) located across the United States. Several of these matters involved foreign plaintiffs, which required frequent and expensive travel to Jordan and Turkey. Through her work heading up and financing these matters, Ms. Burke has developed the skill set needed to

manage the Consent Decree implementation in an efficient and cost-effective manner, which will serve the parties' interest in timely implementation. Ms. Burke also has extensive experience overseeing settlement implementations, both in the public context (involving the receivership of the District of Columbia's mental health care system) and private context (such as supervising the environmental clean up of two beaches in Dominican Republic as part of the settlement agreement).

Ms. Burke will be relying on the two Baltimore-based community liaisons, Joanne Stanton and Terrell Boston Smith, to help interview, hire, manage and train the Community Staff. Both are located in Baltimore, and have worked effectively and well within the State's Attorneys office (Stanton) and the Attorney General's office (Boston Smith). After the Community Staff are brought on board, they will be able to assist with certain routine logistical tasks, such as answering telephone calls, scheduling meetings and interviews, searching the internet for low-cost travel for the visits from the experts on the team, and assisting with the logistics of site visits.

Our Team does not anticipate many differences of opinion, as the persons invited to join the Team all share the same philosophy on the value of, and need for, community policing. This is the same approach that pervades the Consent Decree, and thus our Team is a good fit. To the extent there may appear to be initial differences of opinion, the persons holding competing views will, with assistance from Ms. Burke, draft a written memorandum laying out the relevant facts and summarizing the reasoning behind the conclusion. This memorandum will be circulated to the entire team to ensure that all team members are fully informed and have time to reflect prior to discussion. As a practical matter, the task of writing such memorandum often narrows the scope of any

differences. After everyone has had an opportunity to fully inform himself or herself – including making any one-to-one telephone calls to each other that any team member deems useful – the Team will convene a conference call and talk through the reasoning behind the diverse opinions. In the event the topic remains unresolved after the Team conference call, depending upon the topic, we may convene an in-person Team meeting to discuss. This discussion will continue until a resolution acceptable to all is reached. In the very unlikely event that a resolution is not reached after extensive and exhaustive consultation, each party with a non-majority view will be asked to memorialize his or her opinion in writing. Thereafter, at the next appropriate juncture, Ms. Burke will present the majority view as well as the other views to the Court to allow the Court to benefit from the expertise of all involved. Reasonable and expert minds may differ at times, and the Team believes it should not obscure such professional differences from the final decision-maker, the Court.

Susan Burke will serve as the primary point of contact for the Court, with assistance from David Rudovsky and Saul Green. All three persons are experienced lawyers who have handled consent decree or receivership matters, and who have extensive federal court experience. For further information about their backgrounds, please see pages 7-12 and Exhibit A of the Burke Team’s Response to the Request for Monitor Applications (hereinafter “Initial Response”).

2. Community Accountability: Please see pages 5-6, 13-16, 28-29, 52-54, 94-96 of the Initial Response for a general description of the plans to engage with and build legitimacy among the diverse communities of Baltimore. In addition, please find

attached as Exhibit A the Burke Team's written responses to questions posed by certain community organizations.

The following sets forth additional details in response to the Request for Additional Information, and should be read in conjunction with the Initial Response.

(a) How will you ensure that your community engagement efforts are inclusive of Baltimore's diverse communities?

Our Team consciously opted to create a very open-ended structure that does not select "winners" amongst the various community groups, and instead invites and empowers all individuals and community groups to become involved on an ongoing basis through the community coalition meeting held every other week. In addition, we are wedded to making special effort to reach out and include individuals and communities who confront language or cultural barriers that may otherwise decrease participation. We intend to rely on volunteer translators, as we have already found a great amount of willingness to assist in these outreach efforts. (If we cannot find volunteer translators, we will use some of the outreach budget for translators.)

In addition, as you know, Baltimore Police Department's ("BPD") committed to develop micro-community policing plans to reflect particular community enforcements priorities. *Consent Decree ¶ 19 (h)*. As part of the monitoring effort to review those plans, we will be speaking extensively with members of the micro-communities about whether those policing plans meet the needs.

(b) Who are the specific team members responsible for undertaking the actions?

Our Baltimore residents (Burke, Stanton, Boston Smith and the five Community Staff) will be primarily responsible for the community outreach on a day-to-day basis.

However, because we will be convening such frequent meetings, we will be including any of our experts who are in town in the community outreach process. We will also be calling upon the expertise of the entire Team to assess the efficacy of the micro-community policing plans, as our Team members have extensive experience overseeing other police departments' efforts to develop effective community policing plans that include all communities, not merely majority communities.

(c) What are the anticipated hours each team member will spend conducting these actions, and for how many of those hours will each team member be physically present in the City of Baltimore?

Boston Smith is budgeted for 500 hours, all of which will be devoted to community engagement. He will be physically present in the City for all of those hours.

The Community Staff (five persons) are budgeted for a total of 9000 hours, with approximately 5000 of those hours devoted to community engagement, including conducting the community surveys. They will be physically present in the City for all of those hours. Stanton is budgeted for 200 hours, and will primarily be focused on ensuring full communication and coordination with the BPD, but will also be devoting some of those hours to community engagement and substantive technical issues (discussed below). She will be physically present in the City for all of those hours.

Burke is budgeted for a minimum of 1600 hours, with a capped compensation allowing the hours to far exceed that amount without any additional cost. Burke anticipates devoting approximately 800 hours to community engagement efforts. She will be physically present in the City for all of those hours.

Of the other experts, we anticipate approximately 100-150 hours of additional time spent participating in community outreach when they are physically in Baltimore,

and some additional amount (approximately 15-20 hours) devoted to Team discussions on lessons learned from community engagement efforts in other cities and the drafts of BPD's micro-community policing plans. They will be physically present in the City for approximately 100-150 hours.

(d) How will community feedback be documented and incorporated into monitoring activities?

The Team believes that written memoranda are a critical tool to ensuring precision and clarity of thought for all of the work done by the Team. Thus, each community meeting and each community interaction will be memorialized in a memorandum to the file.

With respect to individual interviews of community members, the Team member will reach an understanding at the outset of the interview with respect to confidentiality. If the community member requests confidentiality, the memorandum to the file will identify the person only by a number. The proposed Monitor and Deputy Monitor will maintain the identities documents, which will be provided to the Court en camera if necessary.

When the Team drafts reports to the Court, they will rely upon the contemporaneous memoranda to the file as the source of information about community views. In some circumstances, the Team may decide to append one or more memoranda to provide the Court additional context.

(e) What portion of your budget will be dedicated to community engagement?

Approximately 40 percent of the budget is devoted to community engagement. More specifically, the first-year budget allocates \$435,600 for community engagement if

that term is deemed to include the compensation and expenses related to the five yet-to-be-hired community staff (3 youths and 2 formerly-incarcerateds), and the two community liaisons (Stanton and Boston Smith). The figure would be substantially higher if calculated to include the hours spent by Burke, which would add \$220,000 to the total. And if we use \$150 per hour for 150, we would add another \$22,500, which likely will understate the value of the time spent by the other professionals.

The full budget is found at pages 87 to 91 of the Initial Response.

(f) If you plan to add any additional team members to conduct these activities, please identify the process and criteria for retaining these persons, including any involvement by the Parties or the Court.

We plan to hire five Community Staff. As explained in the Initial Response at pages 28-29, we have developed specific eligibility criteria. We would welcome participation by the Parties in this hiring effort. The Parties are invited to participate in the interviewing and selection process. Unless the Parties wanted to bring the hiring decisions to the Court for review, we would not anticipate seeking Court approval on the selections, although we would, of course, anticipate keeping the Court informed of the decisions, as the reporting to the Court will be thorough and describe all actions undertaken by the Monitoring Team.

3. Technical Assistance: The Team's Initial Response provides the information sought by this question at pages 6-29, and 35-66. The following summarizes – by name, alphabetically – the information set forth at greater length in the Initial Response, and provides estimates of the amount of time that will be spent in Baltimore. As noted in the Initial Response, we may revise and update the budget and statement of work between

Year One and Year Two depending upon potential additional availability of Saul Green and Joseph Brann.

For convenience, as the summary below refers to the training topics by group, the Initial Response's grouping of training topics is reproduced in full below.

TRAINING GROUP A – COMMUNITY POLICING

In Service Community Policing; Police-Community Interactions; Stop, Search, Arrest; Fair and Impartial; Youth; and Transportation of Persons in Custody

TRAINING GROUP B - CRISIS AND SEXUAL ASSAULT

Specialized Crisis Intervention; Crisis Intervention Training, Paragraph 112; Crisis Intervention Training, Paragraph 113; Crisis Intervention Coordinator Training; and Sexual Assault Investigations Training

TRAINING GROUP C – USE OF FORCE

Use of Force; Use of Force In-Service Training; and Use of Force SIRT Training

TRAINING GROUP D – ACCOUNTABILITY

Performance Review Board Training; Supervision Training Plan; Field Training Officer Program Plan; Supervisor Training; Early Intervention Training; Misconduct Investigations and Discipline Training, Paragraphs 409-411; Misconduct Investigations and Discipline Training, Paragraph 412; Misconduct Investigations and Discipline In-Service Training, Paragraph 414; and Misconduct Investigations and Discipline Policy Training, Paragraph 415

TRAINING GROUP E – SELECTION OF INSTRUCTORS

Selection of Instructors

SUMMARY

Joseph Brann

Policy: (1) stops, searches, arrests; voluntarily police community interactions (Consent Decree ¶ 29); (2) use of force (Consent Decree ¶¶ 123-217) (3) transportation of persons in custody (Consent Decree ¶¶ 222-238); and First Amendment (Consent Decree ¶¶ 239-256).

Training: Groups C, D and E Topics

Implementation: use of force, First Amendment, accountability

Total hours budgeted: 100 hours

Baltimore hours: Very limited, likely only two or three trips to the City

Susan Burke

Data review

Policy: (1) behavioral health and crisis (Consent Decree ¶¶ 96-122); (2) interactions with youth (Consent Decree ¶¶ 218-221); and (3) sexual assaults (Consent Decree ¶¶ 257-266).

Training: Groups B, D and E

Implementation issues: response times; unlawful arrests; use of force; search, frisk, strip search; behavioral health and crisis; demographic review; youth; First Amendment; sexual assault; supervision; and accountability

Total hours budgeted: At least 1600, no cap on hours because compensation capped

Baltimore hours: 100 %

Michael Davis

Training: Groups A, C, D and E Topics

Implementation: response times; unlawful arrests; use of force; stops and detentions; search, frisk, strip search; behavioral health and crisis; transportation of persons in custody; and accountability

Total hours budgeted: 200

Baltimore hours: Approximately 50%

Saul Green

Policy: (1) stops, searches, arrests, voluntarily police community interactions (Consent Decree ¶¶29); (2) behavioral health and crisis (Consent Decree¶¶ 96-122); (3) use of force (Consent Decree ¶¶ 123-217); (4) interactions with youth (Consent Decree ¶¶218-221); (5) transportation of persons in custody (Consent Decree ¶¶ 222-238); (6) First Amendment (Consent Decree ¶¶ 239-256); and (6) sexual assaults (Consent Decree ¶¶ 257-266)

Training: Groups D and E Topics

Implementation: Sexual assault; supervision; and accountability

Total hours budgeted: 80

Baltimore hours: Approximately 25%

Laura Goodman

Area of consent decree: Policy regarding sexual assaults (Consent Decree ¶¶ 257-266)

Training: Groups B and C Topics

Implementation: response times; unlawful arrests; use of force; stops and detention; search, frisk, strip search; First Amendment; and sexual assaults

Total hours budgeted: 200

Baltimore hours: Approximately 50%

Dr. Bernard Melekian

Policy: (1) stops, searches, arrests, voluntarily police community interactions (Consent Decree ¶¶29); (2) behavioral health and crisis (Consent Decree¶¶ 96-122); (3) use of force (Consent Decree ¶¶ 123-217); (4) interactions with youth (Consent Decree ¶¶218-221); (5) transportation of persons in custody (Consent Decree ¶¶ 222-238); and (6) First Amendment (Consent Decree ¶¶ 239-256)

Training: Groups A, B, C, D and E Topics

Implementation: unlawful arrests; use of force; search, frisk, strip search; demographic review; First Amendment; accountability

Total hours budgeted: 150

Baltimore hours: Approximately 25%

Dr. Greg Ridgeway

Data review

Training: Groups A, B and C Topics

Implementation: community survey; response times; unlawful arrests; stops and detentions; stops and detentions; demographic review; behavioral health and crisis; sexual assaults; transportation of persons in custody; and supervision

Total hours budgeted: 300

Baltimore hours: approximately 75%

Keith Rohman

Training: Group B and E Topics

Implementation: unlawful arrests; use of force; stops and detentions; behavioral health and crisis; youth; First Amendment; sexual assaults; transportation of persons in custody; supervision and accountability

Total hours budgeted: 180 hours

Baltimore hours: approximately 75 %

David Rudovsky

Policy: (1) stops, searches, arrests, voluntarily police community interactions (Consent Decree ¶¶29); (2) behavioral health and crisis (Consent Decree ¶¶96-122); (3) use of force (Consent Decree ¶¶ 123-217); (4) interactions with youth (Consent Decree ¶¶218-221); (4) transportation of persons in custody (Consent Decree ¶¶ 222-238); (5) First Amendment (Consent Decree ¶¶ 239-256); and sexual assaults (Consent Decree ¶¶ 257-266)

Training: Groups A, C, D and E Topics

Implementation: use of force; stops and detentions; demographic review; youth; First Amendment; sexual assaults; supervision and accountability

Total hours budgeted: 300

Baltimore hours: Approximately 90 %; planning to spend one day per week in City

Joanne Stanton

Training: Group B Topics

Implementation: response times; youth

Total hours budgeted: 200

Baltimore hours: 100%

Joseph Vince

Training: Groups A, C and D Topics

Implementation: stops and detentions; search, frisk, strip search; demographic review;

First Amendment; transportation of persons in custody

Total hours budgeted: 150

Baltimore hours: Approximately 75 %

