

# **RESPONSE TO THE REQUEST FOR MONITOR APPLICATIONS**

Submitted by Proposed Monitoring Team

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## **I. EXECUTIVE SUMMARY (RFA ¶ 32)**

Our proposed Monitoring Team includes twelve professionals (a Monitor, a Deputy Monitor, two Senior Advisors, two Liaisons, six Experts). Four of the twelve professionals are African-American; three are female. Three of the professionals – including proposed Monitor Susan L. Burke – reside in Baltimore City. Each of the professionals brings substantial relevant expertise to the Monitoring Team. Our team includes four lawyers (Burke, Rudovsky, Green and Stanton), each with decades of relevant experience; five persons who were or are law enforcement professionals (Brann, Melekian, Goodman, Davis and Vince); and two additional professionals, one (Ridgeway) expert in policing statistics and data, and another (Rohman) expert in investigative techniques. Our proposal contemplates a Baltimore-led effort with national expertise being used in cost-effective manner.

In addition, our proposal includes a novel feature: if our Team is selected, we will hire a Community Staff consisting of three youths and two formerly-incarcerateds. As more fully explained in Section II, the Community Staff will be compensated at a rate of \$16 per hour plus health insurance for 1800 hours per year for the full term of the Monitoring. Only Baltimore City residents who have completed high school in a Baltimore City public high school and who reside in economically-disadvantaged neighborhoods will be eligible to compete for the three Youth positions. Only Baltimore City residents who were incarcerated for more than one year and who have completed a re-entry program such as Turn Around Tuesday or the like will be eligible for the formerly-incarcerated positions. This five-person Community Staff will assist the

Monitoring Team with many necessary tasks, such as data entry, reviewing and indexing body-worn camera footage, and conducting door-to-door canvasses in connection with the required community surveys.

As explained in Section V.B, our Proposal also recognizes the critical nature of community participation by creating and funding a Community Coalition that is open to all individuals and organizations dedicated to reform of the Baltimore Police Department (“BPD”). We budgeted \$150,000 per year for projects designed and implemented by the Community Coalition, as well as \$ \$15,600 year in stipends for leadership selected by the Coalition itself.

Overall, as explained in Section V, our proposed budget provides 12,960 hours of service per year for \$893,000 in year one, and 12,990 hours of service per year for \$905,000 for the following years. Taken as a whole, our proposed budget saves the City of Baltimore \$1.392 million when measured against the contemplated \$7.285 million budget.

## **II. TEAM MEMBERS (RFA ¶¶ 34-36)**

This Section responds to RFA ¶¶ 34-36. As outlined below, the proposed Monitoring Team includes a Monitor, a Deputy Monitor, two Senior Advisors, two Liaisons, six Experts, and a Community Staff of five persons (three youths and two formerly-incarcerateds).

Section A summarizes the relevant qualifications and discloses conflicts of each member of the Monitoring Team. RFA ¶¶ 34 (a), 35, 36 and 39. Additional biographies are appended as Exhibit A.

Section B explains the role each member will play, and identifies the other present time commitments for each member. RFA ¶¶ 34 (a) – (d).

Section C identifies the team members with status as women-owned and minority-owned businesses, and discloses any potential conflicts of interest not disclosed in the Qualifications subsection. RFA ¶¶ 34 (e) and 39 - 42.

**A. QUALIFICATIONS (RFA ¶¶ 34 (a), 35, 36 and 39)**

***MONITOR***

**Susan L. Burke**

Law Offices of Susan L. Burke

Susan L. Burke is an experienced litigator with 30 years of experience in federal class and complex litigation. She specializes in federal class action and mass tort lawsuits to reform and hold accountable both governmental and private systems and organizations. Named one of the top 75 female attorneys in the nation by the National Law Journal, Ms. Burke brings a wealth of relevant experience to the Monitoring Team.

Ms. Burke, a Baltimore City resident, successfully negotiated and resolved several complex matters arising from institutional misuse of force. In lawsuits arising from torture by American military and defense contractors at Abu Ghraib prison, Iraq, Ms. Burke and her team conducted a lengthy investigation, and thereafter worked with defense counsel Williams & Connelly to develop and implement a compensation scheme for hundreds of Iraqis. Ms. Burke also negotiated a successful resolution with Blackwater on behalf of those Iraqis who were injured or whose family members were killed by Blackwater employees at Nissor Square or elsewhere in Iraq. Ms. Burke also negotiated with governmental officials to resolve a dispute arising from prison officials'

use of excessive force against prisoners in Pennsylvania. These matters are comparable to this case because resolution required comprehensive investigations into misuse of force, assessing the actions of armed and uniformed officials against the controlling law, and investigating the content and efficacy of the controlling policies and procedures.

Ms. Burke also led a nationwide effort to develop a consensus around reforming the manner in which the United States military investigated and prosecuted rape and sexual assault. This effort is documented in an Academy-award nominated film called “The Invisible War.” These reform efforts remain ongoing, and Congress has passed legislation modifying the Uniform Code of Military Justice to eliminate a commander’s right to overturn jury decisions, and to create victim protections during the adjudication process.

Ms. Burke has broad experience in managing complex litigation, and in supervising a team of lawyers, investigators and others in the course of the litigation. For example, Ms. Burke serves as lead MDL counsel in the KBR Burn Pit MDL, pending before Judge Titus in federal court in Greenbelt, Maryland. In that case, Ms. Burke and her co-counsel represent military personnel harmed by Halliburton/KBR’s misconduct in Iraq and Afghanistan.

In litigation involving non-governmental corporate wrongdoing, Ms. Burke served as counsel to a Trust created to administer a settlement paid by Wyeth in connection with harms caused by a diet drug. There, Ms. Burke and her colleagues investigated the unexpectedly large numbers of claims being submitted, and discovered that certain attorneys and physicians had colluded and submitted false claims supported by altered EKGs. The investigation, which led to the filing of RICO actions as well as



criminal prosecutions, involved many of the skills that will be necessary for successful monitoring of this Consent Decree.

During her tenure with Covington & Burling, Ms. Burke served as class counsel for mentally ill of the District of Columbia in the long-running *Dixon et al. v. Williams* lawsuit. Prior to Ms. Burke's involvement, the lawsuit had resulted in the District's mental health system being placed into Receivership due to persistent failures to treat the mentally ill in the least restrictive environments. In her role, Ms. Burke worked directly with the community of mental health care consumers, as well as the provider community, to develop consensus around the scope and content of needed governmental reforms. She also worked closely with the Receiver for the system, and drafted and presented reports to the Court.

Finally, and of special significance for this application, Ms. Burke has been involved in police reform in her non-professional capacity as a resident of Baltimore City. She serves on the Board of a community group called No Boundaries, which has been working with the Baltimore Police Department to improve public safety in Central West Baltimore. Recognizing the importance of community involvement, Ms. Burke and Baltimore resident Ray Kelly formed a West Baltimore Community Commission that empowered Central West Baltimore residents to engage directly with the reform process.

In addition to being named as one of the nation's top 75 female lawyers by National Law Journal, Ms. Burke has received substantial public recognition her efforts, including the Social Action Award by National Council of Jewish Women and the Abby J. Leibman Pursuit of Justice Award. Additional information regarding Ms. Burke's publications, speeches, media appearances and various honors is appended as Exhibit A.

Ms. Burke's background contains experience relevant to all of the RFA factors except portions of (p), working with municipal budgets. *See* RFA ¶¶ 26 (a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(k)(l)(m)(n)(o)(q) and (r). As to budgeting generally, however, Ms. Burke has extensive experience. For example, she served as in-house counsel for a Fortune 500 company, and had to oversee and manage a sizeable legal budget.

#### ***DEPUTY MONITOR***

**David Rudovsky**  
**Kairys, Rudovsky, Messing & Feinberg, LLP,**

David Rudovsky, a professor at the University of Pennsylvania Law School, is a national authority on policing issues. Professor Rudovsky has authored the leading treatise in the field, *Police Misconduct: Law and Litigation*. He teaches Criminal Law, Evidence and Constitutional Criminal Procedures. He has a wealth of practical knowledge regarding the effective implementation of consent decrees, as he has been closely involved in the consent decrees regarding the Philadelphia Police Department. Most recently, he represents the plaintiffs in the *Bailey* litigation, and has filed a series of reports on consent decree implementation.

Mr. Rudovsky has been awarded the MacArthur "Genius Award" for his accomplishments in the field of civil rights and criminal justice. He has also received a litany of other awards for teaching excellence and public service. Additional information about Mr. Rudovsky's many honors and accomplished is included in Exhibit A.

Mr. Rudovsky's background contains experience relevant to all of the RFA factors except (d), local Baltimore experience. *See* RFA ¶¶ 26 (a)(b)(c)(e)(f)(g)(h)(i)(j)(k)(l)(m)(n)(o)(p) and (q).

### ***SENIOR ADVISORS***

The two Senior Advisors, Saul A. Green and Joseph Brann, have significant subject matter experience and expertise in monitoring. Due to other present obligations, they lack the availability of significant time to participate on site, but their willingness to provide advice on an as-needed basis will assist in ensuring a cost-effective and efficient implementation of the Consent Decree. In addition, as their current obligations wind down, they are able to provide additional services in years two through five.

#### **Saul A. Green Miller Canfield**

Saul A. Green is Of Counsel and a member of Miller, Canfield, Paddock and Stone's Criminal Defense Group, and Litigation and Dispute Resolution Practice Group, with a specialty in alternative dispute resolution, and high profile litigation. He brings a wealth of relevant experience to the Monitoring Team. Working along with Team Member Joseph Brann, he served as the Independent Monitor overseeing implementation of police reforms (Collaborative Agreement) in Cincinnati, Ohio. He was recently retained to lead a review and report on Cincinnati's implementation of pivotal provisions of the Collaborative Agreement. He currently serves on the Monitoring Team overseeing reform efforts underway in the Los Angeles Sheriff's Department.

From 2008 to 2011 he served as Deputy Mayor of the City of Detroit. Mr. Green was appointed United States Attorney for the Eastern District of Michigan by former President William J. Clinton, and served in that capacity from May 1994 to May 2001.

Under his leadership, the United States Attorney’s Office for the Eastern District of Michigan was one of the founding organizations of Advocates and Leaders for Police and Community Trust, a unique collaboration of law enforcement, community organizations and advocacy groups working to address racial profiling in Michigan. He served as one of the first co-chairs of this coalition. During his many years of public service, he has held the positions of Wayne County Corporation Counsel; Chief Counsel, United States Department of Housing and Urban Development Detroit Field Office; and Assistant United States Attorney. He currently serves as an adjunct professor at the University of Michigan Law School where he co-teaches a seminar *Policing and Public Safety*.

In 1998, he was the recipient of the *Damon J. Keith Community Spirit Award*; in 1999, he was awarded the State Bar *Champion of Justice Award*; in 2002 he received the *Wade Hampton McCree, Jr. Award*, given in recognition for “courage, humanity, achievement, and leadership”. In 2007 he was honored as one of the *Lawyers of the Year* by Michigan Lawyers Weekly; in 2013 the Detroit Public Safety Foundation awarded him its *Integrity and Ethics Award*, and the Federal Bar Association awarded him its *Cook-Friedman Civility Award* in 2015.

Mr. Green’s background contains experience relevant to all of the RFA factors except (d), local Baltimore experience. See RFA ¶¶ 26 (a)(b)(c)(e)(f)(g)(h)(i)(j)(k)(l)(m)(n)(o)(p)(q) and (r).

**Joseph Brann**  
**CEO, Joseph Brann & Associates**

Mr. Brann has extensive experience in monitoring police departments. He serves as special consultant to the California Attorney General’s Office in evaluating and

monitoring California police departments and was the Monitor of the Settlement Agreements involving the Riverside and Maywood police departments. He was designated a Special Master for the Federal Court in monitoring the Cincinnati police department, is currently serving as a Monitor for the Settlement Agreement governing the Los Angeles County Sheriff's Department, and was a team member of the monitoring team in Cincinnati. He also served as a member of the monitoring team in Seattle and is currently a member of the monitoring team in Cleveland.

Mr. Brann was the first Director of the COPS Office at the Department of Justice, serving from 1994 to 1999. Prior to that time, he served as Chief of Police in Hayward, California following 20 years of police service with the City of Santa Ana, California. Additional information about Mr. Brann's background is included in Exhibit A.

Mr. Brann's background contains experience relevant to all of the RFA factors except (d), local Baltimore experience. *See* RFA ¶¶ 26 (a)(b)(c)(e)(f)(g)(h)(i)(j)(k)(l)(m)(n)(o)(p) and (q).

## **COMMUNITY LIAISONS**

### **Jo Anne Stanton**

Jo Anne Stanton, a Baltimore City native, worked as a Trial Attorney with the Office of the State's Attorney. During her tenure, she rose to the level of Chief, Sex Crimes Division. As Chief, Ms. Stanton prosecuted high-level cases, as well as supervised and trained attorneys. Ms. Stanton's commitment to the community also led her to teach adult students for Sojourner-Douglass College.

Ms. Stanton's background contains experience relevant to RFA ¶¶ 26 (b)(c)(d)(e)(f)(h)(i)(j)(l)(n)(o)(p) and (q).

Ms. Stanton has agreed to serve as the designated liaison to Baltimore police officers, and assist in the oversight of the community staff. She will also provide her subject matter expertise.

### **Terrell Boston Smith**

Terrell Boston Smith is a community leader, and founding partner at The Tidmore Group, a management and public affairs firm that guides businesses, non-profit organizations, labor unions, and progressive causes. Mr. Boston Smith works to advance policies that empower local communities, increase access to a desirable quality of life, and advance sustainable systems of governance. He is also a Managing Partner of Marshall & Lafayette Real Estate Services, a property management and real estate investment company that creates and manages world-class affordable and single-family housing.

Mr. Boston Smith previously served as the Campaign Manager and Political Director for Brian Frosh's successful campaign for Attorney General of Maryland. Following the campaign, he served as Special Assistant to Attorney General Frosh in the Maryland Office of the Attorney General. He was responsible for political outreach, community engagement, intergovernmental affairs and the day-to-day operations of the executive office. He has served as Senior Advisor on numerous political and referendum campaigns.

Mr. Boston Smith is a 2005 graduate of Franklin Pierce University in Rindge, NH with a Bachelor of Arts degree in Political Science. He served the University's student

body as Treasurer and President of the Student Government Association. Upon graduating from Franklin Pierce, Terrell joined T. Rowe Price Associates in their Retail Investment Group. There he executed equity and fixed-income trades and transactions for investors, developed continuing education programs on financial markets, and tracked and reported overall economic activities affecting the equity and fixed income markets. Terrell then joined the Baltimore Community Foundation as its Finance Associate and staffed select Board of Trustees' committees, including the endowment and finance committees.

In May 2012, Mr. Boston Smith was named a National Urban Fellow at Baruch College – City University of New York, where he earned a Master's of Public Administration. Prior to beginning the fellowship, he served as Government Relations Advisor for an Annapolis and Baltimore based law and government relations firm's government relations practice. His portfolio of work included the Maryland General Assembly, the Maryland Executive Branch and its Departments, as well as municipal executives and legislative bodies. As a lobbyist, he worked on behalf of state and local associations, labor unions and trade associations, non-profit organizations, and businesses.

Mr. Boston Smith was born in West Baltimore, and raised there by a single mother with the support of his aunts, uncles, and grandparents. He attended Baltimore City Public Schools, and is a graduate of Baltimore City College High School. Terrell and his wife, Amy, a special education teacher in our public schools, are proud to raise their family in Baltimore.

In his personal capacity, Mr. Boston Smith has agreed to serve as the designated liaison to Baltimore community, and assist in the oversight of the community staff.

**EXPERTS  
(alphabetical order)**

**Michael Davis  
Northeastern University**

Chief Davis began his public service in 1992 and as a police officer with the City of Minneapolis. During his sixteen year career with the Minneapolis Police Department, Mike served as a sergeant, lieutenant and Sector Commander. Chief Davis led agency-wide initiatives that improved the performance of the entire organization, while working with the community to lower crime and improve police legitimacy. In 2008, Mike became the Chief of Police for the City of Brooklyn Park, Minnesota's 6<sup>th</sup> largest and second most diverse community. In 2007, Brooklyn Park was experiencing the highest crime rate in the history of that community. During his tenure Chief Davis led the City of Brooklyn Park to the lowest levels of crime in 22 years. This was accomplished through a persistent effort in coalescing community assets to deal with the conditions that contributed to crime and disorder. Chief Davis led the Community Engagement Initiative, which served as the community-building approach to enhancing the level of collective efficacy amongst residents and engendered a more productive relationship between local government and residents. Chief Davis currently serves as the Director of Public Safety for Northeastern University, a global research institution, with an enrollment of over 35,000 students, campuses throughout the United States and global footprint in over 130 countries.



Chief Davis has been recognized nationally for his work as the recipient of the 2012 Gary P. Hayes Award from the Police Executive Research Forum (PERF). This award is given annually to a leader in policing, in recognition of their outstanding initiative in improving the quality of police service. Chief Davis was also one of handful of police chiefs nationally to be a member of the 2011-2014 National Institute of Justice Executive Session on Policing, which was facilitated through the Harvard-Kennedy School of Government.

Along with his work as a practitioner, Chief Davis has been a consultant for the Department of Justice since 2013. Chief Davis served as a police practice expert in the pattern and practice investigations of both the Cleveland Division of Police and the Ferguson Missouri Police Departments. Chief Davis also served as a Strategic Site Liaison for the City of Detroit as part of the Violence Reduction Network initiative through the Department of Justice from 2014-2016. Currently, Chief Davis is the Site Coordinator for the Tucson Police Department as part of the 21 Century Policing Project. Mike has taught other practitioners, conducted workshops and presented his philosophy and methodology on police-led community building across the United States since 2008. Chief Davis is a two-time graduate of Concordia University in St. Paul, Minnesota with a bachelor's degree in criminal justice and a master's degree in organizational management.

Chief Davis' background contains experience relevant to RFA ¶¶ 26 (a)(b)(c)(e)(f)(h)(i)(j)(k)(l)(n)(o)(p) and (q).

**Laura Goodman**  
**Education for Critical Thinking**

Ms. Goodman is an international expert on policing with particular expertise in police leadership, victim/witness engagement by law enforcement, and gender-based violence, including sexual assault and intimate partner violence.

She is a past president of the International Association of Women Police (IAWP) and currently serves on its Board of Trustees. Ms. Goodman has published extensively and has been invited to lecture and train around the world due to her expertise and sensitivity to cultural differences.

Prior to serving as an international advisor with Education for Critical Thinking, Ms. Goodman had a lengthy career in law enforcement, including serving as Deputy Sheriff for Ramsey County, and as a patrol officer, undercover street crimes investigator, investigative sergeant and acting lieutenant in the Criminal Investigative Division for the Minneapolis Police Department. She completed her law enforcement career as Deputy Chief of Police for the Brooklyn Center Police Department, a first tier, suburban Minneapolis police department. In this role, she implemented community engagement programs to ease tensions between new immigrant communities and law enforcement that helped build collaborative community police responses to neighborhood problems.

In addition to her sworn service in law enforcement, Ms. Goodman was appointed by two governors to serve as the Crime Victim Ombudsman for the State of Minnesota. In that role, she investigated complaints citizens brought against agencies in criminal and civil justice systems and law enforcement agencies in the State of Minnesota. Upon a substantiated Finding, the ombudsman issued a report and made recommendations to the offending agency for correction. These recommendations usually focused on systemic

issues within the organization that could be improved with enhanced policies and training, as well as strong leadership and supervision. The Ombudsman recommendations were not enforceable, which required the Ombudsman's influence to ensure agency compliance. Under her leadership the Ombudsman had a high success rate.

Ms. Goodman has been invited to serve on numerous boards and task forces that dealt with gender and racial bias in the criminal and civil justice systems. These included national workgroups to develop plans to enhance police-community relations, develop strategies to reduce excessive use of force by police officers, increase diversity in police agencies, and identity strategies to reduce gender and racial bias in policing. She has published numerous articles, manuals and curricula on the role of law enforcement.

Upon retirement from sworn law enforcement, Ms. Goodman served as Director of Public Safety for an urban university with two campuses where she implemented policies and procedures reinforced with training that professionalized the department including the development of Emergency Operations/Critical Incident plans and drills to evaluate the readiness of senior leadership and officers to react to a crisis.

Ms. Goodman has an AA in Law Enforcement from Normandale Community College, a BA in Organizational Communication from Metropolitan State University, a MA in Organizational Leadership and Strategic Management, and a Master's Certificate in Ethics and Leadership from St. Catherine University. Additional information about Ms. Goodman's background is included in Exhibit A. Ms. Goodman's background contains experience relevant to RFA ¶¶ 26 (a)(b)(c)(f)(h)(i)(j)(k)(l)(m)(n)(o) and (q).

**Dr. Bernard Melekian, DPPD  
President, Paratus Group**

Dr. Bernard Melekian is one of the nation’s leading law enforcement experts in the field of community policing. In addition to extensive local law enforcement experience, Dr. Melekian holds a Doctorate in Policy, Planning and Development for doctoral thesis on Values-Based Discipline in law enforcement.

Dr. Melekian was selected by President Barack Obama and Attorney General Eric Holder to serve as the Director of the Office of Community Oriented Policing Services, United States Department of Justice. He served in that capacity from 2009 through 2013, and, among other accomplishments, introduced the concept of “police legitimacy “ to the broader law enforcement community, and introduced the collaborative reform model to Las Vegas Metropolitan Police Department.

Dr. Melekian also has experience working with Consent Decrees, having served as the law enforcement advisor for the Mayor of Seattle as the City was assessing its department and attempting to complete implementation of the Consent Decree. His prior law enforcement experience includes 44 years of local law enforcement, including serving as Chief of Police, Pasadena, California for thirteen years. He currently serves as the Undersheriff for Santa Barbara County, California.

Additional information about Dr. Melekian’s background is included in Exhibit A. Dr. Melekian’s background contains experience relevant to RFA ¶¶ 26 (a)(b)(c)(e)(f)(h)(i)(j)(k)(l)(n)(o)(p) and (q).

**Dr. Greg Ridgeway**  
**University of Pennsylvania**

Professor Ridgeway is Associate Professor of Criminology and Statistics at the University of Pennsylvania. His research involves the development and application of statistical methodologies for answering questions about crime and the criminal justice system policing and fairness in the justice system. He conducted analyses with the Oakland Police Department on racially biased policing, with the Cincinnati Police Department during the Collaborative Agreement 2004-2009, with the New York City Police Department in 2007 assessing bias in stop, question, and frisk, and with US DOJ Civil Rights Division in its investigation of the Chicago Police Department. He has also pioneered several methodologies that are in common use in analyses of policing activities.

Previously Professor Ridgeway was the Acting Director of the National Institute of Justice, the US Justice Department's science agency. He managed a staff of 80 employees and a budget of \$250M with a mission to improve the justice system by advancing research in social, physical, and forensic sciences. Prior to joining the Department of Justice, Prof. Ridgeway directed RAND's Safety and Justice Research Program and RAND's Center on Quality Policing, managing RAND's portfolio of work on policing, crime prevention, courts, corrections, and public and occupational safety.

Professor Ridgeway is a Fellow of the American Statistical Association and in 2007 was recognized by the ASA for innovative analysis of policing issues. In 2005, he received a commendation from the ATF Los Angeles Field Division and the Attorney General of California for "Contributions to Reducing Firearms Related Crimes in Los

Angeles." Professor Ridgeway has a Ph.D. in statistics from the University of Washington.

Professor Ridgeway's qualifications relevant to RFA ¶26 follow:

¶¶ 26(a). Prof. Ridgeway has conducted analyses of police departments in Oakland (CA), Cincinnati, New York City, Chicago, Maricopa County (AZ), and Tampa. He has provided independent analyses for police departments facing public criticism, for U.S. Justice Department Civil Rights Division developing investigations and overseeing settlements, and for independent monitors. In the case of Cincinnati, he worked closely with the court-appointed monitors from 2004-2009 providing reviews, evaluations, and analysis of Cincinnati's progress toward meeting the goals of the settlement agreements. His work on many of these cases is publicly available in published reports, including the following:

G. Ridgeway, O. Mitchell, S. Gunderman, C. Alexander, J. Letten (2016). [\*An Examination of Racial Disparities in Bicycle Stops and Citations Made by the Tampa Police Department\*](#), COPS-W0801.

G. Ridgeway (2009). [\*Cincinnati Police Department's Traffic Stops: Applying RAND's Framework to Analyze Racial Disparities\*](#), RAND MG-914-CC.

G. Ridgeway, T.L. Schell, B. Gifford, J. Saunders, S. Turner, K.J. Riley, T.L. Dixon (2009). [\*Police-Community Relations in Cincinnati\*](#), RAND MG-853-CC.

G. Ridgeway (2007). [\*Analysis of Racial Disparities in the New York Police Department's Stop, Question, and Frisk Practices\*](#), RAND TR-534-NYCPF.

G. Ridgeway, K.J. Riley, J. Grogger (2004). “[Analysis of Oakland's stop and search data](#),” Chapter 9 in Promoting Cooperative Strategies to Reduce Racial Profiling, Oakland Police Department.

¶¶ 26(b). Prof. Ridgeway has experience and expertise in the review and analysis of law enforcement practices. He has previously studied use of force and force investigations in Cincinnati, New York, and Chicago; pedestrian, bicycle, and traffic stops in Oakland, Cincinnati, New York, and Tampa; reviews of arrests in Chicago; intake, investigation, and adjudication of complaints of officer misconduct in Cincinnati and Chicago; civilian oversight in Chicago; policy development in Oakland and Cincinnati; and officer training in New York.

¶¶ 26(e). Prof. Ridgeway is uniquely qualified in criminology and statistics. He holds a Ph.D. in Statistics from the University of Washington, is an elected Fellow of the American Statistical Association, is a professor of criminology and statistics at the University of Pennsylvania, and has pioneered several methods for benchmarking police and analyzing policing actions. He co-developed the “veil of darkness” methodology, first published in 2006 and awarded the American Statistical Association’s Outstanding Statistical application award in 2007. Prof. Ridgeway has utilized the method for external benchmarking for assessing racial bias in traffic stops in Oakland and Cincinnati. Numerous other communities have since adopted the method including San Diego, Syracuse, Urbana, Minneapolis, Raleigh-Durham, and the states of Connecticut and Vermont. Prof. Ridgeway has also developed methods for internal benchmarking, solving the two primary challenges to proper internal benchmarking, ensuring fair comparisons between similar officers and establishing statistically sound thresholds at which officers

are flagged as outliers. Most recently, Prof. Ridgeway has developed a method for studying officer features and their association with the risk of use-of-force, specially devised to account for the time, place, and context of use-of-force incidents. A selection of his published, peer-reviewed methodological work on this topic includes:

G. Ridgeway (2016). "[Officer Risk Factors Associated with Police Shootings: A Matched Case-Control Study](#)," *Statistics and Public Policy* 3(1):1-6.

G. Ridgeway and J.M. MacDonald (2014). "[A Method for Internal Benchmarking of Criminal Justice System Performance](#)," *Crime & Delinquency* 60(1):145-162.

G. Ridgeway and J.M. MacDonald (2009). "[Doubly Robust Internal Benchmarking and False Discovery Rates for Detecting Racial Bias in Police Stops](#)," *Journal of the American Statistical Association* 104(486):661–668.

J. Grogger and G. Ridgeway (2006). "[Testing for racial profiling in traffic stops from behind a veil of darkness](#)," *Journal of the American Statistical Association* 101(475):878-887.

G. Ridgeway (2006). "[Assessing the effect of race bias in post-traffic stop outcomes using propensity scores](#)," *Journal of Quantitative Criminology* 22(1):1-29.

¶¶26(g). Prof. Ridgeway's primary role in Cincinnati's reform process was to monitor improvements in police community-relations over a five year period. He achieved this using surveys of community members and analysis of police actions. He developed and implemented an internal benchmarking system within the department and assisted Cincinnati in integrating the system in officers' quarterly performance reviews.

¶¶26(h). Prof. Ridgeway has regularly interacted with city governments including elected officials, police oversight agencies, police executives, police union leaders, and



community stakeholders. For example, he has met with or testified to city council members in San Diego, Cincinnati, and New York. He worked closely with police oversight in Chicago to develop a system for learning from complaints and settlements. Police union leaders were directly involved in my work in Oakland and Cincinnati. He participated in community meetings in Cincinnati and Tampa.

¶¶26(k). Prof. Ridgeway has advised on data collection in Oakland, Cincinnati, and Tampa. Other places he has worked, such as Chicago and New York, had mature data management systems and Prof. Ridgeway worked closely with information technology systems and personnel in these places to understand the data processes and utilize the data for assessments and evaluations. As noted previously for ¶¶26(e), Prof. Ridgeway has pioneered several analytical methods for the analysis of police actions including police use-of-force, stop-and-frisk, traffic stops, and police performance.

¶¶26(m). Prof. Ridgeway has written extensively on policing. He has written highly technical articles describing the mathematical detail of methodologies (articles listed under ¶¶26(e)), but has also written reports that are generally accessible to stakeholders in the police reform process (reports listed in ¶¶26(a)). He has provided testimony at public hearings and given widely-accessible lectures on analyses and their implications for policing.

¶¶26(o). Prof. Ridgeway has regularly reviewed police manuals, policies, procedures, and orders. He has also often observed police practices in action including training programs, simulations, classroom training, and use-of-force review boards.

¶¶26(q). Prof. Ridgeway has and will complete tasks on time and on budget. As a concrete example, each of the five Cincinnati annual reports was completed on time and on budget. No project of Prof. Ridgeway's has ever been overbudget.

**Keith Rohman**  
**Public Interest Investigations, Inc.**

Keith Rohman has extensive experience investigating police matters and implementing consent decrees. Mr. Rohman evaluated and trained the Internal Affairs investigators of the Los Angeles Sheriff's Department under the *Bouman v. Baca* consent decree. He also served on the Equity Oversight Panel, which reviewed Internal Affairs investigations into violations of policies, and recommended dispositions and discipline for violations of policy. On behalf of the City of Los Angeles, he evaluated the City's compliance with the *Groberson v. City of Los Angeles* class action settlement relating to discrimination at the Los Angeles Police Department. He also served as the Court-appointed Monitor ensuring that the Orange County jail facilities complied with the Americans with Disabilities Act, and as the Executive Director of the Office of Discrimination Investigation, a neutral body that evaluated Police Department and Fire Department allegations of employment discrimination. Mr. Rohman also teaches techniques of investigation at Loyola School of Law, Los Angeles.

Additional information about Mr. Rohman's background is included in Exhibit A. Mr. Rohman's background contains experience relevant to RFA ¶¶ 26 (a)(b)(c)(f)(g)(h)(i)(j)(k)(l)(m)(n)(o)(p) and (q).

**Joseph Vince**  
**President, Crime Gun Solutions LLC**

Joseph Vince is internationally known and respected for his work on firearms-related violent crime, and firearms interdiction strategies. Mr. Vince's law enforcement career spanned more than 30 years, including serving as ATF Chief, Firearms Division, creating and heading ATF's Crime Gun Analysis Branch, and serving as ATF special agent in Detroit and Flint, Michigan. He spearheaded the Youth Crime-Gun Interdiction Initiative, and was appointed as the United States' representative to United Nations Working Group on Small Arms Proliferation. He is particularly expert in using data to make government work more efficiently, including using data to indict crime guns. In recognition of those efforts, he received three Vice-Presidential Hammer Awards, and was a finalist in the Innovations in Government Award from Harvard and Ford Foundation. Mr. Vince also has received recognition for the excellence of his law enforcement work, including ATF's Gold Star Award for bravery for wounds sustained in executing a federal search warrant against a violent narcotics dealer. Mr. Vince also has extensive experience in training law enforcement personnel, as he serves as Criminal Justice Program Director, Mount St. Mary's University. He also serves as member of the International Association of Chiefs of Police Firearms Committee, and the American Bar Association's Task Force studying "stand your ground" laws. During this last year, Mr. Vince was retained by the City of Los Angeles to provide advice concerning reducing firearms-related violent crime. This resulted in submission of a report: "Recommendations for Reducing Firearms-Related Violent Crime through Intelligence-Led Policing: An examination of Data Collected by the Los Angeles Police Department."

Mr. Vince will be assisted as needed by Dr. Barbara Ann Marinak, Executive Director, Division of Education, Mount St. Mary's University. Dr. Marinak has over thirty years of experience in all levels of the educational system with expertise in curriculum instruction among others. She has received numerous awards for her work, lectured both nationally and internationally, to include Cambridge University, Cambridge, England, and her vast array of work has been widely published. Dr. Marinak also has experience with collaborating with and supervising law enforcement resource officers in educational facilities under her direction.

Additional information about Mr. Vince's background is included in Exhibit A. Mr. Vince's background contains experience relevant to RFA ¶¶ 26 (a)(b)(c)(e)(f)(g)(h)(i)(j)(k)(l)(m)(n)(o)(p) and (q).

### **Community Staff (Youth and Formerly-Incarcerated Persons)**

The Monitoring Team is committed to collaborating in a cost-effective manner with the parties, and expanding community collaboration to the greatest extent possible. To those two ends, the Team has developed a novel approach to save funds and to ensure that the City's dollars benefit City residents. Namely, if selected, the Team will hire five community members (three young Baltimore residents and two formerly-incarcerated Baltimore residents) to work 1800 hours per year. The Community Staff will be compensated at a rate of \$16 per hour plus health insurance.

This five-person Community Staff will assist the Monitoring Team with many necessary tasks, including, but not limited to, data entry, reviewing and indexing body-worn camera footage, conducting preliminary screening interviews of persons with information to report to the Monitoring Team, conducting outreach sessions at

appropriate venue (such as street fairs, school events, etc.), and conducting door-to-door canvasses in connection with the required community surveys.

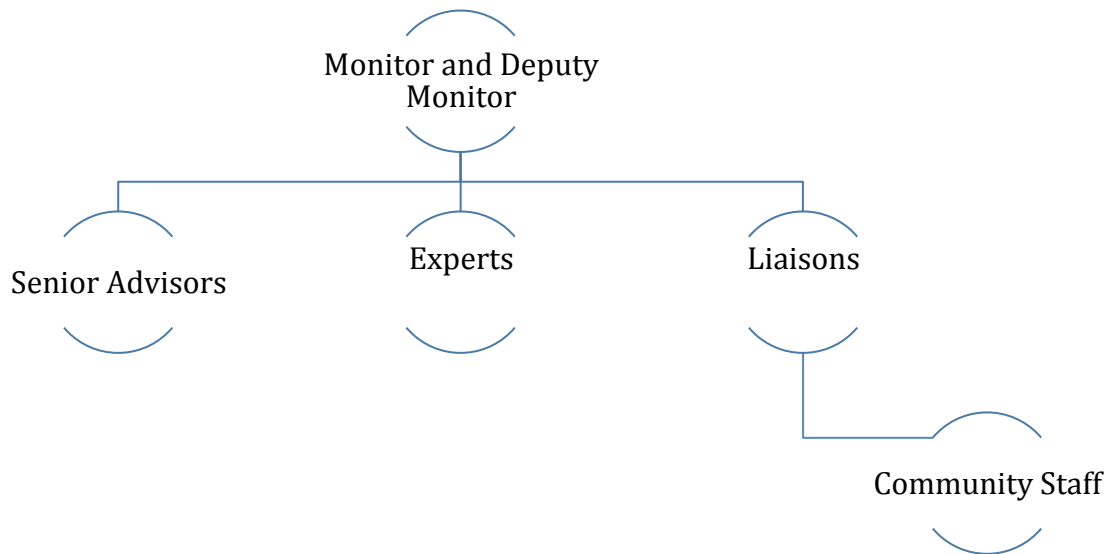
Only Baltimore residents who have completed high school in a Baltimore public high school and who reside in economically-disadvantaged neighborhoods will be eligible to compete for the three Youth positions. Only Baltimore residents who were incarcerated for more than one year and who have completed a re-entry program such as Turn Around Tuesday or the like will be eligible for the positions.

The Community Staff will provide needed services for the implementation effort. Further, they will be included to the extent possible in the overall operations of the Monitoring Team in order to prepare them for possible future careers in law, law enforcement, surveying, and community organizing. Although these five persons do not have any preexisting qualifications for the Monitoring Team, their life experiences will provide much needed insight for the Team, and they will be able to serve as ambassadors to the community.

## **B. TEAM ORGANIZATION (RFA ¶ 34 (a) – (d))**

Overall, the Monitoring Team plans to operate in a very collegial and non-hierarchical manner. Ms. Burke will spend the majority of her time on the effort, which will provide the continuity needed to communicate properly with BPD and the community, and also to ensure the out-of-town colleagues are able to provide their significant professional expertise in an efficient and cost-effective manner.

## 1. Organization Chart



## 2. Rates

The hourly rates for the Monitoring Team members are as follows:

Community Staff -- \$16 per hour

Boston Smith -- \$100 per hour

Davis and Goodman -- \$110 per hour

Stanton -- \$125 per hour

Rohman -- \$200 per hour

Melekian -- \$250 per hour off site; \$2500 per day on site with no travel expenses billed

Ridgeway -- \$225 per hour

Burke -- \$275 per hour with total capped at \$250,000 per year regardless of hours

Vince -- \$350 per hour

Rudovsky -- \$375 per hour

Brann -- \$400 per hour

Green -- \$425 per hour

### **3. Team Member Roles**

Proposed Monitor Burke will serve the overall coordinating role and be responsible for coordinating with BPD Compliance, Accountability and External Affairs Division (“CAED”) to identify and obtain the data needed to monitor BPD’s performance. She and the Deputy Monitor will both have power to certify compliance. If selected, Burke plans to relinquish other litigation responsibilities to ensure sufficient time available for the monitoring process. Burke intends to spend significant hours coordinating the efforts, managing the budget, conducting the reviews, and conferring with BPD and community members. However, to ensure cost-effectiveness, Burke’s compensation will be capped at \$250,000 per year even if, as anticipated, the hourly compensation would exceed that amount. The proposed budget, set forth below at pages 85-90 contemplates Burke devoting 1600 hours per year to the monitoring effort, which, if not capped, would reach \$440,000. (Note, Burke presently receives \$750 per hour for certain pending non-contingent matters, but she has reduced that rate to \$275 per hour/capped at \$250,000 to ensure reduced costs for the City of Baltimore.)

As explained below in Section III, Scope of Work, the Monitoring Team is organizing its work into three parts, a Policy Review Team, and Training Review Team, and an Implementation Team. The Policy Review Team will include Rudovsky, Green, Burke, Brann, Goodman and Melekian. Section III.A, Policy Review, identifies the specific assignments. In addition, Burke will communicate with BPD and CAED, and ensure that the relevant and revised policies are sent to the Policy Review Team members

as promptly as possible after the approval of the Monitoring Plan. And as all policies are to be written in a manner accessible to non-lawyers and community members, the Community Staff will each be assigned policies to review for clarity.

The Training Review Team will include Burke, Rudovsky, Green, Stanton, Melekian, Brann, Vince, Davis, Goodman, Ridgeway and Rohman. Section III.B, Training Review, identifies the specific assignments by topic.

The Implementation Team will include Burke, Rudovsky, Green, Vince, Brann, Davis, Goodman, Rohman, Melekian, Ridgeway, Stanton, Boston Smith, and the Community Staff. Section III. C, Implementation, identifies the specific assignments by topic.

#### **4. Other Obligations**

As is to be expected of highly-qualified professionals, all the team members have other time commitments and responsibilities. Each, however, has committed to making the necessary time available for the Monitoring Process. The following summarizes the primary time commitments by team member.

Ms. Burke presently serves as lead MDL counsel in the *KBR Burn Pit MDL*, and as lead counsel in the *United States ex rel. Forney v. Medtronic* and *Garza v. Citibank Inc.* In the event this Monitoring Team is selected to serve, Ms. Burke will reduce substantially her existing litigation obligations to ensure approximately 1600 hours of time for the Monitoring.

Mr. Rudovsky presently teaches at University of Pennsylvania law school and serves as lead counsel in the *Bailey v. City of Philadelphia* matter.



Mr. Green was recently retained to lead a review and report on Cincinnati's implementation of pivotal provisions of the Collaborative Agreement. He currently serves on the Monitoring Team overseeing reform efforts underway in the Los Angeles Sheriff's Department.

Mr. Brann is currently serving as a Monitor for the Settlement Agreement governing the Los Angeles County Sheriff's Department.

Ms. Stanton presently serves as an active member of her church, and various community organizations, including BUILD, Take Back the City and Delta Sigma Theta Sorority.

Mr. Boston Smith presently operates his consulting firm, The Tidemore Group, and also manages a real estate concern. Mr. Boston Smith is also running for election in District 40.

Chief Davis presently serves as Director of Public Safety for Northeastern University.

Ms. Goodman presently serves as an international police advisor for Education for Critical Thinking, works with the National Center for Women and Policing to educate police agencies on the benefits of women police and encourage departments to recruit and retain more women in policing, serves on the board of the IAWP, St. Paul STRONG, and as an advisory member for Advocates for Human Rights.

Dr. Melekian presently serves as Undersheriff for Santa Barbara County, California.

Professor Ridgeway presently serves as Associate Professor of Criminology and Statistics at the University of Pennsylvania.

Mr. Rohman presently operates Public Interest Investigations.

Mr. Vince presently serves as Criminal Program Director, Mount St. Mary's University, and operates teaches and operates Crime Gun Solutions LLC.

**C. STATUS AND CONFLICTS (RFA §§ 34 (e) and 39 – 42)**

**1. Status (RFA § 34 (e))**

Ms. Burke's law firm, the Law Offices of Susan L. Burke, qualifies as a small, woman-owned local business. She will be responsible for approximately 40 percent of the total work.

Mr. Boston Smith, Ms. Stanton and Chief Davis are providing their professional services on an hourly basis. As minorities (African American), their provision of services may qualify for minority-owned status under certain procurement regimes.

**2. Potential Conflicts (RFA §§ 39 – 42)**

In addition to the conflicts disclosed in Qualifications, Section I.A above, Ms. Burke served as counsel in a completed lawsuit against an employee for the State of Maryland. Ms. Burke presently serves as counsel for a *qui tam* relator in a lawsuit brought on behalf of the United States. Ms. Burke brought a defamation suit against an anonymous poster who repeatedly posted false statements on Wikipedia claiming that Ms. Burke had been sanctioned by a federal judge in connection with her representation of persons suing Blackwater. (Due to Wikipedia's structure, self-help in terms of simply removing the postings was not available.) This lawsuit resulted in a finding that Ms. Burke was a public figure, and therefore could not bring suit and instead had to pay the attorneys fees to the lawyer defending the anonymous poster.

Mr. Boston Smith's business partners in his various other professional endeavors (Tidmore Group, Marshall & Lafayette Real Estate Services) have conflicts, such as working directly for the State of Maryland. Note, however, Mr. Boston Smith would be performing his work in his personal capacity rather than through one of these firms.

### **III. SCOPE OF WORK (RFA ¶¶ 33, 8-27)**

The U.S. Department of Justice's August 10, 2016, Fact-Finding Report on the Investigation of the Baltimore City Police Department (hereinafter "DOJ Report") found that the BPD engages in unconstitutional practices with regards to stops, searches, arrests, use of force, use of force against those with disabilities, use of force against juveniles, use of force against persons who are not a threat, and transport. *See* DOJ Report at pages 21-112. The DOJ Report found that BPD unlawfully restricts and interferes with protected speech, handles sexual assaults in an unlawfully gender-biased manner, fails to supervise, support and train its officers, and fails to hold them accountable for misconduct. *See* DOJ Report at pages 116-153. The DOJ Report also found that the BPD fails to coordinate with other agencies, fails engage in community policing and has a broken relationship with the community. *See* DOJ Report at pages 154-163.

Paragraphs 454 to 460 of the Consent Decree set forth the Monitoring Team's obligation to assess whether the BPD has corrected the policing deficiencies identified in the DOJ Report. To assess whether BPD has corrected the policing deficiencies, the Monitoring Team must measure the BPD's conduct and reforms against the terms of the Consent Decree.

To do so, the Monitoring Team plans to organize the monitoring effort into four parts – data, policy, training and implementation. Sections A – D set forth in general

terms the Monitoring Team's plans with respect to each of these four tasks, identifies the Team Members responsible for each component of the plan. Please note that the Monitoring Team intends to approach all four tasks simultaneously, not sequentially. As set forth in the tentative timelines for these plans set forth below in Section IV, Timelines, the Team hopes to complete the data review prior to the submission of the Monitoring Plan, and complete the policy and training reviews in Year One. The Team anticipates the implementation reviews will be ongoing until BPD reaches full compliance. These plans are tentative and for discussion, as the actual Monitoring Plan needs to be developed after consultation and review by the parties. *Consent Decree* ¶¶ 461-463.

***First***, as set forth in Section A, the Monitoring Team needs to understand fully BPD's existing systems and procedures for collecting data, as well as any planned improvements to those systems and procedures. *Consent Decree* ¶¶ 267-278. Such an understanding needs to predate the preparation of the Monitoring Plan.

***Second***, as set forth in Section B, the Monitoring Team needs to conduct a review of all policies at issue under the Consent Decree, engage in the Collaboration Period described at Paragraph 283 of the Consent Decree, and work with the parties to sign off on a full set of compliant policies as quickly as possible. *Consent Decree* ¶¶ 279-290.

***Third***, as set forth in Section C, the Team needs to review existing training, including whether the persons conducting the training are properly equipped to serve as trainers, and whether the training being conducted properly complies with the approved policies. *Consent Decree* ¶¶ 291-328.

*Fourth*, as set forth in Section D, the Team needs to review implementation in the field, including, but not limited to, reviewing whether (1) BPD’s day-to-day policing adheres to the approved policies, (2) BPD properly handles violations of the approved policies, and (3) BPD deters future violations by meting out the appropriate level of discipline. *Consent Decree* ¶¶ 329-396, 454-470. Note, the Consent Decree establishes that one tool that the Monitoring Team must use to measure compliance is an annual community survey; so Section D below includes a detailed description of the plans regarding that survey. *Consent Decree* ¶¶ 459.

**A. DATA REVIEW**

Access to data and documents are a critical component of effective monitoring. In order to prepare the Monitoring Plan, the Monitoring Team will need to be educated by BPD about its information systems and the types of data that are available, as well as any planned improvements planned to comply with the Consent Decree. *Consent Decree* ¶¶ 267-278. The Team will need to understand the relative ease/difficulties of obtaining the desired data and documents.

To begin the process, the Monitoring Team will provide BPD CAED with a detailed list of the data and documents that may be relevant to the monitoring process. Burke and Professor Ridgeway will meet with BPD CAED to discuss why the data and documents are needed, to learn how BPD information systems operate, and to explore less burdensome mechanisms to obtain the information. Professor Ridgeway has conducted similar review at numerous other police departments, including the review of data collection systems, data documentation, codebooks, database systems, text extraction, record linkage, and working with legacy systems.

The Monitoring Team will remain in close contact with BPD CAED throughout this initial data review in order to conclude this preliminary step as quickly as possible. The Monitoring Team will begin drafting the Monitoring Plan before this review is completed, but will make every effort to ensure that the Plan proposes technically-feasible approaches based on existing BPD data. Any identified systemic data-collection deficiencies that may hamper the reform efforts will be noted in the Plan.

The Monitoring Team cannot opine on BPD's data retention policies until the Team completes the necessary review.

## **B. POLICY REVIEW**

In the Consent Decree, the City and BPD represented that they “have already begun the critical work of reform” and “BPD has already made meaningful changes to numerous policies . . .” *Consent Decree* ¶ 3. And in the Consent Decree, the parties affirm that “sound, clear, and fair policies and procedures are the foundation of constitutional policing.” *Consent Decree* ¶ 279. The parties agree that “all new policies or policy revisions required by this Agreement will be plainly written, logically organized, and use terms that are clearly defined, and written in language that is accessible to officers and community members without formal legal training.” *Consent Decree* ¶ 280.

The Monitoring Team's first task will be to review all relevant BPD existing policies for 8 categories (each set forth below), and, working with the parties, determine which policies, if implemented properly, will result in lawful policing. Based on the initial review, the Monitoring Team will develop a “Policies Needed” list immediately upon Court adoption of the Monitoring Plan. Each section below identifies the Team

members who will be engaged in the review. In addition to the listed Team members, proposed Monitor Burke and Professor Ridgeway will be involved in all reviews to ensure continuity regarding data collection efforts.

After the list has been developed, the parties and the Team will enter into a period of reviewing, creating and revising policies. The Consent Decree names this process as “the Collaboration Period.” *Consent Decree* ¶ 283. The Consent Decree requires that BPD “design a process to ensure that officers affected by newly create or revised policies are given an opportunity to meaningful review and provide input before the policies are finalized. *Consent Decree* ¶ 282. In addition, the Team believes it would be beneficial to include the Community Coalition (described below at pages 93-95) in the policy process. The Team will defer to BPD on the length of the necessary BPD officer review process, and will ensure that any community review occurs prior to or at the same time as the officer review. The Team will work closely with BPD throughout the Collaboration Period to ensure that all the work is completed as promptly as possible consistent with officer and community review.

### **1. Stops, Searches, Arrests and Voluntary Police Community Interactions**

According to the Consent Decree, the “BPD has recently implemented revised policies regarding Stops, Searches, Arrests, and Voluntary Police Community Interactions. *Consent Decree* ¶ 29. The BPD has posted 165 policies on its website, which range from general guidance such as No. 301 Code of Ethics to more specific guidance such as No. 1405 Oral Swab Collection for DNA Standard.

The Monitoring Team will ask the BPD in the first instance to identify which of those 165 policies the BPD views as able to prevent unlawful stops, searches, arrests and inappropriate community interactions. The Monitoring Team will review that subset of policies measured against the controlling Consent Decree provisions, namely Consent Decree ¶¶ 27-86, and, in consultation with the parties, develop a position on whether the existing BPD policies will, if implemented properly, remedy the BPD's unconstitutional practices regarding stops, searches, arrests, and community interactions. *Consent Decree* ¶¶27-86.

Team members Rudovsky, Green, Brann and Melekian will conduct the initial policy review on this topic.

## **2. Impartial Policing**

According to the Consent Decree, "BPD has recently taken steps to ensure that its officers provide impartial policing services, including issuing a new policy in April 2105 offering training curricula that provides background information to officers about the City and the communities in which they work. To the extent BPD's existing policies meet the requirements of this Agreement, further revisions are not required." *Consent Decree* ¶ 87.

The Monitoring Team will again ask the BPD to identify any new or revised policies, training curricula, and policing strategies that have been adopted subsequent to the issuance of the DOJ Report, and that are intended to stop BPD officers from discriminating against African Americans in enforcement activities. The Monitoring Team will review those materials measured against the controlling Consent Decree provisions, namely Consent Decree ¶¶ 87-95. For example, the Monitoring Team will



determine whether BPD has complied with Consent Decree ¶ 94, which requires BPD to allow community members and community-based organizations to participate in training. After the Monitoring Team has completed its review, it will work in consultation with the parties to develop a position on whether the BPD new policies, training curricula and policing strategies will, if implemented properly, remedy the BPD's unconstitutional discrimination against African Americans. *Consent Decree* ¶¶87-95.

Team members Rudovsky, Green, Brann and Melekian will conduct the initial policy review on this topic.

### **3. Interacting with People with Behavioral Health Disabilities or In Crisis**

In the Consent Decree, the BPD makes several promises regarding policies and procedures regarding interactions with those who have behavioral health disabilities or who are in crisis. Specifically, BPD commits to coordinating with Collaborative Planning and Implement Committee ("CPIC") to conduct an assessment "to identify gaps in the behavioral health service system, recommend solutions, and assist with implement of recommendations as appropriate." *Consent Decree* ¶ 97. The Monitoring Team will confer with BPD and CPIC to ascertain whether this assessment has been conducted and completed. If it has not been completed, the Monitoring Team will work with the parties as well as CPIC to develop a deadline for completion.

BPD also commits in the Consent Decree to take the following policy actions:

- "revise its policy to establish a preference for the least police-involved response possible consent with public safety" *Consent Decree* ¶ 98

- “implement a CIT first-responder model of police-based crisis intervention with community, health care, and advocacy partnerships”  
*Consent Decree ¶ 102*
- “seek to expand membership of CPIC by encouraging representation from the Maryland Department of Health and Mental Hygiene; judges from the Baltimore City Mental Health Court; Baltimore City State’s Attorney Office; Office of the Public Defender for Baltimore City; the jails that serve Baltimore City; other relevant Baltimore City officials; Disability Rights Maryland (the federally-designated Protection and Advocacy organization); community mental health providers; substance use services providers; local hospitals; and advocates.” *Consent Decree ¶ 104*
- “BPD, through the Coordinator, shall also ensure that CIT officer capacity is sufficient to ensure that, at all times of the day an in all district, CIT officers can respond to individuals with Behavioral Health Disabilities and those in crisis.” *Consent Decree ¶ 119*
- “BPD, through the Coordinator, will develop and implement a crisis intervention plan (“Crisis Intervention Plan”). *Consent Decree ¶ 120*
- “BPD will collect data on suspected Behavioral Health Disability or crisis status of individuals subject to law enforcement actions . . .”  
*Consent Decree ¶ 121*

The Monitoring Team will ask BPD in the first instance to identify the policy revisions, training curricula, and policing strategies amended and adopted subsequent to

the issuance of the DOJ Report in order to fulfill these promises. The Monitoring Team will review the materials identified by BPD and determine, in consultation with the parties, whether these revisions, if properly implemented, suffice to achieve compliance with the relevant terms of the Consent Decree regarding those with behavioral health issues and/or in crisis. *Consent Decree* ¶¶ 96-122.

Team members Rudovsky, Green, Burke and Melekian will conduct the initial policy review on this topic.

#### **4. Use of Force**

According to the Consent Decree, “BPD has recently implemented improved policies regarding officers’ uses of force, and force reporting, investigations and reviews. BDP shall build on its recently improved policies, making further revisions where necessary under the provisions of this Agreement . . .” *Consent Decree* ¶ 123. The BPD website identifies seven policies as relevant to the use of force: Policy 414, Less-Lethal Munitions and Chemical Agents, Policy 719, Conducted Electrical Weapon; Policy 724, Performance Review Board; Policy 725, Use of Force Assessment and Review; ; Policy 1115, Use of Force and Policy 1118, Oleoresin Capsicum Spray.

BPD’s self-report on progress posted on its website explains “BPD has re-written its use of force policies to reflect best practices, emphasizing the sanctity of life, duty to interview and report.” BPD also asserts that the policies have been reviewed by COPS, NAACP, ACLU, State’s Attorney Office, and other entities. It is not clear from the text of the report whether these organizations have signed off on the final content of the policies, or merely provided input into drafting.

The Monitoring Team will confirm with BPD that these are the only relevant policies, and review them to ascertain whether, if implemented properly, they would prevent BPD from using unreasonable force in the myriad ways documented by the DOJ Report at pages 74-116. The Monitoring Team will examine whether the BPD's prevailing policies comply with Consent Decree ¶¶ 125-165, 176-179, 201, and 207-210, which set forth specific elements that must be included with the BPD policies. The Monitoring Team will also review whether the revised policies, if properly implemented, suffice to achieve compliance with the relevant terms of the Consent Decree regarding use of force. *Consent Decree* ¶¶ 123-217.

Team members Rudovsky, Green, Brann and Melekian will conduct the initial policy review on this topic.

## **5. Interactions with Youth**

According to the Consent Decree, "BPD will assess its current policies and training relating to Youth and will review its policies and training as necessary to ensure that BPD provides officers with guidance on developmentally appropriate responses to, and interactions with, Youth . . ." *Consent Decree* ¶ 220. In addition, the City commits under the Consent Decree to conducting a comprehensive assessment of the City's efforts to decrease Youth involvement with the juvenile and criminal justice systems. *Consent Decree* ¶ 219. The Monitoring Team will ask BPD to identify the policy revisions, training curricula, and policing strategies amended and adopted subsequent to the issuance of the DOJ Report in order to fulfill these promises. The Monitoring Team will review the materials identified by BPD and determine, in consultation with the parties,

whether these revisions, if properly implemented, suffice to achieve compliance with the relevant terms of the Consent Decree. *Consent Decree* ¶¶ 218-221. The Monitoring Team will ask the City to brief the Team on the progress on the overall comprehensive assessment, and the estimated completion date for the Report required by Consent Decree ¶ 220. The Monitoring Team will also review whether the revised policies, if properly implemented, suffice to achieve compliance with the relevant terms of the Consent Decree regarding Youth interactions. *Consent Decree* ¶¶ 218-221.

Team members Rudovsky, Green, Burke and Melekian will conduct the initial policy review on this topic.

## **6. Transportation of Persons In Custody**

According to the Consent Decree, “BPD will develop policies and procedures for determining at the point of transfer to another agency whether arrested persons were placed at undue risk, harmed, or injured while being transported. This process will include gather and preserving data . . . .” *Consent Decree* ¶ 234. In addition, “BPD will review and revise its policies, procedures, and trainings associated with the transportation of persons in custody to ensure compliance with the requirements of this Agreement.” *Consent Decree* ¶ 238.

The Monitoring Team will ask BPD to identify any and all revisions to its policies, procedures and trainings regarding transportation. Based on the BPD website, transportation of persons in custody may be primarily addressed in Policy Nos. 503, and perhaps also by Policies Nos. 1114, 825, and 908.

The Monitoring Team will review the materials identified by BPD and determine, in consultation with the parties, whether these revisions, if properly implemented, suffice to achieve compliance with the relevant terms of the Consent Decree. *Consent Decree* ¶¶ 222-238.

Team members Rudovsky, Green, Brann and Melekian will conduct the initial policy review on this topic.

### **7. First Amendment**

According to the Consent Decree, “BPD will ensure that BPD policy and training makes clear what conduct constitutes ‘interference.’ BPD policy and training will provide specific examples to ensure BPD officers understand these concepts and how they apply to scenarios they are likely to encounter so they do not unjustifiably claim that an individual’s presence amounts to interference with law enforcement activity, or otherwise violates the law.” *Consent Decree* ¶ 244. Further, “BPD will revise current policies and protocols for policing public protests and assemblies as necessary to accommodate the requirements of this Agreement . . .” *Consent Decree* ¶ 246. The Consent Decree details with specificity four elements that must be included in the revised BPD policies. *Consent Decree* ¶ 246 (a) – (d).

The Monitoring Team will ask BPD to identify any and all revisions to its policies and trainings regarding First Amendment issues. (Based on the BPD website, Policy Nos. 602 may be relevant.) The Monitoring Team will review the materials identified by BPD and determine, in consultation with the parties, whether these revisions, if properly implemented, suffice to achieve compliance with the relevant terms of the Consent

Decree regarding adherence to the First Amendment, including the requirement to conduct annual assessments. *Consent Decree* ¶¶ 239-256.

Team members Rudovsky, Green, Brann and Melekian will conduct the initial policy review on this topic.

## **8. Sexual Assaults**

According to the Consent Decree, “BPD shall ensure its sexual assault policy and protocols” include four factors: (1) trauma-informed, victim-centered, multi-disciplinary response, (2) roles and responsibilities of all officers throughout the sexual assault response and investigation, (3) opportunity for forensic examination and comprehensive medical care for the sexual assault victim, and (4) access to free and confidential support, social service referrals and information from trained sexual assault victim advocates.

*Consent Decree* ¶ 258(a)-(d).

The Monitoring Team will ask BPD to identify any and all revisions to its policies and trainings regarding sexual assaults. (Based on the BPD website, Policy Nos. 708 may be relevant.) The Monitoring Team will review the materials identified by BPD and determine, in consultation with the parties, whether these revisions, if properly implemented, suffice to achieve compliance with the relevant terms of the Consent Decree regarding sexual assault. *Consent Decree* ¶¶ 257-266.

Team members Rudovsky, Green, Burke and Goodman will conduct the initial policy review on this topic.

### C. TRAINING REVIEW

The parties both agree “proper, effective and comprehensive training is a necessary prerequisite to constitutional policing.” *Consent Decree* ¶¶ 291. The Consent Decree identifies with specificity 23 categories of training that BPD must develop and provide. *Consent Decree, Exhibit A*. The Consent Decree out an extensive framework agreed upon by the parties to ensure that BPD develops and provides this required training. *Consent Decree* ¶¶ 291-328. The Consent Decree makes explicit BPD’s obligations to develop and implement reformed and revised training on 23 different categories, which are listed below. *Consent Decree, Exhibit A*. Importantly, the Consent Decree makes clear that BPD “will consider an officer’s performance evaluations, past performance as a police officer, and disciplinary history in selecting instructors.” *Consent Decree* ¶ 296.<sup>1</sup>

BPD self-reported on its website that it has engaged Johns Hopkins School of Education to help critically evaluate the department’s training staff, teaching methods and curriculum. BPD also reports that it has been restructuring the Training Academy to improve efficiency and streamline the management of personnel resources.

Working collaboratively with BPD, and Hopkins if appropriate, the Monitoring Team will organize its oversight based on the 23 categories plus an additional review directed at BPD’s selection of instructors. To review each of the 23 categories, the Monitoring Team will first review the revised curricula, and measure it against the

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<sup>1</sup> Community input suggests that the Monitor will need to confirm that BPD has selected the right persons to serve as instructors. During the public hearing held before the Court, a Baltimore resident recounted a disturbing story about a man publicly espousing racist views and claiming to be a training officer at the Baltimore Police



reformed and compliant policies. Next, the Monitoring Team members will attend and observe the actual training being conducted at the Academy. To conduct the review of BPD's selection of instructors, Monitoring Team members will review BPD's selection criteria, and the personnel files of the officers conducting the training, and conduct a series of interviews of the persons tasked with selecting and supervising instructors.

To ensure efficiency, the Monitoring Team is grouping the training reviews required by the Consent Decree (with the numeric designations drawn the ordering found in Exhibit A), and assigning team members to each group as follows:

#### TRAINING GROUP A – COMMUNITY POLICING

1. In Service Community Policing
2. Police-Community Interactions
3. Stop, Search, Arrest
4. Fair and Impartial
13. Youth
14. Transportation of Persons in Custody

#### TRAINING GROUP B - CRISIS AND SEXUAL ASSAULT

5. Specialized Crisis Intervention
6. Crisis Intervention Training, Paragraph 112
7. Crisis Intervention Training, Paragraph 113
8. Crisis Intervention Coordinator Training
15. Sexual Assault Investigations Training

## TRAINING GROUP C – USE OF FORCE

- 9. Use of Force
- 10. Use of Force In-Service Training
- 11. Use of Force SIRT Training

## TRAINING GROUP D – ACCOUNTABILITY

- 12. Performance Review Board Training
- 16. Supervision Training Plan
- 17. Filed Training Officer Program Plan
- 18. Supervisor Training
- 19. Early Intervention Training
- 20. Misconduct Investigations and Discipline Training, Paragraphs 409-411
- 21. Misconduct Investigations and Discipline Training, Paragraph 412
- 22. Misconduct Investigations and Discipline In-Service Training, Paragraph 414
- 23. Misconduct Investigations and Discipline Policy Training, Paragraph 415

## TRAINING GROUP E – SELECTION OF INSTRUCTORS

### Selection of Instructors

The assignments of Monitoring Staff are as follows

### Group A – Community Policing

Rudovsky, Melekian, Vince, Davis, Ridgeway

Group B – Crisis and Sexual Assault

Burke, Stanton, Melekian, Rohman, Goodman, Ridgeway

Group C – Use of Force

Rudovsky, Vince, Goodman, Brann, Melekian, Davis, Ridgeway

Group D – Accountability

Burke, Rudovsky, Green, Davis, Brann, Vince, Melekian

Group E – Selection of Instructors

Green, Burke, Rudovsky, Melekian, Davis, Vince, Brann and Rohman

**D. IMPLEMENTATION REVIEW**

The Consent Decree establishes the scope of what the Monitoring Team needs to monitor and review, as well as an overall process for doing so. There are various steps that must be undertaken to work towards BPD's ability to comply fully in a measureable fashion. Specifically, the Consent Decree requires the Monitor to conduct Compliance Reviews to determine BPD's compliance with the material terms of the Agreement.

*Consent Decree ¶¶ 454-455.* The Consent Decree also requires the Monitoring Team to conduct specified Outcome Assessments for the first three years, and simultaneously work with BPD to develop its capacity to conduct these assessments on its own.

*Consent Decree ¶¶ 456-460.* And the Consent Decree requires the Monitoring Team to conduct a Comprehensive Re-assessment, file the results of that Re-assessment with the

Court no later than October 7, 2019, and continue to conduct such Re-assessments every two years for the duration of the monitoring period. *Consent Decree* ¶¶ 469-470.

To organize the Monitoring Team’s review of BPD’s implementation, the Team will adopt the Consent Decree’s organization of topics set forth in Paragraph 459, except that the Team will also add Transportation of Persons in Custody as a separate topic, and will omit Training (*Consent Decree* ¶ 459(l)) because the Monitoring Team’s approach to monitoring BPD’s training is set forth above at Section III.B, Training.

The following summarizes the Outcome Assessments mandated by the Consent Decree, and discusses how the Monitoring Team intends to proceed, including proposed staffing. Proposed timelines are addressed separately in the detailed schedules set forth in Section IV, Timelines. Note, this is a preliminary plan, as the Monitoring Team needs access to BPD staff to understand the available data, and the relative burdens associated with collecting the data. After the Monitoring Team conducts a series of initial meetings designed to learn more about the BPD data, it will be able to prepare the Monitoring Plan with a greater degree of specificity than set forth below.

**1. Community Survey - *Consent Decree* ¶ 459(a)**

The Consent Decree requires the Monitoring Team to conduct an annual Community Survey that assesses community satisfaction with BPD’s services, trustworthiness, engagement with community, effectiveness, responsiveness, interaction with youth, misconduct investigation and discipline systems, and interactions with African Americans, Hispanic Americans, LGBT, and other significant and distinct groups within the community.

The Monitoring Team intends to approach surveying in an innovative manner that creates jobs for young and formerly-incarcerated Baltimore residents. Specifically, as set forth above at page 27-28, the Monitoring Team will include five persons known collectively as Community Staff. The Community Staff, working with Professor Ridgeway, will be the Team unit primarily responsible for effectively surveying the community.

The Monitoring Team intends to begin surveying almost immediately, as a mechanism to test the effectiveness of the surveying and eliminate any problems well before the implementation of the official annual survey. The surveying will take two forms: First, the Team will request permission from the courts to allow persons awaiting jury duty to be asked to complete the survey instrument. With assistance from Professor Ridgeway, the Community Staff will determine the percentage of City residents able to be accessed in that manner. Second, the Community Staff will develop a program of door-to-door surveying, in which Community Staff members canvass neighborhoods and ask persons to complete the survey instrument. This entire program of surveying will be overseen and supervised by Community Liaison Boston Smith.

In terms of timing, the Monitoring Plan will include the initial draft survey instrument for the parties' review. As soon as the Monitoring Plan is approved, the Community Staff will begin the preliminary surveying process, which shall last three months. The information collected in this initial process will not be made public, but instead will be used by the Monitoring Team and the parties to assess whether any corrections to the survey instrument and surveying plan are needed. After any necessary corrections are made, the Monitoring Team will submit the proposed official survey

instrument and surveying plan to the parties for their approval. Once approved, the surveying will be conducted in the last quarter of Year One, with the results compiled and published in the first quarter of Year Two.

## **2. Response Times - *Consent Decree* ¶ 459(b)**

The Consent Decree requires that the Monitoring Team to annually analyze the response times for calls of service in each police district and different neighborhoods with Baltimore. *Consent Decree* ¶ 459(b).

To do so, the Monitoring Team needs to gather and understand the data that BPD is collecting on response times. At present, the BPD website publicizes a certain set of data about 911 calls. Specifically, the website publicizes call date, call time, priority, district, description, call number, incident location and location. The website claims the data is collected from the “CAD data warehouse” and the datasets are owned by Open Baltimore, a government project underway to capture and portray municipal data. If the BPD captures response times along with the other data captured per call, the Monitoring Team will be able to develop district and neighborhood maps of response times by using the datasets.

The Monitoring Team plans to meet with BPD and understand the data and any limitations prior to the drafting of the Monitoring Plan. The Monitoring Team will be able to assess the speed with which it can review the data after it learns how the data is kept, and whether the data is linked to the datasets available from Open Baltimore.

The Monitoring Team’s consultations with BPD and eventual analysis of the data will involve Burke and Professor Ridgeway. Once the data is gathered, additional Team members Stanton, Davis and Goodman will be involved in the review.

### **3. Unlawful Arrests – *Consent Decree* ¶ 459 (c)**

The Consent Decree requires that the Monitoring Team “to assess whether Arrests made by BPD officers are supported by probable cause, based on constitutional policing practices. . .” by means of reviewing the rates of Arrests that are found to lack probable cause or otherwise violated the Fourth Amendment” by BPD supervisors and court commissioners. *Consent Decree* ¶459(c)(i). In addition, the Monitoring Team needs to review “the frequency of civilian complaints to the OPR and CRB alleging unlawful arrests, the dispositions of such complaints, and the quality of BPD’s complaint investigations.” *Consent Decree* ¶ 459(c)(ii).

As to the first prong, the Monitoring Team will begin by reviewing the record-keeping of BPD, and developing a six-month dataset of all Arrests that BPD supervisors and court commissioners found to have lacked probable cause or otherwise violated the Fourth Amendment in the time period between 1/12/17 (date of filing of Consent Decree) and the 6/12/16. The Monitoring Team will also confirm with BPD the estimate of number of calls responded to per day, which the BPD website estimates to be 3300 per day.

Burke and Ridgeway will guide this effort to collect data. Depending upon the existing data, there may be a need to involve the Community Staff with data entry. After the data has been collected and verified, Burke, Davis and Goodman will work with Professor Ridgeway to develop rates of deficient Arrests.

As to the second prong, the Monitoring Team will undertake to review all of the civilian complaints made to the OPR and the CRB, and all of the investigative files

compiled during the investigative process, from 1/12/17 forward. Burke, Rohman, Melekian, Goodman and Davis will conduct this review.

#### **4. Use of Force – *Consent Decree* ¶ 459 (d)**

The Consent Decree requires the Monitoring Team to assess whether officers are using force lawfully; using tactics that minimize the need to use force; modulating their use of force appropriately in response to changing circumstances; and critically analyzing, learning from, and holding officers account for uses of force. *Consent Decree* ¶ 459 (d). The Consent Decree requires the Monitoring Team to conduct annual analyses of use of force incidents (*Consent Decree* ¶ 459 (d)(i)) and use of force complaints (*Consent Decree* ¶ 459 (d)(ii)).

The Monitoring Team will begin by reviewing the record-keeping of BPD, and determining whether the systems in place to collect information suffice to capture all the information needed to conduct an annual analysis of use of force incidents and use for force complaints. The Monitoring Team will collect information about the number of officers wearing body-worn cameras, and whether the data from the cameras is being maintained in a searchable format. According to the BPD self-report on improvements posted on its website, BPD's goal is to equip all officers with body-worn cameras in the next two years. At present, again according to the BPD website, approximately 2,500 officers wear body-worn cameras. Depending upon the data and speed of the roll out to the remainder of the officers, the Monitoring Team likely will recommend reviewing video footage as one of the primary mechanisms to assess BPD use of force issues.

Based on the BPD website, BPD undertook its own review of the footage from the first six months of body-worn cameras. Based on that six-month review, BPD



referred 47 videos to Internal Affairs for investigation. The Monitoring Team needs to understand the process used by the BPD to review the footage, such as whether all videos were reviewed in their entirety and by whom. The Monitoring Team will also want to ascertain whether similar BPD video reviews are proceeding. This information will be important to obtain prior to the Monitoring Team submitting its Monitoring Plan, as it will assist in determining the best manner in which to proceed.

As part of assessing whether BPD is holding officers accountable for uses of force, the Monitoring Team will review and follow the BPD Internal Affairs investigations with respect to the officers involved in the incidents captured on the 47 videos. Note, it is not known at this time whether all 47 videos involved use of force issues, as they may well have included other forms of officer misconduct. Based on the BPD's self-reporting of progress posted on its website, the Internal Affairs investigations should be able to be viewed online in the first instance in a database called IAPro, which was developed by the partnership with Code for American – Project Comport.

To conduct this review, the Community Staff will assist in reviewing videos, and indexing the timing of events on those videotapes. Team members Burke, Rudovsky, Brann, Melekian, Davis, Goodman, Rohman and Vince will be involved in the analysis.

#### **5. Stops and Detentions – *Consent Decree* ¶ 459 (e)**

The Consent Decree requires the Monitoring Team to assess whether officers are protecting the rights of Baltimore residents by ensuring that stops and detentions are based on community policing principles, rather than on unlawful racially-biased policing. *Consent Decree* ¶ 459 (e); *see also DOJ Report at 21-62*. The Consent Decree requires

the Monitoring Team to conduct an analysis of the rate at which stops and detentions uncover criminal activity. (*Consent Decree* ¶ 459 (e)).

Based on BPD’s self-reporting of progress posted on its website, BPD has begun training officers and trainees “to recognize implicit biases and how implicit biases impact perceptions and actions.”

The Monitoring Team’s first step will be to review the BPD’s use Lotus Notes, which BPD describes as the software being used to track case information. The Monitoring Team will assess whether Lotus Notes contains sufficient data from which to ascertain whether an officer’s stop or detention uncovered any criminal activity. If Lotus Notes lacks the relevant information, the Monitoring Team will work with BPD to explore the various locations of the data, and the best means to aggregate the data for the necessary rate analysis.

Team members Rudovsky, Ridgeway, Goodman, Davis, Rohman and Vince will be involved in the analysis.

#### **6. Searches, Frisks and Strip Searches – *Consent Decree* ¶ 459 (f)**

The Consent Decree requires the Monitoring Team to assess whether officers are protecting the Constitutional rights of Baltimore residents by measuring the rate at which Frisks result in officers recovering a weapon (*Consent Decree* ¶ 459 (f)(i)); and the rate at which Searches yield evidence of illegal weapons or contrabands. (*Consent Decree* ¶ 459 (f)(ii)).

The Monitoring Team’s first step will be to review the BPD’s use Lotus Notes, which BPD describes as the software being used to track case information. The Monitoring Team will assess whether Lotus Notes contains sufficient data from which to

ascertain whether an officer's Frisk resulted in the recovery of a weapon, or whether an officer's Search yielded evidence of illegal weapons or contraband. If Lotus Notes lacks the relevant information, the Monitoring Team will work with BPD to explore the various locations of the data, and the best means to aggregate the data for the necessary rate analysis.

Team members Burke, Davis, Goodman, Melekian and Vince will be involved in the analysis.

### **7. Demographic Review – *Consent Decree* ¶ 459 (g)**

The Consent Decree requires the Monitoring Team to determine whether BPD disproportionately impacts African Americans and other minorities by the manner in which its officers conduct policing. *Consent Decree* ¶ 459 (g). The Consent Decree sets forth four categories of data that need to be analyzed to determine whether BPD's efforts to reform have been successful. These data include (1) pedestrian and vehicle Stops arrayed by demographics, (2) the outcome of the Stops, again arrayed by demographics, (3) Frisks and Searches arrayed by success and demographics, and (4) Arrests for misdemeanors arrayed by demographics. *Consent Decree* ¶ 459 (g)(i) to (iv).

Again, the Monitoring Team's first step requires analysis of the available data compiled by BPD. It may be that BPD's use Lotus Notes provides the requisite information. In the likely event that not all the relevant BPD data is located in a single database, the Monitoring Team will need to develop a method to access and aggregate all the data that is necessary. Depending on the existing systems, this may involve some amount of creation of new databases that are able to be searched and queried.

Team members Rudovsky, Davis, Ridgeway, Melekian and Vince will be involved in the analysis.

### **8. Behavioral Health and Crisis – *Consent Decree* ¶ 459(h)**

The Consent Decree requires the Monitoring Team to determine whether BPD is providing persons with behavioral disabilities and those in crisis with reasonable modifications. *Consent Decree* ¶ 459 (h). As set forth in the DOJ Report at pages 80-85, BPD failed to do so in the past, and unnecessarily escalated situations. The Consent Decree requires analysis of number of persons eligible for community-based services who were subjected to Emergency Petitions, and the number of referrals made by BPD to community mental health services or to hospital emergency rooms. *Consent Decree* ¶ 459 (h)(i) and (ii).

BPD promised to implement a Crisis Intervention Team (“CIT”) model of police-based crisis intervention. *Consent Decree* ¶¶ 102 -103. Based on BPD’s self-reporting of progress posted on its website, BPD appears to have begun certain initiatives to remedy its past practices. BPD reports reaching an agreement with Roberta’s House to provide police trainees with instruction on trauma informed care. BPD also reports that it has undertaken a series of initiatives to expand the level of service of BEST (Behavioral Emergency Services Team), and is developing a Crisis Response Program. BPD reports a series of training initiatives that are either “underway and/or in development.” And BPD reports that it has agreed to pilot ICAT training, which is training developed by the Police Executive Research Forum focusing on critical decision-making, crisis recognition and response, communications/de-escalation and tactics.

At the outset, the Monitoring Team will need to learn how BPD is tracking its interactions with those who have behavioral health issues or who are in crisis. *Consent Decree ¶ 120*. The Monitoring Team will screen reports for key phrases to identify instances when the CIT approach should have been used. The Monitoring Team will interview the individual, family members, and other witnesses; review body camera footage; and obtain observations from Behavioral Health staff to ascertain whether officers properly implemented the CIT approach. In addition, the Monitoring Team will review staff allocations to assess whether BPD properly deploys CIT officers, and whether BPD allows gaps in CIT coverage to occur. *Consent Decree ¶ 120*. The Monitoring Team will need to ensure appropriate BPD training on CIT. *Consent Decree ¶ 459 (i)*. Among other tools, the Monitoring Team will conduct a series of community interviews of persons with behavioral disabilities and those in crisis to obtain information about their experiences with the BPD subsequent to January 12, 2017.

Team members Burke, Rohman, Goodman, Melekian, and Ridgeway will be involved in the analysis.

#### **9. Youth – *Consent Decree ¶ 459 (i)***

The Consent Decree requires the Monitoring Team to determine whether BPD officers are interacting appropriately with Youth. *Consent Decree ¶ 459 (i)*. As set forth in the DOJ Report at pages 85-88, BPD routinely used unreasonable force against Youths, and failed to adopt the widely-accepted strategies governing police interactions with Youths. The Consent Decree directs the Monitoring Team to analyze “the rate of police interactions with Youth, including Stops, Searches, and Arrests, that result in officers using force.” *Consent Decree ¶ 459 (i)*.

The Monitoring Team will interview BPD staff most knowledgeable about BPD's reform efforts on this topic, and will work with such staff to ensure the Monitoring Team obtains the needed data as promptly as possible. If BPD has not already done so, the first step in analysis of compliance on this topic will be creation of the appropriate record-keeping on interactions with Youths. In addition, the Monitoring Team will conduct a series of community interviews of Youths to obtain information about their experiences with the BPD subsequent to January 12, 2017.

Team members Burke, Rudovsky, Rohman, Boston Smith, and Stanton will be involved in the analysis.

#### **10. First Amendment – *Consent Decree* ¶ 459 (j)**

The Consent Decree requires the Monitoring Team to assess whether BPD is allowing members of the public to express themselves freely without intimidation. *Consent Decree* ¶ 459 (j). The Consent Decree sets forth two categories of data that need to be analyzed: number of First Amendment Citations and Arrests (*Consent Decree* ¶ 459 (j)(i)), and citizens about BPD misconduct on First Amendment issues. (*Consent Decree* ¶ 459 (j)(ii)).

The Monitoring Team will interview BPD staff most knowledgeable about BPD's reform efforts on this topic, and will work with such staff to ensure the Monitoring Team obtains the needed data on First Amendment Citations and Arrests as well as citizen complaints as promptly as possible. In addition, the Monitoring Team will conduct a series of community interviews of those who filed complaints, as well as with others who participated in protests, and had interactions with the BPD in that regard subsequent to January 12, 2017.

Team members Rudovsky, Burke, Vince, Rohman, and Brann will be involved in the analysis.

### **11. Sexual Assaults – *Consent Decree* ¶ 459(k)**

In the Consent Decree, BPD commits to improving sexual assault investigations, supervision, and internal oversight. *Consent Decree* ¶¶ 257-266. The Consent Decree requires the Monitoring Team to determine whether BPD has reformed its past discriminatory practices that violated the Constitutional and federal rights of those subjected to sexual assault. *Consent Decree* ¶ 459 (k). See also DOJ Report at pages 122-127 for a description of BPD’s past violations. The Consent Decree sets forth four categories of data that need to be analyzed: (1) number of sexual assault reports made to BPD, (2) the rate of victim participation in BPD sexual assault investigations, (3) clearance rate in sexual assault case, and (4) rate of declination of sexual assault cases referred to the Baltimore City State’s Attorneys Office for prosecution. *Consent Decree* ¶ 459 (k)(i) to (iv). BPD commits in the Consent Decree to enhancing its data collection and processing rape kits. *Consent Decree* ¶ 264(a) – (f).

BPD’s website reports that “Lotus Notes, the software currently used to track basic case information, has been modified to allow the BPD to easily capture and track important demographic details about suspects and survivors. The software also now requires supervisory review at regular intervals (48 hours, 7 days, 14 days, 30 days and 60 days) to better monitor case progress and ensure all relevant investigations steps have been complete in a timely manner with an automated checklist.”

Again, the Monitoring Team’s first step is to ascertain whether BPD has the necessary data in hand. Given the BPD website report, it appears BPD may have already

begun to compile the necessary data. If not, the Monitoring Team will work with BPD to ensure that the data is being tracked in a format accessible for review. In addition, the Monitoring Team will seek victim consent to interview those who declined to participate in BPD sexual assault investigations. The Monitoring Team will also interview attorneys in the State's Attorneys Office to obtain a greater understanding of the reason for the declination of prosecutions.

Team members Burke, Rudovsky, Green, Ridgeway, Goodman and Rohman will be involved in the analysis.

### **12. Transportation of Persons In Custody – *Consent Decree* ¶¶ 222-238**

In the Consent Decree, BPD commits to a complete overhaul of the transportation of persons in custody. Consent Decree ¶¶ 222-238. BPD's self-report on progress reports that "BPD has retrofitted all of its transport vans to remove center partitions in order to improve safety for occupants and officers as well as the installation of recording cameras inside the vans." BPD also reports it is acquiring new police cars that will be able to transport detainees in the rear.

To assess whether BPD has implemented the agreed-upon reforms, the Monitoring Team will review in car camera footage to verify seatbelt usage. The Monitoring Team will interview arrestees about the circumstances of their transport.

Team members Davis, Ridgeway, Rohman and Vince will be involved in the analysis.

### **13. Supervision – *Consent Decree* ¶ 459 (m)**

The Consent Decree requires the Monitoring Team to assess whether BPD is providing effective supervision of officers. *Consent Decree* ¶ 459 (m). The Consent



Decree directs that “the Monitor will conduct an annual review of the number of supervisory interventions initiated through EIS, and on a sampling basis [conduct] a qualitative analysis of the quality of those interventions.” *Consent Decree* ¶ 459 (m). The Monitoring Team will conduct an assessment of the quality of the EIS system itself, its data sources, its methodology for forming peer groups, and its rules for triggering a review.

According to the BPD’s self-report on progress on its website, the EIS unit has increased personnel by four sworn members. In addition, all Sergeants and Lieutenants “were trained on how to accurately enter their investigations into IAPro.” Thus, it appears that the Monitoring Team will be able to use IAPro to determine the total number of supervisory interventions.

Professor Ridgeway will develop a sampling plan to select interventions for a qualitative review. In addition, Team members Burke, Rudovsky, Green, and Rohman will be involved in the analysis.

#### **14. Accountability – *Consent Decree* ¶ 459 (n)**

The Consent Decree requires the Monitoring Team to assess whether BPD is effectively holding officers accountable. *Consent Decree* ¶ 459 (n). Assessment of accountability includes examining whether BPD has the appropriate managerial systems in place to ensure that managers are held responsible for the performance of their subordinates and work units. In addition, the Consent Decree directs that the Monitoring Team review the OPR and CRB quarterly public reports and underlying data as the mechanism to review BPD conduct in this regard.

The Monitoring Team intends to conduct a substantial number of interviews to ascertain whether BPD has established accountability throughout the Department. The Team will be able to commence these interviews as well as the review of OPR and CRB quarterly reports (which are in the public domain). The Monitoring Team will advise BPD of the access needed, as well as identifying particular files, within 30 days after the approval of the Monitoring Plan.

Team members Burke, Rudovsky, Brann, Davis, Green, Melekian and Rohman will conduct these qualitative reviews.

#### **IV. TIMELINES (RFA ¶ 37)**

This proposed schedule will vary depending upon the pace of BPD's reform. For purposes of this proposal, the Monitoring Team assumes a five year Monitoring Period. As shown below, the Monitoring Team plans to complete the policy and training reviews during Year One, with the implementation reviews continuing until completion of the Monitoring. As explained in the Consent Decree, as BPD reaches compliance, the Monitoring Team will commence the one year (Group A) or two year (Group B) monitoring effort. *Consent Decree* ¶ 504. Thus, BPD will be able to narrow the scope of the monitoring effort as it achieves compliance with the terms of the Consent Decree.

### **YEAR ONE (FALL 2017 – FALL 2018)**

#### **WEEK ONE**

Meet with BPD CAED to learn BPD progress subsequent to DOJ findings on following:

Policy amendments

Additional Training

Provision of new equipment

Implementation of body-worn cameras

Outreach to community

Investment in additional technology and infrastructure

Resources available to officers  
Establishment of Community Oversight Task Force  
*Consent Decree* ¶¶ 3, 10-14<sup>2</sup>

Confer with BPD CAED about data  
*Consent Decree* ¶ 483, 486

Reach agreement with BPD and DOJ on a schedule for teleconferences and in person meetings. This draft schedule tentatively schedules weekly teleconferences and monthly in person meetings.  
*Consent Decree* ¶ 473

Post website  
*Consent Decree* ¶ 448

Circulate first draft of Monitoring Plan to the parties

## **WEEK TWO**

Teleconference with Parties  
*Consent Decree* ¶ 473

Informational meeting with BPD Officers  
*Consent Decree* ¶ 475

Provide BPD with 60 days prior notice of Phase I - Outcome Assessments and proposed completion schedules  
*Consent Decree* ¶ 457, 459, 462, 466

Continue to work with BPD regarding data and proposed Monitoring Plan

Continue to work with DOJ regarding proposed Monitoring Plan

Draft preliminary survey instrument  
*Consent Decree* ¶459(a)(i) – (viii)

Community Coalition Meeting (review draft survey)  
*Consent Decree* ¶ 474

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<sup>2</sup> Monitor has an ongoing duty to analyze on an ongoing basis whether BPD can demonstrate compliance with any Material Requirement of the Agreement. In those instances, the Monitor seeks Court approval to refrain from conducting Compliance Review or Outcome Assessment.

*Consent Decree* ¶ 466

**WEEK THREE**

Convene teleconference with Parties  
*Consent Decree ¶ 473*

Continue to work with BPD regarding data and proposed Monitoring Plan

Continue to work with DOJ regarding proposed Monitoring Plan

Informational meeting with BPD Officers (review draft survey)  
*Consent Decree ¶ 475*

**WEEK FOUR**

Convene teleconference with Parties  
*Consent Decree ¶ 473*

Submit draft Monitoring Plan to Parties for approval  
*Consent Decree ¶ 462*

Convene informational meeting with BPD Officers  
*Consent Decree ¶ 475*

Send billing statements to Parties  
*Consent Decree ¶ 451*

Convene Community Coalition Meeting  
*Consent Decree ¶ 474*

If parties agree, direct Community Staff to begin to conduct preliminary survey  
*Consent Decree ¶459(a)(i) – (viii)*

**WEEK FIVE**

Convene an in person meeting with Parties  
*Consent Decree ¶ 473*

Continue to work with BPD regarding data and proposed Monitoring Plan

Continue to work with DOJ regarding proposed Monitoring Plan

Obtain BPD objections, if any, to Phase I – Outcome Assessments and work to resolve  
*Consent Decree ¶ 457, 459, 462, 466*

Convene informational meeting with BPD Officers  
*Consent Decree ¶ 475*

**WEEK SIX**

Convene teleconference with Parties

*Consent Decree ¶ 473*

Convene Community Coalition Meeting

*Consent Decree ¶ 474*

Convene informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK SEVEN**

Convene teleconference with Parties

*Consent Decree ¶ 473*

Submit final Phase I – Outcome Assessments to the Parties with agreed-upon completion schedules

Continue to work with BPD regarding data and proposed Monitoring Plan

Continue to work with DOJ regarding proposed Monitoring Plan

Convene informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK EIGHT**

Send billing statements to Parties

*Consent Decree ¶ 451*

Convene Community Coalition Meeting

*Consent Decree ¶ 474*

Convene Teleconference with Parties

*Consent Decree ¶ 473*

Continue to work with BPD regarding data and proposed Monitoring Plan

Continue to work with DOJ regarding proposed Monitoring Plan

Convene informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK NINE**

Convene an in person meeting with Parties

*Consent Decree ¶ 473*

Continue to work with BPD regarding data and proposed Monitoring Plan

Continue to work with DOJ regarding proposed Monitoring Plan

Convene informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK TEN**

Community Coalition Meeting

*Consent Decree ¶ 474*

Teleconference with Parties

*Consent Decree ¶ 473*

Continue to work with BPD regarding data and proposed Monitoring Plan

Continue to work with DOJ regarding proposed Monitoring Plan

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK ELEVEN**

Teleconference with Parties

*Consent Decree ¶ 473*

Continue to work with BPD regarding data and proposed Monitoring Plan

Continue to work with DOJ regarding proposed Monitoring Plan

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK TWELVE**

Teleconference with Parties

*Consent Decree ¶ 473*

Submit Monitoring Plan to Court for approval

*Consent Decree ¶ 463*

Billing statements to Parties

*Consent Decree ¶ 451*

Community Coalition Meeting

*Consent Decree ¶ 474*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK THIRTEEN**

In person meeting with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK FOURTEEN [SCHEDULE ASSUMES APPROVAL MONITORING PLAN IN THIS WEEK – WILL VARY ACCORDING TO COURT]**

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Community Coalition Meeting

*Consent Decree ¶ 474*

Begin all policy reviews

Begin all training reviews

**WEEK FIFTEEN**

Continue policy reviews

Continue training reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK SIXTEEN**

Continue policy reviews

Continue training reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

Billing statements to Parties  
*Consent Decree ¶ 451*

Community Coalition Meeting  
*Consent Decree ¶ 474*

**WEEK SEVENTEEN**

Continue policy reviews

Continue training reviews

In person meeting with Parties  
*Consent Decree ¶ 473*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

**WEEK EIGHTEEN**

Complete all policy reviews; prepare draft report on results and provide to BPD

Continue training reviews

Begin all implementation reviews

Teleconference with Parties  
*Consent Decree ¶ 473*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

Community Coalition Meeting  
*Consent Decree ¶ 474*

**WEEK NINETEEN**

Continue training reviews

Continue implementation reviews

Teleconference with Parties  
*Consent Decree ¶ 473*

Informational meeting with BPD Officers



*Consent Decree ¶ 475*

**WEEK TWENTY**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Billing statements to Parties

*Consent Decree ¶ 451*

Community Coalition Meeting

Provide draft semi-annual report to parties

*Consent Decree ¶ 471- 472*

*Consent Decree ¶ 474*

**WEEK TWENTY-ONE**

Continue training reviews

Continue implementation reviews

In person meeting with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK TWENTY-TWO**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Community Coalition Meeting  
*Consent Decree ¶ 474*

**WEEK TWENTY-THREE**

Continue training reviews

Continue implementation reviews

Teleconference with Parties  
*Consent Decree ¶ 473*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

**WEEK TWENTY-FOUR**

Continue training reviews

Continue implementation reviews

Teleconference with Parties  
*Consent Decree ¶ 473*

Billing statements to Parties  
*Consent Decree ¶ 451*

Community Coalition Meeting  
*Consent Decree ¶ 474*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

Provide semi-annual report to Court  
*Consent Decree ¶ 471*

**WEEK TWENTY-FIVE**

Continue training reviews

Continue implementation reviews

In person meeting with Parties  
*Consent Decree ¶ 473*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

**WEEK TWENTY-SIX**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Community Coalition Meeting

*Consent Decree ¶ 474*

**WEEK TWENTY-SEVEN**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK TWENTY-EIGHT**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Billing statements to Parties

*Consent Decree ¶ 451*

Community Coalition Meeting

*Consent Decree ¶ 474*

**WEEK TWENTY-NINE**

Continue training reviews

Continue implementation reviews

In person meeting with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

### **WEEK THIRTY**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Community Coalition Meeting

*Consent Decree ¶ 474*

Use preliminary survey data to develop the annual Community Survey instrument and surveying plan

*Consent Decree ¶459(a)(i) – (viii)*

### **WEEK THIRTY-ONE**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

### **WEEK THIRTY-TWO**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Billing statements to Parties

*Consent Decree ¶ 451*

Community Coalition Meeting

*Consent Decree ¶ 474*

**WEEK THIRTY-THREE**

Continue training reviews

Continue implementation reviews

In person meeting with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK THIRTY-FOUR**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Community Coalition Meeting

*Consent Decree ¶ 474*

**WEEK THIRTY-FIVE**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK THIRTY-SIX**

Continue training reviews

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Billing statements to Parties

*Consent Decree ¶ 451*

Community Coalition Meeting

*Consent Decree ¶ 474*

### **WEEK THIRTY-SEVEN**

Continue training reviews

Continue implementation reviews

In person meeting with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

### **WEEK THIRTY-EIGHT**

Complete training reviews; draft Report on results and share with parties

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Community Coalition Meeting

*Consent Decree ¶ 474*

### **WEEK THIRTY-NINE**

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

**WEEK FORTY**

Continue implementation reviews

Teleconference with Parties  
*Consent Decree ¶ 473*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

Billing statements to Parties  
*Consent Decree ¶ 451*

Community Coalition Meeting  
*Consent Decree ¶ 474*

Begin to conduct the annual Community Survey  
*Consent Decree ¶459(a)(i) – (viii)*

**WEEK FORTY-ONE**

Continue implementation reviews

In person meeting with Parties  
*Consent Decree ¶ 473*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

**WEEK FORTY-TWO**

Continue implementation reviews

Teleconference with Parties  
*Consent Decree ¶ 473*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

Community Coalition Meeting  
*Consent Decree ¶ 474*

**WEEK FORTY-THREE**

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK FORTY-FOUR**

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Community Coalition Meeting

*Consent Decree ¶ 474*

**WEEK FORTY-FIVE**

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK FORTY-SIX**

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Community Coalition Meeting

*Consent Decree ¶ 474*

**WEEK FORTY-SEVEN**

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*



**WEEK FORTY-EIGHT**

Continue implementation reviews

Community Coalition Meeting

*Consent Decree ¶ 474*

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

Provide draft semi-annual report to parties

*Consent Decree ¶ 471- 472*

**WEEK FORTY-NINE**

Continue implementation reviews

Teleconference with Parties

*Consent Decree ¶ 473*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK FIFTY**

Continue implementation reviews

Community Coalition Meeting

*Consent Decree ¶ 474*

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK FIFTY-ONE**

Continue implementation reviews

Informational meeting with BPD Officers

*Consent Decree ¶ 475*

**WEEK FIFTY-TWO**

Continue implementation reviews

Community Coalition Meeting

*Consent Decree ¶ 474*

Informational meeting with BPD Officers  
*Consent Decree ¶ 475*

Complete the administration of the annual Community Survey  
*Consent Decree ¶459(a)(i) – (viii)*  
Provide semi-annual report to Court  
*Consent Decree ¶ 471*

## **YEAR TWO (FALL 2018 – FALL 2019)**

Prior to the beginning of the new Monitoring Year, the Monitoring Team will prepare a new week-by-week schedule and post on the website.

### **FIRST QUARTER**

Compile results of the annual Community Survey  
*Consent Decree ¶ 459(a)(i) – (viii)*

Provide draft Comprehensive Re-assessment to parties  
*Consent Decree ¶ 469*

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

### **SECOND QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

Comprehensive Re-assessment due to Court April 7, 2019  
*Consent Decree ¶ 469*

Provide draft semi-annual report to parties  
*Consent Decree ¶ 471- 472*

Provide semi-annual report to Court  
*Consent Decree ¶ 471*

### **THIRD QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

**FOURTH QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

Provide draft semi-annual report to parties

*Consent Decree ¶ 471- 472*

Provide semi-annual report to Court

*Consent Decree ¶ 471*

**YEAR THREE (FALL 2019 – FALL 2020)**

Prior to the beginning of the new Monitoring Year, the Monitoring Team will prepare a new week-by-week schedule and post on the website.

**FIRST QUARTER**

Compile results of the annual Community Survey

*Consent Decree ¶ 459(a)(i) – (viii)*

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

**SECOND QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

Provide draft semi-annual report to parties

*Consent Decree ¶ 471- 472*

Provide semi-annual report to Court

*Consent Decree ¶ 471*

**THIRD QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

## **FOURTH QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

Provide draft semi-annual report to parties

*Consent Decree ¶ 471- 472*

Provide semi-annual report to Court

*Consent Decree ¶ 471*

## **YEAR FOUR (FALL 2020 – FALL 2021)**

Prior to the beginning of the new Monitoring Year, the Monitoring Team will prepare a new week-by-week schedule and post on the website.

## **FIRST QUARTER**

Compile results of the annual Community Survey

*Consent Decree ¶ 459(a)(i) – (viii)*

Provide draft Comprehensive Re-assessment to parties

*Consent Decree ¶ 469*

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

## **SECOND QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

Comprehensive Re-assessment due to Court April 7, 2021

*Consent Decree ¶ 469*

Provide draft semi-annual report to parties

*Consent Decree ¶ 471- 472*

Provide semi-annual report to Court

*Consent Decree ¶ 471*

## **THIRD QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

#### **FOURTH QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

Provide draft semi-annual report to parties

*Consent Decree ¶ 471- 472*

Provide semi-annual report to Court

*Consent Decree ¶ 471*

### **YEAR FIVE (FALL 2021 – FALL 2022)**

Prior to the beginning of the new Monitoring Year, the Monitoring Team will prepare a new week-by-week schedule and post on the website.

#### **FIRST QUARTER**

Compile results of the annual Community Survey

*Consent Decree ¶ 459(a)(i) – (viii)*

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

#### **SECOND QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

Provide draft semi-annual report to parties

*Consent Decree ¶ 471- 472*

Provide semi-annual report to Court

*Consent Decree ¶ 471*

#### **THIRD QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

#### **FOURTH QUARTER**

Continue implementation reviews

Continue to convene meetings with parties, Community Coalition, BPD officials

Provide draft final report to parties

*Consent Decree ¶ 471- 472*

Provide final report to Court

*Consent Decree ¶ 471*

#### **V. BUDGET (RFA ¶ 37)**

This Section provides the five-year budget of \$5,958,000.00 for the proposed Monitoring Team. As is evidenced, the Team recognizes the financial difficulties of the City of Baltimore, and therefore proposes a five-year budget that saves the City \$1,392,000.00 when measured against the permissible amount set forth in the Request for Application (\$1,475,000 per year for five years). The five-year budget assumes for staffing and budgeting purposes a “worse case” scenario in terms of BPD’s reform progress.

In the event BPD is able to move forward efficiently on the reforms, the total costs will lessen, as the amount of professional services needed in the later years will drop dramatically if BPD is deemed compliant for the requisite number of years. As set forth in the Consent Decree, BPD will be monitored one year after compliance for Group A issues (e.g. First Amendment, Youth interactions), and monitored for two years after compliance for Group B issues (e.g., use of force, discipline). *Consent Decree ¶ 504.*

Thus, BPD’s pace of reform will control the overall monitoring budget, with the “best case” scenario costing substantially less than the full five-year budget set forth below.

Note, the Monitoring Team is committed to assisting the Community Staff into transitioning into other educational and professional opportunities whenever the Court deems the monitoring complete.

**YEAR ONE BUDGET**

**PROFESSIONAL SERVICES**

YEAR ONE	Rate	Hours	total
Burke	275	1600	\$250,000.00
Rudovsky	375	300	\$112,500.00
Green	425	80	\$34,000.00
Brann	400	100	\$40,000.00
Stanton	125	200	\$25,000.00
Boston Smith	100	500	\$50,000.00
Davis	110	200	\$22,000.00
Goodman	110	200	\$22,000.00
Melekian	250	150	\$37,500.00
Ridgeway	225	300	\$67,500.00
Rohman	200	180	\$36,000.00
Vince	350	150	\$52,500.00
Community Staff ("CS")	16	9000	\$144,000.00
<b>TOTAL</b>		<b>12,960 hours</b>	<b>\$893,000.00</b>

**COMMUNITY COALITION AND OTHER EXPENSES**

CS health insurance		\$30,000.00
community coalition	26 mtgs	\$15,600.00
community coalition grant fund		\$150,000.00
computers for CS		\$10,000.00
webhosting/email		\$30,000.00
site visit travel		\$50,000.00
office rent	City	\$0.00
duplicating	City	\$0.00

clerical	\$0.00
outreach (meals, parties)	\$5,000.00
office expenses	\$15,000.00
community survey expense	\$6,000.00
document hosting	\$35,000.00

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TOTAL	\$346,600.00
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GRAND TOTAL	\$1,239,600.00
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**YEAR TWO BUDGET**

**PROFESSIONAL SERVICES**

YEAR TWO	Rate	Hours	total
Burke	275	1600	\$250,000.00
Rudovsky	375	300	\$112,500.00
Green	425	80	\$34,000.00
Brann	400	130	\$52,000.00
Stanton	125	200	\$25,000.00
Boston Smith	100	500	\$50,000.00
Davis	110	200	\$22,000.00
Goodman	110	200	\$22,000.00
Melekian	250	150	\$37,500.00
Ridgeway	225	300	\$67,500.00
Rohman	200	180	\$36,000.00
Vince	350	150	\$52,500.00
Community Staff ("CS")	16	9000	\$144,000.00

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TOTAL	12990	\$905,000.00
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**COMMUNITY COALITION AND OTHER EXPENSES**

CS health insurance	\$30,000.00
community coalition 26 mtgs	\$15,600.00
community coalition grant fund	\$150,000.00
webhosting/email	\$5,000.00
site visit travel	\$50,000.00
office rent City	\$0.00
duplicating City	\$0.00
clerical	\$0.00
outreach (meals, parties)	\$5,000.00
office expenses	\$3,000.00



community survey expense	\$6,000.00
document hosting	\$10,000.00

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TOTAL	\$274,600.00
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GRAND TOTAL	\$1,179,600.00
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**YEAR THREE BUDGET  
PROFESSIONAL SERVICES**

YEAR THREE	Rate	Hours	total
Burke	275	1600	\$250,000.00
Rudovsky	375	300	\$112,500.00
Green	425	80	\$34,000.00
Brann	400	130	\$52,000.00
Stanton	125	200	\$25,000.00
Boston Smith	100	500	\$50,000.00
Davis	110	200	\$22,000.00
Goodman	110	200	\$22,000.00
Melekian	250	150	\$37,500.00
Ridgeway	225	300	\$67,500.00
Rohman	200	180	\$36,000.00
Vince	350	150	\$52,500.00
Community Staff ("CS")	16	9000	\$144,000.00

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TOTAL	12990	\$905,000.00
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**COMMUNITY COALITION AND OTHER EXPENSES**

CS health insurance	\$30,000.00
community coalition 26 mtgs	\$15,600.00
community coalition grant fund	\$150,000.00
webhosting/email	\$5,000.00
site visit travel	\$50,000.00
office rent City	\$0.00
duplicating City	\$0.00
clerical	\$0.00
outreach (meals, parties)	\$5,000.00
office expenses	\$3,000.00
community survey expense	\$6,000.00
document hosting	\$10,000.00

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TOTAL	\$274,600.00
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GRAND TOTAL \$1,179,600.00

**YEAR FOUR BUDGET  
PROFESSIONAL SERVICES**

YEAR FOUR	Rate	Hours	total
Burke	275	1600	\$250,000.00
Rudovsky	375	300	\$112,500.00
Green	425	80	\$34,000.00
Brann	400	130	\$52,000.00
Stanton	125	200	\$25,000.00
Boston Smith	100	500	\$50,000.00
Davis	110	200	\$22,000.00
Goodman	110	200	\$22,000.00
Melekian	250	150	\$37,500.00
Ridgeway	225	300	\$67,500.00
Rohman	200	180	\$36,000.00
Vince	350	150	\$52,500.00
Community Staff ("CS")	16	9000	\$144,000.00
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TOTAL		12990	\$905,000.00

**COMMUNITY COALITION AND OTHER EXPENSES**

CS health insurance		\$30,000.00
community coalition	26 mtgs	\$15,600.00
community coalition grant fund		\$150,000.00
webhosting/email		\$5,000.00
site visit travel		\$50,000.00
office rent	City	\$0.00
duplicating	City	\$0.00
clerical		\$0.00
outreach (meals, parties)		\$5,000.00
office expenses		\$3,000.00
community survey expense		\$6,000.00
document hosting		\$10,000.00
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TOTAL		\$274,600.00

GRAND TOTAL \$1,179,600.00

**YEAR FIVE BUDGET**

**PROFESSIONAL SERVICES**

YEAR FIVE	Rate	Hours	total
Burke	275	1600	\$250,000.00
Rudovsky	375	300	\$112,500.00
Green	425	80	\$34,000.00
Brann	400	130	\$52,000.00
Stanton	125	200	\$25,000.00
Boston Smith	100	500	\$50,000.00
Davis	110	200	\$22,000.00
Goodman	110	200	\$22,000.00
Melekian	250	150	\$37,500.00
Ridgeway	225	300	\$67,500.00
Rohman	200	180	\$36,000.00
Vince	350	150	\$52,500.00
Community Staff ("CS")	16	9000	\$144,000.00
<hr/>			
<b>TOTAL</b>		<b>12990</b>	<b>\$905,000.00</b>

**COMMUNITY COALITION AND OTHER EXPENSES**

CS health insurance		\$30,000.00
community coalition	26 mtgs	\$15,600.00
community coalition grant fund		\$150,000.00
webhosting/email		\$5,000.00
site visit travel		\$50,000.00
office rent	City	\$0.00
duplicating	City	\$0.00
clerical		\$0.00
outreach (meals, parties)		\$5,000.00
office expenses (supplies)		\$3,000.00
community survey expense		\$6,000.00
document hosting		\$10,000.00
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<b>TOTAL</b>		<b>\$274,600.00</b>
 <b>GRAND TOTAL</b>		 <b>\$1,179,600.00</b>

## VI. COLLABORATION (RFA ¶ 38)

The Monitoring Team sets forth its collaboration plans in this Section. Subsection A addresses collaborating with the parties. Subsection B addresses collaborating with the Baltimore community.

### A. PARTIES

The Monitoring Team will collaborate fully with both the parties. As set forth BPD has created a Compliance, Accountability and External Affairs Division (“CAED”) to implement the reforms called for by the Consent Decree. The Monitoring Team anticipates that it will remain in constant and close contact with staff in this office to ensure efficient progress on the Monitoring Plan. The Monitoring Team will discuss the data, access, and other needs with CAED before finalizing its Monitoring Plan to ensure that the Plan sets realistic deadlines.

In addition to collaborating with BPD through CAED, the Monitoring Team will collaborate with individual BPD officers. *First* and most importantly, the Monitoring Team shall be constantly available and accessible to receive – on a confidential and anonymous basis if desired -- any voluntary reporting from BPD officials regarding misconduct (including retaliation). *Consent Decree* ¶ 475. To that end, the Monitor will have a dedicated telephone number and email account that will allow BPD officers who wish to discuss issues or report misconduct (including retaliation) on a confidential and anonymous basis. *Consent Decree* ¶ 475.

To ensure the maximum confidentiality and security of such reports, only the Monitor and Deputy Monitor will have access to the telephone line and email account. They will work with the reporting BPD officer to establish an interview time and location

most comfortable to the BPD officer. The BPD officer shall have the ability to decide which team members other than the Monitors, if any, shall be included within the interview process. For purposes of internal discussions within the Monitoring Team, the Monitors shall assign a numeric code to each reporting BPD officer with only the two Monitors privy to the names of the reporting BPD officer.

**Second**, the Monitoring Team will convene a meeting every week to allow individual BPD officers to learn about the Agreement implementation process and to hear their questions, concerns and suggestions regarding its implementation. *Consent Decree* ¶ 445. The timing of the meetings will be ascertained after consultation with the BPD's CAED office to ensure maximum attendance with minimum disruption of schedules.

Throughout this collaborative effort, the Monitoring Team will make clear that they are only monitoring, not controlling, BPD's actions. As is clear from the terms of the Consent Decree, the Monitor "will only have the duties, responsibilities, and authority conferred by this Agreement. The Monitor will not, and is not intended to, replace or assume the role and duties of the City or BPD, or any duties of any City or BPD employee including the Commission, or any City Official." *Consent Decree* ¶ 445. BPD itself is responsible for eradicating the conduct described by the DOJ Report, with assistance as needed from the Monitoring Team.

**Third**, although the Monitoring Team respects and understands the sensitivity of law enforcement information, the Team expects transparency from BPD. We expect BPD to provide members of the team with access to records, access to observe in person officer training sessions, access to incident and officers reviewed, and other critical elements that will allow the team to provide the City of Baltimore with the agreed-upon

independent monitoring. To that end, the Monitoring Team requests that BPD issue each team member a temporary identification badge, and establish a 24-hour phone number that allows any BPD officer to call and verify that the Monitoring Team member is allowed access. This will allow the Monitoring Team to conduct the necessary observations, such as watching a firearms requalification or watching officers conduct operations in the middle of the night.

The Monitoring Team will also closely collaborate with the DOJ team, both in person and by telephone, to ensure an efficient and effective monitoring process.

## **B. COMMUNITY**

The Monitoring Team also views constant collaboration with the community as essential to the monitoring process. The Consent Decree establishes several goals with regards to the community: enhancing BPD's relationship with community through increased transparency and public input, fostering continued community participation, and ensuring the long-term sustainability of reforms created by Agreement. *See Consent Decree ¶¶ 1, 6.* To reach those goals requires resources, time and money. To that end, the Monitoring Team plans to devote significant time and money to community collaboration.

*First*, the Monitoring Team will convene meetings every other week that will be open to any and all organizations and individuals who are interested in working together towards a reformed Baltimore Police Department. As is evidenced by the 49 persons testifying at the public hearing, many individuals as well as organizations are willing to devote time to reforming the BPD. Those persons regularly and productively participating in the meetings will become a *de facto* Community Coalition that assists the

Monitoring Team. Participation from all community groups is critical, as the Monitoring Team needs to hear about BPD-community interactions at every level, including interactions with immigrants and those in the LGBT community.<sup>3</sup>

At each convening every other week, the Community Coalition will be briefed by on the steps being taken or contemplated by the Monitoring Team. This briefing will be kept short and succinct to permit the majority of the Monitoring Team's time to be spent listening. Community Coalition participants will be asked to share their thoughts and information to educate the Monitoring Team about both perceptions and police-civilian interactions occurring in the community. Each meeting will also include a discussion of the ways to improve the outreach into the community.

To ensure continuity of attendance and engagement, the Monitoring Team is budgeting funds for the Community Coalition in two ways. **First**, any member of the Community Coalition is eligible to serve as a co-chair and receive a \$300 per meeting stipend provided he/she has reviewed the DOJ findings and Consent Decree, and attended all prior meetings. At the close of each meeting, the Community Coalition will identify all participants eligible and interested in co-chairing the next meeting, and select two eligible members to co-chair the next meeting. The assigned co-chairs will be required to communicate with each other during the off-week to develop an agenda and continue to publicize the meetings to the community.

**Second**, the Monitoring Team is budgeting \$150,000 per year (total of \$750,000) for use by the Community Coalition. The Community Coalition will determine how best

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<sup>3</sup> Note, BPD committed to develop micro-community policing plans to reflect particular community enforcements priorities. *Consent Decree* ¶ 19 (h). The Monitoring Team will be reviewing those plans and seeking community input on their effectiveness.

to use those funds for activities that further the ultimate goal of a trusting relationship between BPD and the community. The Coalition will submit a request or a series of requests to the Monitoring Team for approval. By providing financial incentives to participate on a regular basis and to engage in outreach activities, the Monitoring Team seeks to help build a lasting community capacity to engage in informed oversight.

As the BPD reforms itself, the Monitoring Team anticipates that the Community Coalition participants will develop creative and authentic approaches towards developing a new relationship of trust with a reformed BPD. The Monitoring Team will support any and all reconciliation efforts, including but not limited to, small informal dinners attended by community members and BPD officers assigned to their neighborhoods; question and answer sessions; and award ceremonies recognizing those in both the community and BPD whose efforts help move towards the goal of lawful community policing.

## **VII. TEAM REPRESENTATIONS AND REFERENCES (RFA ¶¶ 36, 43-46)**

This Section sets forth the representations required by the Request for Applications.

### **A. REFERENCES (RFA ¶¶ 36)**

The Monitoring Team lawyers (Burke, Rudovsky, Green, Stanton) have all spent decades litigating and monitoring on the public record. Any court, parties, opposing counsels or others related to their matters may be contacted for references. The Monitoring Team law enforcement (Brann, Davis, Goodman, Melekian, Vince) and other professionals (Ridgeway, Rohman, Boston Smith) similarly have operated in the public sphere, and also represent that the parties may contact anyone connected with any of their



projects for references. The Monitoring Team will assist in providing any needed contact information.

**B. REVIEW OF RFA AND CONSENT DECREE (RFA ¶¶ 43-44)**

The members of the Monitoring Team represent that they have reviewed the Request for Application and the Consent Decree.

**C. PUBLIC DISCLOSURE (RFA ¶ 45)**

The members of the Monitoring Team understand and agree that this Response to the Request for Application shall be made public. The members look forward to responding to questions from the public and the parties.

**D. TIMELY SUBMISSION (RFA ¶ 46)**

The members of the Monitoring Team are submitting this Response to the Request for Application in a timely fashion by sending via email and via hand-delivery to the following:

Puneet Cheema  
Trial Attorney  
Civil Rights Division  
U.S. Department of Justice  
601 D. Street NW  
Washington, DC 20579  
[Puneet.Cheema2@usdoj.gov](mailto:Puneet.Cheema2@usdoj.gov)

Erin Sher Smyth  
Purchasing Agent for Baltimore City  
231 E. Baltimore Street – 3rd Floor  
Baltimore, MD 21202  
[Erin.Sher@baltimorecity.gov](mailto:Erin.Sher@baltimorecity.gov)