




# VENABLE<sub>LLP</sub>

## Response to Community Questions for Baltimore Police Department Monitorship

August 21, 2017



The team assembled by Venable LLP is pleased to respond to written questions that Baltimore community organizations and members have posed to finalists for the position of monitor for the Baltimore Police Department under the Consent Decree entered by the U.S. District Court for the District of Maryland on April 7, 2017.

We answered a number of these questions at the public forums held at Baltimore City Community College and Morgan State University on August 15 and 16, 2017. The responses below are intended to supplement the answers already provided at the public forums.

Many of the questions posed are similar to one another and implicate the same subjects. To avoid providing the same answers over and over again, we have grouped the questions and our responses according to subject.


Certain questions venture beyond the scope of the monitor's authority under the Consent Decree. Because the monitor's authority is limited to ensuring the BPD's compliance with the requirements of the Consent Decree and providing technical assistance to the BPD to facilitate lasting, sustainable reform, it is inappropriate for us to answer these questions.

## **Community Engagement**

A number of community organizations and individuals have asked questions about our plans for community engagement—for instance, how we intend to conduct outreach to communities throughout the City, including sometimes hard-to-reach communities, to obtain input in the monitoring process; how we intend to be transparent regarding our outreach efforts; and how we plan to conduct the required community surveys. The organizations and individuals that have asked questions concerning community engagement include:

- Baltimore Action Legal Team (Questions #1, #2, and #3 to “All”)
- Campaign for Justice, Safety and Jobs (Question #1)
- Disability Rights Maryland (Questions #8 and #9)
- NAACP LDF (Question #6)
- Immigration Outreach Service Center
- David Cramer

*Methods of engagement.* As we emphasized at the public forums at BCCC and Morgan State, community engagement is key to the monitoring team's ability to gauge the BPD's compliance with the Consent Decree and, ultimately, to the BPD's efforts to achieve the lasting reforms the community seeks. For that reason, our team plans to have extensive contact with




members from all of Baltimore's diverse communities. The Consent Decree requires the monitor to hold a meeting each quarter in a different neighborhood. We will, of course, comply with that requirement and will advertise and conduct outreach to ensure robust attendance. But much more is required. We also intend to establish working relationships with a variety of community groups, including but not limited to neighborhood associations, faith communities, civil, human, immigrants' and LGBTQ rights organizations, and other activist groups—precisely the types of organizations that submitted questions and appeared at the public forums. We will seek out invitations to the meetings of these groups in order to obtain their input. In addition, we will establish ties with community leaders from across the City and meet informally with them. We will also meet with other individual stakeholders, including victims of alleged civil rights abuses. Meeting with community organizations, leaders, and individual residents will be a routine part of the work of our team. Indeed, community engagement makes up an important part of our budget—e.g., 550 hours total (over three full work months) during the first year of the Consent Decree. While the monitoring team's ability to publicly comment on the BPD's compliance efforts is limited by the terms of the Consent Decree, the ability to seek information and input from the public is not.

On top of conducting vigorous outreach, we will be accessible to community members through a telephone hot line we plan to establish. In addition, we will establish a website that will report on the team's work and the BPD's progress and permit public comment via email. Finally, we will establish regular office hours to permit members of the community to provide us their input. In short, while we recognize that community engagement in police reform requires, above all, outreach *to* the community, we also will have resources available for community members who wish to come to us.

*Team members committed to engagement.* Our community engagement efforts will be led by individuals who have long ties with and are readily accessible to Baltimore. The proposed monitor, Ken Thompson, has lived in Baltimore all of his life and maintains an office downtown. He will always be available to meet with and hear from community members and organizations. Seth Rosenthal works in the District of Columbia, will spend significant time in Baltimore working on implementation of the Consent Decree (he already spends time in Venable's Baltimore office), and also will be readily available to meet with community members and organizations.

Perhaps most importantly, as explained in our original application (see pages 18, 36, 38-39), the team will include a community liaison or liaisons (if it is determined that more than one is beneficial) whose sole responsibility will be to engage Baltimore's communities in the Consent Decree process. To select a liaison or liaisons, we will seek the input of the parties and community members to identify a credible, unbiased individual or individuals with the ability to command the respect of all of the Consent Decree's stakeholders. Because it is imperative that the liaison(s)




possess the ability to command universal respect, we have not yet chosen one. Yet we have identified and approached individuals we believe to be viable candidates. If selected, obtaining buy-in for and naming a liaison(s) will be our first order of business. Ensuring that the BPD's changes in policy, training, supervision, and accountability systems are achieving positive, agency-wide changes in officer conduct and ameliorating police-community relations is the overarching goal of the Consent Decree. The monitoring team cannot gauge whether those changes are occurring without obtaining input from the City's diverse communities, and the monitoring team cannot effectively obtain such input without actively engaging the liaison(s) in our efforts.

Several organizations have asked how we can ensure that we earn the community's trust, given that our team includes law enforcement professionals and that certain communities mistrust law enforcement. The answer is that our team was specifically constructed to address the reality of this mistrust.

For one thing, our law enforcement professionals are proven civil rights *reformers*, not simply police managers—a point we have made clear in our application, in the public forums, and in the “Experience in Constitutional Policing Reforms” section below. Additionally, our team is not composed solely of law enforcement professionals. There are a greater number of non-law enforcement personnel on our team, including: the community liaison(s) who will have the community's trust; a proposed monitor, Ken Thompson, who knows Baltimore and has represented hundreds of criminal defendants arrested by the BPD; a proposed deputy monitor, Seth Rosenthal, who, as a criminal defense and civil rights lawyer (including as a federal prosecutor in the Department of Justice's Civil Rights Division), has years of experience working with the victims of police misconduct; three licensed psychologists who specialize in police reform—Dr. Ellen Scrivner, who has spent much of her career promoting community policing and working to build community-police trust; Dr. John Lamberth, one of the country's leading experts in bias-free policing; and Dr. Randy Dupont, the nation's leading expert on crisis intervention and de-escalation techniques for law enforcement officers; and attorney Steve Parker, who prosecuted federal civil rights cases involving law enforcement officers for over 30 years, investigated unconstitutional practices by the New Orleans and Ferguson (Missouri) Police Departments, and served as the Department of Justice's community liaison for New Orleans Police Department consent decree, earning the trust of numerous community groups, including the local LGBTQ community, who upon his retirement in 2014, threw him a going-away party attended by a number of representatives of hard-to-reach communities in New Orleans.


Importantly, however, our law enforcement professionals have extensive experience in community engagement themselves. Indeed, their records as reformers go hand-in-hand with their success in community engagement. They have conducted outreach to, and established working relationships with, community organizations and leaders, including organizations and leaders from



marginalized communities, both in their work on other consent decrees and in their work with other law enforcement organizations. Our law enforcement experts will draw on that experience to help develop relationships with and obtain input from Baltimore’s diverse communities. This experience includes the following:

- Before becoming Sheriff of Washtenaw County, Jerry Clayton not only ran a successful community policing operation as Commander, but created a program that allowed criminal offenders to work with employers in the community under law enforcement supervision. As Sheriff, he has established a comprehensive community engagement program that includes extensive outreach to the youth in his county. Sheriff Clayton also designed and conducts Lamberth Consulting’s community policing training program, and has run focus groups designed to identify opportunities to enhance law enforcement and community relations.
- Sherry Woods has assisted Sheriff Clayton in the implementation of Washtenaw County’s comprehensive community engagement program, as well as the county’s program allowing offenders to work with community employers. She also served as Deputy Chief of the Community Services Division of the Ann Arbor Police Department, where she was responsible for the direction, control, and planning of community programs and services.
- Mary Ann Viverette successfully developed and adopted a city-wide community policing philosophy in Gaithersburg, Maryland, where 49% of the citizens speak languages other than English. Thanks to her efforts, the Gaithersburg Police Department received the Livability Award from the U.S. Conference of Mayors in 1995 for its community policing programs.
- Robert Stewart embraced and became a national leader on community policing during his 22 years of service with the Metropolitan Police Department in the District of Columbia, and in his subsequent positions in Louisville, Kentucky, Ormond Beach, Florida and as Executive Director of National Association of Black Law Enforcement Officers. He served as NOBLE’s representative to the Community Policing Consortium and teaches community policing as a police practices expert.

A couple of submissions have asked why our team has preliminarily chosen not to include a formal community advisory board to inform the outreach efforts of our community liaison and other team members. The answer is that we are concerned that establishing a formal advisory board could create the perception that there is a hierarchy of community voices—that some voices




are more valued than others. We believe that perception, if it develops, could prove detrimental to obtaining the input the monitoring team needs and, ultimately, detrimental to ensuring successful, sustainable implementation of the Consent Decree's reforms. We prefer to establish a more informal—but equally robust—advisory process, one that is entirely inclusive and is less apt to be viewed as exclusive or hierarchical. While we are not dead set against adopting a formal advisory board model and are open to hearing more about its claimed benefits, we preliminarily take the position that a more definitively inclusive community engagement plan, led by the monitor and the community liaison(s), is better-suited to obtaining the vast array of viewpoints held by City residents.

*Impact of engagement on monitor's findings.* Team members will memorialize all community contacts, including meetings, telephone calls, emails, and comments posted to our website. The process we will utilize for documenting community contacts will be no different than the process we will utilize for documenting the team's other work: we will develop and utilize electronic forms that allow for contemporaneous recording of all activities and observations. We will review information from these forms to arrive at our findings regarding compliance and to draft our reports. Our reports will identify the meetings we have, and the input we receive, from community members. As with everything else, transparency is paramount. Because re-establishing the community's trust of the BPD is a primary goal of the Consent Decree, the findings set forth in our reports will necessarily take into account the feedback we receive from the community.

*Use of community resources.* The formal community surveys required to be conducted annually will provide another means of gauging the community's views about the BPD's performance. Notably, we plan to use community resources to help conduct our surveys. Team member Geoffrey Alpert was the lead expert in planning and executing the community survey for the New Orleans Police Department (NOPD) consent decree, and Dr. John Lamberth, another team member, has extensive experience crafting and conducting surveys as well. We believe the methods used successfully for the NOPD community survey should be used in Baltimore, adjusted for any issues unique to the City. And for the NOPD community survey, numerous community resources were used to gather and analyze information. In particular, the NOPD monitoring team contracted with local organizations to conduct in-person interviews, telephonic interviews, and online surveys, and contracted with local universities to organize and evaluate the resulting data. With the concurrence of the parties and the Court, we would hope to follow the same course of action, and the cost estimates we submitted in response to the Request for Applications budget for it.

In addition to utilizing community-based resources for our surveys, we intend to use local residents, including graduate students, to assist Dr. Lamberth and Dr. Alpert, who will be



compiling and analyzing statistical data on stops, searches, arrests, and uses of force to measure compliance with Consent Decree requirements. We will also seek to utilize local resources to design and maintain the monitoring team’s website.


### **Potential Conflicts of Interest**

The Baltimore Action Legal Team (“Question for Venable”), NAACP LDF (Question #7), and Marilyn Howard have asked about the Venable team’s potential conflicts of interest, given that Venable has represented the City and the State of Maryland and that a number of its members have worked for the Department of Justice as either an employee or consultant.

The simple answer is that Venable’s work for the City and the State, and team members’ past work for the Department of Justice, will have absolutely no impact on our team’s ability to oversee the BPD in its efforts to comply with the Consent Decree. This is a different matter than those other matters, and in this matter, if we are selected, our undivided loyalty will be to the Court who appoints us (not any of the parties) and to the effective and sustainable implementation of the Consent Decree’s required reforms. If we are selected, we will vigilantly maintain our independence by routinely scrutinizing the work relationships of our team members outside of the monitorship.

It also bears repeating what we explain in our application (*see* pages 36, 47-48): Venable has been, and is, *adverse* to the City and the State of Maryland in a number of matters—including matters where, on behalf of its clients, Venable has sought to *change* the status quo in the City and the State, much like the Consent Decree seeks to change the status quo at the BPD. In recent years, working with organizations like the Maryland State Conference of NAACP Branches, the ACLU of Maryland, Maryland Legal Aid, and Disability Rights Maryland, Venable has:

- Monitored and enforced the Maryland State Police’s settlement agreement with the Maryland NAACP in its suit alleging systemic racial profiling by state troopers
- Won a precedent-setting case for the Maryland NAACP that requires the Maryland State Police to disclose records showing whether it meaningfully investigates complaints of racial profiling (proposed deputy monitor Seth Rosenthal was lead attorney)
- Sued and obtained a favorable settlement against two Maryland state troopers for racial profiling (Seth Rosenthal was lead attorney)

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- Won a landmark case against the Maryland Department of Health and Mental Hygiene that permits juvenile courts to require the State to provide ongoing, life-sustaining care to disabled foster children after they turn 21
  - Sued and obtained a favorable settlement against the Maryland Department of Health and Mental Hygiene to develop policies to prevent the sexual abuse of DHMH facility residents
  - Sued the Maryland Department of Health and Mental Hygiene on behalf of a class of prisoners with mental illness who have been declared incompetent to stand trial but whom DHMH has refused to timely transfer to its facilities from local jails
  - Won a landmark case requiring the State of Maryland to furnish appointed counsel at preliminary bail hearings to individuals accused of crimes
  - Led a three-decade effort to reform the foster care system in Baltimore City through a negotiated consent decree with the City's Department of Social Services and the State's Department of Human Resources

Led by Venable, our team is more than capable of faithfully carrying out the monitor's duty to ensure that the City and the BPD live up to their commitments under the Consent Decree.


### **Team Composition**

Several individuals, including Keesha Ha, Yvette Muhammad, and David Cramer, have asked how we went about selecting the members of our team and whether we are open to adding new members.

As explained in our application and at the public forums, we consciously constructed our team to address the unique requirements that the Consent Decree imposes on the BPD. This is a civil rights Consent Decree. We therefore selected team members based on their experience in—and passion for—reforming police agencies so that officers engage in constitutional policing. All of our team members firmly believe that adherence to the Constitution and respect for civil rights are essential to effective law enforcement, and their careers demonstrate their passionate commitment to that belief.

We also recognize that this Consent Decree affects a unique place—Baltimore. We therefore selected a proposed monitor, Ken Thompson, who has spent his entire life in the City, from birth through high school, to law school, and then to 40 years in the practice of law. We also





will be selecting a community liaison(s) from the City and conducting vigorous outreach to the City's diverse communities, as explained above. Because this is a civil rights consent decree, it cannot and will not succeed without meaningful input from community members—the very people whose civil rights it is intended to protect.

In short, to achieve the goals of the Consent Decree, we have built a team that is a combination of home-grown leadership and national expertise in constitutional policing.


If selected as monitor, we would, of course, be open to adding members who would help to achieve the Consent Decree's overarching goals: constitutional policing and restoration of the trust between the BPD and the citizenry that should come with it.

### **Impartial Policing**

The Campaign for Justice, Safety and Jobs (Question #3), NAACP LDF (Question #1), and Betty Robinson have asked questioned about our team's experience addressing biased policing practices, such as those that are at the core of the Department of Justice's findings.


As explained in our application and in the public forums at BCCC and Morgan State, a number of our team members have substantial experience in impartial policing:

- As an academic, consultant, and expert witness, Dr. John Lamberth has performed pioneering, internationally-recognized work using rigorous, data-driven statistical methods to gauge whether police departments are systematically engaging in racial profiling. He has had upwards of 40 such engagements over the past 20 years, including with the Department of Justice's Civil Rights Division, the New Jersey Public Defender's Office, private attorneys, the U.S. Army, the National Law Enforcement Assistance Association, the State of Kansas, the San Antonio Police Department, the Montgomery County, the Metropolitan Police Department in the District of Columbia, the Ann Arbor Police Department, the Kalamazoo Department of Safety. Dr. Lamberth also has analyzed law enforcement data in other countries, and has made presentations on best practices for collecting, analyzing, and reporting traffic stop data at the National Traffic Stop and Racial Profiling Summit for Law Enforcement. Recently, Dr. Lamberth served as the data and analysis expert for two United Nations meetings, the first convened by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance for the United Nations Office of the High Commissioner for Human Rights, and the second at the Eighth Session of the Human Rights Council of the United Nations Forum on Minority Issues. On the heels of Dr. Lamberth's work, a number of



police agencies (e.g., the New Jersey State Police and the Kalamazoo Police Department) have implemented new policies, adopted new training regimes, and strengthened accountability systems and, as a result, have made marked improvement in eradicating race- and national origin-based policing practices.

- Mary Ann Viverette has worked on the monitoring team for the New Orleans Police Department consent decree as a subject matter expert in both bias-free policing and policing free of gender bias since 2013. The NOPD has made significant improvements over the past two years. Chief Viverette is a specialist in monitoring sexual assault investigations to determine the presence of gender bias, served as an investigator on gender bias in DOJ’s investigation of the Lorain, Ohio Police Department, and has conducted dozens of training sessions on the recruitment of women and minorities. As a long-term member of the Civil Rights Committee member of the International Association of Chiefs of Police, Chief Viverette also reviewed civil rights law enforcement policies from agencies throughout the country, initiated legislative recommendations and resolutions of civil rights issues, and reviewed and awarded police departments nationwide for civil rights programs reflective of best practices.
- Jerry Clayton is a nationally known expert in bias-free policing. Formerly chair of the Michigan Commission on Law Enforcement Standards and currently a police practices expert on bias-free policing (among other things) for the national office of the American Civil Liberties Union, he co-developed and teaches courses on bias-free policing to officers, supervisors, executives, and field trainers all over the country.
- Robert Stewart has evaluated bias-free policing policies and taught bias-free policing for a number of agencies. He has taught and assisted in the development of Lorie Fridell’s “Fair and Impartial Policing” course. Currently, he works on the Newark Police Department consent decree monitoring team in the area of bias-free policing. He also has served as an expert witness on bias-free policing in litigation against the Maricopa County, Arizona Sheriff’s Department.
- Seth Rosenthal has litigated cases involving unconstitutional police practices, including racial profiling by the Maryland State Police. After a recent racial profiling case against two Maryland state troopers, which resulted in a favorable settlement, the State Police revamped and bolstered its impartial policing policies. In addition, Mr. Rosenthal served on an unbiased policing task force established by the former Secretary of the Maryland State Police. A long-time civil rights lawyer, including in DOJ’s Civil Rights Division, Seth also has prosecuted criminal cases involving police misconduct and racially-



motivated violence and litigated civil cases involving discrimination in housing, lending, and public accommodations.

- Steve Parker’s duties at the Department of Justice included overseeing the New Orleans Police Department’s compliance with the bias-free policing requirements of the NOPD consent decree.

### **Experience in Constitutional Policing Reform**

The NAACP Legal Defense Fund has asked about our team’s experience identifying and addressing unconstitutional policing practices and about any success our team members have had in ameliorating agency deficiencies in constitutional policing (NAACP LDF Question #2). Our application goes into considerable detail about our team’s experience successfully reforming law enforcement agencies. (See the Personnel and Qualifications sections of our application, at pages 21-41.) Indeed, as we explained at the public forums at BCCC and Morgan State, having experience as a police *reformer*—not simply as a police manager or consultant—was a prerequisite for team membership. This is a civil rights consent decree, not simply a police management consent decree, so police management experience was not enough.

All of our team members have devoted substantial portions of our careers to constitutional policing—that is, to establishing policies and practices that scrupulously protect the civil rights of the populations that police are sworn to serve. We have been: (1) experts for the U.S. Department of Justice in pattern and practice investigations in, among other places, Chicago, Detroit, New Orleans, Ferguson (Missouri), Maricopa County (Arizona), Seattle, Washington, Cleveland, Albuquerque, Meridian (Mississippi), and Los Angeles County; (2) consultants to dozens of law enforcement agencies seeking voluntarily to implement reforms; (3) members of other consent decree monitoring teams, including in Newark, Cleveland, Seattle, New Orleans, Detroit, the U.S. Virgin Islands, and Hobbs, New Mexico; and (4) reformers within our own departments, including departments under consent decrees in Pittsburgh (as Pittsburgh Police Chief in the 1990s, Bob McNeilly brought the Department into substantial compliance within two and a half years under a five-year consent decree) and Seattle (Captain Mike Teeter has successfully implemented a robust accountability system for internal use of force investigations). From our collective experience, we know that adherence to constitutional standards is the best way to ensure effective law enforcement, and we have achieved considerable success in reforming law enforcement agencies that have veered from the Constitution’s commands.



## Accountability


Several individuals, including Hilary Hellerbach, Karis Haslam, Keesha Ha, have asked about our commitment to ensuring improvements in the systems that are intended to ensure officer accountability—internal investigations, discipline, and civilian oversight.

Adopting a vigorous and transparent disciplinary system is absolutely indispensable to bringing about a change in culture within the BPD. For reform to occur, and for constitutional policing practices to take hold, officers must know that all complaints will be taken seriously, investigated thoroughly, and result in certain discipline if misconduct is found to have occurred. Moreover, officers must understand that the disciplinary system must be transparent—the public has the right to know the outcome of misconduct complaints.

The Consent Decree has stringent provisions requiring the BPD to fully and fairly investigate officer misconduct, discipline officers, and allow for informed citizen oversight. The Consent Decree will thus require the monitoring team to make sure that (1) the BPD implements rigorous policies and procedures for comprehensively documenting and thoroughly investigating complaints of officer misconduct and adequately punishing officers who break the rules and (2) the BPD actually adheres to those policies and procedures in practice. Because we recognize the vital importance of a robust accountability system to ensuring constitutional policing and restoring trust between the BPD and Baltimore residents, we are committed to overseeing the effective adoption of such a system.

Additionally, because transparency within the BPD’s accountability system is critical to its effectiveness, the Consent Decree requires that the BPD contact all complainants and notify them of its investigative findings and disciplinary outcomes, and further requires the BPD to adopt public accountability measures, such as opening review board hearings to the public. We are also fully committed to overseeing—and firmly believe in the importance of—the adoption of such accountability measures.

Finally, the Consent Decree requires the BPD to coordinate more closely and more effectively with the Civilian Review Board (CRB), which should ideally provide another means of ensuring accountability within the BPD. Our team is committed to consulting regularly with the CRB to address any of its concerns, particularly whether the BPD is providing it with complete, detailed information. Furthermore, as there are several models of civilian oversight, we are committed to consulting with the BPD and the CRB about the best model for Baltimore.



In sum, without the adoption of an effective, transparent accountability system within the BPD, the Consent Decree will not succeed. To ensure the adoption of such a system, we will review and evaluate policies, review and evaluate training protocols for investigators, provide technical assistance as needed, and conduct exhaustive reviews of civilian complaints to check for appropriate documentation, appropriate investigation, appropriate discipline, and appropriate follow through with the CRB.

### **First Amendment**


Kim Truehart (directly) and the NAACP Legal Defense Fund (indirectly in Question #2) have asked whether our team, if selected, would be willing to address First Amendment violations by the BPD. The answer is yes. The Consent Decree contains provisions requiring the BPD to implement reforms that respect citizens' First Amendment rights to speak, assemble, and monitor police activity. If we are selected, and if the BPD does not make the required improvements in honoring First Amendment rights, we will report to the Court and to the public that the BPD is out compliance with the relevant Consent Decree provisions and will make recommendations about what the BPD must do to make improvements and achieve compliance.

Our team has experience in First Amendment issues. Proposed deputy monitor Seth Rosenthal has litigated both civil and criminal matters involving First Amendment protections. Steve Parker has taught both police officers and attorneys about First Amendment issues in policing and, as part of his review of the Ferguson Police Department for the Department of Justice, investigated and found a pattern of retaliation for the exercise of First Amendment rights.

### **Policing and Individuals with Behavioral Health Disabilities**

Disability Rights Maryland has asked a series of questions about our team's experience addressing issues involving law enforcement agency interactions with individuals with behavioral health disabilities and improving law enforcement agency/mental health system interactions.

Our team has significant experience creating and implementing diversion policies that reduce the interaction between vulnerable individuals and the police. Our team includes two clinical psychologists, including Dr. Randy Dupont, a leading expert in diversion strategies and crisis intervention and de-escalation in policing. Dr. Dupont has worked with dozens of agencies and trained thousands of officers in crisis intervention and de-escalation. Dr. Dupont has been honored by the National Alliance on Mental Illness and the John Jay College of Criminal Justice Law Enforcement News as their National Person of the Year for changing the way law



enforcement interacts with vulnerable populations. The crisis intervention model Dr. Dupont helped develop is now used in over 3000 cities in the United States.

Under Dr. Dupont's leadership, our strategy for ensuring that the BPD implements reforms that emphasize diversion includes:


- Meaningful community participation throughout the diversion process
- A strong relationship with healthcare and social services providers in Baltimore
- Specialized knowledge about vulnerable individuals
- An emphasis on safety for all involved

### **Baltimore Schools Police Force**

NAACP LDF has asked whether, as auxiliary police officers, Baltimore Schools police officers should be held to the same training, disciplinary, and data collection standards as BPD officers (NAACP LDF Question #3). While it is inappropriate for us, as either the monitor or a monitor candidate, to express an opinion about the requirements for Baltimore Schools officers, we know that Section III (D) of the Department of Justice's findings noted specific deficiencies in how BPD coordinates with the Baltimore Schools police and that those deficiencies lead to constitutional violations, erode community trust, and inhibit effective policing. We also know that, as a result, Section XV of the Consent Decree imposes specific requirements on the BPD to resolve these deficiencies and correspondingly requires that the BPD seek to renegotiate its memorandum of understanding with the Schools police force to ensure constitutional policing. If selected, we will monitor whether the BPD fulfills its obligation to ensure that changes are made and that Baltimore schools officers, like BPD officers, are guided by policies, receive training and supervision, and face accountability that ensure constitutional policing.

### **Time Commitment**

The NAACP LDF has asked whether our team will commit sufficient time to the monitorship, and specifically whether any of our team members will work full-time on it (NAACP LDF Question #4). As we explained in our application (see pages 28-29), our team members, like members from all of the finalist teams, are busy professionals. Each of us has existing work obligations, some more extensive than others. Nonetheless, we have the collective capacity to perform the work required under the Consent Decree and are fully committed to prioritizing that work. Indeed, because we have existing obligations, we will be required to budget our time carefully and carry out our responsibilities efficiently. Moreover, many of our team members have worked together before and some work together now. Familiarity also generates efficiency.




Ken Thompson, Seth Rosenthal, and Steve Parker have active law practices. None of our existing obligations will keep us from prioritizing and performing the work of the monitor, nor would we take on future obligations that would compromise our commitment to the monitorship.

Our team's law enforcement professionals also have existing obligations, but can and will make the time needed for the work the Consent Decree requires.

- Theron Bowman is Deputy City Manager of Arlington, Texas, but has submitted his retirement notice and will be retired from public service by the time monitorship obligations begin. While he works part-time on the New Orleans Police Department consent decree monitoring team, he will have ample time to devote to the BPD monitorship. The NOPD team work for him, at this point, is roughly 15 hours per month.
- Bob McNeilly and Mary Ann Viverette each work part-time on the NOPD monitoring team. The NOPD monitoring team work for each of them, at this point, is roughly 40 hours per month.
- Bob Stewart currently serves part-time on the monitoring team for the Newark Police Department, which generally takes up no more than 40 hours per month.
- Sherry Woods is employed part-time, roughly 20 hours a week, in Washtenaw County, Michigan. She will have the time needed to complete her assigned work.
- While Jerry Clayton and Mike Teeter are currently employed full-time in Washtenaw County and Seattle, respectively, each will have the time needed to complete his assigned work.

Our team's academics are similarly committed to fulfilling the monitor's requirements under the Consent Decree.

- Work on the monitoring team would become the primary engagement of Dr. John Lamberth and his consulting firm, Lamberth Consulting.
- Dr. Dupont teaches one class a semester at the University of Memphis, serves on the Cleveland, Seattle, and New Orleans monitoring teams an average of several hours a week, and is called on periodically to help develop crisis intervention programming for law



enforcement agencies. These commitments are sufficiently limited to permit him to devote substantial time to his assigned work under the Consent Decree.

- Dr. Scrivner works part-time on several monitoring teams and on a grant that is winding down. Together, her existing commitments take up about 60 hours per month.
- Dr. Geoff Alpert, while engaged on several projects, would make the time necessary to fulfill his relatively limited obligations.

Our budget (see pages 44-45 and Appendix A of our application) estimates the number of hours required to satisfy each of our obligations. For instance, we have estimated that in Year One of the Consent Decree, we will work 5,770 hours. We have given careful consideration to our estimates and are confident that, notwithstanding the current commitments of the team's members, we have the collective capacity to do everything the Consent Decree requires of the monitor.