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1. Baltimore Action Legal Team

July 16, 2017

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

RE: BALT's Comments on BPD Consent Decree Monitor Applications

To Whom It May Concern:

We write to urge you to include the following recommendations for the consent decree Monitor and to call for substantial community input in the monitoring process. Our recommendations were drafted by several volunteer lawyers with expertise in criminal justice reform, racial equity, gender justice, and restorative practices. Together, we represent adults and juveniles, whose communities bear the brunt of disparate policing practices; residents and community organizations, whose civil rights have been violated; and a range of Baltimore residents who are impacted by the collateral consequences of BPD's practices on opportunities for affordable housing and quality jobs.

BALT is dedicated to politically-conscious lawyering and to using creative, collective solutions to support the Movement for Black Lives in Baltimore. BALT is committed to increasing the awareness of injustices rooted in structural racism and economic inequality. To that end, we are also committed to anti-racist practices and to black leadership.

While BALT applauds the City and DOJ for entering into a consent decree, we are very skeptical of its efficacy or ability to dismantle Baltimore's deep roots of racial injustice.¹ The very process alone limits the solution to the four corners of the consent decree and doesn't touch on years of oppression in the areas of housing, economics and health (to name a few) or offer any reparations to those who have been directly impacted by BPD's pattern and practice of discrimination. Any solution that does not consider systematic removal of Black wealth in Baltimore will fall short in addressing the unconstitutional behavior in BPD or any other aspect of city government.

To that end, BALT does not support or endorse any single applicant for Monitor. None of the applications to become the Consent Decree Monitor met BALT's requirements for the participation of impacted people, transparency, or a formal infrastructure for stakeholders to engage in the court process. However, the following applications either addressed some of those requirements, inadequately addressed some of the requirements, or did not meet the requirements at all. We provide the following information with the hopes that it will help others evaluate the proposals commitment to the involvement of impacted individuals, transparency, and allowing the community to engage directly with the Court.

¹ <http://www.baltimoresun.com/news/opinion/oped/bs-ed-freddie-gray-history-20150502-story.html>

BALT maintains that many areas of reform are needed, but we previously directed our comment and recommendations on the following critical areas: 1) unconstitutional stops, frisks, searches, and arrests; 2) the current and historical role of BPD in the greater system of structural racism; 3) infringement on individuals' rights of free speech and assembly; 4) gender bias in policing; and 5) implementation of a community-led monitoring system over BPD and the Consent Decree.

In the report the Department of Justice's ("DOJ") investigation ("Report") of the Baltimore Police Department ("BPD"), DOJ found that BPD engages in a pattern and practice of unlawful stops, frisks and searches. During stops, BPD officers often conducted weapons frisks, or strip searches, without any reason to believe the person subjected to the unlawful search was armed. The DOJ noted that these practices "escalated" street encounters, including arrests without probable cause, and excessive use of force. A large number of arrests following these encounters led to vague and discretionary misdemeanor arrests for offenses such as "loitering," "disorderly conduct," and "failure to obey."

The DOJ's report found that BPD officers likely make several hundred thousand stops per year, despite a population of only 620,000 residents. From 2010 through 2014, BPD officers recorded more than 111,500 stops concentrated in the Central and Western districts of Baltimore. These are the least populated police districts with a combined population of only 75,000 residents (12% of the city's population). The DOJ's investigation uncovered a pattern of BPD officers using stops to improperly detain persons, and for the sole purpose of checking for warrants, which in turn, would permit the officers to arrest and search the individuals. One African American man was stopped 34 times during this period and several hundred residents also reported being stopped at least 10 times.

Some may believe the sheer volume of stops says nothing about the constitutionality of BPD officer activity. However, the DOJ found BPD regularly stopped individuals for nothing more than standing, walking or sitting in public places. In a sample of 7,500 stops reviewed during the course of DOJ's investigation, only 3.7 percent of stops lead to officers issuing a citation or arrest. "Expressed another way, BPD officers did not find and charge criminal activity in 26 out of every 27 pedestrian stops." Perhaps the most concerning aspect of BPD's unlawful practices is its routine use of pre-arrest strip searches, sometimes in public spaces. During a routine traffic stop for a missing headlight, one African American woman was subjected to a pre-arrest cavity search, in public, with a male supervisor reportedly standing close enough to watch. The Report indicates mid-level supervisors turn the other way when wrongdoing is reported and even promote stop-and-frisk without justification. Officers questioning a superior's directive to "clear corners" reported lack of overtime or other reprimand. The supervisory support for illegal conduct, coupled with failings by Internal Affairs, further compound the problem of officer behavior.

BALT recommends that any monitor must understand that BPD's use of stops, frisks and searches has been for purposes other than investigating crime or enforcing the law. As used by BPD, the tactics are tools of social control. The DOJ's frightening picture of policing in predominantly Black neighborhoods of Baltimore dispels the illusion that constitutional policing can be the only reform objective. Rather, BPD should embrace experimenting with policies and procedures to root out officers' callous disregard for constitutional mandates

and BPD's own policies. A true commitment to professional and fair policing would involve BPD curtailing unlawful practices and even limiting the use of lawful practices.

In order for any Monitor to evaluate whether that commitment is evident, a just and formally equal process must elevate the voices of the oppressed and shifts power to those who have not been heard. Accordingly, individuals with direct experience with police brutality must receive an enhanced opportunity to be fully engaged in the monitoring process. The monitoring process should include community involvement where the community members, affected persons, and community stakeholders participate in the monitoring process. The participation of Black residents of Baltimore is critical for any monitoring team, as is a range of professionals outside of law enforcement – those with experience in social research and civil rights enforcement. Too many of the monitor proposals we reviewed were stacked with law enforcement specialists who focused entirely on engagement with the City of Baltimore and BPD as chief stakeholders – promising constant engagement with the City and BPD but not extending the same amount of resources to community outreach.

BALT was heartened to see the Loyola Team's proposal places BPD reform in the context of organizational change management and culture change with a leadership assessment, which was unique among the proposals and absolutely necessary. In addition, the team was led by a Black woman and the majority of the team members are located in Baltimore City. We felt the Loyola proposal took the most comprehensive view of organizational change and the kinds of systems necessary to shift organizational psychology and practice using the framework of community policing. The proposal has very direct and clear statements about the communities' sentiments about the consent decree process. Loyola's proposal includes an emphasis on building and creating trust in communities. Organizational and leadership assessments and supports (like coaching) are core to this proposal. Unfortunately, the proposal did not adequately commit to involving affected individuals.

BALT recommends the monitoring team should include individuals most impacted by decisions made by the monitoring team. There should be implementation of a monitoring structure that will facilitate community groups input in the decision-making process. The Independent Monitoring Team should be required to hire community members, affected persons, and community stakeholders as consultants. A defined percentage of the monitoring budget should be designated for this group.

In their application, the Burke Group proposed hiring a paid Community Staff consisting of 3 youth currently enrolled in Baltimore City Public Schools and 2 formerly incarcerated individuals. The Burke group also committed to holding bi-weekly community coalition meetings open to anyone and a paid position as co-chair of a Community Coalition. Burke's group has set aside a sizeable portion of its budget for the Community Coalition (\$150K yearly not including compensation for Community Staff). This was the most intensive commitment by a monitoring team to including impacted people and creating regular structure for receiving community feedback.

By way of comparison, the Baltimore Group proposed creating a Community Advisory Board (CAB), but did not emphasize or discuss prioritizing impacted community members, indeed their only suggested members were the State's Attorney and the School Police. However,

the application did include a proposal BALT supports – submitting their report drafts first to the CAB for review and comment before submitting to the court.

BALT recommends the monitoring process should be transparent . The process should ensure community access to information about the Independent Monitor’s practices and procedures. The practices and procedures should include a method for community members, affected persons, and community stakeholders to provide information, including dissenting information, to the monitor. The monitor should be required to publically disclose dissenting information. Many of the current applications only briefly touch on transparency – like mentioning the creation of a website or posting documents without detailing any methods for how they will inform the public or disseminate the information more broadly. Very few proposals have a neighborhood-specific outreach strategies or feedback mechanisms for those without immediate ability to use or access to computer technology.

For example, while the Robert Bobb Group (RBG) was buoyed by team members with wealth of experience in civil rights law and litigation, it lacked a concrete plan for significant community engagement and only two team members cite any experience living or working in Baltimore or Maryland. The RBG proposal does not sufficiently create a formal structure for community input and engagement outside the creation of a dashboard website and steering committee. Similarly, while the Venable team is focused on data analysis and crisis intervention techniques, the proposal has no cited plan for the transparent dissemination of information to the broader community.

BALT recommends the monitoring process should be required to create a formal infrastructure for community members, affected persons and community stakeholders to engage in the court process. None of the current applications require the monitor to include all dissenting information in reports, motions, and other documents provided to the court. A few proposals detail providing a forum for community members, affected persons, and community stakeholders, but none detail how they will facilitate a means for those voices to be heard in open court, before the monitoring judge, prior to the approval of any and all settlement agreements being approved by the court.

The Baltimore Action Legal Team is happy to discuss any of these recommendations further. If we can provide any further information or clarification please feel free to contact us via email at info@baltimoreactionlegal.org .

Submitted,

Baltimore Action Legal Team

2. Baltimore City NAACP



Comments from the Baltimore City Branch of the NAACP on the Independent Monitor Applications

July 17, 2017

The Baltimore City Branch NAACP is deeply concerned about the selection of the Independent Monitor because the identity of the Monitor team will be essential to the success of the consent decree. Black Baltimoreans are tired of surface-level attempts at police reform that result in minor reshufflings and programs with new names, but no real fixes for serious injustice. The Monitor team will only be successful if the community recognizes its work as legitimate. We are not writing to recommend a particular team, but we want to make sure the Court chooses finalists who have a demonstrated connection to the Baltimore community while having no vested interest in justifying past or present police practices.

The Independent Monitor team is supposed to “include individuals with expertise in policing, civil rights, monitoring, data analysis, project management, and related areas, as well as local experience and expertise with the diverse communities of Baltimore.” Without a prior connection to the community and a track record for integrity, it will be impossible for the monitoring team to fulfill its mission. The right team must be accessible to Baltimore residents so that the team can reliably receive and solicit input, and it must be invested in Baltimore’s success.

Another important aspect of legitimacy is showing that the Monitor is not just rubber stamping the actions of the police department. In addition to racial, ethnic, and gender diversity, the team composition should include a diversity of professional backgrounds and life experiences. This means that the ideal Monitor team should not be dominated by law enforcement and former law enforcement officials; it should substantially incorporate community advocates and those experienced in eliciting and enhancing community input. The team’s composition is important because it cannot be perceived as having a vested interest in defending past or present Baltimore policing practices.

With so many options for an Independent Monitor team, we are confident that the Court can appoint a team that will be responsive to community needs and will have credibility in the eyes of all. This decision will make the difference between more of the same and real change.

3. No Boundaries Coalition



July 17, 2017

Puneet Cheema

United States Department of Justice

Civil Rights Division, Special Litigation Section

950 Pennsylvania Avenue, NW

Washington D.C. 20530

RE: United States v. Baltimore Police Dep't et al., Civil No. JKB-17-99

The No Boundaries Coalition of Central West Baltimore respectfully requests that the Parties consider the following community input in selecting the Consent Decree Monitor.

ORGANIZATIONAL BACKGROUND:

The No Boundaries Coalition is a resident-led advocacy organization of 8 neighborhoods in Central West Baltimore, zip code 21217. The No Boundaries Coalition organizes residents to improve the quality of life in Central West Baltimore and address systemic inequities for racial and economic justice. Our current programs center around improved public safety, increased police accountability, getting healthy foods into CWB, and organizing with and for young people. The No Boundaries Coalition has over 200 individual members from 21217. Our extensive grassroots relationships have led to results for Central West Baltimore including quadrupling voter turnout in Sandtown-Winchester, opening a community-run produce market, and developing a trained team of youth organizers.

The No Boundaries Coalition has been leading the effort to increase police accountability and improve community-police relations since 2015. During the DOJ investigation into the Baltimore Police Department, the No Boundaries Coalition conducted its own investigation with the West Baltimore Community Commission on Police Misconduct. The commission published its own report on police

misconduct called: [“Over Police and Under Served”](#). The 25 page report chronicles 57 incidents of police misconduct told by 39 witnesses, and ends in the our recommendations for policy change. Stories include incidents of physical assault, verbal disrespect, police non-response to emergency calls, corruption and harassment. The West Baltimore Community Commission on Police Misconduct engaged in an intensive fact-finding mission starting in May of 2015. The report was cited in the DOJ’s Finding Letter.

The No Boundaries Coalition has continued to advocate for a robust consent decree with strong community input throughout the process. In September of 2016, the No Boundaries Coalition published [The People’s Decree of Central West Baltimore](#), a list of demands for necessary and common sense reform of the Baltimore Police Department including 1. Civilian Oversight; 2. Training; 3. Community Policing; 4. Transparency; 5. Accountability for problematic officers; and 6. A Community Driven Process. The Coalition then advocated for the DOJ and Baltimore City to enter into the Decree and we were pleased that the parties signed the Decree and that the Court entered the Decree. Since the Decree has been entered, we have been advocating for both a community-driven monitor selection process and the ultimate selection of a strong monitor for Baltimore City residents. In partnership with the Campaign for Justice Safety and Jobs, we co-hosted a public forum with 23 of the candidates for monitor that over 200 people attended. Below are our recommendations for the selection of the monitor for the Baltimore Consent Decree.

COMMUNITY DRIVEN QUALIFICATION FOR MONITOR SELECTION:

Through public forums and community meetings we have heard what criteria residents feel an ideal monitor candidate would possess. We urge Baltimore City and the Department of Justice to take this community-driven criteria into account when choosing the finalists for monitor

Baltimore-Based:

The members of the No Boundaries Coalition feel strongly that the Monitor should be based in Baltimore. The monitor should be easily accessible to Baltimore residents and community based organizations. Not living in Baltimore would not allow the monitor to regularly meeting with community leaders, attend community meetings and respond quickly to residents’ concerns as they come up. Internet-based community outreach would not reach many affected Baltimore residents and cannot replace in person and on the ground community engagement.

Proposal Funds Community Outreach and Contracts with Community Groups:

Successful implementation of the Consent Decree is not possible without robust community engagement and involvement. While receiving community feedback is required by the Consent Decree, we feel that preference should be given to monitor candidates whose commitment to community engagement is reflected by the allocation of funds in their budget. We believe it is essential for the effectiveness of the proposed monitor to have Baltimore-based community liaisons and propose to contract with community groups and/or hire people from the community.

Monitoring Team is Led by and/or Includes Blacks, Latinos and Women:

The DOJ findings report confirmed racial and gender bias in the Baltimore Police Department. Baltimore has a majority Black population with consistently growing Latino populations who are the most impacted communities affected by BPD's racist and unconstitutional policing. It is important that those who are most affected by the unconstitutional policing outlined in the Findings Letter are leading the efforts for implementation of the Consent Decree. It is important that the monitor have a focus on how BPD Officers engage with women in effort to not reinforce violence and trauma already being imposed on women in communities. Community members voiced preference for monitoring teams that are led by Black and Latino people and women; second to that, prefers teams that include Black, Latino people and women.

Full Time Commitment:

Monitoring the Consent Decree is a huge task that, to be carried out effectively, will be time-intensive for whichever candidate is selected. We are concerned to see that many applicants would have other professional obligations that would seriously limit or intermittently hinder the time and attention they would be able to devote to their role as monitor. We have heard from colleagues in Ferguson that this has been an issue with their monitor. Baltimore City taxpayers are investing a great deal of money and aspiration in not just the Consent Decree, but in the monitor itself. We believe it is critical that candidates who would be working on the Consent Decree be full time or have staff who would be dedicated, exclusively, to the monitoring processes of the Consent Decree.

Not Majority Law Enforcement:

While we recognize that law enforcement expertise can be an asset on a monitor team, we believe that monitoring teams that are majority former or current law enforcement professionals and/or the lead monitor as a law enforcement professional should not be considered to monitor the Consent Decree for two reasons. First, for the Consent Decree to be successful, communities that have experienced police brutality, harassment and misconduct for decades will need to be engaged in the implementation process.

These communities, for good reason, have a deep mistrust of police and are unlikely to develop a trusting and productive working relationship with a monitor that is made up of majority law enforcement or law enforcement led. Second, we are also concerned that current or former law enforcement may have bias (conscious or unconscious) in favor of the police as well as bring perspective that reinforce systemic values within law enforcement departments that have proven harmful to vulnerable communities. It is important that the monitor is able to fully investigate BPD's compliance with the Consent Decree and report to the judge any noncompliance objectively and fully.

Monitor Team Experience:

We believe that the monitoring team should include individuals that demonstrate experience in monitoring a Consent Decree, addressing racial and gender bias in policing, and conducting community outreach and engagement.

Engagement of Those Most Affected:

We believe that community outreach and engagement proposed by the monitor candidate should center those who are most affected by the unconstitutional policing outlined in the DOJ's Finding Letter, specifically Black and Latino communities, low-income neighborhoods, sexual and domestic violence survivors, LGBTQ people, people with disabilities (including mental illness), homeless people, formerly incarcerated people, youth and people struggling with substance abuse. While the Consent Decree requires community feedback, we prefer candidates who have a specifically outlined and funded process in their proposal for engaging with affected communities.

SUPPORT FOR MONITOR CANDIDATE SUSAN BURKE:

The membership of the No Boundaries Coalition has voted to endorse candidate Susan Burke to be the Monitor for the Baltimore Consent Decree. We support Susan Burke as the monitor because a.) her volunteer work with the No Boundaries Coalition b.) her professional background in effectively addressing human rights abuses c.) her proposal includes funding community groups and hiring people from the community.

Susan Burke is a Central West Baltimore resident and member of the No Boundaries Coalition. Burke volunteered on the board of the Coalition for three years. As a past board member, Burke volunteered her legal expertise and helped the No Boundaries Coalition in its efforts to address police accountability. Burke drafted legislation to reform Baltimore's Civilian Review board that was advanced by the No

Boundaries Coalition. After the police-involved killing of Sandtown resident Freddie Gray, NBC's efforts to address police brutality and misconduct intensified. Burke helped the No Boundaries Coalition create the West Baltimore Community Commission on Police Misconduct. During this time, Burke assisted NBC staff and volunteers in setting up a public hearing on Police Misconduct. Burke created an interview template for private interviews that created the content of the Commission's report and were shared with the DOJ investigation team. To assist the commission, Burke went door to door in West Baltimore and interviewed residents about their experiences with the police. Burke already has deep relationships and trust in the West Baltimore communities greatly affected by the unconstitutional policing outlined in the Findings Letter. She also has a proven track record of building relationships with affected communities, talking to residents about police misconduct in a culture of fear and mistrust, and documenting police misconduct using community voice and input.

Susan Burke has a strong professional background in using the judicial system to hold large institutions/systems accountable for human rights abuses. Burke represented torture victims in Iraq, sexual assault survivors from the US military and prisoners being overcharged for phone calls by prison companies, among others. Burke has a track record of being able to work with victims of trauma and with victims who have experienced intimidation and/or retaliation for speaking up, which, through our report, we found is common amongst victims of police brutality in Baltimore.

The No Boundaries Coalition knows that meaningful community engagement requires the allocations of real funds. We prefer for these funds to be allocated to community groups and residents, so that implementation of the Consent Decree will build Baltimore's capacity to continue to hold the Police Department accountable after the Consent Decree is over. The main reason why membership of the No Boundaries Coalition voted to endorse Susan Burke is that her monitoring proposal allocates a substantial amount of the proposed budget to community groups and residents. Burke's proposal includes hiring a team of youth and formerly incarcerated people full time. She proposed to hold public update meetings every other week, which reinforces community trust, respect and engagement, more frequently than any other candidate. Burke has also set aside \$150,000 a year for community grants. We found Burke's proposal to be the strongest in terms of community engagement of any candidate.

There were no other candidates who compared contextually nor budgetarily to Susan Burke's proposal. Burke's proposal encompassed all of the factors that gave consideration to the whole of community and an implementation process that would nearly assure the desired outcomes as a result of this monitoring

process. While this is our endorsement as a coalition, we hope the criteria we have delineated and the standards set within Susan Burke's proposal are applied in the review of other candidates.

4. Disability Rights Maryland



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211
www.DisabilityRightsMD.org

July 17, 2017

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Ave, NW
Washington, DC 20530
Sent by email to Baltimore.Consent.Decree.@usdoj.gov

Re: Disability Rights Maryland's Comments on the Baltimore City Monitor Applications

Dear Ms. Cheema:

Thank you for the opportunity to provide comments and feedback on the Baltimore City Monitor Proposals that were submitted to the City of Baltimore and the Department of Justice. Disability Rights Maryland is the state's federally designated protection and advocacy organization for persons with disabilities. We have long been concerned about the experience of Baltimore City residents with behavioral health disabilities as they interact with members of the police. We advocate the use of diversion policies that reduce interaction of persons in crisis with the police whenever possible, implementation of crisis response techniques that can help prevent situations that lead to unreasonable use of force, connect people in crisis to behavioral health services, and decreasing inappropriate criminal justice involvement for people with disabilities. We have had the chance to review the Monitor Proposals that were submitted, and offer the following comments:

First, DRM believes that a Monitor with a strong local background that evidences independence from political entanglements is preferred as offering accountability to the citizens of Baltimore and sustainability of reforms. It is important that the Monitor have familiarity with and a strong understanding of local issues, including Baltimore City's community behavioral health system, the availability and capacity of crisis response services, and the history of treatment of and services for persons with behavioral health disabilities. We note that many of the proposals come from teams that are mostly not from Baltimore City, and many did not evidence an understanding of the history of BPD's history of inappropriate interactions with persons with behavioral health disabilities or in crisis.

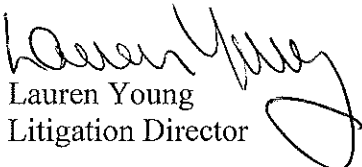
Second, a threshold criteria for DRM is competency and experience in addressing police interactions with people with behavioral health disabilities, or who are in crisis. Unfortunately, a number of the Monitor Proposals do not demonstrate this criteria. DRM recommends that Monitor proposals from teams that do not meet this minimum criteria be excluded from consideration. Several applications evidenced no qualifications for working with people with disabilities and did not demonstrate any knowledge of de-escalation techniques or crisis


intervention. Since the Monitor will assist with achieving compliance with the Consent Decree by offering technical assistance, issuing recommendations, soliciting information from and providing information to members of the public, as well as issuing public reports on the Consent Decree's implementation, the monitor should have a good understanding of best practices in crisis intervention, diversion programs, community mental health services, and opportunities for de-escalation. We are concerned that without this expertise, the Monitor will not make progress on the goal of reducing inappropriate interactions between the police and persons in crisis or with behavioral health disabilities.

Some proposals from teams who *did* have experience with people with disabilities came more from a law enforcement perspective rather than a civil rights and services-based perspective. Such proposals described the formation of programs or task forces *within* the police department, rather than diversion-based or collaborative programs designed to reduce inappropriate contact with the police and connect people to appropriate community based services. Some other proposals mention this perspective, but it was not clear to us that a civil rights perspective would be a guiding principle for the monitoring and accountability activities.

We urge DOJ and the City of Baltimore to choose a Monitor that can demonstrate experience in community engagement, particularly with diverse stakeholders. We would like to see persons with disabilities, their families and advocates consulted and given the opportunity to provide input and feedback on the implementation of the Consent Decree, as it evolves over time. Finally, we support the RFP's threshold requirement for Monitoring Proposals to demonstrate strong skills in data analysis and evaluation. We believe the Monitor should be able to capture and analyze data over time to ensure that strategies and reform efforts are data-driven and evidence-based.

Sincerely,


Lauren Young
Litigation Director


Lucienne Parsley
Managing Attorney

5. NAACP Legal Defense Fund

THE
THURGOOD MARSHALL
INSTITUTE



July 17, 2017

Via Electronic Mail (Baltimore.Consent.Decree@usdoj.gov)

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Ave, NW
Washington, DC 20530

Re: Public comment on monitor selection: *U.S. v. Police Department of Baltimore City, et al*, Civil Action No. 1:17-cv-00099-JKB

Dear Ms. Cheema:

The NAACP Legal Defense and Educational Fund, Inc. (LDF) appreciates the opportunity to provide comments on the more than two dozen applications submitted for the independent monitor position for the consent decree filed in *U.S. v. Police Department of Baltimore City (BPD), et al*. The agreement appropriately states that “it is important to allow for public input at each stage of the Monitor selection process.”¹ Baltimore residents and stakeholders demonstrated their commitment to being involved in this process when over 200 people attended a standing-room-only town hall meeting introducing monitor applicants to the public on July 6, 2017. The town hall was co-hosted by members of the Campaign for Justice, Safety and Jobs, including LDF, and may be viewed at <https://www.facebook.com/LBSBaltimore/>. Given this significant demonstration of public interest, we respectfully request that the U.S. Department of Justice (DOJ), BPD and city officials (the parties) consider adding another public comment period from August 17 – August 25, 2017, which would occur after the parties’ scheduled public meeting with monitor finalists, but before the parties recommend a finalist to the court.

The selection of an independent monitor team that will work with the federal court to ensure all provisions of the consent decree are fully carried out is essential to the success of the agreement. While many elements important to this oversight process have been identified in various dialogues, documents, and submissions to the court, we write to underscore the significance of five criteria that LDF believes are critical to consider in the selection of a monitor. As the parties consider the twenty-six monitor applicants, we urge you to select finalists

¹ See, Consent Decree, *U.S. v. Police Department of Baltimore City*, Case 1:17-cv-00099-JKB, 164 (D.MD Jan. 12, 2017) (hereinafter *Baltimore Consent Decree*), <https://www.justice.gov/crt/page/file/925046/download>.

who are: 1) diverse; 2) personally or professionally connected to Baltimore; 3) experienced in the key issue areas detailed in the consent decree; 4) independent of local, state and federal governments with no actual or perceived conflicts of interests; and 5) willing to commit several team members to monitoring the consent decree full time.

I. Monitor finalists should have a diverse team

To create confidence in the consent decree oversight process, ensure the process reflects the lived experiences of the community, and, therefore, ultimately ensure the best oversight of the complex issues connected to reforming Baltimore's police practices, the monitor finalist teams should reflect the community they propose to serve. Baltimore is the largest city in the State of Maryland with 2.7 million residents who are 63% Black, 30% White, 4% Latino,² 47% male and 53% female.³ Additionally, the teams should include a balanced number of members with expertise in "policing, civil rights, monitoring, data analysis, project management, and related areas, as well as local experience and expertise with the diverse communities of Baltimore."⁴ Therefore, monitor finalist teams should be diverse as it relates to race, ethnicity, gender, and expertise.

II. Monitor finalists should have Baltimore connections

Members of monitor finalist teams should include Baltimore City residents, such as community liaisons as required by paragraph 474 of the consent decree. Community liaisons should be well known and respected in Baltimore communities, and have established working relationships with activists, the business community, and other community stakeholders. These Baltimore connections will assist the monitor team with carrying out many provisions of the consent decree, such as meeting with "community stakeholders on a regular basis to discuss BPD's progress under the Agreement, to explain the Monitor's reports, to inform the public about the Agreement implementation process, and to hear community perspectives of police interactions."⁵ If a finalist has no Baltimore connections, then it must demonstrate its commitment to hiring Baltimore residents to serve on the monitoring team.

III. Monitor finalists should be experienced in key issue areas detailed in the consent decree

A. Monitoring

Certainly, monitor finalists must have experience in overseeing the reform efforts of large institutions and/or governmental agencies. Although most applicants have monitoring experience, it will be important to know how successful these experiences have been by inquiring about the outcomes of the various monitoring assignments each applicant has or continues to hold. The

² See, U.S. Dep't of Justice Civil Rights Division, *Investigation of the Baltimore City Police Department*, 12. Aug. 10, 2016, <https://www.justice.gov/opa/file/883366/download>, (hereinafter *Baltimore Investigative Report*).

³ See, United States Census Bureau Quick Facts Baltimore, Maryland 2016, (last visited July 14, 2017); <https://www.census.gov/quickfacts/fact/table/baltimorecitymarylandcounty/BZA110215>.

⁴ *Baltimore Consent Decree*, *supra* note 1 at 158.

⁵ *Id.* at 179.

parties should consider carefully references from entities the applicants have monitored, as well as from members of the communities directly impacted by applicants' current or previous monitor assignments. This information will provide insight on the applicant's likelihood of success in overseeing the Baltimore consent decree.

B. Biased Policing

Given the extensive findings in the DOJ report of biased-policing practices by BPD, monitor finalists must have experience in addressing discriminatory policing based on race, ethnicity, sex, age and disability, as required by the consent decree.⁶ We urge the parties to request and consider carefully any documents demonstrating how monitor finalists successfully addressed biased policing practices during previous monitoring engagements.

C. Civil Rights

The consent decree includes several provisions that require the BPD to engage in policing practices that meet the requirements of the First, Fourth, and Fourteenth Amendments of the U.S. Constitution, which protect individuals' rights to free speech, to assembly, and to be free from unreasonable searches and seizures, and excessive use of force.⁷ Any monitor finalists must be knowledgeable and experienced in identifying and addressing violations of individuals' civil rights. Constitutional policing requires law enforcement officers to communicate respectfully with community members, inform community members of their rights during encounters with law enforcement, and remain neutral and transparent in their decision making.⁸

D. Data analysis

Additionally, monitor finalists must have experience in data analysis, as they will be required to assess data BPD collects on stops, searches, arrests and use of force data. Finalists must be able to identify trends, disaggregate data by demographics including race and gender, and advise BPD and city officials on how to address these trends (e.g., training or corrective actions).

E. School Police

During its investigation of BPD, DOJ found that BPD used the Baltimore School Police Force (BSPF) as auxiliary police by giving BSPF the authority to patrol city streets through a Memorandum of Understanding (MOU). Yet, BPD provided little or no oversight of the BSPF activities conducted under the MOU, including stops, arrests, and use of force.⁹ The consent decree requires BPD to assess its relationship with BSPF, identify areas for improvement, and make appropriate changes.¹⁰

⁶ *Id.* at 11-93.

⁷ *Id.*

⁸ See, President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 10. Washington, DC: Office of Community Oriented Policing Services, May 2015, available at http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

⁹ *Baltimore Investigative Report*, *supra* note 2 at 154-55.

¹⁰ *Baltimore Consent Decree*, *supra* note 1 at 150.

Therefore, monitor finalists must be knowledgeable about the different roles that BSPF and BPD occupy, and offer advice to BPD and city officials on how to effectively request and analyze relevant data and policies from relevant agencies, (e.g., Baltimore City Board of School Commissioners), which will be needed to conduct the required assessment. Additionally, monitor finalists must be capable of adequately assessing the MOU between BPD and BSPF and identifying effective reforms.

F. Proposed Interview Questions for Monitor Finalists

Given decades of mistrust between Baltimore residents and the BPD that resulted from systemic unlawful policing practices, it is important that monitor finalist teams with current and/or former law enforcement officers, prosecutors, or judges, do not have a history of the same. The parties should ask monitor teams with current or former law enforcement officers to provide detailed information about any criminal prosecutions and civil lawsuits against or involving the law enforcement team members, including the resolution of the matters, and any disciplinary matters against or involving them.

Monitor finalists including current or former prosecutors should provide information on experience prosecuting law enforcement officers, including outcomes. Additionally, the parties should request from monitor finalist teams with current or former judges' information on any judicial opinions those team members have authored involving law enforcement officers acting in their official capacities.

The fact that monitor team members have been sued, disciplined or written opinions that are favorable or unfavorable to law enforcement is important information for the parties to discover prior to the selection of the independent monitor.

IV. Monitor finalists should be independent of local, state and federal governments with no actual or perceived conflicts of interests

The Request for Applications for the Baltimore consent decree monitor position asked applicants to identify conflicts of interests. About a dozen applicants detailed conflicts—actual or perceived. The Parties must consider these conflicts carefully and determine whether members of the monitor finalist teams will be able to be impartial. Ideally, team members should have no actual or perceived conflicts of interests. Nonetheless, monitor team members who have served in local, state or federal governmental positions should be carefully questioned about their past engagements and demonstrate their ability to be impartial if selected to serve as a monitor.

V. Monitor finalists should commit to assigning several team members to serve full time

BPD has approximately 2,851 sworn members¹¹ and the consent decree has identified sixteen areas of reform. Ensuring that BPD and city officials are carrying out each provision detailed in the 227-page agreement, and the inclusion of community input throughout the

¹¹ *Sworn Personnel*, Baltimore Police Department, <https://www.baltimorepolice.org/> (last visited July 14, 2017)

monitoring process will require full-time commitment from several monitor team members. To this end, the finalists should be willing to assign several members of the team to work on the consent decree on a full-time basis.

VI. Conclusion

The selection of an effective, independent monitor team is of the utmost importance for ensuring the proper implementation of the Baltimore consent decree. It will be one of the most important decisions that the parties in this case, the community, and the federal court will make. We hope that the criteria and questions outlined above will guide stakeholders' decision-making processes.

Thank you for considering these comments.

Sincerely yours,



Monique L. Dixon
Deputy Director of Policy and Senior
Counsel, Policing Reform Campaign

Carlton Mayers
Policy Counsel, Policing Reform
Campaign

6. Jews United for Justice

July 17, 2017

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Avenue, NW
Washington D.C. 20530

RE: United States v. Baltimore Police Dep't et al., Civil No. JKB-17-99

Dear Ms. Cheema:

I write to you on behalf of Jews United for Justice (JUFJ) in regards to the selection process for the independent monitor for the consent decree between the City of Baltimore and the Department of Justice. As an organization of Jews living in the greater Baltimore area guided by our tradition of *tikkun olam* (repairing the world), we are deeply invested in the successful implementation of the consent decree as a step towards robust police accountability and reform in Baltimore.

As a member of the Coalition for Justice, Safety, and Jobs (CJSJ), we strongly endorse the principles for the monitor selection that the coalition has put forward, and that will be sent to you in a separate letter.

Before bringing up some specific concerns, we would like to make an observation about the monitor selection process. Community participation in the implementation of the consent decree is vital to its success. Given the short time between the submission of applications and the deadline for public comment, the Baltimore community has had only a brief time to assess the applicants. While we appreciate the need for alacrity in putting the consent decree into place, we urge the parties to open a second public comment period after the public meetings have been held with final candidates for the monitor position.

In the time we have had to survey the monitor applicants, we have identified areas that are central to the best implementation of the consent decree, and to remedying the abuses cited in the Department of Justice report on the Baltimore Police Department (BPD), but that are not addressed in enough detail by all of the applicants. We believe that the parties to the consent decree must include the following criteria in their assessment of the applicants in selecting both the finalists and the monitor team that will be appointed:

- **The independent monitor team must be locally based, with strong mechanisms to include the community during the implementation of the consent decree.** Designated community liaisons on the monitor team must have strong ties to Baltimore, deep local knowledge and contacts, and the trust of multiple stakeholders—in particular, the communities who have borne the brunt of unconstitutional policing. A monitor should establish ongoing, local presence by maintaining an office that is staffed and regularly accessible to community members.
- **The independent monitor team must specifically plan and budget for work to be contracted to community organizations.** Key tasks that the monitor team must complete, such as surveying of and outreach to community members, are best accomplished by established, community-based grassroots organizations. These organizations should be led and staffed by individuals with ties to the residents of

neighborhoods most directly impacted by aggressive, unconstitutional policing practices. A budget that includes resource-sharing with such grassroots community organizations is an important indicator that the monitor applicant is serious about including the perspectives and concerns of the public in the implementation of the consent decree.

- **The monitor team must include members with expertise in shaping law enforcement responses to individuals grappling with mental and behavioral health issues, with an emphasis on de-escalating police responses.** The Department of Justice has acknowledged that BPD “routinely” uses unreasonable force against individuals with mental health disabilities or those experiencing a crisis, a problem exacerbated by deeply inadequate training given to officers. In order to ensure that BPD’s training regimen and operations are brought up to speed and that the civil rights of those with behavioral health issues are protected, a designated member or members of the monitor team must have appropriate experience in this area.
- **The monitor team must include members with expertise in handling sexual assault investigations that respect survivors and ensure adequate investigation.** As outlined in the Department of Justice report, BPD has failed to adequately handle sexual assault investigations. A member or members of the monitor team must have experience implementing best-practices training that respects survivors of sexual violence. The monitor team must also outline a rigorous process for ensuring that thorough sexual assault investigations are prioritized.
- **The monitor team must demonstrate an understanding of structural racism and an ability to convey that understanding to BPD.** While many of the potential monitor teams discuss anti-bias training for police officers, this necessary step does not go far enough. The current state of both Baltimore City and police/community relations is directly shaped by structural racism, and if the monitor is to meaningfully address BPD’s failings, it must be able to explain to BPD the effects of structural racism on the communities they serve.

We appreciate the opportunity to participate in the monitor selection process. Incorporation of community feedback on an ongoing basis is crucial to ensuring the success of the consent decree. Please do not hesitate to contact me with any questions or further opportunities for comment.

Sincerely,

Molly Amster
Baltimore Director
Jews United for Justice
301-529-3875
2221 Maryland Avenue, 2nd Floor
Baltimore, MD 21218
www.jufj.org
Think Jewishly, Act Locally.

7. CASA

July 17, 2017



Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Avenue, NW
Washington D.C. 20530

RE: United States v. Baltimore Police Dep't et al., Civil No. JKB-17-99

Dear Sir/Madam:

CASA's mission is to create a more just society by building power and improving the quality of life in low-income immigrant communities. Our vision is for a future in which diverse and thriving communities live free from discrimination and fear, and work together with mutual respect to achieve full human rights for all. In Baltimore, our membership includes over 6,000 city residents, the vast majority of whom are first and second generation immigrants from Central America, South America, Africa, and the Caribbean Islands.

Over the last four years, CASA has worked to implement policies at the city and state level to ensure that Latino and immigrant residents receive adequate protection and service from BPD, and that victims of crime are able to contact police without fear of repercussions. Some significant progress has been made – in 2012 Mayor Rawlings Blake issued an executive order prohibiting BPD from inquiring about immigration status or from proactively communicating with federal ICE officials. Several commissions, task forces, and advisory councils have been formed in attempts to address the persistent fear and lack of reporting among Latino and immigrant residents. But significant barriers to community trust of Baltimore Police officers still remain.

As the City of Baltimore and the Department of Justice deliberate their decisions regarding the monitor team for the Baltimore City Consent Decree, we urge the parties to ensure that the monitor team selected has a plan in place for including Limited English Proficient (LEP) residents of the city, as well as first generation immigrant residents, in considering the department's progress toward reform. For several years, well intentioned advocates from within and outside of the police department have encountered a series of significant obstacles to measuring and improving BPD service to immigrant community members in Baltimore. These include:

- 1) **Lack of systems to track ethnicity or language need of individuals who interact with officers.** Without this, it is impossible to track any trends in victimization of Latino residents, police harassment or excessive use of force complaints by Latino residents. Language access is measured only when officers or operators access language line interpretation services, but is otherwise not tracked if an officer attempts to communicate (effectively or ineffectively) in a language other than English.
- 2) **Lack of enforcement mechanisms to ensure compliance with Executive Order.** While both the current and past Police Commissioner have publicly stated that they support the Mayor's Executive order prohibiting officers from inquiring about immigration status or otherwise treating Limited English Proficient residents or

immigrants differently. The vast majority of complaints received by CASA from members about the police involve harassment based on English language ability, immigration status, and ethnicity. Repeated complaints have also alleged that officers assumed gang affiliation based solely on ethnicity or that they threatened to contact ICE.

- 3) **Lack of training and enforcement of language access laws and policies.** While access to interpretation equipment exists and efforts have been made to recruit bilingual officers, there are no systems in place to ensure that all officers have been trained and held accountable to language access policies or laws, and no clear system for a resident to report lack of language access.

As the monitor team is selected and designs its community engagement and assessment processes, we urge them to carefully consider this vulnerable community and to take steps to ensure that these voices are heard and considered when measuring the success of reform in the department. We are hopeful that the monitor will serve as an advocate for improving the overall systems governing accountability, training, and overall community policing standards.

As the systems are developed to collect and monitor data to measure compliance with the consent decree, CASA urges the parties to ensure that these systems incorporate ethnicity and language into all measurement criteria. This includes ensuring that community policing training also includes specific training regarding this vulnerable population, incorporation of language and ethnicity tracking mechanisms into the community engagement assessment, and explicit participation in any community engagement efforts.

Finally, CASA urges the parties to ensure active and robust participation of Baltimore residents, including immigrant community members, in every stage of the consent decree process, particularly in the monitor selection and annual assessment processes. This will be critical to rebuilding community trust and ensuring that reforms or systems changes implemented at the department level are not considered adequate until their impact is felt at the community level.

CASA looks forward to continuing to work with the parties to improve trust and accountability between BPD and all of the city's diverse residents.

Sincerely,

Elizabeth Alex, Regional Director
CASA

www.wearecasa.org

8. Campaign for Justice, Safety, and Jobs



July 12, 2017

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Avenue, NW
Washington D.C. 20530

RE: United States v. Baltimore Police Dep't et al., Civil No. JKB-17-99

Dear Ms. Cheema:

On behalf of the Campaign for Justice, Safety and Jobs (CJSJ), we write to provide feedback regarding the selection of the independent monitor, as outlined in the consent decree between the City of Baltimore and the Department of Justice. The selection of the monitor is a critical process to ensuring the ultimate success of the consent decree, and we strongly encourage the parties to carefully consider all input from the public as they develop their list of final candidates for the position.

CJSJ is a coalition of over 30 organizations representing local and national youth leaders, community organizations, policy advocates, civil rights organizations, and labor unions. CJSJ formed in 2015 in the wake of the Baltimore police in-custody death of Freddie Gray, an unarmed Black man. Since then, we have created and advanced policing reforms and economic solutions to improve the quality of life for Baltimore City residents.

Earlier this year the DOJ and City of Baltimore filed a 227-page consent decree in federal court which seeks to address the constitutional and legal violations detailed in the U.S. Department of Justice's (DOJ) investigative report of the Baltimore City Police Department (the City). That was the result of thousands of hours of work and represents a hope for change in our city to the hundreds of residents that participated in community forums, met with DOJ and BPD representatives, and brainstormed ways to improve policing in Baltimore. While the DOJ report does not include all of the recommendations made by community members our coalition has engaged, it does represent the beginning of a roadmap forward. If the path forward is to be effective, we think it is imperative that community members be actively involved in every level of reforming and overseeing their own police department. To this end our comments will outline specific recommendations to ensure that the monitor team shares this vision and is structured in a manner that will allow maximum levels of community partnership and engagement throughout the monitoring process.

As community leaders, we believe that policing in Baltimore will never truly be reformed, nor police-community trust established, until the current systems of accountability allow for and encourage robust community participation and oversight of the Baltimore City Police Department. We are encouraged to see that the consent decree contemplates community

involvement in the implementation of the agreement, including “public input at each stage of the Monitor selection process.”¹ To carry out this provision, the CJSJ submits the following recommendations for community input and involvement in the selection process of and the development of mandates for the monitor:

Process for Selection of Monitor Team:

We believe that community members should have as much opportunity as possible to provide feedback and input into the monitor selection process. On July 6th, CJSJ held a town hall meeting attended by 23 monitor teams and over 200 community residents to provide initial opportunity for monitor candidates to ask questions of monitor candidates and to engage in the process. We look forward to working with the parties to hold additional public input sessions once the finalists are selected, as outlined in the RFA for the selection of the monitor. Further, in addition to the public meetings, we recommend that:

- At least one community member from each neighborhood that is directly impacted by the policing reforms outlined in the consent decree should participate in initial interviews of candidates.
- While not specifically required in the consent decree, we think that the public should be afforded an opportunity to provide feedback to the parties and the court on the final candidates prior to the selection of the Monitor. We suggest a second public comment period after the public meetings have been held with final candidates for the monitor position.

Composition and Qualifications of Independent Monitor Team:

We believe that the most successful monitor teams will meet the composition and qualifications outlined below. We strongly encourage the parties to consider each of these elements in selecting the Independent Monitor team.

- As stated in paragraph 442 of the consent decree, the Monitor should comprise a team of persons, and not an individual. This team should be diverse as it relates to race, ethnicity, gender, age, socio-economic status and expertise.
- The Monitor team must include several persons who serve as community liaisons. They must be residents of Baltimore City, particularly those neighborhoods most impacted by the reforms in the consent decree, who have established working relationships and trust with activists, the business community, and other community stakeholders.
- The Monitor team should include persons with diverse expertise, including:
 - Activists with experience in community organizing;
 - Former law enforcement officers and/or executives with experience in implementing best practices for community policing and/or problem-oriented policing;
 - Local attorneys with expertise in civil rights litigation and criminal defense;
 - Individuals with at least 10 years of experience in:
 - appropriate interactions with persons with mental, behavioral, and physical disabilities;
 - the elimination of the school-to-prison pipeline;

¹ Id. at ¶ 444.

- anti-bias and de-escalation training, problem-oriented policing, adolescent development, and crisis intervention trainings;
- analyzing policing statistics;
- appropriate investigation of sexual assault complaints; and
- trauma/trauma-informed care for victims of crime.
- Language access laws and best policing practices in immigrant communities
- The members of the Monitor team should be independent of any local government entity and politically unaffiliated from any local government entity.
- Members of the Monitor team should be prepared to fully commit their time and energy to monitoring the City's compliance with the consent decree.
- After reviewing the monitor applications, we would also suggest taking extra due diligence steps during the interview phase for any members of monitor teams who are former law enforcement, judges, or prosecutors. In order to ensure transparency and build community confidence in the monitor teams we suggest that:
 - Monitor teams consisting of at least 1 current or former **law enforcement officer** should be questioned on and required to provide detailed information on any lawsuits against or involving the individual(s), and any disciplinary matters against or involving the individual(s).
 - Monitor teams consisting of at least 1 current or former **prosecutor** should be questioned on and required to provide detailed information on the prosecutions against law enforcement officers by the individual(s).
 - Monitor teams consisting of at least 1 current or former **judge** should be questioned on and required to provide detailed information on any opinion concerning law enforcement officers by the individual(s).

Mandates of the Monitor Team:

We recommend that the following criteria should be given significant consideration as the monitor is being selected and the process and responsibilities of the monitor finalized:

- Community liaisons must be charged with meeting regularly with community stakeholders; especially those representing individuals most impacted by the reforms in the consent decree.
- The Monitor team should hold periodic (at least quarterly) public meetings in which the public can weigh in on the City's progress under the consent decree. This requirement must be over and above meetings the community liaisons have with community stakeholders.
- Paragraph 446 of the consent decree requires an evaluation of the Monitor after three years, including whether the Monitor is "adequately engaging the community." The DOJ, City, and Court should develop a process by which members of the public may submit comments regarding the adequacy of the Monitor's community engagement activities.
- Paragraph 456 requires the Monitor to conduct outcome assessments to determine whether the Baltimore Police Department's revised policies and practices "are having an overall beneficial effect on policing in Baltimore." Members of the public should be permitted to provide input on what outcomes should be measured.
- Paragraph 462 requires the Monitor to submit a Monitoring Plan to DOJ and the City for review and approval. Members of the public should be permitted to comment on the Plan prior to approval by the parties and the Court. We recommend a 30-day comment period.

- Community stakeholders should be able to review semi-annual Monitor reports to the court and offer supplemental reports if they believe the Monitor reports fail to include issues of their concern.
- Court status conferences concerning the monitoring of the consent decree should be done in open court. The Court should endeavor to hear from community stakeholders and community members most impacted by the reforms in the consent decree.
- The Monitor should be required to designate community-based organizations in Baltimore to assist in the implementation of provisions of the consent decree. Accordingly, the City should be required to provide the resources necessary for the designated community-based organizations to adequately assist in the implementation of certain provisions within the consent decree.
- The monitor should be required to provide resources and support, including relevant data and legal analysis, to the members of the COTF as they convene to provide policy recommendations.

We look forward to further participation in this important process. CJSJ members welcome the opportunity to discuss further our recommendations during a meeting with the parties. Please do not hesitate to contact Elizabeth Alex at ealex@wearecasa.org with any questions.

Sincerely,

The Campaign for Justice, Safety, and Jobs members

1199 SEIU	Justice League
ACLU of Maryland	Leaders of a Beautiful Struggle
Amnesty International	Liberty Village Project
Baltimore Algebra Project	Making Change
Baltimore Women United	Mothers on the Move
Beats, Rhymes, and Relief	NAACP Legal Defense Fund, Inc
Baltimore United for Change	No Boundaries Coalition
CASA	Peace by Piece
Coalition of Concerned Mothers	Pleasant Hope Baptist Church
Communities United	Power Inside
Council on American-Islamic Relations	SEIU 32BJ
Equity Matters	Showing Up for Racial Justice (SURJ)
Empowerment Temple	Southern Engagement Foundation
Freddie Gray Project	Ujima People's Progress
Fusion Group	Universal Zulu Nation
Jews United for Justice	

9. Murphy Falcon, and Murphy



July 14, 2017

Puneet Cheema, Esq.
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Ms. Cheema:

We write to support, in the strongest possible terms, the selection of Ken Thompson as the Independent Monitor of the Police Department of Baltimore City.

This selection is one of the most consequential decisions the City and the Department will make for generations and it will significantly impact not only the implementation of the edicts of the decree but also the perception in the community of the commitment of the City and the Department to meaningful and lasting reform.

The team selected must be led by someone with deep roots in Baltimore who has experienced first-hand the devastating impact of the imperiled relationship between the Police Department of Baltimore City and its residents. The monitor must also have the unique perspective that can only come from actually representing Baltimore City Police Officers in both internal investigations and criminal matters which will foster trust and the perception of fairness within the Department. Finally, the monitor and his team must have extensive experience in actual criminal cases, both as defense lawyers and prosecutors, which brings the deep and nuanced perspective that only the first-hand knowledge of police practices and the positive and negative behaviors of the members of the communities that they police, can bring.

Additionally, the team should include high ranking, current or former law enforcement officials, particularly those with prior experience in the monitoring of large urban police departments. Under no circumstances, however, should the monitor be a former law enforcement official. In our view, such a selection could and would shatter the hope and expectations of African-American residents of our City that reform is finally on its way, which, in turn, would significantly reduce or eliminate community participation.

Within this framework, it is clear that Ken and his team are the singularly unique and, to us, obvious choice to monitor the Department and to force its transformation into a modern, successful, respectful and respected organization.

Ken is a lifelong resident of Baltimore City and has practiced in this jurisdiction his entire legal career. He has litigated a number of high profile criminal cases over the years, many involving the types of search and seizure and illegal arrests issues discussed in the Consent Decree. In addition he has represented police officers in connection with internal investigation complaints as well as criminal matters. Ken's most infamous case was his representation of the highest ranking African American in the Department in the late seventies, Colonel James Watkins. All of these experiences have given Ken tremendous insights into the workings of the Baltimore City Police Department.

In addition, Ken has served both former Mayor Stephanie Rawlings Blake and current Mayor Catherine Pugh in a number of capacities involving public safety issues. He recently served as the Chair of Mayor Pugh's Public Safety Transition Committee. In that regard, he witnessed firsthand the concerns of both the community and the police department; and Ken has earned the reputation over the years as a person of high integrity that can be trusted to be an honest broker.


Our City is in crisis and significant reforms must be made to gain the public's trust. Police work will only succeed if the various communities around the City and the police work together. Ken's team possesses unsurpassed knowledge of the legal issues presented by the Consent Decree. As DOJ veterans who have handled cases involving police misconduct, his team members are intimately familiar with the law on the use of force and police practices regarding the use of force, including training, reporting, and discipline. As high-level criminal and civil rights practitioners, Ken, Seth Rosenthal and their other team members are also intimately familiar with the law and police practices regarding stops, searches, and arrests, as well as the data needed to gauge the constitutionality of stops, searches, and arrests under the Fourth and Fourteenth Amendments. Moreover, each one of them has led and otherwise has participated in large investigations.

The Consent Decree seeks to protect civil rights, and Ken and his team—including the law enforcement members of his team—has assembled a diverse team with serious civil rights bona fides. If the City really wants a monitor the community can trust, if the City really wants a monitor who will scrutinize the Department's performance and tell the Department when the Department is out of compliance with the Consent Decree, and if the City really wants the community to have faith that the Department is actually reforming itself when the monitor says the Department is in compliance with the Consent Decree, then Ken and Seth and their team are the obvious and only choice. To be sure, the City needs experienced policing professionals on the monitoring team. But it also needs progressive police reformers who believe that respect for civil rights and adherence to the Constitution are vital to effective law enforcement. Ken's team

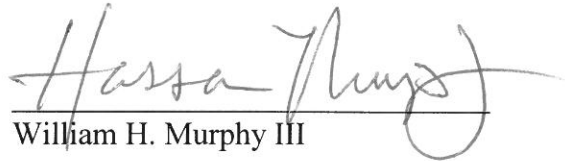
Puneet Cheema, Esq.
July 14, 2017
Page 3

possesses both of those characteristics. Other teams have experienced police managers and policing professionals but none match the breadth of experience in constitutional policing or the depth of knowledge of the policies and practices needed to achieve systemic cultural change in wayward police departments as does Ken's team. Ken's background and breadth of experience makes him the right person to monitor the Department as they work towards putting in place the reforms agreed to in the Consent Decree.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Will H. Murphy Jr.", written over a horizontal line.

William H. Murphy, Jr.

A handwritten signature in cursive script, appearing to read "H. Murphy III", written over a horizontal line.

William H. Murphy III

10. Megan McShea

From: Megan McShea
To: [Decree, Baltimore.Consent \(CRT\)](#)
Cc: Daphney.Williams@baltimorecity.gov; Bill.Henry@baltimorecity.gov
Subject: Baltimore city consent decree monitor applications public comment
Date: Monday, July 17, 2017 1:50:49 PM

To whom it may concern,

I am writing to you as a resident of Baltimore who is concerned about the unconstitutional and discriminatory behavior of the Baltimore Police Department (BPD). I have a vested interest in the consent decree and in ensuring that the voices of impacted residents are heard throughout the process. To that end the monitor of the consent decree will only succeed if it includes African-Americans, formerly incarcerated people, and young people impacted by these unconstitutional practices, and an accessible transparent method for the impacted community to engage in the monitoring of the consent decree. Their plan must include impacted residents in a substantial role, not just providing a feedback mechanism, but active roles for community members. Their plan must be based in direct experience with consent decrees aimed at ameliorating the effects of police brutality in predominantly African American communities, and with disabled persons.

Although very few of the applicants to monitor the Baltimore consent decree meet all these standards, two applicants stand out from the rest.

The Loyola application is exceptional in its local expertise and experience, and in particular, their specific attention to the consent decree sections on interactions with persons with disabilities is very well thought out. The team is majority African American, a critical factor in the success of the consent decree. Their application demonstrates a strong understanding of the specific affected communities and centers trust building between multiple communities and institutions that serve them, such as schools (and school police), medical providers, and other stakeholders that must be engaged if the consent decree is to be successful.

Susan Burke's team application is the proposal that is most inclusive of impacted people in a substantial way through the establishment of paid positions for community members and the inclusion of youth and formerly incarcerated person in central monitoring roles. The applicant's history of seeking justice and reform around military sexual assault and harassment in prior work is also strong and welcome. The applicant's local affiliations and professional histories will be important to navigating the implementation of such a complex process.

Thank you for the opportunity to weigh in on this important selection process.

Sincerely,

Megan McShea
21218

11. Alison Reingold

From: alisonreingold .
To: [Decree, Baltimore Consent \(CRT\)](#)
Subject: Baltimore Consent Decree Monitor
Date: Monday, July 17, 2017 4:35:38 PM

I write to you on behalf of Jews United for Justice (JUFJ) in regards to the selection process for the independent monitor for the consent decree between the City of Baltimore and the Department of Justice.

I believe that the parties to the consent decree must include the following criteria in their assessment of the applicants in selecting both the finalists and the monitor team that will be appointed:

- **The independent monitor team must be locally based, with strong mechanisms to include the community during the implementation of the consent decree.** Designated community liaisons on the monitor team must have strong ties to Baltimore, deep local knowledge and contacts, and the trust of multiple stakeholders—in particular, the communities who have borne the brunt of unconstitutional policing.
- **The independent monitor team must specifically plan and budget for work to be contracted to community organizations.** These organizations should be led and staffed by individuals with ties to the residents of neighborhoods most directly impacted by aggressive, unconstitutional policing practices.
- **The monitor team must include members with expertise in shaping law enforcement responses to individuals grappling with mental and behavioral health issues, with an emphasis on de-escalating police responses.** The Department of Justice has acknowledged that BPD “routinely” uses unreasonable force against individuals with mental health disabilities or those experiencing a crisis, a problem exacerbated by deeply inadequate training given to officers.
- **The monitor team must include members with expertise in handling sexual assault investigations that respect survivors and ensure adequate investigation.** A member or members of the monitor team must have experience implementing best-practices training that respects survivors of sexual violence. The monitor team must also outline a rigorous process for ensuring that thorough sexual assault investigations are prioritized.
- **The monitor team must demonstrate an understanding of structural racism and an ability to convey that understanding to BPD.** While many of the potential monitor teams discuss anti-bias training for police officers, this necessary step does not go far enough.

We appreciate the opportunity to participate in the monitor selection process.
Sincerely,

Alison Reingold

12. Rabbi Ruth Smith

From: Rabbi Ruth Smith
To: [Decree, Baltimore.Consent \(CRT\)](#)
Cc: [Molly Amster](#)
Subject: Baltimore Consent Decree
Date: Monday, July 17, 2017 3:51:56 PM

Dear Madam,

I am writing to comment on the monitor selection process. I was able to attend a public comment community meeting. This was a meeting put together by the community, and not a part of the actual process. I am disappointed that there has not been more opportunity for the public to be involved in this historic process, and I hope that this is not a harbinger of what is to come.

If When choosing a monitor team, I hope the the team's record will be closely examined. Many of the team's touted their vast experience in monitoring consent decrees in other cities. However, it would be important to evaluate how well they did, not just how flashy their presentation was.

What community groups in other states say is that the monitors have been lax in following through on the community participation part of the consent decree. Since community buy-in is essential, I hope that evaluating how well the team follows through on their promises will be a significant factor on your consideration. We are in a time of much community distrust. If trust is to be gained, and I hope it can be, the community will need to see that at least the monitors are doing their jobs and getting input from the community.

As a member of JUFJ, I hope you will take into consideration the points raised by our director, Molly Amster, in a letter dated today, July 17.

I wish you strength and courage in choosing a team that can best accomplish the monumental task that is set before it.

Rabbi Ruth Smith


Sent from my Samsung Galaxy smartphone.

13. Ryan Artis

From: ryan artes
To: [Decree, Baltimore Consent \(CRT\)](#); marypat.clarke@baltimorecity.gov; daphney.williams@baltimorecity.gov
Subject: BPD Monitor Team Recommendations
Date: Wednesday, July 12, 2017 6:13:51 PM

To Whom It May Concern:

I am writing to you as a resident of Baltimore who is concerned about the unconstitutional and discriminatory behavior of the Baltimore Police Department (BPD). I have a vested interest in the consent decree and in ensuring that the voices of impacted residents are heard throughout the process. To that end, I have three main concerns:

- monitoring teams should include individuals most impacted by decisions made by the monitoring team
- the process should be transparent;
- the process should be required to create a formal infrastructure for community members, affected persons, and community stakeholders to engage in the court process.

BPD uses enforcement strategies that disproportionately impact African-Americans in the city of Baltimore. The monitoring team must include African-Americans, formerly incarcerated people, and young people impacted by these unconstitutional practices.

Community feedback and input must be central to the monitoring process. Any team chosen should be required to hire community members, affected persons, and community stakeholders as consultants. A defined percentage of the monitoring budget should be designated for this group.

Individuals with direct experience with police brutality must receive an enhanced opportunity to be fully engaged in the monitoring process.

Jump Outs (aka Stop and Frisk) are a tool of oppression and intimidation that do little to keep our communities safe. The chosen monitor should demonstrate an understanding of why ending stop and frisk is critical to the health and safety of our community.

Any monitoring team chosen by the City of Baltimore and DOJ should be required to create a formal infrastructure for community members, affected persons and community stakeholders to ENGAGE in the process not just be informed. The monitor should be required to include all dissenting information in reports, motions and other documents provided to the court.

The team should be required to provide a forum for community members, affected persons, and community stakeholders to be heard in open court, before the monitoring judge, prior to the approval of any and all settlement agreements being approved by the court.

A majority of the monitoring team should reside in the city of Baltimore.

The Loyola University and Susan Burke are individually good starts and both contain some necessary elements-- but both need further development to be completely adequate. This first stage of development of BPD Monitoring Teams is particularly crucial and I demand the process be treated with utmost integrity and sincerity. The remaining proposals, those I have not named at the beginning of this paragraph, are all severely inadequate and solely seem to maintain an unspoken status quo.

Please consider my recommendations.

Sincerely,

Ryan Artes

21218

14. Dan Richman and Samantha Blau

From: Dan Richman
To: [Decree, Baltimore.Consent \(CRT\)](#)
Cc: [Samantha Blau](#)
Subject: Comment on Monitor selection from Dan Richman and Samantha Blau
Date: Sunday, July 16, 2017 3:32:14 PM

To the Parties in U.S. v. Police Dept. of Baltimore City:

The following is a public comment on Consent Decree Monitor selection. Having reviewed Monitor applications and witnessed many applicants answer community questions at a town hall meeting, we are concerned that many of the applicants are not suitable for this task, especially those that are not Baltimore-based and do not have civil rights backgrounds.

We recommend that the Parties pay particular attention to the following attributes in selecting the Monitor:

1. The Monitor team or its main players should have substantial personal and professional backgrounds in Baltimore and be based here for their work as Monitor. Many of the applicants are national consulting firms/teams with no familiarity with Baltimore and its particular history and issues.
2. The Monitor team should include expertise in civil rights, community policing, de-escalation and anti-bias trainings, sexual assault, and mental health and trauma-informed care. Also, the team should understand the history and continuing consequences of Baltimore's housing segregation and issues such as the school-to-prison pipeline. Many of the applicants do not speak about how central these issues are to the substance of the Consent Decree. One excellent exception to this concerning pattern appears to be Baltimore Monitor Project.
3. The Monitor should make specific commitments to work with community groups. Many applicants' responses to how they would do this have been vague, generic, or condescending. A key exception appears to be Susan Burke, whose application gives a concrete plan for soliciting interaction with an unbiased cross-section of community groups.
4. The Monitor application should be specific about the Monitor's approach, budget, and time commitments of the team members. We have found that many of the applications and the applicants' spoken statements are saturated with consultant-speak and buzzwords, and they fail to clearly articulate their plans. Again, Susan Burke's application is an exception and is a good example of specificity and clarity (please note this repeated mention is not intended to be an endorsement or vote).

We hope that when choosing finalists you keep these considerations in mind in choosing finalists so Consent Decree monitoring is maximally effective and the Police Department is held accountable to the people of this city.

Sincerely,
Dan Richman and Samantha Blau
Baltimore, Maryland (21202)

15. Ray Kelly

July 14, 2017

Ray C. Kelly



To: **United States Department of Justice - Civil Rights Division**

Dear Sir or Madame,

My name is Ray Kelly and I am proudly a lifetime resident of Baltimore City, specifically zip code 21217, or Central West Baltimore as we like to call it. I'm a product of my personal endeavor through life and experienced many of the plights we've identified through multiple findings. I currently serve in Multiple capacities in our commUNITY, Co-Director of the No Boundaries Coalition, Vice Chair of the Executive Committee of St. Peter Claver/Pius V Church.

Throughout the entire DOJ process the Coalition and the residents of Central West Baltimore have been committed to influencing changes in the ways our communities are policed, are determined to see the mandates negotiated in the Consent Decree implemented. We have spearheaded multiple engagements and community events focused on the impacted neighborhoods having a seat at table and having a voice in the changes that impact them personally, both with the Department of Justice as well as the Police Department, and stand firm to the idea that no matter how thing progress, we will continue to create access and sustain a community informed process.

Recognizing the importance of the Monitor to success of the implementation of the Consent Decree I must support the efforts of Susan Burke and recognize her displayed and continued engagement in this process as a resident of Central West Baltimore, as well as Board member of the No Boundaries Coalition. As Chair of the Coalitions Safety Action Committee, I have worked closely with Susan with issues of Police/Community relations, drafting language to strengthen Baltimore's Civilian Review Board and Partnered directly we me to form the West Baltimore Community Commission on Police misconduct. Our report has gained international attention, been reviewed by the United Nations and even referenced in the DOJ's finding report. Years before the riots and unrest of April 2015, Susan Burke had demonstrated her fortitude in the fight for Equitable, Civil and Constitutional treatment of marginalized people throughout her carreer and continued since I met her.

Her proposal stands out for two distinct reasons 1) the largest portion of her team will be community and grassroots organization, which if we are to be true to the language of the Consent Decree, should be a requirement. Secondly, she has placed in her budget, to hire indegeonous people, both youth and returning citizens, to insure the most affected populace is represented and and have a guaranteed conduit for feedback and concerns, where nothing is lost in translation.

During our research into the monitoring proposals with the Campaign for justice Safety and jobs, one of our partners, NAACP-LDF, drafted a snapshot of all of the candidates which I have attached, there are multiple highlights in Susan Burkes proposal as well as the framing of her team, but most importantly she is one of us and she recognizes things have to change and is proven time and time again that she's willing to give her all to make it happen.

Thank You for your time and Consideration

Ray C. Kelly

West Baltimore Resident

Co-Director of the No Boundaries Coalition

Vice Chair, Executive Committee, Sts. Peter Claver/Pius V Parish



invest your hopes in
pray it forward
the next generation

16. David Cramer

Baltimore City Consent Decree Monitoring Applications Review Introduction

The following 26 reviews are not intended as a comprehensive analysis of each proposal nor to determine threshold eligibility for evaluation; rather, they are intended more as reflections on other aspects that deserve merit.

These comments reflect a quick read of each proposal – due to lengths of many applications, some hundreds of pages, one to two hours were required to read, re-read and comment using the 8 criteria below (note that all criteria are not answered when information was hard to glean). As such some important information and subtleties may have been overlooked.

After stepping back, I realized that **a threshold of experience in police consent decree monitoring and ability to establish rapport with police at all levels was essential and therefore should be a threshold requirement of which most but not all of the applicants possessed. In addition, my sense of Baltimore's racial politics would require that the monitor himself/herself would need to be minority, i.e., Black, and his/her team be locally based and diverse. Finally, after possessing all of these qualities, the team and its leadership would need to demonstrate that they are serious about and capable to facilitating lasting institutional change of the reforms that have the potential for outlasting city and police leadership changes.** To do this would require going beyond the confines of the proscribed monitoring role and address underlying racial disparities and police culture. No one applicant possesses all of the above qualities; however, aspects of one or several could achieve this end if reconfigured and combined, which the RFP allows for. To accomplish this, however, may take more time to negotiate and resolve. Perhaps the time delay may be worthwhile given the opportunity the CD provides. Given the substantial budget allowed for this effort, the delay may prove to be more cost-effective in the long run.

Comparison Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
3. Team management: Point person – project manager
4. Time availability of team members for this assignment
5. Local community involvement
6. Budget credibility, emphasis
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
8. Other advantages or disadvantages, unique features

Applicants that meet most of the criteria are starred “*”

David Cramer



ADP Consulting

Comparison Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Police officer (ret.) emphasis, very detailed monitoring approach
 - Seem to be familiar with inner-working of BPD
 - Included Policy, training, implementation continuum with detailed research methods
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Experience with monitoring by many of the team members' monitoring involvement (mostly police officers) and as evidenced in how each of the 17 core elements will be addressed
 - Two/11 of the team members are local - Sabrina Tapp-Harper, ret BPD Major
 - Team make-up is heavy on police and tracking progress, light on legal, diverse
3. Team management: Point person – project manager
 - Major Alfred Peters, Monitor – not local, questionable time commitment
4. Time availability of team members for this assignment
 - Mixed, some more available than others, most have other substantial other assignments
5. Local community involvement
 - Addressed in the context of community policing
 - Stressed work with oversight task force
6. Budget credibility, emphasis
 - Very detailed budget, reasonable travel but other high general expenses
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Recognized need for BPD to sustain effort after 5 years
8. Other advantages or disadvantages, unique features
 - Have all that is need to technically monitor

Arnaldo Claudio

Comparison Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - a. No detail on how the team would implement a monitoring effort nor a detailed budget reflecting this activity
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - a. Ret police officers plus professors – all with extensive experience in police work
 - b. Diverse, no local team members
3. Team management: Point person – project manager
 - Colonel (ret.) Arnaldo “Arnie” Claudio
4. Time availability of team members for this assignment
 - Hard to determine
5. Local community involvement
 - No special approach
6. Budget credibility, emphasis
 - No details, just one annual figure
7. Sustainability after monitors are gone – what’s left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - No sense
8. Other advantages or disadvantages, unique features
 - One member, Marcos Soler, is the former Deputy Executive Director for Policy and Strategic Initiatives at the Civilian Complaint Review Board (CCRB) of the City of New York. As such, he may act as a CME on civilian review board

Baltimore Monitor Project

Comparison Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - a. Acknowledge race as a major factor
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - a. Retired judges (2) and lawyer saturated (5), 3 professors, 2 data experts, Faulk – mostly local City and MD, diverse
 - b. No police expertise which is acknowledged, process for selection is inclusive, once selected will be part of team. May need a long learning curve about police operations and specifically the BPD
 - c. Little police CD monitoring experience
3. Team management: Point person – project manager
 - a. Co-monitors: Legg and Williams
 - b. Local point person, Curlett (attorney) experience with Detroit Consent Decree – wrote reports. **May run for City States Attorney, now representing clients against police officers.**
4. Time availability of team members for this assignment
 - a. Most have substantial current employment positions, others are consultants with flexibility
5. Local community involvement
 - a. Strong “community” presence through Faulk (“Circles of Voices”).
 - b. Will establish a “community advisory board”
6. Budget credibility, emphasis
 - a. General budget of hours/rates, no travel, consistent with emphasis on data collection and analysis
7. Sustainability after monitors are gone – what’s left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - a. Local leaders committed to Baltimore
8. Other advantages or disadvantages, unique features
 - a. “co-monitors” with Curlett as project manager – awkward management

Barnes & Thornburg

Comparison Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Did not address how they would handle scope of work
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - All attorney team, mostly from DC, mostly minority
 - No apparent police involvement nor experience with police Consent Decrees
3. Team management: Point person – project manager
 - Howard
4. Time availability of team members for this assignment
 - Most have ongoing legal practice
5. Local community involvement
 - Will select local community partner later
6. Budget credibility, emphasis
 - Only provide 90 day budget
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
8. Other advantages or disadvantages, unique features

*Baxter, Baker, Sidle, Conn & Jones P.A

Comparison Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Addressed each monitoring tasks in detail with which team member brings expertise and some ideas on implementation.
 - Seem to understand local situation
 - From perspective of offering advice – not clear on process, i.e., analyses, intervention/training, monitor/assess implementation
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Mostly minority team from around the country led by a local firm: two police chiefs, local attorney, Ashton, minority who has represented the FOP and individual officers, a test developer for early detection of behavior issues, Dr Ashton, Consent Decree Monitor, Examination Supervisor, in Providence, Rhode Island, ,
 - LAPD, met the requirements of the LAPD/DOJ Consent Decree.
 - Attorney, Civic Works, IT expert, BNIA-Director is local.
3. Team management: Point person – project manager
 - Monitor, Sanchez, and Deputy Monitor, Quijas, are minority retired police chiefs, non-local
 - Local firm appears in the lead on managing the process
4. Time availability of team members for this assignment
 - Handy chart on hours not available implying that the remaining hours are for monitoring – some key people seem already committed to other assignments. Key researcher will be in India until Nov.
5. Local community involvement
 - Claim they will have f2f meetings with all of Baltimore's neighborhoods
6. Budget credibility, emphasis
 - Flat fee
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Includes “addressing and eliminating conscious and unconscious bias in interactions between officers and citizens as well as in the recruitment, retention, and promotion of law enforcement officers”. (Dr Ashton may be key in addressing this)
 - Suggest modifying the CD depending on outcomes of monitoring efforts
8. Other advantages or disadvantages, unique features

BithGroup

Comparison Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Local Maryland minority firm
 - Team consist of a variety of individuals related to law enforcement and security, academicians, entrepreneurs in various miscellaneous professions – private investigators in the DC area – many team members have non-relevant experiences to this assignment
 - Minority IT and project management company headquartered in Baltimore
 - Didn't describe experiences or how they would address each of the monitoring tasks
 - Many members to be determined
 - No monitoring experience, criminology professors are noted as legal experts
3. Team management: Point person – project manager
 - Minority monitor, Hughes, with police (MCD) experience
 - Emphasized ability to manage a complex assignment
4. Time availability of team members for this assignment
 - Monitor will be full time as well as the "Director of Implementation, Bozman,
5. Local community involvement
6. Budget credibility, emphasis
 - Hourly rates were a rate for mix of team members
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
8. Other advantages or disadvantages, unique features

CAG Consulting

Comparison Criteria:

- Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Each monitoring task is addressed comprehensively and with specific relevance to that particular task, e.g. training raised quality and current relevancy and how tracked for impact
 - Most extensive explanation of data collection and analysis – a comprehensive insight into the day-to-day interactions of how monitoring is done – emphasizing impact
 - Sophisticated data collection and tracking devices
- Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Team of ex and current police commanders, many playing various roles in IACP and in 15 past and current consent decree monitoring – have SME needed
 - Mostly non-local, some diversity
- Team management: Point person – project manager
 - Monitor Gruber, head of CAG
 - Deputy monitor, Plitt, is local (Harford County)
- Time availability of team members for this assignment
 - Deputy Monitor, local, full time, others part time (monitor will be full time within the year)
 - Other members have substantial positions but make credible argument for availability
- Local community involvement
 - Local partners to be selected
- Budget credibility, emphasis
 - Detailed, normal out-of-town T&E expense percentage
 - Close to the maximum
- Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
- Other advantages or disadvantages, unique features
 - Recognized LEOBR, relations with the states attorney as other contextual issues to address

*CNA

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Familiar with Baltimore community, BPD and Consent Decree
 - Strategy emphasizes TA and training, stakeholder and BPD buy-in
 - Detailed approach to 15/17 topic areas
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Large team with direct police experience, managing data/research, IT matters,
 - Minority led,
 - Strong local Baltimore component of community engagement leaders
 - Broad experience with DOJ agreements and consent decree monitoring throughout the country
 - CME in every area needed to implement monitoring plan including citizen advisory
3. Team management: Point person – project manager
 - Monitor and deputy monitor – both non-local (although monitor may reside in DC)
 - Both will be directly involved with managing team
 - Local point person for community engagement
 - Well thought out plan for managing team
4. Time availability of team members for this assignment
 - Monitors and key leaders appear to have the time needed to devote to this assignment
5. Local community inclusion
 - Use local partner: individuals at Coppin State College and other Baltimore community leaders
 - Extensive resources devoted to community engagement including a “Community Council” in support of the Community Oversight Task Force
6. Budget internal consistency – reflects emphasis
 - Budget reflects not only monitoring tasks but includes TA and training (offer training in areas already addressed by BPD – perhaps improving training is more advisable).
 - Because many of the team are located throughout the country, T&E is a significant portion of the budget
 - No individual rates are identified
7. Sustainability after monitors are gone – what’s left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Strategy includes extensive building community and BPD support
8. Other advantages or disadvantages, unique features

Daigle Law Group

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Appear to have legal perspective
 - No feel for Baltimore
 - No detail, no mention of Monitoring Plan and how it would be developed
 - Did not address 17 topic areas except to mention team's general experience in each
 -
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Strong on legal, police experience,
 - Weak on data/research,
 - Small team that is diverse
 - Solid police experience ("Equally important, we have the patience, experience, and restraint to provide monitoring services in a manner that minimizes the intrusion into the day-to-day affairs of the police department.")
 - Members involved in several monitoring assignments, including one of the first
3. Team management: Point person – project manager
 - Monitor, a lawyer, will act as project manager, Deputy Monitor experienced in police and monitoring
 -
4. Time availability of team members for this assignment
 - Many on the team already work full time, leaving questionable time for this assignment
5. Local community inclusion
 - To be selected in first 60 days ("recognize the importance of picking the right leaders")
 - involved (Professor Tyler) in the National Initiative for Building Community Trust and Justice.
 - No sense of importance of community engagement
6. Budget internal consistency – reflects emphasis
 - Very detailed, consistent
 - Significant T&E – all team members are out-of-towners
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Application leaves no sense of how this would happen
8. Other advantages or disadvantages

DLA Piper

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - As a local based group, familiar with issues (added concern about violent crime rate – did not connect with basic cause, ie. “trust”)
 - Responded thoroughly to qualifications but did not provide details of how a monitoring effort would be conducted.
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Local lawyers, significant police chiefs, local institutional partners – MSU, JHU, UMAB, UB – high level IT.
 - Diverse but not Black led
 - Drs Greenberg and Webster are notable for police research on best practices and training
 - Only list who would address each of the 17 topic areas – no details on how each would be addressed
 - Only general comments on Monitoring Plan – does not reflect much insight into internal police workings
 - Lots of local involvement – studies, surveys, professional interventions
3. Team management: Point person – project manager
 - Involved in other high profile Consent Decree (Penn State)
 -
4. Time availability of team members for this assignment
 - Most, if not all, of the team members have other full-time commitments, some with substantial responsibilities especially Johnson the most notable for police work
5. Local community inclusion
 - Local elite institutions – not grassroots
 - Approach is reasonable but done by institutional leaders
 -
6. Budget internal consistency – reflects emphasis
 - List specific hourly rates commensurate with each team member
 - Normal rates are much higher, willing to provide discount rates and pro bono contributions
7. Sustainability after monitors are gone – what’s left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Not specifically addressed although as a locally based group, the institutional base of this group would most likely help to sustain reforms
8. Other advantages or disadvantages
 - Claim connections in the philanthropic community to leverage more funds for BCP

EbevyYG

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Doesn't seem to have a full picture of what the Consent Decree entails
 - Takes a community engagement decision-making approach
 - Do not address each of the 17 topic areas except in listing who will address and their qualifications
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Minority led
 - Have a team with all the credentials at some level, but very focused on training
 - No experience in Consent Decree monitoring
3. Team management: Point person – project manager
 - Monitor, Dr Young, minority, will be point person – has police background and understanding of what others will need to complete tasks
 -
4. Time availability of team members for this assignment
 - Baltimore will compete with other assignments but availability seems ok
5. Local community inclusion
 - Only list general approaches consistent with how police might approach
6. Budget internal consistency – reflects emphasis
 - Budget reflects approach
 - Has specific rates commensurate with each team member
 - Heavy on T&E and overhead
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Not specifically mentioned
8. Other advantages or disadvantages
 - Most team members live in Harrisburg/Philly area

Elite Performance (EPAC)

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Seems to put more emphasis on auditing
 - Don't seem to have a "feel" for Baltimore and local environment
 - Offered only general outlines of how they would approach assignment
 - Appear to only see this assignment from a legal/police perspective
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Broad array of skills and backgrounds mostly as former officers of the LAPD
 - One team member, Weinstein, has experience with police unions
 - One team member, Casimere, is an SME and was former president of IACOLE – International Association for Civilian Oversight of Law Enforcement
 - Gender diversity
 - Extensive experience with law enforcement
 - Familiar with implementing CD from police perspective
3. Team management: Point person – project manager
 - Led by attorney as monitor, Reynolds
 - "Executive Advisor" led LAPD effort to comply with CD
4. Time availability of team members for this assignment
 - No mention of other competing assignments, only what hours would be devoted to 17 topic areas
 - Team members are either on staff or are retired
5. Local community inclusion
 - No mention of how the community would be involved
 - Basic approach seem to be from a police perspective
6. Budget internal consistency – reflects emphasis
 - Only personnel hours and time were described
 - No T&E which would have to be extensive since most are West coast
 - Individual hourly rates commensurate with each team member
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - No sensibility of how to maintain reforms
8. Other advantages or disadvantages
 - SMEs on civilian oversight and police union
 - West-coast based

Exiger

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Seem to have a feel for Baltimore's situation
 - One team member, Davis, has worked extensively since 2014 with Baltimore thru COPS program
 - Very coherent and strategic approach to developing monitoring plan
 - Each of the qualifying areas were extensively addressed
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Broad array of top notch experts – many police commanders and most have monitoring experience
 - One team member, Smoot, has experience with police unions
 - Appear to have insight into monitoring details thru monitoring roles in LA, Seattle, and Cleveland
 - Diverse gender and race
3. Team management: Point person – project manager
 - Monitor, Schlanger, and deputy, Ramsey (minority, 21st Century) will lead team, have extensive monitoring experience
 - Monitor and other team members “wrote the book” on monitoring
4. Time availability of team members for this assignment
 - Most are staff of consultant firms and have time
 - Both monitor and deputy are a “train ride away”
5. Local community inclusion
 - Will establish a local advisory board with a TBD Baltimore leader as liaison
 - Seem unaware of the Mayor's monitoring task force
 - One team member, Drake, worked in Baltimore in community engagement (Living Classrooms) and manages COPS grants
 - Use of surveys, technology but no mention of informal contact
6. Budget internal consistency – reflects emphasis
 - Fixed price – used in LA with results of no increases and all deliverables
 - Uses blended rate with 10% for T&E
 - One page of details
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Propose developing internal monitoring that can be sustained over time
8. Other advantages or disadvantages

Gallagher, Evelius and Jones

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Local, familiar with Baltimore community
 - Seem to view BPD as already doing everything in the CD
 - Seem to lack insight on how a police department operates
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Mostly lawyers, front-line previous police, internal IT, sociologist researchers
 - Diverse team, white led
 - Not much in-depth experience with monitoring and police work
 - Monitor has related monitoring experience, no one else (will id experts to include later)
1. Team management: Point person – project manager
 - Monitor, Kieth, attorney
 -
2. Time availability of team members for this assignment
 - Most team members are attorneys and academics and can adjust their schedules
3. Local community inclusion
 - Intend to conduct many community meetings, focus groups, informal connections
 - Team members are involved in Baltimore charity groups but not minority based groups
 -
4. Budget internal consistency – reflects emphasis
 - Monitor and back office support and IT some hours donated, reduced rates
 - No budget for T&E (because all team members are local) but later selected outside experts may require T&E
5. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - As a committed local group want to see reform sustain but don't describe how
6. Other advantages or disadvantages
 - Local
 - Lack of police experience

Gansler and Ivey

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Recognizes issues as systemic
 - Appear to understand day-to-day dynamics of police operations
 - Very detailed approach – very clear on informal vs formal information gathering
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Diverse team – co-led W/B
 - Have all the qualifications for team – lawyers, police, data/research – gained locally in Baltimore City and PG
 - May lack data collection experience (mostly analysis)
 - One team member had direct experience with implementing CD (James), another overseeing (Ivey)
 - Have played investigative but not monitoring role
 - No specific comment on heart of issue – racial bias – but have experience in area
3. Team management: Point person – project manager
 - “co-monitors”, Gansler and Ivey, minority
4. Time availability of team members for this assignment
 - All team members serve as lawyers, professors, pastor – as such, they have full time jobs.
5. Local community inclusion
 - Led by local pastor (Yeary, Douglas Mem.) who is involved in local safety issues – not necessarily connected to grass-roots efforts.
6. Budget internal consistency – reflects emphasis
 - Gansler – pro bono
 - Provide break down of rates commensurate with person
7. Sustainability after monitors are gone – what’s left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - No discernable reference to what happens after 5 years
8. Other advantages or disadvantages
 - “co-monitors” – who is the point person?

Kroll

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - At high level
 - No comment on 17 topic areas and how they would be addressed
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Headed by retired Dallas Police Commissioner, Brown
 - Academic and local community members TBD
 - Comprehensive team of active employees
 - Appears diverse
 - Major police experience
 - No police CD monitoring experience, although many succinct, specific areas of investigations
1. Team management: Point person – project manager
 - Brown is full-time employee of Kroll and will spend 25% on this assignment
 -
2. Time availability of team members for this assignment
 - Hard to determine what other assignments will compete with this one
3. Local community inclusion
 - Community liaison selected after award
 - Very extensive design to determine opinions and changes in resident views of police
 - No design of community involvement
 -
4. Budget internal consistency – reflects emphasis
 - Claim reduced rates, pro bono work
 - Will provide additional information if selected
5. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Want to build in self-assessment tools that will last beyond the five years
6. Other advantages or disadvantages
 - Prestige leader, Brown with competent back-up team

Lemire

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - General understanding
 - Responded to qualification questions, no detail on approach
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Have basic team members necessary except for community engagement and local presence
 - One team member, Tidwell, has experience with community oversight
 - Diverse,
 - Police, lawyers, experience with CD monitoring assignments
1. Team management: Point person – project manager
 - Monitor, Lemire, will be team lead
2. Time availability of team members for this assignment
 - Available as part of regular employment of the team, no specific sense of what else is competing
3. Local community inclusion
 - Will add local Baltimore members for engagement after award
4. Budget internal consistency – reflects emphasis
 - Rates commensurate with individuals
5. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
6. Other advantages or disadvantages

Loyola

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Driven by an organization change approach
 - Focused mainly on organizational change with minor roles for team members who understand policing
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Local team of academics, lawyers, individuals with police experience
 - Diverse, emphasis on racial justice
 - May not understand the nuances of monitoring
3. Team management: Point person – project manager
 - Monitor and lead is professor of Psych at Loyola, minority
4. Time availability of team members for this assignment
 - Have flexibility to move around assignments
5. Local community inclusion
 - Acknowledged BPD current reform efforts
 - One member, Johnson, volunteered after uprising in W Baltimore – circles of grief to process
 -
6. Budget internal consistency – reflects emphasis
 - General budget may not have understanding of what it will take
 - Claim reduced rates but rates quoted appear to be regular rates
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Lasting change due to organizational change
8. Other advantages or disadvantages
 - Local and unique approach, i.e., emphasizes on organizational change and racial equity

Ness and Associates

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - More as a monitor, less emphasis on Baltimore
 - legalistic
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Phoenix based team
 - Diversity – not addressed
 - No understanding of local conditions
 - Mix of police experience
 - No experience with Police CD
3. Team management: Point person – project manager
 - Monitor, Ness
4. Time availability of team members for this assignment
 - Each have reasonable availability
5. Local community inclusion
 - Missing
 -
6. Budget internal consistency – reflects emphasis
 - missing
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
8. Other advantages or disadvantages

Pallas Global

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Oriented toward enforcement
 - Mostly describe experience to carry out assignments, no details of how
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Have basic police, technical, prosecutors, and is diverse
 - Based in NYC
 - Investigating, monitoring other non-police CD
1. Team management: Point person – project manager
 - Monitor/prosecutor, WBE
2. Time availability of team members for this assignment
 - Time commitment seem reasonable and credible
3. Local community inclusion
 - Local presence is former BPD lieutenant who seems to have been in charge of many of the aspects that currently need reforming, is currently Coppin professor
 -
4. Budget internal consistency – reflects emphasis
 - Blended rate, general
 - Claim pro bono hours
5. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - No sense, seem restricted to assignment
6. Other advantages or disadvantages

*Powers Consulting

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - “get” police/community dynamics: “double consciousness - that simultaneously recognized the need for effective policing to serve and protect the people and to dramatically reduce crime; and that all too often made the people that were to be protected the victims of both cops and robbers”
 - Emphasis police/community collaboration
 - Describes very detailed step-by-step process for implementation grounded in collaboration
 - Recognizes current BPD efforts
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Have the requisite team member composition, diverse
 - Majority are local, Black led, mostly minority
 - Have sensitivity to police and community perspectives, particularly racial bias issues
 - Team member, Oliver, has police CD implementation experience
 - Team member, Lucchi, has experience with L.E.O.B.R.
 - Blythe is on Balto’s Civilian Review Board
3. Team management: Point person – project manager
 - Monitor, Powers, is Baltimore resident, minority
4. Time availability of team members for this assignment
 - Monitor will be full time
 - Other team members have credible availability
5. Local community inclusion
 - Local meetings, and other broad ways to communicate formally and informally – e.g. surveys, website, social media, also mentioned TV25, radio
 - Recognized formal and informal groups and meeting venues by lists (but failed to mention some of the minority groups most active, e.g. Leaders of a Beautiful Struggle)
6. Budget internal consistency – reflects emphasis
 - Very general but list individual rates with broad guesstimates of hours, less than usual T&E
 - Willing to go beyond budget with pro bono hours
7. Sustainability after monitors are gone – what’s left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Grounded in local community
8. Other advantages or disadvantages
 - Describe a managing entity that is thorough, practical and sensible - unique

Robert Bob Group

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - No specific approach
 - Merely repeated RFP requirements
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Has all need experts: police, legal, limited local understanding, diverse
 - Mostly East coast based
 - No police CD implementation
1. Team management: Point person – project manager
 - Monitor, Bob, will be project manager as his consulting firms lead
 - Minority
2. Time availability of team members for this assignment
 - Not clear
3. Local community inclusion
 - No discernable involvement or how to involve except to set up a steering committee
 -
4. Budget internal consistency – reflects emphasis
 - General expenses, no individual rates/hours
 - One partner, Lawyers Committee, uses pro bono lawyers to reduce cost
5. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
6. Other advantages or disadvantages

*Susan Burke

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Emphasizes community participation
 - Proposal lists step-by-step technical details on monitoring implementation including providing specific examples of BPD policies and training topics and how they will be reviewed and addressed – the most thorough.
 - Plan list 52 weekly steps in first year, quarterly the second year
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - Led by Balto resident lawyer, have necessary team SMEs
 - diverse
 - Team member, Green and Braun on monitoring team for Cinci, LA sheriffs, Seattle, Cleveland
3. Team management: Point person – project manager
 - Monitor, Burke, local attorney, will lead
4. Time availability of team members for this assignment
 - Most team members have substantial current obligations but have committed to making adjustments to be available.
5. Local community inclusion
 - Local hired resident staff: 3 youth and 2 formerly incarcerated
 - Funding Community Coalition
 - W Balto native, Smith, will handle community engagement **but will also be running for elected office (district 40)**
 - Burke involved in No Boundaries
 -
6. Budget internal consistency – reflects emphasis
 - Provides cost savings (including reduced rate and cap for Burke) and included paying for local staff
 - Very detailed budget for rate/hourly work and other expenses, T&E is the lowest
 - May have underestimated the amount of effort and costs
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
8. Other advantages or disadvantages, unique features
 - Local hired resident staff: 3 youth and 2 formerly incarcerated
 - A potential adversarial relationship with police because emphasis is prosecution/enforcement

The Bromwich Group

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Did homework, seem to grasp local challenges
 - Gain confidence of police, clarify monitoring role
 - Provided initial steps in starting monitoring process with strong indications of familiarity of what needs to be done
 - Merely list experiences with qualifications without how each would be addressed
2. Team make-up, experience: police Consent Decree (CD) implementation, policing experience, research/IT, local Baltimore understanding, diversity
 - DC based with most team members from around the country, somewhat diverse,
 - Strong on monitoring skills, weak on data/research and local presence
 - Emphasis on mental health and youth team members, James and Watson
 -
3. Team management: Point person – project manager
 - Monitor and point person, Bromwich, led monitoring effort (MPD) and 6-yr post follow up
4. Time availability of team members for this assignment
 - Most team members have other obligations but availability can be justified except for Bromwich
5. Local community inclusion
 - Assumed as part of regular police relations
 - No particular insights or strategies
6. Budget internal consistency – reflects emphasis
 - No details, only annual amounts and some narrative justification
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Have great insight in what a reform effort looks like after 6 years
8. Other advantages or disadvantages, unique features
 - Clarify role of monitor with parties
 - 6 year post monitoring follow up
 - Meet first with DOJ CD investigators for briefing

*Venable

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Monitoring role is limited (and seems to be reflected in protecting budget)
 - Unclear whether TA and training will be included in assignment
 - Appear to understand and appreciate current BPD efforts
 - Have detailed plan of implementation
2. Team make-up, experience: consent decree implementation police matters, data/research, local understanding, diversity
 - Monitoring five police departments
 - Most team members are non-local, diverse and cover all subject matter areas
3. Team management: Point person – project manager
 - Monitor is Thompson, local minority law partner, and two deputies: lawyer and police commander
 -
4. Time availability of team members for this assignment
 - Most team members with monitoring experience and consultants currently monitoring
 - Others have substantial positions who are either retiring or can minimize other obligations
5. Local community inclusion
 - A liaison to be selected
 - Not described
6. Budget internal consistency – reflects emphasis
 - Two options – fixed fee, at a savings and hourly with reduced rates
 - T&E high
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Recognizes need to institutionalize self-correcting reforms
8. Other advantages or disadvantages, unique features
 - Practical Monitoring Plan content outline
 - **Monitor served on Mayor's transition team (wife is deputy director of Balto Public Works)**

Whiteford Taylor

Criteria:

1. Understanding and approach to assignment: thoroughness and detail of how to proceed, strategy, whether each of the 17 CD Core Elements are addressed and inherent culture of racial inequity is recognized
 - Legalistic
 - Detailed plan of evaluation
 - Addressed each section of the application thoroughly
2. Team make-up, experience: consent decree implementation police matters, data/research, local understanding, diversity
 - Somewhat diverse, most non-local, have appropriate SME
 - No apparent police CD monitoring experience
 - Some team members are listed without any particular role or assignment
 -
3. Team management: Point person – project manager
 - Local monitor, law partner, Zollicoffer
4. Time availability of team members for this assignment
 - Listed hours for each team member but no sense of other responsibilities
5. Local community inclusion
 - No discernable plan
6. Budget internal consistency – reflects emphasis
 - Confusing but detailed
7. Sustainability after monitors are gone – what's left behind and constituency to support longevity of reforms – from community, elected officials, police – front-line and leaders
 - Acknowledge the need to leave behind tools to continue
8. Other advantages or disadvantages, unique features
 - Very detailed explanation of each of how the 17 Core Elements will be evaluated for compliance

17. James Scanlan

Comments of James P. Scanlan Regarding Selection of Monitor for Consent Decree
in *United States v. Police Department of Baltimore City et al.*, No. 17-cv-00099
(June 26, 2017)

These comments are submitted pursuant to the June 15, 2017 Amended Notice Regarding Comment on Monitor Selection in *United States v. Police Department of Baltimore City and Mayor and City Council of Baltimore*, No. 17-cv-00099.

Introduction

In earlier [comments](#)¹ regarding this case, I explained that a central premise of the proposed Consent Decree was the opposite of reality. I also urged the court to postpone action on the matter until the parties fully understood how the premise was mistaken. The Consent Decree was nevertheless entered without any party's addressing the mistaken premise. The purpose of the instant comments is to explain the pertinence of points made in the earlier comments to the selection of a Monitor and the activities of the Monitor and to suggest that the Monitor candidates be requested to provide supplemental submissions indicating whether they are capable of analyzing demographic differences in a statistically sound manner.

As explained in the earlier comments, consistent with a great many things the Department of Justice (DOJ) and other government agencies have done in recent decades, the Consent Decree is premised on the belief that relaxing standards or otherwise reducing the frequency of adverse outcomes will tend to reduce (a) relative (percentage) racial and other demographic differences in rates of experiencing those outcomes and (b) the proportions African Americans and other groups more susceptible to the outcomes make up of persons experiencing the outcomes.

In fact, relaxing standards or otherwise reducing the frequency of adverse outcomes tends to increase, not reduce, both (a) and (b). That is, restricting any adverse outcome to persons most susceptible to it, while tending to reduce relative differences in rates of experiencing the corresponding favorable outcome, tends to increase relative differences in the adverse outcome itself.² Similarly, such restricting of an adverse outcome, while tending to increase the proportions groups most susceptible to the outcome make up of persons experiencing the corresponding favorable outcome (hence, *reducing* all measures of difference between the proportions such groups make up of the relevant pool and the proportions they make up of persons experiencing the favorable outcome), also tends to increase the proportions the most susceptible groups make up of persons experiencing the adverse outcome itself (hence, *increasing* all measures of difference between the proportions such groups make up of the relevant pool and the proportion they make up of persons experiencing the adverse outcome).

¹ To facilitate consideration of issues raised in documents such as this I include links to referenced materials in electronic copies of the documents, in some cases, for the reader's convenience, providing the links more than once. Such copies are available by means of the [Measurement Letters](#) page of [jpscanlan.com](#). The online version of the document may be corrected or annotated, in which case such fact will be noted on the first page.

² I cast the matter in terms of restricting the *adverse* outcome to those most susceptible to it in order to make the matter easier to understand. But the pertinent statistical pattern arises from restricting any outcome (whether adverse or favorable) to persons most susceptible to it. Doing so tends to reduce relative differences between rates of experiencing the corresponding opposite outcome and increase relative differences between rates of experiencing the outcome itself.

I have presented the key statistical points fairly succinctly in “[Things DoJ doesn’t know about racial disparities in Ferguson](#),” *The Hill* (Feb. 22, 2016), “[Misunderstanding of Statistics Leads to Misguided Law Enforcement Policies](#),” *Amstat News* (Dec. 2012), and “[The Paradox of Lowering Standards](#),” *Baltimore Sun* (Aug. 5, 2013). I have explained them more fully, with a focus on the instant Consent Decree, in “[Compliance Nightmare Looms for Baltimore Police Department](#),” Federalist Society Blog (Feb. 8, 2017). See also discussion of DOJ actions regarding Baltimore police practices in “[Misunderstanding of Statistics Confounds Analyses of Criminal Justice Issues in Baltimore and Voter ID Issues in Texas and North Carolina](#),” Federalist Society Blog (Oct. 3, 2016), “[Will Trump Have the First Numerate Administration?](#)” Federalist Society Blog (Jan. 4, 2017), and “[Racial Impact Statement Laws in New Jersey and Elsewhere](#),” Federalist Society Blog (Mar. 20, 2017). The February 8 and March 20, 2017 Federalist Society Blog posts both discuss that the process of finalizing the Baltimore Consent Decree, including the selection of a Monitor, could provide an opportunity for the DOJ to educate itself regarding a matter where its civil rights enforcement policies have long been based on a fundamental misunderstanding of statistics.

The pertinent patterns are also discussed at length in my [comments](#) for the Commission on Evidence-Based Policymaking (Nov. 14, 2016) (at 2-3, 24-29), while referencing DOJ actions in Baltimore, Maryland, and Ferguson, Missouri. The fifth through seventh recommendations to the Commission (at 46) are aimed at law enforcement and other government activities based on the mistaken understanding of the effects of reducing the frequency of adverse outcomes on measures of demographic difference regarding the outcomes.

A recent attempt to explain this matter to DOJ may be found in my April 13, 2017 [letter](#) to Attorney General Jeff Sessions and Acting Assistant Attorney General T. E. Wheeler, III (Sessions letter). My earlier attempts to explain this matter to the DOJ may be found in letters to the agency dated [May 9, 2015](#), and [April 23, 2012](#). I have also addressed this matter in emails to DOJ attorneys handling this case, among other things, stressing their obligation to explain to the court that a central premise of the Consent Decree is incorrect. But, as discussed in the Sessions letter, there are many areas where DOJ has led courts, policy makers, and the public to believe that actions will tend to reduce certain measures of racial and other disparities when in fact the actions will tend to increase those measures, and where the agency has an obligation to correct the misunderstandings it has caused or contributed to. For example, DOJ, in conjunction with other agencies, has led lenders and public schools to mistakenly believe that relaxing lending and school discipline standards will tend to reduce relative racial/ethnic differences in adverse borrower outcomes and adverse school discipline outcomes. DOJ has an obligation to inform such entities that the agency’s views of such matters were mistaken.

Such obligations are among the reasons that DOJ should fully avail itself of the opportunity afforded by the Consent Decree Monitor selection process to educate itself on a matter that it has long misunderstood. Once DOJ fully understands the matter, it should immediately recognize an obligation to correct the misunderstandings its actions in this case have caused for the court, the defendants, and the citizens of Baltimore.

I illustrate the pertinent statistical principles with six tables below. Table 1 through 3, which are also Tables 1 through 3 of the Sessions letter, show that lowering test cutoffs or

income or credit score requirements will tend to increase relative differences in rates of failing the test and failing to meet the income or credit score requirements (while also showing, expressly or impliedly, that lowering the cutoff or requirements will tend to increase the proportion disadvantaged groups make up of persons failing to reach the test cutoff or failing to meet the income and credit score requirements). Table 4 shows how a dramatic reduction in searches by the U.S. Customs Service between 1998 and 2000 was accompanied by a dramatic increase in the proportion blacks made up of persons searched. Tables 5 and 6 show how modifying preschool discipline policies such as to give all students a reprimand rather than what would otherwise be their first suspensions would increase the proportion black children and male children make up of suspended preschool students.³

These comments principally focus on two matters. One involves ensuring that the selected Monitor understands that, contrary to the premise of the decree, relaxing standards or otherwise reducing the frequency of adverse criminal justice outcomes would tend to increase, not decrease, relative racial differences in such outcomes and the proportion African Americans and other disadvantaged groups make up of persons experiencing the outcomes, as well as ensuring that the Monitor also understands certain related issues concerning the measurement of demographic differences. A second matter involves ensuring fairness and efficiency in the selection of a Monitor, given that currently the statistical experts identified in the Monitor proposals, like most persons who analyze demographic differences, are likely to share the misunderstandings reflected in the aforementioned premise of the decree and are likely to fail to understand important related issues.

In particular regarding the latter matter, consistent with the beliefs long explicitly or impliedly reflected in government policies and largely unquestioned by the statistical and social science research communities, the statistical experts identified in the Monitor proposals probably all believe that relaxing a standard or otherwise reducing the frequency of an adverse outcome will tend to reduce relative differences in rates of experiencing the adverse outcome and the proportions groups most susceptible to the outcome make up of persons experiencing it. As discussed, and as will be illustrated below, the opposite is the case.

In the criminal justice context, to use an example based on a DOJ misunderstanding discussed in February 22, 2016 *Hill* item mentioned above and the Sessions letter (at 11), the experts identified in the Monitor proposals probably all believe that increasing the number of missed court appearances necessary to trigger issuance of an arrest warrant would tend to reduce the proportions groups with higher rates of missed court appearances make up of persons against whom warrants are issued for missed court appearances. To use an example implied in the February and March 2017 Federalist Society Blog posts mentioned above, the experts probably all believe that increasing the threshold for use of force by police would tend to reduce the proportions African Americans make up of persons against whom force is used.⁴ Similarly, to

³ Tables 1 through 3 also show the effects on the measures of difference as to the opposite (favorable) outcomes, while Table 4 through 6 do not.

⁴ I often cast the matter in terms “relaxing a standard or otherwise reducing the frequency of an adverse outcome” because of a focus since 2012 on perceptions about relative differences in adverse borrower or adverse school discipline outcomes. In the case of police use of force the matter might be cast in terms of raising the standard for

use an example based on Table 4 below, the experts probably all believe that generally restricting searches in Baltimore would tend to reduce the proportions African Americans make up of persons searched. The experts probably also believe that the implementation of the alternatives to arrest and incarceration discussed in Paragraphs 218 and 219 of the Consent Decree would tend to reduce the proportions African Americans make up of young people arrested or incarcerated. Again, such actions are more likely to increase those proportions.

Further, Paragraph 423 of the Consent Decree requires that the Baltimore Police Department, with the aid of the Monitor, conduct an in-depth review of police hiring procedures to identify practices with a disparate impact on any demographic category and implement less discriminatory alternatives to such practices. As explained in the earlier comments in this case and the Sessions letter, while relaxing hiring standards will tend to reduce relative differences in rates of meeting the standards, it will tend to increase relative differences in failing to meet the standards. Thus, one will commonly reach opposite conclusions as to whether a modification to a practice has increased or decreased a disparate impact depending on which outcome one examines. Probably, however, all or most of the experts identified in the Monitor proposals are unaware that it is even possible for the relative difference in the favorable outcome and the relative difference in the corresponding adverse outcome to change in opposite directions as a standard is raised or lowered, much less that this will tend to occur systematically.

Effectively analyzing the data on demographic differences will be a crucial Monitor function. Currently, it is probable that none of the Monitor candidates' statistical experts has the knowledge and understanding to perform such function, though all may have the expertise to deal with pertinent issues once they have considered the points made in these comments and the Sessions letter and materials it references.⁵ It would seem neither fair nor efficient to select candidates for interview from among entities that currently cannot perform a key monitoring function and then to educate the selected candidates or the ultimate selectee on performance of that function. It would be both fairer and more efficient for the Parties to request that the Monitor candidates provide supplemental submissions addressing the measurement issues discussed here and in referenced materials and explaining how they would deal with those issues. Then, after review of the supplemental submissions (and public comment thereon), the Parties

the use of force. Raising the standard for imposition of the adverse outcome is the same thing as lowering the standard for experiencing the corresponding favorable outcome.

⁵ It is, of course, possible that some of the experts in fact have an understanding of these issues since the patterns I describe are implied in many things most persons with statistical training do understand. Further, I have previously contacted at least two of the experts identified in Monitor proposals regarding measurement issues related to the issues addressed here. But, as discussed in my "[Race and Mortality Revisited](#)," *Society* (July/Aug. 2014), "[The Mismeasure of Health Disparities](#)," *Journal of Public Health Management and Practice* (July/Aug. 2016), [Comments for the Commission on Evidence-Based Policymaking](#) (Nov. 14, 2016), and [Comments for the Commission on Evidence-Based Policymaking](#) (Nov. 28, 2016), understandings of the ways measures tend to be affected by the frequency of an outcome is extremely rare even among persons whose principal activities involve the analyses of data on group differences. If any experts identified in the Monitor proposals have already demonstrated an understanding of the issues discussed here (including those in the concluding paragraphs), such fact should be an important consideration favoring the particular proposals.

can determine which applicants to interview from among candidates that appear capable of effectively analyzing demographic differences regarding the matters addressed in the Consent Decree.

There are substantial benefits of proceeding in this manner. First, the supplemental submissions would greatly aid the Parties in determining whether Monitor candidates are capable of addressing all relevant the statistical issues.

Second, given that the Consent Decree is premised on the mistaken understanding discussed above, Monitor candidates whose statistical experts now understand the pertinent issues (or whose statistical experts come to understand them as a result of review of this document or materials it references) may be reluctant to address those issues with the Parties out of concern that doing so will reduce the candidates' chances of selection. The request for supplemental submissions should materially assuage that concern, especially if, in requesting the supplemental submissions, the Parties acknowledge that the points made here are essentially correct.

Third, the request for supplemental submission can serve as means of informing the citizens of Baltimore of the reasons that the Consent Decree may not dramatically reduce the measures of disparity employed in the DOJ's underlying report and may in fact increase those measures. The Parties should, however, also take more formal and comprehensive actions to alert the citizens of Baltimore regarding mistaken impressions as to the consequences of the Consent Decree that DOJ actions here and elsewhere have promoted.

Fourth, once the candidates' statistical experts have been focused on the unsoundness of the statistical approaches long employed by the DOJ and other federal agencies, those experts, by means of the supplemental submissions and otherwise, may substantially assist DOJ in its own understanding of the pertinent statistical issues. That could be so with respect both to the Consent Decree itself and to the many other matters where the agency's failure of understanding has undermined its civil rights enforcement activities.

Description of pertinent statistical patterns

For reasons related to the shapes of underlying distributions of factors associated with experiencing an outcome or its opposite, all standard measures of differences between outcome rates (*i.e.*, the proportions of demographic groups experiencing a binary outcome) tend to be affected by the frequency of an outcome. The pattern most pertinent here is that whereby the rarer an outcome, the greater tends to be the relative difference in experiencing it and the smaller tends to be the relative difference in avoiding it (*i.e.*, experiencing the opposite outcome). A corollary to this pattern is a pattern whereby the rarer an outcome, the greater tend to be the proportions groups most susceptible to the outcome make up of both persons who experience the outcome and persons who avoid the outcome.

The patterns can be easily illustrated with normally distributed test score data. Table 1 below shows the pass and fail rates of an advantaged group (AG) and a disadvantaged group (DG) at two cutoff points in a situation where the groups have normally distributed test scores

with means that differ by half a standard deviation (a situation where approximately 31 percent of DG's scores are above the AG mean) and both distributions have the same standard deviation. The table also shows (in columns 5 through 8) measures that might be used to appraise differences in test outcomes of AG and DG.

Column 5, which presents the ratio of AG's pass rate to DG's pass rate,⁶ shows that at the higher cutoff, where pass rates are 80 percent for AG and 63 percent for DG, AG's pass rate is 1.27 times (27 percent greater than) DG's pass rate. If the cutoff is lowered to the point where AG's pass rate is 95 percent, DG's pass rate would be about 87 percent. At the lower cutoff, AG's pass rate is only 1.09 times (9 percent greater than) DG's pass rate.

Table 1. Illustration of effects of lowering a test cutoff on measures of differences in test outcomes

Row	(1) AG Pass Rate	(2) DG Pass Rate	(3) AG Fail Rate	(4) DG Fail Rate	(5) AG/DG Pass Ratio	(6) DG/AG Fail Ratio	(7) DG Prop of Pass	(8) DG Prop of Fail
1	80%	63%	20%	37%	1.27	1.85	44%	65%
2	95%	87%	5%	13%	1.09	2.60	48%	72%

That lowering a cutoff tends to reduce relative differences in pass rates is well understood and underlies the widespread view that lowering a cutoff tends to reduce the disparate impact of tests on which some groups outperform others.

But, whereas lowering a cutoff tends to reduce relative differences in pass rates, it tends to increase relative differences in failure rates. As shown in column 6, initially DG's failure rate was 1.85 times (85 percent greater than) AG's failure rate. With the lower cutoff, DG's failure rate is 2.6 times (160 percent greater than) AG's failure rate.

Columns 7 and 8 show the proportions DG makes up of persons who pass and fail the test at each cutoff in a situation where DG makes up 50 percent of persons taking the test. Column 7 shows that lowering the cutoff increases the proportion DG makes up of persons who pass from 44 percent to 48 percent (hence, *reducing* all measures of difference between the proportions DG makes up of persons who took the test and persons who passed the test). Column 8 shows that lowering the cutoff increases the proportion DG makes up persons who fail the test from 65

⁶ While I commonly refer to patterns of relative differences in this letter, the table actually presents rate ratios (also termed risk ratios or relative risks). The relative difference is the rate ratio minus 1 where the rate ratio is above 1 and 1 minus the rate ratio where the rate ratio is below one. In the former case, the larger the rate ratio, the larger the relative difference; in the latter case, the smaller the rate ratio, the larger the relative difference. It is more common to employ the disadvantaged group's rate as the numerator for the favorable as well as the adverse outcome, which is the approach as to favorable outcomes of the "four-fifths" or "80 percent" rule for identifying disparate impact under the [Uniform Guideline for Employee Selection Procedures](#). I have sometimes employed this approach, as in "[Can We Actually Measure Health Disparities?](#)," *Chance* (Spring 2006). More recently, however, I have usually used the larger figure as the numerator for both rate ratios, in which case, as to both favorable and adverse outcomes, the larger the ratio, the larger the relative difference. Choice of numerator in the rate ratio, however, has no bearing on the patterns by which as the frequency of an outcome changes, the two relative differences tend to change in opposite directions.

percent to 72 percent (hence, *increasing* all measures of difference between the proportions DG makes up of persons who took the test and persons who failed the test).

Inasmuch as the pattern by which the proportions more susceptible groups make up of persons experiencing and avoiding an outcome tend to be affected by the frequency of an outcome is a corollary to the pattern by which the two relative differences tend to be affected by the frequency of the outcome, in the discussion that follows I limit discussion of those proportions to situations where that matter is pertinent.

The aforementioned pattern by which the two relative differences tend to be affected by the frequency of an outcome is not peculiar to test score data or the numbers I chose to illustrate it. Rather, it can be found in virtually any setting where two groups have different, more or less normal, distributions of factors associated with experiencing some outcome. Income and credit score data, for example, show how lowering an income or credit score requirement, while tending to reduce relative racial differences in meeting the requirement, will tend to increase relative racial differences in failing to meet the requirement.

Such pattern is illustrated in Tables 2 and 3 below, which are abbreviated versions of Tables 1 and 2 of the [Income and Credit Score Examples](#) subpage of the Lending Disparities page of [jpscanlan.com](#), which also explains the origins of the data. Tables 2 and 3 follow the format of Table 1 above (without the last two columns), while presenting, in place of the AG and DG pass and fail rates, the white and black rates of falling above and below various income levels or credit scores. Movement down the five rows of the tables illustrates the effects of lowering the income or credit score requirements on the two relative differences, revealing the patterns just described. That is, the lower the requirement, and thus the greater the overall rates of meeting the requirement and the smaller the overall rates of failing to meet the requirement, the smaller is the relative difference in meeting the requirement (column 5) and the larger is the relative difference in failing to meet the requirement (column 6). One will observe the same pattern for all 16 rows of Table 1 and all 14 rows of Table 2 on the referenced webpage.

Table 2. Illustration of effects of lowering an income requirement on relative differences in meeting the requirement and relative differences in failing to meet the requirement

Income	(1) Perc of Wh Abv	(2) Perc of Bl Abv	(3) Perc of Wh Bel	(4) Perc of Bl Bel	(5) Wh/Bl Abv Ratio	(6) Bl/Wh Bel Ratio
\$100,000	27.0%	12.1%	73.0%	87.9%	2.23	1.20
\$85,000	34.6%	17.3%	65.4%	82.7%	2.00	1.26
\$75,000	41.1%	22.7%	58.9%	77.3%	1.81	1.31
\$60,000	52.5%	31.3%	47.5%	68.7%	1.68	1.45
\$50,000	61.0%	39.2%	39.0%	60.8%	1.56	1.56

Table 3. Illustration of effects of lowering a credit score requirement on relative differences in meeting the requirement and relative differences in failing to meet the requirement

Score	(1) Perc of Wh Abv	(2) Perc of Bl Abv	(3) Perc of Wh Bel	(4) Perc of Bl Bel	(5) W/B Abv Ratio	(6) B/W Bel Ratio
740	46.80%	19.50%	53.20%	80.50%	2.40	1.51
720	57.77%	27.01%	42.23%	72.99%	2.14	1.73
700	67.83%	35.67%	32.17%	64.33%	1.90	2.00
680	76.73%	45.42%	23.27%	54.58%	1.69	2.35
660	83.90%	55.70%	16.10%	44.30%	1.51	2.75

Table 4 is based on data from June 28, 2001 *Washington Post* article titled “[New Policies Aim to Discourage Racial Profiling](#).” The article discussed that between 1998 and 2000 the U.S. Customs Service implemented a number of reforms aimed at reducing racial disproportionality in searches by generally restricting the use of searches. Reforms included requiring supervisory approval for intrusive searches. The article discussed the program, which dramatically reduced the number of searches, as one that in fact was reducing racial disproportionality. Data in the article, however, showed that the proportion blacks made up of persons searched increased from 14.1% to 27.1%.

Table 4. Change in black proportion of persons searched by U.S. Customs Service between 1998 and 2000 (a period during which the Service enacted reforms restricting the use of searches, including by, inter alia, requiring supervisory approval for intrusive searches)

Year	Total Searches	Black Searches	Black Proportion of Persons Searched
1998	43,606	6,141	14.1%
2000	9,020	2,441	27.1%

The information in Tables 5 and 6 is drawn from a March 2014 Department of Education publication titled “[Data Snapshot: School Discipline](#).” The document provided information on the proportions demographic groups made up of preschool students suspended one time and suspended multiple times. From the information provided, one can then determine the proportions the groups made up of persons suspended one or more times and more than one time, which information is presented for black students in the two rows of the table.⁷

⁷ Demographic differences in rates of experiencing things like single suspensions cannot be effectively analyzed, just as differences in rates of receiving grades of C or experiencing fair health cannot be effectively analyzed. See the [Intermediate Outcomes](#) subpage the Scanlan’s Rule page of [jpscanlan.com](#). It is possible the Department of Education has come to appreciate aspects of this issue. In the agency’s 2016 publication on school discipline titled “[2013-2014 Civil Rights Data Collection – A First Look](#),” the agency included single suspensions within the category of “one or more suspensions.”

Table 5 shows that if the standards were relaxed such that all persons suspended one or more times were given a reprimand instead of their first suspension, the proportion black children make up of suspended students would increase from 44% to 48%.

Table 5. Illustration of effect of giving all persons a reprimand instead of their first suspension on proportion black preschool students make up of persons experiencing one or more suspensions

Outcome	Black Proportion of Students Experiencing the Outcome
One or more suspensions	44%
Two or more suspensions	48%

Table 6 shows that if the standards were relaxed such that all persons suspended one or more times were given a reprimand instead of their first suspension, the proportion boys make up of suspended students would increase from 80 percent to 82 percent.

Table 6. Illustration of effect of giving all persons a reprimand instead of their first suspension on proportion male preschool students make up of persons experiencing one or more suspensions

Outcome	Black Proportion of Students Experiencing the Outcome
One or more suspensions	80%
Two or more suspensions	82%

If standards were further relaxed such that all persons were given reprimands for what would otherwise be their first two suspensions, the 44 percent and 82 percent figures would almost certainly rise still further. Rarely will one fail to observe such a pattern.

In the school discipline context, in point of fact, one observes that all across the country recent reductions in discipline rates have been accompanied by increased relative racial/ethnic differences in discipline rates. See the following web pages discussing such patterns with respect to the jurisdictions indicated in the page titles: [California Disparities](#), [Colorado Disparities](#), [Connecticut Disparities](#), [Florida Disparities](#), [Maryland Disparities](#), [Minnesota Disparities](#), [Oregon Disparities](#), [Rhode Island Disparities](#), [Utah Disparities](#), [Beaverton, OR Disparities](#), [Denver Disparities](#), [Henrico County, VA Disparities](#), [Los Angeles SWPBS](#), [Minneapolis Disparities](#), [Montgomery County, MD Disparities](#), [Portland, OR Disparities](#), [St. Paul Disparities](#), [South Bend Disparities](#). These patterns are occurring notwithstanding that school districts may well be doing many things beyond relaxing standards in attempting to reduce racial/ethnic differences in discipline rates.

In sum, as explained more fully in the Sessions letter and the materials it references, the patterns described above are hardly debatable. They will, of course, not be observed in every situation, since other factors also play a role. Given the way in which certain adverse outcomes disproportionality occur in Baltimore neighborhoods where African Americans comprise a very

high proportion of residents, it is hard to predict effects on overall measures of difference of general reductions in aggressiveness of enforcement (or police presence) in particular neighborhoods. A similar issue exists with respect to changes in approaches to different types of crimes. And to the extent that any observed differences in outcome rates are functions of biased policing, and aspects of the Consent Decree reduce that bias, all measures of racial difference should decrease.

But it is not possible for an entity to effectively monitor a decree like that entered in this case or any like matter without understanding the patterns, much less while entertaining beliefs about the effects of reducing adverse outcomes on measures of disparity that are the opposite of those reflected in the tables above.

The experts identified in the Monitor proposals probably also fail to understand issues concerning the analyses of demographic differences that go beyond the subject discussed above, though the issues are implicit in that discussion. For, example, as discussed in the Sessions letter, in a situation where the pass and fail rates of Table 1 are the favorable and adverse outcome rates resulting from subjective judgments of decision-makers, there is no rational basis for maintaining that one row of the table reflects a greater likelihood of biased decision-making than the other. As also discussed in the Sessions letter, in a situation where the pass and fails rates of Table 1 are the rates of failing to use force and using force of officers instructed to limit the use of force to extreme situations, other things being equal, the more officers attempt to follow those instructions the more their results will tend to look like those in the second row than those in the first row. It is unlikely that the identified experts currently understand such things.

Further, the above-discussed failures of understanding are but part of a larger failure of persons analyzing demographic differences to recognize patterns by which commonly employed measures tend to be affected by the frequency of an outcome and to consider those patterns in endeavoring to understand underlying processes. It is thus essential that the Monitor's statistical experts understand the range of issues discussed in "[The Mismeasure of Discrimination](#)," Faculty Workshop, University of Kansas School of Law (Sept. 20, 2013), "[Race and Mortality Revisited](#)," Society (July/Aug. 2014), and most parts of the [Comments](#) for the Commission on Evidence-Based Policymaking (Nov. 14, 2016). It is also essential that they understand the problematic issues discussed in the Addendum to the [Ferguson, Missouri Arrest Disparities](#) subpage of the Discipline Disparities page of [jpscanlan.com](#).

Therefore, the Parties should request the Monitor candidates to address all such issues in their supplemental submissions.

18. Lisa Bleich

From: Lisa Bleich
To: [Decree, Baltimore Consent \(CRT\)](#)
Subject: Comments regarding the independent monitor
Date: Thursday, July 06, 2017 1:11:16 PM

Dear Puneet Chema, Esq.,

I'm writing to submit my opinion for the selection of a candidate for the Independent Monitor for the Consent Decree in Baltimore. I wish to be clear that while I am an engaged citizen in Baltimore and as all citizens do, have had interaction with Baltimore City's Police department, my opinion is not based on any particular expertise. As an African American woman, I have experienced both the worst and best aspects from members of the department and as the Executive Director of a local nonprofit that works with school children, I am passionate that the Police Department become true partners in the turnaround of this city. It is clear to me that trust between the citizens and those engaged to serve and protect is vital to a successful revitalization for this city.

I believe it is important that the monitor be well versed in the legal issues, have a full understanding of Baltimore City culture and have an equity lens. Having reviewed many of the proposals, I was most impressed by the following:

- 1) Baltimore Monitor Project,
- 2) Gansler and Ivey
- 3) Gallegher, Evelius & Jones
- 4) Loyola University

I believe for this process to work and for the citizens of Baltimore to have confidence in law enforcement (applied fairly and justly) it is vital that former city officials and lobbyist be avoided completely. Since we have so many qualified local applicants, I believe it would be problematic to engage a monitor from outside of the State of MD.

I thank you for conducting this open and transparent process for selection and allowing citizens to participate.

With kind regards,
Lisa Bleich

Lisa Bleich
Executive Director
ACTS- Alliance for Community Teachers and Schools
4701 North Charles Street
Baltimore, MD 21210
www.ACTS-Alliance.org

Main #: [410-332-0234](tel:410-332-0234)



[REDACTED]

19. Keesha Ha

A Native Baltimorean's Take on 26 Monitor Applications

Independence for Consenting to Reform Bad Policy and Practices

Born and raised in the public housing projects depicted in the HBO series *The Wire* in the 1970s and early 80s and educated in the public school systems all-too accurately portrayed in the same, I succeeded.

After graduating high school and then college with a Bachelor's degree in Communications from Towson University, I left the city in 1998 for a long spell (but not before obtaining a Masters from Morgan State University). In 2013, I returned to the city not far from where I grew up in West Baltimore and even closer to where Freddie Gray would be arrested. But then as a college professor, small business owner, considerably more gray and not as spry, I plan to deepen my roots in this city.

It is under this backdrop as an educator, journalist, reluctant activist and lover of all things Baltimore, that I submit my feedback after scouring over the 26 applications to monitor the implementation of the consent decree.

RECOMMEND: **Susan Burke** - Singularly the best combination of local and national expertise with more than a nod towards community engagement. I have zero reservations about this application and no other comes close. Not only is project management, constitutional expertise, and experience with consent decrees top notch, Burke possesses an existing commitment to empowering the residents of west Baltimore.

While I see the choice- **SUSAN BURKE** - as a clear cut one; nonetheless, I have provided the top three in sequential order noting cautions. I've selected to comment on Daigle, Exiger, BMG (and Loyola) as I feel that the "powers that be" and historical practices suggest that they would be at the top of the list. (I would suggest Powers and Venable as likely nods, but I'm hoping that the conflicts of interests would be too great to attempt to justify -- but this is Baltimore - anything is possible).

The top three (also-ran) applicants are as follows:

1. Daigle (impressive for consent decree monitoring, but lacks a reflection of the importance of the culture of politics in Baltimore or willingness to engage the community. Caution that execution of monitoring supersedes implementation of reform.
2. Exiger (too predisposed to law enforcement - lacks innovation. Inclusion of women and minorities appear perfunctory. Oozes testosterone for a city with the last three mayoral elections won by women. Even if awarded, anticipate a project management nightmare.
3. Baltimore Management Project (the sentimental favorite) The judges - instead of law enforcement personnel is likely to make many feel secure in the independence and blind justice applied to the process. However, no one on the team has taken any meaning part in a consent decree plan implementation and this is too serious to learn on the job. (Which is why Loyola University should also not be awarded the job).

Letter to the Editor Submitted to The Baltimore Sun

By Keesha Ha

7/14/2017

In With the New; Out With the Old:

Forging New Results by Passing By Old Practices

Besides the obvious, there are more crucial concerns to consider in deciding which of the [26 applicants](#) to award a potential \$7 million contract to in order to monitor and assist in the implementation of the police reform agreement commonly referred to as the DOJ's Consent Decree.

For sure, we all want to spend the least amount of money to get the most results. (Yeah, like asking for more grapes in our fruit salad at Lexington Market until the lid can barely close).

Not surprisingly, we want the process to be transparent and responsive to public will (Yeah, exactly like the [TIFF deal](#) given to Under Armor's Kevin Plank for the Port Covington/Sagamore development over clear public discontent).

Most importantly, we want the uprising of community voices who lead the city to this point in history to be a major consideration and not simply given lipservice as appealing to token "stakeholders" as this surely will result in masses taking their discontent to the streets.

And in the "duh" category, we don't want a cadre of law enforcement officers (whether cozy and familiar with BPD or if they are from Timbuktu) to serve as guardian of the city's hen house.

With these givens, the city should award the contract to the group headed by Susan L. Burke, but I'll start with who not should be chosen.

Loyola University has an innovative conflict resolution approach to the monitoring process, but its conflicts of interests include political appointments, city grant awards, and the sticky wicket of employing Baltimore City Police officers when off duty to maintain campus safety (a big part of the independent monitoring assignment is to be independent, not the actual employer of people you are monitoring!). However, most worrisome naming as the community policing expert Paul Ominsky who has 43 years in law enforcement who has been a named party in multiple lawsuits and complaints (mostly on the nation's college campuses). In 2016, Ominsky opposed an [open records request](#) to indicate the demarked jurisdictions for the university police verses the city's police as primary

respondants. Not exactly the first hand experience the city is looking for as it moves forward.

With so many boxes checked in the win column, CNA makes an inexplicable move by naming its chief monitor, a police chief – a mere two years out of uniform. Why this is so disconcerting is because CNA boasts a five member “local team” as subject matter experts from the Coppin Community in addition to naming Coppin University’s Johnny Rice as Liaison for Community Outreach and Engagement. But the lead monitor, Rodney Monroe, is a former police chief from North Carolina who participated in the investigation (and subsequent no charges being filed) in the death by gunshot in the head of [Jamar Clark](#) while in Minneapolis police custody and the subsequent uprising in Minnesota. (It’s like choosing Anthony Batts to serve as monitor into the Philando Castile inquiry – also from Minneapolis).

Luckily, we have the Susan L. Burke law group’s team. Of the three senior advisors she is the only one with direct Baltimore connection (the other two have led impressive monitoring processes with the LAPD). Included in proposal is a the bevy of highly skilled professions, promised open meetings every other week, and paid positions to community members who will serve as advisors.

Ms. Burke, a renowned litigator, sits on the board of [No Boundaries Coalition](#), a community group working to decrease violence in West Baltimore. She must disclose whether she plans to keep or vacate those responsibilities if awarded the monitoring contract.

And in true Baltimore fashion, some parting shade:

Former candidate for Governor Gansler whose scandal published in [The Washington Post](#) of him partying with teens while campaigning against stronger legislation for – wait for it – underaged drinking.

Media friendly Tyrone Powers of the Powers Group who recently reportedly knocked heads with then-mayor Stephanie Rawlings Blake over whether he would serve on a committee investigating the implementation of mandatory [body cameras](#) (he didn’t serve). As for conflicts of interests, the Powers’ group’s proposed project manager lead, Leslie Parker Blyther, is a recent inductee onto the Civilian Review Board (doing tremendous and arduous work there) reviewing citizens complaints against BPD -- most commonly harassment, excessive force and abusive language.

And with its hand perennially out for taxpayer’s dollars, Venable, a virtual recycling bin of names associated with the mess citizens are to this day trying to clean up.

(739 word count)

20. Carolina Paul

From: Carolina Paul
To: [Decree, Baltimore.Consent \(CRT\); daphney.williams@baltimorecity.gov](#)
Subject: Consent decree comments
Date: Monday, July 17, 2017 7:08:50 PM

Good evening,

I'm writing to express my thoughts on the applicants to be decree monitors.

For a monitoring team to be effective, it must be comprised mostly of non- law enforcement personnel. The Baltimore Police Department already has internal monitor, which has obviously not been very effective in combatting discriminatory practices. The monitoring team should have regular community meetings that are open to the public but should also include of team of community members who are paid for their outreach and monitoring work.

These community members must come from neighborhoods affected by discriminatory policing and should include youth and formally incarcerated people. Community members must have a voice before the monitoring judge.

The consent decree is just one part of the measures Baltimore must take to correct the years of discriminatory policy that have gotten us to our current state of affairs. Baltimore has an obligation to make sure that the consent decree and monitoring process are as effective as possible in ending discriminatory policing.

All the best,

Carolina Paul

21. Elizabeth Spradley

From: Elizabeth spradley
To: [Decree, Baltimore Consent \(CRT\)](#); Daphney.Williams@baltimorecity.gov; Robert.Stokes@baltimorecity.gov; Shannon.Sneed@baltimorecity.gov; MaryPat.Clarke@baltimorecity.gov; Kristofer.Burnett@baltimorecity.gov; Ryan.Dorsey@baltimorecity.gov; Zeke.Cohen@baltimorecity.gov
Subject: consent decree from a concerned citizen in 21202
Date: Thursday, July 13, 2017 7:13:38 AM

To Whom It May Concern:

I am writing to you as a resident of Baltimore who is concerned about the unconstitutional and discriminatory behavior of the Baltimore Police Department (BPD). I have a vested interest in the consent decree and in ensuring that the voices of impacted residents are heard throughout the process. To that end, BPD used enforcement strategies that disproportionately impact African-Americans in the city of Baltimore.

After reading most of the proposals and getting lost in what and how they will exactly monitor the BPD, I just want to emphasize whatever proposal is the most appealing to both parties please take into consideration what the finalists' proposals should include:

The monitoring team must include African-Americans, formerly incarcerated people, and young people impacted by these unconstitutional practices.

Community feedback and input must be central to the monitoring process. Any team chosen should be required to hire community members, affected persons, and community stakeholders as consultants to ENGAGE in the process not just be informed. Individuals with direct experience with police brutality must receive an enhanced opportunity to be fully engaged in the monitoring process. A defined percentage of the monitoring budget should be designated for this group.

The monitor should be required to include all dissenting information in reports, motions and other documents provided to the court. The team should be required to provide a forum for community members, affected persons, and community stakeholders to be heard in open court, before the monitoring judge, prior to the approval of any and all settlement agreements being approved by the court. A majority of the monitoring team should reside in the city of Baltimore.

Sincerely,

Elizabeth Spradley, zip 21202

22. Polly E. Heninger

From: Polly Heninger
To: [Decree, Baltimore, Consent \(CRT\)](#)
Subject: Consent decree monitor applications
Date: Thursday, July 06, 2017 6:58:03 PM

Hello,

I am a citizen of Baltimore. I have learned all I know about consent decrees in the last few months. I was asked to provide my thoughts on the monitor applications.

A friend reviewed all 26 of the proposals and recommended that I take a look at 5 of them. From a brief review of those 5, I think that Exiger or Venable, LLP, would be the best for this project. Exiger brings tremendous experience in cities across the country. Venable, LLP, is committed to dedicating personnel with a wide variety of experience to the project. On one hand, I would like to have a Baltimore firm undertake this as they already have experience with the city. On the other hand, that may make them slanted so an outside firm may be better. As you can see, I don't have a definite recommendation. I don't know which components are most important when making a decision like this.

Please use my comments as you see fit.

Sincerely,
Polly E. Heninger

Polly E. Heninger | [REDACTED]
[REDACTED]

23. Alexandra Busching

July 17, 2017

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Avenue, NW
Washington D.C. 20530

RE: United States v. Baltimore Police Dep't et al., Civil No. JKB-17-99

Dear Ms. Cheema:

I write to you to respectfully submit my comments on the selection process for the independent monitor for the consent decree between the City of Baltimore and the Department of Justice. As a resident of Baltimore City and social worker committed to building a more equitable and inclusive city, I am glad to see the positive steps the city has taken to move the consent decree process forward and ensure the process is community-driven. Incorporating the principles of the Coalition for Justice, Safety, and Jobs coalition and soliciting public comment are important steps to ensure the successful reform of our policing system.

The most important indicator of the consent decree monitor's future success will be its ability to effectively engage the community. To address the deep-rooted structural inequities, bias, and distrust that have grown between communities and law enforcement, it is essential to provide multiple mechanisms for community participation, input, and decision-making at every stage. Therefore, I urge you to extend the public comment period for monitor selection to allow more local residents the opportunity to learn about the strengths and weakness of each candidate, and who will be best suited to represent their interests and ensure rigorous compliance with the consent decree.

Monitor candidates should be assessed on their demonstrated track record and detailed strategy for how they will engage diverse city stakeholders, including grassroots community organizations, neighborhood leaders, and hard-to-reach vulnerable populations. This approach must also include a strong analysis of structural racism, law enforcement responses which are sensitive to individuals with mental health concerns and survivors of sexual assault, and how to build meaningful partnerships with community organizations to deepen their understanding of the local complexities of the consent decree implementation. Given that the monitor will be awarded a significant expenditure of city resources and will rely on the time and expertise of local organizations to fulfill its mission, candidates must also demonstrate a commitment to equitably sharing resources with all parties engaged in supporting their work.

Thank you for your efforts to solicit and review public comment and promote participation in the monitor selection process. I welcome any questions you may have or any future ways to provide further feedback. Sincerely,

Alexandra Busching

A large black rectangular redaction box covering the signature and any handwritten notes.

24. Tyler Kelly

From: Tyler Kelly
To: [Decree, Baltimore.Consent \(CRT\)](#)
Subject: Consent decree monitor
Date: Monday, July 17, 2017 12:03:04 AM

Hello,

I'm a resident of Baltimore city. As the process of selecting a monitor for the DOJ Consent Decree continues, I am thinking about the potential our city has right now to make some significant and positive progress on our criminal justice system. I hope that we use the potential to its fullest extent. The following are crucial elements to consider as you select a monitor.

At the root of it all, those who are most affected by policing must have a predominant voice in the monitoring process. Specifically:

- African American, young people, and formerly incarcerated people have been disproportionately affected by discriminatory policing in the BPD. They must be included in the monitoring

- community input and feedback must be central to the monitoring process. A defined percentage of the monitoring budget should be allocated to hiring community members and those most affected onto the monitor team

- opportunities and outreach should be made to involve people in monitoring who have been directly affected by and/or experienced police brutality

- the monitoring team must be required to create an official infrastructure for community members, community stakeholders, and those most affected to participate in the process, not just be informed

- before any settlement agreements can be approved by the court, the monitoring team must be required to provide a forum for community members to be heard in open court before the monitoring judge

- most of the people on the monitoring team need to reside in Baltimore

Thank you for taking this into consideration. I hope you will choose a monitor team that will genuinely work with and respond to the communities of Baltimore, particularly Baltimore's black and brown communities.

Sincerely,
Tyler Kelly



25. David Avruch

From: David O. Avruch
To: [Decree, Baltimore.Consent \(CRT\)](#)
Subject: Consent decree monitor
Date: Monday, July 17, 2017 1:37:19 PM

Dear DOJ,

My name is David Avruch and I'm a resident of Baltimore City.

I strongly encourage you to select a monitor who will ensure rigorous compliance with the consent decree, and will incorporate feedback from the community. This is essential to rebuilding trust between the BPD (which, through the FOP, has become almost entirely self-serving) and the community (which is desperately in need of a dedicated, ethical, professional, and accountable police force).

Thank you,
David

26. Hilary Hellerbach

To: Department of Justice and Mayor Catherine Pugh,

I am writing to submit my feedback regarding selection of a monitoring team for Baltimore City's Consent decree. Having attended a community forum where representatives of many of the teams spoke, as well as having reviewed at least summaries of all applications (and more details of some), there are some that stand out to me, yet none that address all of the components that I believe are important to be a part of the plan. The corrupt history and institutionalized oppression that was noted in the DOJ report must be fully addressed. Given this, I will list below the issues/components that I believe must be a part of the plan of the oversight team:

- The Baltimore Police Department enforcement strategies have disproportionally impacted people of color in our city. I believe strongly that the monitoring team must include people of color, formerly incarcerated people, victims of police brutality, and young people impacted by these unconstitutional practices.
- It is also important that this team works closely with, and ideally includes as hired consultants, representatives of other marginalized groups in our city such as recent immigrants, women, LGBTQIA community members, people with limited income, people who are homeless, and those with disabilities and/or mental health issues.
- In an effort to gain subjective insight as well as an objective perspective it is important that the monitoring team include professionals (law enforcement, legal, social psychology, research and educational representatives) from both within and outside of Baltimore City.
- The monitoring team should be required to create a formal infrastructure for all community members/stakeholders and affected persons to engage in the process, not just be informed. As a part of this, input from representatives from ALL neighborhoods need to be included in reports to the court, as well as dissenting views.
- The monitoring team must have a plan to support and empower the Citizen's Review Board to become a part of a system of checks and balances that can truly impact consequences (reprimand, training, community service, suspension, dismissal) of internal investigations of brutality/wrongdoing by police officers.
- The monitoring team must be committed to END unconstitutional stop and frisk (jump outs) as a tool of violence and oppression.
- The team must at least consult with experts who have worked on other consent decree monitoring teams to gain information about what has and has not been effective to make real change in other cities.
- The team must have a plan to address implicit bias, institutionalized oppression, and structural racism. They must utilize resources informed by research in social and organizational psychology to work towards creating a system in Baltimore City that can focus on community caretaking/policing, non-violent (safe) crisis intervention, and support of public education to continue to help Baltimore heal and grow long after the team is gone.

As I mentioned before, I do not believe that any of the group's applications fully cover all of these concerns, although there are some that address more than others. As a long time Baltimore City resident who cares deeply about making this city safer for all of its residents, I hope that you take my input into consideration.

Sincerely,

Hilary R. Hellerbach

Baltimore City Resident

27. Kenneth Morales

From: Ken Morales
To: [Decree, Baltimore Consent \(CRT\)](#); daphney.williams@baltimorecity.gov; councilpresident@baltimorecity.gov; robert.stokes@baltimorecity.gov
Subject: Consent Decree
Date: Wednesday, July 12, 2017 5:40:42 PM

To my mayor, my councilmen, and the Department of Justice,

I am writing to express my opposition to the proposal submitted by the Baltimore Monitor Project. Any proposal whose spokesperson, running for the DA, conceives of crime in Baltimore City as being primarily a problem of "effective policing and the effective functioning of the state's attorneys office" is not equipped with the proper mentality to address the true causes of injustice in our city.

I am writing in support of the Loyola, Burke, and Gansler & Ivey teams. All three have merits that some of the others lack. I applaud Loyola for a comprehensive, civilian oversight of the police, but I fault them for failing to layout a comprehensive commitment to community involvement. I applaud Susan Burke's proposal for its dedication to involving (and paying for their expertise) the community members of Baltimore. In particular, this proposal's commitment to involving formerly incarcerated people, a crucial demographic and perhaps the most experienced with the carceral state, is laudable. Also, the Burke team addresses gender and sexual minorities and victims of sexual assault, a crucial community that has been too often set aside by these proposals. Additionally, I am supportive of the team proposal from Gansley and Ivey for their emphasis on the community, local control, and local expertise.

While I would be content with any of the three proposals mentioned above, Susan Burke's team, though not entirely Baltimore residents, is by far the most committed to community involvement, and they receive this taxpayer's full support.

Thank you for your time, your consideration, and your ability to ensure Baltimore becomes a powerful symbol of how police reform can be done right, with the community.

Sincerely,

Kenneth Morales
District 12
Baltimore City, Maryland

28. Phyllis Lansing

From: Phyllis Lansing
To: [Decree, Baltimore.Consent \(CRT\)](#)
Subject: Evaluation of monitor proposal & personnel
Date: Sunday, July 16, 2017 9:00:32 PM

Priority should be given to monitor teams that have significant personnel with strong Baltimore ties, preferably Baltimore residents. Baltimore's problems and potential solutions are unique to this city.

The selected monitor team proposal should have strong commitment to community involvement as well as law enforcement.

The monitor team should honestly address the problems of race and racism.

Phyllis Lansing



29. Dr. Joseph Costa

From: [Cheema, Puneet \(CRT\)](#)
To: [Decree, Baltimore.Consent \(CRT\)](#)
Subject: FW: In Support of SLB FRA Submission for Police Monitoring
Date: Monday, July 17, 2017 5:56:26 PM

From: Joseph Costa-David Hart [REDACTED]
Sent: Monday, July 17, 2017 10:48 AM
To: Cheema, Puneet (CRT) <Puneet.Cheema@crt.usdoj.gov>
Subject: In Support of SLB FRA Submission for Police Monitoring

Mr. Cheema -

My name is Joseph Costa, and I have been a resident of Baltimore City for more than 32 years. I am writing to support the proposal of Susan Burke and her team to participate as monitors for the Baltimore City Police. I have personally known Ms. Burke for many years, and I am constantly impressed by her intellect and perceptiveness, especially regarding matters of social justice. Moreover, I have always found her to be balanced in her views and able to listen to all parties involved in a matter such that all feel and are fairly treated and represented.

As medical director of the intensive care unit at Mercy Hospital, I have the opportunity to interact with members of the police department often. I am certain that Ms. Burke would be able to engage the police in a way that would be beneficial to both the force and the community.

I strongly support her bid for this important role in Baltimore.

Please feel free to contact me should you have any questions.

Sincerely,

Joseph Costa, MD
Medical Director, ICU
Mercy Hospital
Baltimore

[REDACTED]

30. Martha McKenna

From: [Cheema, Puneet \(CRT\)](#)
To: [Decree, Baltimore.Consent \(CRT\)](#)
Subject: FW: Recommendation for Baltimore Monitor Team
Date: Monday, July 17, 2017 5:50:09 PM

From: Martha McKenna [mailto:]
Sent: Monday, July 17, 2017 1:30 PM
To: Cheema, Puneet (CRT) <Puneet.Cheema@crt.usdoj.gov>
Subject: Recommendation for Baltimore Monitor Team

Dear Puneet Cheema:

As a twenty five year Baltimore City resident and community activist, I am writing to give my strong recommendation to the monitor team led by Susan Burke. Susan's personal connection and involvement in Baltimore City, her knowledge of state and local issues and her vast personal network in Baltimore will be a strong asset to all involved in implementation of the Consent Decree.

Susan's ability to listen and build trust with people is her greatest strength. She doesn't subscribe to conventional wisdom. She evaluates situations with fresh perspective and insight. Baltimore's problems with police and community are complex and difficult to remedy. We desperately need a leader like Susan Burke who is fair, tough and tireless to help guide the process.

Lastly, I firmly believe that the monitor needs to be from Baltimore. Susan Burke is in an excellent position to succeed in this role because she's not set in her ways about Baltimore, but has an incredible personal network in the community. She has a knowledge of life in Baltimore without the baggage that a lifetime in this city might bring.

Thank you for all your work to make life better in Baltimore City.

Martha McKenna

[Redacted signature]

--

Martha McKenna
McKenna Media

[Redacted contact information]

31. Jodie Zisow-McClean

From: Jodie Zisow-McClean
To: [Decree, Baltimore Consent \(CRT\)](#)
Subject: independent monitor team
Date: Monday, July 17, 2017 2:58:52 PM

Good afternoon Ms. Cheema,

I am a member of Jews United for Justice and a resident of Baltimore City in Waverley.

I strongly support JUFJ and Coalition for Justice, Safety, and Jobs (CJSJ), and I strongly support the principles for the monitor selection that the coalition has put forward.

This commission has the responsibility to select a monitor who will ensure rigorous compliance with the consent decree and incorporate feedback from the community.

Sincerely,
Jodie Zisow-McClean

32. Eric Stephenson

From: Eric Stephenson
To: [Cheema, Puneet \(CRT\)](#); [Decree, Baltimore.Consent \(CRT\)](#)
Subject: Monitor Feedback
Date: Tuesday, July 11, 2017 2:54:00 PM

Hello,

My name is Eric Stephenson, I am a resident of West Baltimore and president of the Sandtown South Neighborhood Alliance, a community group based in the now infamous Sandtown neighborhood. I bought my home there in December of 2015, after the riots that put my community on the national map. I did so because I believe in the community and the City of Baltimore at large, which is also why I began volunteering, working in every capacity I can to make my community better immediately after moving in.

I believe that crime reduction and police reform, which go hand in hand, are an essential part of improving our city. The monitor agency that is selected to oversee the consent decree will be instrumental in making sure that the court order is effective and that we get the desired outcomes that we all want: a safer city for everyone.

Last week I attended a town-hall meeting hosted by the Campaign for Justice, Safety, and Jobs at Coppin State University. Many of the monitor candidates attended to answer questions. While the number of applicants is a bit overwhelming, there was one group that stood out to me as uniquely qualified.

Susan Burke on behalf of her group offered the most specific and carefully considered answers that I heard. She was the only applicant that committed to hiring local individuals including young people and returning citizens which is essential. In addition, she described a pro-active strategy of going into the communities and interviewing citizens instead of waiting for complaints to come to her. I believe this strategy is the only way to get the necessary information and it was not clear that any other group had thought of that. This insight may have been because her team is the only team truly, at its core, based in Baltimore City. Some other groups had a Baltimore representative or a Baltimore-based partner, but not did not truly seem to be locally conceived.

Ms. Burke's very distinguished career as a social justice and human rights lawyer also places her on a tier above other applicants. She has made a career out of defending the defenseless against large powerful institutions. That is the type of experience that the citizens of Baltimore need in their corner.

What we do not need is a gang of retired cops or failed police chiefs to be charged overseeing the reform of our troubled system. Nor do we need an opportunist agency specializing in consent decree administration. These groups have made it their business to profit off of the failures of our civil institutions and would view Baltimore as just another "inner city."

How the contract money is going to be spent is very important. Again, I'm reminded of Ms. Burke's commitment to hiring local people for the administration of this monitorship, and that is important. I also noticed that she appears to be the the only team leader to cap their personal earnings. On other groups' applications, I noticed alarming things like up to \$250,000 for local housing and furniture and housekeeping. I think that money is better spent hiring a group who already lives here.

For all of the reasons above, I ask that you strongly consider choosing Susan Burke and her team to be the monitors of Baltimore's consent decree. There are many in my community that share my view. If I can provide any additional information, please let me know.

With hopes for a brighter future,

Eric Stephenson

Sandtown South Neighborhood Alliance

www.sandtownsouth.com



33. E. Joy Gould

From: Joy Gould
To: [Decree, Baltimore Consent \(CRT\)](#)
Subject: Monitor for Consent Decree
Date: Sunday, July 16, 2017 3:50:45 PM

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Cheema:

The person chosen to be the Monitor for the implementation of the Baltimore Consent Decree should have the following characteristics:

- live in Baltimore
- be able to work on the consent decree full time
- have a record of working with community groups, particularly in helping them address systemic injustice
- have experience working on a variety of civil rights issues including racially-based policing reform
- have experience with monitoring the implementation of a court order/legal decree.

Only the handful of monitoring teams that built into their proposals a significant role for the community have a chance to create the environment where real and meaningful change can happen in Baltimore policing.[1] The monitoring team applicants composed primarily or exclusively of legal professionals and/or law enforcement simply do not have the skill set and mindset to do the job that needs to be done. The August 2016 investigative report of the Baltimore Police Department (BPD) by the Department of Justice (DOJ) notes on page 4 that many have tried to make improvements in Baltimore policing but "work remains, in part because of the profound lack of trust among these groups, and in particular, between BPD and certain communities in Baltimore."

That means that considerable work needs to be done on building trust between the community and the police department. Such trust cannot be developed unless and until the community is seen as a full partner in the attempts to reform policing policies and practices. The City of Baltimore and BPD have plenty of resources available to make sure their perspectives on issues are heard. Monitoring teams comprised of law enforcement and law professionals could be much more comfortable listening to the BPD voices throughout the Consent Decree implementation process while overlooking or ignoring the community's perspectives.

Only one monitor group, Susan Burke,[1] has made the community aspect the largest percentage of the team, committing to data collection by and from the community and regular participation by a broad swath of the community. This team also has the other professionals with experience in meeting the police training and technological deficiencies the DOJ cited as needing remediation by the Baltimore Police Department (BPD). BUT, providing training and upgrading technologies will not be sufficient to remedy the history of distrust and racism that has built up due to past practices.

In my career as a public health nurse, I worked in several different cities similar to Baltimore. One thing that always benefited my work was that people in the community trusted nurses and would always give us entry into their community and homes, even in times of civil unrest. Generations of nurses built up that trust. Police once had that same kind of trust in our communities. But that trust has been eroded and it will take effort and

communication and trial and error to find the way back to building community policing that works. The Consent Decree Monitor that is chosen by the court must understand and know how to work with the communities of Baltimore that have suffered the most under recent BPD practices: Black neighborhoods, low-income neighborhoods, people with disabilities, the LGBTQ community, those who suffered sexual assault, homeless people, the immigrant community, youth, and the formerly incarcerated.

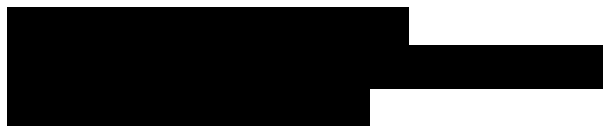
Although I live in a retirement community on the southwest edge of Baltimore, what happens in Baltimore directly affects me and my neighbors. Many of the more than 1,000 people who work here live in Baltimore, some in the Sandtown area where the uprising took place in 2014 after Freddy Gray's death. A group of us Charlestown Retirement Community residents have been working collaboratively with community-based groups in Sandtown. We are so impressed with the Sandtown residents who have been doing meaningful work to sustain their community, but they have been ignored or hampered by those in power, including the BPD.

The DOJ investigative report referenced findings from the report "*Over-Policed, Yet Underserved*"[2] by the West Baltimore Commission on Police Misconduct and the No Boundaries Coalition. That report documents the fear and the problems and the neglect suffered by many Sandtown residents over many years because of BPD misconduct. There are signs of hopeful change, but much more needs to be done.

I look forward to one day reading a report that includes reports of people from Sandtown and all over Baltimore telling how the BPD has helped them and protected them. The proper and thorough implementation of the DOJ Consent Decree is one big step toward making that day possible. Choosing the best Monitor and monitoring team that knows how to bring into the Consent Decree implementation process the voices and expertise of the various communities in Baltimore is key to making that day come sometime in the not too distant future.

Sincerely,

Joy Gould

A large black rectangular redaction box covering the signature and any handwritten notes or dates that might have been present.

[1] See the one-page summaries of all monitor proposals by Legal Defense

<http://www.noboundariescoalition.com/wp-content/uploads/2017/07/Monitor-one-page-snapshots-FINAL.pdf>

Joy Gould

"Of all the forms of inequality, injustice in health care is the most shocking and inhumane."
Dr. Martin Luther King

34. Hannah Jeremiah

From: Hannah Jeremiah
To: [Decree, Baltimore Consent \(CRT\)](#)
Subject: Monitor Team Applications
Date: Thursday, July 13, 2017 1:28:49 PM

I hope to submit the following comments on the Monitor team applications. I urge you to choose the Consent Decree Monitoring Team proposed by Loyola University and require some key changes to the proposal. As an artist who works with Baltimore City Youth, I am very concerned about the future of policing in the city.

I support the program proposed by Loyola University for the following reasons:

- The program is lead by a Black woman.
- Most of the team members reside in Baltimore City.
- The team will focus on changing the organizational psychology of the BCPD.
- The team will assess the leadership of the BCPD.

I urge you to require the following changes to the Loyola University Proposal:

- The monitoring team should include people affected by police violence and unconstitutional police practices.
- The monitoring team must be required to hire people from the communities that experience the highest rates of police violence.
- The team must develop a formal infrastructure for the public to provide feedback. The monitor must include all dissenting information in reports, motions, and other documents provided to the court.
- The team must create an open forum for community members to speak in open court before the monitoring judge prior to the approval of any and all settlement agreements being approved by the court.

Thank you for your time.

Best,

Hannah Jeremiah

35. Sara Hurwitz

From: Sara H
To: [Decree, Baltimore.Consent \(CRT\)](#)
Subject: monitoring team- resident concerned
Date: Wednesday, July 12, 2017 6:22:08 PM

To Whom It May Concern:

We the people of Baltimore are glad that efforts are moving forward to address the crisis in our city: a crisis of police who do not serve the people, but rather brutalize them. The report released by your office showed a clear pattern of unconstitutional and discriminatory behavior. Such a crisis has casualties: Freddy Gray, Tyrone West, Keith Davis Jr, and so many more.

The monitoring team **MUST** be sufficient to meet the demands of solving this huge problem!

I am deeply worried over the proposals submitted for the monitoring team. Only one team involved formerly incarcerated people, and only one team was led by a Black woman. A large percentage of the proposals were teams not even based in Baltimore! Most troublingly, the majority of the proposals did not include a formal structure for community members to be engaged in the process. There must be a comprehensive plan for eliciting feedback and then using that feedback in the decision-making process.

And needless to say, proposals involving majority law enforcement is like proposing that hens guard the chicken coup! The entire point of the monitoring process is to establish a check on police power, and to establish policing guidelines that will benefit the community and meet the needs of the people, not just benefit cops who have a motive to downplay the severity of the crisis and the necessity of change.

In conclusion: (1) the majority of the monitoring team should be Baltimore city residents (2) the voices of affected persons such as formerly incarcerated should affect the direction of the work of the monitoring team.

Sincerely,

Sara Hurwitz
21218

36. Professor Michael Pinard

July 18, 2017

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Division
950 Pennsylvania Ave., NW
Washington, DC 20530
Via Electronic Mail

**Re: Public Comment, *United States of America v. Police
Department of Baltimore City et al.*, Civil Action No. 1:17-cv-
00099-JKB**

I am a law professor at the University of Maryland Francis King Carey School of Law. I have spent the entirety of my career, the last fifteen of which have been in Baltimore, working on criminal justice issues. I have closely followed the Department of Justice investigation of the Baltimore Police Department (BPD), which has led to the Consent Decree that will hopefully culturally transform the BPD and build the relationships between law enforcement and communities that are absolutely critical to Baltimore's future.

I have read all of the Monitor applications. I also attended a public meeting at Coppin State University on July 6, 2017, hosted by the Campaign of Justice, Safety, and Safety, whose members include No Boundaries Coalition, the NAACP Legal Defense and Educational Fund, Inc., the ACLU and others. This meeting allowed residents to meet, hear from and pose questions to the applicants. It was further indication that residents are vested in this process. For decades they have *lived* with the unconstitutional policing practices detailed in the DOJ Report. As such, they demand—rightfully so—a Monitor who will work to enforce every word of the Consent Decree and hold the parties accountable. They deserve nothing less. Thus, I do not offer any thoughts or recommendations regarding the teams that have applied for this important position. Rather, I write to offer thoughts on some qualities that the Monitor should possess.

This is Baltimore's consent decree. As such, the Monitoring Team should be vested both in the Consent Decree and in Baltimore. That team should *know and appreciate* that it is accountable to the individuals, families, and communities in Baltimore that have borne the brunt of unconstitutional policing. As such, it is imperative that the nucleus of the Monitoring Team be from and/or reside in

Baltimore. The team needs to be proximate to those who are directly impacted by the practices and issues that the decree entails.

Part of this proximity requires that community members be an integral part of the Monitoring Team. As team members, directly impacted residents would bring issues to the team that other members might miss, would more deeply connect the team to communities, would hold other team members accountable, and would add legitimacy to this entire process. It should come as no surprise that the team will have to earn and keep the trust of many to be effective. Having directly impacted residents on the team would help with the trust process. Quite simply, these valuable members of the team have relationships that others do not.

Also, the work of enforcing a Consent Decree that aims to culturally transform the BPD will be all-encompassing and lengthy. Baltimore deserves a Monitoring Team with some members that will work full-time to do all that this decree requires. It will not be sufficient to have a team comprised of members who will work part-time on these issues. The team must have at its core some members who will devote their entire professional energy on this process.

In addition, the Monitoring Team should leave no doubt that it is committed to ensuring that the mandates set forth in the Consent Decree are realized in full and enforced vigorously. The team will have to possess the steel to push and prod when it is necessary to do so. It has to understand, until all the work is done, that its fidelity is to the Court and Baltimore's residents. It must work to *move* this process.

Last, while law enforcement expertise is necessary to the monitoring process the Monitoring Team must be professionally diverse and not dominated by law enforcement professionals. Also, potential team members who are present or former law enforcement officials must be vetted by the parties. This vetting process should include a review of their personnel files to determine whether they were ever the subject of any citizen complaint, any investigation and/or any disciplinary proceeding and, if so, the nature of any complaint, investigation and/or disciplinary proceeding, and the end results of each of these processes.

I appreciate the opportunity to be heard at this critical juncture.

Respectfully,
Michael Pinard

37. Donna D. Brown

July 17, 2017

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Avenue, NW
Washington D.C. 20530

RE: United States v. Baltimore Police Dep't et al., Civil No. JKB-17-99

DDBrown, LLC dba, Making Change

Making Change is a developing organization who's focus has been around restorative justice through advocacy around juvenile justice (youth charged as adults), re-entering citizens, incarcerated women, providing supports to re-entering citizens, advocacy for impoverished communities affected by urban renewal and development, undoing racism (dismantling systemic racism), advocacy for victims of domestic violence and sexual assault.

After the riot in Baltimore City, I joined broader initiatives throughout Baltimore City to focus on the overshadowing issue of police brutality. While Baltimore is plagued with a number of distresses, over policing with racial bias reinforces every dynamic that impacts the vulnerable communities of this city. As a lifelong resident, I have witnessed the impact of racial bias and police brutality in Baltimore's neighborhoods. As I raised my own son, witnessing the innocence of a young boy's admiration and respect for law enforcement turn to fear and disdain as a result of his encounters and disappointments in dealing with law enforcement. Even after engaging with the police department as a volunteer, myself, and being met with grave disappointment over the behavior of trusted Officers, led me to believe that it is futile to support something that has such an animus within that there is no possibility of reform without some external enforcement. As a community, the air of defenselessness suffered by communities impacted by the BPD, has continually diminished the virtue of our neighborhoods.

With the victory of gaining the Consent Decree, it is the hope of our city to provide the oversight necessary to bring about equity and a sense of justice to our communities. Hence, it is equally necessary to assure that the selected monitor work to assure the overdue changes take place to assure that we have a police department that works in the interest of all of the citizens of this city to create sacred space for all of this city's inhabitants to feel protected and respected, not marginalized by oppressive policing.

While the public does not have input in the selection process, through review of public commentary, it is our hope that due consideration is given to the perspectives of the constituents of this city as to what is desired and expected from the monitor. Much collaboration has been done in gathering a consensus of expectation of any potential candidate. After reviewing proposals and attending the public forum held by CJSJ

(Coalition for Justice, Safety and Jobs) there are some critical essentials that I believe are necessary for any potential candidate.

1. It is imperative that the proposed candidate have residency in Baltimore in order to effectively and efficiently engage with the broader community with the level of consistency and continuity to make their engagement effective and build trust from the community. In addition, having the ability and flexibility to respond as necessary. Proposed candidates should have the capacity to be full-time or have staff designated to work, exclusively, on the monitoring processes.
2. Proposed candidates be inclusive of most impacted members of the community, to include: Blacks and Latinos, Black and Latino communities, low-income neighborhoods, sexual and domestic violence survivors, LGBTQ people, people with disabilities (including mental illness), homeless people, formerly incarcerated people, youth and people struggling with substance abuse. The awareness and engagement from all of these groups will bring greater acuity in how to bring the desired and necessary outcomes of this process and assure the transformation of the Baltimore Police Department and its relationship with the overall community.
3. The proposed candidate is led by or has Black, Latino and women in leadership roles within their teams. Being inclusive of individuals of these groups reinforce a trusted connection with vulnerable communities and reinforce the values of the collective community.
4. While I believe that having law enforcement is an asset to any proposed team, in the interest of establishing trust within the community, the organization/team cannot be led by law enforcement.
5. The proposed candidate should have team members who have some experience with monitoring. While our hope is to create a process that addresses the uniqueness of our city, I do believe that it is necessary to have some prior experience to have understanding and insight to the implementation of this process.
6. Preference should be given to monitor candidates whose commitment to community engagement is reflected by the allocation of funds in their budget. It is essential for the effectiveness of the proposed monitor to have Baltimore-based community liaisons and propose to contract with community groups that have been long invested and trusted advocates for our communities. In addition, provide opportunities by hiring people from the community.
7. Although, I am aware that there is no process of engaging community in the selection process, I would uplift the proposal of Susan Burke. While she has been a credit to the Baltimore community through her own commitment to address the issues that affect neighborhoods, she brings prowess and dedication through her own experience that, I believe, would be beneficial to the city in the monitoring process. In addition, upon reviewing and comparing the proposals, her proposal, singly, stood out as it

reflected all of the aspects, criteria and insight in its planning and implementation that encompasses all of the interest of the affected communities.

38. Louise Harmony

From: Louise Harmony
To: [Decree, Baltimore.Consent \(CRT\)](#)
Subject: Public Comment for Selection of Independent Monitoring Team
Date: Monday, July 17, 2017 2:31:42 PM

I hope you will select a monitor or monitors who will ensure rigorous compliance with the consent decree and incorporate feedback from the community. Community feedback and Community involvement will be essential for Baltimore to become a safe and welcoming place for ALL of it's citizens.

Louise Harmony



39. Kathryn Munnell

[REDACTED]
[REDACTED]
10 July 2017

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Puneet Cheema:

After reading the twenty-six proposals I have narrowed field to **three that I think would do an excellent job** of monitoring the Baltimore Consent Decree: one national, **Exiger** and two local groups, **Loyola University and Susan Burke**. I evaluated them according to the qualifications of the team members, the process of presenting their plans of action, the budget and use of time of the group members, analytic sophistication of team and conflict of interest. Each was stronger in some areas than they were in others.

There are pros and cons for having a team comprised almost exclusively of out of state members as well as problems with having a totally local team. A highly experienced national team can bring substantial experience from other parts of the country and size up the situation quickly; they are not involved in local politics and therefore are more likely to look at the situation with new eyes. The local team has the benefit of knowing the city, its citizens and where the problematic issues might lie. However, they may be easier swayed by people in power.

Exiger, the national team, comprised of 17 members, (6 women and 11men of which there are 5 people of colour) has on paper the strongest experience and expertise in the monitoring of or leading the implementation of consent decrees and monitoring of police departments: LA, Cleveland, Chicago, Detroit. The lead monitor designed and implemented of the monitoring method used with the LAPD. One member was Chair of the Obama Task Force in 21st Century Policing and two members served on this task force. Each participant has a specific role on the team; many are experts in their areas. The team draws from experts nationwide but there are only two people who know Baltimore well, one woman (white) will work with the community. Unless she is highly skilled in community work, the preponderance of police on the team may be problematic as well as her race. On the other hand the police may understand the workings of the police department better and be more accepted by the police. It is essential to have the trust and cooperation of both groups.

While Exiger discusses their Plan of Action, and has laid out roles and responsibilities of each team member on a detailed organization chart, their work with the community is not developed. They do

discuss more generally their work with communities with teleconferencing and texting with members of the community, but it is not clear how often they will actually be in the communities talking with people face to face. This is a concern since the community is essential for the successful outcome of this consent decree. The people most affected may not have computers or be available for teleconferencing or video conferencing.

They have at least two highly qualified people with statistical and analytical backgrounds who have worked on previous monitoring teams and can analyse the collected data on Use of Force, First Amendment Protection, Sexual Abuse, etc. They have also stated they will set up a data room which will process the information collected. This provides security that is called for in the Consent Decree.

While the proposal states that the group will be on budget for the duration of the project and they say they will invest about 5,950 hours per year, they do not specify hours per team member which is important to see where their emphasis lies.

Overall, I would give this group 4.25/5

The two local candidates, **Loyola University and Susan Burke**, have strong Plans of Action (Burke being the stronger) with strong community involvement and interesting perspectives. Loyola looks at solutions to the problem from a psychological change in organisational culture and leadership development standpoint and Susan Burke incorporates local high school graduates from the community and two ex-offenders who have participated in community rehabilitation programs in community outreach, research and other activities to give them a view of law enforcement work.

Both have strong and interdisciplinary balanced teams with local and national members. Loyola has 11 members, (5 women, 6 men, 4 people of color). The **Loyola** team includes 4 professors and graduate students, 4 lawyers, a judge and an expert in cultural proficiency and training in racial equity in law enforcement as well as experts in data analysis and 2 police officers. They have included people with experience in monitoring other consent decrees. These police representatives however do not have the same caliber of experience as those from Exiger.

Loyola stresses building good relationships with all stakeholders and understanding the organization, which seems reasonable since they have psychologists heading the team and other social science members. The proposal specifies the team will train police force members in identifying racial bias. Loyola provides a chart indicating the division of labour among members of the team and divides its implementation plan into stages, providing coaching in each step as needed. They will have a community outreach team, semi-annual publications and meetings, and a website. They seem to have a strong, experienced analytic team with one member having expertise in police analysis.

Loyola falls within the budget allocation by the city and demonstrates that it will provide over 4000 hours of labour each year, about 2000 less than Exiger.

Because of the team mix, there is more room for objectivity and transparency than in a completely local team.

Overall, I would give this group 4.5/5.

Sarah Burke has a 12 member team, (three women, nine men, four blacks) plus five community members. Four of the team are lawyers, five are in law enforcement, one has done policing statistics, three live in Baltimore and the others are national. Four members of the team have monitored other consent decrees or other police actions in Cincinnati, Detroit, Oakland Maricopa County; one has been director of COPS appointed by Eric Holder. The analytical member has worked in crime and criminal justice in Oakland and bias in stop and frisk in Chicago. Another has worked with police leadership

As laid out in the implementation plan, the team will work on the four major tasks simultaneously, not sequentially. Each step is carefully laid out in the Plan of Action. They discuss goals and process for each step and for each task. The first year's plan is developed week by week while the other four years are on a quarterly basis. There will be weekly community meetings to monitor the community reaction to the implementation of the consent decree. In looking at the implementation chart, even though there are twelve people on the team, it seems as if some of the members will be overworked, including the lead Sarah Burke, who will be directly involved in every aspect of the project. There is a community liaison who will work directly with the five community participants as they surveys communities and do data entry. They have a system of secured lines where only two head monitors have access.

The budget is considerably less \$893,000 for first year, well under the \$1.4+ million of the others and gives more than twice the hours of Exiger and three times more than Loyola. However, it is important to note that 9000 hours of this team are allocated to the five community workers, leaving the remaining 3960 for the professional staff, equal to Loyola.

I am a bit concerned by the presence of one member who may have conflicts of interest having worked for Brian Frosh's campaign and who is thinking about running for office. Another concern I have is the allocation of \$155,000 for leaders of community meetings and community projects. The third concern is the intensity of involvement of several team members, especially the lead. That being said, I think this is the strongest of three teams with a balance of high caliber and experienced local and national staff with a clearly laid out plan of action and the strong use of direct community interaction.

Overall, I would give this group 4.75/5.

I commented of three groups because I thought all three were very strong in different ways, but would be satisfied with anyone of the three getting the contract.

Thank you for the opportunity to comment.

Sincerely,

Kathryn Munnell

40. Liz Simon-Higgs

From: [REDACTED]
To: [Decree, Baltimore Consent \(CRT\)](#)
Subject: Public comment on Prospective Monitors
Date: Monday, July 17, 2017 11:17:55 PM

Dear Ms. Cheema:

I am a resident of Baltimore city (308 E Randall St, 21230) and am contacting you in regards to the selection process for the independent monitor for the consent decree between the City of Baltimore and the Department of Justice.

I appreciate your tireless efforts on this!

As you know, community input was vital to the DOJ's investigative report and its subsequent consent decree with Baltimore Police Department (BPD).

Community input will be even MORE critical as the monitors work with the BPD to implement the consent decree.

I urge you to seriously consider Susan Burke or Loyola University as the monitors. And more broadly, here are some critical criteria for monitor selection:

The independent monitor team must be locally based and have strong relationships with community members / organizations most affected by local policing and criminal justice practices.

The monitor team must include members who really understand and emphasize **de-escalation and mental health**. As a parent of a child with autism, I am deeply worried about how police respond to non-neurotypically-presenting folks.

The monitor team must include members with **expertise in handling sexual assault investigations that respect survivors** and ensure adequate investigation. As outlined in the Department of Justice report, BPD has failed to adequately handle sexual assault investigations.

Most critically, the monitor team needs to **understand structural racism and be able to communicate local (and broader) history -- and empathy -- with BPD**. BPD's practices did not evolve in an historical vacuum. We cannot stem BPD's abuse of community members without everyday cops having a different framework (which includes a little history).

Thank you!
Sincerely,
Liz Simon-Higgs

41. Maura Dwyer

From: Maura Dwyer
To: [Decree, Baltimore.Consent \(CRT\)](#)
Subject: public comment on the Consent Decree Monitor Applications. 21218 resident.
Date: Saturday, July 15, 2017 4:51:03 PM

Dear leaders of Baltimore City,

I am writing to you as a resident of Baltimore who is concerned about the unconstitutional and discriminatory behavior of the Baltimore Police Department (BPD). I have a vested interest in the consent decree and in ensuring that the voices of impacted residents are heard throughout the process. To that end I can only expect that the final monitor team chosen is one who includes at least 1/3-1/2 African-Americans, formerly incarcerated people, and young people impacted by these unconstitutional practices.

In order to achieve this, community feedback and input must be central to the monitoring process, aka active in making decisions, not just being informed! Any team chosen should be required to **hire community members, affected persons, and community stakeholders as consultants. A defined percentage of the monitoring budget should be designated for this group.** It would also be helpful to have members of the team that are from Baltimore, or at least who have spent more than a decade in this city fighting to make it more equitable so they already have connections to community stakeholders.

Additionally, individuals on the team should have direct experience with police brutality- Stop and Frisk or "Jump Outs" are a tool of oppression and intimidation; the chosen monitor should demonstrate an understanding of why ending these methods is crucial to the health of our community!

Lastly, the chosen team should be willing and required to provide a forum for community members, affected persons, and community stakeholders to be heard in open court, before the monitoring judge, prior to the approval of any and all settlement agreements being approved by the court.

In reading the applications, there were some very vague proposals. I hope that you will make your decision based on proposals that demonstrate a concrete knowledge of how Baltimore works, policies and forthcoming practices so this process can sustain itself in the years to come.

Sincerely,

Maura Dwyer
21218

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42. Emilie Pichot

From: Emilie Pichot
To: [Decree, Baltimore Consent \(CRT\)](#)
Subject: Requests Regarding Consent Decree Monitor
Date: Monday, July 17, 2017 10:51:13 AM

To Whom It May Concern:


I am writing to you as a resident of Baltimore who is concerned about the unconstitutional and discriminatory behavior of the Baltimore Police Department (BPD). I have a vested interest in the consent decree and in ensuring that the voices of impacted residents are heard throughout the process. To that end, please consider the following points:

BPD used enforcement strategies that disproportionately impact African-Americans in the city of Baltimore. The monitoring team must include African-Americans, formerly incarcerated people, and young people impacted by these unconstitutional practices. Additionally, individuals with direct experience with police brutality must receive an enhanced opportunity to be fully engaged in the monitoring process.

Any monitoring team chosen by the City of Baltimore and DOJ should be required to create a formal infrastructure for community members, affected persons and community stakeholders to ENGAGE in the process not just be informed. The monitor should be required to include all dissenting information in reports, motions and other documents provided to the court. The team should be required to provide a forum for community members, affected persons, and community stakeholders to be heard in open court, before the monitoring judge, prior to the approval of any and all settlement agreements being approved by the court.

Sincerely,
Emilie Pichot
21218

43. Professor Stan Becker



2017.07.16

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Ave., NW
Washington, DC 20530

Puneet Cheem and others whom it may concern:

Greetings from Baltimore.

I was sent a link to your letter via the Quaker Meeting (Homewood Friends Meeting) in Baltimore which has been active in monitoring the criminal justice system since the Freddie Gray death. I have served on NIH review panels so am familiar with reviews and rankings of proposals for a given RFP/RFA.

It seemed appropriate to look at all five that you recommended. I have given my criteria and then rankings of each proposal in a table. The clear recommendation I would have would be that the proposals of Susan Burke and Exiger are the best and either of those would be an excellent choice.

Thank you for asking for advice in this matter.

Toward a better future,

Stan Becker
Professor, Johns Hopkins Univ.

Summary of criteria used to rank proposals

Criteria	Things to consider
Leadership	PI knows Baltimore; experience with law enforcement; experience with other consent decrees;
Team	Balanced on sex, race; professions, breadth of experience, i.e. not loaded with one profession
responsiveness to consent decree	details of what portion is being responded to
data collection	innovative, comprehensive, team experience in relevant data collection; up-to-date data collection methods
statistical expertise and ideas	team member with statistical expertise; expertise in law enforcement statistics; ideas for monitoring and analyses

Independence	Not too tied to Baltimore; no potential vested interests
Community involvement	Budget for community participation, feedback, etc.
Budget	not top-heavy; reasonable for what is being offered; salaries reasonable

Table comparing the 5 proposals

Susan Burke		
Leadership	4	Excellent; Ms. Burke has varied experience
team		fine
responsiveness	5	fine
scope of work	5	areas: data, policy, training, implementation
data collection	4	Ridgeway will know what to collect
statistics	5	Ridgeway is superbly qualified
independence	4	Seems ok; several key people from outside
community invol	5	Great idea to hire ex-cons and youth
budget	3	hourly fees seem extravagant (>\$350 per hour for three persons) 5-year: \$6M; \$250K for Burke each year ok?
Total score	39	
Exiger		
Leadership	5	excellent; worked on LA consent decree which was a huge success apparently; PMO is unclear
Team	4	not much in Baltimore it seems
responsiveness	5	fine, it goes point by point; listening at beginning is excellent idea
scope of work	4	seems adequate
data collection	5	excellent experience from LA work
statistics	5	Adequate; Prof. Taylor teaches grad and undergrad stat courses; team has experience with 'profiling' data
independence	5	excellent; outsiders

community invol	3	somewhat weak on this aspect
budget	4	\$7M; \$225 "blended rate"
Total score	40	
Loyola		
Leadership	4	Two Loyola faculty who will be on leave
Team	2	two psychologists at top
responsiveness	3	less precise in citing consent decree text
scope of work	3	"Top-down" seems inappropriate in some sense; there needs to be "buy-in" at all levels and top-down is often a poor way to get that; emphasis on "sustaining reform" is very good
data collection	4	feedback on ideas before data collection is good idea
statistics	4	Golom has needed experience in statistics but apparently has not worked much with police data
independence	4	unclear
community invol	4	regular meetings with community in each of BPD districts
budget	4	\$7.4M
Total score	32	
Venable LLP		
Leadership	5	Thompson knows Baltimore well and has worked in leadership roles
Team	3	too many lawyers; slightly weak on women in the team it seems
responsiveness	4	fine
scope of work	4	seems adequate
data collection	3	not much detail given
statistics	4	Lamberth has qualifications but has not published statistical work recently it seems, though did early work on profiling
independence	4	hopefully
community invol	3	setting up office to receive input is good but public meetings after reports are published seems inadequate
budget	4	about \$6.9M; budget is slightly unclear

Total score	34	
Baltimore Monitoring Team		
Leadership	3	two retired judges
Team	3	seems top-heavy with men
responsiveness	4	not point by point but seems quite adequate
scope of work	4	themes are: community, accountability, independence
data collection	5	Community survey planned. Ms. Cole has adequate experience with police data
statistics	5	Dr. Lynch is capable and has done considerable work with criminal justice statistics and published on same
independence	3	this is a major theme but co-monitor was mediator in settlement with family of Freddie Gray
community invol	4	Community Advisory Board is "at heart of" plan; membership on it is unclear
budget	2	Lots of folks with high salaries (ten have \$300 or more per hour)
Total score	33	

44. J.E. Randall

From: J.E. Randall
To: [Decree, Baltimore.Consent \(CRT\)](#)
Cc: [Laurenceau, Danielle](#); [J.E. Randall](#)
Subject: Ruining Our City
Date: Tuesday, July 04, 2017 5:14:11 PM

To Whom it May Cncern;

My colleagues, neighbors & associates are angry and disgusted that your irresponsible actions have undermined our police and left our communities vulnerable to the now rampant crime that your measures have ensured.

As Baltimore is known worldwide as a city with prevalent drug and violence issues, your "Consent Decree" reflects pure contempt for your constituency. Coupled with your absurd decision to remove plainclothes police, it is obvious that you have grown negligent and complacent in your duty to represent us. Officials in every branch of city government, most of whom live here, are also disgusted and angry that your "leadership" has betrayed us. I have repeatedly addressed everyone from my inept local councilman to the United States Attorney General's office regarding this dereliction.

Here are excerpts from my numerous complaints to various city agencies;

The area of South Monroe & McHenry Streets have degenerated so completely that it's destroying small business owners and has made a drug-shooting gallery and whorehouse out of the neighborhood. On any given day, these streets resemble 'night of the living dead', so infested are we with severe addicts.

Every day I come to my shop, I must sweep away drug "works" and spend ALL DAY calling for police we don't have to enforce laws they ARE PROHIBITED FROM ENFORCING. Drug dealers, junkies, and prostitutes proliferate the entire area COMPLETELY UNABATED.

If you cannot see fit to repeal these travesties, come election time, be assured we will vote you out with the same contempt you have shown us.

Most Sincerely,
~J.E.Randall



Virus-free. www.avast.com

45. Anna Kaufman

From: Annie Kaufman
To: [Decree, Baltimore Consent \(CRT\)](#)
Subject: We need a serious monitor.
Date: Monday, July 17, 2017 2:40:05 PM

Dear DOJ,

Please make sure Baltimore gets a serious monitor who will ensure rigorous compliance with the police department's consent decree. It is especially important the monitor gather input from experts in racial and sexual violence and rely heavily on the local community for guidance. Baltimore residents need to be a driving force in improving our police department.

Please let me know how you plan to proceed in selecting a community grounded monitor and how we can stay involved.

Thank you,
Anna Kaufman

46. Claire Landers

From: Claire Landers
To: [Decree, Baltimore.Consent \(CRT\)](#)
Subject: Require monitor teams with expertise in Mental Health + Sexual Assault reponse
Date: Monday, July 17, 2017 4:32:29 PM

July 17, 2017

Puneet Cheema
United States Department of Justice
Civil Rights Division, Special Litigation Section
950 Pennsylvania Avenue, NW
Washington D.C. 20530

RE: United States v. Baltimore Police Dep't et al., Civil No. JKB-17-99

Dear Ms. Cheema:

I moved to Baltimore 19 years ago and almost immediately became aware of the discrepancy in the treatment by law enforcement officers between white people, like me, and residents who are black (regardless of income level or zipcode). I thought I had heard or read examples of every kind of police misconduct that occurs on the streets of Baltimore City - and then I read the extremely disturbing and eye-opening Dept. of Justice Report on Baltimore Police Dept. practices. The rigorous investigation, reporting and documentation by DOJ attorneys and staff established that routine acts of misconduct (or silence about misconduct) by police officers and their supervisors are, indeed, part of a system and culture that accepts and perpetuates unconstitutional practices and even human rights violations 'as part of the job' on the streets of Baltimore City.

Today I only have hope that the BPD can be transformed because the issues documented in the DOJ report will be addressed under a Consent Decree overseen by an independent monitor team. Baltimore City residents deserve only the 'best' monitor to ensure that deep reform of the BPD's culture and practices actually occurs and will be permanent and irreversible. Who is chosen to serve as monitor will make or break the trajectory of reform efforts around the BPD.

As I scanned through many of the monitor applications on-line, it appeared that the majority had no team members with meaningful experience in two critical areas which received major attention in the DOJ report: police de-escalation in response to individuals in mental health crisis and police response to sexual assault victims. I felt compelled to write especially to urge that, in evaluating applications, you give particular attention to choosing a monitor that is staffed with experts who are focused on addressing the grave deficiencies in the BPD's practices related to responding to sexual assault victims and individuals experiencing mental health crises.

I am very concerned that, if the selection process does not take account of any deficiencies in

applicant proposals now, effective reform measures in those two critical areas will be given short-shrift from the outset of the monitor team's work. Any applicants chosen to move forward as "finalists" in this process should be required to supplement their proposals immediately, if necessary, by including additional team members with recognized expertise in law enforcement response to mental health crises and sexual assault victims.

The future of Baltimore city lies in the success of the police reform process in the next several years. The success of the consent decree in making that happen rests chiefly in the hands of a strong and diversely equipped monitor team. Thank you for inviting public input into the selection of who that monitor team will be. I appreciate the opportunity to have my perspective considered.

Sincerely,
Claire Landers