

February 2, 2018

Via First Class Mail and Facsimile

Baltimore Police Department Monitoring Team
c/o Kenneth Thompson
Venable LLP
750 East Pratt Street, Suite 900
Baltimore, Maryland 21202

**RE: Comments on Draft First-Year Monitoring Plan & Budget in the Case
of *U.S. v. Police Department of Baltimore City, et al.***

Dear Mr. Thompson:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), I write to provide comments on the Baltimore Police Department (BPD) Monitoring Team's (the Team's) draft *First-Year Monitoring Plan & Budget* (the Plan) for the federal consent decree in the above-captioned case. In a letter dated November 30, 2017 to you and representatives of the U.S. Department of Justice (DOJ), BPD, and Baltimore City officials (collectively the Parties), LDF recommended 20 policy reform priorities for the first year of the Parties' implementation of the consent decree. We also asked whether you would solicit additional public comments on the Plan. We thank you for including all but one of our suggestions in the draft Plan, and for allowing other members of the public to submit comments.

Overall, the Plan correctly prioritizes changes to BPD policies and training in the first year, which will allow the Parties to determine whether the reforms are having the intended impact on policing practices in subsequent years. The Plan also offers numerous opportunities for the public to comment on policy changes before they are finalized and implemented. That said, below we present additional recommendations for promoting transparency and increasing the public's involvement in policing reform efforts during the first year of the consent decree.

1. The Draft Annual Budget

The draft First-Year Budget, posted on the Team's website on January 29, 2018, offers detailed information about how the Team will use the \$1,475,000 it will receive from City officials to provide independent oversight of the federal consent decree. It indicates that most Team members, including the Baltimore Community Mediation Center (BCMC), will receive the same hourly rate. LDF is concerned that the draft budget does not include how many billable

hours the BCMC is expected to devote to monitoring the community engagement requirements of the consent decree. Further, it appears that the Team anticipates that BCMC will commit 300 *pro bono* hours, which is more volunteer hours than any other Team member. We recommend that the budget include billable hours for BCMC and ensure that each Team member provides commensurate *pro bono* hours. Doing so will demonstrate the Team's commitment to community engagement.

Additionally, the budget narrative states that the Team plans to spend \$150,000 to hire community and neighborhood liaisons from Baltimore's nine police districts. But, only \$50,000 of the \$150,000 is coming out of the Team's budget. According to the draft budget, the Team plans to obtain outside funding, presumably the remaining \$100,000, to support the hiring of liaisons.

Hiring and training neighborhood liaisons to provide information and perspectives about BPD's performance under the consent decree is crucial to sustaining policing reform efforts beyond the five years of the federal court's oversight of the agreement. The Team and Parties are wise to invest in this type of community engagement effort in the first year of the consent decree. However, LDF urges you to provide more information about the Team's fundraising efforts for the neighborhood liaison initiative. Specifically, if the Team is unable to obtain outside funding for the initiative, then what is the alternative plan? For example, would some Team members who are working on community engagement be willing to allocate \$100,000 of their billable hours to the initiative?

2. Hiring of Neighborhood Liaisons

LDF is encouraged by the Team's proposal in the Plan to hire one to three neighborhood liaisons for each of BPD's nine police districts by April 4, 2018. Given the budget of \$50,000 and the lack of clarity about the number of hours each liaison will commit to the consent decree, it appears that the Team will be able to hire only one liaison per district at the outset. Also, the plan is silent about the qualifications, roles and responsibilities of these liaisons. We urge the Team to consider the following as it selects neighborhood liaisons:

- Provide each liaison with a stipend that is commensurate to his/her duties;
- Solicit applicants with a track record of community activism, particularly as it relates to public safety;
- Ensure that neighborhood liaisons are diverse as it relates to race, ethnicity, gender, gender identity, bilingualism, socio-economic status, and criminal background status;
- Require neighborhood liaisons to work with community-based organizations to receive complaints and compliments about policing practices in their communities and to publicly report their findings quarterly; and



- Train the liaisons on requirements of the consent decree and the first year Plan so that they may monitor compliance with the consent decree in their neighborhoods.

3. Community Engagement – Access to the Monitoring Team

The Plan states that the Team will maintain an office at 7 E. Redwood Street, Baltimore, Maryland. LDF urges the Team to set aside flexible office hours that will allow residents and stakeholders to visit the office during and after business hours. Additionally, the Team should consider visiting regularly the offices of community organizations in various neighborhoods to receive complaints or compliments about the progress BPD and City officials are making under the consent decree.

4. Annual Community Survey

The Plan details a Request for Proposals (RFP) process by which the Team will select an individual or entity to design, distribute and analyze annual surveys of policing practices from the viewpoints of residents, police personnel and individuals who are arrested. LDF recommends that the Team solicit public comment on potential vendor applications submitted in response to the RFPs.

The draft First-Year Budget allocates \$60,000 for the community survey and states that the Team expects community members to assist with the survey. The Team should provide more information about the type of community support it anticipates. For example, will community members assist with the design and distribution of the survey?

5. Communication with Community Oversight Task Force (COTF)

The Plan states that the Team will communicate with COTF monthly via conference calls to ensure compliance with the consent decree, which requires COTF to “review how the civilian oversight system currently functions, how it should function, and what are the impediments to change, and ... make recommendations based on that information.”¹ We propose that the Team inquire about the needs of COTF, including access to promising civilian oversight models, and encourage City officials to meet these needs so that COTF may carry out its mandate.

6. Public Comment Periods for Draft and Final Policies

The Plan includes a series of dates during which Baltimore residents and stakeholders will be asked by the Parties to comment on approximately 11 policies and training curricula the

¹ Consent Decree, *U.S. v. Police Department of Baltimore City, et al.*, ¶ 12, Jan. 12, 2017, <http://www.mdd.uscourts.gov/sites/mdd/files/ConsentDecree.pdf>.

BPD will revise this year, including policies relating to use of force; impartial policing; and stops, searches, arrests, and voluntary police-community interactions. BPD personnel responsible for revising the policies should partner with community organizations to organize meetings where BPD presents the proposed policies. Doing so would offer residents and stakeholders the information needed to provide constructive feedback.

7. Initial Assessment of BPD's Coordination with Baltimore School Police Force

The Plan states that in the first three quarters of Year 2, the Parties and the Team will conduct an initial assessment of the BPD's coordination with the Baltimore School Police Force (BSPF) as required by paragraphs 416-418 of the consent decree. LDF urges you to perform this initial assessment in Year 1 for several reasons.

First, in its investigative report, the DOJ expressed several concerns about the Memorandum of Agreement (MOA) between BPD and the BSPF, which allows school police to patrol city streets. Specifically, DOJ found that the agreement lacked clarity about which agency is in charge of an incident when both agencies respond and which agency's policies control decisions during an incident.² Additionally, the report noted that the MOA does not provide a process for handling complaints of alleged misconduct by officers of one or both agencies, and it does not require the collection and analysis of data concerning arrests, stops and searches. We are concerned that notwithstanding these findings, the MOA is in effect currently and will remain so through 2019. This presents an urgent need to address the issues raised by the DOJ.

Additionally, this year, the Baltimore City Board of School Commissioners is in the process of developing a school police policy.³ This process offers the BPD an opportunity to consider the Board's proposed school police policy to determine whether a continued relationship with the BSPF is advisable, and if so, what policy changes are necessary to improve coordination between the two agencies.

Finally, according to the Plan, this year the BPD and City officials are scheduled to conduct an evaluation of the City's efforts to decrease youth involvement with the juvenile and criminal justice systems. Presumably, this assessment will consider the relationship between Baltimore's youth and school police. LDF urges the Parties and the Monitoring Team to conduct BPD's initial assessment of its coordination with the BSPF during the first year of the consent decree so that it may serve as a complementary report to the City's evaluation of its efforts to divert youth away from the justice systems.

² U.S. Department of Justice Civil Rights Division, *Investigation of the Baltimore City Police Department*, 154-55 (Aug. 10, 2016). <https://www.justice.gov/crt/file/883296/download>.

³ See, Baltimore City Public Schools, *2017-2018 Policy Committee Calendar*, [https://www.boarddocs.com/mabe/bcpss/Board.nsf/files/AS4TF9771F87/\\$file/Policy%20Committee%20-%202017-18%20Calendar%20At-A-Glance%20Updated%2010.13.2017.pdf](https://www.boarddocs.com/mabe/bcpss/Board.nsf/files/AS4TF9771F87/$file/Policy%20Committee%20-%202017-18%20Calendar%20At-A-Glance%20Updated%2010.13.2017.pdf).



Thank you for considering LDF's recommendations. As discussed during our January 18, 2018 meeting with the Parties and the Team, we urge you to attach all public comments to the final proposed First-Year Monitoring Plan to be submitted to the court on February 9, 2018. It is vital for the record of this case to include the views of the Parties, the Team and persons directly impacted by BPD's policing practices – the communities served by the police department.

If you have any questions or concerns, please do not hesitate to contact me at 202-682-1300.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Monique Dixon", is written over a light blue circular stamp.

Monique Dixon
Deputy Director of Policy & Senior
Counsel