

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES  
OF AMERICA,**

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**Plaintiff,**

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**v.**

**CIVIL NO. JKB-17-0099**

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**BALTIMORE POLICE  
DEPARTMENT, et al.,**

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**Defendants.**

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**SUBMISSION OF THE MONITORING TEAM  
OF THE PROPOSED BUDGET FOR FISCAL YEAR 2023 FOR APPROVAL**

Pursuant to paragraph 448 of the Consent Decree entered in this matter, ECF No. 2-2 (as modified by ECF Nos. 39 and 410), the Monitoring Team for the Baltimore Police Department (“Monitoring Team”) hereby submits for approval its proposed Budget for Fiscal Year 2023, attached as **Exhibit 1** (“Budget”). The City of Baltimore, the Baltimore Police Department (“BPD”), and the Department of Justice (“DOJ”) have reviewed the proposed budget and concur with it.

**Introduction**

The budget estimates the fees and expenses the Monitoring Team expects to incur for its work between July 1, 2022 and June 30, 2023. The July 1 - June 30 period covers the latter part of the Fifth-Year Monitoring Plan, which runs through mid-March 2022, and the first part of the Sixth-Year Monitoring Plan, which will run from mid-March 2023 through mid-March 2024. The July 1 – June 30 period also tracks the City’s fiscal year, which is what the City uses to budget and allocate funds for the Monitoring Team’s work.

The estimated fees and expenses for the budget year that runs from July 1, 2022 to June 30, 2023 are \$1,594,259. That is more than the \$1.475 million allotted annually under the Consent

Decree. The reason for the overage is that, with the Parties' approval, the Monitoring Team aggregates its annual \$1.475 million allotment over time, meaning that in some years the Monitoring Team might work and bill for more than \$1.475 million—which the budget anticipates for this fiscal year—while in other years it will work and bill for less than \$1.475 million, so long as the aggregate billed total over the life of the Consent Decree does not exceed \$1.475 million multiplied by the number of years the Consent Decree is in force.

In practice, the City will continue to allocate no more than \$1.475 million each fiscal year for the Monitoring Team's work. Even if the Monitoring Team's fees and expenses run over that amount in a fiscal year, the Monitoring Team will not be paid the overage until the following fiscal year, after the next \$1.475 million tranche is deposited into the court registry and there are additional funds available. In other words, if the Monitoring Team bills more than \$1.475 million in a fiscal year, and if there are not already sufficient funds in the Court registry due to carry-over from prior years, the Monitoring Team will have to wait to receive the overage until after the beginning of the following fiscal year. The upshot is that the Monitoring Team will never actually be paid more than \$1.475 million within a fiscal year, though it may budget and bill for more in some years and budget and bill for less in other years. This arrangement will give the Monitoring Team more flexibility to prioritize and address Consent Decree requirements as the Monitoring Team and the Parties deem appropriate, but without exceeding the total amount of compensation allocated under the Consent Decree for the Monitoring Team's work.

The amount of work that the Consent Decree requires during Fiscal Year 2023 is considerable. The progress that must be made will require significant time and effort. Indeed, even \$1,594,259, while necessary to conserve the City's finite resources, will not cover all the work the Monitoring Team must do. That work will include: (1) continuing to collaborate with BPD to improve policies, training programs, supervision, internal affairs operations, IT systems, and

recruitment, hiring and retention practices; (2) monitoring and evaluating new in-class, virtual and e-learning training programs; and (3) comprehensive formal assessments of BPD's performance in, among other areas, use of force, misconduct investigations, sexual assault investigations, arrests, First Amendment protected activity, and officer assistance and support to determine whether the implemented changes in policies and training are actually reforming policing in Baltimore. In this budget year, the Monitoring Team's work will continue to focus on (3). That is, we will increasingly shift our focus from providing technical assistance and performing assessments on policy revisions and training to performing assessments on *outcomes*—to determining whether BPD officers are performing their duties constitutionally and in compliance with Consent Decree requirements.

Because of all the work required in Fiscal Year 2023, the Monitoring Team will continue to do a significant amount of its work pro bono, or free of charge. In its first four-plus years, from October 2017 through June 2022, the Monitoring Team contributed \$2,439,236.35, or 25.8% of its work, pro bono, at no cost to the City. The attached budget shows that this trend will continue, with the Monitoring Team estimated to contribute at least \$297,425, or roughly 16.7% of its work, pro bono in Fiscal Year 2023. All members of the Monitoring Team are committed to doing pro bono work because they are dedicated to ensuring that BPD achieves the institutional change that the Consent Decree prescribes.

### **The Process for Drafting the Proposed Budget**

#### *A. How the Hours Were Assigned*

The Monitoring Team includes specialists in policing and police reform, civil rights enforcement, psychology, social science, organizational change, data and technology, and community engagement. The budget shows the number of hours the Monitoring Team estimates each Team member will work in each area of the Consent Decree from July 2022 through June 2023.

The more work the Monitoring Plans require in a particular area, the more hours the budget assigns to the Team members assigned to that area. For instance, because the Monitoring Plans require a substantial amount of work on compliance reviews and outcome assessments, including on use of force, misconduct investigations, transportation of persons in custody, sexual assault investigations, First Amendment protected activity and arrests, among others, the budget allocates comparatively more hours to work in the “Assessments” area (highlighted in yellow on **Exhibit 1**) and to Team members assigned to those areas.

The billable hours shown in the budget for work in each area of the Consent Decree are *estimates* only, and the Monitoring Team is likely to do more work in most areas than the budget shows. To the extent the budget underestimates the amount of billable time needed to fulfill the Monitoring Team’s duties in any area of the Consent Decree, Monitoring Team members will do the additional work required in that area pro bono. The Monitoring Team remains committed to doing all of the work that needs to be done.

Where the budget includes hours for Assessments in particular areas, such as use of force, misconduct investigations, and transportation of persons in custody (again, highlighted in yellow on Exhibit 1), the hours included on Exhibit 1 in those particular areas, but not in the Assessments area, are for technical assistance with additional policy revisions, training, or operations, not for assessments. For instance, the budget includes a total of 50 hours for “Use of Force” and a total of 155 hours for the Assessment on Use of Force. The former reflects hours budgeted for technical assistance on use of force, while the latter reflects hours for completing the comprehensive assessment on use of force, use of force reporting, and use of force supervisory review for the years 2018-2020.

The column title “Outcome Assessment SMEs” (SME stands for “subject matter expert”) reflects hours that the Monitoring Team believes will be required for a particular assessment and

have not yet been assigned to a particular Team member. The Monitoring Team has learned from experience that, for its work on Assessments, the budget needs to include some flexibility so that hours can be allocated to particular Team members during the course of the budget year, rather than at the outset, depending on Team member capacity.

Subject matter assignments are based on Team members' roles, experience and expertise. The subject matter assignments of each Team member, based on their experience and expertise, are set forth in the chart below:

	<b>Team Lead</b>	<b>Other Team Members Assigned</b>
<b>Community Engagement</b>	Chuck Ramsey Seth Rosenthal	Wanda Watts (primary liaison) Miller Roberts (coordinator) Jessica Drake Hassan Aden
<b>Community Policing</b>	Chuck Ramsey	Nola Joyce
<b>Stops, Searches, Arrests, and Voluntary Police-Community Interactions</b>	Theron Bowman	Seth Rosenthal Tracey Meares
<b>Impartial Policing</b>	Tracey Meares	Seth Rosenthal
<b>Responding To and Interacting with People with Behavioral Health Disabilities or in Crisis</b>	Randy Dupont	Roberto Villasenor
<b>Use of Force</b>	Roberto Villasenor	Matthew Barge Chuch Ramsey Hassan Aden Theron Bowman Nola Joyce Roberto Villasenor Kathleen O'Toole Seth Rosenthal Sean Smoot
<b>Interactions with Youth</b>	Roberto Villasenor Randy Dupont	

<b>Transportation of Persons in Custody</b>	Roberto Villasenor	Sean Smoot
<b>First Amendment Protected Activities</b>	Seth Rosenthal	Chuck Ramsey
<b>Handling of Reports of Sexual Assault</b>	Nola Joyce	Kathleen O’Toole Chuck Ramsey Hassan Aden Theron Bowman Roberto Villasenor Katie Zafft
<b>Technology</b>	Maggie Goodrich	
<b>Policies (Coordination)</b>	Theron Bowman	
<b>Training (Coordination)</b>	Matthew Barge	Roberto Villasenor

<b>Supervision (including Field Training Officer Program and Early Intervention System)</b>	Sean Smoot	Nola Joyce Maggie Goodrich (EIS)
<b>Misconduct Investigations and Discipline</b>	Hassan Aden	Matthew Barge Kathleen O'Toole
<b>Coordination with Baltimore City School Police Force</b>	Roberto Villasenor	
<b>Recruitment, Hiring, and Retention</b>	Sean Smoot	Nola Joyce
<b>Staffing, Performance Evaluations, and Promotions</b>	Nola Joyce	Sean Smoot
<b>Officer Assistance and Support</b>	Sean Smoot	Roberto Villasenor

<b>Assessments</b>	Matthew Barge Megan McDonough	Seth Rosenthal Hassan Aden Tyeesha Dixon Jonathan Smith Sue Rahr Gabriela Wasileski Christine Cole Sarah Lawrence Katie Zafft <sup>1</sup>
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In addition to allocating hours to Team members for their work on specific Consent Decree topics, the budget allocates hours to certain Team members for drafting required reports, court filings, monitoring plans, and other formal public communications. As the Consent Decree provides, these documents are the principal method of comprehensively communicating to the Court and the public about the Monitoring Team’s work and the Monitoring Team’s findings about BPD’s progress. The Monitoring Team is required to produce two reports each year. Writing these reports is a collaborative process. For every report, each Team member allotted report writing hours is expected to produce a preliminary draft of the section of the report pertaining to the topic for which he or she is responsible, then deputy monitor Seth Rosenthal will take all of the preliminary draft sections, as well as his own, and prepare the full, final report.

The budget also allocates hours to Monitoring Team leadership for “court communication, critical incident attendance, and project management.” These responsibilities include meetings and communications with Judge James K. Bredar, showing up on-scene and participating in briefings regarding critical incidents such as police-involved shootings, and management, coordination and review of the work of the subject matter experts by lead monitor Ken Thompson, and deputy monitors

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<sup>1</sup> Gabriela Wasileski is a professor at the University of Baltimore. Christine Cole, Sarah Lawrence and Katie Zafft are consultants with the Crime and Justice Institute, a division of Community Resources for Justice. All four team members are identified collectively in **Exhibit 1** as “CJI.” Working collaboratively and with other team members, principally Matthew Barge and Megan McDonough, they develop methodologies for and perform the quantitative outcome assessments required by Paragraph 459 of the Consent Decree.



Chuck Ramsey, Seth Rosenthal, Theron Bowman and Hassan Aden. Mr. Thompson oversees the entire project and is the final decision-maker for the Team. For that reason, as the budget shows, Mr. Thompson is allocated hours in every area of the budget. Mr. Ramsey assists Mr. Thompson in his general oversight role. So does Mr. Rosenthal, who, in addition to being the principal drafter of the Team's reports and court filings, manages the bulk of the Team's administration and oversees Team responsibilities in the areas of community engagement, stops/searches/arrests, First Amendment-protected activities, impartial policing, and assessments. Mr. Bowman and Mr. Aden are also responsible for directly overseeing Team responsibilities in certain areas. Mr. Bowman, for instance, oversees Team responsibilities for policy revisions and stops/searches/arrests, while Mr. Aden manages Team responsibilities for use of force, misconduct/discipline, and supervision.

*B. The Monitoring Team's Hourly Rates*

In addition to performing significant work pro bono, Monitoring Team members or their employers will be compensated at hourly rates that are lower than the hourly rates they customarily earn. Because of each Team member's pro bono commitment, effective hourly rates are even lower. Hourly rates remain unchanged from the hourly rates in the Monitoring Team's very first budget, submitted in early 2018.

Most subject matter experts on the Team will be paid \$235 per hour, with an effective hourly rate of approximately \$190 per hour given their estimated pro bono commitments. \$190 per hour is below the rate paid for subject matter experts working under other Consent Decrees and also well below the rates the Team's subject matter experts customarily earn working in consulting capacities for law enforcement agencies engaged in reform. The Venable law firm will be paid \$475 per hour for the work of Mr. Thompson and Mr. Rosenthal, who are attorneys. \$475 per hour is both substantially lower than their ordinary hourly rates and within the range of the standard, court-established rates for court-awarded attorneys' fees in this Court in civil rights and other cases for

lawyers with equivalent experience. Lead community engagement liaison Wanda Watts earns \$235 per hour, community engagement coordinator Miller Roberts earns \$75 per hour, and the Team's nine neighborhood liaisons (one for each police district) earn \$20 per hour, plus a monthly travel allowance of \$25. No Team member will bill for more than eight hours in a day, even if he or she works more hours in a given day, except in extraordinary circumstances and only with prior approval of Team leadership.

*C. The Budget for Community Engagement Work*

A sizeable portion of the Monitoring Team's budget is devoted to the Team's engagement with the community. The budget allocates \$181,525 for community engagement work, *not* including the community survey, with upwards of 30% of the Team's total budgeted hours devoted to community engagement. The total amount of allocated fees includes \$127,175,000 for the work of Wanda Watts, Miller Roberts, and the neighborhood liaisons, and additional funds for community engagement specialist Jessica Drake and the community engagement work of Monitoring Team leaders (Thompson, Ramsey and Rosenthal).

Community engagement work covers a lot of ground. The Monitoring Team maintains a website, [www.bpdmonitor.com](http://www.bpdmonitor.com), with regularly updated content, checks and responds to email at [info@bpdmonitor.com](mailto:info@bpdmonitor.com), responds to telephone calls, and maintains a consistent presence on Facebook (<https://www.facebook.com/bpdmonitor/>) and Twitter (<https://twitter.com/BPDMonitor>), both of which the Team regularly uses to let community members know about the Team's work. Four times a year, as the Consent Decree requires, the Monitoring Team holds community meetings to report on BPD's progress. Additionally, and more importantly, the Monitoring Team meets routinely with community members to inform them about the Consent Decree process and hear from them about their experiences with BPD. These meetings are often with smaller groups, such as community associations or advocacy organizations, or one-on-one. Finally, the neighborhood

liaisons that are part of the Monitoring Team proactively engage residents of their communities in order to provide access to the Monitoring Team that is both localized and familiar.

### **How to Read the Budget**

The budget, at Exhibit 1, has three tabs: “Fees,” “Costs,” and “Summary.” The “Fees” tab shows the fees the Monitoring Team expects to incur from July 1, 2022 – June 30, 2023, as well as the amount of estimated pro bono, or uncompensated, work. Along the left side of the “Fees” spreadsheet, there is a row for each type of work that is required: (1) work in the different areas of the Consent Decree (*i.e.*, community policing, community engagement, stops/searches/arrests, impartial policing, interacting with people with behavioral health disabilities and in crisis, interactions with youth, transportation of persons in custody, First Amendment-protected activities, sexual assault investigations, technology, policies (coordination and general oversight), training (including coordination and general oversight for both the Training Academy and the Field Training Officer program), supervision (including the early intervention system), use of force, misconduct investigations and discipline, coordination with Baltimore City School Police, recruitment/hiring/retention, staffing/performance evaluations/promotions, and officer assistance and support); (2) work on Assessments, highlighted in yellow; (3) work preparing written reports, monitoring plans, and court filings;; and (4) necessary communications with the Court, attendance at critical incident scenes and briefings, and project management.

Along the top of the “Fees” spreadsheet, there are columns for each Monitoring Team member. The columns indicate each Team member’s hourly rate, the amount of time the Team member is estimated to spend in each area of work, the total number of billable hours each Team member is budgeted to work, the total amount expected to be expended for each Team member’s work, and the estimated amount in savings the City should realize from each Team member’s pro bono work. As noted above, the column for “Assessment SMEs” includes unallocated time for work

on Assessments that is reserved for allocation to Team members, depending on their respective capacity, during the course of the year. In the bottom right-hand corner of the “Fees” spreadsheet, there are totals—total fees of \$1,487,125 and total costs of \$107,134 (which is imported from the “Costs” tab), a grand total of all fees and costs of \$1,594,259, and a grand total minimum of \$297,425 in savings from the Monitoring Team’s estimated pro bono work.

The “Costs” tab of Exhibit 1 reflects the expenses the Monitoring Team expects to incur from July 1, 2022 to June 30, 2023. It shows estimated travel costs for Team members who are not local (airfare, train fare, taxi, mileage reimbursement, per diem for meals and incidentals, and lodging), and miscellaneous expenses for things like printing community engagement materials, maintaining a website and Team email addresses, interpreters, and Monitoring Team identification for ride-alongs with police officers and critical incident monitoring. The mileage reimbursement and per diem rates are standard federal rates from the General Services Administration rate schedule. The Monitoring Team was able to negotiate a discounted rate for the hotels where out- of-town Team members will stay when in Baltimore.

### **Invoicing**

The Monitoring Team prepares an invoice each month for its work. Every invoice contains a breakdown of billable hours worked and expenses incurred, along with any accompanying receipts or documentation. Every invoice also shows the amount of pro bono hours worked and the corresponding savings to the City. The Monitoring Team submits every invoice to the Parties for review. If the Parties have questions or concerns, the Monitoring Team addresses them. The Parties then indicate whether they approve the invoice. When all Parties approve, the Monitoring Team submits the invoice to the Court for review. When the Court approves, it issues an order for payment. Every invoice is thus reviewed and approved by three different entities—the City, DOJ, and the Court—to ensure that the Monitoring Team’s hours and expenses are proper. The Monitoring Team

posts every approved invoice to its website for public review. See <https://www.bpdmonitor.com/monthly-statements>.

### **Conclusion**

For the foregoing reasons, the Monitoring Team, with the Parties' concurrence, requests that the Court approve the proposed budget for Fiscal Year 2023.

A proposed Order is attached.

Respectfully submitted,

/s/

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Kenneth Thompson, Monitor  
VENABLE LLP  
750 E. Pratt Street  
Baltimore, MD 21202  
[Ken.thompson@bpdmonitor.com](mailto:Ken.thompson@bpdmonitor.com)  
(410) 244-7400

# **Exhibit 1**

	Thompson	Ramsey	Rosenthal	Aden	Bowman	Barge	McDonough	Drake	Drake	Dupont	Goodrich	Joyce	Mearns	O'Toole	Rahr	Smoot	Outcome Assessments SMEs	CJI	Villasenor	Watts	Roberts	Community Liaisons (9)
\$ Rate/hour	475.00	235.00	475.00	235.00	235.00	235.00	235.00	37.50	235.00	235.00	235.00	235.00	235.00	235.00	235.00	235.00	235.00	235.00	235.00	235.00	235.00	235.00

Community Policing	10	40										30											
Community Engagement	40	20	20						90												215	590	1,620
Stops, Searches, Arrests, and Voluntary Police-Community Interactions	10		15		30									10									
Impartial Policing	10		15										20										
Responding To and Interacting with People with Behavioral Health Disabilities or in Crisis	30									120													
Interactions with Youth	10									20													
Transportation of Persons in Custody	10																			40			
First Amendment Protected Activities	10		20																				
Handling Reports of Sexual Assault	10											30											
Technology	10					10				30													
Policies (Coordination)	10				10																		
Training	10					20									30								
Supervision - Early Intervention System	10									20													
Use of Force	10																						40
Use of Force (ongoing) Assessment		10	20	15		30	20																40
Officer Assistance & Support (ongoing) Assessment						10	20																60
Sexual Assault Investigations (ongoing) Assessment							10	20				80											60
Crisis Intervention (ongoing) Assessment							20	20			100												40
Arrests (ongoing) Assessment	75		80		80	10	20							60		50							60
First Amendment (ongoing) Assessment		70	80			10	20								20								20
Performance Review Board (ongoing) Assessment						10	20																60
Misconduct Investigations & Discipline Assessment		15		140	30	10	20								65	30	50						20
Community Policing Assessment		40				10	20					80			40								90
Stops & Searches Assessment			20		20	20	10						20										
Surveys Assessment			30				20																
Recruitment, Hiring, and Retention Assessment							10	20				40											50
Youth Assessment							10	20			30												60
Misconduct Investigations and Discipline	20			145											20								
Coordination with Baltimore City School Police Force																							
Recruitment, Hiring, and Retention	10											15											40
Staffing, Performance Evaluations, and Promotions	20											40											20
Officer Assistance and Support	10																						10
Report Writing (Monitoring Plans, Biannual Reports, Compliance Reviews)	20	10	120	50	20	100	25			20		40	10			30							
Court Communication, Project Management, Compliance Reviews and Outcome Assessments	100		20	25	20																		\$2700 (\$25/mo gas)
<b>TOTAL HOURS</b>	<b>435</b>	<b>225</b>	<b>440</b>	<b>375</b>	<b>210</b>	<b>300</b>	<b>275</b>	<b>200</b>	<b>90</b>	<b>290</b>	<b>50</b>	<b>300</b>	<b>120</b>	<b>125</b>	<b>130</b>	<b>280</b>	<b>650</b>	<b>240</b>	<b>310</b>	<b>215</b>	<b>590</b>	<b>1,620</b>	
<b>TOTAL DOLLARS</b>	<b>\$ 206,625.00</b>	<b>\$ 52,875.00</b>	<b>\$ 209,000.00</b>	<b>\$ 88,125.00</b>	<b>\$ 49,350.00</b>	<b>\$ 70,500.00</b>	<b>\$ 64,625.00</b>	<b>\$ 7,500.00</b>	<b>\$ 21,150.00</b>	<b>\$ 68,150.00</b>	<b>\$ 11,750.00</b>	<b>\$ 71,675.00</b>	<b>\$ 28,200.00</b>	<b>\$ 29,375.00</b>	<b>\$ 30,550.00</b>	<b>\$ 65,800.00</b>	<b>\$ 152,750.00</b>	<b>\$ 56,400.00</b>	<b>\$ 72,850.00</b>	<b>\$ 50,525.00</b>	<b>\$ 44,250.00</b>	<b>\$ 35,100.00</b>	

<b>TOTAL FEES</b>	<b>\$ 1,487,125.00</b>
<b>TOTAL COSTS</b>	<b>\$ 107,134.00</b>
<b>GRAND TOTAL</b>	<b>\$ 1,594,259.00</b>
<b>PRO BONO</b>	<b>\$297,425</b>

Unit Cost	Miscellaneous (including interpreters, printing, etc..)	Air Travel	Train Travel	Taxi	Mileage	Per Diem	Lodging	Web & email account maintenance	Surveys	Year Total
\$	3,000.00	\$ 500.00	\$ 150.00	\$ 30.00	\$ 0.56	\$ 75.00	\$ 175.00	\$ 2,500.00	\$60,000	

Year 1

Ramsey (PHL)			8.00	16.00		16.00	2.00		
Aden (DC)					1500.00		2.00		
Barge (Stateside-various airports)		2.00		4.00		6.00	4.00		
McDonough (NYC)			2.00	4.00		4.00	2.00		
Bowman (DFW)		3.00		6.00		9.00	6.00		
Dupont (MEM)		4.00		8.00		12.00	8.00		
Goodrich (LAX)		1.00		2.00		3.00	2.00		
Joyce (DEL)					2400.00	12.00	2.00		
Mearns (NYC/New Haven)		2.00		4.00		4.00	2.00		
O'Toole (BOS)		2.00		4.00		6.00	4.00		
Rahr (SEA)		2.00		4.00		6.00	4.00		
Smoot (ORD/MDW)		4.00		8.00		12.00	8.00		
Outcome Assessments SME		4.00		8.00		12.00	8.00		
Villasenor (TUC)		6.00		12.00		18.00	12.00		

TOTAL UNITS	1.00	30.00	10.00	80.00	3900.00	120.00	66.00	1.00	1.00	4209.00
TOTAL DOLLARS	\$ 3,000.00	\$ 15,000.00	\$ 1,500.00	\$ 2,400.00	\$ 2,184.00	\$ 9,000.00	\$ 11,550.00	\$ 2,500.00	\$ 60,000.00	\$ 107,134.00



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES  
OF AMERICA,**

**Plaintiff,**

**v.**

**BALTIMORE POLICE  
DEPARTMENT, et al.,**

**Defendants,**

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**CIVIL NO. JKB-17-0099**

**ORDER**

Upon consideration of the Submission of the Monitoring Team of the Proposed Budget for Fiscal Year 2023 for Approval, and in view of the concurrence of the Parties in that Submission, it is hereby **ORDERED** that the Proposed Budget for Fiscal Year 2023 is approved.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

BY THE COURT:

\_\_\_\_\_  
James K. Bredar  
United States District Judge