

**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.**

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

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

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**Defendants.**

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**NOTICE REGARDING THIRD-YEAR MONITORING PLAN**

On February 14, 2020, the Baltimore Police Department Monitoring Team (“Monitoring Team”) submitted a proposed Third-Year Monitoring Plan (“Monitoring Plan”) to the Court. *See* ECF No. 290. The proposed Monitoring Plan was the product of intensive collaboration among the Monitoring Team, Baltimore Police Department (“BPD”), and the Department of Justice (“DOJ”). The Court approved the Monitoring Plan on February 25, 2020. *See* ECF No. 291. The Monitoring Plan sets forth the Consent Decree requirements that the Monitoring Team, DOJ and BPD believe can be satisfied between February 2020 and February 2021, as well as corresponding deadlines for compliance.

In the weeks since the Court approved the Monitoring Plan, the coronavirus pandemic has caused massive dislocation in our community and across the country. In the context of the Consent Decree, it has required BPD to assess its capacity to comply with near-term Monitoring Plan deadlines and at the same time ensure public safety in the face of unique challenges.

Presently, BPD and its officers are not only required to carry out their ordinary law enforcement duties. They also must help protect public health by educating the community about and implementing a series of threat-reduction directives issued by Governor Hogan, including a

prohibition on gatherings of more than ten individuals, the closing of non-essential businesses, a stay-at-home order for non-essential workers and, most recently, a state-wide shelter-in-place order. To add to the challenge, certain officers are quarantined or otherwise unavailable for duty, thus depleting the number of available personnel in a Department that is already short-staffed. Further, BPD has instituted teleworking options for eligible employees and modified its operations to ensure that officers adhere to social distancing and other health safety guidelines announced by the Governor and the Center for Disease Control and Prevention. The upshot is that, because of the novel demands the coronavirus pandemic has placed on BPD, BPD's resources are stretched extremely thin. The same is true of first-responder agencies across the country, as the Court knows. Indeed, the Court knows first-hand the disruption being caused by the pandemic, having recently issued several orders severely curtailing and otherwise dramatically modifying court operations over the next month. *See, e.g.*, Standing Order 2020-05 (March 20, 2020).

Because of the extraordinary challenges the coronavirus pandemic is presenting BPD, the Monitoring Team requests that the Court approach upcoming Monitoring Plan deadlines with a measure of flexibility. Such flexibility is expressly contemplated by the Consent Decree. *See* ECF No. 2-2, ¶ 464. As BPD's response to the pandemic continues to unfold, the Monitoring Team, BPD and DOJ will revisit and propose adjustments to specific Monitoring Plan deadlines. The Monitoring Team submits that it would be premature and impractical to establish any new deadlines right now, as BPD's response to the pandemic remains fluid, often requiring daily adjustments in operations and personnel. For instance, the Monitoring Team, BPD and DOJ know that certain deadlines regarding in-service training will have to be adjusted, because BPD has had to halt all in-service training, consistent with the Governor's social distancing directives. Until

BPD knows when it will be able to resume in-service training, it does not make sense to establish new deadlines for third-year in-service training requirements.

Notwithstanding the current strain on its resources, BPD has assured the Monitoring Team and DOJ that it remains fully committed to pressing forward with the reform process as much as possible in the coming weeks. Accordingly, the Monitoring Team, BPD and DOJ agree that, even though they are requesting some deadline flexibility, a substantial amount of the work slated for April and May under the Monitoring Plan will continue apace. For certain Monitoring Plan tasks, BPD knows it will complete them; for others, BPD anticipates being able to complete them unless additional adjustments in operations or personnel are required.

BPD has indicated that it will meet the following Monitoring Plan deadlines between April 1 and May 31:

- Finalize a Community Policing Plan (filed April 1), *see* ECF No. 290-1, Rows 10-11;
- Finalize a new memorandum of understanding between BPD and Baltimore City School Police (finalized and executed April 1), *see id.*, Row 146;
- Complete and file an annual report on BPD responses to reports of sexual assault, *see id.*, Row 175;
- Finalize training curriculum for dispatchers and 911 call-takers, *see id.*, Rows 96-99;
- Deliver e-learning on the use of new body-worn cameras, *see id.*, Rows 180-81;
- Finalize a methodology for quarterly assessments of arrest data, *see id.*, Rows 44-45;
- Hold monthly telephonic meetings on BPD's progress under its Technology Resource Plan and with its Early Intervention System, *see id.*, Rows 179 & 206;
- Develop a draft of policies regarding promotions, *see id.*, Rows 190-91; and
- Conduct vehicle inspections and transport audits, *see id.*, Row 147.

Unless additional adjustments in operations or personnel are required, BPD anticipates being able to continue its scheduled work on the following Monitoring Plan tasks between April 1 and May 31. BPD will promptly notify the Monitoring Team and DOJ if adjustments in operations or personnel ultimately require any of the following work to be moved until later in the year:

- Develop a draft of performance evaluation policies, *see id.*, Rows 257-58;
- Develop a draft of a BPD-Civilian Review Board investigation coordination protocol, *see id.*, Rows 208-10;
- Develop a draft of the Performance Review Board policy, *see id.*, Rows 113-15;
- Provide the Court, the Monitoring Team and DOJ with a semi-annual update of its progress under the Technology Resource Plan, *see id.*, Row 178;
- Develop a draft of the Ethical Policing Is Courageous/Peer Intervention training curriculum, *see id.*, Rows 229-31; and
- Develop a draft training curriculum for Crisis Intervention Team officers, *see id.*, Rows 103-04.

For all other Monitoring Plan tasks scheduled for April and May (and possibly beyond), the Monitoring Team, BPD and DOJ will discuss new deadlines when new deadlines can be established with more certainty. After reaching agreement on new deadlines, the Monitoring Team will file a proposed amended Third-Year Monitoring Plan for the Court's approval.

Importantly, in addition to the scheduled work that either will or is likely to continue under the Monitoring Plan in April and May, the Monitoring Team, BPD's Consent Decree Implementation Unit ("CDIU"), and DOJ will take the opportunity over the next two months to work on tasks that are *not* included in the Monitoring Plan but that are vital to the reform effort over the long-term. In particular, the Monitoring Team, BPD CDIU, and DOJ will collaborate to (1)

devise methodologies for the Monitoring Team’s compliance reviews and outcome assessments and BPD’s own self-assessments and (2) develop a detailed compliance “dashboard” or scorecard that the Monitoring Team, BPD and DOJ will use to methodically assess and track BPD’s progress toward satisfying each of the Consent Decree’s requirements. In addition, BPD, the Monitoring Team and DOJ plan to begin devising training curriculum on First Amendment-protected activities.

While the Monitoring Team, BPD and DOJ remain fully dedicated to moving forward with the reform process without delay, they respectfully ask the Court to recognize the need for reasonable accommodations in the Monitoring Plan due to the coronavirus pandemic.

Respectfully submitted,

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/s/

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