

**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. 1:17-cv-00099-JKB**

**RECOMMENDATION OF INDEPENDENT MONITOR FOR  
EXPEDITING THE MONITORING PLAN TIMELINE CONSISTENT  
WITH PARAGRAPHS 461-463 OF THE CONSENT DECREE**

The Independent Monitor for the Baltimore Police Department (“Monitor”) hereby recommends the expedited timeline set forth below for finalizing and submitting to the Court the proposed Monitoring Plan required by Paragraphs 461 – 463 of the Consent Decree entered in this matter (ECF No. 2-2, as modified by ECF No. 39). The Parties in this case—the City of Baltimore (“City”), the Baltimore Police Department (“BPD”), and the United States Department of Justice (“DOJ”)—concur with this recommendation.

The recommended expedited timeline for finalizing and submitting the proposed Monitoring Plan is as follows:

- December 5, 2017: Monitor submits draft Monitoring Plan to parties (already done)
- December 22, 2017: Parties to submit comments on draft Monitoring Plan to the Monitor and each other
- December 29, 2017: Monitor to respond to Parties’ comments
- January 5, 2017: Monitor and Parties to meet in person to resolve any differences regarding the contents of the proposed Monitoring Plan

- January 8, 2017: Monitor and the City to publish the agreed-upon proposed Monitoring Plan for public comment
- January 29, 2017: End of public comment period
- February 5, 2017: Monitor to submit final proposed Monitoring Plan to Court for review

As grounds for this recommended timeline, the Monitor states as follows:

1. Paragraphs 461 and 462 of the Consent Decree require the Monitor to submit a proposed Monitoring Plan to the parties within 90 days of the Monitor's appointment. The Parties then "have 45 days to either approve or propose changes to the Monitoring Plan. . . . If either Party proposes changes, the Monitor will have 15 days to accept or object to those changes. If the Monitor objects to any of the proposed changes and/or the Parties suggest changes that are in conflict, either Party or the Monitor will provide the rationale for its proposal or objection, in writing, and the Parties and Monitor will have 20 days to confer to resolve the disagreement." ECF No. 2-2 ¶ 462. After approval by the Parties—*i.e.*, 45 days following submission of the Monitoring Plan to the Parties, at the earliest—the Monitor is to submit the Monitoring Plan to the Court for review and approval. *Id.* ¶ 463.

2. As the Monitor was appointed on October 3, 2017, a proposed Monitoring Plan is due to the Parties on or before January 2, 2018. If the proposed Monitoring Plan were submitted to the Parties on January 2, 2018, the parties would have up to 45 days—or until February 17, 2018—to review the Monitoring Plan and offer changes. If the Parties were to offer changes, the Monitor would submit the Plan to the Court up to 35 days later, or by March 24, 2018—*i.e.*, after deciding whether to accept or object to the proposed changes and after conferring with the Parties to resolve any disagreements. *Id.* ¶¶ 462-63.

3. Understanding the need to begin making tangible progress toward the Consent Decree's goals as expeditiously as possible, the Monitor submitted a working draft of a proposed Monitoring Plan to the Parties on December 5, 2017, nearly a month ahead of the deadline.

4. The Parties share the Monitor's desire to begin making tangible progress toward the Consent Decree's goals. Accordingly, the Parties are willing to expedite the deadlines in the Consent Decree and thus to commit to seeking to come to agreement on the terms of the Monitoring Plan by on or about January 5, 2018.

5. The Consent Decree does not require the proposed Monitoring Plan to be released to the public prior to submission to the Court. The Monitor, however, recognizes the importance of obtaining the community's views about the priorities reflected in the Monitoring Plan. So do the Parties. For that reason, the Monitor recommends that, following its agreement with the Parties on a draft Monitoring Plan, and prior to submission of a proposed Monitoring Plan to the Court, the draft Monitoring Plan be released to the public for review and comment for a period of three weeks. The written comments received during the three-week public comment period will supplement the oral comments about Monitoring Plan priorities that the Monitor has received during the community forums the Monitor recently held at Mervo High School (November 21), Douglass High School (November 28) and Dunbar High School (November 29), which have informed the current draft of the Monitoring Plan, as well as the additional public comments the Monitor will receive at the upcoming community forum at Harford Heights Elementary School (December 19) and at smaller meetings with community stakeholders.

6. After taking into account public comments about the draft Monitoring Plan, the Monitor, with the approval of the Parties, will submit a proposed Monitoring Plan to the Court by February 5, 2018—also ahead of any potential deadline set forth in the Consent Decree.

7. BPD and the City have assured the Monitor that, even though the Monitoring Plan will not be approved until sometime after February 5 under this proposal, they will continue to attempt to make tangible progress toward compliance with the Consent Decree as the Monitoring Plan is being finalized. For instance, prior to submission of the proposed Monitoring Plan to the Court, the BPD will continue to work on revising certain policies consistent with the policy revision process set forth in the Consent Decree. *See* ECF No. 2-2 ¶¶ 279-86.

WHEREFORE, for the foregoing reasons, the Monitor, with the Parties' concurrence, recommends that the Court approve the timeline set forth above for finalizing and submitting a proposed Monitoring Plan to the Court.

A proposed Order is attached.

Respectfully submitted,

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/s/

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

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**ORDER**

Upon consideration of the Recommendation of the Independent Monitor for Expediting the Monitoring Plan Timeline Consistent with Paragraphs 461-463 of the Consent Decree, and in view of the concurrence of the Parties in that Recommendation, it is hereby **ORDERED** that the Independent Monitor and the Parties shall adhere to the following timeline for preparation and submission of the proposed Monitoring Plan required by Paragraphs 461-463 of the Consent Decree entered in this matter (ECF No. 2-2, as modified by ECF No. 39):

- December 5, 2017: Monitor submitted draft Monitoring Plan to Parties
- December 22, 2017: Parties to submit comments on draft Monitoring Plan to the Monitor and each other
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- February 5, 2017: Monitor to submit final proposed Monitoring Plan to Court for review

DATED this \_\_\_ day of December, 2017.

BY THE COURT:

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James K. Bredar  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2017, copies of the foregoing Proposal of Independent Monitor for Expediting Monitoring Plan Timeline were served via the Court's ECF system upon all counsel of record.

\_\_\_\_\_/s/\_\_\_\_\_  
Seth Rosenthal