



## MEMORANDUM

**To:** Maureen Johnston ([maureen.johnston@usdoj.gov](mailto:maureen.johnston@usdoj.gov))  
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**From:** Proposed DLA Piper Monitor Team

**Date:** July 31, 2017

**Subject:** Request for Additional Information

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***1. Project Management:***

Charlie Scheeler is identified as the proposed principal monitor in our team's application. He will draw upon his experiences in the Penn State monitorship, managing a 19 month independent investigation of potential illegal performance enhancing substance use by players on 30 Major League Baseball Clubs, service as Chairman of the Board of Rosedale Federal Savings & Loan Association, and managing the creation of the Alliance for Bangladesh Worker Safety, among other experiences, to ensure that the project is effectively managed. He will work closely with proposed deputy monitor Matt Graves and Associate Deputy Monitor Jim Johnson in this regard. Our application, at pages 14-15, contains a chart which lists the individual team members who will be responsible for which of the undertakings mandated by the Consent Decree. By this memo, we amend that chart to substitute Elisha Jackson Eseonu for Thiru Vignarajah in connection with Community Outreach activities. The relevant expertise and experience for each of these individuals is described in the attached bios (p. 60-212). We have also charted at p. 46-51 which individual members have expertise for each of the undertakings in



the Monitor RFA, broken down by paragraph number (that is, the numbered paragraphs in the Monitor RFA). Finally, in response to each of the Monitor RFAs paragraphs and subparagraphs, we summarize the relevant members' expertise in each such area.

Many of our team members have been involved in major projects involving many people. In the event of a disagreement, the primary monitor is ultimately responsible for making a decision, and being responsible for its consequences. We expect, however, that such occasions will arise rarely, if at all. We will encourage each member to frankly state their views, as the team's work will be stronger for diverse and candid viewpoints. After discussion and debate, we will strive to achieve consensus within the team, and we will give appropriate deference and respect to the subject matter experts pertaining to the issue involved. This philosophy has proven effective in past endeavors.

Charlie Scheeler, assisted by Matt Graves and Courtney Saleski, shall serve as the primary contact with the Court. Charlie served as principal contact with the NCAA in connection with the Penn State monitorship. Charlie has been practicing before the United States District Court for the District of Maryland for over 35 years. He is well known to the bench, and is hopeful that he has earned some measure of credibility during those years of practice.

2. **Community Accountability:** *The ability to engage with and build legitimacy among the diverse communities of Baltimore is also essential to the success of the Consent Decree. Please*



*identify the specific actions that you will undertake to ensure effective bilateral communication with groups and individuals in Baltimore, including:*

***(a) how you will ensure that your community engagement efforts are inclusive of Baltimore's diverse communities;***

Our plan for engaging all of Baltimore's diverse communities is outlined on page 17 of our Application and reproduced here: "*First*, we would schedule multiple community meetings in each of the City's nine police districts specifically to address the issues raised by the Report. *Second*, we would attend general community events to give residents who might not come to a special meeting but, nevertheless have valuable insights, an opportunity to interact with the Proposed Monitor Team. *Third*, we would establish a social media presence to provide members of the community a way to interact with the Proposed Monitor Team online. *Fourth*, we would create a system at DLA Piper's offices in Baltimore that will allow members of the community to provide information to the Proposed Monitor Team by phone, by mail, or in person. *Fifth*, we would maintain a microsite dedicated to news regarding the monitor on dlapiper.com. *Finally*, we would, of course, interact extensively with the Mayor's Civilian Oversight Task Force. Our goal will be to engage the community in as many different ways as possible so that we maximize the likelihood that we hear from a representative cross-section of the community, not just those individuals who want to speak only at public hearings or who want to comment only online. It is the Proposed Monitor Team's hope and expectation that BPD will have community liaisons attend any meetings that the Proposed Monitor Team schedules with the community and that these liaisons will interact with the community attendees at these events." We would also use



our liaison network, described on page 37 of the Application, to continually develop, in consultation with a diverse group of leaders, ways to effectively engage Baltimore's many communities.

***(b) the specific team members responsible for undertaking the actions;***

We anticipate that many members of our Proposed Monitor Team – especially our local consultants – will play a role in our community engagement efforts, as they will participate in community meetings throughout the course of the monitorship. However, primary responsibility for community engagement activities will belong to the Proposed Monitor, Charles Scheeler, and Elisha Jackson Eseonu from DLA Piper, who will be assisted by Dr. Richard Barth and his team from the University of Maryland School of Social Work (UMSSW) as well as Johns Hopkins Professor Vesla Weaver.

***(c) the anticipated hours each team member will spend conducting these actions, and for how many of those hours each team member will be physically present in the City of Baltimore;***

The hours listed below for each team member/group are based on our expectations for Year 1. We plan to reevaluate the allocation of time as the monitorship progresses to ensure the most efficient and effective use of the Proposed Monitor Team's time and efforts. Team members will be physically present in the City of Baltimore for 100% of the hours listed below:

- Charles Scheeler: 50% of his Year 1 hours (approximately 200 hours)



- Elisha Jackson Eseonu: approximately 600 hours
- UMSSW team: over 2000 hours
- Professor Vesla Weaver: 100% of her Year 1 hours (hours TBD)
- Other local consultants: 5-10% of their Year 1 hours (hours TBD)

***(d) how community feedback will be documented and incorporated into monitoring activities;***

As discussed on pages 29 and 30 of our Application, UMSSW will conduct annual surveys of community members in order to assess police practices from the community's perspective. That survey information will be used to build upon prior research conducted by the UMSSW team that assessed community perceptions of police practices and police violence in Baltimore and other cities, and to strengthen our understanding of how police-community interactions influence the health and well-being of community members. The sampling procedures will be administered by online survey administration service Qualtrics Panels, which will endeavor to ensure demographic representativeness of city residents. Qualtrics Panels will provide logistic support for sampling and survey data collection. We have proposed online sampling panels because the method is cost-effective, allows rapid data collection, and based on our data from the initial survey, does in fact capture a substantial number of people who self-report having encounters with police and having been victimized or abused by the police. Online panel sampling has advanced to the point where it is able to reach a group of participants that is



roughly representative of major cities, including Baltimore, as we have shown in our initial data collection.

This means that encounters with the police and, in particular, highly adverse encounters with the police are more common than many would assume. We will also be able to get a representative sample of all of Baltimore, recognizing that the other methods we describe will complement these representative data. We are concerned, of course, that we may be missing our residents with the highest likelihood of experiencing police violence—African American citizens who do not have circumstances that allow them to have internet access or be captured by an online panel sample. This is realistically a very difficult group to access with ANY type of sampling method, except perhaps going to the streets and finding people who have very limited computer access and then using snowball sampling. We would probably still miss them with most household survey methods, which of course also now have very low response rates, which makes the findings difficult to interpret.

To expand on our initial Qualtrics online panel, we can administer the same survey that we use for the online panel (and that has been piloted in four cities, plus sections of it in Cleveland, to get at issues of police responsiveness and community trust of police and police legitimacy among other issues). We will work with our team to identify locations in each of the police districts where we can have access to the survey. We will “seed” snowball samples to attempt to capture the harder to reach individuals. This would require some increase in cost for both personnel and equipment—we will endeavor to find those funds and to engage community residents in staffing those survey outposts.



In sum, despite our confidence in this method, we agree that it would benefit monitoring efforts if we additionally reach individuals who may not have access to online survey panels and who, similarly, may be at elevated risk of police violence exposure. Therefore, we propose conducting additional face-to-face interviews with participants identified at least nine additional community settings that we will select because they will be highly accessible to a sample of community residents. We will be challenged, ultimately, to combine the representative sample with the snowball sample (with the other sources of information detailed above). We can then statistically test for differences between the face-to-face and online panel samples in terms of both demographics and police exposures, and also test whether changes in police practices have been measured to have varied depending on who was being sampled. If we find an interaction (differences associated with the survey methodology) this would imply an interaction by characteristics of the survey participants. In this case, after consultation with survey methodologists, we will determine whether to separately report findings from the general Baltimore population survey, to find a way to combine answers from the two survey methods, or to use a hybrid approach which reports some answers separately but combines answers to those questions for which we are able to confidently create what we consider to be a more truly representative sample.

Professor Vesla Weaver of Johns Hopkins University has also agreed to assist the Proposed Monitor Team, free of charge, with (1) assessing data collected in recorded conversations with Baltimore residents about police in their communities, and with (2) potentially engaging in additional conversations with community members.



***(e) the portion of your budget that will be dedicated to community engagement.***

The percentages below are based on the proposed Year 1 budget of \$1,450,000. Please note that all dollar amounts listed below radically underestimate the value of the work to be provided by the Proposed Monitor Team, as nearly every member of this Team will offer their services at a substantial discount or free of charge:

- Charles Scheeler: 0% of Year 1 budget (200 hours at \$0/hour)
- Elisha Jackson Eseonu: approximately 8% of Year 1 budget (600 hours at \$200/hour)
- Dr. Richard Barth/UMSSW: approximately 5% of Year 1 budget (\$67,000)
- Professor Vesla Weaver: 0% of Year 1 budget (all hours at \$0/hour)
- Community Liaison Network members: free of charge

In addition, the \$55,500 allocated to “Other Expenses” could also largely be used toward community engagement activities. We plan, for example, to provide food at a number of the events to encourage participation.

***If you plan to add any additional team members to conduct these activities, please identify the process and criteria for retaining these persons, including any involvement by the Parties or the Court.***

In the event that we plan to add any additional team members to conduct these activities, whether on a temporary or permanent basis, we will identify and select the most qualified, preferably Baltimore-based persons who are capable of devoting the time required to contribute to these important community tasks. In so doing, we will comply with paragraph 448 of the Consent Decree, which allows the Monitor to “request to be allowed to hire, employ, or contract





with additional persons or entities that are reasonably necessary to perform the tasks assigned to the Monitor by this Agreement” and requires that the Monitor “notify the City, BPD and DOJ in writing if the Monitor wishes to select such additional persons or entities.”

**3. Technical Assistance.** The Proposed Monitor Team is a custom team assembled specifically for *this* Consent Decree. In developing the Proposed Monitor Team, we certainly sought, and obtained, well-credentialed experts. But, even more relevant to us than their credentials, was their fit for this particular assignment. We assembled this Team only after seeing the requirements of the Consent Decree. Our guiding principle was finding experts who could not only substantively address the particular requirements of this Consent Decree, but who were also the right fit for Baltimore. This search criteria led us to experts like Chief Jim Johnson. We respectfully submit that Chief Jim Johnson’s credentials speak for themselves, and he would be qualified to serve on a monitoring team in any jurisdiction in the United States. What makes him the perfect fit for this team, though, is that he marries this expertise with a deep knowledge of the particular issues confronting BPD that was developed working for nearly four decades for a department that literally surrounds Baltimore City.

For all of the advantages that we believe a local perspective provides, though, we also believe an opportunity is missed if a jurisdiction operating under a consent decree does not also get the benefit of a fresh perspective. To that end, when we searched for experts who were not local, we sought experts whose signature issues were those that we identified as most critical for Baltimore. By way of example, we believe that this effort cannot succeed if BPD does not reestablish trust with the community. Accordingly, our law enforcement experts who do not



reside in this region, Chiefs Will Johnson and Bernadette DiPino, are nationally renowned experts on community engagement and community policing. Similarly, Sheriff High and Assistant Chiefs Anzallo and Velez have the dual benefits of a nearby locale but expertise gained in jurisdictions other than Baltimore City.

We list each area of the Consent Decree and the experts assigned to those areas on Pages 14 through 15 of our Proposal. The experts' qualifications to implement these reforms and their past experience implementing such reforms can be found on Pages 23 through 29 and Pages 41 through 44 of our Proposal and in their biographies, which begin starting on Page 60 of the Proposal.

On pages 57 through 59, we provide an hours estimate, broken down by category of expert, as to how much *billable* time each expert is budgeted to spend on this engagement. We believe the hours budgeted, including over 3200 hours of law enforcement time in Year 1, are more than consistent with proposed budgets submitted by teams in other jurisdictions. And these budgets for billable time do not reflect that a number of experts, have agreed to offer all, or substantial portions of their service, free of charge. We anticipate that the time budgeted for the Assistant Chiefs will be allotted roughly equally between Assistant Chiefs Anzallo and Velez. We anticipate that a substantial portion of the time budgeted for Chiefs will be allotted to Chief Jim Johnson based on a combination of his expertise, his unique knowledge of local issues, his proximity, and the time he has to commit to this project. The other Chiefs, who are all currently chief executives of their respective organizations, will still spend a substantial amount of time on the project, but less than the amount of time that Chief Jim Johnson spends. Of these other



current executives, we anticipate that Sheriff High will have the least amount of time to devote to the Project in Year 1. We were cognizant of the hours budgeted for each of these experts when we assigned the responsibilities reflected on Pages 14 and 15 of our Proposal.