

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

**MARYLAND STATE CONFERENCE OF
NAACP BRANCHES, *et al.*,**

Plaintiffs,

v.

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

Defendants.

CASE NO. 06-1863 (CCB)

NAACP PLAINTIFFS' STATUS REPORT

In anticipation of the Status Conference scheduled by this Court for October 4, 2007, the Maryland State Conference of NAACP Branches, Baltimore City Branch of the NAACP, Evan Howard, Tyrone Braxton, Donald Wilson, Robert Lowery, and Aaron Stoner (together, the NAACP Plaintiffs), through their counsel, submit this status report on the progress of the above-captioned case.

1. Discovery is progressing between the Plaintiffs and Defendants, to varying degrees.

(a) The NAACP Plaintiffs and the Jones Plaintiffs have been proceeding with electronic, hardcopy, and deposition discovery from the State Defendants. Regarding electronic data, we have received information pertaining to arrests from 2002—August 2007. We are now working with the State Defendants to “clean” the data of errors that would prevent effective statistical review. Regarding the hardcopy documents, we have received the majority of the documents ordered to be produced on August 2, 2007. We are working with the State to fill-in unintended

gaps in the information provided. Regarding deposition discovery, the NAACP Plaintiffs, in conjunction with the Jones' Plaintiffs, have deposed two former Arrest Booking Officers and two current Correctional Officers ("line staff" depositions). Based on information learned in these depositions, the parties have determined that additional depositions are necessary. Three dates have been scheduled for additional line staff depositions. In addition., a 30(b)(6) deposition relating to State policy and procedures for arrestee searches is scheduled for October 25, 2007. We do not anticipate any need for the Court's intervention at this time.

(b) The NAACP Plaintiffs have deposed James Green, Director of Special Projects and Frederick Bealefeld, Acting Police Commissioner pursuant to the Court's Amended December 20, 2006, Order. The NAACP Plaintiffs received three CDs of documents from the Police Department last week, and are continuing a review of those documents. Once that review is completed, the NAACP Plaintiffs will evaluate whether any additional requests for documents are warranted. Also, as discussed more fully below, the NAACP Plaintiffs intend to request depositions of certain individuals in the near future.

(c) The Mayor's Office has produced three documents. The City Council has produced a small number of documents from Councilman Kraft. It is our understanding that the City Council transitioned email systems around December 2005, and no email from the period prior to the transition was archived. Additionally, the Mayor's Office deleted data from the O'Malley administration in January 2007. The loss of data by the City Council and Mayor's Office occurred despite having received document requests from the NAACP Plaintiffs on July 19, 2006, while this case was pending in Circuit Court for the City of Baltimore. While the NAACP Plaintiffs continue to confer with counsel to the City Council and Mayor's Office to understand the scope of the lost data, it is likely we will seek remedies from the Court.

2. The NAACP Plaintiffs, in light of information obtained during discovery, intend to file a motion to amend the complaint to add individual plaintiffs that have been identified since the filing of the original complaint. We will confer with the Defendants to seek their consent before filing a Motion with the Court for leave to amend.

3. The NAACP Plaintiffs also intend to move the Court to amend the December 20 order to allow depositions of individual police officers and certain of their superiors. The Police Department has produced some documents responsive to the December 20 Order. While we are continuing to evaluate the adequacy of this discovery, productions to date indicate that most of the documents have come from hardcopy files of high-ranking Police Department officials. There is no indication that any search of electronic files, such as email, has been conducted. We believe that a reasonable search of documents responsive to the December 20 order would include a search of electronic sources of information, including email from both high-ranking Police Department officials and line officers. While reserving our right to petition the court to compel production of such material, the NAACP Plaintiffs are willing to work with the Police Department to obtain relevant information through depositions. The Rule 30(b)(6) depositions of Messrs. Green and Bealefeld revealed that many policies, procedures and especially practices of the Police Department are communicated to police officers orally. Accordingly, depositions of the particular police officers associated with the arrests of the NAACP Plaintiffs, and certain of these officers' superiors, is likely to elicit information about policies, procedures and practices that are the subject of this litigation. A motion seeking to amend the Court's December 20, 2006

Order to allow for these depositions will be forthcoming.

Respectfully Submitted,

Dated: October 1, 2007

/s/

Deborah A. Jeon
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