

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

Plaintiff

v.

POLICE DEPARTMENT OF
BALTIMORE CITY, et al.

Defendants

* * * * *

CIVIL NO. JKB-17-0099

ORDER

Now pending before the Court is the Government’s MOTION FOR CONTINUANCE OF PUBLIC FAIRNESS HEARING (ECF No. 23). The Defendants oppose the Motion. (ECF No. 24.) The Court has carefully reviewed the Motion and it is now DENIED as untimely.

In the JOINT MOTION FOR ENTRY OF CONSENT DECREE (ECF No. 2) the Government and the Defendants jointly urged the Court to “hold a public hearing on the finalized proposed Consent Decree.” (ECF No. 2 at p. 1.) On February 15, 2017, some seven weeks ago, the Court set in the public hearing scheduled to begin tomorrow at 9:30 a.m. (ECF No. 17, p. 4.) At the close of business on Monday, April 3, 2017, the Government docketed their request for a postponement. The request was presented slightly more than two days before the hearing is scheduled to begin.

A public hearing of the sort requested by the Government and the Defendants in this case is highly unusual. After substantial interaction with the parties in early February, the Court was persuaded that it would be appropriate to conduct this extraordinary proceeding. In order to do

so, however, substantial logistical hurdles have had to be overcome. For instance, because of the demands that this proceeding will place on Court personnel, other judges in the district have cancelled their dockets for April 6. Court employees have been reassigned from their normal functions for that day and have been specifically trained to perform unique functions before and during the hearing. Special security measures have been put in place and although they will not be described here, they are unquestionably substantial and involve the redeployment of multiple Deputy U.S. Marshals and Court Security Officers. Beyond the impact on the Court itself, the Defendants object to the postponement (*see*, ECF No. 23 at p.1.; No. 24), no doubt because they have invested substantial time and effort preparing for the event. Finally, the public hearing has been widely advertised and, considering the substantial number of written submissions already received from the public (*see* ECF Nos. 19, 21), it is reasonable to expect that hundreds of individuals plan to attend and participate, and that they have rearranged their work, school, and personal calendars accordingly. The primary purpose of this hearing is to hear from the public; it would be especially inappropriate to grant this late request for a delay when it would be the public who were most adversely affected by a postponement.

Further, the Government proffers no real prejudice to them if the hearing proceeds as scheduled.

The Government's Motion is untimely. To postpone the public hearing at the eleventh hour would be to unduly burden and inconvenience the Court, the other parties, and, most importantly, the public. Accordingly, the MOTION FOR CONTINUANCE OF PUBLIC FAIRNESS HEARING (ECF No. 23) is DENIED.

DATED this 5th day of April, 2017.

BY THE COURT:

/s/
James K. Bredar
United States District Judge