
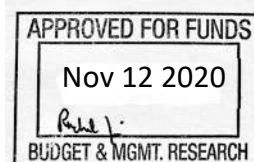


FROM	NAME & TITLE	Dana P. Moore, Acting City Solicitor	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Law		
	SUBJECT	Lawsuits related to the misconduct of the former Gun Trace Task Force Officers		

TO

Honorable President and Members of the Board of Estimates

DATE: November 11, 2020



### **ACTION REQUESTED OF BOARD OF ESTIMATES**

The Department of Law respectfully requests authorization to approve the settlement of claims and litigation brought by various individuals against former members of the Baltimore Police Department's ("BPD") Gun Trace Task Force ("GTTF"). Plaintiffs allege numerous federal claims against the BPD and GTTF officer defendants.

### **AMOUNT OF MONEY AND SOURCE OF FUNDS**

The total amount of the proposed settlement is \$10,507,073.30 for resolution of seven (7) claims/lawsuits. Funds are available in account number 2045-000000-1450-716700-603070.

### **BACKGROUND/EXPLANATION**

The conduct of former GTTF officers has led to dozens of lawsuits and claims against the officers and BPD itself. These cases and claims allege a variety of misconduct including theft, excessive use of force, and falsification of evidence resulting in wrongful arrest and/or conviction. The claims and lawsuits typically name as Defendants the individual GTTF officers, BPD, and BPD Command-level staff.

As with all lawsuits, the Law Department analyzes the strengths and weaknesses of each case upon receipt of the Complaint. Among other considerations, the Law Department is cognizant of a recent ruling from the Maryland Court of Appeals (*Baltimore City Police Dep't v. Potts*, No. 51, SEPT. TERM, 2019, 2020 WL 1983209 (Md. Apr. 24, 2020)), finding that the criminal conduct of GTTF officers in two separate cases was within the scope of their employment and therefore, the City was required to indemnify judgments against those officers.

Through mediation and settlement discussions, the Law Department has weighed the attributes of each matter, and has negotiated settlements of several GTTF claims/lawsuits. The settlement values vary based on the factual allegations of each case. And, reflect the strengths and weaknesses each presents.

In the interest of transparency, it is the intention of the Law Department to bring every settlement of a GTTF matter to the Board of Estimates ("BOE"), regardless of settlement value. The BOE should anticipate one or more follow up requests as additional settlements are finalized and prepared for the Board's consideration. We believe these settlements to be in the best interest of both the City and the plaintiffs who may have been harmed by the misconduct of former GTTF members. Thus far, the settlements are as follows:

*Devon B. Harrod v. BPD et al.*

1:18-cv-02542-SAG

\$425,000

Plaintiff was speaking to a friend when GTTF Officers approached him. The GTTF Officers planted a weapon in the vehicle in which Plaintiff and his friend were talking. They then coerced Plaintiff to falsely confess, and Plaintiff was charged with various handgun violations. Plaintiff was incarcerated for approximately 13 months. The charges were *not pressed* after the GTTF Officers were indicted.

*Umar Burley & Brent Matthews v. BPD, et al.*

1:18-cv-01743-SAG

\$7,997,073.27

Plaintiff were sitting in their vehicle when GTTF Officers approached and attempted an illegal stop by blocking Plaintiff's car. GTTF Officers jumped out of their vehicle, with weapons drawn and masks on. Plaintiff sped away and a high speed car chase ensued. In an effort to evade their pursuers, Plaintiff ran an intersection and struck a vehicle driven by Elbert Davis and Phosa Cain. One of these individuals died as a result, the other was seriously injured. The individuals in this car accident filed suit against Burley, and received a judgment against Burley. Plaintiffs fled the scene on foot, but were ultimately apprehended by the GTTF Officers. The Officers planted heroin on the floor of Plaintiff's car, then charged Plaintiffs federally for drug possession and for vehicular manslaughter. Plaintiff Burley was incarcerated for approximately 7 years. Plaintiff Matthews was incarcerated approximately 2.5 years, and then served 3 years under supervised release. Both Plaintiffs were exonerated and had their convictions vacated, following the GTTF Officers' indictments in 2017.

*Cardinair Davis v. Thomas Allers, et al.*

1:19-cv-02750-SAG

\$185,000

GTTF Officers approached vehicle in which Plaintiff was a passenger. GTTF Officers asked if he knew of anyone committing crimes in the area, which Plaintiff denied. The GTTF Officers then ordered the driver and Plaintiff out of the vehicle, and then searched the vehicle. They found a gun and ammunition, which Plaintiff claimed no knowledge of. Plaintiff was arrested and charged with various firearms/handgun violations. Plaintiff was incarcerated for approximately 6 months

*Bernard Gough v. Ofr. Jemell Rayam, et al.*

1:20-cv-00542

\$1,000,000

On October 9, 2007, Plaintiff was driving a car when he was shot in the head/neck area by GTTF Officers without cause. The GTTF Officers did not immediately render aid, despite the seriousness of the injuries. The GTTF Officers falsified criminal charges in order to justify the shooting, and was incarcerated for approximately 1.5 years. He continues to suffer serious injuries from the incident. Plaintiff's conviction was vacated by the States' Attorneys' Office in November 2019.

*Jawan Richards v. Ofr. Carmine Vignola, et al.*

1:20-cv-00571-ELH

\$850,000

On January 27, 2016, GTTF Officers effectuated an unlawful stop of the car he was driving. Under the false pretense that Plaintiff attempted to flee, GTTF Officers then shot him in the neck. Plaintiff was wrongfully arrested after a gun and drugs were planted in his vehicle. Plaintiff subsequently pled guilty to criminal charges and was incarcerated for approximately 4.5 years. Plaintiff continues to suffer injuries as a result of this incident.

*Jerel Cotton*

Claim

\$50,000

On August 28, 2015, Plaintiff was sitting in his van in a gas station when GTTF Officers pulled up next to his vehicle, rolled down their windows, and shouted “he’s got a gun.” Plaintiff, who is paralyzed from the waist down, did not have a weapon. GTTF Officers then planted a gun on him and arrested him. Plaintiff was charged with various felony handgun violation charges. Plaintiff was incarcerated for approximately two months. In October 2019, the States’ Attorneys’ Office moved to vacate Plaintiff’s conviction

A handwritten signature in blue ink that reads "Dana P. Moore". The signature is written in a cursive style with a horizontal line underneath it.

Dana P. Moore  
Acting City Solicitor

APPROVED BY THE BOARD OF ESTIMATES

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date