

REQUEST FOR INFORMATION

INDEPENDENT MONITOR

Settlement Agreement Regarding the Albuquerque Police Department

October 31, 2014

I. DESCRIPTION

The United States and the City of Albuquerque (“City”) are entering into a court-enforceable Settlement Agreement to resolve the findings issued by the United States in April 2014. The parties publicly announced in July 2014 that they will jointly select an independent monitor to oversee compliance.

The United States Department of Justice, through the Civil Rights Division’s Special Litigation Section and the U.S. Attorney’s Office for the District of New Mexico, and the City of Albuquerque (collectively, the “Parties”) are seeking interested individuals or firms to serve as the Independent Monitor (“Monitor”), either as the lead Monitor or as a subject-matter expert on the Monitor’s team.

The Monitor and his or her team will assist the United States District Court for the District of New Mexico (“Court”), the Parties, and the Albuquerque community in assessing the implementation of the Settlement Agreement in an independent and transparent manner. Once selected and appointed by the Court, the Monitor and his or her team will assess implementation, provide technical assistance, and issue public reports on the City’s compliance with the Settlement Agreement.

THIS IS A REQUEST FOR INFORMATION ONLY. This Request is issued solely for information and planning purposes. It does not constitute a Request for Proposal (“RFP”) or a promise to issue a RFP in the future. This Request is not part of, and shall not be governed by, any formal municipal, state, or federal procurement process. Further, this Request does not commit the Parties to select an individual or firm to serve as the Monitor or a member of the Monitor’s team. The Parties may seek and solicit information on interested parties through means other than this Request. Responders are advised that the Parties will not pay for any information or administrative costs incurred in response to this Request; all costs associated with responding to this Request will be solely at the interested party’s expense. Not responding to this Request does not preclude participation in any future RFP, if any is issued, nor does it eliminate an individual or firm from being considered for the Monitor or a member of the Monitor’s team.

II. BACKGROUND

The Albuquerque Police Department (“APD”) is the largest law enforcement agency in New Mexico, with approximately 1,000 sworn officers and over 600 civilian employees. APD provides policing services over six area commands, each of which is led by a Commander, who directly oversees field operations and criminal investigations. Each Commander reports to one of two Majors, who report to a Deputy Chief.

On April 10, 2014, the Department of Justice announced the findings of its civil investigation into use of force by APD. The investigation was conducted pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141. The Department of Justice found reasonable cause to believe that APD engages in a pattern or practice of unreasonable use of force, including deadly force. The City and APD cooperated in the investigation, and the Parties have worked collaboratively to craft a comprehensive agreement that will ensure constitutional and effective policing. The Parties reaffirmed their commitment to reaching a court-enforceable agreement and selecting an independent monitor to oversee reforms in a Statement of Principles signed on July 24, 2014.

On October 31, 2014, the Department of Justice and the City announced a comprehensive Settlement Agreement to resolve the Department's investigation. The Settlement Agreement will be submitted to the United States District Court in the District of New Mexico for approval and entry as an order. The Settlement Agreement includes steps to implement, monitor, and enforce the Settlement Agreement. The Settlement Agreement also covers the following nine substantive areas:

- (1) Use of Force: Internal Controls and Accountability
- (2) Specialized Units
- (3) Crisis Intervention
- (4) Policies and Training Generally
- (5) Misconduct Complaint Intake, Investigation, and Adjudication
- (6) Staffing, Management, and Supervision
- (7) Recruitment, Selection, and Promotions
- (8) Officer Assistance and Support
- (9) Community Engagement and Oversight

The Settlement Agreement, together with the April 2014 Findings Letter, the July 2014 Statement of Principles, and other related documents, can be found on the following webpage: <http://www.justice.gov/usao/nm/APD.html>

III. MONITOR'S DUTIES AND RESPONSIBILITIES

The Settlement Agreement will provide for a Monitor to assist the Court, the Parties, and the Albuquerque community in assessing and promoting the City's compliance with the Settlement Agreement. The Settlement Agreement will specify the duties and responsibilities of the Monitor, who will be subject to the supervision and orders of the Court. The Monitor will not be empowered or authorized to execute any action on behalf of the City and will not replace or assume the role and duties of the City or APD, including the Chief of Police, or any other City official.

The Monitor will independently and objectively assess and report on whether the terms of the Settlement Agreement are being met, and whether implementation is resulting in the constitutional treatment of individuals and increased community trust of APD. The Monitor will also promote compliance by offering technical assistance, issuing recommendations, and preparing public reports on the Settlement Agreement's implementation. The Monitor will serve

until the Settlement Agreement terminates and may be removed by Court order, pursuant to a motion for removal by either Party or both Parties. The Monitor's specific duties include the following:

- Track and evaluate the City's and APD's implementation of the Settlement Agreement;
- Review and comment on policies, procedures, manuals, and other administrative orders or directives developed pursuant to the Settlement Agreement and work with the Parties to resolve any disagreements regarding the development of these materials;
- Develop and carry out a monitoring plan to audit and review the City's and APD's compliance with the Settlement Agreement, including developing reliable methodologies to assess implementation;
- Conduct qualitative and quantitative outcome assessments;
- Regularly report to the Court on the City's and APD's progress implementing the Settlement Agreement and any obstacles to implementation;
- Maintain regular contact with the Parties and community stakeholders;
- Review training materials, programs, and use of force investigations;
- Oversee the implementation of the civilian oversight process and coordinate with oversight personnel;
- Assess APD's community policing initiatives and partnerships;
- Review the development and implementation of information systems and technology programs to support compliance, such as the Early Intervention System;
- Conduct a comprehensive reassessment of the Settlement Agreement to ensure that implementation of the Settlement Agreement is achieving desired outcomes;
- Provide or facilitate the provision of technical assistance to APD;
- Avoid and disclose any potential conflicts of interest; and
- Make public statements only as permitted by the terms of the Settlement Agreement.

For a complete list of the Monitor's duties and authority, please review the Settlement Agreement, which can be found here: <http://www.justice.gov/usao/nm/APD.html> or on the City's webpage here: <http://www.cabq.gov/mayor>.

IV. REQUESTED INFORMATION

The Parties request that interested individuals or firms submit information to assist the Parties in identifying potential candidates to serve as Monitor or a subject-matter expert on the Monitor's team. Information submitted should address the elements outlined below. The Parties may request supplemental information, including references, proposed methodologies, and budget estimates. Candidates considered for Monitor or a subject-matter expert on the Monitor's team will be required to disclose all actual and potential conflicts of interest.

A. **Executive Summary and Methodology:** A brief description of the manner in which the interested party would fulfill the duties and responsibilities of the Monitor. We urge that candidates limit this discussion to 10 pages.

B. **Personnel:** The names of individuals or entities, including subcontractors and consultants, who will assist the interested party in fulfilling the duties and responsibilities of the Monitor. Please include a brief summary of each team member's relevant

background or experience or attach a resume. If the identities of the individuals or entities that would assist in performing the monitoring function are unknown at the present time, please state the areas of expertise that will be sought and the process that will be used to obtain the necessary services and assistance.

C. **Qualifications:** The interested party's qualifications, including those of his/her team, related to the following areas, as applicable:

- law enforcement practices, including training, community and problem-oriented policing, complaint adjudication, use of force investigation, crisis intervention, and management of specialized units;
- assessing legal sufficiency and compliance with constitutional and other legal requirements;
- monitoring, auditing, evaluating, or otherwise reviewing the performance of law enforcement agencies, including experience in monitoring settlements, private agreements, or court orders;
- evaluating organizational change and institutional reform, including applying qualitative and quantitative analyses to assess progress and performance;
- providing formal and informal feedback, technical assistance, training, and guidance to law enforcement agencies;
- engaging with diverse community stakeholders to promote civic participation, strategic partnerships, and community policing;
- mediation and dispute resolution;
- use of technology and information systems to support and enhance law enforcement activities and initiatives; and
- preparing public reports.

V. RESPONSES

Interested parties are requested to respond to this Request with a letter of interest. Letters of interest should be limited to ten pages and are due by **December 12, 2014**. Letters of interest should be submitted in electronic format (preferably pdf) to the Parties as follows:

For the United States Department of Justice:

Paul Killebrew
Trial Attorney
U.S. Department of Justice
Civil Rights Division – SPL
Paul.Killebrew@usdoj.gov

For the City of Albuquerque:

Scott Greenwood
Special Counsel for the City of Albuquerque
law@scottgreenwood.com