

PROPOSAL TO SERVE AS CONSENT DECREE MONITOR OF THE NEW ORLEANS POLICE DEPARTMENT

I. Executive Summary

Please consider this submission as OIR Group's proposal to serve as the consent decree monitor of the New Orleans Police Department. As noted in detail below, OIR Group's extensive experience in monitoring, assessing, and developing police practices consistent with the objectives of the consent decree leaves it well-positioned to function as an effective monitor for the New Orleans Police Department. With the additional support of a global business advisory firm and police experts skilled in reviewing force, training, and development of best practices, the team described below would serve the parties and the Court well in ensuring that the objectives of the consent decree are met and that the progress of the New Orleans Police Department towards compliance with its conditions are well-charted in a meaningful way.

II. Personnel

OIR Group proposes to staff this project primarily with members of OIR Group, a group of individuals well versed and experienced in independent law enforcement oversight and review. Mr. Michael Gennaco will be the monitor, coordinating project scheduling and direction and maintaining primary contact with the Court, the City, and the Department of Justice. As noted below, the monitor team would be supported by personnel from FTI Consulting, Inc., a global business advisory firm to provide statistical and data analysis support. As also detailed below, the team would be further supported by an expert in countering bias-based policing and retired police executives well-versed in policy development, force review, and training.

Michael Gennaco is the Chief Attorney of Los Angeles County's Office of Independent Review and a founding member of OIR Group. He graduated from Dartmouth College and Stanford Law School. Before coming to OIR, Mr. Gennaco was Chief of the Civil Rights Section at the U.S. Attorney's Office for the Central District of California. He also served for ten years as a trial attorney with the Civil Rights Division at the Justice Department in Washington, D.C. , first with the Voting Section and then with the Criminal Section. While at the Civil Rights Division and the United States Attorney's Office, Mr. Gennaco supervised over 20 federal grand jury investigations into police misconduct, most of them involving force and in-custody death investigations. He also conducted a number of successful civil rights prosecutions against police officers for excessive force, including officers of the Los Angeles Police Department, the Los Angeles Sheriff's Department, and federal immigration detention officers.

In addition to his 11 years as the Chief Attorney of the Office of Independent Review, he has performed, with the assistance of OIR Group attorneys, the below listed audits and reviews for a federal judge, special masters, and other governmental entities. As a result of his long term commitment to civilian oversight, Mr. Gennaco recently received the Flame Award from

the National Association for Civilian Oversight of Law Enforcement in recognition of significant, long-term contributions to the field of police oversight.

Robert Miller is in charge of the County of Los Angeles Office of Independent Review for the Probation Department. He is an original member of OIR Group and the Office of Independent Review where he served as Deputy Chief for eight years. Prior to his work with OIR, Mr. Miller was a deputy district attorney for 15 years prosecuting violent and white collar crimes. Mr. Miller graduated from Stanford University and UCLA Law School.

Stephen Connolly is the Executive Director of the Orange County Office of Independent Review and an original member of OIR Group. From 2001 to 2008, he served as an original member of the Los Angeles County's Office of Independent Review. Prior to his work with OIR, Mr. Connolly worked in private practice and served as pro bono counsel to the Rampart Independent Review Panel, formed to assess misuse of force and corruption at the Los Angeles Police Department. Mr. Connolly graduated from Holy Cross College and Loyola Law School.

Julie Ruhlin is a Deputy Chief for the Office of Independent Review. Ms. Ruhlin joined OIR after working with the Police Assessment Resource Center in Los Angeles, where she was responsible for investigating and drafting special reports to the County Board of Supervisors regarding policy and training deficiencies within the Sheriff's Department. Prior to working with PARC, her private law practice focused on civil rights and criminal defense. She graduated from American University and the University of Southern California School of Law.

Cynthia Hernandez joined OIR after practicing law at the union-side law firm of Gibert & Sackman in Los Angeles. She began her law career as a trial attorney at the National Labor Relations Board ("NLRB") where she investigated unfair labor practices committed by employers and labor organizations. After her tenure at the NLRB, she was appointed by the United Nations International Criminal Tribunal for Rwanda to defend Rwandan detainees who were charged with genocide, crimes against humanity and war crimes for the atrocities that occurred in Rwanda in 1994. Ms. Hernandez graduated from USC Law School after attending UC San Diego, Universidad de Guadalajara, Mexico and the University of Nairobi, Kenya, East Africa as an undergraduate. She also holds an M.A. in Education from Claremont Graduate School. She was a bilingual educator before becoming an attorney and speaks Spanish and Swahili.

Angelica A. Arias joined the OIR after beginning her legal career in private practice focused on civil litigation, representing several public entities in various legal matters, including governmental tort claims, CEQA matters and defense of law enforcement in use of force cases. Ms. Arias has also worked for the cities of Chino and Coachella providing general city attorney representation. Ms. Arias graduated from California State University at Fullerton, and Chapman University School of Law.

Walter Katz joined the OIR after a 15-year career with the Los Angeles County Alternate Public Defender. His primary responsibilities were representing indigent clients charged with felonies. He took over 75 cases to jury trials, and litigated numerous homicide and special circumstance murders. From 1999 through 2001, Mr. Katz was assigned to the Alternate Public Defender's Rampart Unit which reviewed numerous closed cases which were possibly tainted by the "Rampart police scandal." Mr. Katz graduated from the University of Nevada, Reno and the University of the Pacific's McGeorge School of Law.

Bitia Shasty joined OIR after working at the State Bar of California prosecuting attorneys charged with misconduct ranging from misappropriation of client funds, to failure to perform competently and acts of moral turpitude among other misconduct. Prior to that, Ms. Shasty was a Los Angeles County Deputy Public Defender, representing adults and juveniles in misdemeanors and felony trials. Ms. Shasty graduated from University of California, Los Angeles and UC Hastings School of Law. Ms. Shasty is fluent in Farsi.

Diana Teran joined OIR after more than 20 years of practicing criminal law. She began her career as a Deputy District Attorney for the Los Angeles County District Attorney's Office, where she prosecuted numerous misdemeanor and felony jury trials. She then started her own practice focused on felony criminal appeals, representing almost 200 indigent clients in appellate courts throughout the State of California. She received degrees from Pitzer College and California Western School of Law. Ms. Teran is a native Spanish speaker.

Stephen Walsh retired from the United States Department of the Treasury as an Assistant Special Agent in charge. In that position, Mr. Walsh supervised Special Agents and oversaw multiple types of criminal and administrative investigations. The agency's mission was to maintain the integrity of the Internal Revenue Service (IRS) and investigate any attempts to corrupt the operations of the IRS from within or externally. Mr. Walsh directed numerous technical and sensitive investigations and reviewed the Reports of Investigations that were forwarded to various government agencies for judicial and administrative disposition. As a senior field agent, Mr. Walsh was assigned the most complex and challenging investigations in the agency. The positions required a firm understanding of complex criminal, tax and administrative laws. In addition, he also trained personnel at the Federal Law Enforcement Training Center (FLETC).

Most recently, Mr. Walsh was co-investigator in the Internal Affairs investigation into the Kelly Thomas incident, a death in custody involving members of the Fullerton, California Police Department.

Lan Nguyen has been a civil attorney for ten years, most recently working on defense of civil rights allegations involving members of the Los Angeles County Sheriff's Department. Ms. Nguyen is well versed in civil rights law and speaks fluent Vietnamese.

Dr. Lorie Fridell is a current associate professor at the University of South Florida's Department of Criminology. Dr. Fridell is a national expert on "fair and impartial policing" and

has written and trained numerous police departments on ways to identify and address either conscious or unconscious bias-based policing. Because the concerns about bias-based policing are specifically addressed in the settlement agreement, OIR Group is pleased to have enlisted Dr. Fridell's assistance in helping frame and develop components to its monitoring plan relevant to this issue.

FTI Consulting, Inc. ("FTI") (www.FTIConsulting.com) is a global business advisory firm with 3,800 professionals in 37 United States cities and 24 foreign countries. FTI professionals have served as court-appointed monitors and receivers, have supported monitors, and have worked for entities that were the subject of a monitorship or similar arrangement. A summary of FTI's monitorship experience is attached hereto as Exhibit A. FTI provides a multidisciplinary approach to monitorships; its teams frequently include former prosecutors, forensic accountants, former law enforcement officials, and statistical and data analytical specialists. This approach enables its team to quickly assess a situation and design a focused work plan to independently gather and analyze critical information. In addition to its experience serving as a monitor or receiver, it has extensive experience in other relevant areas including training programs, complex investigations, and financial and enterprise data analytics.

Among the FTI professionals who may work on this matter are the following:

- **Daniel Castleman**, a leader of FTI's Global Risk and Investigations practice, serves as a court-appointed integrity monitor and for other clients works on compliance issues, investigations and project management. Prior to joining FTI, Castleman served for 30 years as a prosecutor at the Manhattan District Attorney's Office, rising to become Chief Assistant District Attorney where he was responsible for supervising every aspect of the cases brought by the District Attorney's staff of 535 attorneys and 700 support staff, and the Office's operations, including personnel, budget, training, community affairs and public information. Prior to that, Castleman was the Chief of the Investigation Division for 15 years. Among the units he supervised during that time was the Official Corruption Unit, which specialized in investigating and prosecuting police corruption. For example, Castleman spearheaded the investigation into the "Dirty 30" – the 30th Precinct in Harlem, in which 33 police officers (one-third of the precinct's patrol force) were charged with numerous crimes, including stealing drugs from drug dealers and re-selling it to other dealers, unlawful search and seizure and routinely committing perjury. During the investigation, Castleman supervised the process by which 13 inmates in state prison were freed when it was discovered they had been convicted based on perjured testimony. As a result of the investigation significant reforms were instituted at the NYPD. Castleman also supervised cases involving excessive force, extortion, insurance fraud, arson, perjury and other misconduct by police officers. During his tenure, more than 90 police officers were charged with crimes.
- **David Vaughn**, a leader of FTI's Global Risk and Investigations practice, works on compliance issues, investigations and project management, formerly investigated

official misconduct as a state prosecutor, investigated law enforcement misconduct and civil rights violations as an Assistant United States Attorney in the Public Corruption and Government Fraud Section of the United States Attorney's Office for the Central District of California, and studied community policing while earning a Masters in Public Administration degree from Harvard University's John F. Kennedy School of Government.

- **Anthony Tabb** is an expert in information technology and data systems, including risk management and statistical and data analysis.
- **David Lasater**, PhD, CPA, is a Senior Managing Director at FTI and is an expert in statistical and data analysis. He has provided statistical and financial economics consulting solutions to private sector and state and federal government clients for 34 years. Dr. Lasater's practice has included domestic and international fraud and foreign corrupt practices investigations and also the use of statistics in fact finding settings involving class action discrimination claims against government agencies in Alabama and Michigan. He co-initiated in 1996 an ongoing consulting to the U.S. Justice Department of Justice and Department of Interior involving the federal government's management of Indian Trust lands and trust accounting from 1876 to 2003. He has testified twice in U.S. District Court, D.C. Circuit, on statistical sampling issues in that engagement. He is the author of search designs in FTI's predictive coding services and, among numerous other projects, is currently providing statistical sampling designs and multivariate causation analyses to litigation parties in dispute about mortgage origination practices throughout the U.S. testified as an expert witness, and is a former professor at Michigan State University Dr. Lasater earned his PhD (1982) and Masters in Professional Accounting (1979) from the University of Texas at Austin, and his BBA (1973) from the University of Houston. He also maintains CPA licenses in Texas and New York.

OIR Group has also obtained commitments from retired law enforcement executives to assist with the monitoring project and help provide qualitative assessments of the goals of the settlement agreement. **Chief Neal Tyler, Commander Gil Jurado, Commander Ted Siara, and Commander Sid Heal** all had distinguished careers training officers on force and/or ethics-based policing. Each has reviewed countless force investigations to assess whether the force being used was consistent with the Constitution and the expectations of the law enforcement agency. Chief Neal Tyler served as the Los Angeles County Sheriff's "ramrod" for the Department's efforts in responding to the Kolts Report, a critical review of LASD management and practices involving force. Commander Gil Jurado served as Chair of the Sheriff Department's Executive Force Review Committee, reviewing scores of force and shooting cases to determine whether they were thoroughly investigated and consistent with Departmental Policy. Commander Ted Siara was the Captain of the Sheriff Department's Training Bureau and has subsequently coordinated POST instruction for police managers. Commander Sid Heal is nationally renowned expert on less lethal force options, has written extensively on force issues,

and has been called upon across the country to provide training to police departments which have been under scrutiny for force related incidents. All four of the executives continue to be active in providing consultation and training to peace officers. They also have extensive experience with the process and outcomes of imposing discipline and other corrective actions. OIR has experience in working with each of them, and respects not only their status as subject matter experts, but also their established commitment to critical and constructive scrutiny of force events.

III. Qualifications

The members of OIR Group have spent years reviewing hundreds of use of force packages, critical incidents, and internal affairs investigations for the Los Angeles County Sheriff's Department and other law enforcement agencies. The internal reviews are designed to ensure thorough and unbiased investigations. OIR Group attorneys have also made independent assessments on each investigation to determine whether the facts obtained indicate policy violations.

In order to perform this function, OIR Group has become well versed in each police agency's policies, training, and complaint intake processes and after each systemic review has provided scores of recommendations designed to improve those procedures. At times, this review has included an assessment of community based policing practiced by the Department; most recently our systemic review of the Fullerton Police Department.

OIR Group has also audited and evaluated numerous systems of the Los Angeles Sheriff's Department over the eleven years we have assumed oversight responsibilities for the organization. We have also evaluated performance of other law enforcement agencies, particularly in the field of force and critical incident investigations. Regarding monitoring of consent decrees, as noted elsewhere we were appointed as a court expert for the federal court in *Madrid v. Gomez*, and helped design an oversight entity for the California Department of Corrections and Rehabilitation as well as chaired a major overhaul of CDCR's use of force policy. As also indicated elsewhere, we have also worked to implement a more robust use of force review process for the Department of Juvenile Justice under the auspice of a Special Master assigned to oversee reform of force for that agency.

Our work for the Court in *Madrid* involved convening regular meetings with the parties In order to comment and receive progress reports designed to assess reform and organizational change and compliance with the remedial measures set out in the consent decree. At times, the chairing of these regular meetings was assigned to OIR Group on behalf of the Special Master. Towards the end of the active monitoring of the case, OIR Group worked with the Special Master and assessed outcomes in order to formulate a recommendation to the Court whether the remedial plan had taken hold and active supervision of the case could cease.

In our work with LASD, when seeking systemic change, our goal is to ensure that the change is embraced and long-lasting. To that end, we ensure that policy and systems reform include an implementation and training component. After the training has been completed, we review reports and other data to assess the degree to which reform has taken hold.

OIR Group is also cognizant of the need for robust infrastructure within each law enforcement agency to ensure that any reform becomes embedded in the organization rather than cursory or transitory. OIR Group has recommended sufficient infrastructure and supervision for the agencies it has reviewed to ensure that the policies impact the culture of the organizations in a meaningful way.

OIR Group has been a proponent of mediation and dispute resolution as an alternative mechanism for remediation of concerns by citizens about officer conduct. In many of its independent reviews for police agencies, it has recommended development of a more robust mediation program in order to achieve resolution and allow the complainant's concerns to be taken seriously.

With respect to statistical and data analysis, FTI will use its industry-leading expertise in in-depth analysis of large, disparate sets of operational and other data to (1) assess NOPD's current data collection and analysis efforts; (2) provide technical assistance to NOPD on developing and implementing a best practices system that will accurately gather all relevant data used to measure progress in achieving compliance with Consent Decree provisions; and (3) periodically audit the system and its data to assess the validity of the results being gathered and reported to the monitor and the Court. A vital component of this work will be the use of statistical sampling. For over ten years, FTI has been retained by the U.S. Department of Justice, the U.S. Department of the Interior, and the U.S. Department of the Treasury to assist it with making sense of vast amounts of data. In addition, FTI has provided this service for entities that are subject to government scrutiny.

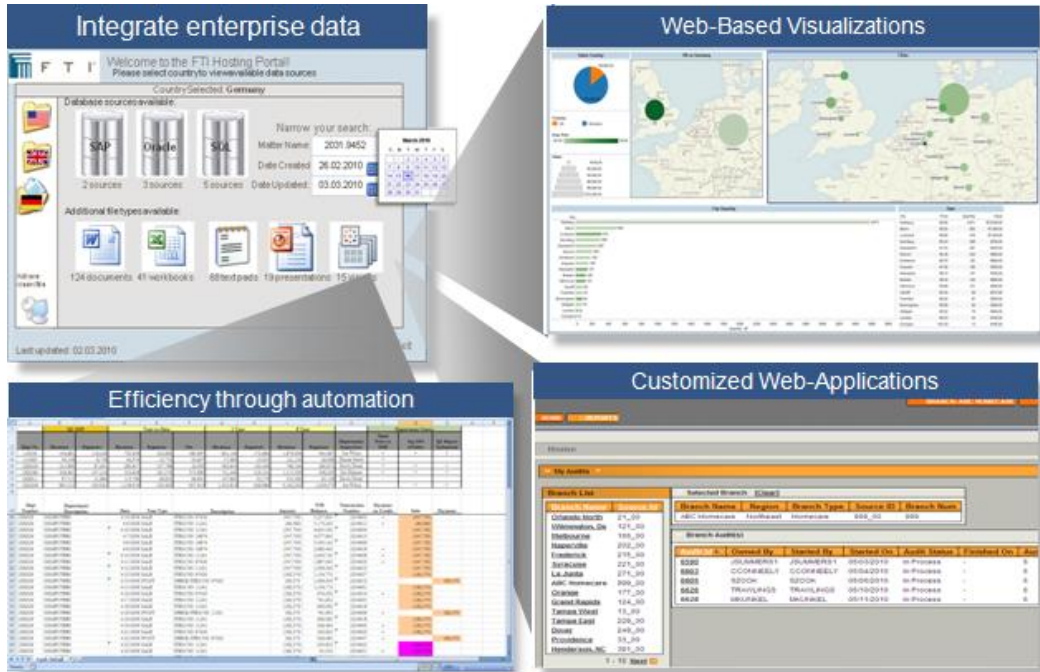
FTI's team of experienced consultants is skilled in quickly identifying, acquiring, and transforming large-scale datasets into workable databases that are used in conjunction with its business and industry expertise to analyze and solve problems and maximize opportunities. FTI's specific services include:

- Identifying, acquiring, synthesizing, mining, and analyzing relevant data;
- Identifying the relationships among multiple sources and types of data;
- Designing and implementing accounting, economic, and financial models; and
- Distributing or sharing information among interested parties.

FTI's approach to solving data-intensive problems serves as the foundation for planning operational strategies and developing analyses that are critical to proactive and reactive projects. FTI deploys sophisticated tools that enable our professionals to collect, organize, and understand complex information relevant to any initiative or event. Its professionals have extensive experience in designing and implementing secure onsite and

web-enable customizable tools and BI dashboards to support our clients' data capture and visualization needs.

FTI Data Analytics Customized Solutions:



FTI is equipped to advise NOPD on the acquisition, storage, and management of diverse system data through proven data migration plans and the strict adherence to quality control policies and procedures. It has experience in multifaceted data, including, but not limited to, electronically stored information and associated metadata extracted from networks, personal computers, cell phones, external hard drives.

On behalf of its domestic and international clients, FTI is currently hosting tens of billions of transactional records related to various business activities, investigations, and litigation matters. In addition to its own analytics performed on this data, FTI delivers strategic business solutions for clients requiring in-depth analysis of large, disparate sets of financial and operational data by providing a platform for secure, high-volume access into FTI's datacenters. In order to meet these demands, FTI employs cutting edge and scalable technologies that is supported by a dedicated Information Technology team, which includes engineers and database administrators. In summary, FTI has extensive experience in managing high volume data assignments requiring the effective use of current technologies to ensure maximum accuracy, consistency, reliability, and dependability.

An important part of the analysis in this case will be the use of statistical sampling. Even incidence rates and policy compliance rates will include evaluations based on sampling

designs. The specifics of those designs will be developed at rates of confidence and margins of error that comply, at a minimum, with those used in generally accepted statistical practice in the social and policy sciences. Such sample-based statistical analysis, when conducted properly is discovery-efficient. When its results are evaluated across time, it is longitudinally reliable. Tests of compliance to benchmarks, internal comparisons of subgroups, and period-to-period analyses will also provide statistics-based empirical evidence for OIR Group analyses.

As detailed elsewhere, OIR Group has significant experience working with government agencies, municipalities, and collective bargaining units. The working relationship between OIR Group and the law enforcement agency it has reviewed has usually been defined by contract with the City, County, or other government entity. In its law enforcement agency reviews, OIR Group has interfaced closely with the City Manager, City Attorney, City Council and other governmental units in undertaking its review and reporting back its findings and recommendations. OIR Group has also reached out to collective bargaining units during its reviews in order to gain the perspective of associations formed to represent its members and has included that point of view in formulating recommendations for reform.

Two OIR Group members are conversant in Spanish and have used their proficiency in communicating with Spanish speakers in Los Angeles County as well as the Spanish speaking media regarding our oversight work with LASD. As noted elsewhere, we have also enlisted an attorney with civil rights experience who is fluent in Vietnamese.

OIR Group has tentatively reached out to civil rights attorneys and other entities in the New Orleans area to enhance our knowledge of local issues and conditions. Our entreaties have been received warmly. Rather than deciding on who we might want to team with at this juncture, our intention would be to enlist the service of such entities should we receive the monitor appointment.

As part of its work overseeing LASD, OIR Group has formed long lasting relationships with the various diverse communities in the Los Angeles area. For example, OIR Group attends monthly meetings and participates in town halls convened by community groups to explain our oversight work and to receive input from those stakeholders regarding concerns about policing in their communities. In its work for other agencies, OIR has also reached out to community groups to solicit input from them on their police department.

OIR Group created an oversight mechanism when it was first started in 2001. At the time, while the broad contours of a new oversight model had been envisioned, the attorneys of OIR Group designed and implemented the working protocols for the entity. OIR Group also helped create an oversight mechanism for the CDCR and the Los Angeles County Probation Department. With regard to the CDCR's oversight group, the Bureau of Independent Review (BIR), a year after its initiation and upon request from the federal court, OIR performed an

assessment of the BIR and offered recommendations for improvement. OIR has also evaluated other oversight mechanisms for other cities and government entities.

As a result of its extensive work experience in this area, OIR is extremely well-versed and familiar with federal law involving police practices as well as best police practices at a national level. As part of its review for other law enforcement entities, OIR has used its knowledge of these practices and recommended their export to the agencies under review. As noted above, should OIR Group be awarded the monitor position, it will enhance its knowledge of Louisiana and local laws by enlisting qualified police experts with that skill set.

OIR Group has consistently produced timely work that is within budgetary caps, in most cases well under the projected budget.

OIR Group has prepared for and participated in court and administrative proceedings. First, as noted elsewhere, OIR Group consists of former prosecutors and trial attorneys and through that experience has prepared for court proceedings, including trials. In its outside oversight work, OIR Group has testified as an expert in a disciplinary proceeding. Moreover, OIR Group has assisted the Special Master in Madrid in preparing for a hearing and participated in numerous chambers meetings presided over by United States District Court Judge Henderson.

OIR Group has produced numerous reports designed for a broad variety of stakeholders. While as a result of its oversight work for Los Angeles County, OIR Group has produced confidential legal reports, the vast majority of the reports it has prepared have been written for public consumption. As a result, OIR Group is well versed in reformulating sometimes arcane legal concepts into an understandable narrative for the general public. OIR Group prides itself on the readability of its annual public reports on systemic issues impacting LASD, its special reports on matters of particular import, and its public reports of its review of other law enforcement entities.

IV. References

The experience of the OIR Group team pertains directly to the specific qualifications in the Request for Proposal. The OIR Group attorneys and retired law enforcement executives have years of experience auditing uses of force and it is likely that no other group has a comparable number of force reviews undertaken by its members. OIR Group attorneys and the law enforcement executives also have a wealth of experience reviewing stops and detentions to ensure compliance with constitutional principles and detecting shortcomings in training that may result in problematic stops and detentions. In its experience, OIR Group has also been asked to audit and review potential discriminatory policing incidents and provided recommendations on ways to prevent such practices from occurring. Finally OIR Group and its retired police executives are familiar with progressive community policing models and have assessed other police agencies to see to what degree they have embraced such models.

As set out in this letter, OIR Group has more than a decade of experience overseeing law enforcement personnel at the Sheriff's Departments for Los Angeles and Orange Counties and for other law enforcement agencies as well. In addition, the retired police executive team managed peace officers for years as first level supervisors and executives in specialized positions such as the training academy.

As noted in further detail below, OIR Group has extensive experience auditing, investigating, and reviewing the performance of law enforcement agencies, issuing public reports assessing that performance, and recommending and monitoring the implementation of reform.

Also, as noted in further detail below, OIR Group has been asked by federal judges and special masters to help monitor and ensure compliance with court ordered remedial plans. OIR Group has been appointed as a court expert to provide reports to the court on the progress of its remedial plan addressing concerns about uses of force. As a result, in part, of the work of OIR Group, the California Department of Corrections and Rehabilitation achieved compliance in the longstanding court case, *Madrid v. Gomez*, and the court was able to dismiss the case with the concurrence of all of the parties because the remedial plan's objectives were achieved.

OIR Group has extensive experience evaluating and helping design processes for law enforcement supervisors to ensure accountability. OIR Group has continually assessed, helped design, and suggested improvement to many of the current mechanisms that exist for supervisors to review force in the Sheriff's Department. With 16,000 members, the Los Angeles County Sheriff's Department is the largest Sheriff's Department in the country and effective supervision and accountability by supervisors is critical to ensure that the line officers perform consistently with the core values of the organization.

As detailed further below, OIR Group has worked with government agencies, cities, elected officials, and community members interested in policing issues. OIR Group attorneys meet regularly with the respective County Boards of Supervisors and their designates and dialogue with them about our work overseeing the Los Angeles and Orange County Sheriff's Department. We also regularly meet with community members to learn about issues of concern to them and to provide information regarding our reports and other matters of common interest. In conducting our audits for other agencies, we routinely seek input from elected officials, city managers, police associations, and community members and have found the information provided by those stakeholders to provide important perspectives on the issues.

Finally, OIR Group has regularly appeared in court and in chambers with judges and special masters to provide updates on our monitoring work. Mr. Gennaco has testified as an expert regarding accountability standards in policing.

In its work monitoring the Sheriff and Probation Departments in Los Angeles County and the Sheriff's Department in Orange County, OIR Group has produced numerous reports. The

reports consist of annual reports identifying systemic issues, special reports, and case charts indicating our assessment of each critical incident and case that we review. These reports can be found on-line at www.laoir.com

References: William McSweeney
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In addition to monitoring the Los Angeles and Orange County Sheriff Departments' force and misconduct investigations, Michael Gennaco and/or OIR Group have worked on the following additional projects:

City of Fullerton – The death of a mentally ill homeless man following a brutal encounter with Fullerton Police officers created a public outcry for an independent investigation of the circumstances behind that death. As a result, the City engaged OIR Group to complete an internal affairs investigation into the involved officers' conduct. In addition, the City requested OIR Group to perform a fully systemic audit of the Fullerton Police Department focusing on force policies, internal investigations of force, the imposition of discipline, and police leadership issues. The audit resulted in over fifty recommendations and the findings were presented to Fullerton's Mayor and City Council. The systemic report can be found at the City of Fullerton's website: <http://www.cityoffullerton.com/civicax/filebank/blobdload.aspx?BlobID=8399>

References: Joe Felz
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City of Portland – The death of a mentally ill man shortly after he was taken into custody by the Portland Police Bureau gave rise to a lengthy internal investigation, a civil lawsuit and significant public controversy. Pursuant to a request for proposal, OIR Group was selected by the City to audit the investigation and the internal evaluation processes of the Police Bureau and issued a public report and presentation to the City Council and Mayor and the Portland Police Citizen Review Committee. This report can be found at:
<http://www.portlandonline.com/auditor/index.cfm?a=310291&c=54263> .

Subsequent to our completion of that project, the City of Portland engaged OIR Group to perform an audit of 18 officer-involved shootings and in-custody deaths. We have completed the first of three scheduled reports on that project and have made a public presentation to the City Council and Mayor and the Portland Police Citizen Review Committee regarding our findings. The report can be found at:
<http://www.portlandonline.com/auditor/index.cfm?a=399048&c=52199>

Reference: LaVonne Griffin-Valarde
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California Department of Corrections and Rehabilitation – In 2003, members of OIR Group were appointed by the Honorable Thelton Henderson, Federal District Court as court experts in *Madrid v. Cate*, the federal litigation that began with use of force issues in Pelican Bay State Prison and resulted in a state-wide remedial plan designed to correct problems within the California Department of Corrections and Rehabilitation (“CDCR”), in particular issues regarding uses of force and the deficient investigations of those force incidents. OIR Group consulted with the federal court judge, the Special Master, the parties, and other stake holders in the creation of an entity that monitors and provides quality control for internal CDCR investigations. Modeled on the Los Angeles County OIR, the State of California’s Bureau of Independent Review (“BIR”) continues to ensure quality and objective internal investigations into correctional officer misconduct. Additionally, OIR Group worked with the parties to reform CDCR’s use of force policy and made presentations to CDCR academy cadets on Code of Silence

issues. In 2007, at the behest of the Special Master, OIR Group conducted an audit of the BIR in order to apprise the federal court about the efficacy and challenges of the new oversight entity. As a result of the success of the remedial plan, and with the support of all of the parties, Judge Henderson dismissed the *Madrid* case, finding that the unconstitutional force issues that gave rise to the lawsuit had been remedied.

References: Honorable Thelton E. Henderson
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City of Palo Alto – OIR Group has served as the City of Palo Alto’s Independent Police Auditor (“IPA”) for the past six years, auditing and evaluating all internal investigations of misconduct, force investigations, and citizen complaints involving the Palo Alto Police Department (“PAPD”). As the IPA, OIR Group audited and reviewed allegations of bias-based policing as a result of controversial comments made by the former Chief of Police and produced a public report and action plan designed to address concerns about bias-based policing. In addition, as the IPA, OIR Group was requested by City Council to chair the Ad Hoc Taser Task Force Committee, which consisted of City Council appointed residents who publicly convened a series of meetings and eventually made recommendations to City Council on whether PAPD officers should employ Tasers. As a result of the recommendations made by the Committee, we also currently audit all Taser deployments and have subsequently recommended changes in policy and training. The

IPA home page and reports can be found at:
<http://www.cityofpaloalto.org/gov/depts/pol/auditor.asp>

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San Diego County Use of Force Audit and Evaluation – Following a series of deputy-involved shootings that generated a great deal of public concern and distrust in one city within the county, OIR Group was selected pursuant to an RFP process to conduct an in depth evaluation of a three-year period of deputy-involved shootings and force incidents. OIR Group focused on all shootings within the period, evaluating both the criminal and the administrative investigations. We also audited a broad sample of major and minor uses of force within the period. In addition to the documentary review, we conducted extensive interviews with investigators, field training personnel and Department executives. Throughout this project, OIR Group attorneys met with Department Command Staff to apprise them of our early findings and receive feedback on our preliminary recommendations. The project culminated in a 175-page report featuring conclusions and recommendations addressing a broad range of issues including field tactics and equipment, jail operations and custody incidents, policies in need of revision or clarification, internal investigative protocols, misconduct and accountability, and recommending a detailed redesign of the Department’s force review protocols. The Department decided to make this report available to the public and invited OIR Group back one year later to do a formal audit of the implementation of the 35 recommendations in the report. The Report and follow up audit can be found on the San Diego Sheriff’s Department website: http://www.sdsheriff.net/documents/oir_supp.pdf

Reference: William Gore
Sheriff
San Diego County Sheriff’s Office
9621 Ridgehaven Court
San Diego, California 92123
(858) 974-2250
Bill.gore@sdsheriff.org

State of California Department of Juvenile Justice – As a result of a remedial plan developed by a Judicial Special Master resulting from *Farrell v. Cate*, a lawsuit involving systemic allegations of excessive force, OIR Group performed an audit into how the State of California’s Department of Juvenile Justice (“DJJ”) investigated and reviewed force incidents involving juvenile detention officers. OIR Group developed recommendations and provided training designed to improve

internal investigative and review processes. Per request of the Special Master, OIR Group also reviewed and recommended changes to DJJ's use of force policies.

Reference: Nancy Campbell
Special Master in *Farrell v. Cate*
56 East Road
Tacoma, Washington 98406
(253) 503-0684
nancy@nmcampbell.com

City of Oakland – The City of Oakland's Police Department is currently being federally monitored as a result of allegations of unconstitutional policing, including excessive force concerns. OIR Group performed an extensive audit into unfinished investigations by Internal Affairs discovered by and in consultation with federal monitors. OIR Group also reviewed and evaluated the Oakland Police Department's investigation of a high profile and politically controversial serial rape investigation and has conducted several internal investigations into allegations of misconduct by high ranking police executives.

Reference: Rocio Fierro
Senior Deputy Attorney
Office of the City Attorney
City of Oakland
1 Frank Ogawa Plaza, 6th Floor
Oakland, California 94612
(510) 238-6511
RFierro@oaklandcityattorney.org

City of Spokane – OIR Group is currently reviewing the Spokane Police Department's use of force policies and internal investigative and review processes for the City of Spokane following a federal civil rights prosecution of an officer for excessive use of force resulting in death. A public report will be issued and presentation will be made to the City's Use of Force Review Committee.

City of Anaheim – OIR Group has audited force, shooting, and misconduct investigations involving the Anaheim Police Department for City of Anaheim, including a Taser related death in custody. OIR Group is currently performing an additional audit that will result in the issuance of a public report.

Reference: Cristina Talley
City Attorney
City of Anaheim
200 S. Anaheim Boulevard, Suite 356
Anaheim, California 92805
(714) 765-5169
ctalley@anaheim.net

City of Pasadena – OIR Group performed an audit into a fatal shooting of a citizen by a Pasadena Police officer. The incident was captured on videotape and parts of it were witnessed by other citizens. Public attention was further galvanized by erroneous information issued by the Police Department in the early stages of the investigation. OIR Group analyzed the incident in minute detail but framed the analysis within the appropriate standards of law and reasonableness. Our final report also emphasized the need for sound tactics that help minimize the need for split second decision making, and recommended ways in which officers’ field judgments could be optimized. We also addressed ways in which the Department’s internal investigations and evaluation process could be made more effective, fair and productive. The report can be viewed at the Pasadena Police Department’s website:

[http://cityofpasadena.net/Police/.](http://cityofpasadena.net/Police/)

Since the issuance of that report, the City has recently engaged us to audit a subsequent controversial shooting. Our review is currently underway.

Reference: Bernard Melekian (former Chief of Pasadena Police Department)
Director
Community Oriented Policing Services (COPS)
110 Vermont Avenue, N.W.
Washington, D.C. 20005
(202) 616-1728
Bernard.Melekian@usdoj.gov

City of Santa Monica – OIR Group audited a controversial investigation of a school board member by the Santa Monica Police Department and prepared a public report cataloging its findings. A copy of that report can be found at:

http://www.smgov.net/uploadedFiles/Main/News_Tab/OIR%20Findings.pdf

Reference: Marsha Jones Moutrie
City Attorney
City of Santa Monica
1685 Main Street
Santa Monica, California 90401
(310) 458-8336
Marsha.moutrie@smgov.net

City of Burbank – OIR Group is currently performing an independent audit of force, bias-based policing complaints, and misconduct complaints involving the Burbank Police Department. OIR Group was requested to perform the audit on the heels of an ongoing federal investigation into allegations of excessive force by members of the Burbank Police Department.

Reference: Michael Flad
City Manager
City of Burbank

275 East Olive Avenue
Burbank, California 91510
(818) 238-5800
mflad@ci.burbank.ca.us

City of Santa Maria – OIR Group is currently performing an independent audit of force, officer-involved shootings, training, policy, and systems of the Santa Maria Police Department following a series of controversial officer-involved shootings.

County of Los Angeles Probation Department and Department of Children and Family Services

At the behest of the Los Angeles County Board of Supervisors, OIR Group conducted an audit into internal investigations and review of force and other allegations of misconduct involving members of the Probation Department. OIR Group also conducted an audit into internal investigative processes of the Department of Children and Family Services.

Reference: Cal Remington
Deputy Chief Probation Officer
County of Los Angeles Probation Department
9150 East Imperial Highway
Downey, California 90242
(562) 940-2851
Cal.remington@probation.lacounty.gov

Mississippi Department of Human Services – Division of Youth Service – As part of its effort to respond to federal monitoring of its juvenile detention facility, the Mississippi Department of Human Services selected Robert Miller of OIR Group to act as a long term consultant to evaluate internal misconduct investigations of staff at the Oakley Youth Development Center. OIR Group works directly with the Department’s Public Integrity investigators to improve the quality of investigations into allegations of excessive force, abusive institutional practices, and sexual misconduct.

Reference: Kelly Dedel
Member of USDOJ Monitoring Team for LA County Probation Department
One in 37 Research
16 Rock Street
Cody, Wyoming 82414
Kelly.dedel@gmail.com

City of Riverside – OIR Group provided training to the City of Riverside Police Commission regarding how to audit force incidents involving the Riverside Police Department.

City of Torrance – OIR Group audited a series of officer-involved shootings and designed a force review process for shootings and incidents of significant force for the Torrance Police Department.

Reference: John Neu
Chief of Police
Torrance Police Department
3300 Civic Center Drive
Torrance, CA 90505
(310) 328-3456
ineu@tornet.com

City of Inglewood – OIR Group audited the City of Inglewood Police Department’s internal investigations and internal review of ten officer-involved shootings.

Reference: Jacqueline Seabrooks (former Chief of Police for Inglewood Police Department)
Chief of Police
Santa Monica Police Department
333 Olympic Drive
Santa Monica, California 90401
(310) 458-8401
Jacqueline.seabrooks@smgov.net

Countries of Turkey, Mexico, and Thailand – As a result of separate United States Department of Justice sponsored initiatives, Mr. Gennaco traveled to Turkey, Mexico, and Thailand to discuss issues involving police oversight. Following each trip we prepared reports recommending improvements to how allegations of force and related misconduct were investigated and reviewed and made recommendations designed to improve external oversight.

FTI personnel have a long history of success on projects similar in scope, scale, importance, and magnitude. Described below are a few key representative cases studies that highlight FTI’s extensive experience in complex data analytics and data management.

U.S. Government – For over 10 years, FTI has been retained by the Department of the Interior, the Department of the Treasury, and the Department of Justice to provide litigation support related to the largest class action lawsuit brought against the U.S. Government. FTI’s responsibilities include, but are not limited to:

- Collecting, organizing, and analyzing millions of transactions
- Establishing the validity and reliability of the underlying records (including the identification and resolution of anomalous transactions)
- Assisting with the re-issuance of account statements to class members

Financial Receivership/Ponzi Analysis – An international private banking institution was raided and placed in receivership by the SEC under charges of alleged Ponzi scheme and other fraudulent activity. The Receiver hired FTI as primary consultant in all facets of the investigation and operations. This engagement began under extreme circumstances that required FTI to deploy dozens of professionals to identify and gain an immediate understanding of a vast

network of assets, cash flow processes, personnel, and all of their underlying electronic data systems. The most significant of these requirements which were to immediately identify all liquid cash assets and their consolidation under the Receivership (via treasury payment system), identification of customer-related electronic data systems for immediate forensic extraction (via interviews and investigation of company networks), identification of key employees able to assist the receiver and immediate response to information requests on behalf of a variety of government entities and the court. The engagement continued to evolve over the past two years to involve high-level and customer-level technical and financial analysis related to the freeze/release of customer assets, asset recovery litigation, international litigation, etc.

Global Custodial Bank – FTI was retained by a major U.S. bank that was being investigated by the SEC. In response to the investigation, the bank required immediate visibility into its potential risk exposure and engaged FTI to provide the answer. FTI quickly deployed a team of professionals who developed a sophisticated model to analyze nearly a terabyte of data that resulted in the identification and isolation of the particular transactions that triggered the investigation. FTI’s methodology was accepted by the SEC and became central to the bank’s settlement agreement.

V. Proposed Activities

Our review of the consent decree indicates that the objectives are consistent with our own emphasis on progressive policing, as manifested in our work with a variety of different agencies. As for the various monitoring responsibilities, OIR Group recognizes that many of these – such as the tracking of time limits and ensuring that required investigative tasks are documented – are relatively straightforward, and is prepared to perform those tasks consistent with accepted auditing standards and with the assistance of the statistical experts from FTI. However, OIR Group also believes it can bring a valuable qualitative component to the auditing responsibilities that the agreement contains. For example, OIR Group would design a monitoring component that would assess the quality of the training on identified issues of concern, and the evaluation of investigations for thoroughness and effectiveness. These qualitative assessments require skill sets and experience that OIR Group uniquely possesses based on our extensive experience.

Regarding methods of obtaining information, we believe an active monitor should seek other sources of information beyond the written data that is available in police reports. As we have done with other projects, we will seek to obtain information from other sources to learn the degree to which reform is taking place. These other metrics could include gaining information from the communities of New Orleans, the rank and file and executive staff of the New Orleans Police Department and other relevant stakeholders.

In addition, OIR Group believes it can enhance the auditing process through its ability to go “beyond the documents” by ensuring that the monitoring plan calls for interaction with trainers, students, investigators and reviewers. These interactions can ensure that the goals of the settlement agreement are actually being realized through adherence to the individual

component parts. This type of analysis requires a qualitative assessment not based on a devised checklist of tasks but a more holistic analytical framework that more fully captures the essence of police/citizen dynamics and interactions.

As noted above, in order for its communities to have a better understanding of what is being learned by the monitor, it is critical that the written reports present a narrative that goes beyond facts and figures. As noted above, we have recognized this important component of effective transparency since our inception and pride ourselves on the substance and readability of our reports. In our view, it would also be important even before the first reporting period to explain the monitor's role to interested community groups so that all stakeholders have a better understanding of the process.

At the outset of the monitoring period, it is critical that the reform envisioned by the Consent Decree start on a certain path. For that reason, the monitor will have a regular presence in New Orleans during the critical period in which the parties gain a common understanding of the metrics to be used in assessing progress and reform. Especially during that time, it is envisioned that the road map toward implementation be formulated with regular participation and concurrence of the parties. In the early days of inception, we would also ensure a common understanding among the parties regarding how the monitor would coordinate visits, on-site records reviews, and interviews. In order for the monitor to fulfill the responsibilities of the Consent Decree, it is imperative that the monitor have unfettered access to information to documents and people in a way that ensures effective and timely monitoring yet provides the least disruption to the other necessary functions of the Police Department.

Finally, we are pleased that the Consent Decree is conceptualized as being dynamic in nature, so that the monitor can make recommendations along the way that might assist the New Orleans Police Department in better meeting the shared goals of constitutionally-based policing.

OIR Group believes that the Consent Decree provides a road map to ensure that the New Orleans Police Department performs its policing functions consistent with the Constitution. Accordingly, we would welcome the opportunity to serve as the Consent Decree's federal monitor. We feel confident that our experience leaves us well-placed to perform the role as monitor and we would appreciate the opportunity to work with the parties and the Court in achieving the objectives of the Consent Decree.

VI. Potential Conflict or Bias

The team members denoted above are aware of no potential or perceived conflicts of interest or of any close, familial, or business relationships with the parties.

VII. Local Presence

As noted elsewhere, for the first few months of the inception of the monitoring process, a team member or team members would maintain a regular presence in New Orleans, and would continue to maintain whatever presence is necessary in order to ensure delivery of the

services expected. As also noted, should we receive the monitoring appointment, the team would entertain adding skilled entities who reside in New Orleans to the team to ensure local knowledge and a continual presence in the area.

VIII. Price Proposal

Price Proposal for Year One* of NOPD/DOJ Consent Decree Monitor

Task	Team Member	Rate	Hours	Labor Subtotal	Cost subtotal
Develop Monitoring Plan & Methodologies for Outcome assessments, Compliance review and Audits	Team leader & all Attys	\$280 /hr	360	\$100,800	\$140,000
	Data analyst, Risk assessment manager		140	\$39,200	
Assess NOPD current data collection, analysis, reporting; Advise & monitor systems development; Periodic assessment	Data analyst	\$280 /hr	340	\$95,200	\$123,200
	Team leader		100	\$28,000	
Perform Compliance Reviews, Outcome Assessments, Audits	Team leader and all attorneys, Data analyst, Risk assessment manager	\$280/hr	440 (Attys)	\$123,200	\$274,400
			540 (Data analyst, Risk mngr)	\$151,200	
Policy substantive review, Implementation monitoring, Periodic review	Team leader & Attys (3)	\$280/ hr	340	\$95,200	\$115,500
	Force Expert	\$145 /hr	140	\$20,300	
Training review, evaluation, recommendations; assess effectiveness & durability	Attys (2)	\$280 /hr	160 (Attys)	\$44,800	\$99,900
	Experts (3)	\$145 /hr	380 (Experts)	\$55,100	
Use of Force and Misconduct Investigations review and recommendations	Attys (4)	\$280 /hr	460	\$128,800	\$179,600
	Experts (2)	\$145 /hr	350	\$50,800	
Quarterly Reports prep & writing	Team leader, Attys (4), and Data analyst, Risk manager	\$280 /hr	850	\$238,000	\$238,000
Communication with Court, Parties, Outreach & response to Community	Team leader & Attys (2)	\$280 /hr	200	\$56,000	\$111,100
	Public communications team	\$90 /hr	550	\$49,500	
	Webmaster	\$75 /hr	75	\$5,600	

Discriminatory & bias-based policing: Evaluate compliance strategies, measure progress. Expert evaluation of field operations and review procedures, Recommendations and validation of tracking methodology	Bias Expert	\$320 /hr	200	\$64,000	\$131,200
	Team leader and Attys (4)	\$280 /hr	120	\$33,600	
	Data analyst	\$280 /hr	120	\$33,600	
Recommendations re NOPD's strategy for implementation of Agreement; Providing Technical Assistance	Team leader & Attys	\$280 /hr	140	\$39,200	\$59,500
	Experts	\$145 /hr	140	\$20,300	
Expert evaluation and constitutional review of field operations and internal review procedures	Attys (2)	\$280 /hr	140	\$39,200	\$62,400
	Experts (2)	\$145 /hr	160	\$23,200	
Coordination & communication with NOPD-PIB and civilian oversight entities	Attys (3)	\$280 /hr	110	\$30,800	\$39,500
	Expert	\$145 /hr	60	\$8,700	
Project Management	Project Manager	\$280	780	\$218,400	\$218,400
Travel & Lodging expenses	All Attorneys, Data Analysts, Law Enforcement & Bias Experts	N/A	N/A	Airfare: \$35,800 Lodging: \$94,000 Meals: \$16,200 Ground transp.: \$20,800	\$166,800
Miscellaneous supplies software (for office) & printing, equipment and space rental, printing, production (for community outreach and communication)	N/A	N/A	N/A	N/A	\$25,000
Task/case tracking software adaptation and computer support	IT Technician	\$70 /hr	180	\$12,600	\$12,600
Office management and support	Office Manager	n/a	Full time (1960)	\$56,000	\$86,800
	Office Assistant	\$22 /hr	1,400	\$30,800	
Total Costs			Total Labor Hours: 10,735	Total Labor Costs: \$1,892,100	Total Costs: \$2,083,900

Price Notes: The budget cost estimates and labor hours are enumerated for the first year of the Project only. We anticipate that certain tasks will be concentrated in the first year, such as development of the Monitoring Plan and Monitor database, evaluation of NOPD's data collection and analysis and the establishment of effective liaisons and procedures for communicating with the parties and the community. Accordingly, we estimate that the second-year project costs will be 10% lower than the first year and the third year and fourth year costs will be another 15% lower. Thus, the budget for years three and four would be approximately 25% below the first year costs.

Cost Cap – An estimated cost cap, above which fees and costs shall not be billed, is as follows:

\$2,250,000 for the First Year

\$2,025,000 for the Second Year [includes the comprehensive reassessment]

\$1,721,300 for the Third Year

\$1,721,300 for the Fourth Year

Four Year cumulative cap would be \$7,717,600

Hourly Rates – The hourly rates above include \$280, which is a blended weighted average of all attorney rates as well as those of data and risk analysts involved in the monitoring team. The blended rate for law enforcement experts, referred to throughout as “Experts,” is \$145, except for the bias-based policing expert whose rate is \$320.

Attorneys – The Monitor will also act as the Team Leader for all attorneys on the Monitoring project. Five to eight attorneys from OIR Group and FTI Consulting, including the Team Leader, will staff this project as needed during any particular period and will take primary responsibility for monitoring progress toward compliance with the provisions of the Agreement. One of the team attorneys will also act as Project Manager, responsible for task management and personnel coordination within the Monitoring team. The attorneys will also work closely with FTI Consulting’s Data Analyst and Risk Assessment experts to determine the best methodologies for accurately establishing baselines and tracking progress at NOPD toward compliance with the Agreement.

Office Manager – The office manager will be located in New Orleans and will coordinate meetings, arrange travel, liaison with Department personnel, track intake and case status, and assist with the compilation and production of the Monitor report.

Experts – The law enforcement and training Experts on the team will be utilized in a variety of capacities to assist, among other things, to:

- Evaluate the tactical aspects of Department policies and procedures
- Assist with review of specific significant force incidents
- Evaluate the quality and sufficiency of training
- Review the use of force and weapons policies
- Review aspects of supervision including field operations and ride-alongs
- Evaluate and assist NOPD in quantifying the current status of the discriminatory policing problems identified in the Agreement; evaluate the Department’s current bias-fee policing efforts and recommend training and procedures to address any deficiencies in this area
- Provide training and technical assistance directly to the NOPD staff.

Technical Assistance – The costs for providing technical assistance to NOPD are estimates dependent on the requests that are received from the Department during the course of the monitoring period.

Office Space – The budget proposal assumes that the City will provide some administrative support, including office space and supplies if needed, as stipulated by the Agreement. The miscellaneous and office supplies costs are expected to be minimal. Most of those anticipated costs are related to outreach to the community, public presentations, response to public inquiries, and equipment and space rental and printing costs related to same.

Computer Support – A computer support technician will be hired during the first year to customize and implement a task-tracking database for the internal use of the Monitoring team. Most of the technician’s time will be committed to getting the database up and running, with periodic visits thereafter to train the team members and any necessary maintenance and adjustments.

While some of the requirements set out in the Agreement are readily identifiable and good predictions can be made about the amount of resources needed to ensure compliance with the agreement, others are much more variable and dependent on facts not yet necessarily known to the parties, the Court, and any future monitor. OIR Group recognizes, however, that a budget is critical to devise in the initial planning stages so that the necessary resources to ensure completion of the Agreement tasks can be reserved.

IX. DBE Participation Plan

OIR Group is aware of the need to develop a DBE participation plan and the responsibility for administering the plan will be assigned to Michael Gennaco. OIR Group intends to meet the DBE contract goal by seeking to obtain certification from California from a number of the named subcontractors in this submission. Several of the subcontractors intend to submit an application for DBE certification in the next several days. In addition, OIR Group has tentatively reached out to DBEs that have already received certification in the City of New Orleans and may team with them to perform some of the responsibilities of the monitor.