

Request for Applications to Serve as Court Monitor of the Newark Police Department

The United States Department of Justice (“United States” or “DOJ”) is seeking applications for an independent monitoring team to assess and guide implementation of a judicially enforceable consent decree (“Decree”) resolving the United States’ investigation of the Newark, New Jersey, Police Department (“NPD” or “the Department”). The report of the United States’ findings was publicly released on July 22, 2014, and is available at http://www.justice.gov/crt/about/spl/documents/newark_findings_7-22-14.pdf. The framework for the Decree will be the Parties’ July 22, 2014, Agreement in Principle, available at http://www.justice.gov/crt/about/spl/documents/newark_prinagree_7-22-14.pdf.

The Decree will provide for an independent monitor to assess and guide implementation of reforms in the following areas: community engagement and civilian oversight; stops, searches, and arrests; use of force; bias-free policing; theft by officers; intake and investigation of misconduct complaints; discipline; early warning systems; records management systems; policy review and revision; documentation and review of officers’ actions; and academy and in-service training.

Groups or individuals interested in serving on the court-appointed monitoring team may submit an application by email or by hard copy to both recipients listed below:

Jeffrey R. Murray
Trial Attorney
Special Litigation Section
601 D Street NW, 5th Floor
Washington, DC 20530
jeff.murray@usdoj.gov

Sabrina G. Comizzoli
Executive Assistant U.S. Attorney
U.S. Attorney’s Office, District of New Jersey
970 Broad St., Suite 700
Newark, N.J. 07102
USANJ.NPD_Monitor_Applications@usdoj.gov

Applications must be **received by February 13, 2015, at 5:00 p.m. EST**. If submitting a hard copy, packages should be sent by USPS Priority Mail or overnight carrier (e.g., FedEx, UPS, DHL) to ensure timely delivery. Please state “NPD Monitoring Application” in the email subject line or on the package containing the application.

A description of the scope of work required by this project, along with the information that must be included in the application, is set out below. The exact requirements and terms of monitoring, as well as the designation of the monitor, will be included in the Decree. A copy of this Request for Applications can be found at:

http://www.justice.gov/crt/about/spl/documents/npd_rfa_01-16-2015.pdf

<http://www.justice.gov/usao/nj/racmnpd.html>

This Request for Applications is issued solely by the United States and does not constitute a part of, and shall not be governed by, any formal municipal, state, or federal procurement process. As a material part of the resolution of the DOJ’s investigation, the

monitoring team will be selected jointly by the Parties and approved by the United States District Court. This Request for Applications does not commit the Parties to select an individual or firm to serve as the monitor or a member of the monitoring team. The Parties may solicit additional information from applicants to supplement information provided in response to this Request.

Background

The City of Newark (“City”) is New Jersey’s largest city, with a population of 277,140 people, according to the 2010 census. The Newark Police Department currently employs approximately 1,000 sworn officers. The Department is led by a Police Director, appointed by the Mayor of Newark and approved by the Newark City Council, and a Chief of Police, who reports to the Police Director. The NPD is composed of four precincts and additional bureaus and special units.

Monitoring Term

The ultimate term of the monitorship is to be determined by the Parties and the Court, but is expected to be at least five years. Respondents should carefully consider this multi-year commitment in developing their monitoring teams and plans. As set out below, applications must include a projection of estimated costs and expenses, including yearly estimates and an estimated overall total.

Scope of Work

The following descriptions of the monitoring team’s expected responsibilities and duties are illustrative and non-exclusive. Generally, the monitoring team will be responsible for independently and objectively assessing and reporting on whether the requirements of the Decree are being implemented, and whether implementation is resulting in constitutional policing by and increased community trust of the Newark Police Department.

The monitoring team’s duties are expected to include the following:

- Development and implementation of an organizational plan, including appropriate staffing and scheduling, for auditing and reviewing NPD’s compliance with the requirements and purpose of the Decree;
- Development of methodologies for conducting reliable audits and reviews of NPD’s compliance with the Decree;
- Recommendation and review of metrics for assessing police practices and their effects during the pendency of the Decree;
- Conducting reliable assessments to determine whether policing has improved during the pendency of the Decree;
- Reviewing and commenting on policies, training, and initiatives developed pursuant to the Decree;
- Conducting, analyzing, and reporting on methodologically sound surveys of community members and police officers regarding NPD police practices;

- Reviewing of use of force and misconduct investigations to assess their quality reliability, and adherence to requirements of the Decree;
- Providing or facilitating technical assistance to the NPD, including recommending strategies to improve the NPD's implementation of the Decree;
- Receipt from and provision of information to the Newark community, including any civilian oversight entity, related to implementation of the Decree;
- Regularly communicating with the NPD and the United States regarding the Department's progress implementing the Decree, any obstacles to implementation, and as otherwise necessary to facilitate effective implementation;
- Regularly producing public reports on the NPD's progress implementing the Decree and any obstacles to implementation;
- Maintaining all documents related to this project in a confidential manner as required by the Decree;
- Testifying in proceedings only as provided by the Decree;
- Making public statements only as permitted by the terms of the Decree; and
- Maintaining the highest ethical standards.

As noted above, the substantive requirements of the Decree will be generally grouped into the following areas:

- Community Engagement and Civilian Oversight;
- Stops, Searches and Arrests;
- Bias-Free Policing;
- Use of Force;
- Theft by Officers;
- Intake and Investigation of Misconduct Complaints;
- Discipline;
- Early Warning System;
- Records Management Systems Improvement; and
- Academy and In-Service Officer Training

Requirements of Monitoring Team

The application to serve as or on the court appointed monitoring team should clearly demonstrate the respondent's qualifications to perform the requested scope of work. The application to monitor the Decree should include the following:

I. Executive Summary

A brief description of how the team would complete the project.

II. Personnel

- The names of the individuals and/or subcontractor consultants who would comprise the team;
- A summary of the relevant background of each team member;
- The internal organization of the team including the areas of responsibility for each member; and
- A description of all other current employment, projects, or other professional undertakings for each team member, noting the team member's time commitments for each.

III. Qualifications

Each team member's qualifications, addressing the following areas as applicable:

- Monitoring, auditing, evaluating, or otherwise reviewing performance of organizations, including experience in monitoring settlements, consent decrees, or court orders;
- Law enforcement practices, including training, community policing and problem-oriented policing, complaint and use of force investigations, and constitutional policing;
- Evaluating the breadth and depth of organizational change, including the development of outcome measures;
- Development of effective quality improvement practices;
- Mediation and dispute resolution;
- Statistical and data analysis;
- Information technology;
- Data management;
- Working with government agencies, municipalities, and collective bargaining units;
- Language skills and experience working with limited English proficient persons and communities, in particular communities whose primary language is Spanish or Portuguese;
- Familiarity and understanding of local issues and conditions;
- Effective engagement with diverse communities;
- Creation and evaluation of meaningful civilian oversight;
- Familiarity with federal, New Jersey and local laws, including civil rights laws and policies and rules governing police practices;
- Completing projects within anticipated deadlines and budget;
- Preparing for and participating in court proceedings; and
- Report writing for a broad variety of stakeholders.

IV. Prior Experience and References

List current or recent (within the past 10 years) project experience for members of the team relevant to the monitoring duties and responsibilities; references for each project listed,

including the name of the organization, contact person, title, address, e-mail address and telephone number; and, if available, examples of non-confidential work product that is similar to the reports required for this project.

V. Proposed Activities

Describe (in as specific detail as possible and using illustrations as necessary) the activities proposed to perform the Scope of Work. This discussion may address but not be limited to:

- Methods of obtaining information;
- Methods of analyzing information;
- Methods of reporting information;
- Frequency of proposed activities;
- Personnel responsible for the various activities described in the Scope of Work and the number of hours anticipated to be devoted to specific aspects of the project by month or quarter, including the number of hours that would be spent on site in Newark;
- Coordination with the City and the NPD to arrange visits, on-site records reviews and interviews; and
- Coordination of monitoring activities, information gathering, and communications with the NPD, the United States and members of the community.

VI. Potential Conflicts of Interest or Bias

Disclose any potential or perceived conflicts of interest involving team members, associated firms or organizations, and any employee(s) assigned to the project, or proposed subcontractor(s), including current or former employment, contracts or grants with the City, the NPD, or the United States and any involvement in the last eight years (whether paid or unpaid) with a claim or lawsuit by or against the City, the NPD, or the United States or any of their officers, agents, or employees. Any close, familial, or business relationship with any of the mentioned entities, or their agents or employees, must be disclosed. Disclose whether any member of the team has been the proponent or subject of any complaint, claim, or lawsuit alleging misconduct. To the extent a conflict or potential bias exists, explain why it does not bar the individual's or the team's selection, including any legal or ethical opinions or waivers upon which the team relies.

Please note that, for the duration of the monitorship, no individual member of the monitoring team will be permitted to represent any individual or organization in any criminal or civil matter involving the United States Attorney's Office, District of New Jersey, including any individual or organization designated as a witness, victim, defendant, subject, target, or person of interest.

The following shall be ineligible for selection as the monitor or as a member of the monitoring team: previous directors and chiefs of the NPD, and individuals with past or pending legal claims against the City or the NPD.

VII. Estimated Costs

Provide a Cost Estimate for this project based on the above Scope of Work and requirements of the Decree:

- Include a projected budget for all costs including but not limited to: hourly billing rates, travel, sub-consultant/contractor services, overhead, and supplies.
- Break down the different activities that members of the team will perform (e.g., policy review, technical assistance, training assessment, report writing, and/or incident review).
- Include a projected allocation of hourly commitments by each team member, broken down by the number of hours projected for both on-site and off-site work.
- Take into account the uncertainty of the duration of the Decree and include both one-time or fixed costs that are expected regardless of the duration of the contract, and annual costs that are expected for each year the contract is in effect.
- Include a total five-year cost estimate that fees and costs are not expected to exceed.