

REQUEST FOR APPLICATIONS

I. DESCRIPTION

The United States and the Commonwealth of Puerto Rico (collectively, “the Parties”) are seeking applications for an independent Monitor to assess compliance with a judicially-enforceable Settlement Agreement regarding conditions in the Commonwealth’s juvenile detention and treatment facilities administered by Puerto Rico’s Department of Corrections and Rehabilitation.

In 1997, after a United States Department of Justice investigation and a complaint filed pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, et seq., the United States and the Commonwealth of Puerto Rico reached a Settlement Agreement requiring the improvement of conditions in Commonwealth juvenile justice facilities. The Settlement Agreement covers a range of substantive areas, with the remedial provisions grouped as follows:

- Abuse and Maltreatment Investigation and Management
- Isolation and Protective Custody
- Education, Special Education, and Vocational Services
- Mental Health and Substance Abuse Treatment and Suicide Prevention
- Staffing Compliance
- Classification
- Discipline
- Facility Integrity and Fire Safety
- Policies and Procedures
- Training
- Funding

Under a Monitor’s tenure, the Commonwealth has achieved compliance with many provisions of the original Agreement, and the Parties have stipulated to dismiss others in the course of litigation.

The independent Monitor is charged with assessing compliance with the remaining provisions. Specifically, the Monitor’s duties include making factual findings, submitting reports that assess compliance with the terms of the Settlement Agreement, testifying before the Court, and informally assisting Defendants in their efforts, including technical assistance on generally-accepted juvenile justice practices.

Following the retirement of the current Monitor, the Parties now seek an interested individual, firm, or organization to serve as the Monitor. Once selected by the parties and appointed by the Court, the Monitor may hire one or more individuals with appropriate experience and expertise to assist her/him in fulfilling the requisite duties.

This Request for Applications (“RFA”) is not part of, and shall not be governed by, any formal municipal, state, or federal procurement process. Applicants 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 Applicant’s expense.

The Parties may seek and solicit information regarding interested parties through means other than this Request. Not responding to this Request does not preclude participation in any future RFA, if any is issued, nor does it eliminate an individual, firm, or organization from being considered to serve as the Monitor or a member of the Monitor's team. Nevertheless, interested individuals, firms or organizations are strongly encouraged to respond to this Request. All Monitor candidates, regardless of method of application, must meet the criteria set forth herein to be considered.

II. SCOPE OF WORK

The Monitor will assess the Commonwealth's compliance with the Settlement Agreement. The Monitor will be subject to the supervision and orders of the Court. Generally, the Monitor will provide objective and thorough assessments of whether the terms of the Settlement Agreement are being implemented. The Monitor will assist in ensuring full and sustained implementation of the Settlement Agreement by offering technical assistance and issuing recommendations. The Monitor will testify when required by the Court or requested by a Party.

More specifically, the Monitor shall perform the following functions:

- Conduct on-site inspections, review documents and electronic records, and conduct interviews, including confidential interviews with confined youth, with Commonwealth staff, employees, volunteers, and contractors;
- Observe, find facts, report and/or testify as to his or her findings;
- Develop clear plans for gathering the necessary data and adhere to clear criteria for assessing compliance;
- Report to the Court and the parties every ninety (90) days unless otherwise directed by the Court on the precise steps the Commonwealth has taken to implement the Settlement Agreement and evaluate the extent to which Commonwealth has, in fact, complied with the requirements of the Agreement;
- Provide technical assistance to the Commonwealth, including informal communications with the Commonwealth and its employees on matters affecting compliance;
- Maintain regular contact with the Parties and the Court, and foster open communication; and
- Develop a yearly budget that includes staff salaries and fees and all monitoring operational costs.

The Parties seek applicants with experience in the following areas, although lack of experience in any particular area will not necessarily disqualify a candidate:

- Monitoring, auditing, evaluating, or otherwise reviewing performance of organizations, including experience monitoring settlements, consent decrees, or court orders;
- Understanding of organizational systems and ability to envision systemic change;
- Juvenile justice practices and principles, including adolescent development and adolescent physical and mental health needs;
- Familiarity with and understanding of local issues and conditions;

- Facilitating, mediating, and problem solving to assist parties reach improved understanding of common interests and goals;
- Familiarity with best practices and accepted professional standards for the operation of juvenile detention and treatment facilities, particularly in the substantive areas where compliance remains outstanding in this case (described in Section I, above);
- Providing formal and informal feedback, technical assistance, training, and guidance;
- Reviewing policies, procedures, manuals, and other administrative orders or directives, and training programs related to secure juvenile facilities;
- Appearing in court as a monitor or expert witness, or providing other types of testimony;
- Ability to write clearly and distill large amounts of information into well-organized comprehensive reports;
- Completing projects within anticipated deadlines and budget;
- Joining a project in the middle stages and adopting effective strategies to achieve the project's goals;
- Managing and leading a team of expert consultants; and
- Proficiency in Spanish.

III. REQUESTED INFORMATION

The application to serve as the Monitor should include the following:

- A. Resume or Curriculum Vitae
- B. Cover letter that describes the applicant's interest in the Monitor position, qualifications, and availability, and vision for helping the Commonwealth to address the outstanding issues in the case and achieve compliance;
- C. A sample monitor report, audit findings, or comparable work product that demonstrates the capacity to fulfill the duties of the Monitor in this case;
- D. List of references with contact information;
- E. Written assurance that the Applicant and any of her/his consultants, if chosen, will not seek or accept employment, retention, or other affiliation with the Commonwealth of Puerto Rico for a minimum of one year from the date of termination of the monitorship.

IV. POTENTIAL CONFLICTS OF INTEREST OR BIAS

All applicants must disclose any actual, potential, or perceived conflicts of interest, including current or former employment, contracts, or grants with the Commonwealth of Puerto Rico or the United States within the last ten years. To the extent a conflict or potential bias may exist, explain why it does not bar the individual's selection, including any legal or ethical opinions or waivers upon which the applicant relies.

V. PREPARATION FOR FURTHER CONSIDERATION

Applicants must be familiar with all 2017 Monitor reports in this case. Applicants should be prepared to submit, upon request, a plan for staffing the Monitor's office with qualified consultants. Applicants should be prepared, in the event they are selected for further consideration, to discuss their vision for monitoring compliance in the case; how they will provide assistance and guidance that will lead to compliance with the remaining Agreement provisions; how they and their consultants will learn, within the first three months of monitoring,

the challenges confronting and the resources at the disposal of the Commonwealth; how they will monitor compliance of a juvenile justice agency that primarily does business in Spanish; and how they will, if chosen, manage costs to the Commonwealth in carrying out the Monitor's functions.

Applications must be submitted to the Commonwealth of Puerto Rico and United States Department of Justice simultaneously, and received by **May 2, 2018**.

Applications must be submitted in electronic form to the individuals listed below. Please state "*PR DOJ Juveniles Monitoring Application*" in the email subject line.

For the United States Department of Justice:

Name: Richard C. Goemann, Esquire

Email: richard.goemann@usdoj.gov

For the Commonwealth of Puerto Rico:

Name: Joel Torres Ortiz, Esquire

Email: joeltorres@justicia.pr.gov

The Findings Letter, Settlement Agreement and past Monitor's Reports are available at <https://www.justice.gov/crt/special-litigation-section-cases-and-matters0>