November 14, 2011

Dear Ms. Lopez,

It is our pleasure to submit this proposal to serve as the Independent Monitoring Team for the New Orleans Police Department. Like New Orleans itself, our team reflects a diverse assembly of thoughtful professionals who share a belief that greatness is achieved not through a homogenous collection of like-minded individuals, but rather through a diverse collection of open-minded team members working to achieve one goal.

To that end, our team brings together some of the most experienced and most respected professionals in the country, including two sitting police chiefs (Chief Theron Bowman and Chief Bob McNeilly), two former police chiefs (Chief Mary Ann Viverette and Chief Dennis Nowicki), two leading academics (Professors Geoff Alpert and Alejandro del Carmen), and one of the country’s prominent law firms (Sheppard Mullin Richter & Hampton). I will serve as lead monitor and primary contract, and I can be reached at the following address:

Jonathan Aronie
Sheppard, Mullin, Richter & Hampton, LLP
1300 I Street NW
11th Floor East
Washington, D.C. 20005
Jaronie@Sheppardmullin.com
202.218.0039

At the end of the day, the success of any monitoring project depends, in large part, upon the credibility of the monitoring team. When we ultimately put our names on the final monitoring report that states that the New Orleans Police Department has met all its obligations under the Consent Decree, we will be saying to the City, the police department, the Department of Justice, and the community of New Orleans that the NOPD is a changed department. We all look forward to working closely with the City and the Department to make that goal a reality.

Thank you for considering our proposal.

Sincerely,

Jonathan S. Aronie
SHEPPARD, MULLIN, RICHTER & HAMPTON, LLP
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I. Executive Summary

New Orleans is unique. Its long history, rich culture, and colorful traditions are known from coast to coast. The City’s contributions to art, music, and the culinary arts are celebrated worldwide. And the pride and loyalty of its citizenry is legendary. Yet, there historically has been another side to the City – one of crime, unemployment, historic corruption, and growing civil discontent.

Unquestionably, the obstacles the City has faced over the years have been heartbreaking by any standard. From Hurricane Betsy in 1965 to Hurricane Katrina in 2005, New Orleans has faced its share of adversity. But some of its obstacles have been laid down by the hand of man rather than by the hand of nature.

The history of the New Orleans Police Department is one such example. As the Department of Justice found in its March 16, 2011 Investigation of the New Orleans Police Department (“Report”) “the NOPD has long been a troubled agency.” Even considering the notable strides the City has made in recent years, solving the agency’s problems will take time, discipline, and patience. It also will take a special kind of monitoring team.

Our team’s collective experiences have taught us that there are certain ingredients to being an effective police monitor. They include:

- An international law firm with significant experience leading large, complex projects, including public monitoring.
- An objective, credible lead monitor with no political agenda who is not afraid of making tough decisions, and whose objectivity, energy, commitment, and credibility are unquestioned.
- Veteran police officers who understand from personal experience the challenges of police work and the criticality of constitutional policing.
- Academic experts who have spent a lifetime studying the very issues identified in the Consent Decree within a variety of police agencies across the globe.
- Racial, ethnic, religious, cultural, geographic, gender, and experiential diversity.

Our proposed monitoring team combines each of these ingredients; and (if you will forgive the local reference from an outsider), like a good gumbo, does so in such a way that the combination transcends the individual ingredients.
objectivity and credibility of a prominent international law firm, the on-the-ground perspective of four of the country’s most respected police chiefs, and the collective years of law enforcement research of two of the nation’s leading academics. The breadth of our team’s expertise also gives us the flexibility to adapt as the City’s compliance with the Consent Decree progresses. The focus of a monitoring effort necessarily evolves over time. Issues that are troublesome at the outset get resolved, while new hurdles present themselves over time. The size, depth and expertise of our team give us the ability to react seamlessly to anything thrown our way.

Part of what gives us this flexibility is the impressive span of our collective policing and monitoring experiences. Whether as police officers, police monitors, or academics, our team will bring to the New Orleans Consent Decree experience working in cities of all shapes and sizes from coast to coast.

As Figure 1 illustrates, we have led or monitored police departments in communities varying in population, size, and economics.

<table>
<thead>
<tr>
<th>CITY POP.</th>
<th>CITY AREA</th>
<th>MEDIAN INCOME</th>
<th>SWORN PERSONNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlotte, NC</td>
<td>751,087</td>
<td>297.7 sq mi</td>
<td>$46,975</td>
</tr>
<tr>
<td>Arlington, TX</td>
<td>365,438</td>
<td>99.7 sq mi</td>
<td>$47,622</td>
</tr>
<tr>
<td>Indianapolis</td>
<td>785,597</td>
<td>365.1 sq mi</td>
<td>$40,051</td>
</tr>
<tr>
<td>Pittsburg</td>
<td>312,000</td>
<td>55.5 sq mi</td>
<td>$28,588</td>
</tr>
<tr>
<td>Gaithersburg</td>
<td>57,934</td>
<td>26.1 sq mi</td>
<td>$59,879</td>
</tr>
<tr>
<td>Chicago, IL</td>
<td>2,707,120</td>
<td>234 sq mi</td>
<td>$38,625</td>
</tr>
<tr>
<td>Joliet, IL</td>
<td>147,433</td>
<td>62.11 sq mi</td>
<td>$47,761</td>
</tr>
<tr>
<td>Washington, DC</td>
<td>617,996</td>
<td>61.4 sq mi</td>
<td>$58,526</td>
</tr>
<tr>
<td>CITY POP.</td>
<td>CITY AREA</td>
<td>MEDIAN INCOME</td>
<td>SWORN PERSONNEL</td>
</tr>
<tr>
<td>----------</td>
<td>-----------</td>
<td>---------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>U.S. Virgin Islands</td>
<td>109,750</td>
<td>133.73 sq mi</td>
<td>$24,704</td>
</tr>
</tbody>
</table>

With 1,425 officers covering 170 square miles, and a post-Katrina population of more than 367,000, New Orleans falls right in the heart of our collective past experience.

The monitoring team collectively has held every major position in a police department. Stated simply, one would be hard-pressed to come up with something that we have not dealt with before. Indeed, it is important to note that our team not only has monitored police departments, but we have been monitored. Specifically, Chief Robert McNeilly served as police chief in Pittsburgh throughout its Consent Decree with the Department of Justice.

Our experiences not only are broad and varied, but they are directly relevant to the issues identified by the Department of Justice and incorporated into the Consent Decree. The following list provides just a few illustrative examples:

**Use of Force.** Every one of our police practices experts brings to the team extensive experience dealing with use of force issues. Moreover, few academic experts in the United States have studied use of force issues more extensively than Professor Geoffrey Alpert. Professor Alpert has been conducting research on use of force issues for more than 25 years. He has published more than 100 journal articles and 15 books. His book *Understanding Police Use of Force: Officers, Suspects, and Reciprocity* is a standard text nation-wide. Professor Alpert also recently completed a major study on police officer decision making funded by the National Institute of Justice.

**Officer Involved Shootings.** As with use of force issues generally, every one of our police experts also has extensive experience dealing with officer-involved shootings. For example, since retiring from the Charlotte Police Department in 1999, Chief Dennis Nowicki has become a leading authority on all manner of police use of force issues, including officer involved shootings. Chief Nowicki is an expert in many aspects of use of force training, including the “decision-point analysis” process for reviewing police-involved shootings. His lead role on the District of Columbia Metropolitan Police Department and U.S. Virgin Islands monitoring teams involved extensive work on use of force issues.

**Violence Against Women.** As its first female president, Chief Mary Ann Viverette was instrumental to the International Association of Chiefs of Police’s publication of the first “Law Enforcement Guide to Identify and Investigation To The Crime of Human Trafficking,” an industry-standard guide to help officers identify, respond to, and investigate violence against woman among other
trafficking crimes. Chief Viverette also was integral in establishing the National Law Enforcement Institute on Violence Against Women, an organization that helps improve response to crimes such as sexual assault, stalking, and human trafficking.

**Discriminatory Policing.** Professor Alejandro del Carmen is at the forefront of this critical issue. He is considered to be the leading expert in Texas on racial profiling. He is the author of what often is considered the leading treatise on the subject, *Racial Profiling in America*, a standard text in criminology departments in colleges across the country. Professor del Carmen has trained all chiefs of police in Texas on this topic since 2001 and has spent 14 years researching and training on the topic. He also has published several manuscripts on racial profiling in internationally recognized reference journals.

**Community Policing.** Chief Theron Bowman is widely recognized as a trailblazer in the nation’s collective march toward appreciating the benefits of community policing. Employing what he terms “geographic policing,” Chief Bowman long ago turned his city of Arlington, Texas into a model for police/citizen partnerships. In addition, the COPS office has recognized Dennis Nowicki for strategic, innovative leadership in problem-oriented policing. Chief Nowicki incorporated best practices from exemplary departments from across the country into the Charlotte-Mecklenburg Police Department in many ways, including creating a year-long residency in the organization for University of Wisconsin Professor Herman Goldstein, the father of problem-oriented policing.

**Early Intervention Systems.** Chief McNeilly led the effort to develop and implement an Early Intervention System in Pittsburgh. Indeed, according to PERF, Chief McNeilly “pioneered the development of an early warning system [in Pittsburgh] to alert department managers about problem employees who needed to be counseled or disciplined. Chief McNeilly’s work made the Pittsburgh Bureau of Police a model for reform that has been studied by police leaders all across the country.”

**Policies and procedures.** Every member of our team has extensive experience drafting, reviewing, and implementing policies and procedures involving all walks of policing. Additionally, Chief Viverette continues to be deeply enmeshed in policies and procedures through her active involvement as a certified assessor for CALEA.

**Technical Assistance.** Our entire team has experience providing technical assistance to the law enforcement community. Our police practices experts, where requested by New Orleans, are well-situated to offer assistance in every area covered by the Consent Decree.

This, of course, is just a sample of the experiences and expertise that comes with our many years of policing.
Just as our police experts bring to the table incomparable police experience, Sheppard Mullin attorneys bring to the table the finely-tuned skills of a team of preeminent lawyers with years of experience working with large public and private sector organizations and guiding them through any number of complex sets of rules and regulations. Jonathan Aronie, for example, has guided countless corporations through the maze of federal rules, regulations, and statutes that govern federal contractors. He also is a recognized leader in conducting internal investigations and working with companies reporting suspected wrongdoing to the federal law enforcement community. Indeed, Mr. Aronie is one of the co-authors of the ABA’s *Guide to the Mandatory Disclosure Rule* – an extensive project in which multiple federal law enforcement agencies and the Department of Justice civil fraud division were involved. Likewise, former AUSA Peter Morris and nationally recognized Labor and Employment counsel Tracey Kennedy have developed, implemented, and assessed a wide range of compliance programs and internal control systems. Moreover, Jonathan, Peter, and Tracey all have served as monitors in the past. Jonathan served as the Deputy Independent Monitor over the District of Columbia Consent Decree. Tracey was retained by the County of Los Angeles to monitor the discriminatory hiring practices of the Sheriff’s Department as part of a long standing consent decree. Peter monitored the Los Angeles County Fire Department following a state-mandated investigation in 1992.

It also is worth noting that our entire team are strong believers in the process the Department of Justice Civil Rights Division has developed over the years to help police departments respect the Constitution, adhere to the rule of law, overcome bias, ensure accountability to become safer, more effective, and more trusted public agencies. We believe that the Department has it right when it says that “systematic violations of civil rights erode public confidence” and make policing “more difficult, less safe, and less effective.”

In short, our team is well constituted -- and committed -- to help the New Orleans Police Department comply with the Consent Decree, emerge from the Decree without delay, and achieve its goal of rebuilding a department that is the worthy of the City of New Orleans.

II. Role of the Independent Monitor

The Independent Monitor (the “Monitor”) has a very broad and important role: “To assess and report whether the requirements of [the Consent Decree] have been implemented, and whether this implementation is resulting in the constitutional and professional treatment of individuals by NOPD.”

Yet, the role of the Monitor is also limited in scope as the Monitor only has “the duties, responsibilities, and authority conferred by the [Consent Decree].”

The City of New Orleans has already made notable steps forward in addressing policy and procedural deficiencies. As noted in the Consent Decree, many police officers have expressed their desire to continue reforms that began under the City’s current Mayor and Police Superintendent. The Monitoring Team will serve a vital function in ensuring that newly adopted policies and procedures help the City and the Police Department to continue moving forward, but...
the Monitor will not do so alone. The vital oversight that the Monitor provides will be one peg in a continuing team effort. Working in concert with the City of New Orleans, the NOPD, the Office of the Independent Police Monitor (“IPM”), community stakeholders and the Department Of Justice (“DOJ”), the Monitor must balance both the specific requirements established by the Consent Decree and the more general responsibilities for overseeing the implementation of those requirements against the need to respect the limits built into the monitor’s role.

At the outset of monitoring, we contemplate a phase of intensive education to learn the background facts and issues relating to the investigation conducted by the DOJ. During this period, we plan to meet with, and gain the perspectives of the Civil Rights Division, the NOPD, the FOP, the PANO, the IPM, the City Council, the Mayor’s Office, and interested community organizations, including, among many others, the New Orleans branch of the NAACP. In order to conduct the monitoring activities effectively, we will gather information from, and earn the trust of, the key people associated with these institutions. As part of this process, we will build upon the achievements and progress that has been accomplished by the NOPD.

Second, the monitoring team will promptly determine the current status of the implementation efforts of the City on the various aspects of the Consent Decree.

Third, the monitoring team would develop methods for obtaining access to the information – documentary and electronic – necessary to perform the specific tasks assigned to the monitoring team, including conducting compliance reviews and audits and conducting assessments to measure whether implementation of the Consent Decree is resulting in constitutional policing. Where it would prove cost effective, we would try to develop means of connecting with NOPD databases directly to expedite the flow of information. We also would seek to establish an e-mail network that would facilitate communication between the monitoring team and the relevant city agencies – including the NOPD, the IPM, the City Council, and the Mayor’s Office – as well as among the members of the monitoring team itself.

Fourth, during the initial 90 days of the monitorship, the monitoring team would formulate detailed short-term and medium-term monitoring plans that include the mandatory elements of the monitoring team’s responsibilities as well as additional monitoring tasks that have a high priority based on the information gathered during the education phase. Within 120 days of assuming duties, the monitoring team will review and recommend any changes to the Outcome Assessments as required by the Consent Decree. The monitoring plan obviously will be modified and supplemented continuously throughout the life of the project based upon the monitoring team’s activities and the identification of issues and concerns.

I would lead the monitoring team and would continue to play the leadership role in the project throughout its duration. The other members of the team would include partners, associates, legal assistants, and administrative support personnel from Sheppard Mullin. In addition to the Sheppard Mullin personnel, I have assembled a cadre of police practices experts from across the country to ensure that our team is second to none in terms of local law enforcement expertise. This team includes

- Former IACP President and Gaithersburg, Maryland’s Chief Mary Ann Viverette (ret.)
• Charlotte-McKlenburg’s Chief Dennis Nowicki (ret.)
• Arlington, Texas’ Chief Theron “T” Bowman, and
• Former Pittsburg, PA Chief Robert McNeilly.

Additionally, the team includes two well-respected police practices experts, Professor Geoffrey Alpert and Professor Alejandro del Carmen.

Our team also would consider employing the data analytics expertise of a college or university selected in conjunction with the City, the NOPD, and the Department of Justice should the need arise. This work could include data collection, data analysis, and technical consulting services in connection with the aspects of the Consent Decree relating to Outcome Assessments. While the options for the entity serving this function are extensive, we would start the discussion by considering experts from the Universities from which our team members come (i.e., University of South Carolina, where Professor Alpert teaches, or the University of Texas, where Professor del Carmen teaches). All personnel would report directly to me.

III. Personnel

While the City and DOJ will be engaging Sheppard Mullin Richter & Hampton LLP, I personally would bear the primary responsibility for carrying out the monitoring functions described in the Consent Decree. At the outset, my team and I would need to spend considerable time familiarizing ourselves with the substance of the issues that will need to be addressed. While I am confident that we have assembled an exceptional monitoring team, after initial orientation we may need to select additional Sheppard Mullin personnel who will be involved in the monitoring project, and recruit additional outside personnel that we (in consultation with the City, the NOPD, and the DOJ) determine necessary to carry out the responsibilities spelled out in the Consent Decree, and create the infrastructure necessary to do the work.

I am resident in Sheppard Mullin’s Washington, DC offices and am well aware that this project will require a substantial commitment of time from my colleagues and me. We are prepared to spend whatever time is necessary to ensure that this project is a success. A project leader, however, is only as good as the project team, and we believe that we have put together an exceptional team that is as committed as Sheppard Mullin is to this project. While Sheppard Mullin (and I personally) will be intimately involved in almost every aspect of the team’s activities, we will be supported a group of professions that is second to none:
A. Our Monitoring Team

Our team brings together the best of the academic, legal, and law enforcement communities.

The Law Enforcement Community

Our team brings together some of the most experienced police experts in the country. Collectively our officers have held every rank within a police department, from patrol officer to chief.

The Academic Community

Few academics have earned a greater, more deserving reputation for their practical police practice expertise than Professors Alpert and del Carmen. Both professors bring to the team years of scholarship and actual, boots-on-the-ground experience working with police departments.

The Legal Community

The overlap between policing, monitoring, and the law is readily apparent. Our legal team includes experienced legal practitioners with years of experience handling a range of legal issues relevant to the monitoring effort.

Additionally, after meeting with the City, the DOJ, and various other stakeholders and community members, we plan to identify and partner with a local New Orleans law firm to
establish a 24/7 presence in New Orleans. This presence not only will serve as a location to coordinate meetings that may be better held outside of a Government building, but it also will serve as a local brick and mortar building where local residents can visit to learn more about the monitorship and submit questions, comments, or complaints. The partnership with the local law firm also will provide us with useful familiarity with any local laws, policies, and rules governing police practices unique to New Orleans. *While we could have identified such an individual/firm in advance of the submission of our proposal, we strongly believe that the NOPD, the City, and the Department of Justice will be best served by having a say in the selection of this local resource.*

* * *

**B. Our Officers**

**Chief Theron “T” Bowman** currently serves as the Chief of Police of Arlington Texas where he has held the post since 1999. Dr. Bowman received his Ph.D. in Urban and Public Administration from the University of Texas at Arlington and has served on the faculty of three universities teaching sociology, Criminology, and Criminal Justice courses. Dr. Bowman has been recognized by the African American Peace Officer Association as “Officer of the Year” and has received a Proclamation of Achievement from both the Texas State Senate and the U.S. House of Representatives.

**Chief Robert McNeilly** is the current chief of Elizabeth Township, Pennsylvania. Prior to moving to Elizabeth City, Chief McNeilly served as Chief of Police of Pittsburgh, PA from April 1996 to January 2006. Chief McNeilly led the department through a U.S. Department of Justice consent decree in the mid-1990s, resulting in his department reaching substantial compliance and being released from the consent decree monitoring. He was also active as a United States Coast Guard Reserves Chief Petty Officer from 1987 to 2011, and also is a United States Marine Corps veteran.

**Chief Dennis Nowicki** is a senior law-enforcement professional whose career spans over thirty-five years of public service. Retiring as Chief of Police for Charlotte-Mecklenburg, North Carolina in 1999, Mr. Nowicki has also served as Chief of Police for Joliet, Illinois, Executive Director of the Illinois Criminal Justice Authority, and twenty-six years with the Chicago Police Department, attaining the rank of Deputy Superintendent. Since retiring from Charlotte-Mecklenburg, he served as the executive director of a COPS funded regional community policing training institute and, more recently, has concentrated his work on assisting police departments and DOJ in matters relating to managing police use of force.

**Chief Mary Ann Viverette** served as Chief of Gaithersburg, Maryland for 21 years. As the first female president of the International Association of Chiefs of Police, Chief Viverette led the agency through organizational change, while embracing the diversity of the community, and while facing the dramatic changes the population faced. In addition to serving on the Maryland Chiefs of Police Training Committee for over a decade, Chief Viverette, as a pioneer woman police chief, was often called upon to speak on issues affecting women and minorities in law enforcement. She conducted dozens of training sessions on the recruitment of women and
minorities over a fifteen year period and has served as an Investigator with the Department of Justice.

C. Our Academic Experts

**Dr. Geoffrey Alpert** is a Professor in the Department of Criminology and Criminal Justice at the University of South Carolina and an Adjunct Professor at the Centre for Excellence in Policing and Security, Griffith University in Brisbane, Australia. He is an internationally recognized criminologist who specializes in research and training on the evaluation of high-risk police activities, including the use of force, deadly force, pursuit driving, racial profiling and accountability systems.

**Dr. Alejandro del Carmen** currently is a professor and chair of the Department of Criminology and Criminal Justice at the University of Texas at Arlington. Dr. del Carmen earned a Ph.D. in criminology and criminal justice from Florida State University in 1997. His research interests include law enforcement, racial profiling, crime prevention and corrections. Dr. del Carmen has published over twenty-five refereed academic manuscripts in internationally recognized journals. His most recent book is titled *Racial Profiling in America* (2008), Prentice Hall Publishing.

D. The Sheppard Mullin’s Legal Team

While full biographies can be found at Tab IV to this proposal, a brief description of our Sheppard Mullin experience and expertise is set forth below.

**Jonathan Aronie** is a partner in Sheppard Mullin’s Government’s Contract and Internal Investigations Practice. Since 1994, Jonathan has conducted countless complex internal investigations for a wide range of Fortune 500 companies. Prior to private practice, Jonathan served as a law clerk to the Honorable Patricia Wynn, DC Superior Court, where he spent most of his time in the Juvenile Crimes division. Jonathan previously served as the Deputy Independent Monitor over the District of Columbia Metropolitan Police Department. Jonathan is a graduate of Duke University School of Law. He is cleared at the highest levels and frequently handles cases involving national security issues.

**Tracey Kennedy** is a partner in Sheppard Mullin’s Litigation and Labor & Employment Practice Groups, working out of New York and Los Angeles. Tracey has extensive experience working in the area of race, gender, and other forms of discrimination cases, and has extensive experience working with employee unions. In the late 1990s, Tracey was retained by the County of Los Angeles to monitor the discriminatory hiring practices of the Sheriff’s Department. Tracey has been named one of the country’s “top woman litigators” by the *Daily Journal*.

**Peter Morris** is a partner in Sheppard Mullin’s Government Contracts and Internal Investigations Practice Group. Prior to moving into private practice, Peter served an Assistant United States Attorney for the Central District of California, where he led multiple fraud task forces. Peter has extensive experience working with federal and state law enforcement agencies, and was involved in monitoring the Los Angeles Fire Department following a state-mandated investigation in 1992. Peter is a graduate of Harvard Law School where he served on the Harvard Civil Rights & Civil Liberties Law Review.
Julien Bowers is an associate in Sheppard Mullin’s Washington, DC office. He focuses his practice of helping corporations through complex corporate transactions. Prior to joining Sheppard Mullin, Julien served as an intelligence analyst for the Defense Intelligence Agency where he spent time in Iraq investigating and analyzing complex matters relating to national security.

E. The Monitoring Team’s Organization Chart

Many members of our team know one another well and have worked together for years in any number of contexts, including other monitorships, IACP Committees, Technical Assistance projects, etc. While our team certainly has an organization structure, we will function as a seamless unit. In part, our ability to do this flows from the fact that we are a team of humble individuals. We all understand that we are servants to the City, the NOPD, the Department of Justice, and the people of New Orleans. Our ceaseless focus on this key point allows us to spend less time worrying about internal lines of command, and more time getting the job done. That being said, here is our expected organizational chart showing the lines of responsibility and reporting for the Consent Decree Court Monitor:

IV. Qualifications

The qualifications of our proposed team are second to none. Our police practices experts have served in every position within a police organization. They have developed, overseen, and taken training programs in community policing, problem-oriented policing, and use of force investigations. They have developed monitoring programs, served as monitors, and, importantly,
been monitored. The specific qualifications of the various team members have been summarized above and are set forth in more detail in the accompanying biographies. Additionally, here is a brief summary of some of the more relevant qualifications.

- We have extensive experience in law enforcement practices, including training, community policing, problem-oriented policing, and complaint and use of force investigations. Our academic experts have taught these topics to students and police departments across the United States, and our police chiefs have lived these topics every day of their lengthy careers.

- We have monitored, audited, evaluated, and otherwise reviewed public and corporate organizations, including settlements, consent decrees, and court orders. As noted above, our qualifications in this regard include monitoring or supporting the monitoring of the District of Columbia Consent Decree, the Virgin Islands Consent Decree, the Los Angeles County Sheriff’s Office Consent Decree, and serving as the Chief throughout the life of the Pittsburgh Consent Decree.

- We have served as certified assessor for the Commission for Accreditation for Law Enforcement. CALEA was created as a police credentialing body in 1979 by the four major law enforcement executive associations - IACP, PERF, NOBLE and NSA. CALEA’s goal was to establish a body of professional standards and develop an accreditation process to administer its initial credentialing program. Our team is intimately familiar with the CALEA standards, and is well positioned to incorporate them into our monitoring activities. Chief Mary Ann Viverette has over two decades of experience with CALEA. She has been a CALEA certified assessor since 1988. In addition to accrediting her own agency five times, she also served as a CALEA Commissioner for over five years. During this time, she reviewed hundreds of agencies for accreditation.

- We have dealt with institutional transformation and change management, and have evaluated the breadth and depth of organizational change, including the development of outcome measures within police departments and within major corporations.

- We have developed, implemented, overseen, and lived through the development of flexible but durable continuous quality improvement infrastructure.

- We have dealt with litigations, mediations, and a multitude of other dispute resolutions. Our qualifications in this area are varied and include disputes between police departments and unions, departments and community members, major organizations and shareholders, Government and corporations, and much more.

- We have relevant experience in conducting statistical and data analysis in a wide range of situations, including law enforcement Early Intervention Systems, corporate Affirmative Action Programs, and much more. Additionally, our team brings to this issue qualifications from within the law enforcement community, the academic community, and the corporate community.
• While our team would not describe themselves as information technology or data management experts, we have extensive experience working with the appropriate experts to help make our various organizations more effective, more efficient, and more accessible. Our qualifications in this regard also extent to prior Consent Decree monitorships, all of which involved significant IT and Data Management components. For example, both Mr. Aronie and Dennis Nowicki monitored the development of the Personnel Performance Management System in the District of Columbia.

• Our qualifications for dealing with government agencies, municipalities, and collective bargaining units are unimpeachable. Our police practices experts have spent years working through precisely these issues from their early years as patrol officers to their later years as police chiefs. Our academic experts bring to the table impressive experience working with a wide range of constituencies within the public academic communities, as well as guiding police departments through the very same issues. And our legal experts deal with Government entities day in and day out.

• Our team has significant experience working with diverse communities, including limited-English proficient communities. Approximately 49% of the citizens of Gaithersburg, Maryland, for example, where Chief Viverette served, speak languages other than English in their homes. Arlington, Texas, where Chief Bowman still serves as Chief, sees approximately 31% of the adult populations speaking a language other than English in their homes. Our team also is multi-lingual. Professor del Carmen speaks fluent Spanish, which is especially important since, in the words of Governing Magazine, “the overall population of New Orleans is still about 20 percent down from what it was before the hurricane. But the Latino population has skyrocketed. Census figures show that 33,000 Hispanics have moved in since the storm, a 57 percent increase in the last decade.” Additionally, our team has partnered with a local New Orleans small business translation firm with local experts in Spanish and Vietnamese, among other languages. Sheppard Mullin also has attorneys and staff who speak and write fluent Albanian, Armenian, Chinese, Dutch, Farsi, French, German, Hindi, Japanese, Korean, Russian, Spanish, and more.

• We are not from New Orleans, but our team’s geographic, gender, racial, political, religious, and experiential diversity positions us well to understand New Orleans. This diversity coupled with our ability to “listen more than we talk,” will position us well to gain a thorough understanding of the local community. Additionally, some of our team are close neighbors to New Orleans. Chief Bowman is a lifelong resident of Texas, and currently serves as the Chief in Arlington, Texas. Professor del Carmen lives in Texas as well, where he is a professor at the University of Texas in Arlington. Professor Alpert sits nearby in South Carolina where he teaches at the University of South Carolina. Chief Mary Ann Viverette also lives in South Carolina. Moreover, as explained elsewhere in this proposal, our team will work with the City, the NOPD, and the Department of Justice.

No somos de New Orleans pero debido a la diversidad, política, religiosidad y diversidad de nuestro equipo, entendemos bien a New Orleans. Nuestra diversidad acompanied con nuestra abilidad de “escuchar mas que hablar” nos da la postura para entender a toda la comunidad.
to supplemental our team with whatever local resources and experts we collectively believe will be important.

- We have significant experience creating, evaluating, monitoring, and living with civilian oversight mechanisms. As key members of the monitoring team in the District of Columbia, for example, we worked closely with the Office of Citizen Complaint Review.

- Our team has deep experience reviewing, interpreting, applying, and complying with federal and state laws, policies, and rules governing police practices. Our qualifications in this regard range from being police officers, police chiefs, federal prosecutors, defense lawyers, academics, civil rights attorneys, and criminologists. Chief Bowman alone has reviewed hundreds of police and sheriff department policies and best practices over the course of his career. Our other chiefs are similarly experienced in this area. While we would not hold ourselves out as experts in Louisiana law, as described elsewhere in this proposal, we propose to partner with a local legal expert who is.

- Our entire team has a long tradition of undertaking and completing complex projects within deadlines and on budget. Whether the countless projects that the attorneys of Sheppard Mullin perform for our Fortune 500 clients, the important research projects that our professors have undertaken within their very budget-conscious public universities, or the countless departmental improvement projects undertaken by our police chiefs over the years, we understand timelines, budgets, and client expectations.

- The City, the NOPD, and the Department of Justice can rest assured that the Sheppard Mullin team is well qualified when it comes to court proceedings. Indeed, it probably is fair to say that few people know more about preparing for and participating in court proceedings than attorneys. One of our team members alone (AUSA Peter Morris) has conducted more than 30 trials as a federal prosecutor and defense attorney. In short, our team has extensive experience dealing with Courts, Boards, and other dispute resolution tribunals within all three branches of the Federal Government, as well as the state and local level. Additionally, our police practice experts also bring to the team significant court experience as witnesses and/or experts.

- To say that our team is qualified to write reports for a broad variety of stakeholders is an understatement. In the corporate world, we write reports on issues worth billions of dollars to a wide range of stakeholders, including corporate law departments, senior management, internal audit entities, and the Board of Directors. As police officers, we have written reports to our officers, our City managers, and our citizens. As academics, we regularly write reports to our colleagues, our peers, our managements, and our research sponsors. Our entire team has spent our careers using the written word to make the complex understandable. Our collective experience has taught us three simple rules when it comes to writing:

  - Write in plain English.
  - Be concise.
  - Be practical.
We have applied these rules to countless publications throughout the years. Mr. Aronie, for example, was the primary author of each of the monitoring reports published by the District of Columbia monitoring team during his tenure as Deputy Independent Monitor. Chief Nowicki likewise played a lead role in drafting the reports in both DC and the U.S. Virgin Islands. Outside of the realm of policing, Mr. Aronie is the author of a leading book in a certain area of federal contracting, is one of the co-authors of the highly-regarded *ABA Guide to the Mandatory Disclosure Rule*, and has written a large number of significant, privileged reports for a wide range of Fortune 500 corporations. Other members of the team have even more impressive “literary” accomplishments. Professor Alpert has written more than 100 journal articles and 15 books, including *Understanding Police Use of Force: Officers, Suspects, and Reciprocity* (2005), and Professor del Carmen is the author of *Racial Profiling in America* (2008).

We look forward to applying these skills to the many reports (e.g., the Quarterly Reports, Status Reports, and Comprehensive Assessment) contemplated by the Consent Decree.

* * *

In short, while we have no doubt that the City, the NOPD, and the Department of Justice will see proposals from a multitude of qualified teams; one would be hard-pressed to identify a team with more extensive and relevant qualifications than our team offers.

V. References

Our proposed monitoring team has had extensive experience working with police departments across the United States and the world. The following lists just a few illustrations of our experience for reference purposes.

**Office of the Independent Monitor For The District of Columbia Police Department**

In January 1999, District of Columbia formally asked the Justice Department to examine the range of policies, practices and procedures related to use of deadly force by MPD officers and to investigate all officer-involved shootings over the previous 10 years. The result of that examination was a Memorandum of Agreement signed in June 2001. In April 2002, the District of Columbia, the MPD, and the Department of Justice selected Mr. Aronie’s prior law firm to serve as Independent Monitor pursuant to that MOA. Mr. Aronie served as the team’s Deputy Monitor (first informally and then formally) throughout his tenure with his prior firm. Chief Nowicki served as the team’s lead police practices expert.

**References**

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Office of the Independent Monitor For The U.S. Virgin Islands Police Department

In March 20004, the Department of Justice initiated an investigation of an alleged pattern or practice of excessive force throughout the Virgin Islands Police Department (VIPD) under the Violent Crime Control and Law Enforcement Act of 1994 leading to entry of a consent decree in March 2009. In its investigation, DOJ, in conjunction with two police practices consultants, conducted a detailed fact-finding review including ride-alongs, interviews with Virgin Island officials, VIPD command staff, supervisors, and police officers and review of more than 25,000 pages of documents. Chief Dennis Nowicki played a lead role in the Virgin Islands monitorship.

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Department of Justice Investigation of New Orleans Police Department

From May 2010 to March 2011, the U.S. Department of Justice investigated the New Orleans Police Department. The investigation resulted into entry of a proposed Consent Decree on July 24, 2012. Chief Theron Bowman served as a police practices expert in support of the DOJ’s investigation in the areas of biased policing, community relations, arrests, searches and seizures, and recruitment and selection.
Pattern & Practice Investigation, Lorain, Ohio

On November 20, 2008, the U.S. Department of Justice initiated an investigation of the City of Lorain, Ohio Police Department, pursuant to the Violent Crime Control and Law Enforcement Act of 1994. The investigation focused on whether the LPD engaged in a pattern or practice of use of excessive force. The investigation considered: (1) whether there is a pattern or practice of the excessive use of force in the course of routine public safety activities; and (2) whether there is a pattern or practice of sexual abuse by officers of female citizens under the color of law. Chief Mary Ann Viverette played a role in this investigation. The Technical Assistance letter came out in July 2012.

Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)

The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) was created as a police credentialing body in 1979 by the four major law enforcement executive associations - IACP, PERF, NOBLE and NSA. CALEA is an internationally recognized organization with over 700 accredited agencies. Chief Mary Ann Viverette has over two decades of experience with CALEA. Chief Viverette has been a CALEA certified assessor since 1988. In addition to accrediting her own agency five times, she also served as a CALEA Commissioner for over five years. During this time, she reviewed hundreds of agencies for accreditation. Chief Viverette is recognized by CALEA staff as an expert in the field of accreditation.
References

Sylvester Daughtry
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Various Corporate Clients

In addition to serving as Deputy Independent Monitor for the District of Columbia Metropolitan Police Department, Mr. Aronie also has played a lead role in investigations and reviews for a number of Fortune 500 corporate clients, including Northrop Grumman, Altegrity, WW Grainger, Staples, and many more. When the additional members of the Sheppard Mullin team are considered, the breadth of investigatory experiences grows significantly. While the details of these engagements are privileged and, thus, cannot be summarized here, the following individuals (among many others) can be contacted for general comments.

References

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VI. Proposed Activities

Every monitoring effort involves a mix of objective and subjective assessments. And different assessments call for different tools. Objective assessments -- e.g., what is the ratio of arrest rates for African-American males to white males? -- call for one set of tools. Subjective assessments - e.g., is that policy well drafted so as to ensure constitutional policing? -- calls for another. This section describes some of the tools that our team expects to apply in both contexts.

Deciding which tool to use in a given situation, however, calls for an understanding of context, an appreciation of the consequences of one’s choices, and a good dose of judgment. It also calls for a monitoring structure that ensures discipline, efficiency, and consistency. To that end, our team combines

- Experienced experts committed to a common goal,
- A strong lead monitor who knows how to transform multiple inputs into a collective final decision, and
- The credibility of a prominent national firm to stand behind the monitor’s decision.

Supplementing this structure, is a set of guiding principles that every member of our monitoring team embraces and to which every member will adhere.

Guiding Principle #1

A monitoring team’s first task is to understand the scope of its responsibilities. It is not the monitor’s job to engage in policing, or even to tell the agency being monitored how to police (unless asked). Except where requested to provide technical assistance by the City or the Department of Justice, it is the monitor’s job to monitor compliance with the terms of the Consent Decree. Nothing more, nothing less. This simple first Guiding Principle instructs our entire approach to monitoring.

Guiding Principle #2

Of course, deciding how to interpret and implement a Consent Decree calls for judgment. Notwithstanding the best intentions of the City and the Department of Justice, a Consent Decree -- like any contract, regulation, statute, or other written set of rules -- cannot address every issue and every eventuality that might arise during the course of the effort. Thus, our team’s second Guiding Principle is to ensure that the New Orleans Police Department always knows what is required of it. Where requirements are unclear or subject to multiple interpretations, our team is committed promptly to working with all parties to secure the necessary clarity. In this role, our team can serve as an extremely useful resource to work out
any differences of opinion between the City and the DOJ regarding the meaning or extent of any element of the Consent Decree.

**Guiding Principle #3**

Our third Guiding Principle is *to be as open and transparent as possible*, consistent with our role as monitor. Our team believes strongly in “no surprises.” Thus, if we do our job, neither the City of New Orleans nor the Department of Justice ever will be surprised by a finding in one of our reports. To this end, we will schedule regular “debriefs” with the City and/or the Department of Justice.

Each of these three foregoing Guiding Principles will be effective because, among other things, we listen. While our team will bring extensive experience to the job of Independent Monitor, we understand that we do not know everything. The first rule in any significant undertaking such as this is to close your mouth and open your ears and eyes. Rest assured we understand and take to heart the aphorism that if you listen more than you talk, you will learn much more.

* * *

With that as background, we offer the following thoughts regarding how we expect we would go about monitoring compliance with the key terms of the Consent Decree.

First, during the initial 90 days of the monitorship, the monitoring team will formulate detailed short-term and medium-term monitoring plans that include the mandatory elements of the monitoring team’s responsibilities as well as additional monitoring tasks that have a high priority based on the information gathered during the education phase. Within 120 days of assuming duties, the monitoring team will review and recommend any changes to the Outcome Assessments as required by the Consent Decree. The monitoring plan obviously will be modified and supplemented continuously throughout the life of the project based upon the progress by NOPD, monitoring team’s activities, and the identification of issues and concerns.

**A. Use of force**

Police use of force is a relatively rare event. It is estimated that police officers use some level of force in less than 1% of their encounters with citizens. Nevertheless, when the police use force on citizens, it must be reasonable and justified. Whether the force is minimal and involves no serious injury, or is deadly, it must be scrutinized and reviewed to make sure it is appropriate and proportional to the threat, and limited to the least amount required to accomplish a legitimate police mission.

Police use of force is the most controversial action that can be taken against citizens. When the use of force is perceived as excessive or unnecessary it can create divisions between the police and the public and can destroy the trust or confidence that the public has with the police.

Police use of force includes hands-on applications, less-lethal weapons, and the use of deadly force. Each type of application requires
• A clear policy,
• Strong training,
• Supervision, and
• Accountability systems.

It is our approach to review and assess each component of the management plan, including use of force reporting systems, and to make sure each is appropriate to reduce and eventually eliminate unnecessary and excessive force. Our goal is to support the creation of a management system to understand when and where the use of force is necessary to control violent suspects and when violence-reduction techniques can be put in place to reduce the nature and extent of force without putting officers’ safety and welfare at risk.

**B. Stops, Searches and Arrests**

Protecting the citizens of New Orleans’ Fourth Amendment rights will be a critical focus of the Monitoring Team. The Department of Justice Report found that there was

reasonable cause to believe that NOPD officers violate the Fourth Amendment by engaging in a pattern or practice of stopping, searching, and arresting individuals without the requisite reasonable suspicion or probable cause.

The Report identified three specific areas of concern:

• Inadequate policies and training,
• An organizational focus on arrests, and
• A failure to properly justify stops, searches, and arrests.

The Monitoring Team will ensure that NOPD addresses each of these critical areas of concern.

The Monitoring Team will ensure that the NOPD carefully reviews and revises its policies, procedures, and training program to teach officers effectively the proper constitutional standards for arrests, stops, and searches. This effort will include supporting the installation of a year-round training program to be monitored by members of the Monitoring Team who have thorough knowledge of Fourth Amendment issues. Our collective knowledge in this regard flows from our years of prosecuting criminal cases for the federal Government (Peter Morris), studying and teaching the Fourth Amendment at the university level (Professors Alpert and del Carmen), and living the Fourth Amendment as police chiefs (Chiefs Nowicki, Viverette, Bowman, and McNeilly).

The Monitoring Team also will keep an eye on the NOPD’s over emphasis on statistics – namely the raw number of Field Interview Cards generated and arrests made. Although these can be useful indicators of departmental performance, as the DOJ Report identified, over-reliance on
these measures can result in officers making unwarranted stops and arrests. The Monitoring Team will observe the NOPD’s COMSAT meetings to make sure that the Department alters its focus from the quantity of arrests to the quality of arrests.

We are confident that the Monitoring Team’s efforts under the previous two areas of concern directly will reduce the number of improper stops, searches, and arrests. The Monitoring Team will review and analyze thoroughly Incident and Arrest reports to ensure that officers are displaying the basic foundational knowledge necessary to perform their duties within constitutional limits, and that the mandate of the Consent Decree is being achieved.

C. Discriminatory Policing (Race, Ethnicity, National Origin, Gender, LGBT Status)

It is beyond dispute that discriminatory practices should have no place in policing. The law, ethics, and culture of our society make this clear. The fact remains, however, that discrimination persist in organizations, corporations, and police departments across the country.

Not only does discrimination persist, but it extends well beyond race. In fact, recent litigation suggests that discriminatory police practices extend to individuals of almost any class that is not part of the ethnic, religious, gender, and sexual orientation mainstream. As the Department of Justice found in its investigation, New Orleans is not immune from this blight.

Our team’s approach is guided by our countless years of both practical and academic experience studying, dealing with, fighting against, and living through discrimination in policing. Our team is made up of individuals who have authored books and academic articles in internationally recognized journals on topics ranging from racial profiling to discrimination and gender inequality in policing.

But our experience is not limited to living on the “police officer” side of discrimination. Our team understands what it is like to be discriminated against; what it is like to be treated as less than a full person because of your gender, or religion, or language, or skin color. Professor del Carmen, a Hispanic American who fled war torn Nicaragua as a child, understands first-hand the feeling of being treated different simply because of language or ethnicity. Chief Viverette understands what it feels like to be discriminated against simply because of gender. Chief Bowman knows what it is like to be a black American who gets pulled over by an officer for no apparent reason while driving. And those of us, who have not experienced discrimination first hand, have experienced it through the eyes and tears of colleagues, friends, and/or family members.

In short, our hands-on experience in the field coupled with our impressive academic credentials – some of which focus precisely on the topic of discrimination and racism in policing – demonstrate that our team is uniquely capable of addressing and monitoring this critical issue. Our experiences in life demonstrate that our team fully understands the issue on a personal level as well.

D. Recruitment

The role recruitment plays in the success of any organization is beyond question. Police Departments are no different. In fact, because police officers have the ability to deprive citizens
of their Constitutional rights, recruitment is even more important in law enforcement than it is in many other organizations. Meeting the challenge of recruiting the right officers – and enough of them – at a time when budgets are being cut and citizen are complaining about their taxes, of course, is no easy challenge. But it is not an insurmountable challenge.

The benefits of effective recruitment policies are obvious, and include lower personnel turnover, fewer disciplinary problems, higher morale, better community relations, more efficient and effective services, and significant long-term cost savings. The employment of highly qualified personnel is a key to the operational effectiveness of any police agency.

The New Orleans Police Department must refocus its efforts on identifying, screening, and hiring the best available candidates to serve the people of New Orleans. The Department’s focus must be on looking for the best applicants, not merely eliminating the least qualified applicants. Beyond this simple concept, the New Orleans Police Department must embrace a vital philosophical shift in the way it thinks about recruiting. The Department must embrace the benefits of being an equal opportunity employer and strive to remove barriers that prevent applicants from being treated fairly. The Department also must seek to be representative of the service community relative to its ethnic and gender composition.

To this end, our team will work with the NOPD and monitor the enhancements to its recruitment and applicant assessment program and recruitment plan. We will help ensure that all members assigned to recruitment activities are trained and have skills and knowledge in all relevant areas, including, at a minimum, department career opportunities; agency salaries, benefits, training; federal and state compliance guidelines; knowledge of community needs; cultural awareness; record-keeping systems; model recruitment programs; guidelines that disqualify candidates; and agency medical requirements.

Our team includes four experienced Chiefs of Police who have decades of experience in the recruitment and selection of qualified personnel, and two academics who have studied the topic extensively. While different jurisdictions obviously differ in their needs and in the most effective ways to identify qualified candidates, basic accepted principles exist that cut across jurisdictional differences. In short, there are best practices that will work for New Orleans just as they have worked for the other cities in which they have been implemented, be the city Pittsburg (where Chief McNeilly guided his Department through a DOJ Consent Decree), Washington, DC (where Chief Nowicki and Mr. Aronie monitored the City’s compliance with a Consent Decree), or Los Angeles (where Ms. Kennedy supported the monitoring of the Sherriff’s Department following the DOJ’s discrimination investigation).

Our team members are well-versed in recruitment issues and effective national models of recruitment for police agencies. We are well situated to provide technical assistance to the NOPD to supplement the work the Department already has done in this area, and to monitor the Department’s implementation of an enhanced recruitment program.

E. Training (In-Service and Recruit)

The DOJ investigation concluded that
the training NOPD has for the past several years provided to its officers is severely deficient in nearly every respect, compromising officer and public safety, effective crime reduction, and the credibility and reputation of the Department as a whole. Shortcomings at the recruit, field, and in-service stages of training have left NOPD officers ill-equipped to perform their duties in a safe, constitutional, and respectful manner.

Both the Findings Letter and the Consent Decree highlight the failures, and the Consent Decree sets out specific requirements for training. It is important to keep in mind, of course, that not all performance failures can be attributed to training deficiencies. But training is an essential human resource management activity. Areas of knowledge and performance deficiencies highlighted by the DOJ investigation that will benefit from a training response include the following:

- Use of force
- Tactics to avoid using force
- Firearms recertification
- Oleoresin Capsicum (“O.C.”) spray
- Baton
- Hand-to-hand encounters
- Proper legal standards for stops, searches, or arrests
- How to properly carry out stops, searches, and arrests
- How to identify and articulate suspicion based on behavior and other permissible factors
- For supervisors, how to most effectively evaluate employees’ performance
- Field supervisors, how to conducting misconduct investigations
- Community- and problem-oriented policing principles
- Custodial interrogation
- Canine training

Additionally, the DOJ investigation found that written testing to determine whether officers understand the policies and relevant law, or performance testing to determine whether they can properly use and apply approved physical control techniques and weapons is lacking. Likewise, there is a lack of adequate record keeping in virtually all aspects of officer training.
Our team’s collective experience tells us (and academic research confirms) that the key components of an effective training program include the following:

- Ongoing “needs assessments” that include, among other factors, surveys of officers, early intervention system data analysis, and performance appraisals. The training commander must communicate frequently and directly with, among others, the patrol deputy superintendent, internal affairs director, legal officer, and planning director. Input from external source such as the community, city attorney, Parish prosecutor, and Federal law enforcement should also be sought on an ongoing bases.

- Selection, training, and certification of quality instructors who, themselves, have demonstrated high levels of acceptable, constitutional policing behavior. Ongoing instructor evaluation and recertification is an essential part of an effective training program.

- Development, quality control, and maintenance of training objectives and lesson plans, to include a standardized lesson plan format, scheduled reviews and updates, review by competent legal counsel, and review by subject matter experts.

- Training delivery that makes use of student and/or topic suitable delivery techniques and employs adult learning theory. For example, in-service officers may require a different delivery approach from recruits. Depending on the topic, training can be delivered through lectures, demonstrations, discussions, case studies, role playing, simulations, or other means.

- Measuring the effectiveness of each training program and course is an essential part of an effective training program. Assessment can be in the form of a written or oral exam, physical skills test, or practicum.

- Maintaining training records. This includes records of each employees training attendance and assessments, as well as instructor certifications and evaluations. It also includes a repository of every course and lesson plan that is part of the NOPD training programs.

According to the DOJ Report, NOPD rank-and-file and leadership acknowledged that training systems are in need of repair, and the Superintendent has prioritized the wholesale remaking of training in his organizational strategy to improve NOPD. The Department likely already has begun making positive strides in this area.

In the way of monitoring activities, the monitoring team initially will collect and review all Consent Decree related training documents including, but not limited to, existing or revised training manuals, course curricula, lesson plans, training aides (e.g., handouts, videos, or case studies), video recordings of training sessions if available, course evaluations, attendance records, test scores, course evaluations, trainer evaluations, trainer selection records, trainer certifications, training bulletins, FTO selection records, FTO performance evaluations, and probationary officer daily logs, and evaluations. As revisions and improvements are made in the Department’s training program, we will obtain and review copies of all updates. In addition,
members of the monitoring team will audit (something that worked extremely well in the context of the District of Columbia and the Virgin Islands Consent Decrees) recruit and in-service training classes to assess the quality of the instructor’s teaching methods and delivery and compliance with NOPD approved polices, the law and the lesson plan. We will give feedback to NOPD staff along the way.

F. Supervision

In any complex organization, the deficiencies manifested on the ground often reflect deficiencies in supervision. This is true in major commercial corporations, and it is true in police departments. In the words of the IACP, “[p]olice executives throughout the country recognize that the first-line supervisor plays a critical role in virtually every aspect of the modern police agency.” A study conducted by the Major Cities Chiefs in conjunction with the FBI National Academy in 1997, entitled “Critical Issues in first line supervision,” made the point as well. Accordingly, Consent Decrees and Memoranda of Understanding almost always include provisions to address this critical issue, and the New Orleans Consent Decree is no exception.

Ensuring effective police supervision, however, is not a simple task. It is a multi-faceted project that requires a holistic view of the organization. An effective supervision program must encompass the following elements:

- The selection process
- Training
- Management of the supervisors
- Discipline
- A review/monitoring process for the supervisors and the officers under their supervision

Since police managers generally come from within the ranks of the supervisors, inadequate attention to their selection and training eventually results in larger department problems.

Our team’s focus on this “critical issue” will involve monitoring the NOPD’s supervision efforts at all levels, including the selection process, the development/enhancement of policies and procedures, training, performance evaluations, and an early intervention system to assess supervisors’ and officers’ performance. Our team has extensive hands-on and academic experience dealing with exactly these issues across the nation.

G. Early Intervention Systems

Early Warning or Intervention Systems “(EIS)” are administrative tools designed to reduce officer misconduct and enhance accountability. They are data-driven programs designed to identify officers whose behavior appears to be problematic and to subject those officers’ behavior to close scrutiny to determine if there are any patterns or re-occurring practices that need some form of intervention. The officers who receive intervention will be evaluated over time to determine whether the intervention helped them with their behavior and actions.
Early identification systems are based on the idea that a small number of officers are responsible for a large number of problems, and these officers are the ones who need to be watched and/or corrected. It is the purpose of the EIS is to help officers improve their performance.

The critical aspects of EIS include the ways in which officers are identified, the nature and extent of the intervention, and how the officers are evaluated after exposure to the program. Police departments must have an EIS that discriminates the problematic officer from those who are high performers. An effective EIS is one of several management tools that have been shown beyond dispute to reduce misconduct and increase the quality of services delivered to the public.

Our team is well positioned to support and monitor the incorporation of an effective EIS into the NOPD’s professional development reporting and monitoring system. We have supported and/or monitored similar efforts in the District of Columbia, the U.S. Virgin Islands, Los Angeles County, and Pittsburgh. Our monitoring programs also will help the NOPD identify appropriate interventions for officers and develop a method to evaluate the success of those interventions.

H. Secondary employment (currently known as “Paid Details”)

Secondary employment (also known as extra-duty details or paid details) can be an important economic supplement for law enforcement officers struggling to make ends meet in a very difficult economy. Secondary employment, however, also often is the source of lawsuits against a police department, especially when these details involve working for a business serving alcoholic beverages. Without question, the issue of secondary employment is not a simple one, and it is not one for which there is only one solution.

Secondary employment can be conducted safely and effectively with certain conditions.

- The details should be screened by the chief’s office to exclude those that would be improper.

- Policies should be enacted to stipulate what officers can and cannot do while working a detail, especially those at businesses serving alcoholic beverages.

- A method to ensure supervision needs to be established.

- A system to monitor officer assignment and the number of hours they work should be established.

- The early intervention system should include the monitoring of officers’ secondary employment, complaints and lawsuits (especially those associated with those details), use of sick leave (especially prior to or following details), use of force (especially connected with off duty details), arrests (especially connected with off duty details) and other factors.

Our staff has the experience – as officers, Chief’s, monitors, and academics – to provide guidance regarding this controversial issue, and to monitor the effective implementation of a successful secondary employment program.
I. Performance Evaluations and Promotions

The NOPD Consent Decree states that

The NOPD evaluation and promotional practices are deficient to the point that it may be impossible to correct patterns of constitutional misconduct without also correcting the failings of these systems. As they currently function, NOPD’s performance evaluation systems erode public confidence in the Department and facilitate officers’ unconstitutional conduct.

Obviously, this deficiency must be remedied. The purposes of an effective performance evaluation system is to standardize the nature of the personnel decision making process, to assure the public that the Department’s personnel are qualified to carry out their assigned duties, and to provide incumbents with the necessary incentive to eliminate inappropriate behaviors and maximize appropriate behaviors.

To achieve these objectives, a law enforcement agency must be able to depend on satisfactory work performance by all employees. There is a direct relationship between performance evaluations, promotions, and the effective recruitment of qualified personnel. The relationship is based on the fact that the nature and quality of an employee’s performance has a bearing on his/her working life in the department, on the manner in which he/she relates to management, and on his/her assignments and promotions.

In order for the NOPD to make significant strides in these areas, it is critical that the principles of an effective performance evaluation process be implemented promptly. Our monitoring team has the expertise to support the Department’s efforts to identify model performance evaluation systems that have been effective in other large agencies. We have done exactly this in our own Departments, for other departments as monitors, and for corporate clients as attorneys.

Once an effective performance evaluation system is in place, employees will begin to trust the evaluation system. This will lead to increased job satisfaction and increased public trust. It further will aid the Department in preparing a more valid job task analysis for promotional processes. It also will help protect the Department against future court challenges.

J. Misconduct Complaint Intake and Investigations

Complaints are expressions of dissatisfaction about the conduct of a member of a police agency. Complaints can be generated by members of the organization or by the citizens the organization serves. Historically, many agencies have created barriers to those wanting to file complaints. But over the years, agencies have learned that complaints are a key to improvement. They should be welcomed rather than avoided.

Our team strongly believes that effective Constitutional policing requires an effective process for encouraging, processing, and responding to complaints. Complaints should be accepted in a variety of forms – written, electronic, and oral. They should be welcomed whether attributable to the complainant or whether filed anonymously. Additionally, all members of the organization should be trained in how to take complaints from citizens in a manner that gives the citizen
confidence that the Department (a) is interested and (b) will take action. The agency also must have an effective tracking system to notify the complainant that his/her complaint has been filed, the process that will be followed, and the status of the complaint.

The benefits of an effective complaint process are many. It identifies small problems before they become big problems. It increases citizen confidence in the Department, which leads to more effective policing. It reduces law suits. And more. For New Orleans, it also will help the City meet its other obligations under the Consent Decree. For example, one IACP Report in 2005 concluded as follows:

As an external accountability mechanism, citizen complaints can provide valuable information regarding racial profiling for at least three reasons. First, the citizen complaints may expose isolated incidents of racial profiling that would otherwise remain hidden within aggregate statistics. For instance, racial profiling by a few officers might be masked by overall patterns of equal enforcement within a department’s stop-and-search data. Second, citizen complaint will allow law enforcement officials to assess the extent to which perceptions of racial bias exist in different communities or geographic sectors. The more that officials know about where perceptions of racial bias exist, the better they can use this information to inform internal training, community outreach, and community education programs. Finally, citizen complaints can be tracked alongside stop-and-search data as a way of validating or cross-checking trends. While citizen complaint data serve this useful role, it is important to remember that merely counting complaints of racial profiling is not necessarily a statistically reliable gauge of racial profiling itself. Not all persons complain and complaint activity is affected by how open and accessible a department’s complaint process is to the community.

This IACP has it exactly right, and its conclusions highlight the interconnectedness of the various elements of the New Orleans Consent Decree. (Incidentally, our team members Chief Nowicki, Chief McNeilly, and Chief Viverette all played a role in this and other similar IACP projects.)

In contrast to the benefits of an effective complaint system, as the New Orleans Police Department has seen first-hand, the failure to properly handle complaints – whether in terms of the taking, the investigating, or the remedying – easily can lead to an erosion of citizens’ faith in a Department. It also can lead to an increase in lawsuits and investigations by other City agencies.

The International Association of Chiefs of Police conducted a study in 2005 regarding a department’s handling of citizen complaints. The study made multiple recommendations to ensure that adequate investigations are conducted following citizen complaints. These recommendations, some of which are summarized below, align with our Team’s view of the issue, and will guide our monitoring of the Department’s efforts in this area.
• Once a complaint is filed, it must be considered and investigated.

• Internal investigations should be assigned to professional compliance or internal affairs units.

• Determining the proper investigator is an important part of the planning process.

• Investigations should not be conducted in isolation.

• There must be identified standards for comparison to allow management to draw appropriate and fair conclusions. These standards are not intended to constrain the investigator, but rather as criteria that should be assessed when judging whether or not the investigator’s efforts were reasonable as it applies to the specific matter under investigation.

In short, an effective citizen complaint process, including the investigation of the complaint itself, must reflect the concern of the organization and must be responsive to the needs of the organization, the members of the community, the City of New Orleans and other stakeholders.

Our team has extensive experience dealing with complaint programs in a variety of contexts. Chief McNeilly, for example, implemented a successful enhanced citizen complaint process in Pittsburgh in connection with the Consent Decree through which he successfully navigated his department. Chief Nowicki and Mr. Aronie monitored the District of Columbia’s compliance with the citizen complaint elements of the Consent Decree. Chief Bowman and Chief Viverette both have managed citizen complaint programs in their departments and as consultants for other departments. Professors Alpert and del Carmen have studied the issue extensive. In fact, Professor Alpert provided instrumental guidance to the Northeastern University Institute on Race and Justice and its 2005 publication of its Report entitled “Enhancing Citizen Participation in the Review of Complaints and Use of Force in the Boston Police Department.” On the corporate side, Mr. Aronie, Mr. Morris, and Ms. Kennedy all have assisted major commercial organizations implement, assess, and review internal complaint and investigation programs. For example, following the publication of the federal “Mandatory Disclosure Rule” that impacted all federal contractors in 2008, Mr. Aronie developed and implemented an extensive internal reporting program for an international Fortune 250 defense contractor.

We submit that our team is well qualified and has the experience necessary to help the New Orleans Police Department be successful in this area.

K. Community Engagement

In the Consent Decree, the NOPD agrees to “promote and strengthen partnerships within the community, and to engage constructively with the community . . . .” One way NOPD will do this is through its embrace of “community policing.” In the words of the DOJ COPS program, “community policing” is

is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving
techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

It is a philosophy that our team not only understands and embraces, but that our team has had great success with.

Rather than trying to reword what the DOJ COPS publications already has described so well, let us simply quote here from the COPS publication *Community Policing Defined*, which described the key components of community policing as follows:

- **Community Partnerships**
  Collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police.

- **Organizational Transformation**
  The alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving.

- **Problem Solving**
  The process of engaging in the proactive and systematic examination of identified problems to develop and evaluate effective responses.

When properly implemented, community policing is extremely effective in promoting constitutional policing, building trust, and protecting citizens and officers alike. As the DOJ noted in its investigation, however, NOPD’s policies, training, and tactics support neither a community policing orientation, nor the ultimate goal of proactive addressing problems to reduce and prevent crime, rather than reacting to it.

Obviously, this is something that must change.

The City of New Orleans is to be commended in that it has already started to implement its “Rebuilding the New Orleans Police Department 65 Point Plan” to reform the Department, which includes prioritizing community policing. This includes community outreach programs to minority communities such as the “El Protector” program, which offers bilingual support to Latinos on public safety issues. But, while NOPD has made strides in prioritizing community policing, several tasks remain uncompleted.

The Consent Decree specifically contemplates that the Monitor will:

- Develop a baseline of measures on public satisfaction with policing, attitudes among police personnel, and the quality of police-citizen encounters.

- Design, conduct, and analyze baseline and subsequent biennial surveys of a representative sample of City residents, police personnel, and detained arrestees.
• Review and consider prior law enforcement surveys in New Orleans and other cities, as well as current.

The COPS office recognized Dennis Nowicki for strategic, innovative leadership in problem-oriented policing. Mr. Nowicki brought ideas from the outside world into the Charlotte-Mecklenburg police department in many ways, including a year-long residency in the organization for the University of Wisconsin’s Professor Herman Goldstein, the father of problem-oriented policing. More recently, he was part of a BJA Executive Session on Police leadership that included a focus on sustaining Community Problem Oriented Policing in today’s economy.

Similarly Professor Alpert and del Carmen both are well suited to support these and other related elements of the Consent Decree. Additionally, our team of police chiefs brings to the table firsthand experience in developing effective community policing practices, policies, and procedures. For example, under Chief Mary Ann Viverette, the Gaithersburg, Maryland police department adopted the philosophy of community policing early in its development. Chief Viverette trained police employees, city employees, and community members in problem solving with the police department. As a result of the agency’s success in community and problem-oriented policing, the City won a U.S. Conference of Mayors “Livability Award” in 1995 for its broad-based community policing programs.

L. Officer Assistance and Support Services

Employee assistance programs have been a part of police department human resources management for decades. Police departments across the country have in place effective programs that help employees deal with traumatic incidents and personal problems such as the disease of alcoholism, mental or emotional illness, marital or family stress, financial or legal problems. Yet the DOJ investigation concluded that “a comprehensive system of officer assistance and support services for NOPD officers has never been in place, and that efforts to create a system have been faltering.”

Studies have shown that police managers and supervisors spend a large portion of their time dealing with problem employees, that is, employees who consistently fail to meet the organization’s behavior and performance expectations. Though in most agencies individuals of this ilk make up a small minority of the total workforce, they consume a large part of first line supervision and internal control time and resources. Often, the problem employee is experiencing personal problems that, if addressed, can be overcome, resulting in improved workplace behavior.

The NOPD should have systems to respond to problem employees, making them both voluntary and involuntary, depending upon the circumstances. The intent of these programs is to identify problems at the earliest possible moment, to motivate the employee to seek help, and to direct the employee to the most appropriate source of assistance in resolving personal difficulties and restoring acceptable job performance. Employees who voluntarily seek help should be confident that all program records are confidential except in those cases where the counselor is legally obligated to notify the appropriate authority in order that action can be taken to protect those who may be in danger, such as child abuse or the threat of harm to the employee or others.
Such programs generally provide an array of services, including, but not limited to:

- Traumatic incident stress management
- Crisis intervention services,
- Alcohol abuse support service and prevention training,
- Peer support,
- Individual counseling
- Marriage and couples counseling,
- Family crisis intervention,
- Grief counseling,
- Gambling & Debt Management

Our team has significant experience implementing, overseeing, and evaluating successful programs across the country. We have done this in our own departments, and have helped other agencies do it in theirs. Under Chief Nowicki’s leadership, for example, the Chicago Police Department became one of the first large departments to hire a full time EAP coordinator with a doctorate in psychology/profession counseling. Chief Nowicki also established an in-house alcohol abuse intervention program staffed with two police officers who were recovering alcoholics. Our other team members have similar success stories within their various organizations. In short, we have the skill and experience to support the NOPD’s implementation of an effective system through effective monitoring and by offering technical assistance, where requested.

M. Transparency and Oversight

The concepts of transparency and oversight are important to police professionals as well as the community at large. Recent events suggest that when police departments are not transparent before the community, citizens lose faith and confidence in police officers. That is, they start to doubt the ability of the police to resolve and, at times, prevent, crime. If confidence is lost, the effectiveness of policing comes into question, and public safety (and officer safety) suffers. Restated, police officers are not able to perform their duties with any degree of effectiveness.

An oft-cited consequence of the loss of confidence of citizens towards the police is an increase in citizen fear of crime. Studies show that the fear of crime in a community increases dramatically when confidence in police officers (due to lack of transparency) erodes. One of the possible remedies for this particular phenomenon is better oversight over and more transparency into police activities.

Our team is prepared and able to monitor the NOPD’s efforts to increase transparency and build the confidence of the community it serves. We also have the skills, experience, and expertise to
provide the Department with any guidance it needs in creating an environment where transparency is expected, required, and obtained. We have had great successes handling similar projects as chiefs, academics, monitors, and corporate counsel where we regularly work with our large clients to implement comprehensive internal compliance programs that will pass muster with cognizant federal auditors, agents, and DOJ fraud counsel.

N. Interrogation Practices

DOJ’s review identified numerous instances where NOPD’s interrogation policies offered little guidance on the appropriate methods of conducting interrogations. One example is in the area of custodial interrogations that are an integral part of any law enforcement agency. When conducted correctly and in accordance with a detained individual’s Constitutional rights, reliable confessions may be obtained resulting in a higher rate of convictions. Deficiencies in an agency’s custodial interrogations, however, can lead to a complete disregard for a detainee’s Constitutional rights or worse – the conviction of an innocent individual. As noted by the DOJ, “NOPD’s policies about what constitutes a constitutional interrogation are inadequate.”

The DOJ also found that “[d]ocumentation of interrogations is poor due to a number of deficient practices and systems,” including lack of dedicated space and video recording equipment, destruction of notes of unrecorded interrogations by police officers, and inadequate preservation of taped interviews. Additionally, DOJ found that interrogation practices taught to newly recruited police officers often differed from what is practiced in reality. This disconnect has led many NOPD officers to classify custodial interrogations as the “pre-interview” phase and the interrogation as the “interview” or “confession” stage.” In reality, however, under Miranda, all of these phases are part of the custodial interrogation no matter how they are classified by NOPD.

DOJ identified several issues that have led to many of the flaws in NOPD’s interrogation practices and policies. These issues include the following:

- Lack of discussion of the basic purpose and importance of conducting interrogations in NOPD’s policies.
- The policies do not provide any legal references or constitutional standards to place the rules and procedures of interrogation into context.
- The rules and procedures regarding adherence to legal safeguards are inadequate.
- The policies do not include any express prohibitions on interrogation methods, such as physical violence or threats of harm.
- The policies do not express the importance of documentation of the interrogations and do not set forth procedures for documentation.

Our Monitoring Team will conduct a comprehensive assessment of NOPD’s interrogation practices, policies, and procedures to further identify deficiencies (and best practices) in NOPD’s interrogation practices. This review will cover policies and procedures taught to police officers
as well as how those policies and procedures actually are implemented by the police officers in the field. Our assessment also will include a review of police academy instruction materials, review of interrogation policies, interviews with police academy instructors, visits to classrooms, interviews with detectives, and interviews with patrol officers.

O. Photographic Lineups

Law enforcement agencies around the world have long recognized that there is room for improvement in eyewitness identification procedures. Eye witness identifications can be inherently unreliable because of stress, age, cross-racial identifications and a host of other factors experienced by victims of crimes and witnesses. Police departments across the United States have sought to implement eyewitness identification procedures that are most likely to lead to the identification of the guilty and are least likely to result in a false identification of an innocent suspect. Our Monitoring Team is well positioned to offer valuable insight into the process and to assist NOPD with implementing DOJ’s recommendations from the Consent Decree as well as best practices throughout the law enforcement community.

Finally, a word here should be said about the importance of “replicability” – or, to use an actual English phrase, the ability to replicate methodology for future use.

The Consortium for Police Leadership in Equity at UCLA and the Police Executive Research Forum (PERF) recently sponsored meetings with the U.S. Department of Justice Civil Rights Division in Washington, DC. The PERF meeting, Lessons Learned from Consent Decrees and Federal Investigations of Local Police Agencies, specifically addressed the relationship between the police and the attorneys who manage the Consent Decrees. Both meetings, however, included police chiefs who were currently or had been under Consent Decrees, and lawyers from the Civil Rights Division. Both sessions made clear that the ability to replicate the findings of research conducted by or for the police agency and the ability to replicate the findings generated by the Civil Rights Division are critical to the trust and confidence of the police and the monitoring process.

Our team recognizes that one of the most important aspects of any project such as this is the ability to replicate the methodology that we apply to our task. Proper replication by others will ensure the credibility of our work product. Accordingly, our team will be careful to explain and document the methodology of our work, and to ensure the “replicability” of the data we collect and the methods we used to analyze them. In other words, we will be transparent with our methods and approaches to everything we do.

VII. Potential Conflict or Bias

Sheppard Mullin is a large international firm of more than 600 attorneys. We litigate on behalf of clients against the United States Department of Justice and other federal agencies frequently. We also litigate on the same side as and enter into joint defense agreements with the United States. I am aware of no conflicts of interest or potential conflicts of interest that bear on my ability — or the ability of Sheppard, Mullin, Richter, & Hampton — to do the work required of the Independent Monitor.
The members of the Monitoring Team have worked closely with the Department of Justice and other Government agencies as advisors, monitors, and/or experts in the past. Chief Nowicki, for example, was on the monitoring team in the District of Columbia and the U.S. Virgin Islands. Chief Bowman, for example, currently serves the U.S. Department of Justice Civil Rights Division as a police practices expert in Internal Affairs, Community Policing, Use of Force, Recruiting, and Discrimination. Dr. Bowman also has worked with the U.S. Department of Justice Civil Rights Division to provide consultative services in New Orleans. Other members of the proposed monitor team have served in similar roles with the U.S. Department of Justice and other justice/law enforcement organizations.

VIII. Local Presence

Constitutional Policing impacts the lives of the local community every day. Constitutional Policing, however, is not a local issue. It is a national issue that calls for a national perspective and national experience. To that end, we have put together a team that will bring to New Orleans experience from across the United States, from large cities to small towns, from wealthy communities to the most underserved poor neighborhoods. While we are not resident in New Orleans, it will not take us long to know New Orleans.

That being said, we do believe that a local presence will be helpful not only to us, but to the City, the NOPD, and the community. We know from experience that a process laid upon a community wholly from the outside is doomed to fail. There are a number of different ways to ensure Constitutional Policing, and one size definitely does not fit all. Policies, procedures, and internal controls all must meet well-settled Constitutional mandates, but they also must align with the unique culture of the community being served. This truth is no less so in the corporate world where the Sheppard Mullin team has extensive experience developing, implementing, and reviewing complex internal control programs to ensure compliance with federal regulations in the areas of Government Contracting, Healthcare, Banking, International Trade, and much more.

To help ensure that the details of our monitoring plan will be effective in New Orleans, we plan to undertake the following activities to ensure a credible and effective local presence:

- First, our team will be spending a significant amount of time in New Orleans throughout the term of the monitorship, but especially in the first year. Our team is large enough to ensure that we have consistent, week-by-week, senior “boots on the ground” in the City.

- Second, soon after assuming our role as Independent Monitor, our team will meet with and seek input from local leaders, Government stakeholders, religious leaders, and other community stakeholders. In the District of Columbia, for example, we met with the local chapter of the National Association for the Advanced of Colored People, the local Police Union, and many other local leaders early in the process and received invaluable insight and input into our proposed monitoring activities.
• Third, after meeting with the City, the DOJ, and various other stakeholders and community members, we contemplate identifying and partnering with a local New Orleans law firm to establish a 24/7 physical presence in New Orleans. This presence not only will serve as a location to coordinate meetings that may be better held outside of a Government building, but it also will serve as a local brick and mortar building that local residents can visit to learn more about the monitorship and submit questions, comments, or complaints. The partnership with the local law firm also will provide us with useful familiarity with any local laws, policies, and rules governing police practices unique to New Orleans. While we could have identified such an individual/firm in advance of the submission of our proposal, we strongly believe that the NOPD, the City, and the Department of Justice will be best served by having a say in the selection of this local resource.

• Fourth, to ensure not only a local presence, but maximum local involvement, we have partnered with a New Orleans translation company to ensure that our key reports, our website, and other communications are accessible to community members who do not speak English as their first language, including Spanish and Vietnamese.

• Fifth, we plan to establish additional partnerships with other local businesses to support our local activities. For example, we already have developed an informal partnership with a local New Orleans reproduction company to handle the production and circulation of our various reports and communications and a New Orleans web design company to ensure that our Office of the Independent Monitor website is accessible, effective, and consistent with the culture of the local community.

In short, while our team is not from New Orleans, we will not be a stranger to New Orleans. Indeed, Chief Bowman already has spent significant time working with the City of New Orleans. Specifically, Chief Bowman assessed the linguistic capacity of line employees in terms of the number of multilingual peace officers and staff who interact with the public, languages spoken within the agency by multilingual peace officers and staff who interact with the public, and the level of language proficiency (written and oral) of multilingual peace officers and staff who interacted with the public.

IX. Price Proposal

One does not prepare a price proposal in a vacuum. One prepares a price proposal in the context of a host of contextual factors, each of which bears upon what that proposal ultimately will look like. In this case, the context in which we prepared our price proposal was an ongoing national recession, growing economic uncertainty, and a struggling local economy that will be required to
foot the bill for the monitoring effort at a time where, quite frankly, it can least afford to take on additional expenses.

Against this background, our team has strived mightily to provide exceptional value to the people of New Orleans at a sensible cost. To accomplish this:

- Sheppard Mullin is taking this project on as a public interest matter, and, accordingly, has proposed significant reduced rates for this project.
- Each police officer has agreed to accept a reduction to his/her standard billing rate.
- Our academic experts also have agreed to reduce their standard rates for this project as well.

Additionally, it should not be overlooked that our prior experiences working with the Department of Justice and with other cities on other monitorships has given us a wealth of experiences and materials that we can draw from without having to “reinvent the wheel.”

Please see the attached Price Proposal at Tab III for more information on this subject.

Additionally, please note that Sheppard Mullin is committed to working closely with the City, the Police Department, and the Department of Justice to promptly negotiate and finalize an appropriate Professional Services Contract following selection of the monitor. In additional to other things that may be of importance to the parties, a mutually agreeable contract will have to cover bi-lateral indemnity issues and assurances regarding potential future conflicts of interest in light of the significant case work that Sheppard Mullin currently has and will have in the future adverse to the Department of Justice and other Government agencies.

X. DBE Plan

Our team fully embraces the City’s commitment to maximizing opportunities for disadvantaged business enterprises, and we are committed to doing our part to help the City live up to that commitment. To that end, we have organized a team that readily will meet the City’s DBE goal of allocating 35% of the contract award to disadvantaged businesses. Our monitoring team’s DBE participation plan will be administered by Jonathan Aronie. Contract funds will be allocated to the following businesses (as well as other local businesses yet to be identified).

- **Theron L. Bowman Inc.** was started in 1998 by Chief Theron Bowman. Chief Bowman has expanded his firm’s work to include expert police operational analyses, use of force studies, internal affairs studies, expert testimony, management and efficiency studies, and police officer training. The company’s DBE certification is approved and maintained through the North Central Texas Regional Certification Agency.

- **Professor Alejandro del Carmen** is the sole owner of his consulting firm which provides expert advice on a wide range of law enforcement topics including racial profiling and crime prevention. Professor del Carmen is of Hispanic origin. He is a first generation immigrant and speaks Spanish fluently. Dr. del Carmen is submitting his DBE application concurrent with this proposal.
• **The McNeilly Group, LLC** is an Arab-American, woman owned small business providing consulting services on all matters of law enforcement policies and procedures. The McNeilly Group is submitting its DBE application concurrent with this proposal.

• **Bilingual Resource Group** is a New Orleans based, 100% woman owned and minority owned small business providing translation services. The company was established in 2006 after the notorious hurricane Katrina had hit the southern parts of Louisiana and Mississippi states. The dire need to rebuild the infrastructure and re-instate normal lives of people encouraged a large influx of Hispanic and other non-English speaking population to the area, thus, creating more pronounced need for better communication and understanding of different languages and cultures. The Bilingual Resource Group has submitted its DBE application concurrent with this proposal.

• **CAD Printing, LLC** in conjunction with a web designer will provide various printing and advertising materials and assist with development of the Office of the Independent Monitor website. Both CAD Printing and our web developer already are New Orleans certified DBE vendors.

• While not a certified DBE, **Chief Mary Ann Viverette** is the sole owner and manager of her consulting firm – a woman-owned small business.

Additionally, our team is committed to exploring different and/or additional partnerships with other qualified DBEs based upon the recommendations of the City, the NOPD, and the Department of Justice.

We anticipate the breakdown of work to fall along the following lines. Upon award of the monitoring contract we will work with the city to tailor this breakdown as necessary.

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<thead>
<tr>
<th><strong>DBE Business</strong></th>
<th><strong>Percentage of Contract</strong></th>
<th><strong>Dollar Amount</strong></th>
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</thead>
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<tr>
<td>Theron L. Bowman Inc.</td>
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<tr>
<td>McNeilly Group, LLC</td>
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<tr>
<td>Bilingual Resource Group</td>
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<tr>
<td>CAD Printing, LLC &amp; Web Design</td>
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<td>Dr. Alejandro del Carmen</td>
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<td><strong>Total</strong></td>
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TAB 1
CONFLICT OF INTEREST DISCLOSURE AFFIDAVIT

STATE OF Washington

DISTRICT OF COLUMBIA

Before me, the undersigned authority, came and appeared Jonathan S. Aronie, who, being first duly sworn, deposed and said that:

1. He/She is the Partner and authorized representative of Sheppard Mullin Richter & Hampton, hereafter called "Respondent."

2. The Respondent submits the attached Proposal in response to the Request for Proposals ("RFP") to serve as the Consent Decree Court Monitor of the New Orleans Police Department.

3. The Respondent hereby states that a conflict of interest [Mark the appropriate line.]:

   [ ] Exists
   [ ] May exist
   [x] Does not exist

in connection with this RFP which might impair Respondent's ability to perform if awarded the Professional Services contract. A conflict of interest includes any familial or business relationships that the Respondent, the proposed subcontractors, and/or their principals have with City of New Orleans' officials or employees.

[Note: If a conflict(s) of interest exists and/or may exist, attach a letter describing the nature of the conflict or potential conflict, the parties involved, and why there is or may be a conflict.]

Sheppard Mullin Richter & Hampton
Name of Respondent

[Signature]
Respondent Representative (Signature)

Jonathan S. Aronie
(Print or type name)
1300 I Street NW, 11th Floor East
Washington, DC 20005
(Address)
Sworn to and subscribed before me, Latasha M. Baggott, Notary Public, this 14th day of November, 2012.

Latasha M. Baggott
Notary Public (signature)
Notary ID#/Bar Roll #
State of Washington, DC
Parish/County of

Latasha Baggott
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires April 30, 2015
Tab 2
IDENTIFICATION OF SUBCONTRACTORS

STATE: Washington
PARISH/COUNTY: District of Columbia

Before me, the undersigned authority, came and appeared Jonathan S. Aronie, who, being first duly sworn, deposed and said that:

1. He/She is the Partner and authorized representative of Sheppard Mullin Richter & Hampton, hereafter called "Respondent."

2. Respondent submits the attached Proposal in response to the Request for Proposals to serve as the Consent Decree Court Monitor of the New Orleans Police Department.

3. The Respondent hereby identifies the following persons, natural or artificial, who are retained by Respondent at the time the attached Proposal is submitted and who are expected to perform work as subcontractors in connection with the Respondent's work. Respondent hereby acknowledges and agrees that when new subcontractors not previously named are added to the Project, they must be promptly identified consistent with the RFP and the requirements of the Consent Decree in this matter.

List Subcontractors:

See Attachment
Person(s) and Company Name (if applicable)

[Please attach additional pages if necessary.]

Sheppard Mullin Richter & Hampton
Name of Respondent

Jonathan S. Aronie
Respondent Representative (Signature)

(Print or type name)
1300 I Street NW, 11th Floor East
Washington, DC 20005
(Address)
Response to question number 3, Identification of Subcontractors

Sheppard Mullin Richter & Hampton plans to execute engagement letters with the following experts, or their companies, should the monitorship contract be awarded to Sheppard Mullin. Additionally, Sheppard Mullin plans to execute additional engagement letters with other experts upon consultation with the City, the NOPD, and the Department of Justice.

Professor Geoff Alpert
Professor Alejandro Del Carmen
Chief Dennis Nowicki
Chief Mary Ann Viverette
Chief Robert McNeilly
Chief Theron Bowman
Sworn to and subscribed before me, Notary Public, this 14th day of November, 2012.

[Signature]
Notary Public (signature)
Notary ID#/Bar Roll #
State of Washington, D.C.
Parish/County of

LATARSHA BAGGOTT
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires April 30, 2016
OUR APPROACH TO COST

Excellence Within Reach

In order to provide New Orleans the experience and expertise of our monitoring team at a fair and reasonable price, Sheppard Mullin and its affiliated experts will offer their services at significantly discounted hourly rates. The firm will charge the time spent by its professional personnel at a blended rate of $425 per hour for senior attorneys and $350 per hour for junior attorneys – regardless of the individual’s normal billable rate.¹ These rates are significantly below our standard commercial rates, which range from $495 to $895 for senior attorneys and from $285 to $655 for junior attorneys. Mr. Aronie’s standard 2013 hourly rate, for example, is $640. Similarly, Ms. Kennedy’s 2013 hourly rate is $610. Paralegals taking part in this project will be billed at $100 per hour, which is below most of their normal billing rates as well.

We intend to utilize a billing rate structure for the other members of our team that is equally advantageous to New Orleans. To this end, we intend to partner with a local university for statistics and database experts, and we anticipate that these experts will be billed at a rate of $250 per hour. This is significantly below the rates typically charged by individuals in the private sector with similar skills. We will bill our police experts at $200 per hour in the first year, except for Chief Dennis Nowicki who, as our team’s Deputy Monitor and lead police practices expert, will receive $250 per hour.

The majority of the work being performed by the monitoring team will occur off-site, i.e. outside the city of New Orleans. The monitoring team, however, fully intends to meet all contractual requirements to have an ongoing physical presence within the city. The exact number of hours that will be spent in specific locations cannot be determined until a detailed work plan has been prepared with the city. As such, and because the rates for all personnel are not dependent upon the location where the services are being performed, the cost estimate includes only the number of hours per labor category without an on-site/off-site breakdown.

Ancillary expenses, such as photocopying, telephone calls, legal research, translation services, web site design/maintenance, and travel expenses, will be billed at actual cost (or our best estimate of actual cost, where the actual cost is unknown). Team members will be traveling to New Orleans from various locations across the country, and, as the exact number of trips is dependent upon the needs of the city, estimate trip numbers and average travel costs have been used in compiling the estimated price for this project. Additionally, we do not expect to incur any expenses for the leasing of local office space or the rental of local meeting facilities.

¹ All of the rates in our proposal, including attorney rates, are subject to an anticipated 5% escalation each year. The rates included in the detailed estimate include this escalation.
The ultimate cost of our team’s activities will be driven, in part, by the actions of the City and the Police Department. The monitoring team will be required to provide certain services, such as technical assistance, to the extent required. Thus, the preparation of a detailed, definitive budget at this early stage is not possible. Nonetheless, the attached projected Budget Templates set forth our best estimate of the total cost of this project for years one through four.

In summary, we estimate the cost of this project to the City of New Orleans to be as follows:

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<th>Labor Subtotals</th>
<th>Travel &amp; ODC</th>
<th>Totals</th>
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<td>Year 3 Estimate</td>
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</tr>
</tbody>
</table>

Since our team will not have any one-time fixed costs that “will be incurred regardless of the duration of the contract” (as referenced in Attachment A of the Request for Proposals), the total estimated cost of this project can be derived simply by adding the estimated costs of years one through four.

Under this proposal, regardless of the estimates detailed above and hereafter, and assuming neither the City nor the Department of Justice do not expand the requirements beyond the scope of the Consent Decree and this proposal, or beyond the four year term of the contract, we are prepared to cap the total cost of the contract at $8.9 million.
# BUDGET TEMPLATE
## YEAR 1 OF 4

### Direct Labor

<table>
<thead>
<tr>
<th>Policy Review</th>
<th>Technical Assistance</th>
<th>Training Assessment</th>
<th>Incident Review</th>
<th>Report Writing</th>
<th>Base Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Senior Staff</strong></td>
<td><strong>Junior Staff</strong></td>
<td><strong>Local Counsel</strong></td>
<td><strong>Deputy Counsel</strong></td>
<td><strong>Paralegal Staff</strong></td>
<td><strong>Technical Assistance</strong></td>
</tr>
<tr>
<td>R</td>
<td>H</td>
<td>D</td>
<td>R</td>
<td>H</td>
<td>D</td>
</tr>
<tr>
<td>$425.00</td>
<td>$175.00</td>
<td>$74,375.00</td>
<td>$425.00</td>
<td>$175.00</td>
<td>$74,375.00</td>
</tr>
<tr>
<td>$350.00</td>
<td>$175.00</td>
<td>$61,250.00</td>
<td>$350.00</td>
<td>$175.00</td>
<td>$61,250.00</td>
</tr>
<tr>
<td>$350.00</td>
<td>$175.00</td>
<td>$61,250.00</td>
<td>$350.00</td>
<td>$175.00</td>
<td>$61,250.00</td>
</tr>
<tr>
<td>$100.00</td>
<td>$100.00</td>
<td>$53,125.00</td>
<td>$100.00</td>
<td>$100.00</td>
<td>$53,125.00</td>
</tr>
</tbody>
</table>

### Total Labor Hours

- Policy Review: 1555
- Technical Assistance: 1460
- Training Assessment: 905
- Incident Review: 1675
- Report Writing: 670
- **Total Labor Hours**: 6,265

### Total Labor Dollars

- Policy Review: $406,875.00
- Technical Assistance: $379,375.00
- Training Assessment: $243,125.00
- Incident Review: $395,625.00
- Report Writing: $395,625.00
- **Total Labor**: $2,038,965.00

### Fringe Benefit

- Policy Review: n/a
- Technical Assistance: n/a
- Training Assessment: n/a
- Incident Review: n/a
- Report Writing: n/a
- **Total Labor**: $2,038,965.00

### Office Space

- Policy Review: n/a
- Technical Assistance: n/a
- Training Assessment: n/a
- Incident Review: n/a
- Report Writing: n/a
- **Total Labor**: $2,038,965.00

### ODCs

- Policy Review: -
- Technical Assistance: -
- Training Assessment: -
- Incident Review: -
- Report Writing: -
- **Total Labor**: $2,038,965.00

### Subcontractors

- Policy Review: see direct labor above
- Technical Assistance: see direct labor above
- Training Assessment: see direct labor above
- Incident Review: see direct labor above
- Report Writing: see direct labor above
- **Total Labor**: $2,038,965.00

### Overhead

- Policy Review: n/a
- Technical Assistance: n/a
- Training Assessment: n/a
- Incident Review: n/a
- Report Writing: n/a
- **Total Labor**: $2,038,965.00

### Fee/Profit

- Policy Review: n/a
- Technical Assistance: n/a
- Training Assessment: n/a
- Incident Review: n/a
- Report Writing: n/a
- **Total Labor**: $2,038,965.00

### Total Price

- Total Labor: $406,875.00
- Office Space: $379,375.00
- Subcontractors: $243,125.00
- Overhead: $395,625.00
- Fee/Profit: $395,625.00
- **Total Price**: $2,038,965.00

R = Rate
H = Hours
D = Dollars (Rate x Hours = Dollars)

*This budget element is incorporated in the commercial rates being offered by the monitoring team.

**All figures are estimates.

***Direct Labor Rates reflect discounts from commercial rates.

****The allocation of hours are estimates, and may be adjusted based on the detailed work plan to be prepared with the City.
## BUDGET TEMPLATE

**YEAR 2 OF 4**

<table>
<thead>
<tr>
<th>Policy Review</th>
<th>Technical Assistance</th>
<th>Training Assessment</th>
<th>Incident Review</th>
<th>Report Writing</th>
<th>Base Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direct Labor</strong>*</td>
<td><strong>R</strong></td>
<td><strong>H</strong></td>
<td><strong>D</strong></td>
<td><strong>R</strong></td>
<td><strong>H</strong></td>
</tr>
<tr>
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<td>$78,093.75</td>
<td>$446.25</td>
<td>125.00</td>
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<td>$367.50</td>
<td>75.00</td>
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<tr>
<td>Local Counsel</td>
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<td>$ -</td>
<td>$ 350.00</td>
<td>$ 50.00</td>
<td>$ 50,000.00</td>
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<tr>
<td>Paralegal Staff</td>
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<td>$ -</td>
<td>$ 105.00</td>
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<tr>
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<td>200.00</td>
<td>$ 52,500.00</td>
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<td>100.00</td>
</tr>
<tr>
<td>Police Experts</td>
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<td>$ 105,000.00</td>
<td>$210.00</td>
<td>300.00</td>
</tr>
<tr>
<td>Academic Experts</td>
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<td>200.00</td>
<td>$ 52,500.00</td>
<td>$262.50</td>
<td>100.00</td>
</tr>
<tr>
<td>Statistics Experts</td>
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<td>80.00</td>
<td>$ 21,000.00</td>
<td>$262.50</td>
<td>50.00</td>
</tr>
</tbody>
</table>

**Total Labor Hours****** | 1330 | 975 | 800 | 2700 | 950 | **6,755.00**

**Total Labor Dollars** | $373,406.25 | $263,593.75 | $228,375.00 | $711,375.00 | $293,518.75 | **$1,870,268.75**

**Fringe Benefit** | n/a | n/a | n/a | n/a | n/a | **n/a**

**Office Space** | n/a | n/a | n/a | n/a | n/a | **n/a**

**ODCs** | $ - | $ - | $ - | $ 11,230.00 | $ 11,230.00 | **$22,460.00**

**Travel** | $ - | $ - | $ - | $ - | $ - | **$138,060.00**

**Subcontractors** | see direct labor above | see direct labor above | see direct labor above | see direct labor above | see direct labor above | **n/a**

**Overhead** | n/a | n/a | n/a | n/a | n/a | **n/a**

**Fee/Profit** | n/a | n/a | n/a | n/a | n/a | **n/a**

**Total Price** | **$373,406.25** | **$263,593.75** | **$228,375.00** | **$722,605.00** | **$304,748.75** | **$2,030,788.75**

R = Rate
H = Hours
D = Dollars (Rate x Hours = Dollars)

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**All figures are estimates.

***Direct Labor Rates reflect discounts from commercial rates.

****The allocation of hours are estimates, and may be adjusted based on the detailed work plan to be prepared with the City.
### BUDGET TEMPLATE
#### YEAR 3 OF 4

<table>
<thead>
<tr>
<th>Policy Review</th>
<th>Technical Assistance</th>
<th>Training Assessment</th>
<th>Incident Review</th>
<th>Report Writing</th>
<th>Base Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direct Labor</strong>*</td>
<td>R</td>
<td>H</td>
<td>D</td>
<td>R</td>
<td>H</td>
</tr>
<tr>
<td>Senior Staff</td>
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<td>75.00</td>
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<td>-</td>
<td>$110.25</td>
<td>50.00</td>
</tr>
<tr>
<td>Deputy Monitor</td>
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<td>200.00</td>
<td>55,125.00</td>
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<td>150.00</td>
</tr>
<tr>
<td>Police Experts</td>
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<td>730</td>
<td>2550</td>
<td>1005</td>
</tr>
<tr>
<td>Total Labor Dollars</td>
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<td>$237,310.94</td>
<td>$220,500.00</td>
<td>$711,112.50</td>
<td>$320,661.25</td>
</tr>
<tr>
<td>Fringe Benefit</td>
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<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
</tr>
<tr>
<td>Office Space</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
</tr>
<tr>
<td>ODCs</td>
<td>$331,439.06</td>
<td>$237,310.94</td>
<td>$220,500.00</td>
<td>$711,112.50</td>
<td>$320,661.25</td>
</tr>
<tr>
<td>Travel</td>
<td>$331,439.06</td>
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<td>$220,500.00</td>
<td>$711,112.50</td>
<td>$320,661.25</td>
</tr>
<tr>
<td>Subcontractors</td>
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<td>see direct labor above</td>
<td>see direct labor above</td>
<td>see direct labor above</td>
<td>see direct labor above</td>
</tr>
<tr>
<td>Overhead</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
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<tr>
<td>Fee/Profit</td>
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<td>n/a*</td>
<td>n/a*</td>
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<tr>
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<td>$237,310.94</td>
<td>$220,500.00</td>
<td>$722,342.50</td>
<td>$331,891.25</td>
</tr>
</tbody>
</table>

R = Rate
H = Hours
D = Dollars (Rate x Hours = Dollars)

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### BUDGET TEMPLATE

**YEAR 4 OF 4**

<table>
<thead>
<tr>
<th>Policy Review</th>
<th>Technical Assistance</th>
<th>Training Assessment</th>
<th>Incident Review</th>
<th>Report Writing</th>
<th>Base Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direct Labor</strong>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Staff</td>
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<td>$491.99  50.00</td>
<td>$491.99  300.00</td>
<td>$491.99  200.00</td>
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<td>$405.17  50.00</td>
<td>$405.17  300.00</td>
<td>$405.17  200.00</td>
</tr>
<tr>
<td>Local Counsel</td>
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<td>$350.00  50.00</td>
<td>$350.00  350.00</td>
<td>$350.00  350.00</td>
<td>$350.00  350.00</td>
</tr>
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<td>$115.76  -</td>
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<td>$289.41  100.00</td>
<td>$289.41  100.00</td>
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<td>$231.53  1,150.00</td>
<td>$231.53  150.00</td>
</tr>
<tr>
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<td>$289.41  150.00</td>
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<tr>
<td><strong>Total Labor Dollars</strong></td>
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<td>$248,301.48</td>
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<td>$735,091.88</td>
<td>$277,594.84</td>
</tr>
<tr>
<td>Fringe Benefit</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
</tr>
<tr>
<td><strong>Total Labor</strong></td>
<td>$324,858.52</td>
<td>$248,301.48</td>
<td>$186,667.03</td>
<td>$735,091.88</td>
<td>$277,594.84</td>
</tr>
<tr>
<td>Office Space</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
<td>n/a*</td>
</tr>
<tr>
<td><strong>Total Price</strong>*</td>
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<td>$746,321.88</td>
<td>$288,824.84</td>
</tr>
</tbody>
</table>

**Base Year Total**

**R = Rate**

**H = Hours**

**D = Dollars (Rate x Hours = Dollars)**

---

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**All figures are estimates.

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****The allocation of hours are estimates, and may be adjusted based on the detailed work plan to be prepared with the City.
Tab 4
RESUME
Theron L. Bowman, Ph.D.
2921 Collard Road
Arlington, Texas 76017
Work: (817) 459-5702

Professional Objective: To revolutionize modern policing by developing, implementing and perfecting innovative policing strategies.

Education
Doctor of Philosophy, Urban and Public Administration
Topic: The Predictive Value of Policies In Determining Police Officer Actions
University of Texas at Arlington, 1997

Professional Experience
City of Arlington
Deputy City Manager and Public Safety Director over Police, Fire, Parks and Recreation, Libraries, Code Complainance and Animal Services (October 2012 to present; Interim- April to October 2012, March 2006 to January 2007)

Arlington Police Department
Police Chief (1999 to 2012)
2011 MLB World Series Public Safety Coordinator
Superbowl XLV Public Safety Executive Committee Chair, Event Date February 6, 2011
2010 NBA All Star Game Public Safety Coordinator
2010 MLB World Series Public Safety Coordinator
Disciplines include Law Enforcement, Emergency Operations, Fire and EMS, All Hazards Critical Incident Response and Prevention
Assistant Chief, Operations Bureau (1997 to 1999)
Command East, West, and North Divisions of Patrol and Investigations; Central Investigations, Special Operations, Tactical, Traffic Division, and Municipal Jail
Deputy Chief, East Arlington Bureau (1996 to 1997)
Administrative Services Bureau (1993 to 1996)
Command Internal Affairs, Community Affairs, Crime Prevention, Youth Services, Recruit and In-Service Training, Police Hiring and Recruiting, Media Relations, Police Chaplain’s Office, Citizen’s On Patrol, and the Citizen’s Police Academy
Patrol Supervisor and Watch Commander (1991 to 1993)
Community Affairs Division Commander (1990 to 1991)
Police Personnel, Recruiting and Hiring Supervisor (1988 to 1990)
Police Officer: Recruiter (1987 to 1988); Patrol Field Training Officer (1985 to 1987)
Tactical Team Officer (1985 to 1987); Vice and Narcotics Detective (1983 to 1985)

1990 to present
Lecturer, Instructor, Adjunct Professor and Visiting Fellow
Texas Christian University, Texas Wesleyan University, University of Texas-Arlington, Tarrant County Jr. College and Western Illinois University (ILESTB)

1998 to 2012
Technical Advisor to CIVPOL International Police Task Forces
DynCorp Aerospace Corporation, Fort Worth, Texas
AAR Global Solutions, Grand Prairie, Texas

Resume Revised 11-02-12
Professional Accomplishments

International Policing
- International Police Practices Expert- US Department of Justice
- Lecturer and Instructor- International Division of IACP- Belo Horizonte and Federal District, Brazil
- Team member- Terrorism Training- West Bank and Palestinian Territories, Israel
- Executive Committee- International Association of Chiefs of Police
- National Executive Institute- Scotland
- Trainer and CivPol Technical Advisor- Iraq, Afghanistan, Sudan, Haiti, Kosovo, Bosnia, Jordan, Palestinian Authority

Youth Crime, Victimization and Education
- Created the Youth Services section to address special needs and issues involving youth and the schools.
- Planned and co-coordinated the City’s Youth and Family Commission.

Community Affairs
- Commanded the newly created Community Affairs Division.
- Developed and implemented community policing and problem solving strategies for support personnel.
- Managed Crime Prevention Unit that was voted the “best in the world.”
- Co-created the Community Partnership Team concept for City of Arlington.

Workforce Diversification
- Developed, structured, implemented and supervised recruiting and hiring strategies that minimized employee turnover and exponentially increased female and minority hiring without adverse impact, employee morale problems, or lowering employment standards.
- Increased minority and female employment to levels at or above the service area.
- Increased minority participation in lateral transfer and promotional processes.
- Instructed city wide courses on workforce diversification.

Public Finance
- Managed successful four million dollar bond election campaign for new public safety building.

Construction Projects
- Managed new building construction planning for satellite Public Safety building.
- Managed $1.5 million Training Academy renovation project.

Policing Strategies
- Created and led an internal team that developed the world’s first rational model of predictive policing using high-level analytics and geospatial modeling
- Developed hierarchical structure, reporting relationship, and policing philosophies for newly created patrol division.
• Coined term “Predictive Policing” in 2005 New York City Meeting
• Developed and implemented “Geographic Community Policing” model in newly created patrol division, followed by city wide adoption and implementation.
• Designed and implemented the City’s first patrol division four day work week.
• Developed a model that reduced midnight shift response times by twenty percent without additional resources.

Accreditation
• Developed, implemented and managed numerous mandatory standards which resulted in the police department, telecommunications and training academy initial and ongoing accreditations by the Commission on Accreditation for Law Enforcement Agencies and the crime lab ASCLD accreditation.
• Led the Arlington Police Department to receiving a “Gold Standard Accreditation With Excellence” award, designating the department as the “best of the best.”.

Leadership
• Created and maintained a leadership culture that has led to more than fifty former employees’ appointments to law enforcement and private sector CEO and COO positions.

Class Room
• Created courses and curriculum in Criminal Justice Personnel Management, International Policing and Contemporary Policing Issues
• Taught Sociology classes in Theory of Urban Societies and Urban Social Problems
• Graduate level Criminal Justice Classes include Administration of Justice, Advanced Law Enforcement, Community Policing, International Policing and Contemporary Policing Issues
• Undergraduate level Criminal Justice Classes include Personnel Administration, Terrorism, Police and the Community, Police In A Free Society, Internship in Policing and Introduction to Criminal Justice
• Special Topics courses include Police Internal Affairs, Police Recruiting, Preparing for the Future, Leadership and Police Administration

Research
• Co-Creator and member of Unmanned Aerial Systems Consortium to facilitate UAS research and development and catalyze economic development opportunities
• Site partner with Police Foundation on 2010 Shift Study
• Created fellowship program with the University of Texas at Arlington Criminal Justice department to implement “teaching police department” concept
• Partnered with UTA Engineering department to obtain an NSF grant for study of wave forms and bandwidth compression technology
RESUME

Theron L. Bowman, Ph.D.
2921 Collard Road
Arlington, Texas 76017
Work: (817) 459-5702

- Professional Publications and Reports

Bowman, Theron L.

2002  "Educate to Elevate – Academics ‘have pushed our department to a new level of professionalism and innovation,’ Community Policing Consortium Community Links magazine. August, p. 11.
2002  "Educate to Elevate – Academics ‘have pushed our department to a new level of professionalism and innovation,’ Texas Police Journal. November, p. 15-17.
1993  "Staff Study of the Arlington Police Department Training Division,” Arlington Police Department.
RESUME
Theron L. Bowman, Ph.D.
2921 Collard Road
Arlington, Texas 76017
Work: (817) 459-5702


Professional Publications and Reports
Continued

1990   "Marketing the Polytechnic Heights Neighborhood,” Neighborhood Housing Services of Fort Worth.

Recent Presentations

Professional Activities
Graduate, 186th Session of the FBI National Academy
Graduate, Senior Management Institute for Police
Seminar Facilitator:
"Managing Diversity at Work,” City of Arlington, Texas (August 1993 to present) and 31st Management College, Southwest Legal Institute, Dallas, Texas (1995).
"Oral Presentations,” Dallas Area Rapid Transit (September, 1994)
"Crisis With Our Youth,” Delta Sigma Theta Conference (1994)
Police Promotional Candidate Assessor
Accreditation Assessor:
Commission on Accreditation of Law Enforcement Agencies (1994 to present).
Theron L. Bowman, Ph.D.
2921 Collard Road
Arlington, Texas 76017
Work: (817) 459-5702

Professional Affiliations
Academy of Criminal Justice Sciences
American Society of Public Administrators
Arlington Public Library Foundation Board of Directors (2001 to 2007)
Commission on Accreditation for Law Enforcement Agencies
  CALEA Commissioner (January 2006 to Present)
International Association of Chiefs of Police:
  Executive Committee (2000 to Present)
  Foundation Board (2001 to 2010)
  Financial Review Committee (2006 to Present)
  Diversity Coordinating Panel (2006 to 2007)
  Narcotics and Dangerous Drugs Committee (2008 to Present)
John Jay College of Criminal Justice of the City University of New York
  Advisory Board of the Christian Regenhard Center for Emergency Response Studies
    (2009 to Present)
Leadership Arlington Board of Directors (2005-06)
Metropolitan Operations Support and Analytical Intelligence Center – “Fusion Center”
  Advisory Board (2007)
NAACP Building Safe Communities Advisory Committee (2011-12)
National Organization of Black Law Enforcement Executives
National Association for the Advancement of Colored People
National Black Police Association
North Texas Council of Governments
  Law Enforcement Analysis Portal (LEAP) Governing Committee (2006 – Chair)
North Texas Super Bowl XLV Regional Public Safety Executive Committee Chair
  (2009 - 2011)
Office of the Governor – Appointee
Police Executive Research Forum
Pi Alpha Alpha- National Honor Society for Public Administration
Texas Intelligence Council (Governor’s Office of Homeland Security)
  Chair (2005 to 2010)
Texas Police Association
Texas Police Chiefs Executive Committee – Regional Director (1999 to 2005)
Texas Regional Center for Policing Innovation (Governing Board Chair 2008 to present)
The Institute for Law Enforcement Administration (2004 to Present)
  Advisory Board – Vice Chair (2005-2010); Chair (2010 to present)
UTA Center for Criminal Justice Research and Training – Board of Directors (2007 to present)
UTA School of Social Work Advisory Council (2001 to 2008)
Community Service
Ambassadors Christian Academy (K - 12) Advisory Board
Arlington Federal Credit Union Supervisory Board
American Heart Association Arlington Division Board of Directors
Arlington Human Service Planners Families and Youth Planning Council
Arlington City Council Youth Activities Committee
Boys and Girls Club of Arlington - Board of Directors (2009)
Dispute Resolution Services of Tarrant County Board of Directors
Fort Worth Human Services, Inc. (CDC) Board of Directors (Chairman)
Greater Mount Tabor Baptist Church, Fort Worth, Texas (Deacon)
Junior League of Arlington Community Advisory Committee
Law Enforcement Television Network Advisory Board
Leadership Arlington and Youth Leadership Arlington
Levitt Pavilion Arlington – Director (2007 to Present)
Martin Luther King, Jr. Celebration Committee Chair 2003 and 2006
North Central Texas Council of Government Criminal Justice Policy Development Committee
North Central Texas Major Case Investigation Team (MCIT) Board of Directors (2011)
Rotary International – Rotary Club of Arlington South (President, Treasurer)
Tarrant County Community AIDS Partnership Advisory Board
Tarrant County Youth Collaboration Board of Directors (2005-2008)
United Way of America – Community Impact Committee
United Way of Metropolitan Tarrant County Board of Directors (Vice Chair), Community
Initiatives and Allocation Division Cabinet (Chair), Quality Coordinating Committee,
Nominations, and Hercules Award Subcommittees, Partnership Review Subcommittee
(Chair, YMCA Committee; Management Consultant, Sickle Cell Anemia Foundation,
Boys Scouts of America), Education Development Subcommittee

Professional Recognitions
Arlington Muslim Community Leadership Award (2009)
Leadership Arlington – Sally Kallam Award (2008)
University of Texas at Arlington’s Distinguished Alumni (2006)
Outstanding Local Leader Award (2003)
John Ben Shepperd Public Leadership Institute
W.E.B. Dubois Award for Leadership, Delta Mu Chapter of Sigma Pi Phi, Inc. (1999)
University Scholar - The University of Texas at Arlington (1998)
Career Achievement Award - Blacks in Government, Fort Worth, Texas (1994)
Police Officer of the Year – Optimist, Arlington, Texas (2000); African American Peace Officers
Association of Arlington (1992)
WORK EXPERIENCE:

January 2006 – Present: The McNeilly Group, LLC
   Police Management Accountability
   • Policy Development/Review - Management Accountability - Early Intervention Systems - Training

July 2006 – Present: Elizabeth Township Police Department, Chief of Police
   Employer - Elizabeth Township Commissioners  412-751-3399
   As Chief Executive Officer of the Elizabeth Township Police Department, responsible for 12
   employees involved in patrol and investigations.

1996 – January 2006: PITTSBURGH BUREAU OF POLICE, Chief of Police
   Employer – City of Pittsburgh; Supervisor: Mayor Tom Murphy;  2210 PERRYSVILLE AVE; PITTSBURGH, PA 15214
   412-231-0410
   As Chief Executive Officer of the Pittsburgh Bureau of Police, responsible for approximately 1,000
   employees (900 sworn officers) involved in patrol, investigations, training, and administration.
   Extensive involvement with outside agencies to include: various county, state, and federal law
   enforcement, correctional, and judicial agencies and regional educational and training institutions.

DUTIES & ACCOMPLISHMENTS
• Led the Bureau of Police through a Consent Decree between the Department of Justice and the
  City of Pittsburgh.
  • Reached compliance within 2 ½ years and released from the Consent Decree within 5 ½
    years. (The quickest compliance rate and earliest release from a Consent Decree since 1996.)
• Maintained the lowest crime rates in the City of Pittsburgh in the prior 35 years.
  • (The City of Pittsburgh maintains one of the lowest crime rates per capita in the nation.)
• Oversaw the downsizing of the Pittsburgh Bureau of Police from 1,275 officers in 1995 to 900
  officers in 2004.
  • Low crime rates continued to be maintained with no sacrifice of core services.
• Oversaw the computerization of the Pittsburgh Bureau of Police. Developed a computerized
  personnel performance system that has been recognized nationally with a Webber/Seavey Award
  from the International Association of Chiefs of Police and Motorola.
• Developed innovative policies, training and techniques as illustrated with another
  Webber/Seavey Award for an Oral Drug Extraction Technique. (A technique to remove drug
  evidence from the mouth of a drug dealer with minimal associated dangers to officers and
  suspects.)
• Directed the Bureau of Police through process of certification with Institute of Ethics.
• Implemented annual training in cultural diversity, ethics, and communication skills for all sworn
  officers.
Robert W. McNeilly Jr.

- Participated extensively and successfully in joint operations with federal, state, county, and local law enforcement by coordinating investigations through the “Law Enforcement Agency Directors”, the “Joint Terrorism Task Force”, the “Anti-Terrorism Task Force”, “Operation Target”, and “Project Safe Neighborhoods”.

- Implemented new management procedures that significantly reduced police involved vehicle accidents (344 in 1995 compared with 132 in 2003) with associated decreases in lawsuits/claims filed against the Pittsburgh Police and a decrease in settlements/awards of similar dramatic reductions.

- Directed use of new forms (use of force, search and seizure, traffic stops, personnel performance evaluations) to capture data to manage police performance.

1990 – 1996 PITTSBURGH BUREAU OF POLICE: Police Commander

1987 – 1990 PITTSBURGH BUREAU OF POLICE: Police Lieutenant
- Responsibilities involved all facets of shift management and administration including deployment of personnel: Traffic Division, 1/90 – 6/90 and Zone One Patrol, 10/87 – 1/90

1984 – 1987 PITTSBURGH BUREAU OF POLICE: Police Sergeant
- Varying assignments that included: Special Operations Division (SWAT) – 8/85 – 10/87; Warrant Office and Communications – 3/84 – 8/85; and Zone Six Patrol Station – 1/84 – 3/84.

1979 – 1984 PITTSBURGH BUREAU OF POLICE: Plainclothes Officer
- Plainclothes officer in Strip District Zone and South Side Zone.

1977 – 1979 PITTSBURGH BUREAU OF POLICE: Police Officer
- Assigned to South Side Zone. Worked foot patrol, patrol car duties and police wagon duties.

1972 – 1977 Pittsburgh and Lake Erie Railroad
- Worked as a trainman, rail yard clerk and in various positions in the Accounting Department including accounts receivable, accounts payable, payroll, and supplies/stores.

EDUCATION:
- Graduate work, Public Policy Management: University of Pittsburgh; Pittsburgh, Pa. (1999-2001)
- BA, Psychology (Cum Laude): Duquesne University; Pittsburgh, Pa. (1972-1980, part-time)

SPECIAL TRAINING
- Police Pistol and Shotgun Firearms Instructor, Monroeville, Pa. (5/09)
- US Secret Service Dignitary Protection; Washington D.C. (8/05)
- Law Enforcement Exchange Program; Terrorism training; Jerusalem and Tel Aviv, Israel (4/05)
- Advanced Tactical Management; International Association of Chiefs of Police (2001)
- National Executive Institute; Federal Bureau of Investigations Academy, Quantico, Va. (1997)
- Senior Management Institute for Police; Police Executive Research Forum, Boston, MA. (1996)
- Command Institute for Police Executives; Pennsylvania Chiefs of Police, (1996)
- Police Instructor; Municipal Police Officer Education and Training Commission (1993)
• Firearms Instructor; United States Coast Guard (1989)
• Police Rifle Instructor School; Allegheny County Police Academy/NRA (1987)
• Law Enforcement Supervision; Pennsylvania State University (1986)

AWARDS
• Coast Guard Commendation Award; US Coast Guard, 2011
• Leadership Award; Police Executive Research Forum, 2003
• Coast Guard Achievement Award (District 8 enlisted person of the year); US Coast Guard, 2002
• Meritorious Service Award; Mayor of the City of Pittsburgh, 2000
• Cooperation in Investigations; Drug Enforcement Administration, 2000
• Leadership Award; Western Pennsylvania Chiefs of Police, 1998
• Leadership Award; American Society of Industrial Security, 1996
• Leadership Award; Pittsburgh School Police, 1996
• Leadership Award; Fraternal Order of Police, 1996

ASSOCIATIONS
• Major Cities Chiefs, 1996 - 2006 (East Coast Executive Board member 2001-2003)
• National Executive Institute Associate, 1997 – present (FBI Academy Graduate Association)
• International Association of Chiefs of Police, 1996 – present
• Pennsylvania Chiefs of Police, 1996 – present
• Western Pennsylvania Chiefs of Police, 1994 – present
• Allegheny County Chiefs of Police, 1996 – present

COMMITTEES
• Homelessness Committee member; Pittsburgh and Allegheny County (2000 – 2004)
• Advisory Board member; Allegheny County Community College (2002 – 2006)
• State and Local Advisory Board; National Office for Domestic Preparedness (1999 - 2002)
• Advisory member (Police Executive Research Forum representative); Federal Law Enforcement Training Center (2004 – 2006)

WORKING GROUP MEMBER
• DOJ – Civil Rights Division; Office of Justice Programs (8/2004)
• Terrorist Alert Policy Project; Major Cities Chiefs (4/2004)
• Critical issues in policing; Police Executive Research Forum (3/2004)

PRESENTATIONS
• 2011 International Conference on Innovative Solutions for Law Enforcement – Accountability (5/11)
• New Jersey Law Enforcement Accreditation Annual Meeting – Accountability (10/08)
• Minnesota Chiefs of Police - Early Intervention Systems, (4/07)
• Upper Mid-West Community Policing Institute, Minneapolis, MN – Innovations in Accountability (1/06)
• IACP workshop presenter - Internal Affairs Investigations and Early Intervention Systems, (9/05)
• Fourth National Symposium on Racial Profiling and Traffic Stops, Northwestern University (4/05)
• Third National Symposium on Racial Profiling and Traffic Stops; Northwestern University (9/03)
• National Symposium on Racial Profiling and Traffic Stops; Northwestern University (9/2000)
• Deadly Force, Race, and Disorder; Police Executive Research Forum Annual Meeting (5/97)

COMMUNITY SERVICE

• Elizabeth Township Rotary Club - member
• Elizabeth Township Area Emergency Medical Services - Board of Directors
• Womansplace – Board of Directors
• Regional Trail Committee – Board of Directors

MILITARY

• Currently possess “Secret” Clearance
• United States Coast Guard Reserves (Chief Petty Officer - Retired); 6/1/1987 to 2/12/11
• United States Marine Corps (Lance Corporal, Infantry); 6/1970 – 6/1972

HOBBIES

• Tae Kwon Do (third-degree black belt), Judo (brown belt)

PERSONAL

• Spouse; Catherine ~ City of Pittsburgh, Bureau of Police ~ Commander, Zone Three (Allentown)

Member of the Monitoring Team, US Virgin Islands VIPD/USDOJ Consent Decree – January 2010 to Present.

Working for the Lafayette Group, Inc. as a contract employee to the US Department of Homeland Security, I served as the Region 5 Coordinator for the Interoperable Communications Technical Assistance Program (ICTAP) 2005 – 2010.


Expert Witness Consultant to the U.S. Department of Justice, Civil Rights Division, Special Litigation Section. Assisted DOJ/CRD in pattern and practice investigations in several police departments, including Washington DC, Los Angeles, Cincinnati, Cleveland, Virgin Islands, Mt. Prospect, Highland Park and Harvey – 1999 to 2011.

Director, Institute for Public Safety Partnerships, University of Illinois at Chicago, 2003 - 2005

Partner, Police Executive Services, Inc., 2001 - 2005

Director, Center for Public Service & Leadership, Pfeiffer University Charlotte, 1999 - 2001.


Experience: Since 1999 I have served as a consultant on police practices, concentrating on managing use of force and technology applications.

As a member of the monitoring team for the US Virgin Islands/Department of Justice Consent Decree, I continue to both assess compliance with best practices in policing and provide technical assistance on managing use of force. I have instructed VIPD executive staff on James Fyfe’s decision point analysis and am assisting them in incorporating the approach to improve use of force related training and supervision in the department.

As an ICTAP Regional Coordinator, I assisted urban areas in their development of Tactical Interoperable Communications Plans and States in the development of Strategic Communications Interoperability Plans.

The Institute for Public Safety Partnership provided training and technical assistance in a broad
range of public safety areas, including managing use of force, problem oriented policing, homeland security, cultural competency, volunteers in police service, and avoiding bias based policing.

I served as a member of the Independent Monitor’s team for the DC Metropolitan Police Department/ Department of Justice MOA. In addition to assessing compliance, I provided technical assistance to MPD’s Force Investigation Team (FIT) and Executive Staff on constructive methods of review of use of force events, using the decision point analysis approach developed by Professor James Fyfe.

As an Expert Witness Consultant to the U.S. Department of Justice, Civil Rights Division, Special Litigation Section I assisted DOJ/CRD in pattern and practice investigations in several police departments, including Washington DC, Los Angeles, Cincinnati, Cleveland, Virgin Islands, Mt. Prospect, Highland Park and Harvey – 1999 to Present.

I also have worked with: KPMG, LLP on police practices audits; Atlanta, GA on Internal Affairs; Las Vegas, NV on police agency organization; Joliet, IL on use of force; Denver, CO on use of force; and the National Institute of Justice, Office of Science and Technology on applying emerging technology to policing.

As the Director, Institute for Public Safety Partnerships, University of Illinois at Chicago, a COPS funded regional training institute, I worked with small and medium size police departments to develop and deliver an array of in-service training programs, including courses to bring about improved management of use of force within their departments.

As Director, Center for Public Service & Leadership and member of the faculty of Pfeiffer University I developed a customized educational program that promoted servant leadership in the greater Charlotte region. I assisted in the development of a team MBA for public sector managers. I also taught courses in the criminal justice degree program.

As Chief of Police, Charlotte-Mecklenburg Police Department, Charlotte, North Carolina I led a police department of 1850 members serving the City of Charlotte and County of Mecklenburg, North Carolina with a population of 625,000.

I was appointed by Illinois Governor Jim Edgar to direct the State's criminal justice planning agency responsible for disbursing and monitoring Federal funds, developing/operating information systems for local criminal justice agencies, auditing criminal history records, conducting research/evaluation of criminal justice system functionality, and long range planning.

As the Chief of Police, Joliet, IL Police Department I led a police agency of 191 sworn and 43 civilian employees.

As a Deputy Superintendent with the Chicago Police Department, Bureau of Administration Service I managed the following nine divisions: Internal Affairs, Finance, Auditing and Internal Controls, Personnel, Training, Research and Development, Data Systems, Management and Labor Affairs, and Professional Counseling.

In my 26 years with the Chicago Police Department I rose through the ranks, starting as a patrol
officer and receiving career service promotions to detective, sergeant, lieutenant and captain. Assignments included patrol, tactical, investigative and administrative duties. Also served as Commander, Youth Division, and Commanding Officer, Area Two Property Crimes Detective Unit.

Education:  


Notable Competencies:
- Associate Professor, Pfeiffer U., Misenheimer, NC. Taught undergraduate criminal justice courses.
- Adjunct Faculty, Roosevelt University, Chicago, IL. Taught public sector labor relations in the Master of Public Administration Program, 1985-89.
- Adjunct Faculty, DePaul University, Chicago. Taught public policy development in Master, Management of Public Service Program, 1983 to 1986.
- Frequent lecturer for universities, professional associations and community organizations - currently

Board/Committee Memberships:
- Member and Chair of the Fire and Police Commission of the Village of Campton Hills, IL. 2007 – Present
- Vice President, Police Executive Research Forum, an international organization of over 500 college educated police chiefs of larger agencies, 1995 -1999.
- International Association Chiefs of Police, Narcotics and Dangerous Drugs Committee, 1990 – 2000
- Board of Directors, Smart Start of Mecklenburg County - 1998 to 2000.

Professional Associations:
- Harvard Executive Session on Drugs and Community Policing, San Diego, CA and Cambridge, MA, 1990 - 1991; A series of three sessions bringing senior practitioners and scholars together for tough examination of nationally and locally important police policy issues.
Member, Public Agency Administration Advisory Council, University of Illinois at Chicago. Advisory group to graduate program in public administration, 1981 - 1986.
Advisor, Mayor's Committee on E911 Communications, Boston, MA, 1985.

Publications:
**Mary Ann Viverette**  
4507 Waters Edge Court  
North Myrtle Beach, SC 29582

**Professional Experience:**

**Municipal Government/Gaithersburg, MD Police Department – 1979/2007**
Over 25 years of in-depth experience in municipal government, holding all ranks in the Gaithersburg Police Department until my appointment as Chief of Police in 1986. As Chief of Police, was responsible for providing service to a diverse and challenging city of 60,000 residents. Responsible for major organizational transformation by instituting significant personnel, operational, and service-related initiatives, improving training curriculums, building regional coalitions and developing a successful city-wide community policing philosophy. The agency received the US Conference of Mayors “Livability Award” in 1995 for its broad-based community policing programs. Experienced in grant writing, project management, internal affairs, recruitment, selection and promotion, and the wide range of vital administrative and managerial functions required of a Department Head. As Chief of Police, led the agency to International accreditation five times through the Commission on Accreditation for Law Enforcement Agencies, with the last assessment designation as a “Flagship” model agency by CALEA (1993-2007).

**Professional Accomplishments:**

**International Association of Chiefs of Police** - IACP, President (2005-2006).
Served in a leadership position as a member of the Board of Officers from 1999 - 2007. The IACP is the oldest and largest law enforcement leadership organization in the world with over 21,000 members. As a long-term Civil Rights Committee member, reviewed civil rights law enforcement policies from agencies throughout the nation, initiated legislative recommendations and resolutions on civil rights issues, and reviewed and awarded police departments across the nation for civil rights programs reflective of best practices.

**Commission on Accreditation for Law Enforcement Agencies (CALEA)** –
CALEA is the premier accrediting body for professional law enforcement agencies internationally. CALEA strives to improve delivery of police services by constant review and revision of over 400 law enforcement standards reflective of best practices in the profession.
Served as a Commissioner and also as a Chairperson of the Standards Review and Interpretation Committee for five years and assisted with writing and re-writing the international body of standards throughout a fifteen year period. Reviewed hundreds of agencies for CALEA accreditation throughout the United States over a twenty-year period as a Team Leader and Commissioner. Upon retirement now serves as a certified CALEA assessor and consultant.

**Maryland Chiefs of Police Association** - Executive Committee member and Training Committee member (1993- 2006).
Education:

University of Maryland, University College, College Park, MD.

Bachelor of Science, Law Enforcement/Criminology, 1986

FBI National Academy, 1988, Session 155, Quantico, VA.

Presentations/Keynote Speaker/Panelist –

- Spoke with the President and Vice-President of the United States releasing police grants for an additional 100,000 community policing officers;
- Addressed participants of the Million Mom March in Washington DC while representing IACP on violence against youth;
- Testified before the US Senate and US Congress on national issues related to identity theft and the national assault weapons ban;
- Appeared several times on “Good Morning America,” addressing topical issues in law enforcement;
- Provided keynote speeches to a number of State Police Chiefs organizations and graduating classes, including the FBI National Academy.
- Consultant for private organizations and the U.S. Department of Justice, performing management studies of U.S. police agencies and participating in promotional assessment center and promotional testing design for a major U.S. city and Trinidad and Tobago, (2007-present).

Professional Associations:

- International Association of Chiefs of Police, 1993-present.
- National Association of Women Law Enforcement Executives, 1995-present.
- Leadership Montgomery, Class of 1995
- Heroes for Children - Board of Officers, Guardian ad Litem, 2011-present.

Awards:

- 25 Outstanding Business Women of Montgomery County, 2005
- Outstanding Service Award, Gaithersburg-Germantown Chamber of Commerce, 2005
- Woman Law Enforcement Officer of the Year – 2006 NAWLEE
- Distinguished Alumni Award – 2006 Academy of the Holy Cross, Kensington, MD
- Conference of Mayors Livability Award – Community Policing, 1995
CURRICULUM VITAE
November 2012

NAME: Geoffrey P. Alpert

INTERNET SITE: www.deadlyforce.com

ADDRESS: Department of Criminology and Criminal Justice
University of South Carolina
Columbia, SC 29208
Phone: (803) 777-6424   Cell: (803) 446.4139   Fax (803) 777-7319
e-mail: geoffa@mailbox.sc.edu

EDUCATION: Ph.D. Washington State University 1975
            University of Oregon Law School 1974-1975
            M.A. University of Oregon 1970
            B.A. University of Oregon 1969

AWARDS & FELLOWSHIPS:

University of South Carolina Russell Research Award for Outstanding Research and Scholarship, 2012.

Academy of Criminal Justice Sciences, Bruce Smith Award for Outstanding Contributions to Criminal Justice. 2009.


University of South Carolina Educational Foundation Research Award, 1995.


ADMINISTRATIVE EXPERIENCE:


Director, Criminal Justice Program, Department of Sociology, University of Miami, Coral Gables, Florida. 1985 - 1988.


TEACHING EXPERIENCE:

Professor, Department of Criminology and Criminal Justice, College of Criminal Justice, University of South Carolina, Columbia, South Carolina. August, 1988 - Present.

Professor of Sociology, University of Miami, Coral Gables, Florida, 1985 - 1988.

Associate Professor of Sociology, University of Miami, Coral Gables, Florida. 1981 - 1985.

Assistant Professor of Sociology and Public Administration, University of Colorado, Colorado Springs, 1978 - 1979.

Assistant Professor of Sociology and Political Economy, School of Social Sciences, The University of Texas at Dallas, Richardson, Texas. 1975 - 1977.

Teaching Assistant, Department of Sociology, Washington State University, Pullman, Washington. 1972 - 1976.

Instructor, Department of Sociology, Georgia State University, Atlanta, Georgia. 1971 - 1972.
RESEARCH EXPERIENCE:


Adjunct Professor, Centre for the Excellence in Policing and Security, Griffith University, Brisbane, Australia. 2011 – 2014.


Member, Olympic Research Group. Atlanta Committee for the Olympic Games. 1996.


Principal Investigator, Firearm Use and Analysis, Metro-Dade Police Department, 1994 - 1995.


Principal Investigator, Firearm Use and Analysis, Metro-Dade Police Department, 1988 - 1989.


Co-Director of Research, School Dropout Prevention Center, University of Miami. 1985 - 1986.


Principal Investigator, Center for Business-Government Relations, Willamette University, Salem, Oregon. 1978 - 1978.

Research Associate, Graduate School of Education, Harvard University, Cambridge, MA. 1977.


PUBLICATIONS:

Books and Monographs:


Articles, Book Chapters and Other Selected Publications:

Rojek, Jeff, Scott Decker, Geoffrey Alpert and J. Andrew Hansen (Forthcoming). Is the Quarterback a 'Crip'? The Presence of Gangs in Collegiate Athletic Programs. Criminal Justice Review.


Lois Felson Mock and Simon Perry (Eds.). To Protect and Serve: Policing in an Age of Terrorism and Beyond. New York: Springer.


GRANTS, CONTRACTS AND AWARDS:


Police Use of Deadly Force, City of Dallas, Texas. 1984.

Police Use of Deadly Force, City of Miami. 1983.

Establishment of Prisoners' Rights Project - Oregon Division of Corrections. 1980.


SELECTED CONTRIBUTIONS:


A Critical Function Assessment of the Aiken County Sheriff’s Office. 1995.


An Analysis of Pursuit Driving: Duval County (FL) Grand Jury (Spring 1989).


Legal Rights of Correctional Officers. Florida Department of Corrections, (October 1982).


BOOK REVIEWS:

- American Journal of Police
- Contemporary Sociology
- Criminology
- Criminal Justice Review
- Journal of Criminal Law and Criminology
- Sociology: Reviews of New Books

EDITORIAL EXPERIENCE:

Issue Editor, Police Practice and Research
Editorial Board, The Justice System Journal
Associate Editorial Consultant, Journal of Criminal Law and Criminology
Editorial Board, American Journal of Criminal Justice
1998 Contributing Editor, Criminal Law Bulletin
1995

Board of Editors, Sociological Inquiry
Associate Editor, Criminology
Advisory Board, Police Liability Review
Advisory Board, Annual Editions: Criminal Justice (Dushkin)
Editor, Georgia Journal of Corrections
Editor, American Journal of Police
Associate Editor, Justice Quarterly

25
Associate Editor, Justice Research and Policy 1998 - 2001
Special Reader:
- American Journal of Criminal Justice
- American Journal of Police
- American Journal of Sociology
- American Sociological Review
- Crime & Public Policy
- Criminal Justice and Behavior
- Criminology: An International Journal
- Journal of Crime and Delinquency
- Journal of Criminal Justice
- Journal of Justice Issues
- Journal of Research in Crime and Delinquency
- Journal of Quantitative Criminology
- Judicature
- Justice Quarterly
- Justice System Journal
- Law and Human Behavior

SELECTED PROFESSIONAL ACTIVITIES:


Distortions in Memory after Police Shootings and other Critical Incidents. Australian Research Council, Centre for Excellence in Policing and Security. Griffith University, Brisbane, Australia July 2012.


Presented Testimony, Travis County, Texas Grand Jury. February 2012. Austin, Texas.

Presenter, Defense Research Institute, Civil Rights and Governmental Tort Liability Seminar. February 2012. Miami, Florida.


Presenter, Gang Affiliation and the Student Athlete. Senior Leadership Group, National Collegiate Athletic Association (NCAA), Indianapolis, IN. April, 2011.


Instructor, FBI National Academy. FBI Academy, Quantico, VA. February 2011.


Instructor, FBI National Academy. FBI Academy, Quantico, VA. August 2010.


Presenter, Shelby County (Tennessee) Sheriff’s Office. Managing Officer's Behavior: Early

Presenter, Caruth Police Institute, Dallas Police Department, Managing Officer's Actions and Behavior: Policies and Liability. December 2009.


Instructor, FBI National Academy. FBI Academy, Quantico, VA. August 2009.


Instructor, FBI National Academy. FBI Academy, Quantico, VA. May 2008.

Member, International Association of Chiefs of Police, Committee on Use of Force. 2008 – 2009.


Instructor, FBI National Academy. FBI Academy, Quantico, VA. December 2007.


Instructor, FBI National Academy. FBI Academy, Quantico, VA. May 2007.


Instructor, FBI National Academy. FBI Academy, Quantico, VA. May 2006.


Guest Editor, Police Quarterly. Vol. 8 Number 3, September 2005.


Member, South Carolina Law Enforcement Training Advisory Council. Department of Public


Presenter, State Bar of Texas Suing and Defending Governmental Entities Course. Galveston, TX. August 2002.


Presenter, Annual Convention of the Association of Trial Lawyers of America. Atlanta, GA. August 2002.


Presenter, Early Warning Systems and the Police. Pasadena, California Police Department, October 2001.


Presenter, Early Warning Systems and the Police. School of Professional Studies, Johns Hopkins


February 1998.


Member, National Criminal Justice Network Consumer Advisory Network. 1996.


Invited Speaker, South Carolina City and County Management Association Annual Meeting, Hilton Head, July 1994.

Member, Pursuit Guidelines Development Advisory Committee, California Peace Officer Standards and Training, 1994.


Faculty, Graduate Course on Victimology. The Free University. Amsterdam, July 1992.


Consultant, Monroe County (Florida) Sheriff's Department, Key West, FL. June - July 1990.


Commencement Speaker, Charleston County Police Academy, Charleston, SC. September 1989.

Invited Speaker, Civil Disorders and Police Use of Deadly Force, Southwestern Law Enforcement Institute, Dallas, Texas, March 1989.


Member, Dallas Criminal Justice Task Force, Dallas, TX. October 1975 - December 1977.

**COURSES TAUGHT:**

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**PROFESSIONAL ASSOCIATIONS:**

- Academy of Criminal Justice Sciences Publications Committee 2009 – 2010
- Chair, Publications Committee 2010 - 2011
- Editorial Selection Committee 2009 – 2010
Chair, Bruce Smith Award Committee  2010 – 2011
Ad Hoc Policy Committee  2010 - 2012

American Bar Association
  Committee on Corrections  1980
American Sociological Association
American Society of Criminology
  Student Affairs Committee  1989-1990
  Publications Committee  1985-1986
  Site Selection Committee  1984-1985
  Chair, Site Selection Committee  1983-1984
  Chair, Local Arrangements Committee  1978
  Committee on Criminal Justice Education  1977-1978
  Membership Committee  1975-1977
  Program Committee  1995-1997
  Statewide Policy Committee  1995- 1997
  National Policy Committee  1996- 1998
  Bloch Award Committee  2009-2010
  Chair, Bloch Award Committee  2010-2011
International Association of Chiefs of Police
  Ethics Training Sub-Committee  1997-1999
Justice Research and Statistics Association
  Board of Directors  2004-2005
Western Society of Criminology
  Vice-President  1979-1980
  Executive Secretary  1977-1978
  Chair, Program Committee  1976-1977
Alejandro del Carmen, Ph.D.

**Education**

**Ph.D.** Criminology, Florida State University, 1997.

**M.S.** Criminology, Florida State University, 1993.

**B.S.** Criminal Justice, Florida International University, 1991.

**Courses Taught:** Criminological Theory, Law Enforcement, Research Methods, Criminal Justice, Corrections, Courts, Victimology, Law and Society, Terrorism.

**Areas of Interest**

**Teaching:** Minorities and Crime, Terrorism, Criminology, Corrections, Penology, Criminal Justice, Theory, Deviance, Research Methods, Comparative Criminal Justice Systems.


**Academic Employment**

**Professor**  
University of Texas at Arlington, Department of Criminology and Criminal Justice, 2009-present.

**Chair**  
University of Texas at Arlington, Department of Criminology and Criminal Justice, 2007-present.

**Interim Chair**  
University of Texas at Arlington, Department of Criminology and Criminal Justice, 2006-2007.

**Associate Professor (tenured):**  
University of Texas at Arlington, Department of Criminology and Criminal Justice, 2002-2009.
Assistant Professor:
University of Texas at Arlington, Department of Criminology and Criminal Justice, 1998-2002.

Interim Director:

Editor:

Graduate Advisor:
University of Texas at Arlington, Department of Criminology and Criminal Justice, 2001-2006.

Director:

Research Associate

Instructor
The Law Enforcement Management Institute of Texas (LEMIT), 2001-present.

Instructor

Assistant Professor:
Drury College, Department of Behavioral Sciences, 1997-98.

Adjunct Professor/Instructor:
Tallahassee Community College, Department of Criminal Justice, 1996-97.

Adjunct Professor/Instructor:
Florida State University, School of Criminology and Criminal Justice, 1994-96.

Adjunct Professor/Instructor:
Florida A&M University, Department of Criminal Justice, 1996.
**Program Coordinator:**
University of the West Indies and The Florida State University’s School of Criminology and Criminal Justice, 1996-97.

**Research Assistant:**
The Office of the Attorney General of Florida and the Florida State University’s School of Criminology and Criminal Justice, 1995-96. Evaluation of Next Step Programs in Florida Schools. Project Supervisor: Anthony Pate.

**Assistant Editor:**

**Researcher:**
The Florida State University’s Congress of Graduate Students, 1994.

**Graduate Assistant:**
The Florida State University, School of Criminology and Criminal Justice, 1992-93.

**Academic Publications**

**Books:**


**Refereed Journal Articles:**


Edited Contributions:


Reviews:


del Carmen, A. 1999. Corrections. (author). Correspondence course currently offered by the University of Florida.

del Carmen, A. 1999. Introduction to Criminal Justice. (revision). Correspondence course currently offered by the University of Florida.

del Carmen, A. 1998. Criminology. (author). Correspondence course currently offered by the University of Florida.

del Carmen, A. 1999. The Courts. (revision). Correspondence course currently offered by the University of Florida.


Other Academic Contributions:

Instructors’ Manuals


Reading Supplement


Presentations


del Carmen, A. and Robinson, M. “The Relationship of Student Sporadic Activity to Selected Types of Victimization in “on” and “off” Campus Settings”. Presented at the annual meeting of the American Society of Criminology, Chicago, November 1996.


Community Service

Mansfield P.D. TCLEOSE Board, 2011-2012

Leadership Arlington Board Member, 2007-08.


Guest Speaker, McNair Scholarship Recipients. The University of Texas at Arlington. April 21, 2001.


Arlington Police Academy Advisory Board Member, 1998-present.

Tarrant County Criminal Justice Planning Committee, 1999-present.


**Media Coverage**

**Newspaper/Magazine Interviews:**


“School Shootings in the U.S.” WB Channel 33, Dallas, Texas. October 2, 2006.


“Desafuero es un Ataque y un Retroceso, Segun Expertos”. La Estrella. Pg. 1A. Saturday, April 9, 2005.


Television/Radio Interviews:


“Hate Crimes Against the Latino Community”. Univision, Channel 23, Dallas, Texas. April 6, 2002.


Activities/Participation

Faculty Mentoring Program 2010-2011.

Institute for Law Enforcement Administration (ILEA) Board Member. (2009-2012).

Campus Safety Committee. 2007-08.

NCAA Program Review, Committee Member. 2006-07.

IRB Board Member, 2006-07.

Chair, College of Liberal Arts Tenure and Promotion Committee, 2004, 2005.


Member, Department of Criminology and Criminal Justice Faculty Search Committee, 2005.

Faculty Senate, The University of Texas at Arlington. 1998-2004.

Parliamentarian, Faculty Senate—The University of Texas at Arlington, 2001-2002.

Presidential Advisory Council, Faculty Senate—The University of Texas at Arlington, 2001-2003.

Chair, Election Committee-Faculty Senate, The University of Texas at Arlington, 2001

Chair, Committee on Graduate Studies, Criminology and Criminal Justice Program. The University of Texas at Arlington. 1999-2001.

Library Committee, Criminology and Criminal Justice Program. The University of Texas at Arlington. 1998-present.

Curriculum Committee, Criminology and Criminal Justice Program. The University of Texas at Arlington. 1998-present.

Adjunct Review Committee, Criminology and Criminal Justice Program. The University of Texas at Arlington. 2000.

Unit Effectiveness Plan, Criminology and Criminal Justice Program. The University of Texas at Arlington. 1999-present.
Self Study Program Committee, Criminology and Criminal Justice Program. The University of Texas at Arlington. 1999-2000.


Graduate Program Admission’s Committee, Criminology and Criminal Justice Graduate Program. The University of Texas at Arlington, 1998-present.


Campus Security Advisor, Florida State University, 1994-95.

Congress of Graduate Students, Florida State University, 1993-95.

Judicial Officer of the Congress of Graduate Students, Florida State University, 1994-95.

President of the Hispanic Graduate Students’ Association, 1994-95.

In-Progress

Article:


Presentations:

del Carmen, A. et al., “North Texas Weed and Seed Evaluation: Lessons Learned” to be presented at the annual meeting of the American Criminal Justice Association to be held in NYC, March, 2012.


Awards

“Inicia el Trayecto Award”. The University of Texas at Arlington, 2006.


Outstanding Graduate Advisor Award. The University of Texas at Arlington, 2005.


Nominee, Outstanding Academic Advisor Award, The University of Texas at Arlington, 2002.

Gertrude Golladay Outstanding Teaching Award, College of Liberal Arts. The University of Texas at Arlington. March, 2001.

Nominee, Chancellor Award for Academic Excellence, College of Liberal Arts. The University of Texas at Arlington. February, 2001.

Staff Appreciation Award, University of Texas at Arlington, April, 2000.


Outstanding Faculty Member, Alpha Chi Omega. 1999-2000.
Jonathan S. Aronie is the co-Administrative Partner of the Washington, D.C. office and a partner in the Government Contracts Practice Group. Mr. Aronie counsels and represents large and small clients in some of the country's largest and most prominent classified and unclassified Government contracts matters, including bid protests, claims, self-disclosures, internal investigations, and DOJ investigations.

**Areas of Practice**

Mr. Aronie’s experience includes litigating under the qui tam provisions of the False Claims Act, developing and implementing corporate compliance programs, conducting internal investigations (proactive and defensive), and providing advice on the FAR Mandatory Disclosure Rules as well as a variety of federal regulatory and statutory matters, including those relating to the Multiple Award Schedule Program. He frequently represents clients before the Department of Justice, the Government Accountability Office, the General Services Administration, and other defense and civilian agencies. Additionally, Mr. Aronie is cleared at the highest levels (TS/SCI) and counsels and defends clients in classified national security matters.

Mr. Aronie has authored more than 60 articles and co-authored what is regarded by many as the leading treatise on the GSA Multiple Award Schedule Program, published by ThompsonWest. He also is a regular speaker at national and international forums and CLE programs. He is an active member of the Public Contracts section of the ABA, and recently served on the ABA Task Force charged with drafting formal guidance regarding the FAR Mandatory Disclosure Rule.

Mr. Aronie’s significant matters include:

- Protest of Air Force award of $15 billion Combat Search & Rescue (CSAR) aircraft to the Boeing Company
- Defense of Navy award of $1.2 billion Broad Area Maritime Surveillance (BAMS) contract to Northrop Grumman against GAO protest
- Defense of GSA Schedule contractor in post-award audit and civil fraud investigation conducted by GSA OIG Investigations Division
- Pursuit of civil Court of Federal Claims suit against Department of Interior challenging unlawful Termination for Default of civilian contractor
- Implementation of comprehensive Mandatory Disclosure compliance program for Fortune 100 defense contractor
- Defense of Fortune 100 defense contractor in $300 million False Claims Act lawsuit pursued by Department of Justice
- Defense of multiple GSA Schedule IT contractors in False Claim Act lawsuit brought by a competitor whistleblower

As part of Mr. Aronie’s internal investigation practice, he previously served as the Deputy Independent Monitor over the Metropolitan Police Department, a position...
created as a result of an agreement between the United States Department of Justice and the District of Columbia.

EDUCATION

- J.D., Duke University, 1993
- B.A., Brandeis University, 1990, with honors

CLERKSHIPS

- Law clerk to the Honorable Patricia A. Wynn, District of Columbia Superior Court. During this one-year clerkship, Mr. Aronie divided his time between the court’s civil division and juvenile criminal division

ADMISSIONS

- District of Columbia
- Maryland

HONORS

- Selected as a member of the PCI Board of Advisors
- Selected as an official delegate, District of Columbia Judicial Conference, five times

ARTICLES

Books

- Guide to the Mandatory Disclosure Rule: Issues, Guidelines, and Best Practices, American Bar Association, January 2010 (Co-Author and Chapter Editor)
- Multiple Award Schedule Contracting, Third edition, Thomson West, 2009 (John W. Chierichella, Jonathan S. Aronie)
- Multiple Award Schedule Contracting, Second edition, Xlibris Corporation, July 2006 (John W. Chierichella, Jonathan S. Aronie)
- Multiple Award Schedule Contracting, Xlibris Corporation, May 2002 (John W. Chierichella, Jonathan S. Aronie)

Blogs

- "What Happens In Vegas Doesn’t Seem To Stay In Vegas: A Different Take on GSA’s Recent Woes," governmentcontractslawblog.com, October 24, 2012
- "From Attestation Reviews To Examinations: The GSA OIG Expands The Scope Of Its Pre-Award Audits," governmentcontractslawblog.com, April 18, 2011
- "Did A Butterfly Just Flap Its Wings? The Potential Industry-Wide Consequences of the SBA’s Recent Suspension Of A Premier IT Contractor," governmentcontractslawblog.com, October 7, 2010
- "Finally, A Ruling That Applies Some Common Sense To The False Claims Act," governmentcontractslawblog.com, May 12, 2010
- "When Does A Free Item NOT Fall Below The Micro-Purchase Threshold?" governmentcontractslawblog.com, May 12, 2010
- “The First 100 Days,” governmentcontractslawblog.com, March 19, 2009

JONATHAN S. ARONIE
Articles

- "Regulatory Relay," The Deal, December 15, 2008
- "Changing Answers to a Longstanding Test Question (or what the new T&M rule means to us)," Off the Shelf, January 2007 (Jonathan S. Aronie, Marko W. Kipa)
- "Multiple Award Maze," January 12, 2007
- "It's All About the Rules," Security Management, November 2006 (co-author)
- "Set a rouge to catch a rogue - why Canada should think before following in the United States' footsteps," Summit, June, 2006
- "Don't be a target: Using the False Claims Act as a weapon has moved to the GSA schedules," Federal Computer Week, November 7, 2005
- "That's 'Dee' To My Friends," Federal Computer Week, July 11, 2005
- "Foolish Consistency, Some people hide behind the 'this is the way we always do it' shield," Federal Computer Week, April 18, 2005
- "Paying the Subcontractors," Federal Computer Week, February 21, 2005
- "The Lesson of Time," Federal Computer Week, December 6, 2004
- "The Simple Made Complex," Federal Computer Week, August 23, 2004
- "Contractors' Thorny Position," Federal Computer Week, June 28, 2004
- "Defining Small by Committee," Federal Computer Week, April 19, 2004
- "Gone In 60 Seconds," Federal Computer Week, February 23, 2004
- "Selling to Prime Contractors Under the Multiple Award Schedule Program," Off the Shelf, Vol. XXX, No. 2, February 2004
- "Learning from the Past," Federal Computer Week, January 26, 2004
- "See You In Court," Federal Computer Week, October 13, 2003
• “Effective Selling under GSA’s Multiple Award Schedule Program,” *Insight*, May 2002 (John W. Chierichella, Jonathan S. Aronie)
• “A Section 508 Survival Guide,” *Off The Shelf*, Vol.26, No.8, (Special Section), September 2001


• *Domestic & Foreign Product Preferences*, Briefing Papers, Second Series, December 2000 (John W. Chierichella, Jonathan S. Aronie, Andrew Skowronek)
• “Check or Checkmate? OFPP’s Recent Decision Affirming the Legality of GSA’s Post-Award Audit Clause,” *Contract Management*, December 1999 (James J. McCullough, Jonathan S. Aronie)
• “GSA Multiple Award Schedule at the Crossroads: OFPP Affirms Legality of Examination of Records and Price Adjustment Clauses,” *Government Contracts Alert*, October 29, 1999 (James J. McCullough, Jonathan S. Aronie)
• “Multiple-Award Schedule Contracts: The Good, the Bad, the Ugly,” *Washington Technology*, August 30, 1999
• “Open Market, Insert Foot,” *Federal Computer Week*, August 30, 1999
• “The Dark Side Revisited: A Few Thoughts on GEIA’s Petition to the OFPP,” *Off the Shelf*, July 1999
• “Disputing a Commercial KO,” *Legal Times*, April 26, 1999 (John W. Chierichella, Jonathan S. Aronie)

**JONATHAN S. ARONIE**
“GSA IG Audits—You Can’t Afford to Be Unprepared,” *Off the Shelf*, August 1998
(John W. Chierichella, Jonathan S. Aronie)


**SPEECHES**


- “Four Eyes, Two Views, One Truth—Perspectives on the Myths and Realities of GSA Schedule Audits,” The Coalition for Government Procurement 2011 Fall Conference, Arlington, VA, October 28, 2011


- “Mandatory Disclosure Rule Update,” The Aerospace General Counsel’s Group, Kiawah, South Carolina, November 4, 2010


- “Government Contracting 101: The Risks of Having Uncle Sam as a Customer,” Third Thursday Emerging Company Webinars, August 19, 2010


• "To Disclose or Not Disclose - That is the Question," Greater Southwest Acquisition Center’s Alliance for Quality Business Solutions Training Conference & Partnership Meeting, October 28, 2009


• "Advanced Issues in Multiple Award Schedule Contracting: Compliance, Audits and Risk Avoidance," Federal Publications Seminars, Huntsville, AL, September 22-23, 2009

• "The FAR Mandatory Disclosure Rule: What Have We Learned Since Dec 12th?," 48th Annual National Seminar on Government Contracts, September 16, 2009

• "Advanced Issues in Multiple Award Schedule Contracting," Federal Publications Seminars, Arlington, VA, June 16, 2009

• "Good Governance," 2009 Public Procurement Conference of the Americas, April 27-29, 2009

• "Contractor Business Ethics Compliance Program and Disclosure Requirements," Federal Publications One Day Seminar, March 10, 2009

• "Contractor Business Ethics," Compliance Program Workshop, December 16, 2008


• "I Owe The Government How Much?!?," The Coalition for Government Procurement 2008 Fall Conference, Arlington, VA, October 22, 2008


• "Growing Your Government Business Without Losing Your Legal Shirt," GSA Expo, Anaheim, California, April 2008

• "E-mail - Life and Liability with an Unforgiving Send Key," The Coalition For Government Procurement Premier Partner Luncheon, December 13, 2007

• "Teaming Agreements and Advanced Subcontracting," Washington, DC, December 12, 2007

• "E-mail - Life and Liability with an Unforgiving Send Key," NCMA, November 12, 2007

• "Advanced Issues in Multiple Award Schedule Contracting," NCMA 26th Annual Government Contract Management Conference, Bethesda, Maryland, November 8, 2007

• "Five Key Areas of GSA Schedule Contracting," NCMA Rio Grande Annual "Nuts, Bolts, and Beyond" Conference, Kirtland Air Force Base, October 24, 2007


• "Negotiating With Your Contracting Officer," The Coalition for Government Procurement Premier Partner Quarterly Conference, Washington, DC, October 2, 2007


• "Teaming Agreements and Advanced Subcontracting," Las Vegas, NV, September, 2007

• "Complying With The Ts & Cs of Your Contract," Dallas, TX, July 3, 2007

• "From The CGP Balcony: An Irreverent Procurement Update," The Coalition For Government Procurement 2007 Spring Conference, June 21, 2007

• "Advanced Issues in Multiple Award Schedule Contracting," Las Vegas, NV, June 12, 2007

• "Government Contracts in M&A Due Diligence: Caveat Emptor et Vendor," ACC San Francisco Bay Area Chapter, May 9-10, 2007

JONATHAN S. ARONIE
• "The Trade Agreements Act (Why All The Fuss?)," Bearing Specialists Association 2007 Convention, Marco Island, TX, May 4, 2007
• "Advanced Issues In Multiple Award Schedule Contracting," NCMA's World Congress, Dallas, TX, April 24, 2007
• "GSA Schedule Contracting - The More Things Change, The More They Stay The Same," NCMA's World Congress, Dallas, TX, April 24, 2007
• "Foreign Contractors and the U.S. Federal Procurement System," Washington, DC, June 20, 2006
• "Advanced Issues in Multiple Award Schedule Contracting," Federal Publications Seminars, Washington, DC, June 6-7, 2006
• "GSA Multiple Award Schedule Contracting: What You Don't Know CAN Hurt You," The Huntsville Chapter of National Contract Management Association, May 4, 2006
• "Case Studies of What To Do & What Not To Do in Government Contracting," The Coalition for Government Procurement 2005 Fall Conference, Arlington, VA, November 9, 2005
• "The Inside Scoop on Selling to the Government Through the GSA Schedule: How to Drive Revenue While Minimizing Risk," Ingram Micro/GovEd Alliance Fall 2005 Invitational Conference, Santa Ana, CA, November 2-4, 2005
• Government Procurement Conference of the Americas, Atlanta, GA, November 2, 2005
• "Post-Award Audits, Scope Reviews & Contract Compliance: Is This Any Way To Treat A Contractor?," The Coalition for Government Procurement, Arlington, VA, June 2005
• "The Fun is Just Beginning," NCMA, Fairfax, VA, June 2005
• "I May Have My MAS- Now What?," GSA Expo 2005, May 24, 2005
• "GSA Schedule T&Cs: Comply or Die," NCMA World Congress 2005, Phoenix, AZ, April 2005
• "Advanced Issues in Multiple Award Schedule Contracting," Federal Publications Seminars, Las Vegas, NV, December 1-2, 2004
• Ingram Micro 2004 GovEd Alliance Conference November 3-4, 2004
• "Advanced Issues in Multiple Award Schedule Contracting," Federal Publications Seminars, Washington, DC, November 8-9, 2004
• "GSA Multiple Award Schedule – Realizing Benefits, Minimizing Risks," Ingram Micro 2004 GovEd Alliance Invitational, Las Vegas, NV, November 2004

JONATHAN S. ARONIE

• “Secrets of Schedules Success,” GSA Expo, Orlando, Florida, May 10, 2004

• “Government Contracting: Recognizing the Benefits While Avoiding the Pitfalls,” National Contract Management Association World Congress, Orlando, Florida, April 26, 2004


• “When Bad Things Happen to Good People,” The Coalition for Government Procurement 2004 Spring Conference (Jonathan S. Aronie, Roscoe C. Howard, Jr.)


• “Secrets of Schedules Success,” GSA Expo, San Antonio, TX, May 6, 2003


• “Multiple Award Schedule Contracting,” National Contract Management Association, World Congress, Long Beach, CA, July 24, 2002

• “Government Contracts for the Non-Government Contracts Lawyer,” Santa Clara County Bar Association, Santa Clara, CA, June 13, 2002


EVENTS
• Third Thursday Emerging Company Webinar
OVERVIEW

Tracey A. Kennedy is a partner in the Labor and Employment Practice Group in the firm’s Los Angeles and New York offices.

Areas of Practice

Ms. Kennedy is responsible for all aspects of employment litigation matters on behalf of employers and management.

An experienced trial attorney, she has tried to verdict in state and federal court employment matters such as age, race, sex and disability discrimination, sexual and racial harassment, retaliation, and wrongful termination. Ms. Kennedy has also tried to verdict wage and hour class actions. Ms. Kennedy provides preventive counseling to clients concerning personnel and employment matters. Ms. Kennedy has lectured state-wide on personnel practices, employment discrimination, retaliation, sexual harassment, and wrongful termination.

Ms. Kennedy also has experience in labor issues such as union organizing, labor negotiations, and labor arbitrations.

EDUCATION

• J.D., University of Texas at Austin, 1990
• B.A., University of Texas, 1987

ADMISSIONS

• California
• District of Nebraska
• New York
• Ninth Circuit
• Texas
• U.S. District Court for the Central, Northern and Eastern Districts of California
• U.S. District Court for the Southern District of Texas

EXPERIENCE

June, 1989 - Jury Trial (14 days)
Court: Riverside County Superior Court (Hon. Hanks)
Case: Misdemeanor Possession
Role: First Chair Prosecutor (certified law clerk)
Verdict: Guilty

March, 1991 - Bench Trial (5 days)
Court: Los Angeles County Superior Court (Hon. D. Janavs)
Case: Breach of Construction Contract and Settlement Agreement  
Role: Lead Trial Attorney  
Verdict: Defense

**November, 1993 - Jury Trial (14 days)**  
Court: Los Angeles County Superior Court (Hon. Bernard Kaufman)  
Case: Wrongful Termination and Retaliation  
Role: Second Chair  
Verdict: Hung Jury

**May, 1996 - Jury Trial (14 days)**  
Court: Los Angeles County Superior Court (Hon. Valerie Baker)  
Case: Race Discrimination and Breach of Contract (27 year employee)  
Role: Second Chair  
Verdict: Defense Verdict as to Race Discrimination; Plaintiff Verdict as to Breach of Contract

**August, 1996 - Jury Trial (14 days)**  
Court: Los Angeles County Superior Court (Hon. Judith Chirlin)  
Case: Race Discrimination and Breach of Contract  
Role: Second Chair  
Verdict: Defense Verdict as to Race Discrimination; Plaintiff Verdict as to Breach of Contract

**April, 1998 - Jury Trial (25 days)**  
Court: Los Angeles County Superior Court (Hon. Alexander Williams)  
Case: Wrongful Termination, Violation of Fair Credit Reporting Act, Retaliation, and Race Discrimination  
Role: Second Chair  
Verdict: Plaintiff Verdict as to Wrongful Termination and Violation of FCRA; Defense Verdict as to Discrimination and Retaliation

**August, 1998 - Jury Trial (7 days)**  
Court: United States District Court, Central District (Hon. Audrey Collins)  
Case: Age Discrimination (Three plaintiffs)  
Role: Co-counsel  
Verdict: Defense (as to all plaintiffs)

**October, 1998 - Jury Trial (4 days)**  
Court: Los Angeles County Superior Court (Hon. Richard Kalustian)  
Case: Sexual Harassment and Retaliation  
Role: Lead Trial Attorney  
Verdict: Plaintiff (verdict was less than half of settlement offer)

**February, 1999 - Jury Trial (8 days)**  
Court: Los Angeles County Superior Court (Hon. James Dunn)  
Case: Age Discrimination and Breach of Contract  
Role: Co-Counsel  
Verdict: Defense

**June, 1999 - Jury Trial (14 days)**  
Court: Tulare County Superior Court (Hon. Patrick O'Hara)  
Case: Race and Age Discrimination and Breach of Contract  
Role: Lead Trial Attorney  
Verdict: Defense

**November, 1999 - Jury Trial (7 days)**  
Court: United States District Court, Central District (Hon. William Rea)  
Case: Race Discrimination and Retaliation  
Role: Co-Counsel  
Verdict: Defense

TRACEY A. KENNEDY
January, 2000 - Bench Trial (6 days)
Court: United States District Court, Central District (Hon. Laughlin Waters)
Case: Race and National Origin Discrimination, Race and National Origin Harassment and Retaliation
Role: Lead Trial Attorney
Verdict: Defense

March, 2000 - Bench Trial (5 days)
Court: Los Angeles County Superior Court (Hon. Joseph R. Kalin)
Case: Breach of Written Employment Contract for Chief Financial Officer
Role: Lead Trial Attorney
Verdict: Plaintiff (fraud claims and individuals dismissed before trial)

September, 2000 - Jury Trial (5 days)
Court: Los Angeles Superior Court (Hon. Coleman Swart)
Case: Breach of Implied Contract and Age and Sex Discrimination
Role: Lead Trial Attorney
Verdict: Defense

August, 2001 - Bench Trial (4 days)
Court: Los Angeles County Superior Court (Hon. James L. Wright)
Case: Medical Condition and Disability Discrimination and Overtime Pay
Role: Lead Trial Attorney
Verdict: Defense

November, 2002 - Jury Trial (10 days)
Court: Los Angeles County Superior Court (Hon. Ralph Dau)
Case: Race Retaliation (three plaintiffs)
Role: Lead Trial Attorney
Verdict: Defense Verdict as to two Plaintiffs; Plaintiff verdict as to retaliation in violation of public policy

March, 2003 - Jury Trial (10 days)
Court: Los Angeles County Superior Court (Hon. Alan Buckner)
Case: Retaliation, Age Association Discrimination, Medical Condition Association Discrimination, Breach of Contract
Role: Lead Trial Attorney
Verdict: Plaintiff Verdict as to Retaliation and Breach of Contract; Defense Verdict as to all other claims.

August, 2003 - Jury Trial (10 days)
Court: Los Angeles County Superior Court (Hon. Paul Gutman)
Case: Age and Gender Harassment, Age and Gender Discrimination, Unequal Pay (Gender Based), Failure to Promote, Breach of Contract
Role: Lead Trial Attorney
Verdict: Plaintiff Verdict on gender harassment; Defense Verdict as to all other claims

September, 2005 - Jury Trial (25 days)
Court: San Bernardino County Superior Court (Hon. Ben Kayashima)
Case: Disability Discrimination, Violation of the California Family Rights Act, Breach of Contract
Role: Lead Trial Attorney
Verdict: Defense Verdict

January, 2006 - Jury Trial (19 days)
Court: Los Angeles County Superior Court (Hon. Victor Persón)
Case: Retaliation (Violation of Labor Code § 1102.5)
Role: Lead Trial Attorney
Verdict: Defense Verdict

May, 2008 - Jury Trial (24 days)
Court: Orange County Superior Court (Hon. Peter Polos)

TRACEY A. KENNEDY
Case: Gender Discrimination and Harassment, Retaliation, Loss of Consortium
Role: Lead Trial Attorney
Verdict: Defense Verdict

July, 2008 - Bench Trial (1 day)
Court: Los Angeles Superior Court (Hon. Louis Lavin)
Case: Wage penalties
Role: Lead Trial Attorney
Verdict: Defense Verdict

August, 2008 - Bench Trial (9 days)
Court: Los Angeles County Superior Court (Hon. Susan Bryant-Deason)
Case: National Origin Discrimination and Harassment
Role: Lead Trial Attorney
Verdict: Settlement (during trial)

March, 2009 - Trial (8 days)
Court: Los Angeles County Superior Court (Hon. Zaven Sinanian)
Case: Pregnancy Discrimination, Pregnancy Harassment and Retaliation
Role: Lead Trial Attorney
Verdict: Defense Verdict

August 2009 - Trial (8 days)
Court: Orange County Superior Court (Hon. Richard Luesebrink)
Case: Disability Discrimination, Harassment, Retaliation, Failure to Accommodate
Role: Lead Trial Attorney
Verdict: Defense Verdict

September 2009—Bench Trial (10 days)
Court: Los Angeles County Superior Court (Hon. William MacLaughlin)
Case: Wage and Hour Class Action (Exemption) (Business & Profession Code § 17200)
Role: Lead Trial Attorney
Verdict: Defense Verdict January 2010

December 2009 – Jury Trial (8 days)
Court: Orange County Superior Court (Hon. Franz Miller)
Case: Overtime (Exemption) and Meal/Rest Period
Role: Co-Counsel
Verdict: Defense Verdict

February 2010 - Jury Trial (10 days)
Court: Los Angeles County Superior Court (Hon. Ronald Sohigian)
Case: Disability discrimination
Role: Lead Trial Attorney
Verdict: Plaintiff verdict - New trial granted

August 2010 - Jury Trial (10 days)
Court: Santa Rosa County Superior Court (Hon. Mark Tansil)
Role: Co-Counsel
Case: Sexual Harassment and Retaliation
Verdict: Plaintiff Verdict

October 2010 - Jury Trial (10 days)
Court: San Francisco Superior Court (Hon. Charlene P. Kiesselbach)
Case: Wrongful Termination and Reimbursement (Labor Code section 2802)
Role: Co-Counsel
Verdict: Defense Verdict

March 2011 - Jury Trial (15 days)
Court: Los Angeles County Superior Court (Hon. David Milton)
Case: Civil Stalking, Wrongful Termination, Sexual Harassment
Role: Lead Trial Attorney
Verdict: Plaintiff

October 2011 - Jury Trial (6 days)
Court: Los Angeles County Superior Court (Hon. Louis Meisinger)
Case: Retaliation, Wrongful Termination, Failure to Prevent Retaliation
Role: Co-Lead Counsel
Verdict: Defense

December 2011
Court: Los Angeles Superior Court (Hon. A. Khan)
Case: CFRA Harassment Discrimination and Retaliation
Role: Lead trial attorney
Plaintiff Verdict: retaliation, negligence
Defense Verdict: harassment, Kin Care, associational, discrimination, punitive damages (on appeal)

Reported Cases


HONORS

- Named one of The Nation's Most Powerful Employment Attorneys -- Up-and-Comers by Human Resource Executive, 2011
- Recognized, Labor and Employment Litigation, Legal 500, 2011, 2012

MEMBERSHIPS

- Member, Association of Southern California Defense Counsel
- Member, American Board of Trial Advocates
- American Trial Lawyers Association
- Former Member of the Executive Committee, Labor & Employment Law Section, Los Angeles County Bar Association
- Former Chair and Co-Chair, Barristers Sports Project Committee
- Former Member, Barristers Executive Committee
- Former Co-Chair, Barristers South Central Legal Services Committee
- Former Associate Editor, California Labor and Employment Law Quarterly
- Former Executive Committee Member, Labor and Employment Law Section, Beverly Hills Bar Association

ARTICLES

- Top 2010 Women Litigators, Daily Journal, May 12, 2010

TRACEY A. KENNEDY

New Disability Law, December 26, 2000

If It's Done Right, You Too, Can Be An At Will Employer, November 1, 2000

**SPEECHES**

- Ms. Kennedy has lectured state wide on personnel practices, employment discrimination, harassment, wrongful termination, unfair business practices, and trial practice and techniques.

- Featured Legal Commentator, 2010-2012 National Association of Health Care Recruiters

**EVENTS**

- 2012 Employment Discrimination and Personnel Relations Laws - San Francisco, Orange County, Pasadena and Los Angeles

- 2011 Employment Discrimination and Personnel Relations Laws - San Francisco, Orange County, Pasadena and Los Angeles

- 2010 Employment Discrimination and Personnel Relations Laws Series - Los Angeles, Orange County, San Francisco and Pasadena

- 2010 Langston Bar Association Labor & Employment Seminar for New Attorneys

- 2009 Employment Discrimination and Personnel Relations Laws Series - Los Angeles, Orange County, San Francisco and Pasadena

- 2008 Employment Discrimination and Personnel Relations Laws Series - Los Angeles, Orange County, San Francisco and Pasadena
OVERVIEW

Mr. Morris is a partner in the Government Contracts and Regulated Industries practice group in the firm's Los Angeles office.

Areas of Practice

Mr. Morris is a litigator whose practice focuses primarily on white-collar defense, complex business litigation, healthcare matters and securities litigation. He has extensive experience in defending companies and individuals in a wide range of federal prosecutions, including securities fraud, bank fraud, health care fraud, bribery, money laundering, tax evasion and environmental crimes.

Mr. Morris is an experienced trial lawyer who has tried 23 civil and criminal cases representing plaintiffs and defendants.

Before joining Sheppard Mullin, Mr. Morris was a founding partner of another law firm and, earlier, held senior positions with two other firms. From 1994 to 1996, Peter held a full-time faculty appointment with the School of Law of the University of California at Los Angeles. He also served as an Assistant United States Attorney in the Criminal Division of the U.S. Attorney’s Office (1988–1991). He is AV Peer Review Rated.

EDUCATION

• J.D., Harvard Law School, 1986, cum laude, Managing Editor, Harvard Civil Rights-Civil Liberties Law Review
• A.B., Cornell University, 1983, cum laude, with distinction, Phi Beta Kappa

ADMISSIONS

• U.S. District Court, District of Massachusetts, 2010
• U.S. District Court, Eastern District of Louisiana, 2004
• U.S. Supreme Court, 2002
• U.S. District Court, Eastern District of Michigan, 2000
• U.S. Court of Appeals, Ninth Circuit, 1989
• U.S. District Court, Central District of California, 1987
• California, 1986

EXPERIENCE

Notable Engagements

White Collar Criminal Defense
• Represent an executive of a major Japanese corporation in a federal criminal investigation involving price fixing of electronic auto parts.
Represent current and former executives of Broadcom in federal criminal and SEC investigations into options pricing practices.

Represent a major Greek shipping company in a federal criminal case involving the discharge of pollutants into US waters.

Represent a major defense contractor in a federal investigation into cost accounting practices.

Represent a company in a federal criminal investigation into consumer fraud, mislabeling and customs violations.

Represent an officer of Homestore in federal criminal and SEC cases involving a scheme to inflate on-line advertising revenues through a series of fraudulent round-trip transactions.

Represent physicians in federal criminal and FTC cases involving fraudulent representations regarding nutritional products.

Represent the target of a federal criminal case involving Milberg Weiss's secret, illegal payments to plaintiffs in securities class-action lawsuits.

Represent defense contractors in federal criminal investigations into FCPA violations.

Civil Business and Tort Litigation

- Represent plaintiffs in litigation against insurance companies for unlawful termination of professional disability policies.
- Represent major health care insurance companies in litigation against physicians for fraudulent billing practices.
- Represent plaintiffs and defendants in civil fraud, breach of fiduciary duty, breach of contract, securities fraud and other complex business litigation.

HONORS

- Southern California Super Lawyer, 2012

ARTICLES

- Sheppard Mullin Signs Six from Mayer Brown, The Recorder, January 5, 2009

Government Contracts Law Blog Articles

- "New FCA Rules Put Lenders and Brokers Directly in Their Gun Sights", August 12, 2009

White Collar Defense Blog Articles


EVENTS

- Antitrust and Anti-Corruption Enforcement: What Every International Company Needs to Know
OVERVIEW

Mr. Bowers is an associate in the Corporate & Securities, Real Estate, and Government Contracts groups in the firm's Washington, D.C. office.

Areas of Practice

Mr. Bowers has a wide-ranging practice, which includes corporate & real estate, litigation, and internal investigations. Mr. Bowers routinely counsels U.S. real estate investors in all aspects of the acquisition, financing, and leasing of commercial properties domestically and abroad. Mr. Bowers' corporate practice includes mergers and acquisitions, venture capital, corporate finance and regulatory compliance. Mr. Bowers has also represented clients in all aspects of civil litigation, including internal investigations. Additionally, Mr. Bowers represented numerous clients in criminal court as part of the Georgetown Law Juvenile Justice Clinic.

Prior to beginning his legal career, Mr. Bowers worked for the Department of Defense on a wide range of political and national security issues while serving as an all-source analyst covering Afghanistan and counter-terrorism related issues. Mr. Bowers drafted numerous reports and briefed senior leaders of the Department of Defense on related issues.

EDUCATION

• J.D., Georgetown University Law Center, 2010
• B.A., Georgetown University, 2004

ADMISSIONS

• Virginia
• District of Columbia

MEMBERSHIPS

• Member, Virginia State Bar
• Member, Virginia Bar Association
• Member, American Bar Association
• Member, National Bar Association

PRACTICE AREAS

• Corporate
• Real Estate
• Government Contracts, Investigations & International Trade
• Litigation

INDUSTRIES

• Aerospace and Defense
• Entertainment, Media and Technology
• Financial Services
• Private Equity
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PRACTICE AREAS
- Government Contracts, Investigations & International Trade

OVERVIEW

Mr. David Douglass is a partner in the Government Contracts, Investigations & International Trade Practice Group in the firm's Washington, D.C. office.

Areas of Practice

David Douglass is an experienced trial attorney whose practice focuses on defending companies and corporate executives facing civil and criminal investigations and litigation. David specializes in defending pharmaceutical and medical device companies, health care providers and government contractors in civil and criminal investigations and litigation, including trials. David is currently Chair of the American Bar Association Health Law Section. He is also a fellow in the American College of Trial Attorneys.

The American College of Trial Lawyers is composed of the best of the trial bar from the United States and Canada. Fellowship is extended by invitation only and only after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Membership in the College cannot exceed one percent of the total lawyer population of any state or province.

David has been trial counsel in over 20 federal court trials, including Washington, D.C., Virginia, Maryland and New York. Among his trial accomplishments, in 2006 he successfully defended the first False Claims Act lawsuit brought against a private contractor, Custer Battles LLC, for work performed for the Coalition Provisional Authority in Iraq. He also obtained a favorable verdict for his client, Health Care Services Corporation (formerly Blue Cross Blue Shield of Texas) in the first state, indirect-purchaser, antitrust action to proceed to trial.
David has also lead two high-profile government investigations. In 1994 he served as Executive Director of the White House Security Review, ordered by the Secretary of the Treasury in the wake of a small plane crash on the White House Lawn. In 1993 he served as Assistant Director of the Treasury Department's investigation of the raid on the Branch Davidian compound in Waco, Texas. National media outlets praised the investigative report as a "Courageous, Candid evaluation." (The Los Angeles Times). "Brutally Detailed." (The New York Times). "No punches have been pulled." (The Sacramento Bee). Despite an unsparing critique, an ATF manager stated "Could spur the reinventing of a better Bureau." (as quoted in the Washington Post).

EDUCATION
- J.D., Harvard Law School, 1985, cum laude
- B.A., Yale University, 1981

ADMISSIONS
- District of Columbia
- Massachusetts
- U.S. Court of Federal Claims

EXPERIENCE
- Counsel for Boston Scientific in defense of False Claims Act litigation against predecessor company.
- Successful defense of corporate executive who was a target in investigation of alleged export control violations.
- 2006: Successful trial defense of defendant in the first qui tam trial arising from contracting in Iraq. (Federal Court, Eastern District of Virginia)
- 2005: Jury verdict on behalf of Health Care Services Corporation in the first indirect-purchaser antitrust case to proceed to trial. (Federal Court, District of Columbia)
- 2003: Successful defense of a national health care provider against allegations of violations of the Medicaid Rebate Statute. (No indictment sought)
- 2002: Trial defense of individual charged with violation of the Arms Export Control Act. (Federal Court, District of Maryland, Baltimore Division)

HONORS
- American College of Trial Lawyers
- Super Lawyers, 2007, 2010
MEMBERSHIPS

- American Bar Association: Health Law Section, Fraud and Abuse Interest Group - Vice Chair; Administrative Law Section, Criminal Process Committee - Member and former Co-Chair
- DRI - The Voice of the Defense Bar: Government Enforcement and Corporate Compliance Committee - Chair
- The Bar Association of the District of Columbia
- National Bar Association

ARTICLES

- Co-author, "What Is a General Counsel to Do?" In-House Defense Quarterly, Winter 2013
- Author, "The (Ir)Responsible Corporate Officer Doctrine and Contemporary Corporate Compliance: Protecting Responsible Corporate Officers from Irresponsible Prosecution," American Conference Institute's 15th Anniversary Drug & Medical Device Litigation, December 2010
- Co-author, "Recent Developments in Corporate "Cooperation" Credit: Opening Pandora’s Box or Slamming The Privilege Waiver Lid Shut," March 2009
- Co-author, "Exceptions to the McNulty Memo: Do They Render the Revisions Illusory?" Andrews White-Collar Crime Reporter, February 27, 2007
SPEECHES

- Panelist, Strafford Webinars, "Qui Tam Actions: Managing Whistleblower Suits for Class Action Counsel," February 7, 2013
- Panelist, ABA National Institute on Health Care Fraud, "Mediating Health Care Fraud Cases," May 2009
- Panelist, National Institute on Internal Corporate Investigations and In-House Counsel, May 2009
- Law Education Institute, Health Law Program, "Representing Medical Device and Other Supplier Companies," January 2009
- Panelist, 6th Annual National Institute on Civil False Claims Act and Qui Tam Enforcement, Recent Developments on Damages and Penalties Panel