

In the Matter Of:

UNITED STATES vs. CITY OF NEW ORLEANS

TAPE TRANSCRIPTION

June 06, 2013



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1 SHARONDA WILLIAMS: Good morning. This is June
2 6, 2013. In the matter of the United States of America
3 vs. City of New Orleans, Eastern District of Louisiana,
4 Civil Docket No. 12-01924, this is the last meeting that
5 will be held on this issue.

6 As in the previous meetings, the City is
7 participating in this meeting, reserving all of its
8 rights and arguments that will be the subject of an
9 appeal in this lawsuit.

10 Just to give everyone an update on what has been
11 happening since the last public meeting on April 15,
12 2013, the parties have been -- pursuant to court order,
13 four members of the Selection Committee have been
14 actively engaged in contacting members of the two
15 remaining monitor candidate teams, Sheppard Mullin and
16 Hillard Heintz. We have had numerous telephone
17 conferences and I have been doing research and obtaining
18 additional information with the goal of trying to come
19 to an agreement on a monitor for the NOPD consent
20 decree.

21 In the context of those discussions, we've had
22 phone calls with the principals of both candidate teams,
23 both Arnette Heintz and Terry Hillard. We've had
24 conversations with David Douglas, Jonathan Aronie from
25 the Sheppard Mullin team. We've also had conversations

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1 with Dr. Owen (Inaudible) and Kathleen O'Toole from the
2 Hillard Heintz team. We've had conversations with
3 Dennis Nowicki, Michael Bromwich and Michael Gennaco.
4 So we have been actively obtaining additional
5 information about these teams in an effort to come to an
6 agreement.

7 Much of the information that's been shared has
8 given us new light on the list of qualifications and
9 experience levels on all the -- of all the members of
10 the teams that we've talked about and discussed, and in
11 the context of those discussions, we have made an effort
12 to perhaps come up with a team that is the best team for
13 this project by pulling in members from other teams, so
14 that -- from one team to the other, so that we can get
15 the full complement of experience that we need on a
16 single team and so that we could all agree on the best
17 possible candidate. And with that for now, may I ask
18 Erica Beck if she could give us an update on where we
19 sit with that process.

20 ERICA BECK: Well, I think that the four members
21 of the selection committee spent a lot of time, and I
22 want to thank the Justice Department for putting in the
23 hours. We did have a number of calls and a number of
24 back and forth, and I think everybody worked really hard
25 and in good faith. And so as kind of part of that

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1 continuing good faith effort, you know, to try and reach
2 a consensus, I'd like to offer the following motion to
3 put before the monitoring team that it drop the firm's
4 rates, and I think it's also in the best interests of
5 the citizens of the City of New Orleans.

6 So I move that the Selection Committee in their
7 recommendation to Judge Morgan that Hillard Heintz be
8 approved as the monitor, subject to the following two
9 conditions:

10 One is that Hillard Heintz would negotiate with
11 the following individuals who, I think, both teams
12 recognize add value and contribution to the monitoring
13 team. So those individuals would be Jeffery Albert,
14 Dennis Nowicki, Michael Bromwich and Michael Gennaco.

15 And then the second condition would be, in an
16 abundance of caution and to alleviate the concerns
17 surrounding any perceived conflicts of interest, we
18 would ask that the following individuals not be a part
19 of the monitoring team, and that would be Dr. Peter
20 Shark and Pastor Charles (Inaudible).

21 SHARONDA WILLIAMS: Do I have a second?

22 ANDY KOPLIN: Second.

23 ERICA BECK: Do you all have any additional
24 comments or discussion from the Department of Justice on
25 that proposal?

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1 ROY AUSTIN: That proposal, among numerous other
2 possible proposals, were discussed at length, and it was
3 -- and the sides were unable to come to any agreement on
4 that proposal or any other proposal. So from the
5 Justice Team, I would say that that is not an acceptable
6 team.

7 ERICA BECK: Do we have any cards for public
8 comment or any other discussion on this particular
9 proposal?

10 UNIDENTIFIED MALE: I'm sorry, I'm just
11 clarifying and saying a little more about that. First
12 of all, there -- a number of the people on that possible
13 team that you just listed have not indicated whether or
14 not they will serve on the (Inaudible) team. In
15 addition, we have no real sense of what the cost of that
16 team would be, what the roles of any of those people
17 would truly be. It is a team that was thought out but
18 was not completely thought through. And so, there would
19 be no way for us at this stage to truly evaluate what
20 that team would look like or what that team would be
21 able to do. So for those reasons, the -- (Inaudible)
22 finds that team to be unacceptable.

23 SHARONDA WILLIAMS: Ms. Beck, do you have any
24 comments on that?

25 ERICA BECK: I would just say that I think we

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1 have reached out to all of those individuals, and while
2 it's impossible to say with certainty, without a firm
3 proposal on the negotiation, they have all expressed
4 interest, and I think they said the motion made clear
5 that what we're looking to do is engage, that is, have
6 Hillard Heintz engage in that negotiation, should the
7 Court approve our recommendation.

8 SHARONDA WILLIAMS: Any further comments or
9 discussion?

10 CHRISTY LOPEZ: Yes. I just wanted to add, in
11 addition to the points that Mr. Austin has made, that --
12 I think we disagree that there is a high likelihood that
13 the team might actually exist, because we don't agree
14 that the people that you've listed would necessarily
15 agree to be on this team. They actually, explicitly --
16 some of them have explicitly expressed in writing their
17 reservations about serving on this team.

18 In addition, I want to amplify a little bit the
19 concern that Mr. Austin raised about cost. We know that
20 is of paramount concern to the City. You are adding to
21 this team two individuals who were the principals of
22 other proposed monitoring teams. Mr. Bromwich, for
23 example, whose hourly rate is \$495.00, and to add those
24 sorts of costs, of Mr. Bromwich and Mr. Gennaco and to
25 give them a meaningful role, we think would have to

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1 create a very costly team.

2 And, once you do all that, even assuming if you
3 get all of these individuals on this team, which we're
4 not sure you could, we don't know what kind of
5 (Inaudible) they would be able to have, because they
6 don't - we didn't bring together this team ourselves;
7 we don't know what the costs would be, but even assuming
8 we were (Inaudible) that we can argue would still not be
9 as good as the Sheppard Mullin team that's already been
10 put together, that we already have at the new cost, and
11 that we already know that they want to work together and
12 have agreed to work together.

13 SHARONDA WILLIAMS: And let me just comment on
14 one of the things that we did in this interim period
15 since April 15th. The Hillard Heintz team actually
16 reached out in light of some of the Department of
17 Justice's stated concerns about their perceived
18 deficiencies in the Hillard Heintz team, and that's how
19 Bromwich and Gennaco were contacted, and we did have a
20 conversation with those two gentlemen, who indicated a
21 willingness to work with the Hillard Heintz team. The
22 Hillard Heintz team has also indicated that they
23 considered the cost implications of adding those members
24 to their team, and they are willing to address those,
25 and the assessment that they've done, the initial

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1 assessment is still below the number that the Sheppard
2 Mullin team proposed to us. So we are not as concerned
3 about mixing the team in the manner that Ms. Beck has
4 just suggested.

5 ERICA BECK: And I would add to that that we do
6 have serious concerns about the Sheppard Mullin cost
7 proposal. We have received some additional information
8 that has heightened the concerns that we have raised
9 previously about the cost of the Sheppard Mullin
10 proposal. Specifically, we came across a case with the
11 City of Southgate in California, where the firm
12 ultimately paid back \$2 million due to a fee dispute.
13 And we were somewhat alarmed by some of the statements
14 made by the Court in that case, and most particularly, a
15 statement by a Judge Shook that the Court found that the
16 fees charged by the -- charged the City by Sheppard
17 Mullin were more than excessive and unreasonable,
18 transcending beyond the stratosphere into deep outer
19 space.

20 So that hit a deep chord with us and obviously
21 (Inaudible) and it costs the whole time. So this
22 concern in this case, and this previous experience with
23 the Sheppard Mullin team, and this fee dispute, further
24 highlights our concern and exacerbates those concerns
25 with cost.

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1 SHARONDA WILLIAMS: I'm sorry. Is there any
2 indication that anybody on the Sheppard Mullin team was
3 involved in this case that you just involved --that you
4 just mentioned?

5 ERICA BECK: Yes. Sheppard Mullin was the firm.

6 SHARONDA WILLIAMS: Right, they were the firm,
7 but how many attorneys work for them?

8 ERICA BECK: I'm not sure that we have gotten a
9 clear indication of who on the Sheppard Mullin team
10 would be restricted for billing purposes. I know that
11 they talked about their extensive network and their
12 extensive ability because of them being a 700-person
13 firm. I think those really echo some of the concerns
14 raised by the Court that, you know, they utilize
15 attorneys and non-attorneys that lack appropriate levels
16 of expertise, unnecessarily increasing the fee. So I
17 think that the thought of the firm using a number of
18 people besides perhaps just the two named individuals,
19 is exactly the concern that we have had the whole time
20 with using a big firm like that.

21 ROY AUSTIN: And did that proposal in the City
22 of Southgate have a deep ceiling? And was that a police
23 case? And is there any reason why you never mentioned
24 that to us ever before today?

25 ERICA BECK: We recently came across this

1 information since the last meeting.

2 ANDY KOPLIN: If I could make a comment. I
3 mean, in addition to the concerns that Ms. Beck just
4 raised about billing practices, I think it's
5 disingenuous to argue that the potential of the combined
6 team with Hillard Heintz and Mr. Gennaco and Mr.
7 Bromwich, which is -- the Hillard Heintz proposal is
8 substantially less than the Sheppard Mullin proposal as
9 it is. So the alternative to choosing Hillard Heintz is
10 to choose the more expensive Sheppard Mullin proposal.
11 And yet the advocates for the Sheppard Mullin team are
12 arguing based on cost, that somehow adding Mr. Bromwich
13 and or adding Mr. Gennaco would exceed the already
14 significant gap and overcome that gap between Sheppard
15 Mullin's higher price and Hillard Heintz's lower price.
16 And I think that that's not a reasonable expectation,
17 especially with the pledge that Hillard Heintz has made
18 to do their best to manage the addition of those team
19 members within the bid proposal that they've already
20 submitted.

21 ROY AUSTIN: I don't believe we ever said it
22 would exceed. We said it would be significantly more -
23 -

24 ANDY KOPLIN: Well, but it still --

25 ROY AUSTIN: I don't know whether it will exceed

1 or not, but I think the issue is that for Mr. Bromwich
2 and Mr. Gennaco to have any serious role with the
3 Hillard Heintz team would significantly increase their
4 cost. But I think beyond anything else, this is not
5 about choosing the least expensive team; it's about
6 choosing the best team. And without any doubt
7 whatsoever, this team that you are trying to create
8 right now does not even come close to the experience
9 that the Sheppard Mullin team has. As you noted, the
10 deficiencies of the Hillard Heintz team certainly goes
11 to the problem that we have, which if you do not realize
12 the importance of having someone who has monitoring
13 experience as your leadership, if you do not realize the
14 importance of someone who has some civil rights
15 experience on the team, that goes to questioning the
16 judgment of those who are organizing that team.

17 CHRISTY LOPEZ: Can I just add? I'm sorry.

18 ANDY KOPLIN: That's okay. Go ahead.

19 CHRISTY LOPEZ: I would just add that I think it
20 is clear that cost cannot be the paramount consideration
21 here, but it should be a consideration. But in
22 considering cost, it's important to look not just at the
23 bottom-line, but at the value, what you're getting for
24 that cost. And what we -- because that's what's going
25 to save you money in the long term. And one of the

1 things that we were concerned about the way that Hillard
2 Heintz put together, they seemed to be reflexively
3 responding after we raised these concerns -- we were
4 concerned that they didn't think about this on their
5 own, but they did respond (Inaudible) a positive. But
6 we're -- we don't want window dressing. We don't want
7 people to be added just to be responsible (Inaudible)
8 because we want that involvement to be real.

9 And our concern is that to make the involvement
10 in the whole, individuals like Michael Bromwich or
11 Michael Gennaco, real, that is going to be very costly,
12 and you can't just add it to a team that's already as
13 large and as full of (Inaudible) and some very good
14 people. (Inaudible) Heintz moved out; how do you
15 (Inaudible) much more expensive than the costs of
16 (Inaudible) forward, or they're not going to really be
17 providing the real values; people that they are adding
18 are not going to have a real role. So we did not think
19 it made sense for one from our perspective or from the
20 City's perspective, to take sort of an "I know"
21 (Inaudible) like that, when you already have a team that
22 -- you know, frankly, you're putting people on the
23 Hillard Heintz team that are at the core of the Sheppard
24 Mullin team. You already have that team. You already
25 know what the cost is going to be, and over the long run

1 you think they would provide greater value to the City
2 as well as being a better monitoring team.

3 ANDY KOPLIN: I just want to dive in, because
4 you all were the ones who brought up the cost issue and
5 made the case that somehow the addition of Mr. Bromwich
6 and/or Mr. Gennaco would somehow cause this to be a cost
7 issue and it's -- in defense -- in arguing for a
8 substantially more expensive firm, you're saying, "Don't
9 spend more on broadening your team." I would argue that
10 the gap, which I think is, you know, \$1.8 million or
11 something like that between the two bids, is more than
12 enough to give both Mr. Gennaco and Mr. Bromwich a
13 meaningful role, and I would argue that in fact it's not
14 a reflexive determination, but in fact a very thoughtful
15 determination, in an attempt at the direction of the
16 Court to come up with a compromised team that would meet
17 the issues raised and the needs of the City, the
18 Department of Justice, and the Court to have an
19 effective monitor that we did, in fact, reach out to
20 folks who have significant experience to do our best to
21 say, "Okay, if we can have an all-star team of monitors,
22 who would be on that team with Hillard Heintz?" and
23 that's where Ms. Beck's suggestion generated from. So I
24 think it's a) providing greater value. I find it hard
25 to believe that it could exceed the Sheppard Mullin

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1 cost, and we ought to evaluate it from that perspective.

2 ROY AUSTIN: But you -- you couldn't even sit
3 here right now and tell me what Mr. Bromwich's or Mr.
4 Gennaco's true role would be in this thing. You don't,
5 you don't know. And they don't know. And I think as
6 Ms. Lopez noted, I mean, it's largely adding window
7 dressing. It's largely filling in significant gaps that
8 the Department of Justice saw with the Hillard Heintz
9 team, by going out (inaudible) people who have done this
10 work before, who have done civil rights work before.
11 Well, you know, if that's the case then, Mr. Bromwich or
12 Mr. Gennaco should have been maybe the lead monitors
13 here. But through this process that we've just gone
14 through, we made a determination that you felt that
15 Hillard Heintz was the more qualified team or you felt
16 that Sheppard Mullin was the more qualified team.

17 We have in good faith tried to sit down and come
18 up with a compromised team. We have already focused
19 that team that you just mentioned here. We have found
20 that that team is not going to be of the best possible
21 value to the City of New Orleans to actually get the
22 City of New Orleans fully compliant with the consent
23 decree as soon as possible. We simply do not believe
24 that -- that team which has been created would be able
25 to do that.

1 ANDY KOPLIN: Do you have a alternate compromise
2 team that you would propose in view of the Court's
3 request that we try to reach an agreement? We've
4 proposed one.

5 CHRISTY LOPEZ: We did propose a number of
6 compromised teams, all of which were rejected during the
7 (Inaudible) April 15th. But I'm happy to go through
8 those, if you'd like.

9 SHARONDA WILLIAMS: Let me just jump in and
10 address --

11 CHRISTY LOPEZ: Just for the record though, we
12 gave them at least three additional compromised teams
13 that we offered and none of them were given any
14 consideration by the City.

15 SHARONDA WILLIAMS: Let me jump in and address a
16 couple of those comments. First of all, with regard to
17 the cost issue, I think that in our conversations over
18 the past month that we've had with the Hillard Heintz
19 team, they recognized that there may be some additional
20 costs with adding Bromwich and Gennaco. But they have
21 made a commitment to keep their costs down. And I think
22 that in one of the first two public meetings, we asked
23 them specifically about what efforts they'd made to
24 reduce costs, and they specifically said that they had
25 discounted their hourly billing, and it was not the same

1 as any rate that they would impose on any corporation.
2 So they are very mindful of our cost concern, which is
3 one reason why we believe that they are a better
4 candidate as opposed to this affirmation that --

5 ROY AUSTIN: -- I'm sorry. Sheppard Mullin,
6 similarly, is reducing their costs well below what they
7 would normally charge for this type of engagement.

8 SHARONDA WILLIAMS: Again, in contrast to a firm
9 that touts its 600-person law firm with concerns about
10 billing practices, we believe that Hillard Heintz is
11 still the best team. And with regard to responsiveness
12 versus reflexive, we have raised a number of concerns
13 with regard to the Sheppard Mullin team, things that we
14 believe are very important to this process: community
15 involvement, local participation. We've raised that
16 many times with Sheppard Mullin and they've still not
17 made an effort to identify any local presence here or
18 any community involvement or community groups. We've
19 asked them; they've failed to identify them.

20 CHRISTY LOPEZ: (Inaudible)

21 SHARONDA WILLIAMS: With regard to -- they
22 have not provided that information.

23 CHRISTY LOPEZ: They did.

24 SHARONDA WILLIAMS: They provided a framework by
25 which they would do that.

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1 CHRISTY LOPEZ: Right. Which is what -- well,
2 that's not --they did provide somebody. They provided a
3 specific person. And, in addition to that, they
4 repeated what they told us during the interviews that
5 they felt that rather than coming with a preset team,
6 they wanted to make sure that they reached out to the
7 parties and committee to decide who (Inaudible).
8 However, when we raised the idea of having Judith
9 Williams Dangerfield serve on the team, they spoke with
10 her -- we spoke with her. They were very open to that.
11 So they agreed to do that.

12 SHARONDA WILLIAMS: They've agreed to do that,
13 yes.

14 CHRISTY LOPEZ: They have agreed to have a local
15 presence on the team.

16 SHARONDA WILLIAMS: And my point being that
17 Judith Williams Dangerfield was a member of the Hillard
18 Heintz team that we suggested to them and they have
19 agreed to it, yes. That is correct. And a moment ago
20 you made a comment about the level of experience,
21 monitoring experience. And we've received information
22 since our last meeting about Mr. Aronie's experience in
23 serving as a monitor and lack thereof, which causes us
24 also concern. So with all of that said, if there are
25 any other comments. We'll get to the public comment if

1 they're --

2 ANDY KOPLIN: Yeah, I just wanted to, if I could
3 take a moment to review some correspondence that we've
4 gotten. There's a lot of commentary on Chief Hillard's
5 role at our last public meeting. And the Court has
6 received a number of letters since that time, and I just
7 wanted to highlight a couple of them, if I might. And
8 I'm going to just read a couple of sections.

9 First from a letter from Chief Ramsey, who's the
10 Philadelphia Police Chief, who was also police chief in
11 Washington, D.C., and he's served as a member of the
12 Chicago Police Department. He wrote a rather long
13 letter. I'm going to read two paragraphs. One is,
14 "I've known Terry Hillard for more than 30 years.
15 Terry's a man of outstanding character, integrity, and
16 knowledge of policing from every level. Terry and I
17 worked together as command members of the Organized
18 Crime Division, Narcotics Section of the Chicago Police
19 Department, and as top executive command officials in
20 that department. In 1998, Terry and I were the two
21 finalists for the position of superintendent of police
22 in the Chicago Police Department. Terry Hillard was
23 chosen by Mayor Richard M. Daley to lead that
24 department. Mayor Daley made the right choice. I do
25 not know one of the individuals who spoke at the prior

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1 meeting. I cannot speak to that person's character and
2 motivation, and I'm paraphrasing, because I'm not
3 attempting to attack anybody who spoke at our meeting,
4 but I can say this: if anyone else attacks the
5 character, reputation, or integrity of Terry Hillard,
6 they have absolutely no clue whatsoever about the man I
7 know and have had the honor of calling friend and
8 colleague. Terry is one of the most respected
9 professionals in law enforcement, period. His integrity
10 is beyond reproach.

11 "I also know John Verge. There is no connection
12 between Terry Hillard and John Verge, other than the
13 fact that they were both members of a 13,000-member
14 Chicago Police Department. Drawing any association
15 beyond that is misleading and wrong."

16 The second letter is from Mayor Rahm Emanuel,
17 currently Mayor of the City of Chicago. And I'm going
18 to read one paragraph of his letter: "I'm writing in
19 several capacities, as Mayor of Chicago, as a publically
20 elected official, as a Chicago resident, to affirm, for
21 your consideration, my unqualified confidence and belief
22 in Terry Hillard's personal integrity and the very high
23 professional standards that he's always upheld and
24 expected of his police command and others. And I can
25 personally attest to the fact that the legacy of his

1 principal leadership continues to benefit us in 2013 is
2 evident in our communities, in the culture of our police
3 department, and in how members of these two critical
4 constituencies interact with one another across our city
5 every day."

6 I think that it's important for the public to
7 hear the other side of the story about a great police
8 chief who is leading the team that the City recommends
9 as our monitor.

10 ROY AUSTIN: Let me just spill out; we have
11 never doubted it (Inaudible). We've never said anything
12 about that. But he's never served as a monitor before.
13 And, there is in the record as well, the reports of the
14 investigation that was done regarding torture in
15 Chicago, regarding Mr. Hillard's role in making
16 decisions as to where that could go. Okay. That is in
17 the record. People can read that and see it for
18 themselves.

19 But the bottom line is, he has never monitored a
20 police department before, and we have explained to you
21 numerous times that being the chief of a very large
22 police department is very different from being a monitor
23 of a police department.

24 SHARONDA WILLIAMS: And I just want to note, you
25 made reference to the report of a special state's

1 attorney that it's in the record, the court's record,
2 and I want to note that the conclusion of that report
3 was that Mr. Hillard had not been guilty of any
4 administrative wrongdoing or obstruction of justice or
5 police misconduct. And that was the conclusion of that
6 report. So I just want to make that clear that that's
7 what was contained in the report that's in the record.

8 And also just of note, Mr. Aronie has also not
9 served as a monitor, and so I think that's important to
10 point out.

11 And we are going to do our public comments. The
12 first speaker is Donald Chopan.

13 DONALD CHOPAN: Good afternoon.

14 SHARONDA WILLIAMS: Good afternoon.

15 DONALD CHOPAN: (Inaudible). We'll make it
16 (Inaudible) publicly accept a bail-out, a police
17 monitor, or a group to oversee the City, without due
18 process and could basically -- we'll be left with is
19 (Inaudible). One thing that's never occurred to anybody
20 and (Inaudible) is that you have police officers in the
21 City but not (Inaudible) with integrity, with
22 intelligence and (Inaudible). It might be best served
23 to be a police monitor, (Inaudible) City. (Inaudible)
24 For the vast majority of them, the majority of them, are
25 honorable men, doing honorable work. So why (Inaudible)

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1 everybody concerned have somebody (Inaudible) in the
2 City as the police monitor.

3 UNKNOWN MALE SPEAKER: When we say that we went
4 through those people who had applied for it, and we
5 chose the monitor, from those people who (Inaudible), I
6 don't recall any current NOPD officers applying for
7 that, but I could be wrong on that.

8 DONALD CHOPAN: The second question is, for me
9 the biggest piece of this whole process is what part
10 will the community play in managing the police
11 department. What part will the community play in
12 marking the police and (Inaudible), because without
13 that, you just (Inaudible) ducks. This City has a --
14 this City has massive (Inaudible) of hide-and-go-seek.
15 They won't wait until you leave and we (Inaudible).move
16 on to something else and it will be business as usually.
17 So probably 10 years from now (Inaudible)same problem,
18 for the same reason: right here right now.(Inaudible)
19 So how can you have a police consent decree without
20 giving some teeth to the community people who all who
21 are involved in this process? Like our police monitor
22 Susan Hussey. What's our role of this whole process?
23 What's the role of people who walk the streets, who live
24 in the community, and have been very, very proactive on
25 fighting against corruption in this City? Where do we

1 stand? Because when you leave, we going to be left. So
2 if you haven't incorporated us in this process, how can
3 you possibly have a process that's going to work? To
4 me, these processes are not going to be satisfied, let
5 alone even last, to my knowledge. And if so, please
6 correct me.

7 UNKNOWN MALE SPEAKER: Again, that was one of
8 the considerations the City had given in considering Mr.
9 Hillard, because he has a proven record in building
10 community support from the Chicago Police Department
11 from his work there and from reaching out to the
12 community, reaching out every element in the community,
13 involving everyone, in the decisions of the police
14 department.

15 CHRISTY LOPEZ: Similarly, a big consideration
16 in our choosing the Sheppard Mullin team, many of them -
17 - all of the experts and the police and professionals
18 have very strong histories of working with communities.
19 But we're aware that most people in this community feel
20 that there's not a strong enough -- a large enough hold
21 of the community in policing, or in overseeing, the
22 police department, and we understand that. And we
23 cannot fully address those concerns. I think there's
24 just, there's -- we can't come to the same place on
25 that.

1 We can say though, that there is more of a role
2 for the community in this agreement than in any
3 (Inaudible) that we know of. And there is a large role
4 for the community to play, and we have been intending to
5 be meeting with people in the community throughout this
6 process to make sure that their concerns are heard, that
7 their ideas are heard, and that they have input into
8 what happens. We have fought very hard to try to get
9 the community input with everything from policies to,
10 you know, daily practices.

11 Also, I want to assure you that we aren't going
12 anywhere until this project is done. That -- and what
13 we mean by done, is when the consent decree is fully
14 administrated and there's constitutional policing in New
15 Orleans. And that's why we feel it's so important to
16 get a monitoring team that is going to make the right
17 calls and is going to have the credibility to be
18 believed by the court, by the community, by the police
19 department, and by the City that it has made the right
20 calls.

21 We're going to be here for as long as it takes.
22 And we won't -- what we'd rather, we think we all want
23 that not to be another 10 years or 15 years. We'd like
24 to get done as quickly as possible. And we think the
25 way to do this quickly as possible is to get a really

1 good monitoring team. It will make our job easier, and
2 most importantly, it will make this department better
3 more quickly.

4 STEVE PARKER: One other thing. I think you
5 mentioned an independent monitor. One of the consent
6 decree incorporates a memorandum of understanding with
7 the City into the consent decree. So that she is an
8 active part of the consent decree.

9 Secondly, Department of Justice has assigned me
10 here full-time to work on the consent decree, and work
11 with the community. I talk with Ms. Hudson and
12 (Inaudible) and her staff every day. So they're heavily
13 involved in this. So they are involved.

14 I'm also here for the community. I've been to a
15 lot of community meetings. I'm available almost any day
16 of the week to meet with anybody and welcome anybody in
17 my office or I'll come to you. Whatever. Because it is
18 a huge part of the community. Because if the community
19 doesn't bind in and we don't establish community trust,
20 this is never going to work.

21 DONALD CHOPAN: I just want to say one thing, to
22 clarify my understanding on the vocabulary. In New
23 Orleans, in Louisiana, a memorandum of understanding,
24 don't mean -- and pardon my expression -- a damn thing.
25 Because it's a promise about a promise. And depending

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1 on who made the promise, it will be enforced or not
2 enforced.

3 Now, we're going from a memorandum of
4 understanding to (Inaudible) supposed to name that kind
5 of understanding that several governments (Inaudible)
6 the benefit. We don't have very many of those. So what
7 I would suggest that we have that type of (Inaudible)
8 Department of Justice for the City of New Orleans and
9 its citizens. Because our present police monitor will
10 have a memorandum (Inaudible) Memorandum of
11 Understanding with the City. But he had no stake, he
12 had no funds (Inaudible). Unless we have some real
13 accountability for the money and for the staffing and
14 for the results (Inaudible).

15 SHARONDA WILLIAMS: Okay. Thank you, Mr.
16 Chopan. Mr. W. C. Johnson is the next speaker.

17 I'll ask our speakers to please be mindful; we
18 are under Court instructions to provide them, the judge,
19 the results of this meeting by 5 o'clock. She may give
20 us a little leeway, but we would like our speakers to
21 try to stick to the three-minute time limit; okay?
22 Thank you.

23 W. C. JOHNSON: Yeah. You should have started
24 on time.

25 The City is trying to sell us on the fact that

1 the proceeds -- the proceedings should be inclusive of
2 an alternative plan, of reconstructing a monitoring
3 team. And you have presented this and gone forward with
4 this as if this was the consensus of your group. We
5 find out that it isn't. So if it isn't, then why
6 continue down that road? But since you brought this up,
7 you are correct when you say that the Hillard Heintz
8 group is not appropriate for this, and you are correct
9 when you say the Sheppard Mullin group is not
10 appropriate for it. What is appropriate, as you so
11 greatly have demonstrated and shown, is that we need to
12 go back to that pool of 10 that you kicked to the curb
13 and look and see if there is someone there that we can
14 utilize here as a monitor.

15 The other important factor that is as big as any
16 elephant in any room could possibly be, is that this
17 cannot go forward without community involvement. How
18 are you going to decide what's best for the community
19 and we have no idea what's on the menu to choose from?

20 Now, you have steadily tried to keep the
21 community out of this process, and the community has
22 steadily pushed and pushed and said that they have to be
23 inclusive. And here we are at an impasse. And you have
24 nothing more today than you had three months ago.

25 Now, I understand the City is trying to wear

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1 everyone down. They keep going back and they keep
2 having problems. They keep wanting to redo this
3 process. This process is not going to happen until both
4 teams are willing to accept community involvement, and I
5 don't mean window dressing, but I mean substantial
6 involvement.

7 You can't tell us what's best for us. Hell,
8 we've been out here all these years taking that pain
9 from NOPD. You don't have to worry about it. So how
10 are you going to tell me what's best for me, when you
11 haven't experienced it. We have community organizations
12 that know what it takes. Use the community
13 organizations. Don't grab a window dressing. Like I
14 heard someone the other day talk about, "Well, we worked
15 with the NAACP." Well, that's wonderful. But you need
16 to find some grassroots organizations to work with as
17 well.

18 So if you want this to move forward in a
19 reasonable fashion, you need the community input, and I
20 think we need to let the judge know that the community
21 is demanding an input in this. And since you haven't
22 been able to come up with a monitor, then let's look at
23 what you have overlooked and possibly we can find some
24 resolve there.

25 SHARONDA WILLIAMS: Thank you. Malcom Suber is

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1 the next speaker.

2 MALCOM SUBER: Good afternoon.

3 SHARONDA WILLIAMS. Good afternoon.

4 MALCOM SUBER: Well, basically, we present that
5 you are at an impasse and that you cannot reach any
6 agreement. And we have said, (Inaudible) have said from
7 the very beginning that we would not be satisfied unless
8 there is some substantial community involvement in the
9 process of monitoring the New Orleans Police Department.

10 We don't believe that any monitor from outside
11 the City understands the culture of the City and the
12 culture of New Orleans Police Department thoroughly, and
13 will be like a babe in the woods without them. They
14 will be relying on reports from the New Orleans Police
15 Department, which criticize and try to justify all of
16 the unconstitutional behavior of the NOPD.

17 We don't believe that either group has a deep
18 and thorough understanding. Nor do I believe that they
19 have the advantage to really reach out to the truth-
20 talkers. Those of us who would know the truth about
21 what's going on, won't make apologies for what's going
22 on, and we need to ensure, and we would appeal to the
23 judge that she ensure, that those of us who have been
24 out there on the front line for the past 30 years
25 combating police terror and police murders in the City

1 that we are included in this whole process. And there
2 is no guarantee today from either group that there will
3 be some genuine representation from our point of view.
4 And that to me is the bottom line of what needs to be
5 done in this situation. So since you all can't reach an
6 agreement, please let the judge know that that's the
7 sentiment of the community.

8 SHARONDA WILLIAMS: Thank you. Randolph Scott
9 is the next speaker.

10 RANDOLPH SCOTT: Good evening. I want to say I
11 wholeheartedly support the two previous speakers
12 concerning their comments. I just want -- and I don't
13 (inaudible) I can repeat them -- I just want to add some
14 observations.

15 First of all, I thank the Department of Justice
16 for coming to New Orleans, because we wouldn't even have
17 gotten this far, if the City would not have investigated
18 the tortuous brutality of the New Orleans Police
19 Department. The local district attorney would not have
20 done that. If it wasn't for the Justice Department
21 coming here several years ago to investigate, they would
22 not have investigated the findings and we would not get
23 this far.

24 I heard a lot about costs from the City's
25 perspective. My being a former City employee, I am

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1 appalled at how you all talk about the constant costs.
2 I have a whole (inaudible) of information in terms of
3 where the City of New Orleans is solely irresponsible
4 when it comes to costs; cost of personnel. And I mean -
5 - I think it's disingenuous for you all to talk about
6 how you are all cost conscious in this City. You are
7 not cost conscious when you spend money above Canal
8 Street and the CBD, but you are cost conscious when you
9 spend money below Canal Street, and that's a very
10 serious problem and flaw in leadership of the City
11 administration and documentation has already been
12 presented in terms of that and deal with the
13 investigations of the Row Home and other matters.

14 And, I want to also say, the Heintz group -- I
15 heard a comment indicate that the Heintz group will
16 extend a so-called handout to the community. I believe
17 the Heintz group has already showed its hands of
18 extension to the community in terms of their community
19 participation. I think that has been rejected by the
20 community wholeheartedly. So I know for a fact that the
21 Heintz group would not be the choice from this community
22 as I understand the comments and the nature of community
23 organizations. And again this is (Inaudible) community
24 involvement is sort of lacking and that needs to be
25 straightened out a great deal, and I expect that both

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1 parties should come together and understand that we need
2 more community involvement in this process. Thank you.

3 SHARONDA WILLIAMS: Thank you. Deidra Lewis.

4 DEIDRA LEWIS: Good evening everybody; how you
5 all doing?

6 SHARONDA WILLIAMS: Good. How are you today?

7 DEIDRA LEWIS: Okay. My thing is, why do we
8 want Hillard Heintz as a possible person to lead this
9 when Hillard is accused of knowing about decades-long
10 atrocities committed under his watch. I'm not saying he
11 had anything to do with it, but he knew about it, and if
12 he did know about it, then that makes him incompetent at
13 best. Okay.

14 And as far as his money is concerned, he did
15 something money for paying for this by giving away to
16 the Deputy Mayors, and get rid of this team as defending
17 the atrocities that's been committed by NOPD through the
18 years. I don't understand how you can do that. I need
19 the DOJ to continue to fight on our behalf, thank you so
20 very much. Just like my previous equals said earlier,
21 what you all eat here is like the (Inaudible); it will
22 be back to Ku Klux Klan again. So please, continue
23 to fight. We're all on your side. And as far as local
24 involvement, why do you think -- we're local and we're
25 already involved. So we'll be a stretch. We'll use

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1 what you already have.

2 SHARONDA WILLIAMS: Thank you. Wes Ware is the
3 next speaker.

4 WESLEY WARE.: How are you doing?

5 SHARONDA WILLIAMS: Good. How are you?

6 WESLEY WARE.: My name is Wes and I'm the
7 director of an organization called Pick Up. I apologize
8 for the laptop (Inaudible). While we don't know much
9 about the Department of Justice proposed monitoring
10 team, we do know enough about the team proposed by the
11 City of New Orleans to know that we do not support the
12 Hillard team. We've spoken with and researched Hillard
13 through the people's logs at our Chicago, Chicago Anti
14 Bashing network, attorney and author of Clear Injustice,
15 Jodie Mobile, and (Inaudible) organizing groups of
16 Chicago made up of predominantly youth of color and
17 youth targeted by the police.

18 We know that Terry Hillard was sued by a team of
19 attorneys in 2003 while acting as the Chicago Police
20 Department's superintendent for violating citizens'
21 rights of free speech, assembly, and liberty, and for
22 claims of excessive force, battery, and the denial of
23 adequate medical care. This is following Superintendent
24 Hillard's command to round up and arrest masses of
25 people without warning due to a nonviolent protest of

1 the Iraq War in Chicago.

2 We've also heard numerous reports that while
3 Hillard was superintendent of the Chicago Police
4 Department, multiple members of the LGBT community had
5 serious complaints about the Chicago Police Department
6 and Hillard's leadership citing police profiling against
7 the LGBT community, inadequate police reports written on
8 behalf of LGBT survivors, and verbal abuse and brutality
9 of the LGBT community of color that went unaddressed.

10 A simple phone call to our friends and allied
11 organizations in Chicago, talking with police-misconduct
12 attorneys, and a couple of Google searches told us all
13 that we needed to know about the Hillard team.

14 Further, while the City continues to drag its
15 feet on this consent decree and play political games,
16 blocking reform at nearly every step possible, the people
17 of New Orleans, including black transgender young women,
18 LGBT people of color, and undocumented Latino
19 communities are suffering from police profiling,
20 continued harassment of our communities, and a lack of
21 thoroughly needed federal oversight by the NOPD.

22 SHARONDA WILLIAMS: Thank you. Norris
23 Henderson.

24 NORRIS HENDERSON: (Inaudible). I think we are
25 misjudging. Primarily because if everybody is finishing

1 (Inaudible) community in the (Inaudible) two people
2 going one way and one person going another.

3 (Inaudible). So they'll find their way back into this
4 mix. (Inaudible). Governor Ryan, when he was Governor of
5 Illinois, took everybody off to Denver because of the
6 behavior of the Chicago Police Department under Mr.
7 Hillard's watch. And so he probably didn't have nothing
8 to do with it. Maybe not. I hope he didn't. But at
9 the end of the day, it was callous indifference to what
10 happened to all those folks who got beaten and tortured
11 in Chicago.

12 Fast forward, that is New Orleans still. We
13 don't need that here. They chose somebody to represent
14 them in the community, and just like the last speaker
15 said, the community rejected those people. I applaud
16 the other group for not even offering somebody up for
17 the community primarily because they don't even know our
18 community. So how can you come in and say, "Okay. I
19 want this guy to be my community rep.," when they don't
20 have a relationship with the community?

21 The pastor and I have a relationship with
22 everyday people in this community. The pastor has never
23 been on the crime scene when somebody has been shot and
24 killed. You know.

25 Dr. Scharf Bernard, I like him as a person, but

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1 he's not the guy for this job to represent our
2 community. For two reasons: You know for two reasons.
3 One, because in the Glover Case, he worked with the
4 defense team in trying to get the police off. So
5 (Inaudible) work with our community. And you talk about
6 cost. I think you need to go ask the Glover family, the
7 Madison family, the Brown family, the Goodman family,
8 the (Inaudible) family. What price did (Inaudible) pay?
9 And (Inaudible). Thank you.

10 SHARONDA WILLIAMS: Thank you. Our final
11 speaker is Robert Goodman.

12 ROBERT GOODMAN: I'm Robert Goodman. Robert
13 Goodman Safe Streets/Strong Community. I'm here to be
14 the voice of my brother who was a victim of (Inaudible).
15 Among many other families who are still today
16 (Inaudible). And as Norris mentioned just a minute ago,
17 the costs. All these families to this day, you know, we
18 work together and still grieves on each other's shoulder
19 because of what happened. All right. And the City was
20 responsible for it. No retribution was ever given to
21 that family because of that. So they still have to --
22 now the only thing they have is each other to lean on.
23 That's the healing process. All right.

24 And when I look back at my brother laying on a
25 slab -- because I was living in Dallas driving an 18

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1 wheeler and still I have to be his voice, and I'm still
2 here. And I still have a 93-year-old mother who blames
3 herself for reaching out to the NOPD to give her
4 (Inaudible) son some help. How much does that cost?
5 When I think about just flying back from (Inaudible) up
6 until now, (Inaudible), the resource that was spent to
7 expose all of this -- I mean my organization (Inaudible)
8 still from all over the country and who (Inaudible) to
9 help expose and not to mention taking families across
10 this country, we dragged. We don't have no more
11 resources. We have spent all our resources trying to
12 expose this. So how much does that cost today? You
13 know.

14 Why is the community, you know, who has been the
15 experts, because had we not brought this to the City's
16 attention, would they have all believed this? And this
17 was before our administration. None of this would have
18 ever been happening. How many times do we have to keep
19 encouraging these families to stay forward and fight?
20 Fortunate for the Madison who had the resources to go
21 back and forth to DC to maybe eventually get the
22 attention after the Bush Administration to get the
23 Department of Justice down here. How much did that
24 cost? So we talk about price. You know. And I say I
25 have to look at my 93-year-old mother who is still just

1 crying. The other day she came holding something,
2 (Inaudible) she had brought to take it to the grave.
3 How much did that cost? And I truly hope that some
4 (inaudible) that they'll find ways to include the
5 community. We picked Susan Hudson; there was a variety
6 of people on the panel, but it was the people who picked
7 Susan Hudson, not the Mayor, although it was
8 (Inaudible). It was the people. So the people have to
9 have some part in this. (Inaudible). Every consent
10 decree that exists in the City solely comes from the
11 people who picked that out. The City couldn't figure
12 this out. We had to figure out, with no money, no
13 resource. All right. So I truly hope that some kind of
14 a way that -- you'll find a way to work this out, but
15 please include the people. Thank you.

16 SHARONDA WILLIAMS: Thank you. I appreciate all
17 the public comments. Are there any other comments from
18 any of members of the selection committee? It's been --
19 a motion has been put forth and it's been seconded. In
20 accordance with the City Selection Committee Protocol,
21 we'll take a vote on that motion. All in favor of the
22 proposed compromised team that the City has put forward
23 - -

24 ROY AUSTIN: -- before we take a vote. It is
25 kind of clear where the (Inaudible) is. The City has

1 one opinion (Inaudible) Department. The Justice
2 Department has another opinion. I think at this point
3 what the proper protocol is, is to do exactly what the
4 Court asked us to do, and that is now by 9:00 a.m.
5 tomorrow morning to submit our papers in support of what
6 we believe should be the team for -- and I think that
7 will be based on a motion by the City asking for some
8 additional time. So I think that would be the best
9 (Inaudible) right now.

10 SHARONDA WILLIAMS: Regardless of whatever vote
11 is taken, the City intends to comport with the Court's
12 order. But at this point we will take a vote in
13 accordance with the City Selection Procedure. And - -

14 ROY AUSITN: Do you recognize the City Selection
15 Procedure is not the procedure that is part of this
16 process?

17 SHARONDA WILLIAMS: Well, that's the procedure
18 that the City has always advocated for. And - -

19 ROY AUSTIN: But you find this piece of paper
20 says that was not the process that was going to be used.

21 SHARONDA WILLIAMS: Well, that's the reason why
22 this meeting has become public; right?

23 ROY AUSTIN: No. This meeting has become public
24 by agreement.

25 SHARONDA WILLIAMS: Because of the City

1 Selection Process.

2 CHRISTY LOPEZ: No. The parties agreed to a
3 (Inaudible) which includes a public meeting, but does
4 not include other elements of the City Selection
5 Process. That's (Inaudible) what the judge ordered.

6 ANDY KOPLIN: But the City is the one who made
7 the request that we meet in public to the point that
8 were made by a number of the members of the community.
9 The only reason we're here in public -- this is the
10 first consent decree the Department of Justice has ever
11 done where the selection of a monitor was made in a
12 public meeting. We've now had five public meetings
13 because the Mayor of the City insisted upon these
14 meetings to be taking place in public.

15 ROY AUSTIN: We want to take a vote on all the
16 different things that are in the agreement because DOJ
17 insisted that they are in the agreement; we can do that,
18 but that would be kind of silly --

19 ANDY KOPLIN: You can make whatever motion, Mr.
20 Austin that you like.

21 ROY AUSTIN: -- and you can take your vote. We
22 know that it is all in the vote.

23 SHARONDA WILLIAMS: Yeah. Well, I just called
24 the vote. All in favor of the motion that was put forth
25 by Ms. Beck, indicate by saying "Aye".

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1 UNIDENTIFIED SPEAKERS: "Aye"

2 SHARONDA WILLIAMS: "Aye." All opposed? Any
3 opposed?

4 DEIDRA LEWIS: (Inaudible) we don't know
5 (Inaudible). We don't -- we're not clear on what you're
6 doing.

7 SHARONDA WILLIAMS: There was a motion that was
8 put forth earlier at the beginning of the meeting,
9 ma'am.

10 UNIDENTIFIED SPEAKERS: Well let us go with the
11 motion (Inaudible).

12 ROY AUSTIN: Why don't we restate the motion?

13 SHARONDA WILLIAMS: Erica, would you like to
14 restate your motion?

15 ERICA BECK: There was a motion to recommend to
16 the Court the following monitoring team: Hillard Heintz
17 be approved as the monitor, subject to the following
18 conditions:

19 DEIDRA LEWIS: We'd opposed that; we don't want
20 (Inaudible).

21 ERICA BECK: Negotiations with the following
22 individuals: No. 1, Jeffery Albert; No. 2, Dennis
23 Nowicki; No. 3, Michael Bromwich; No. 4, Michael
24 Gennaco.

25 SHARONDA WILLIAMS: Officers. Again, the motion

1 was properly moved and seconded. There was a vote that
2 was taken. We asked for any opposition. No opposition.
3 Okay. (Inaudible).

4 ROY AUSTIN: The vote is not a part of this
5 process. The process now is that when we reach and if
6 we reach impasse and present our papers to the judge by
7 9 a.m. tomorrow, so that is where we are.

8 SHARONDA WILLIAMS: And we will do that
9 tomorrow. All parties will do that in accordance. I am
10 taking that to mean that you all are abstaining from the
11 vote.

12 ROY AUSTIN: We're not participating.

13 SHARONDA WILLIAMS: Okay. (Inaudible).

14 ROY AUSTIN: We've announced an impasse
15 (Inaudible).

16 SHARONDA WILLIAMS: Well, thank you all for
17 attending this meeting. We appreciate all public input
18 in this process. This will conclude the fifth meeting.

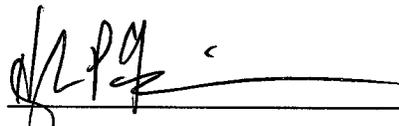
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Esquire Deposition Solutions, does hereby certify that through an independant contractor we have transcribed the audio, and that the foregoing is a true and complete transcription of the audio transcribed.

IN WITNESS WHEREOF, I do hereunto set my hand on this 3rd day of July, 2013



Esquire Depositions Solutions