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NOPD Monitor Selection Meeting

April 3, 2013

Sheppard Mullin

1 MS. SHARONDA WILLIAMS: Thank you. Good morning,
2 everybody. Welcome to the second day of the evaluation
3 committee for the NOPD consent decree monitor
4 selection. Today's April 3rd, 2013. I believe that
5 our presenter today, Sheppard Mullin, was here
6 yesterday learning when we talk about sort of the
7 format of this presentation; but just to remind
8 everyone, our presenter, Sheppard Mullin, will have
9 30 minutes to do its presentation.

10 Thirty minutes of public comment. And each
11 speaker who would like to speak during the public
12 comment period, please get a card from the gentleman
13 who is standing in the back of the room. And each
14 speaker will be given two minutes to speak. And then
15 there will be an hour period of questioning by the
16 evaluation committee. And that is how the -- the
17 process will work.

18 And with that, Sheppard Mullin, you can
19 proceed.

20 MR. JONATHAN ARONIE: Wonderful.

21 MS. SHARONDA WILLIAMS: Thank you.

1 MR. JONATHAN ARONIE: Thank you. Good morning.
2 I'm Jonathan Aronie, and I'm a partner at Sheppard
3 Mullin. And while each of the team will introduce him
4 or herself, just so at least you have names to start,
5 we have -- we have Chief Bob McNeilly; we've got Chief
6 Dennis Nowicki; Dave Douglass, who is a partner; and
7 Chuck (Inaudible) as well; Chief Mary Ann Viverette;
8 and my -- my young colleague who is lucky enough to
9 have the page-turning duties over there, Ryan Roberts
10 of Sheppard Mullin.

11 So we are, we're -- we're honored to be here,
12 we're and excited to be here. So thank you for this
13 opportunity. Over the course of the next half hour, I
14 actually think throughout the next two hours, you're
15 going to -- you're going to hear certain themes come up
16 from us. And -- and probably the most important one to
17 start with, which really screams out at the DOJ report
18 and the consent decree and almost everything you've
19 read online is trust.

20 The -- the loss of trust, the -- the progress
21 and efforts to regain trust, and the role that the

1 monitor can actually play in helping to rebuild that
2 trust. And -- and you're -- you're going to -- you're
3 going to hear that, I think, in a lot of different
4 aspects of what we have to say today. What -- what we
5 plan to do for -- for the half hour, and please,
6 this -- this is your meeting more than ours, we're
7 happy, I know you have a lot of question time after,
8 but we're happy to answer questions and engage in
9 dialogue as we go.

10 We're going to -- we're going to let the
11 folks here introduce themselves and tell you a little
12 bit about the -- the folks who are not able to join us
13 today, although they wanted to. We're going to talk a
14 little bit about what -- what we think that makes our
15 team uniquely qualified, although we're not going to
16 dwell too much on that. You have it in our proposal.
17 And we know you've read that.

18 We're going to -- we're going to talk a
19 little bit about some of the challenges that -- that
20 face us all. Every project has challenges. Every
21 corporate project I've ever done has challenges. And

1 the -- the key is not to be scared by those challenges,
2 right? The key is to recognize the solutions. So
3 we're going to talk a little bit about at least two of
4 the challenges that we see, and how we -- how we would
5 work our way through those. Then focus on our plans
6 for the first 30 days and first 90 days.

7 I, frankly, don't think there's -- think
8 there's much magic in that. I mean, it is just kind of
9 a playbook for this sort of thing, but we're going to
10 tell you a little bit about our take on that playbook.
11 And then -- and then end just with kind of a
12 restatement of the sort of commitments that you would
13 see in our -- in our proposal.

14 So with that, let's -- let's let you meet --
15 meet the team here. I will -- I will kick it off and
16 then -- then pass the mic. So I'm -- I'm a partner at
17 Sheppard Mullin. I'm a government contracts lawyer and
18 an internal investigations lawyer. Okay. I -- I spend
19 my life working with Fortune-500-type companies in the
20 classified space and the unclassified space. I spend a
21 lot of time developing, implementing, and reviewing

1 integrity, ethics, and compliance programs for large
2 government contractors.

3 That -- one of the things I noted that just
4 jumped off the page to me from the DOJ report and the
5 consent decree is how close what we're doing here
6 parallels what we in the government contracts internal
7 investigations space do every day. It -- it is --
8 it -- it actually surprised me how -- how the problems,
9 the challenges, and the solutions are so similar to
10 what -- to what I do with my Fortune 500 clients every
11 single day. And we'll talk more about that as the
12 morning goes.

13 I've -- I've also, I was previously the
14 deputy kind of monitor in the District of Columbia.
15 And when -- when I first took on that, it was exciting
16 because it's so parallel with what I do in the internal
17 investigations space. It was a very nice -- nice
18 opportunity to get involved in -- in what I knew was a
19 very big and important public interest project. And
20 that's -- that's part of what brings me here today, as
21 well.

1 With that, let me stop and let me -- let me
2 turn it to -- to David and then to Dennis and then
3 we'll go from there.

4 MR. DAVID DOUGLASS: Thank you. Good morning,
5 everyone. I'm the new guy on the team. I was not part
6 of the proposal, because I was not part of the Sheppard
7 Mullin when the proposal was submitted. I moved my
8 practice to Sheppard Mullin now about two months ago.
9 When I'm not doing this, which is (Inaudible) the
10 reason why I moved to Sheppard Mullin, I mostly
11 represent healthcare providers, pharmaceutical
12 companies, special (Inaudible) companies in
13 investigations and false claims act litigation.

14 But shortly after I got to Sheppard Mullin,
15 Jonathan approached me about this project. And it
16 instantly intrigued me because it did draw on some of
17 my past experiences assisting the United States
18 Attorney. I was up in Boston for about four years.
19 Among the cases I handled then were actually assaults
20 on federal officers. So I prosecuted citizens for
21 assaulting mostly federal officers then.

1 From Boston I moved to the Department of
2 Justice where I joined the Civil Rights Division
3 criminal section. Prosecuted hate crimes and also
4 prosecuted officers who assaulted citizens. So I've
5 seen this issue from different perspectives. But more
6 relevant, frankly, after I left the department I went
7 into private practice where shortly thereafter was
8 asked to go to the Treasury Department to be the deputy
9 director of the Treasury Department's investigation of
10 the ATF raid on the Branch Davidian compound of Waco,
11 Texas.

12 And in many respects the dynamics of that
13 investigation parallel some of the factors that you're
14 all dealing with. In that matter as in this one, the
15 investigation's really done by the agency, the Treasury
16 Department investigating itself. Our role, as people
17 coming in from private practice is really an oversight
18 role to guide the investigation and ultimately to get
19 you a report.

20 And also for those of you who remember back
21 then, that investigation was quite controversial. It

1 took place in a very highly public context. It had
2 been a tragedy all around. Four ATF officers had been
3 killed. Three actually from here in New Orleans. And
4 there were questions all around. The agents,
5 themselves, who were very much in favor of the
6 investigation, nevertheless had real questions as to
7 whether we'd be used to scapegoat them.

8 Because at the time there was talk of moving,
9 merging ATF into another DO -- and moving ATF out of
10 Treasury to DOJ. And there was concern that what
11 happened at Waco would be used as justification for it.
12 Of course the public and media had real questions
13 whether the Treasury Department could have a certain
14 hard-hitting review of what, without prejudging it at
15 the time (Inaudible) and our approach to that case was
16 to, was pretty straight forward.

17 We wanted to be objective. We wanted to be
18 searching. We wanted to be transparent. We wanted to
19 be accountable. And by following that process, we were
20 very pleased to issue a report that was widely and
21 universally, I would say, praised as being thorough,

1 being objective, being very hard hitting.

2 The agents supported it. The public
3 supported it. I returned to public practice, but then
4 a couple years later was then asked to return to the
5 Treasury Department. The DC folks, in particular, will
6 remember when a plane crashed on the White House lawn.
7 And I was asked to then become the executive director
8 of the review of White House security. And some will
9 remember after the crash on the White House lawn, there
10 was then a series of shootings at the White House; all
11 of which kept getting added to our reviews.

12 So that was happening faster than we could
13 review them. Ultimately, that review led to the, a
14 recommendation that I don't really want to talk about,
15 I mean, Washington DC folks, Pennsylvania Avenue in
16 front of the White House --

17 UNIDENTIFIED MALE SPEAKER: There will be no more
18 plane crashes.

19 MR. DAVID DOUGLASS: Right. The plan crashed. We
20 closed the street. But it made sense at the time. But
21 we -- we tried to take the same approach with that

1 investigation. And in fact, that recommendation to
2 close Pennsylvania Avenue, it wasn't really ours. The
3 Secret Service had been making it for 25 years. But
4 what we were able to do was pull together the
5 information to get all the stakeholders; Congress, the
6 Executive Branch, the public to understand why it was
7 the right and necessary thing to do at the time.

8 So we'd like to bring the same approach to
9 the two investigations. And when Jonathan described
10 for me his approach to this matter and told me about
11 the team, I was pretty excited to join it because it's
12 clear to me that they have that same commitment and
13 that same philosophical approach to this. So I'd be
14 very honored and pleased to be part of this with all of
15 you. Dennis.

16 MR. JONATHAN ARONIE: Dennis.

17 MR. DENNIS NOWICKI: Good morning to you all. I'm
18 Dennis Nowicki. And I'm the retired Chief from the
19 Charlotte-Mecklenburg Police Department. And I also
20 served 26 years with the Chicago Police Department,
21 rising to the rank of Deputy Superintendent, which

1 superintendent is the chief, if you will, and deputy
2 super is the one right beneath that. Twenty-six years
3 in Chicago.

4 And I also served as Chief in Joliet,
5 Illinois (Inaudible) for three years. And then five
6 plus years as the Chief of Charlotte, North Carolina.
7 I developed an interest in managing use of force back
8 when I was with Chicago. In fact, I did my master's
9 thesis on managing use of force. And so I have that
10 interest in it. And when I was retiring from Charlotte
11 was when the DC Police Department invited the Justice
12 Department to come and look at their -- their new
13 practices under Chief Ramsey, who is a former
14 Chicagoan; basically, recommended that I be part of the
15 team that Justice brought into look at -- at the police
16 department.

17 So I participated in the investigation along
18 with MPD for Justice. And when the consent decree was
19 issued and agreed to, I also became part of the
20 monitoring team working with Jonathan and Mike
21 (Inaudible) at the time. That's when I met Josh in DC

1 at the time. I've also worked with Justice on a couple
2 of other investigations including Cincinnati,
3 Cleveland, LA.

4 I've seen a couple of small communities in --
5 in the -- as well. I've served as a monitor for --
6 with Justice on two small suburbs in Chicago; Mount
7 Prospect and Highland Park. And -- and with other
8 monitoring activity, I was, until this past year, part
9 of the monitoring team for the Virgin Island Police
10 Department, as well. I, you know, I -- I bring a lot
11 of experience in actual managing policing, but also in
12 the oversight of the policing.

13 I've done a lot of consulting along the way
14 on the early managing use of force, working with police
15 departments to improve their practices so that they
16 don't get into trouble with the Justice Department or
17 with the -- the (Inaudible) as well. Again, on
18 June 1st I'll be starting my 50th year in this
19 business. So I've (Inaudible) hopefully for some time
20 to come. Thank you.

21 MR. JONATHAN ARONIE: That's the plan. So in --

1 well, let me just interject before Mary Ann and Bob
2 introduce themselves. We -- we put, as I'm sure all
3 the teams did, put a lot of thought into -- into our
4 team. We -- we feel we got some, the police chief
5 second to none, we have academics second to none, and
6 we have a legal team second to none. And -- and I'm
7 going to walk very briefly through some of the people
8 who aren't here, but -- but before we do that, let's
9 continue focusing on the police chief's side.

10 And Mary Ann, if you can introduce yourself
11 and then Bob.

12 MS. MARY ANN VIVERETTE: Good morning, I'm Mary
13 Ann Viverette. I have just shy of 30 years experience
14 in law enforcement. I was the Chief of Police in
15 Gaithersburg, Maryland for 21 years. Gaithersburg is
16 in Montgomery County, Maryland just outside of
17 Washington DC. It's a very progressive and diverse
18 community. The nicest part about being the chief there
19 was they allowed me to spread my wings and -- and learn
20 from best practices across the country and actually
21 internationally.

1 We were strong in community-oriented policing
2 and problem-oriented policing in that community. And
3 as a result in the early 90s received the US Conference
4 of Mayors Livability Award for our efforts and
5 programs. Early on with the Commission on
6 Accreditation for Law Enforcement, I was able to
7 connect with them and learn as that system progressed.
8 I became an assessor in the early years of 1988 and
9 stayed with that organization since as a team leader,
10 assessor, and I served as a commissioner for five
11 years.

12 While I was a commissioner, I was involved,
13 actually over a 15-year period, in developing the
14 written standards that law enforcement agencies and
15 accreditation use across the country. I chaired the
16 fifth addition, which is the addition that all agencies
17 use for accreditation at this time. During that time
18 with CALEA, I was involved with the VJA grant on
19 performance measures where we worked with the RAND
20 Corporation.

21 During that time I was involved with the

1 International Association of Chiefs of Police and
2 recruited to run for office there. I became the first
3 female president of the IACP in their 113-year history.
4 With that organization I was very involved with the
5 Civil Rights Committee and worked with them over a
6 15-year period. As president of the IACP, I was a
7 founding member for the National Law Enforcement
8 Leadership Institute, which was a collaboration with
9 IACP and ODW where we provide training for law
10 enforcement across the country on violence against
11 women. We were also very instrumental in developing
12 the model policy to the IACP on response to domestic
13 violence.

14 Lastly, I traveled to New Orleans quite a bit
15 with my experience in IACP. And I wanted to mention
16 that in 2005, 2006, I was the president of IACP. And
17 as you recall in 2007 the IACP was coming to New
18 Orleans, which is a huge conference and we have over
19 20,000 people who come to the city when you have a
20 conference. We had to make the decision to come to New
21 Orleans. There were some of the our members, quite

1 frankly, that were nervous about coming here after
2 Katrina and felt that it might not be safe.

3 We had a team that came down here and
4 visited, worked with your Chamber of Commerce, and we
5 were convinced that it was the right thing to do. Our
6 organization along with the Librarians Association were
7 the first two to commit to New Orleans, which really
8 helped the Chamber out, I think, because being able to
9 say that the Chiefs of Police felt that it was safe to
10 be here and the right thing to do.

11 So it's -- it's great to be back. And I -- I
12 really hope to be a part of this team and plan to be
13 involved in this project. Thank you.

14 MR. JONATHAN ARONIE: Bob.

15 MR. MR. ROBERT MCNEILLY: Hi. My name is Bob
16 McNeilly. I've been in law enforcement for about
17 36 years. The first 29 was Pittsburgh Police. I
18 worked through the ranks. Spent the last ten years
19 there as Chief of Police. Back in 1996 when I took
20 over as Chief of Police, it was about the same time as
21 the Department of Justice was doing an investigation on

1 the Pittsburgh Police and our entire practice.

2 We entered into a consent decree in 1997. We
3 came into compliance in 1998. And we were released
4 from the consent decree in 2002. I have worked with
5 the DOJ several times since in various cities.

6 (Inaudible) and I've been to New Orleans many times.

7 One time (Inaudible) as a chief petty officer, I spent
8 about seven weeks here during -- or after Hurricane
9 Katrina.

10 MR. JONATHAN ARONIE: Thanks, Bob. Now we're --
11 we're going to -- we're going to just very quickly just
12 tell you a few things about the people that aren't here
13 because we want get -- get into the -- the substance of
14 this. Dennis, can you say a quick word about --

15 MR. MR. DENNIS NOWICKI: Yeah.

16 MR. JONATHAN ARONIE: -- Geoff?

17 MR. DENNIS NOWICKI: Geoff Alpert who is part of
18 our team and during a conference call we had last week
19 wanted me to express his disappointment in not being
20 here, but he's currently down in Brisbane, Australia,
21 working with the police departments down there. But

1 most folks in -- that have been involved in policing
2 for the last 15 to 20 years know about Geoff Alpert.
3 He's one of the academics who really engages in forming
4 evaluations of policing, giving feedback to police
5 departments and allowing them to make positive changes.

6 He's probably the principle researcher and
7 academic to deal with pursuit policies. And -- and his
8 writings and his research has guided these pursuit
9 policies across the country for years. He's also very
10 much involved in use of force studies and use of force
11 advisories and in -- and in racial profiling and issues
12 such as that. And if you look at his publications,
13 really it's -- it's pretty much the -- the standard
14 desk references for like police chiefs and police
15 leaders across the country.

16 He's not a lawyer, but he's been to law
17 school. He's got a PhD from, I think, Washington State
18 University. Very well respected as a police
19 instructor.

20 MR. JONATHAN ARONIE: And what -- and what you
21 have in front of you, incidentally, a -- a very short

1 kind of cheat sheet on -- on our team. We -- we just
2 gave a brief overview of all the people since Geoff's
3 CV alone is like a phone book.

4 UNIDENTIFIED MALE SPEAKER: Uh-huh.

5 MR. JONATHAN ARONIE: So you -- you have two pages
6 for each person. Mary Ann, can you say something about
7 T Bowman?

8 MS. MARY ANN VIVERETTE: Sure. It's been my
9 pleasure to know one of our members, Theron Bowman.
10 He's also a PhD. All of his peers know him as T
11 Bowman. I've -- I've known him over a decade. He's
12 from Arlington, Texas, the home of the Dallas Cowboys.
13 As you can imagine as Chief of Police there for over a
14 decade, he's had quite the considerable experience in
15 special events.

16 He's also now the Deputy City Manager of
17 Arlington, Texas, as well as the Public Safety
18 Director. He has his doctorate in, a doctorate of
19 philosophy in urban and public administration. And he
20 wrote on the predictive value of policies in
21 determining police officer actions. He's

1 internationally known. He's a renowned professor.

2 He's an expert in community policing and police

3 practices. He'd be a great member of our team.

4 MR. JONATHAN ARONIE: Thanks. And I'll -- I'll
5 just round this out very quickly by saying a word about
6 Professor Alejandro Del Carmen, who -- who would love
7 to be here, but he's with a sick dad at the moment.
8 And he is a widely respected professor in -- in this
9 area and particularly well-known for his writings on
10 racial -- racial profiling. One of his most recent
11 texts is Racial Profiling in America.

12 Again, just in light of the time, I'm going
13 to -- I'm going to move it forward. And I'm also going
14 to try to move through this one a little bit quickly
15 because I think most of this should jump off of our
16 proposal. There's a couple of things I -- I want to
17 hit about the diversity of experience in our team.
18 And -- and it's -- it's italicized up there, but while
19 we normally have experience policing and (Inaudible)
20 and monitoring, but -- but we have experience, as Bob
21 described, being monitored.

1 And -- and -- and I think that gives us a
2 certain sensitivity and realization. No one should
3 pretend that these consent decrees or memorandum of
4 understanding are easy for the police department or for
5 the citizens or for DOJ. These are -- these are hard
6 things just like every project in the corporate world
7 we do. It -- it takes time. It takes effort. And
8 it's -- it's critical. It -- it has to be done.

9 But -- but one of the things our team brings
10 as we do, as David and I do, in the corporate world
11 is -- is a sensitivity and understanding that -- that
12 there are different ways to accomplish the same thing.
13 And -- and you have to be sensitive that the people
14 you're monitoring or reviewing or analyzing have a job
15 to get done. They -- they have a day job, as it were.
16 And -- and -- and Bob in all our conversations leading
17 up to this has been a very great resource in talking to
18 us about what it was like as he was being monitored.

19 I, also, I just want to point in this that,
20 and -- and -- and I suspect that anyone has done this
21 before recognizes this right away, that our job as

1 monitors is limited. Okay. We have -- we have an
2 assigned role. And you need to stay within the bounds
3 of that. You need to stay within, as we say, the four
4 corners of the document. Okay. You're -- you're
5 ability to do that, A, it's required, and B, it -- it
6 actually reduces costs.

7 Because whenever people leave the four
8 corners of the document, costs go up. But you have to
9 think of that limited role alongside the fact that --
10 that there's an overall context here, right?
11 There's -- there's an effectiveness question. It's --
12 it's not enough to come in and -- and monitor points X,
13 Y, and Z say, you know, yes, they have policy X, Y, and
14 Z. You have to think of it all in the context of,
15 again, trust, restoring public trust, in the context of
16 constitutional policing. And -- and bringing those
17 things together, I think, is critically important.

18 And -- and that's -- that's the focus of
19 everyone on our team. Last thing, there's two things I
20 will say very briefly on this slide. One is, at the
21 end of the day what -- what we, everyone involved in

1 this process has to show as a -- as a -- as a success,
2 obviously the success is constitutional policing and
3 restoring of trust; but what we have is our reports,
4 right? At -- at the end of the day, that's the
5 document that the public sees. That's the document
6 that will determine whether the public believes this is
7 working or not.

8 It's the same way when I -- when I go in and
9 do an investigation for a corporation. At the end of
10 the day, my report is -- is my -- my (Inaudible) and --
11 and we all understand that, believe me. And -- and we
12 not only have this (Inaudible) where my 600-person law
13 firm is standing behind the report, all right, there is
14 -- there is no way that we are going to issue a report
15 that is not fully supported, fully accurate, fully
16 complete.

17 And -- and frankly, you know, I'm -- I'm --
18 whether -- whether the findings are popular or
19 unpopular, I mean, I'll be blunt; I don't care. What I
20 care about is a fully supported report. And if we do
21 that right, that restores public trust. Because right

1 now from everything I've read in the papers, the public
2 doesn't believe that anything is going to happen,
3 they -- they don't believe it's going to work. Okay.

4 Now I, we all feel differently. And we all
5 know this can work because we've done it before. But
6 -- but where our team can really help is to show that
7 our reports are real, and they are trustworthy. And
8 it's one thing for NOPD to say, we've done X, Y, and Z.
9 It's another thing for us to say, NOPD has done X, Y,
10 and Z. All right.

11 We -- we have the opportunity not only to say
12 something was not done, but the opportunity to say,
13 yes, we confirm something was done. And -- and then so
14 how it's reported is very important. And I wanted to
15 bring that up. And -- and then I think with that
16 we'll -- we'll move on to -- to two of the challenges I
17 wanted to talk about.

18 So there's, as I said, there are obviously
19 multiple challenges involved in any project like this.
20 But the -- the two we've just decided to talk about
21 here is what I -- what we call the buy in challenge and

1 then what we call the economic challenge. None of
2 these, I think, should be a surprise to anybody. This,
3 again, this works best and in some way only works if
4 people buy in and feel vested in this process.

5 We want -- we want the police department to
6 buy into it. We want the City to buy into it. We want
7 DOJ to buy into it. And you want the community to buy
8 into it. Because again, it's -- it's the report and
9 people's trust in the report that really fashions
10 success here. So the question is in this situation,
11 how -- how do you do that? How -- how do you solve it?

12 And -- and there's really no -- no magic here
13 to our solution. I mean, I'd be lying if I pretended
14 this is, these are genius points; but -- but I think
15 they're worth saying. First is, frankly, exactly what
16 DOJ did when it did its investigation, exactly what --
17 what New Orleans independent police monitor did is you
18 have to listen and you have to go talk to people.

19 And -- and more important than talking to people you
20 have to listen to people from, you know, all -- all the
21 communities.

1 Transparency is key. People don't trust what
2 they don't see and what they don't see the support for.
3 You have to, people have to see that you're not afraid
4 of making hard decisions, that you're not afraid of
5 unpopular findings. When -- when I -- I -- I recently
6 did an integrity investigation for a major corporate
7 client. And frankly, a high percentage of our
8 employees felt that it was going to be just a -- just a
9 whitewash, it was going to be no real change to the
10 corporation.

11 The moment they saw my first report and they
12 saw that it was fair and hard hitting where necessary,
13 but also supportive of management when necessary; the
14 moment they -- they read that report and they saw that
15 we were serious, I mean, we weren't afraid of making
16 hard decisions, trust immediately picked up. Just as
17 an interesting aside to that, because we -- we talk a
18 lot about, you know, there's a lot of metrics that have
19 to be measured in any monitorship, but -- but you have
20 to have a team that doesn't just look at the numbers.

21 And to take my example as an example, my

1 recent case as an example. As trust increased, what do
2 you think happened to the number of complaints that we
3 received internally? Complaints went up. So now if
4 anybody just looked at numbers, they'd say, okay, well,
5 you know, things are going badly. But -- but that's
6 exactly not what happened. Complaints went up because
7 all of the sudden people trusted that their complaints
8 were going to matter, right?

9 And so -- so you can kind of expect to see
10 complaints go up a little bit, and then they go down
11 and the nature of them changes. And -- and -- and
12 that's why you have to look beyond numbers on things
13 like this.

14 And then do you want to just say something
15 briefly, David, about -- about the -- the context
16 again?

17 MR. DAVID DOUGLASS: Sure. So when we were doing
18 our Waco investigation, we worked very hard to earn the
19 respect and the trust of the agents we were relying on
20 to tell us what went wrong. And to do that we had to
21 be very respectful of their expertise, of their

1 (Inaudible) of our limited role as, I'll use the term
2 monitor because we're in this context because we were
3 an oversight.

4 At the same time, we were also very mindful
5 that the ultimate goal here was not simply to issue a
6 report. Washington tends to be a city that specializes
7 in generating reports, but ultimately the report,
8 itself, is really a means to a broader ends to improve
9 practices, to rebuild trust between the community and
10 the law enforcement agencies. So we were very mindful
11 that the report, itself, is a vehicle to achieve a
12 broader ends. And we -- we were mindful of that as we
13 went through so that it could be, so it could advance
14 that ends.

15 And I will say that through that process,
16 we're about on the ten-year anniversary actually of the
17 Waco raid, and there have recently been seminars with
18 law enforcement elsewhere where those agents and
19 agencies have been discussing the lessons of Waco and
20 the changes that were made. So it was gratifying that
21 it did not become just another report. But more

1 importantly it shows that these things really can
2 accomplish the ends that the parties and the community
3 seek, which is to improve performance and to rebuild
4 bonds.

5 MR. DENNIS NOWICKI: And I want to make a comment
6 about the issue of the listening going on in the
7 community. I'm not going to speak for my colleagues,
8 the former police chiefs in our -- in our group; but
9 I'm sure they would agree that as a police chief we
10 spend a lot of time out in the community. None of us
11 have gone through our career without having an event
12 occur that would raise concern in the community, a
13 police shooting or a serious crime involving young kids
14 that requires you to go out and listen.

15 We had a police shooting in Charlotte where
16 we spent just about every day for several weeks
17 thereafter out in the community meeting with the
18 churches, meeting with the community folks. That's
19 part of our job. It's something we do. Is it
20 something we -- we run to? No. But it's not something
21 we shy away from either. It's something we know we

1 have to do.

2 And -- and it's something that we've invested
3 our time in and learned how to listen to those folks
4 and respond to them, but in meaningful ways. So we
5 respect that. We know that that's going to be needed
6 here, that we're going to be out in the community
7 fairly early on. Not just in the community, but we
8 have to get to -- to know the -- the public
9 policymakers, the leaders of the community, as well, at
10 the elected level and what their concerns are about the
11 department, about the community, about this consent
12 decree.

13 And -- and, you know, so that's part of it,
14 the community we have to reach out. The police
15 officers, you're not a unionized department, but you
16 have police associations that I'm sure speak on behalf
17 of the officers at times. We need to talk with them,
18 as well. That's something we all have done, the four
19 of us who are police practices efforts here, in our
20 career, you know, quite frequently and quite intensely.

21 MR. JONATHAN ARONIE: So I'm going to -- I'm going

1 to skip the next one. You have it in the little books
2 that have been handed out in front of you, but in light
3 of the time, I want to -- I want to jump to, so I'm
4 talking about our first 30 days and then our first
5 90 days. Some of the stuff here obviously we've --
6 we've already touched on. I mean, meeting with the
7 parties in Washington DC when we did that one, that was
8 absolutely critical and amazingly beneficial sitting
9 down and -- and learning that even after lengthy
10 negotiations, the parties don't always see, read the
11 text exactly the same way.

12 And -- and everyone needs to know what's
13 required of them. And so those meetings were critical,
14 meetings with all the stakeholders including --
15 including the community, including the police. What --
16 finalizing the monitoring team, we're -- we're
17 obviously thrilled with our monitoring team. But what
18 we know from experience is sometimes after a monitor is
19 selected, the parties have suggestions to supplement
20 that team.

21 We also want to talk to the parties -- we

1 intentionally did not select a local presence. And --
2 and we think there are some benefits to that. And we
3 want to talk to the parties about that before we do
4 that. So rounding out the team is a -- is a first
5 30-day activity. The -- the DOJ report makes it very
6 clear and -- and the Chief's public statements make it
7 very clear that -- that a lot of progress has already
8 been made. And -- and I think that needs to be
9 recognized, that -- that needs to be understood better
10 right from the start.

11 I just read, granted probably while I should
12 have been sleeping, but I -- I read the report that the
13 office of the independent police monitor just
14 published, I think it was yesterday. And -- and in
15 that report it even recognizes some progress has been
16 made on -- on things. And -- and so that's -- that's
17 again, a very important part of our first 30 days. We
18 know that -- that New Orleans is going to have an
19 implementation team. We know the consent decree
20 requires it, but it's, whether it's required or not,
21 it's a critical aspect of making things work.

1 As I think when we get to the questions and
2 the answers, Bob -- Bob will be able to talk about, it
3 was a critical aspect of -- of having it work in -- in
4 Pittsburgh. And -- and that's a very important part.
5 And again, there are a lot of avenues towards full
6 transparency, right? That in the days of technology
7 there's a lot you can do to keep people apprised.
8 And -- and that's another very quick activity that we
9 would take right at the start.

10 Now things get a little more complicated
11 within the first 90 days, obviously. This is -- this
12 is really the -- the -- the critical period, okay?
13 These -- these -- these monitorships, in our experience
14 and -- and just common sense frankly, work when people
15 understand what is required of them. And -- and by
16 reading the consent decree, detailed, though it is,
17 it -- it -- it -- it still needs interpretation and it
18 needs negotiation and it needs understanding by the
19 parties.

20 And the monitor plays a very useful role in
21 making sure the parties are aligned on what's required.

1 So as -- as part -- as part of putting together our
2 compliance manual and putting together our, what we
3 call, and I'm sure many people call it, a road map to
4 success; that's -- that's our real core focus in the --
5 in the first 90 days. Taking the consent decree, you
6 know, outlining the requirements, outlining what
7 success means, right? Everyone needs to know that.

8 And again, this is -- this is exactly what we
9 do in a -- in a corporate government contracts
10 compliance program, right? I have a government
11 contract in front of me, and I need to translate that
12 to an understandable and usable checklist, if you will.
13 And now it's, frankly, more complicated here because
14 you have an overarching effectiveness action, but --
15 but that's not much different than what we do in the
16 corporate world anyway.

17 But the -- the way we look at things here,
18 because I'm a, you know, I sometimes say, you know, I'm
19 a government contractor, so I'm not -- I'm -- I'm a
20 simple guy as they say. I -- I -- I try to make things
21 understandable and simple. That's one thing I'm very

1 good at. Any element to this really boils down to --
2 to four things, okay? Is there policy? And does that
3 policy comply with the consent decree? Is there
4 training on that policy? And is training hitting the
5 right people? Is the training working itself into
6 practice? All right. Is it actually getting out on
7 the streets?

8 I mean, just do the news articles still have
9 people complaining, oh, sure, the police department
10 (Inaudible) policies, but we're not seeing it on the
11 streets, right? So practice is key. And then the
12 fourth one is -- is as important as everything else and
13 it's effectiveness, right? Is it actually working? Is
14 it actually getting you towards constitutional policing
15 and increase in trust? And those four things: Policy,
16 training, practice, effectiveness; same things we do in
17 the -- in the corporate world.

18 Let me, because I think my -- my time is up,
19 so let me just put up this last language I won't walk
20 through, but these -- these are -- I'd be surprised if
21 every monitor candidate didn't have something similar

1 to this because I think these are -- are pretty
2 obvious. I think there -- there shouldn't be
3 surprises. There should be full transparency. And you
4 all can read the rest, but I'm at -- I'm at my time, so
5 I'll stop there.

6 MS. SHARONDA WILLIAMS: Thank you very much.
7 We'll move into the public comment period. Do we have
8 any speakers?

9 MR. JONATHAN ARONIE: Is it okay to turn around?

10 MS. SHARONDA WILLIAMS: Sure.

11 RANDOLPH SCOTT: Good morning. My name is
12 Randolph Scott. How are you all doing?

13 MR. JONATHAN ARONIE: Good morning.

14 MR. DAVID DOUGLASS: Good morning.

15 RANDOLPH SCOTT: All right. You have received and
16 reviewed a copy of the consent decree, correct?

17 MR. JONATHAN ARONIE: Yes.

18 MR. RANDOLPH SCOTT: Okay. If you could discuss
19 what you think are the strong points of this consent
20 decree as you reviewed it or maybe the weak points of
21 this consent decree as you observed it with real

1 professional of experience. In addition to that, do
2 you feel as though you are protectors of law
3 enforcement, you protect some sort of law enforcement
4 or the City from any sort of punitive damage? If -- if
5 you could talk about that.

6 In addition, the City is going to talk about
7 the shortage of money. Our public influence will
8 (Inaudible) duties and responsibilities. How would
9 that impact you? In addition to that, the City is
10 going to talk about they've implemented about 60
11 different measures regarding their interpretation of
12 the consent decree. They're going to talk about
13 65 percent (Inaudible) towards constitutional policing.

14 How, in your view, how would -- how would you
15 look at their particular rationale or reasoning, and
16 how would that impact your abilities to look at the
17 total consent decree in terms of what it requires?
18 Thank you very much.

19 MR. JONATHAN ARONIE: Thank you.

20 MS. SHARONDA WILLIAMS: Thank you, Mr. Scott. If
21 you all want to take an opportunity to address any of

1 the comments made by Mr. --

2 MR. RANDOLPH SCOTT: Wait, wait. Hold on, please.

3 MS. SHARONDA WILLIAMS: Oh, is there one more?

4 Oh, sorry.

5 MR. RANDOLPH SCOTT: I just got burnt. Oh, boy.

6 Just, I'd like you just to elaborate a little bit more

7 on your decision not to include local presence on your

8 leadership team. I'm sure there were pros and cons to

9 consider both ways (Inaudible)

10 MR. JONATHAN ARONIE: Sure, sure.

11 MR. RANDOLPH SCOTT: Thanks.

12 MS. SHARONDA WILLIAMS: All right. Thank you.

13 All right. You can now take an opportunity to respond

14 to any of those.

15 MR. JONATHAN ARONIE: Sure.

16 MS. SHARONDA WILLIAMS: Okay.

17 MR. JONATHAN ARONIE: There was -- there was a lot

18 there.

19 MS. SHARONDA WILLIAMS: Yeah.

20 MR. JONATHAN ARONIE: I will -- I will get up.

21 And everyone, we don't have any shy people on this

1 team. So everyone will -- will jump in. Let's --
2 let's start with the question about the -- about the
3 consent decree, the -- the (Inaudible) the problem with
4 that question is -- is it -- it's -- my answer could
5 sound pandering, and I apologize for that. But I've --
6 I've read a lot of consent decrees and memorandum of
7 understanding, and I think this is one of the better
8 ones I've seen. I think this is extremely thorough. I
9 think it is, it's gotten us all closer to -- to the
10 concept of -- of outcome (Inaudible) and outcome
11 assessments more than we've seen in the past.

12 It -- it -- it tracks the DOJ investigation
13 very, very closely. And -- and -- and remember my --
14 my job isn't to make value judgments on -- on -- on
15 what underlies it. My -- my job is to look at the
16 agreement and say, okay, is -- is this a monitorable
17 agreement? Is this an agreement that we can monitor
18 and we can help by doing a good job restoring trust?

19 And I think it's very good in that regard.
20 It -- it -- as to whether there's a weak point, I -- I
21 think it would be the same weak point that is in every

1 agreement that you see, and that it is impossible to
2 put in the level of detail that one actually needs
3 to -- to monitor, which is why in the first 30 to
4 90 days you're spending time with both parties turning
5 that agreement into kind of discretely monitorable
6 elements.

7 And so I -- I -- to the extent that's a
8 weakness, it's a weakness with every one we've ever
9 seen; but it's a weakness that our team is very well
10 versed in working with the parties to solve right away.
11 Before we go any --

12 MR. DAVID DOUGLASS: Well, let me -- let me tell
13 you more about the strong points. I agree with
14 Jonathan that, you know, I've looked at consent decrees
15 and been involved in this for a while here, so I've
16 indicated to you actually, I think this is one of the
17 best consent decrees. I think the 150-plus page
18 investigative report that DOJ has done on this case is
19 an outstanding document.

20 I think if you were to have that work done by
21 an outside contractor, if the City were to engage a

1 consulting firm to do that; that's at least a million
2 dollar piece of effort to look at that document. It
3 provides a clear -- clear evidence as to the problems
4 within the department and a path for the solution,
5 which ended up being the consent decree. The consent
6 decree, itself, is based upon best practices in
7 policing. That's a strength. It's not arbitrary in
8 any way.

9 These are practices that good police
10 departments across the country have been implementing
11 for several years, many years now. But -- but I think,
12 you know, I -- I think the -- the City probably is
13 looking at this as an opportunity to improve the
14 department, improve the quality of policing for the
15 citizens of -- of -- you know, I can't see any other
16 reaction to that investigative report.

17 It's very well done. It's based upon law.
18 And it's based upon best practices of the police.

19 MR. JONATHAN ARONIE: Let me -- the -- the second
20 question that -- that the gentleman asked was along the
21 lines of is our job to protect law enforcement, is our

1 job to protect the City from liability, and there were
2 some other elements of the question. I -- I think it's
3 fair to say, again, our job is to monitor compliance
4 with the consent decree. And by doing so help ensure
5 constitutional policing.

6 So our job is to review, to audit, and to
7 assess outcomes, right? It's -- it's very clear in the
8 consent decree that's what we do. Now if we do it
9 right, we do help protect the people, protect the
10 police, protect the City, protect everyone from
11 lawsuits, keep people safe. All of that is an outcome
12 of what we do. But -- but our job, as -- as you all
13 know is confined by that document: Review, audit,
14 assess.

15 The third question that was asked was
16 about -- was about money. I -- I -- I think it's
17 worth, you know, let's briefly just go back here to the
18 economic challenge. Because we -- we all get that.
19 It's, and as I said, it's the same thing in the
20 corporate world nowadays, same challenges. There --
21 there are some elements of this that are out of our

1 control. It's not cheap. Anyway you look at it, if
2 you do it right, it's not cheap.

3 But -- but there are ways, a good monitor
4 working with good teams can -- can reduce the cost,
5 right? And -- and that's -- that's some -- some of the
6 things we -- we have up there. And you know, it's
7 probably useful to rapidly do all three, but
8 obviously -- but -- but, Bob, maybe -- maybe you can
9 say a word about that from Pittsburgh.

10 MR. ROBERT MCNEILLY: Yeah. I -- I can tell you
11 that coming to quick compliance reduces the workload
12 because the monitors don't have as much to have to --
13 findings to report on. And clear compliance also
14 reduces the length of the consent decree. In
15 Pittsburgh we knew that it was going to be a five-year
16 deal minimum. And in my role was determined that we
17 reach that goal as quickly as possible. (Inaudible)
18 consent decree as quickly as possible.

19 On the other hand, some other cities have
20 been in consent decrees for ten years and are still not
21 in compliance. So that sends the monitoring program

1 even further. And if you look at the far extreme,
2 Oakland, California, now they've had to hire somebody
3 as a compliance director, which is going to cost them
4 about a half million dollars more.

5 So the only thing you really need to be able
6 to come to compliance and -- and be released from the
7 consent decree is a reasonable monitor and a determined
8 chief. That's my belief. And I think if you get those
9 things done quickly, having the compliance to get
10 through it, you'll reduce your expenses.

11 MR. JONATHAN ARONIE: There was a question -- a
12 question about our decision not to have a local
13 presence as a senior leader of our team. Now as the
14 gentleman suspected, we -- we did think long and hard
15 about that. We -- we, frankly, obviously chose that we
16 didn't think it was a good idea. The -- the critical
17 element as I've said before of the success of our team
18 is our -- is -- is the trust of the public, the trust
19 of the parties.

20 And any way you look at it, no matter how
21 good a local person is, it -- it is going to be viewed

1 by people as a local person. And -- and while there is
2 a very useful role, and we do have on our team
3 identifying a local resource, constitutional policing
4 isn't the local issue, okay? Constitutional policing
5 is a national issue. It's a constitutional issue,
6 okay?

7 We have, in my view, the -- the best people
8 anywhere on -- on those issues. Now just like every
9 company David and I go into investigate or go into
10 review, it has unique cultural issues and has -- and
11 has unique demographic issues and has, you know, every
12 company -- every company is a little different,
13 likewise every city. But that means you spend a lot of
14 time talking and listening to people. That doesn't
15 mean those people take senior roles on the monitoring
16 team. And -- and there's a difference.

17 I -- I couldn't agree more with the
18 importance of engaging and listening to the community
19 and hearing what they have to say, but in -- in our
20 view that's -- that's different than -- than having
21 senior local people on a monitoring team.

1 MR. DAVID DOUGLASS: And let me just add to that,
2 our thinking of it. The local presence is important
3 part of the buy in process because you come in, local
4 people, by definition, really can't be completely
5 immune from some of the pressures. People have
6 relationships. An important first step in establishing
7 the -- the joint commitment of all parties to make this
8 work is to make sure the person who is going to be here
9 who will play that critical role because they're --
10 they're present, they're known; it's important to have
11 someone who builds trust.

12 And so our thinking is that we bring
13 independence, but we don't want to bring isolation. We
14 want someone on the ground to help us understand, but
15 who that person is should be something that is
16 negotiated with the parties. We'll then pick a local
17 leader, but we don't know what the repercussions of
18 that would be. Any one group you pick as a
19 representative of a portion of the community, will by
20 definition may be problematic or not, will not be a
21 representative of other parts of the community.

1 So the goal is listening to all the parties
2 to then select someone who can fill that important role
3 in a way that strengthens the process of what we said
4 in our proposal. We envision it being a law firm, but,
5 a lawyer or a law firm, but I don't know that it has to
6 be that person. The key is, does the person have
7 credibility with the parties to play the role of the
8 local presence.

9 MR. JONATHAN ARONIE: To make it clearer and this
10 will most likely help you, that's one of the tasks
11 we're going to engage in our first 30 days. If we are
12 selected, we will work to identify that resource, that
13 local resource here with input from folks that are
14 present here and others in the community additionally.
15 May -- I was just going to say, may we ask if we answer
16 the questions, if they have follow up or --

17 UNIDENTIFIED MALE SPEAKER: There was a question
18 about the City's efforts -- the City's efforts and our
19 views on the 65 elements. And so I'll just kind of
20 jump in. But as -- as one of the slides pointed out,
21 there's clear progress that has been made with the OPIM

1 as noted in the consent decree. The -- the performance
2 reports are a critical part of the first 30 days is to
3 figure out where we are with the City and build on the
4 work that the City and the police department have
5 already done.

6 I don't -- I don't think we can assess the
7 status of that right now like the question that was
8 directly asked, but it is important to recognize that
9 progress has been made and to evaluate that and to
10 incorporate that into what we do.

11 UNIDENTIFIED MALE SPEAKER: But -- but, you know,
12 part of what we do as monitors is to verify. I mean,
13 and -- and we're going to be told that a lot of things
14 are taking place in the department, I mean, going
15 forward, not just what they've already done; but six
16 months, you know, a year down the road, they're going
17 to tell us that they've done something; and our -- our
18 responsibility is to verify that. And -- and by
19 verifying in -- in -- in with hard facts, reading --
20 reading reports, observing, talking to the community,
21 talking to the -- the -- the officers.

1 That verification process starts from day one
2 on things that they claim they've done before we got
3 here and things that they -- they claim that they
4 will -- that they've -- they've done after we've been
5 here. We'll take nothing for granted. We will verify
6 all things.

7 MR. JONATHAN ARONIE: I -- I think one of the
8 things that -- that I think David and I and probably
9 everyone on the team comes to quite naturally and it's
10 drilled into us over the years of us being a lawyer,
11 although my wife hates this about me, is that -- is
12 that I don't trust anything. That is -- that's not
13 what I do. We -- we -- we like when things are proven
14 to us, and that's what we expect. And it gets me in
15 trouble at home, but it's -- it's very good in this
16 job.

17 MS. SHARONDA WILLIAMS: Okay, all right. Thank
18 you. Now we'll begin the questioning by the evaluation
19 committee. Mr. Austin.

20 MR. ROY AUSTIN: So I think that one question from
21 Mr. Scott that you did not address was that the City

1 has indicated (Inaudible) I think you did address it a
2 little bit, but what issue (Inaudible) as I understand
3 it. What is your first year price point? How much do
4 you expect it to cost the first year?

5 MR. JONATHAN ARONIE: Oh, you know, I don't know,
6 I don't remember off the top of my head, but it's in
7 our --

8 MR. ROY AUSTIN: I think you had it at --

9 MR. JONATHAN ARONIE: -- it's in our proposal.

10 MR. ROY AUSTIN: -- 2.7 --

11 MS. SHARONDA WILLIAMS: (Inaudible)

12 MR. JONATHAN ARONIE: Do you remember if it was
13 2.9?

14 UNIDENTIFIED MALE SPEAKER: 2.4.

15 MR. JONATHAN ARONIE: 2.7?

16 UNIDENTIFIED MALE SPEAKER: The first -- the first
17 year is 2. -- \$2,038,905.

18 MR. JONATHAN ARONIE: Thank you.

19 MR. ROY AUSTIN: What are you going to do or what
20 can you do to -- to limit that cost over the long haul?

21 MR. JONATHAN ARONIE: Sure. To -- to be frank,

1 that -- that actually lies as much with parties as it
2 does with us. If the -- with the way you reduce costs
3 on these type of jobs is both the part that resides
4 with us is a well-organized team, taking advantage of
5 what's been done before, not reinventing the wheel.
6 Whether it be the lessons learned from Dennis's work in
7 the Virgin Islands, from Dennis and my work in DC, from
8 Mary Ann's work on the accreditation committees; all
9 that work, all that knowledge can be brought to bear
10 here. And that's something that significantly reduces
11 costs.

12 The -- the other thing that greatly reduces
13 costs is the cooperation between the department and the
14 monitoring team. Where -- and I think that Bob -- Bob
15 can speak to this very clearly. Where -- where there
16 is a strong implementation committee -- in Washington
17 DC we had a very strong implementation group. In
18 Pittsburgh they had a very strong implementation group.
19 It's been written about and studied.

20 Where -- where that happens, that's how we
21 save money. It's -- it's far more in the relationship

1 than it is in -- in one person's control.

2 MR. ROY AUSTIN: Are you willing to cap your
3 costs?

4 MR. JONATHAN ARONIE: I -- and well, I believe we
5 all had to. I believe that was a requirement, yes.

6 MR. ROY AUSTIN: With -- you are the co-managing
7 partner of a Washington DC law firm.

8 MR. JONATHAN ARONIE: That is true.

9 MR. ROY AUSTIN: Who, from your team, is going to
10 be physically here for an extended period of time over
11 the first years of this agreement?

12 MR. JONATHAN ARONIE: Well, so we've -- we've
13 talked a lot about that. First of all, I'm going to be
14 here a lot, okay? David is going to be here a lot.
15 Dennis is going to take care of a lot. These are the
16 three most senior people on the team. I -- I -- I took
17 this matter not because, you know, I thought it would
18 be fun and -- and nice on a resume. I -- I took this
19 matter because I want to do it.

20 In the same way that when I take on a
21 corporate matter I'm there, you know, I -- I'm not --

1 I'm not moving here; but I don't move to any of my
2 clients' towns either. But -- but we're the people
3 you're going to see and the rest of the senior team
4 including the ones on the screen that aren't here,
5 you're going to see in person.

6 This is -- this is not an effort, frankly, to
7 take on a matter and have a young associate handle it.
8 It's too important.

9 MR. ROY AUSTIN: You don't have anyone, at least I
10 didn't see anyone, who is going to analyze the data.
11 And there is going to be a ton of paper here.

12 MR. JONATHAN ARONIE: Yeah.

13 MR. ROY AUSTIN: Who is your person or group that
14 is going to do that?

15 MR. JONATHAN ARONIE: Sure. So we -- we thought
16 about bringing on like a, you know, a PWC, SDI kind of
17 group. And frankly, we -- we did have that in DC. And
18 we proposed it in (Inaudible) what -- what we found is
19 that it's -- it's actually a large, very large expense.
20 And -- and it's not quite needed as much as people
21 think it is. I mean, we -- we have -- we have two of

1 the foremost professors on -- on this sort of stuff, of
2 analyzing data, Geoff and Alejandro.

3 They -- they not only do this for a living,
4 but they have resources within the universities. We
5 all have resources. As -- as the needs come up, it
6 is -- it is quite easy to -- to find the people who can
7 do it. Our police officers analyzed data throughout
8 their careers, okay? When -- when -- when I go in and
9 I do a complicated cost accounting issue for a
10 government contractor, I -- I need a lawyer, okay? You
11 know, I -- I need a firm like that.

12 Much of what's done here, between the
13 resources already available in the city, between the
14 resources among the universities and the professors we
15 use, and between our skill; you -- I think you're not
16 going to need as much as you think. But if we do find
17 we need it, it is quite easy to add it to the team.

18 MR. ROY AUSTIN: The City has moved to vacate the
19 consent decree. What, if any, effect does that have on
20 the ability of the monitor to do whatever work needs to
21 be done?

1 MR. JONATHAN ARONIE: Well, it -- it -- it has a
2 real effect. I mean, this -- this -- as I've said over
3 and over, these monitorships work best when there's buy
4 in. And -- and there needs to -- and I mean, I'm --
5 I'm stealing Bob's -- Bob's phrase here, right, it
6 succeeds where there's a reasonable monitor and a
7 committed chief. And -- and without either of those
8 two things, the work is harder. It will necessarily be
9 more expensive because -- because if you do not have
10 the buy in, you're not working together.

11 So -- so you know, I can't pretend a motion
12 to vacate is a good thing here. But again, we, you
13 know, we are used to taking the task that's given to us
14 and in an imperfect world, which is where we always
15 live, in an imperfect world. You know, we -- we -- we
16 do our job regardless, but it becomes much easier and
17 less expensive with a buy in.

18 MR. DENNIS NOWICKI: I'm not a, you know, I'm not
19 a lawyer; but it seems to me if that motion is denied,
20 than the City ought to be highly motivated to cooperate
21 to the fullest extent possible to shorten that

1 timeline, as Bob just cited, to decrease their costs.
2 And I think that motion, part of it is based on the
3 fact that the cost is prohibitive to the City, they
4 just don't want to pay -- pay that cost. Well, the
5 best way to deal with that if that motion is denied, is
6 to move to compliance as quickly as possible and we're
7 out of here and we're not here 8, 10 years down the
8 road like they are in Oakland.

9 UNIDENTIFIED MALE SPEAKER: And I would just say,
10 I don't want to sound too much like a lawyer, but I get
11 a lot of motions filed against me. And a general
12 review is until the motion is granted, it doesn't,
13 frankly, effect what I do. So while the fact that the
14 City has filed a motion and it is (Inaudible) can be
15 desired and perhaps there's some possibility as we work
16 through this and get the buy in and move forward and
17 get to the (Inaudible)

18 But the fact of the matter is, there is a
19 court order. There is a court order to assign a
20 monitor and for us to go forward until that's changed.
21 That's all I have right now.

1 UNIDENTIFIED FEMALE SPEAKER: Good morning,
2 everyone.

3 MR. DAVID DOUGLASS: Good morning.

4 UNIDENTIFIED FEMALE SPEAKER: I had a couple of
5 questions related to -- well, I'll just give you
6 questions. One thing that the agreement addresses is
7 something that we highlighted a lot in our letter of
8 findings, which is the probation of the services to
9 communities of people who may be or may have limited
10 proficiency, especially the Latino community and
11 Vietnamese communities here. Can you tell us a little
12 bit about your language abilities on your team?

13 MR. JONATHAN ARONIE: Sure. On the -- Professor
14 Alejandro Del Carmen is -- actually, English is his
15 second language.

16 UNIDENTIFIED FEMALE SPEAKER: Uh-huh.

17 MR. JONATHAN ARONIE: He's -- he's actually an --
18 an -- an immigrant from Central America and obviously
19 fluent in Spanish. We -- we care very much about that,
20 so we have partnered with a location translation
21 company.

1 UNIDENTIFIED FEMALE SPEAKER: Local here in New
2 Orleans?

3 MR. JONATHAN ARONIE: Yeah, a New Orleans
4 translation company. And -- and I think that's going
5 to be very helpful for our out reach effort. I -- I
6 can see how we might want, as we go forward, to have
7 more than a translation company, if you will, and but
8 that's, you know, I -- I -- I don't think some of those
9 decisions should be made in advance. I think those are
10 some decisions where you work with the parties who are
11 identified as the right people.

12 Some of the people can be identified right
13 from -- right from within the community, right? If
14 you -- if you're partnering like -- like the current
15 office of independent police monitor has great, from
16 what I'd read in the report last nights, great
17 partnerships with some local organizations to -- to
18 help with the processing of complaints, right? That --
19 that -- that people can go to a local community group
20 to issue a complaint.

21 So working with those organizations, you

1 know, they'll -- they'll have translation abilities,
2 they'll have the speakers. So while -- while I think
3 we're -- we're well covered on the Spanish side, we're
4 going to -- we're going to work with local people and
5 our own translation company on the Vietnamese side.
6 And then, frankly, any other language.

7 UNIDENTIFIED FEMALE SPEAKER: Okay. That, and
8 that sort of leads me to my second question, which is
9 your proposal mentioned the possibility of adding a
10 local law firm to increase your local New Orleans
11 presence. And given that you are a large, you know,
12 600-attorney-plus law firm, I was wondering whether you
13 might consider instead of your local presence taking a
14 form of a law firm, would you be open to the idea of
15 having that local presence involve people with more
16 knowledge about the community dynamics here and more
17 experience of actually organizing the community and --
18 and helping this team to learn what the community --
19 there is -- there is many, many (Inaudible) in the
20 community are thinking about this decree.

21 MR. JONATHAN ARONIE: So as -- as David said

1 previously, when we -- when we thought about it, we
2 thought of a local law firm, in -- in -- in part
3 because we get the benefit of a good understanding of
4 Louisiana law.

5 UNIDENTIFIED FEMALE SPEAKER: Uh-huh.

6 MR. JONATHAN ARONIE: Right? As -- as we all
7 know, the one thing you don't learn a lot in law school
8 is Louisiana law.

9 UNIDENTIFIED FEMALE SPEAKER: Uh-huh.

10 MR. JONATHAN ARONIE: So -- so that's an advantage
11 of -- of a local law firm. But as David said, if the
12 parties and we agree that there is a better local
13 partner, we're all for it. We are absolutely not tied
14 to a law firm. It just seemed like it offered some
15 advantages.

16 UNIDENTIFIED FEMALE SPEAKER: Okay. Thank you.

17 UNIDENTIFIED MALE SPEAKER: Good morning.

18 MR. JONATHAN ARONIE: Good morning.

19 MR. DAVID DOUGLASS: Good morning.

20 MR. DENNIS NOWICKI: Good morning.

21 UNIDENTIFIED MALE SPEAKER: So I have -- I have

1 some compliance questions. So in, you know, looking at
2 this, we know that the independent monitor is required
3 to assess outcomes and in essence determine whether or
4 not aspects of the consent decree are successful and --
5 and achieved. How are you going to go about assessing
6 the outcomes? And specifically, what are your thoughts
7 on what you would do to determine if an outcome is
8 successful?

9 And I'm specifically interested in the
10 balance between a qualitative data and a quantitative
11 data.

12 MR. DENNIS NOWICKI: Well, I can tell you that,
13 you know, Geoff Alpert will take the lead on our
14 outcome assessments and has been doing work like that
15 for most of his admin career. But I think there's --
16 there's -- there's -- the benefit that we have here
17 that we didn't have, for example, in DC was a lot of
18 good baseline information that -- that that
19 investigative report provides. Because you want to see
20 the movement from baseline to down the road in looking
21 at outcomes.

1 Earlier we -- we mentioned that, you know,
2 one of the outcomes might be perceived to be a
3 reduction in citizens' complaints, when, in fact, if
4 things are working, you're apt to see an increase. And
5 then over time maybe the reduction will come. So you
6 know, it's two -- for the most part in the early days
7 of monitoring, outcome measures weren't part of the
8 equation. That's something that's been brought into,
9 and I think very appropriately brought into, the
10 process today.

11 It wasn't present in the DC one. It wasn't
12 present in Cincinnati. It wasn't present in Bob's
13 consent decree. But it's here. And -- and they're
14 pretty logical to determine what those outcome measures
15 are. And how you're going to come up with the -- with
16 the measurements is not the same way we -- we captured
17 the metrics in DC. We're going to have to add some new
18 instruments. For example, citizen surveys, interaction
19 with -- with the citizens to see whether, if their
20 attitudes are changed, or actually with the officers or
21 surveys of the officers to see how things are changing.

1 You know -- you know, there's -- there's
2 naturally going to be some easier measures, but there's
3 going to be some difficult ones. But again, I -- I
4 think, we've talked about that. Geoff -- Geoff Alpert
5 is clearly and -- and -- and Alejandro are clearly
6 situated to provide us that capability within our team.

7 UNIDENTIFIED MALE SPEAKER: I guess my other
8 question, you know Chief McNeilly touched upon was of
9 bringing a perspective of -- of having a good monitor.
10 My question was going to be, well, how is that going to
11 effect your approach to monitoring? I know you touched
12 upon that a little bit. So I'm going to tweak the
13 question a little bit and ask, since you do bring this
14 perspective of having been monitored, how will you
15 balanced as a team, the perspectives from the community
16 so not only the -- the police understand -- you
17 understand that -- you understand what they're
18 thinking, how are you really going to emphasize, again,
19 the community perspective approach?

20 MR. JONATHAN ARONIE: Well, I -- I -- well, let me
21 hit one thing, and then, Bob, then you can -- you can

1 take it from there. You know, I am a -- I'm not a cop,
2 as you know, right? I -- I'm -- I -- I don't -- I
3 haven't been monitored as a police officer. I haven't
4 been a police officer. I am a lawyer, but I'm a
5 community member. I mean, we -- we have one person on
6 our team who has -- who has been -- has been monitored.
7 We have many people who have monitored.

8 But you know, we -- we as lawyers, we are
9 probably closer to understanding the mindset of a
10 person in the community, frankly. Bob, do you want to
11 get that?

12 MR. ROBERT MCNEILLY: Yeah. I can tell you that
13 there was a lot of apprehension, there was a lot of
14 uncertainty for probably the first two years on the
15 part of the community and the part of the police
16 officers when we entered into the consent decree.
17 Because nobody understood what it was going to -- what
18 impact it was going to have on them doing their job or
19 how the policing was done in the community. But I
20 think there were two various studies that were done and
21 they talked about the community perception, but it did

1 change during the consent decree and following the
2 consent decree.

3 And I can say that the officers, as much
4 apprehension as they held in the very beginning, I
5 think that began to wane after about a year or two into
6 it. And I would suspect that anywhere you go, you're
7 going to find the same thing, that the police are going
8 to be alarmed by it at first, but then start to see
9 that as long as they're doing good policing, it's not
10 going to have any impact on the way they do the
11 policing.

12 And I think the community will see the same
13 thing, too, that once things are perceived as being
14 done differently, that the community will be more
15 (Inaudible) also.

16 UNIDENTIFIED FEMALE SPEAKER: (Inaudible)

17 UNIDENTIFIED MALE SPEAKER: (Inaudible)

18 MR. JONATHAN ARONIE: Well, I just wanted to add
19 one more comment to -- to my response. And -- and what
20 the big advantage of the work that has been done, some
21 funded by the (Inaudible) office, some by, BJ, for

1 example, a recent report issued by RAND that deals with
2 assessments of measuring the effectiveness of policing;
3 there are -- there are instruments that are part of
4 that publication that we can use perhaps early on and
5 maybe revise with -- with input from Geoff.

6 And -- and I think Geoff might have been part
7 of that study group that developed that. I think Gary
8 Coordner (Phonetically) was also part of that group.
9 So -- so -- so the academic community has provided us
10 tools that -- that can be used to measure outcomes of
11 effectiveness of the consent decree.

12 MR. DAVID DOUGLASS: I -- I was just going to make
13 the observation, not so much as a lawyer, but in my
14 early days, my day job was a lawyer, my afternoon
15 evening job I was a community organizer. And if you
16 want to know what the community thinks, if you want the
17 feedback from the community; you ask them. That's --
18 that's what we wanted in our communities. We wanted
19 someone who had power and authority to ask us what we
20 wanted in our own communities, what our issues were.
21 And then we wanted to know that they listened and

1 responded.

2 So I think it's critical, but I don't think
3 it's hard. I think one -- I think an essential part of
4 our role has to be if this project is going to succeed
5 to go out to the community to meet with people to ask
6 them to listen, to take it back, and to respond. And I
7 don't -- I don't think that that's a matter of science
8 or expertise. It's simply a matter of openness and
9 respect.

10 So while we might glean perspectives that
11 allow us, members of our team, to emphasize with the
12 police department, but those are not the only
13 perspectives we'll glean. It's not the only form of
14 empathy. But at the end of the day, all of this stuff
15 is about listening and responding. So I -- I think --
16 I -- I think we and just (Inaudible) that we will, we
17 -- we can do that, too.

18 MR. JONATHAN ARONIE: And it's important that we
19 listen to the elected officials because they are
20 elected by community, and we need to make -- give them
21 our ear, as well. So it's not just community

1 leadership in the neighborhoods, but it's also the
2 public policymakers, as well, you know, talk to, get in
3 our ear, as well.

4 UNIDENTIFIED MALE SPEAKER: Thank you.

5 UNIDENTIFIED MALE SPEAKER: Do any people on your
6 team have experience with citizen oversight?

7 MR. DENNIS NOWICKI: We -- we -- in -- in -- in
8 Chicago there's a -- there's a police board that --
9 that has, there's -- there's (Inaudible) oversight on
10 matters of -- of discipline and the Constitution, not
11 quite what you might be considered civilian (Inaudible)
12 in Charlotte we had a board that reviewed my decisions
13 on matters of discipline, but their -- their -- their
14 burden of overriding my decision was quite high. But
15 they existed, and they did look at all my cases.

16 In Charlotte we had a member of the Community
17 Relations Commission that sat in and participated on
18 all disciplinary hearings. And he, I would always talk
19 to him before I made the decision, the final decision
20 on any discipline. So I've had, I've personally had
21 that experience of having community oversight in -- in

1 different forms, but not just, I don't think exactly
2 what I think you meant.

3 UNIDENTIFIED MALE SPEAKER: Right.

4 MR. DENNIS NOWICKI: But we -- we had a person --
5 every -- every disciplinary case that resulted in any
6 suspension of more than three days, at hearing there
7 was a full participant from the Community Relations
8 Commissions as part of that group. (Inaudible) this is
9 what (Inaudible) members of that.

10 MR. JONATHAN ARONIE: In -- in Washington DC as --
11 when I was on the monitoring team, we -- we had a -- we
12 had a citizen group there. I -- I'm embarrassed
13 because I don't remember the name of the group. And --
14 and I can't say it was -- it was particularly strong,
15 but -- but we did meet with them regularly and work
16 closely with them. And that -- that was part of our
17 assigned task.

18 UNIDENTIFIED MALE SPEAKER: Obviously you've been
19 doing your homework. You've -- you've checked out New
20 Orleans and the police. Have you given any thought of
21 how you're going to interact with that office or have a

1 game plan on how to work with them?

2 MR. JONATHAN ARONIE: Yeah. So again, I, and I --
3 I -- I apologize with the continued reference to kind
4 of my -- my corporate world, but that's where I live,
5 right? When -- when I go in to do a project in a
6 corporation, I -- I have to -- I have to make friends
7 with and work with the internal audit group, the ethics
8 and compliance group, the chief financial officer
9 group, the chief operating officer, the contracts
10 department, the legal counsel, right?

11 All those people actually have to work
12 together, even -- even though I have the job to do,
13 right, I -- I need everyone else's help. And you know,
14 I'm not great at everything, but I'm pretty darn good
15 at that. And -- and I think -- I think one of the
16 reasons we all gel so well is because we're all good at
17 that. You -- you can't -- you can't marginalize any
18 group, okay? Except the group that doesn't want to
19 cooperate, right?

20 But -- by we are open to working with anyone.
21 And we think every group has something to offer. Now

1 figuring out what it is and figuring out the resources
2 available, I mean, that takes time. But -- but I mean,
3 what, you know, the -- the office of the independent
4 police monitor is -- it's, they're one of the first
5 groups we want to talk to within -- within the city,
6 right? Their -- their role is quite complementary to
7 us.

8 UNIDENTIFIED MALE SPEAKER: Okay, great. Thank
9 you.

10 UNIDENTIFIED FEMALE SPEAKER: I have a couple of
11 questions. You knew that the important role that a
12 number of your experts are going to play. Chiefs
13 Viverette and McNeilly are here today. Also Doctors
14 Alpert and Del Carmen. We know that Dr. Del Carmen has
15 done a lot of work in the area of police bias, and
16 Chief Bowman who is an expert in community policing.
17 Can you tell us how much time those folks have
18 committed to this project?

19 MR. JONATHAN ARONIE: Well, the answer is, yes,
20 but I -- I -- I might not remember all the figures.
21 And that was important in putting our -- our numbers

1 together. What I'm going to say is that -- that Dennis
2 and Mary Ann have -- have probably the most time among
3 the police chiefs. T Bowman has a surprising amount of
4 time for a chief. He, and maybe you can talk to him.
5 He -- he has a very nice deal with the city where he
6 has more time than one would expect.

7 MR. DENNIS NOWICKI: That's -- that's all I know.
8 I know that he -- we did have a discussion about his
9 commitment to -- to this. And he -- he can get away as
10 much time as he needs. I think you all know that.
11 You've done work with T. We actually had a discussion
12 yesterday about our early presence to try to accomplish
13 presence on the ground almost continuously from one of
14 the four police practices experts for -- for the first,
15 you know, six to -- six months to 12 months. We fully
16 intend to be here. You know, I fully intend to be here
17 quite often.

18 Bob is still an active chief. He's got a
19 little less time. But Mary Ann and I are both retired.
20 If what you want to call what we do, we're retired. So
21 I -- so I have no other commitments currently. And if

1 this comes true, this will be my only.

2 MR. JONATHAN ARONIE: And I just, to add Alejandro
3 Del Carmen has to quote him, as much time as you need,
4 John. And -- and while I'd like to pretend that I
5 immediately came up with the amount of time Chief
6 Bowman has, I have been passed a note from my colleague
7 Ryan that tells me he at least has 500 hours in the
8 first year. Now, you know, there's -- there's also
9 much of this, frankly, that -- that nowadays can be
10 done from a computer.

11 I mean, there's -- there's -- not everything
12 needs to be done on-site here. And that obviously
13 frees people up to have even more time.

14 MR. DAVID DOUGLASS: You know, let me -- let me
15 also say that, you know -- you know, we've all made a
16 commitment, but that doesn't mean that, you know, we're
17 going to spend all that. Because that -- that -- our
18 commitment is a dollar commitment, as well. And I -- I
19 think you -- you should understand that we will be here
20 as much as we need to be here while still living within
21 our budget.

1 And -- and maybe as importantly not exceed --
2 not even expending our complete budget if we can do our
3 job with less time on the ground. But -- but we're
4 going to be here when we -- you know, something we can
5 control, reviewing files and having access to files
6 if -- if we can, if those can be made available to us
7 electronically; we don't have to necessarily be on-site
8 to do that.

9 But we have to be here to -- to -- to -- to
10 attend training and monitor the training. There are a
11 lot of things where we have to be on the ground that we
12 have no control over. The department will control our
13 schedule in that regard. And we're committed to be
14 here to do that. We want to be here. And -- and of
15 course while we're here, if anything occurs that
16 requires a response like a police shooting, we're going
17 to roll out of bed whether it be the middle of the
18 night or whatever, we're going to do that.

19 Our phones will be available to the -- the
20 people that notify the people that respond to those
21 things, and we'll be there. But again, we're not just

1 going to say, well, we've got a budget of a million
2 dollars, we'll expend every bit of that. We won't
3 exceed it, but we'll -- we'll use it to the max; but we
4 won't necessarily use it all if it's not necessary.

5 UNIDENTIFIED FEMALE SPEAKER: Okay. And I just
6 wanted to follow up on that quickly. I -- I appreciate
7 the acknowledgment that you don't want to be here for
8 face time because there is a dollar amount associated
9 with that. But as you said, Dennis, there is sort of
10 a -- a need to be on-site. And -- and I (Inaudible)
11 was that you do have a commitment that if needed
12 anywhere between one and four of your police practice
13 experts will be available for at least a 6 to 12 -- for
14 a 6 to 12 months in the city.

15 MR. DENNIS NOWICKI: Yes.

16 UNIDENTIFIED FEMALE SPEAKER: On-site here. Okay.

17 MR. JONATHAN ARONIE: Yeah.

18 UNIDENTIFIED FEMALE SPEAKER: Thank you.

19 MR. DENNIS NOWICKI: I may not live here for six
20 months --

21 UNIDENTIFIED FEMALE SPEAKER: Right.

1 MR. DENNIS NOWICKI: -- but --

2 UNIDENTIFIED FEMALE SPEAKER: And we appreciate
3 that.

4 MR. DENNIS NOWICKI: Yeah, although I wouldn't
5 mind it, but --

6 UNIDENTIFIED FEMALE SPEAKER: Right.

7 MR. DENNIS NOWICKI: -- I am (Inaudible)

8 UNIDENTIFIED FEMALE SPEAKER: All right. My other
9 question, my last question is, I'm sure as you're all
10 aware sometimes under these consent decrees unintended
11 or unforeseen things may happen. The consent decree
12 may end up having, some portions of it may end up
13 resulting in some unintended consequences, maybe
14 undermining officer safety or failing to adequately
15 protect constitutional rights. If that were to happen,
16 how would your team handle that?

17 MR. JONATHAN ARONIE: Well, I -- I think one of
18 the things that we bring to the table, and I suspect
19 most of the other teams do, they all -- they all have
20 impressive people on it; is that while -- while our
21 obligations, while our authority, if you will, is

1 confined by the four corners of the document; we also
2 have an obligation to -- to be ready to offer technical
3 assistance. And to -- to not only do it when we're
4 asked, but to offer it to see if the parties want it,
5 right?

6 And -- and -- and your question is -- is
7 aligned directly with that. There is no one on this
8 team, and -- and it's primarily the professors and the
9 officers that are going to see this first and foremost;
10 but if -- if -- if -- if we start implementing or we
11 start putting together the compliance program and we
12 see something that just, that is dangerous to people,
13 is dangerous to officers; there is no quiet person on
14 this team.

15 We -- we bring to the party's attention. And
16 then the consent decree has a process for handling
17 that. You know, we -- while we accept the limits of
18 our authority, we also understand where technical
19 assistance comes into play. And everyone here has
20 significant experience with that.

21 UNIDENTIFIED FEMALE SPEAKER: Uh-huh, thank you.

1 UNIDENTIFIED MALE SPEAKER: All right. Two -- two
2 quick questions. This could be a four-year decree,
3 this could be a longer decree. What is your commitment
4 as the monitoring team to stay as the monitoring team
5 until the job is done?

6 MR. JONATHAN ARONIE: Well, I -- I -- I think and
7 everyone can speak for themselves, but I think we're in
8 this for the long haul. I'm -- I'm in it for the long
9 haul. I'm -- I'm not going anywhere, especially with
10 two little kids. I -- I don't -- I don't know of
11 anyone that is in this for, you know, one or two years.
12 I mean, we -- we -- we would love it if this, you know,
13 if like Pittsburgh, you know, they -- they -- they came
14 in full compliance early.

15 But you know what, when you take on a job,
16 you can't -- you go with the job. I mean, I don't -- I
17 don't leave in the middle of a compliance program for
18 my major corporations halfway through. I -- I, you
19 know, our team have -- life intervenes, right?
20 There -- there are -- there -- there -- there could be
21 changes along the way, but -- but overall our team is

1 here to stay.

2 MR. DAVID DOUGLASS: I would also just say in our
3 role, you know, cases, litigation, large cases go five,
4 six, ten years. It's not unusual. So the length of
5 that commitment isn't going to be all that different
6 than what we encounter in our cases. Cases we think
7 will end in a year or two, you know, everybody has seen
8 their adversaries' kids go off to high school and
9 college over the life of it, so it's not an
10 extraordinary commitment for us to make.

11 UNIDENTIFIED MALE SPEAKER: You, I suspect looked
12 at the proposals from the other teams. Why do you
13 believe that your team is the best team for the City of
14 New Orleans?

15 MR. JONATHAN ARONIE: I -- I -- I think we all --
16 we all probably have, you know, a couple of things to
17 add to that. I want to talk to, but Ryan, can you
18 just, can you jump back to the -- to the earlier slide
19 about the unique qualifications? It's one of the
20 earlier ones. That one. So I, well, I think one of
21 our -- one of our -- one of our distinctions is the --

1 is the fact that -- that we have a very large law firm
2 standing behind us, okay?

3 While -- while that might, you know, while --
4 while some people might not see the -- the immediate
5 advantage to that, as -- as I said before, our -- our
6 stock in trade is -- is our reports and the reputation
7 and credibility that stands behind that, okay? I -- I
8 have -- I have to make sure my reports are -- are
9 comprehensive and perfect. Not only because of the job
10 here, but because I have 600 other attorneys that --
11 that are standing behind the report that I submit,
12 okay?

13 And -- and I mean, that's -- that's one
14 advantage. I think another advantage to our team is
15 maybe the diversity of our group and their experiences,
16 I think, bring together two of the best police
17 practices -- academics and you can count T Bowman as a
18 third academic, four of the best police chiefs, some --
19 some of the, you know, most prominent lawyers in the
20 country.

21 I mean, the -- the -- the stars really

1 aligned when -- when -- when David joined the firm and
2 is now on the team. That combination -- everyone had a
3 good team, but I -- I would put our combination up
4 against anyone.

5 MR. DAVID DOUGLASS: Let me just add. You know,
6 what lawyers do is we explain, all right? We explain
7 things to juries. We explain things to the judges. We
8 explain things to the other side. We explain things to
9 our clients. While we're characterized as operating
10 (Inaudible) really what we do is we do bring people
11 together by getting people to understand the
12 perspective of the other side.

13 (Inaudible) and so what I think the legal
14 skills contribute here and the experience I have, the
15 two investigations I did was to be able to say to
16 people, I understand what you're saying, but these
17 people don't; so you've got to help me so we can
18 explain it so that those people get it so that we can
19 accomplish what we all want to accomplish. And I will
20 say, I think that lawyers do that better than other
21 professions because a core part of what we do is to

1 translate or interpret points of view so we bring
2 people together.

3 And I think that's a -- that's a special
4 commitment that -- that is a -- that is a -- that is a
5 (Inaudible)

6 MR. JONATHAN ARONIE: I think, and let me just add
7 one -- one thing to that. I mean, a big part of my job
8 and David's is -- is really translation, okay? When --
9 when I go in and I do an investigation or a compliance
10 review for a company that makes rocket ships, you know,
11 I'm not a rocket scientist, right, I -- I -- I work
12 with the people who are rocket scientists; and I
13 translate that into plain English that everyone can
14 understand. And that's why a report carries so much
15 credibility to it.

16 You know, whether it's microchip, you know,
17 processors or whether it's drugmakers, it -- our -- our
18 ability, well, a lot of attorneys up here, so you all
19 know this, right, our -- our ability to take
20 complicated issues and make them easy to understand or
21 easier to understand is, I think, a very important

1 element to the monitorship.

2 MR. DENNIS NOWICKI: I'm sorry to interrupt. I --
3 I -- I think that the breadth and depth of our police
4 practice experts probably is -- I don't know the full
5 make up of all the other teams because I know there's
6 been some changes since the original proposals and who
7 they included in them, but certainly when it comes to
8 community policing, if you look in my history and my
9 reputation with community policing, I -- I -- I think
10 I'm -- I'm up there in the -- in the top tier of that.

11 I looked at -- you will be looking at mission
12 statements of departments. And I know we should talk
13 about the mission statements in this department. In
14 the two departments where I was chief, one in Joliet
15 and one in Charlotte, our mission statement in -- in
16 Joliet was: Working with the community for a safe
17 city. Our mission statement in Charlotte was:
18 Developing problem solving partners with the community
19 to prevent the next crime.

20 My -- my role in community policing, my
21 leadership in community policing is on the executive

1 board of the Police Executive Research Forum when I was
2 an active chief. My involvement with the IACP and
3 several of its committees. You know, that's -- that's
4 what I bring to this team, but I'm replaceable because
5 we've got Mary Ann here, who's, you know, the President
6 of IACP, leadership and women's issues in policing.
7 And Mary Ann, speak to that, your experience with
8 policies.

9 MS. MARY ANN VIVERETTE: This is an opportunity
10 that any progressive chief would love to have. I spent
11 my entire career going out beyond, I could have stayed
12 in Gaithersburg. Accreditation gave me the opportunity
13 to learn from others and to make our law enforcement
14 profession better. That's what IACP does. (Inaudible)
15 policies, all the things that we do. When I travel for
16 accreditation and spend four days at an agency, I don't
17 make any money. I spent weeks preparing for it,
18 reading their reports.

19 This is about making an organization a better
20 organization. And those of us sitting at the table
21 would feel honored to have the opportunity to do this

1 because this is -- this is what we do. Police officers
2 have careers because they love what they do. And as
3 police chiefs, this is the type of thing that we would
4 love to do, to come in here and be an effective
5 participant to make your organization better.

6 UNIDENTIFIED MALE SPEAKER: Thank you very much.

7 MS. SHARONDA WILLIAMS: Okay. Thank you. Who's
8 next?

9 UNIDENTIFIED FEMALE SPEAKER: Good morning.

10 MR. JONATHAN ARONIE: Good morning.

11 MR. DAVID DOUGLASS: Good morning.

12 UNIDENTIFIED FEMALE SPEAKER: Thank you very much
13 for your presentation. You spoke a lot about the work
14 that you do with Fortune 500 companies. And while many
15 of those principles and those ideas are good, there's
16 always been a long debate about how transferable those
17 skills are to the public sector, in government in
18 particular. So I'd love for you to just say a little
19 bit more, because you've -- you've referenced it
20 several times, what the -- the -- what strengths you
21 bring to, or the strengths that you would bring to this

1 process based on your -- your experience.

2 MR. JONATHAN ARONIE: Sure. No, I thank you. So
3 I think where -- where there are differences is in,
4 obviously in the -- the best practices that get
5 implemented, right? To -- to implement a corporate
6 compliance program, it's different than to implement a
7 city compliance program. But -- but the skill set and
8 the tools and the process to assess and measure and get
9 by and talk to people and listen, okay, that really is
10 the same, right?

11 The -- the -- the concept, like I said
12 before, of -- of simplifying the approach. Policy,
13 training, practice, effectiveness, right? And that
14 sort of way of thinking about it is -- is, it's
15 imminently transferrable from the corporate world.
16 While the best practices that get implemented,
17 obviously will be somewhat different.

18 UNIDENTIFIED FEMALE SPEAKER: Can you give us some
19 examples of how that worked in past experiences when
20 you were serving as a -- as a monitor? I -- I really
21 want to hear some specific examples about how you

1 overcame any challenges perhaps that you -- you may
2 have run into when you tried to apply that model.

3 MR. JONATHAN ARONIE: Sure. So let's see, when --
4 when we started and (Inaudible) the timing on this,
5 we -- we did DC together. So when we started in DC, I
6 started it the same way, and I said it here many times
7 today, the same way I start all my corporate work,
8 which is listen and -- and meeting with (Inaudible)
9 now -- now we did have some hurdles there.

10 But one hurdle was, the union in DC was --
11 was not thrilled having us around. They -- they,
12 frankly, were -- it -- it was some of the more
13 difficult meetings that we've had, but if there's -- if
14 there's one thing to learn by doing this for so many
15 years, it's -- it's patience. It's -- it's not being
16 defensive. It's -- it's realizing that people aren't
17 objecting because they hate you, they're objecting
18 because they have a view of things that are -- that are
19 different from yours.

20 And -- and the key is to understand where
21 they're coming from, right, understand what's driving

1 them. And then you can have a real discussion. Now
2 that worked very well in DC. And I think very early on
3 every group we met with was -- was pleased to have us
4 there. They -- they might not have been pleased when
5 we walked in the door, okay, but -- but by the end of
6 it, not the end of the meeting, but by the end of a
7 couple meetings, they -- they trusted us.

8 And -- and that's something that -- that came
9 to me through however many years I've been an attorney,
10 right, since 1993. And it's probably, the same thing
11 come to all these people here through their years of
12 being a chief, right? That's -- that's one specific
13 example of how it's -- it's directly transferrable and
14 how you overcome the obstacles that we definitely will
15 see here. And I'm sure they will be the same
16 obstacles.

17 UNIDENTIFIED FEMALE SPEAKER: And listening, I
18 agree, is a really important component, but after
19 you've heard --

20 MR. JONATHAN ARONIE: Uh-huh.

21 UNIDENTIFIED FEMALE SPEAKER: -- give me some

1 examples about specifically what -- what you did in
2 order to -- to advance you there.

3 MR. JONATHAN ARONIE: Sure. Well, one of the
4 things that we cared a lot about is just because we now
5 hear and understand what people have to say, it doesn't
6 mean it's right. I mean, it -- it doesn't mean it
7 should be followed. And -- and that's where the
8 monitor has to, you have to give up trying to be
9 everybody's friend, right? You -- you have to do the
10 right thing that's consistent with the monitorship.

11 And -- and one thing we did in DC that we --
12 that we cared a lot about is we were willing to make
13 hard and unpopular decisions. If -- and -- and some of
14 them we had big members of the police that wanted
15 something that we didn't agree with. And some of them
16 we had -- we had big groups of the community that
17 wanted something we didn't agree with. But at the end
18 of the day, you know, we have a view, the parties have
19 a view; and you know, and you sit down and you work
20 those out.

21 When they can't be worked out, then the buck

1 stops somewhere, right, and -- and you have to -- you
2 have to take a position. That -- that -- that's what
3 comes after the listening. And you have to do
4 something. You have to make some judgments about what
5 you're hearing. When -- when I --

6 MR. DAVID DOUGLASS: And I -- I'm sorry.

7 (Inaudible) an example that will maybe answer your
8 question. I can tell you that when we sat together
9 with the attorneys and interacting with the police
10 department on developing our -- our plan of action, if
11 you will, I mean, there was equal participation. It
12 wasn't them just sitting and listening to us. In fact,
13 often the questions they would ask were not questions
14 that we had thought of -- of asking there, which really
15 helped guide our direction. The helping instruments,
16 for example, to gather the data.

17 You know, when we started, there wasn't any
18 experience behind us to -- to rely on. DC was, I
19 think, the second. And Columbus, Ohio, was the first
20 one at the time, maybe, I don't know which one came
21 first, but we designed instruments that are being still

1 used today. They've evolved some and been improved,
2 but we were the first ones to do that.

3 A lot of that came from his experience in --
4 in the corporate world on -- on how to -- to gather the
5 information and capture the information and do the
6 reviews, do the sampling techniques, and all those
7 other things that -- that we do in the monitoring of
8 the police department. And -- and a lot of that came
9 out of, not just my experiences, and not just PWC, but
10 the experience of the law firm, as well.

11 MR. ROBERT MCNEILLY: I'd like to add, too, that I
12 look at running a police department, you know, as
13 being, running a business. It is a business. We have
14 some different titles. We may call them chief instead
15 of a CEO or we do have our CFOs and our COOs. The only
16 thing we're doing is providing a unique service
17 business, but still it needs to be run as a business.
18 And we need internal information to be able to run it
19 and external information to be able to run a business.
20 So I look at it as pretty much the same as a business.

21 MR. JONATHAN ARONIE: And if -- if I can, just

1 one -- one more kind of just a pretty good example of
2 how it can translate. So back in 2008, the federal
3 government put out a new rule for government
4 contractors, it's called the Mandatory Disclosure Rule.
5 It's -- it's a rule that says, in short, hey,
6 government contractor, if you -- if you're aware of
7 wrongdoing, you have to turn yourself in; and if you
8 don't do that, you get suspended and barred from
9 government contracting. Big change in the way
10 government contractors think and work.

11 The Department of Justice kind of championed
12 this through. But when the rule came out, there --
13 there were kind of -- there was, you know, concepts,
14 but there was no definitions to the key terms. There
15 was no definition of what significant means, the term
16 used in the rule, okay?

17 Now I was on the ABA task force that wrote
18 the guidelines to the mandatory disclosure rule after
19 it came out because they weren't, it wasn't issued with
20 an instruction manual, right? And -- and in order to
21 do that, I sat down with all the DOJ fraud lawyers, the

1 suspension department officials, all the special agents
2 and government contracts lawyers like me on the
3 committee to figure this out. Now as it turns out, the
4 process to kind of go through that and figure out what
5 does significant mean when it's undefined is -- is very
6 similar.

7 So what we have to do here to figure out,
8 okay, well, what -- what is a passing grade? You know,
9 what -- what -- how do you know whether this outcome
10 assessment is -- is being achieved or not? It's --
11 it's the same process.

12 UNIDENTIFIED FEMALE SPEAKER: Thank you very much.
13 I want to move now to the idea about your serving as
14 the lead monitor and being an attorney. We've heard
15 many presentations. And some individuals have been
16 attorneys. Some have been former police
17 superintendents. Could you talk a little bit about
18 what you see as some of the differences, and in this
19 case the argument that you were making to convince me
20 on the strength of having an attorney as the lead
21 monitor as opposed to your being a former law

1 enforcement officer?

2 MR. JONATHAN ARONIE: Sure. It won't surprise
3 you, I think it is better not to have a law enforcement
4 officer as a lead monitor. You know, I -- as -- as I
5 said before and as you all know, right, I'm -- I'm not
6 a cop. I'm -- I'm not an IG. I'm not a DOJ lawyer,
7 right? I am a -- in -- in that sense I am an outsider.
8 I -- I have a skill set that I'm very proud of that --
9 that I think translates well here, but you know, I --
10 I -- but because I'm not in any group, I, you know,
11 I -- I don't -- I don't have a (Inaudible) in front of
12 me, right?

13 I -- I don't -- I'm not biased one way or
14 the other. I'm not particularly political. I -- I
15 want, as in every one of my cases, to have a great
16 product, right? One that -- that I'm proud of. One
17 that the public is proud of. And -- and I -- I think
18 it's hard to find. Everyone brings a little bias to
19 the table, right? But I mean, I think having the lead
20 monitor as free from bias or one camp or the other as
21 possible is a great advantage.

1 MR. DENNIS NOWICKI: Well, let me -- let me just
2 give my -- my opinion. You know, I've been doing this
3 now since I retired in Charlotte. So 1999 when we got
4 involved. And of course I got involved because of the
5 recommendation as chief of the (Inaudible) police
6 department in DC. But as I went forward, I had -- I
7 gave some consideration to if I'm going to be involved
8 in this kind of work, and like Mary Ann, I -- I think
9 this is (Inaudible) work, you know, but if I'm going to
10 get involved, I chose very deliberately to connect to a
11 law firm as opposed to connect to a bunch of my former
12 chiefs and set up an organization, a corporation.

13 I've had corporations. I set up a
14 corporation of former police chiefs. Mainly because of
15 the credibility issue. I think a law firm, which has
16 that, more of that independence is more credible to the
17 broader community than -- than -- than a group of
18 retired police chiefs or a group of retired law
19 enforcement persons. I'd rather -- I -- I want what I
20 say to be believed, what I do be believed by the
21 broader community.

1 And I think that the law firm presents that
2 or accomplishes that, more so than, you know, working
3 with some of my former buddies from the Chicago Police
4 Department.

5 MR. ROBERT MCNEILLY: And if I might add to that,
6 too. When I look at that consent decree, what I look
7 at is pretty much a legal document. And it's open to
8 interpretation. Like John talked about before, you
9 need to do a consensus on the different groups. And
10 what I expected from our monitor when I was in
11 Pittsburgh is to interpret what the consent decree
12 meant. And if we weren't in agreement with it, work
13 with the various groups to come to some consensus.

14 So we interpreted it to know exactly what it said
15 and so we were able to comply with it. I would suspect
16 that you would need some of the department people, all
17 sides, and somebody who can really interpret the legal
18 documents to be the lead monitor.

19 MR. JONATHAN ARONIE: And you know, one -- one --
20 one other point, I -- you know, I -- I'm not -- I'm not
21 dependent upon looking for more work from DOJ or

1 looking for more work in police consulting or -- or --
2 or looking for more monitorships, frankly. This --
3 this has -- this has been a public interest project for
4 me that -- that I'm -- I don't make a career out of. I
5 was very proud of what I did in DC.

6 I wanted to do another one in my new firm
7 because I believe in public interest work, and yet in
8 my line of work, you know, my skill set doesn't work
9 everywhere, but it works here. And -- and you know,
10 there is a -- there is a certain freedom which builds
11 trust in the community that if I have an unpopular
12 finding that DOJ doesn't like, I'm not worried about
13 issuing it because DOJ won't like me anymore.

14 Or if I have an unpopular finding that a
15 police officer doesn't like, I'm not worried that, oh,
16 you know, now I'm not going to get a police consulting
17 gig. You know, I -- you know, I -- I'm free from all
18 that.

19 UNIDENTIFIED FEMALE SPEAKER: Thank you. And that
20 leads me to my next question, which is about the
21 report. You -- you spoke earlier about your report

1 being extremely important --

2 MR. JONATHAN ARONIE: Yes.

3 UNIDENTIFIED FEMALE SPEAKER: -- because it has --
4 it -- it must have credibility. It really represents
5 your firm and --

6 MR. JONATHAN ARONIE: Right.

7 UNIDENTIFIED FEMALE SPEAKER: -- and the work that
8 you've done. I'm -- I'm wondering how you have in the
9 past used that report in a way so that the community
10 can feel a part of it, so to speak. We, when we think
11 about reports, often times I think many people will
12 think about a document. And I just would like to hear
13 a little bit more about how you would bring that report
14 to life and how you would have parts of the community,
15 members of the community, and -- and also other
16 stakeholder groups, as well, feel like they have been
17 included in -- in that report.

18 So hard cold -- hard cold document versus --

19 MR. JONATHAN ARONIE: Right.

20 UNIDENTIFIED FEMALE SPEAKER: -- a document that
21 has life and has been, that has engaged many.

1 MR. JONATHAN ARONIE: Okay. So and -- and it's --
2 it's a great question, right, I mean, it is. A report
3 that just sits on a shelf that no one feels like they
4 have any ownership in, it doesn't quite get you there.
5 So it's something we've -- we've given a lot of thought
6 to. I think -- I think that there are two sides to the
7 question, that there's how the people feel like they
8 had a role in the report; and you have to be careful
9 about that because they don't have a role in the
10 findings, right, we -- we -- we make the findings; but
11 -- but you want people to be vested in the process.

12 On the other side it's actually an easier
13 answer. You want to, it's the same thing we do with --
14 with codes of conduct in a company, actually. We -- we
15 want it properly and wisely published, okay? You want
16 it translated so other communities can take full
17 advantage of it. And you want and, frankly, you want
18 an outreach program that goes along with it.

19 I mean, I -- I could see as significant
20 reports come out, you know, and having almost town hall
21 meetings where -- where people can ask questions about

1 it if they don't understand. Now -- now you're not
2 there to defend a specific finding. That -- that gets
3 quite messy quite frankly and expensive, but -- but to
4 give people comfort in the process that went into the
5 report I think helps the buy in.

6 Because what -- what they don't want, no one
7 wants to think is that things are being done in a smoke
8 filled back room, all right? They -- they don't want
9 to think of it in the community. And they don't want
10 to think of it in big corporations either. And so --
11 so I think you put those things together and you start
12 getting buy ins. I mean, you all might have something
13 to add to that.

14 MR. DAVID DOUGLASS: I -- I was just going to jump
15 in on that point. So in the Waco report that was
16 issued to agents. So what we did with them, we told
17 them what we were going to do, and we told them -- we
18 told them (Inaudible) in the process. And we promised
19 to meet with them again to give them our findings
20 before they went public. And we did that. We came to
21 each of the offices.

1 We came to New Orleans, and we told them what
2 we had found and what we were going to say. And it was
3 tough, but there was support for it because we had
4 been, you know, thorough and accountable and
5 transparent. And I would envision a similar kind of
6 process. I think in the beginning it's going to have
7 to be engaged some way early on, but as John just said,
8 they don't get to write the report.

9 But if you let people know what you're doing,
10 if you, there's a process by which they have an
11 opportunity to share their concerns and they're
12 incorporated and then in a report; they see that those
13 concerns have been acknowledged and reflected, that's
14 how you satisfy the community. And the report, you
15 know, the report is -- it's a lagging indicator, right?
16 The report doesn't do anything, itself.

17 The report really memorializes the process
18 and the agreements that have been developed along the
19 way. So when John had said no surprises, there really
20 shouldn't be any surprises to the community. I mean,
21 you don't drop the report and say, okay, here it is.

1 It's several hundred pages. Read it. Ideally, by the
2 time the report comes out, people will know generally
3 what it says, whether it was through community town
4 hall meetings or -- but the report really just ties up
5 a process that ultimately (Inaudible) practices.

6 UNIDENTIFIED FEMALE SPEAKER: Thank you.

7 MR. ROBERT MCNEILLY: I could -- I could say that
8 when I was with the Pittsburgh monitor, they did the
9 same with us. There were no surprises. We knew what
10 was going to be in the report when it was filed.

11 UNIDENTIFIED FEMALE SPEAKER: Thank you. Just a
12 few more questions. I'm interested in knowing about
13 the process that you will use to engage local firms.
14 You mentioned that the one you're thinking about now
15 would be a law firm. I wondered if there are any
16 others that you would consider working with or that
17 you've already thought through that you -- that you had
18 planned to work with.

19 What -- what process do you plan to use to
20 get to know the community better and then to determine
21 who some of your future partners would be beyond, and

1 we appreciate this, working with the Department of
2 Justice and the City?

3 MR. JONATHAN ARONIE: Sure. Well, so we, as I
4 said, we -- we very explicitly do not have someone
5 selected. And I -- I -- I know you kind of excluded
6 this group, but that's the first place we go. I mean,
7 you -- DOJ talked to a large number of community
8 groups, right? You know all the community groups.
9 And that really is the first place we go. But you
10 know, but it's good to find out what kind of the
11 secondary sources are, right, or -- or the primary
12 sources actually in this case.

13 So in -- in meeting with the -- with -- with
14 local community groups, we learn a lot about kind of
15 who is respected across community lines. At -- at --
16 at the end of the day, though, we -- we -- you all are
17 better situated than we are at this point to help us
18 identify that person. We obviously have -- that person
19 has to have our trust, that person has to be aligned
20 with our way of thinking; but you know, we're -- we're
21 not -- we're not so pompous to think that we are the

1 ones who know the right person.

2 I mean, we're -- we're pompous enough to
3 think that we're the right people, but -- but we're not
4 so pompous to think that we can find the right local
5 person here.

6 UNIDENTIFIED FEMALE SPEAKER: I think that's it
7 for me. Thank you.

8 UNIDENTIFIED MALE SPEAKER: Good morning.

9 MR. JONATHAN ARONIE: Good morning.

10 MR. DAVID DOUGLASS: Good morning.

11 MR. DENNIS NOWICKI: Good morning.

12 UNIDENTIFIED MALE SPEAKER: Chief McNeilly, you
13 caught my interest when you mentioned your consent
14 decree that you were in. What was -- what was the
15 focus of that consent decree? And you apparently had a
16 very aggressive plan to address that. And the City
17 also has somewhat of an aggressive plan to address
18 this. But how did you go about that?

19 MR. ROBERT MCNEILLY: Well, Pittsburgh was, I
20 think, the second city following (Inaudible) consent
21 decree under private practice. And I think we were the

1 first major city. So there was a lot of unknown ground
2 that would be uncovered both with DOJ when they were
3 developing the consent decree, and we were able to
4 negotiate some issues with them. But once we had the
5 consent decree, it was pretty widespread, probably not
6 as widespread as yours is, but it covered a lot of
7 areas.

8 Everything from reporting to policy to
9 training to supervision to Internal Affairs
10 investigations. And so the monitor pretty much spread
11 it out to us. And what we had to do to reach
12 compliance, was establish 95 percent of the department
13 to be in substantial compliance. And I created a
14 position that was the compliance director position
15 within the department and assigned a lieutenant to it.

16 And that was his whole job, was to make sure
17 that we were in compliance with it. You know, they
18 already established a compliance committee that
19 somebody in every community location, and they were
20 part of the committee to make sure that we came into
21 compliance. We were definitely committed to it. I had

1 all of my chiefs and some commanders, attorneys from
2 the law department, people from the computer department
3 involved in meetings regularly, sometimes three times a
4 week for several hours at a time to make sure we kept
5 on that path to get to the -- I -- I viewed that
6 consent decree as one of our most important
7 initiatives.

8 And it was meant to make the department in
9 compliance with best practices and good police
10 practices (Inaudible) were being employed (Inaudible)
11 just as if we had shooters on the street, we'd be out
12 there doing everything we could to -- to stop the
13 shootings from happening. I viewed the consent decree
14 as being as much a part of those crimes just to make
15 sure we got in compliance with the -- with the decree
16 as much as possible.

17 That was -- that was one of my main goals.
18 And we even broke down the training. State-mandated
19 training was one level. Compliance with the consent
20 decree in training is the second level. We broke down
21 different levels. But even we knew which training was

1 which -- which level, state mandated or compliance
2 decree, consent decree.

3 UNIDENTIFIED MALE SPEAKER: Thank you.

4 MR. ROBERT MCNEILLY: We were just committed to
5 it. And I think with that commitment, we -- we would
6 have been in compliance a lot sooner than two and a
7 half years except we were required to go to computers,
8 which was great. And I think that was the cornerstone
9 of what we did. But you have to consider that
10 (Inaudible) we didn't have any computers when we first
11 started on that. So it took us two and a half years to
12 computerize the department. That was our biggest
13 problem. Everything else was in compliance long before
14 then.

15 UNIDENTIFIED MALE SPEAKER: Which is my next
16 question. In the early warning system or the early
17 intervention system, you all I'd imagine had one with
18 the old consent decree, but if you could tell me what,
19 it's a big part of this consent decree as far as
20 measuring all this performance and -- and how we do an
21 estimate and bid cost, as well; so what kind of

1 assistance will your team be able to provide as we move
2 forward to getting this -- this early warning system up
3 and running?

4 MR. JONATHAN ARONIE: I think I'll -- I'll let
5 Dennis start with that one.

6 MR. DENNIS NOWICKI: Well, when I was in Chicago,
7 we established then a (Inaudible) alert system is what
8 we called it. It was one of the early ones because it
9 didn't have that fancy title and (Inaudible) as much.
10 And then we had the Amber alert and -- and personal
11 concerns was the problem to it. So I had that
12 background. And I was deputy superintendent at the
13 time, and I was responsible for developing that -- that
14 program and putting it in place.

15 Since then of course I've worked with DC
16 Police Department in developing their system, giving
17 them technical assistance. In the Virgin Islands, they
18 opted for IAPro as their early intervention database,
19 which is a pretty good system. I understand how it
20 works. I know how it works. I certainly could help in
21 that regard. You know, I could put them in touch with

1 other folks, put your department in touch with other
2 folks who are -- who are involved in -- are using IAPro
3 and have been using it for some time now that are
4 willing to share their experiences and their knowledge
5 and -- and -- and -- and make that process a little bit
6 easier. I -- I think you've already committed to
7 IAPro.

8 UNIDENTIFIED MALE SPEAKER: I think the Inspector
9 General --

10 MR. DENNIS NOWICKI: Oh, okay.

11 UNIDENTIFIED MALE SPEAKER: -- furnished that
12 program for us. And we, we're currently using IAPro
13 right now.

14 MR. DENNIS NOWICKI: Yeah.

15 UNIDENTIFIED MALE SPEAKER: But it -- it --

16 MR. DENNIS NOWICKI: I mean --

17 UNIDENTIFIED MALE SPEAKER: -- it has its
18 limitations, but --

19 MR. DENNIS NOWICKI: It does. And -- and -- and
20 there's certainly the implementation product problems
21 that -- that go along with any new system that you have

1 to overcome. But it's -- it's -- it's, you know,
2 absent going to a \$30 million plus system in DC, I
3 think you went the right road. So I mean, we -- we --
4 we can help in that regard.

5 I can certainly, all of us can -- can give
6 you, give your department a lot of assistance in the
7 follow up, which is the important part. You've got to
8 have the identification, but if you don't do anything
9 with that information, it's useless and -- - and, in
10 fact, it increases your liability. If you know that
11 you have some bad officers out there and you don't do
12 anything to correct the bad behavior, your liability is
13 going up.

14 We can help with that regard, too. One of
15 the things that -- that I learned from an old colleague
16 who's, that's Jim Fife (Phonetically) who is a
17 professor and a -- and a New York cop (Inaudible) the
18 decision-point analysis of police shootings. From the
19 decision-point analysis of any use of force event comes
20 a lot of information that is useful for advising
21 officers, corrective action to officers, training,

1 equipment needs, and everything else.

2 That's all part of the response to early
3 intervention system. You know, it's not just gathering
4 the data. It's what you do with it. And -- and -- and
5 making sure you're -- you're capturing the -- the real
6 important aspects of the event. And certainly we have
7 that experience looking at it.

8 MR. ROBERT MCNEILLY: And I can say, too, that the
9 early intervention system a lot of times, more often
10 than not, what it identifies is your best performers.
11 We were able to identify some of the officers that were
12 eligible for promotion or different assignments.
13 (Inaudible) the sheriffs would sit in the corner.

14 MS. MARY ANN VIVERETTE: I actually helped write
15 the standard for early warning systems for national
16 accreditation. And one -- one of the things I can
17 bring to the table is the best practice is where I have
18 a bank of written directives. And not everybody does
19 it the same, some people collect other information. So
20 it's -- it's helpful to see what other successful
21 agencies have done and be able to bring that here to

1 New Orleans.

2 UNIDENTIFIED MALE SPEAKER: My next question is
3 for the Chief Viverette. You -- you talked about a lot
4 of your involvement in CALEA.

5 MS. MARY ANN VIVERETTE: Yes.

6 UNIDENTIFIED MALE SPEAKER: The police department
7 in New Orleans was previously accredited through CALEA
8 back in the late 1990s, early 2000. It was quite a
9 comprehensive project, but we did eventually become
10 accredited. And post-Katrina you can just pretty much
11 say things fell apart. We still work under some of the
12 CALEA, some of the -- part of the manual, but now we're
13 transitioning to Lexipol.

14 Are you familiar with Lexipol? Do you have
15 any opinion about Lexipol?

16 MS. MARY ANN VIVERETTE: I am. I prefer CALEA as
17 a national independent. It's a voluntary process.
18 Some of the policies that come out of Lexipol are more
19 generic. In accreditation we believe that -- that
20 policies should be written for the particular
21 department and the region, the area, other than the

1 constitutional issues, obviously. But it's less
2 generic. And the agencies should be doing what's
3 important for their agency and not just because it's a
4 standard.

5 So I -- I -- I'm a big believer in national
6 accreditation, not even state accreditation really.
7 I -- I like the independence of -- when -- when I was a
8 chief, an Ohio chief that I didn't know would come in
9 and tell my city manager what I was doing right and
10 what I was doing wrong. So CALEA provides that
11 opportunity where you have an independent team of
12 experts that come in and give advice not only to the
13 chief, but to the city manager and the mayor as to
14 what's right and what's wrong and make those
15 corrections.

16 MR. ROBERT MCNEILLY: I -- I can say, though, we
17 were trying to -- there were chiefs in Pennsylvania who
18 were trying to get this (Inaudible) expand into
19 Pennsylvania, but they have to have a certain number of
20 departments that are committed before they'll assign an
21 attorney to that -- to that area. But I -- I

1 (Inaudible) Lexipol. It really does help.

2 UNIDENTIFIED MALE SPEAKER: And my concern there
3 was, again, a lot of the cost. You know, we went into
4 this with Lexipol in January -- February of 2012, and
5 we're pretty much heavily committed and invested in it
6 now.

7 MS. MARY ANN VIVERETTE: Well, the best part about
8 his process is the -- the high risk, high liability. I
9 mean, Gordon Graham is certainly an expert in that
10 area. I just believe that with all the best practices
11 that you have around the country that you can have an
12 excellent written directive system through
13 accreditation and through support from other agencies
14 and experts like us as opposed to going and paying for
15 the policies that other people have written.

16 UNIDENTIFIED MALE SPEAKER: Yeah. And we
17 understand it's more of a risk management --

18 MS. MARY ANN VIVERETTE: It is.

19 UNIDENTIFIED MALE SPEAKER: -- system than, yes.
20 And my last question is to you, Mr. Aronie.

21 MR. JONATHAN ARONIE: Yes, sir.

1 UNIDENTIFIED MALE SPEAKER: Again, the City is on
2 quite an aggressive schedule here, so we're kind of
3 behind the bubble now. The judge signed this agreement
4 on January 11th, which is going to be the effective
5 date. We're about three months into it going into,
6 well, we're three months into it now. We're kind of
7 behind the bubble not having a monitor in place yet.
8 Week one, what does that look like?

9 MR. JONATHAN ARONIE: Well, I think that --

10 UNIDENTIFIED MALE SPEAKER: When you get the
11 contract, week one.

12 MR. JONATHAN ARONIE: Right. The first thing we
13 all do together is we all sit down together first,
14 right? We've obviously done a lot of thinking about
15 this, but thinking of what might happen is different
16 from thinking when it happens. I think -- I think
17 either the second half of week one or week two, we have
18 a large group of us here with you all. I -- I --
19 it's -- it's got to be the first thing that happens, we
20 all have to sit down together.

21 This is -- this is a great conversation, but

1 it's, you know, it's an interview, it's not a
2 conversation. So if I can spin it to week one and two,
3 it's -- it's us meeting. It's us taking our ideas and
4 making sure they're now concrete. It's meeting with
5 you right away. And then -- and then right after that
6 you're starting -- you're starting learning from the
7 community.

8 UNIDENTIFIED MALE SPEAKER: Thank you.

9 UNIDENTIFIED FEMALE SPEAKER: I just wanted to go
10 back to the one of the statements that you made. Once
11 of the assets that you said you'd bring to the table is
12 that as a lawyer you're sort of an outsider. But along
13 those lines in reading your proposal, you've listed a
14 couple of members of the panel as references, in
15 particular, Mr. Ederheimer and Mr. Austin, and also
16 referenced some work that was done with Ms. Lopez.

17 MR. JONATHAN ARONIE: Actually, not -- no
18 disrespect, not Mr. Austin. I --

19 UNIDENTIFIED FEMALE SPEAKER: Okay.

20 MR. JONATHAN ARONIE: I'm sorry, Mr. Austin, but
21 Mr. Ederheimer.

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1 UNIDENTIFIED FEMALE SPEAKER: Mr. Ederheimer then.

2 MR. JONATHAN ARONIE: Yeah. And Ms. Lopez.

3 UNIDENTIFIED FEMALE SPEAKER: And Ms. Lopez.

4 Could you speak a little bit about your work that
5 you've done with these individuals and what your
6 current relationship is with them now?

7 MR. JONATHAN ARONIE: Sure.

8 UNIDENTIFIED FEMALE SPEAKER: Wait. Just before,
9 just to clarify, Mr. Austin is listed as a reference,
10 but it just might not be for you. It's on page 17.

11 MR. JONATHAN ARONIE: Yeah, it could -- it could
12 be for one of my --

13 UNIDENTIFIED FEMALE SPEAKER: Another member of
14 your team.

15 MR. JONATHAN ARONIE: Yeah. Just -- just not -- I
16 can answer your question.

17 UNIDENTIFIED FEMALE SPEAKER: Okay.

18 MR. JONATHAN ARONIE: So Mr. Ederheimer and I know
19 each other when -- when we monitored the DC Police
20 Department. Josh was the, not only the police
21 commander, but he was the key liaison to the monitoring

1 team. So I -- I actually had a very fortunate
2 experience to have a -- a -- a really great
3 implementation effort.

4 I -- I -- I mean, I kind of, if you will, I
5 kind of grew up seeing what a good implementation was.
6 And frankly, if he weren't here, I'd be saying the same
7 thing. And -- and now, I mean, since that, I -- we've
8 seen each other once or twice, but you know, that's --
9 that's probably it. And -- and Ms. Lopez and I were --
10 were on a team that bid for the (Inaudible) county
11 team.

12 We didn't get the job, and we have not
13 communicated since that or prior to that actually.
14 We -- we don't really know each other.

15 MS. CHRISTY LOPEZ: I said hello this morning.

16 MR. JONATHAN ARONIE: Yeah, that's right. We did
17 have a nice hello, but know, we -- we don't know each
18 other personally other than that.

19 UNIDENTIFIED FEMALE SPEAKER: Okay.

20 MR. ROY AUSTIN: And just for the record the,
21 T Bowman just put my name down as a reference --

1 MR. JONATHAN ARONIE: Okay.

2 MR. ROY AUSTIN: -- but he was the -- he was one
3 of the experts who was used as part of the New Orleans
4 investigation.

5 UNIDENTIFIED FEMALE SPEAKER: And that actually
6 goes to my next question.

7 MR. ROY AUSTIN: And that was the only reason why
8 I think he put me down. We did not have any
9 conversation about that beforehand.

10 UNIDENTIFIED FEMALE SPEAKER: I'd like you to
11 speak a little bit about T Bowman's, your knowledge of
12 T Bowman's work as part of the investigative team that
13 led to the DOJ findings, if you could.

14 MR. JONATHAN ARONIE: Well, I -- I don't -- I can
15 speak very -- very broadly to it. I -- I can't speak
16 with much -- with much detail. We're happy to, you
17 know, to make him available to you to answer questions
18 directly if you want to follow up by phone or e-mail or
19 whatever. He -- he -- he explained to us that -- that
20 he was -- maybe DOJ is in a better position to answer
21 than I am, but he -- he was one of the people that

1 consulted on the report and the investigation.

2 It didn't sound like he ran it by any means.
3 I think he was one of many people. But I really can't
4 go into more detail than that. Again, maybe you all
5 can.

6 UNIDENTIFIED FEMALE SPEAKER: Well, we can clarify
7 that we had approximately 12, I believe, subject matter
8 experts, and T Bowman was one of them. And I believe
9 his focus in there is he met with unions, he met with
10 some other officials, and I believe he focused on
11 community policing; but I'm not certain. I'd have to
12 go back and check.

13 MR. JONATHAN ARONIE: Thanks.

14 MR. DENNIS NOWICKI: Just in full disclosure, like
15 Josh -- like Josh -- like Jonathan, I've known Josh
16 professionally through the MPD monitorship, but since
17 then I've had, because he's a bright guy and he's now
18 in the cops office, I keep in touch with people like
19 him. And I've had some contact with Ms. Lopez early on
20 when she was with the Justice Department and left the
21 Justice Department. And I was also part of the

1 proposal to be the monitor of the DC Police Department
2 that she was a part of, which we did not get at the
3 time. Somebody else got DC. Yeah, she and I --

4 MR. JONATHAN ARONIE: Oh, that's (Inaudible) all
5 right.

6 MR. DENNIS NOWICKI: Yeah, she -- she and I went,
7 were a part of a team that went after it. But I've had
8 no contact with her. I don't know if I've had any
9 contact with you -- with -- with her since.

10 MR. JONATHAN ARONIE: She said hello this morning
11 to you, too.

12 UNIDENTIFIED FEMALE SPEAKER: Well, and -- and I
13 think that I -- I wrote this down correctly. When you
14 were making your comments a moment ago, you said that
15 part of your role as a monitor or what isn't part of
16 your role as a monitor, actually, is to make any
17 judgment about underlying facts that led to the consent
18 decree. And you've, in reading your proposal, there
19 were a lot of quotes from the DOJ findings.

20 And along those lines with Mr. Bowman's part
21 in the investigation of the NOPD that led to this

1 consent decree, I want to know how you reconcile those
2 sort of competing concepts as -- as I perceive them to
3 be competing concepts.

4 MR. JONATHAN ARONIE: Yeah. I -- I guess -- I --
5 I guess with respect to -- I don't view them as -- as
6 competing. We, you know, as -- as one of the folks up
7 here say, we -- we have a legal document in front of
8 us, right? And -- and -- and I accept the document as
9 it is. I -- I know from reading blogs and newspapers
10 that there's still a lot of discussion about, even from
11 within the police department, about whether all the
12 findings are valid or not; but that's -- that's not my
13 thing.

14 I -- I -- I accept what's in the document
15 because that frames what we have to monitor. And --
16 and frankly, I -- I think all of the members of our
17 team are -- are the same way. Even if someone didn't
18 agree with one of the findings going in, that's as they
19 say, that ship has sailed. We -- we have a document
20 that has to be monitored. So I -- I -- I don't see a
21 disconnect there, frankly.

1 MR. DAVID DOUGLASS: It seems -- seems to me that
2 the requirements of the consent decree have to be met.
3 That -- that's, you know, that's the given. Now how
4 you assess that is based upon the future actions of the
5 department and the assessment of the future actions of
6 the department; not what's happened in the past that
7 was the basis for that consent decree. We're going to
8 look at what's going on today and tomorrow if we were
9 to be the monitor.

10 And we'll make our own assessments to whether
11 or not the department is improving or how they're
12 complying with those requirements of the consent
13 decree. We're not going to look back yesterday and
14 see, well, they didn't do it yesterday, so obviously
15 they're not doing it today. We're going to look at
16 what they're doing today.

17 UNIDENTIFIED FEMALE SPEAKER: Okay. I want to go
18 back to the issue of local presence. I know that we've
19 talked about it pretty extensively, but I also want --
20 want your thoughts and comments on DBE participation
21 and how you intend to address that and if you intend to

1 address that in -- in looking at local firms.

2 MR. JONATHAN ARONIE: Well, yes, it -- it would,
3 in -- in a perfect world, we would find the -- the --
4 the bright local participant that also helps us with
5 the DBE goal, that -- that would be great. You all are
6 well situated to help us do that. You know, our -- our
7 team already has focused on that. And whether --
8 whether it's, you know, an African-American-owned
9 business with -- with T Bowman or a woman-owned
10 business with Mary Ann or a woman-owned business
11 with -- with Bob's consulting company, you know,
12 Alejandro Del Carmen; we -- we care about that. We
13 care about the diversity of our team.

14 And we would use the local presence as yet
15 another opportunity if it's the right person.

16 UNIDENTIFIED FEMALE SPEAKER: Okay.

17 MR. ROBERT MCNEILLY: And we have the translators,
18 also.

19 MR. JONATHAN ARONIE: Right, exactly. We -- we
20 have translators. And -- and we, even little things
21 like we -- we -- I honestly don't remember the name at

1 the moment, but we found a, you know, there's going to
2 be a lot of publishing, so we found a local DC
3 publishing company. You know, it's -- that's important
4 to you all. It's important to us. And I mean, we want
5 your help to even expand that.

6 MR. ROBERT MCNEILLY: And -- and I would just
7 observe that I think New Orleans probably isn't a
8 challenge. It is other places. I mean, we could find
9 that -- it's a -- it's helpful factor with respect to
10 the local presence. And that's just, that's the
11 reality of the world that we live in. Diversity and
12 infinity are important characteristics to consider.

13 UNIDENTIFIED FEMALE SPEAKER: I have one more
14 question. I'm -- I'm certain that you've read the
15 consent decree and the (Inaudible) regarding secondary
16 employment. I want your thoughts on what experience
17 you have in working with secondary employment offices
18 as set forth in the consent decree and your comments on
19 how you intend to approach working with that office.

20 MR. JONATHAN ARONIE: I think -- I think one of
21 these three folks are probably best to start on that.

1 MR. ROBERT MCNEILLY: (Inaudible) secondary
2 employment across the country which is usually one of
3 the main issues that causes police chiefs headaches
4 because there's a lot of -- there's a lot of
5 (Inaudible) trying to organize them, you know, make
6 sense out of them is a big issue. I tried it at
7 Pittsburgh before I left in 2005 when we were looking
8 at taking all the second hand employment details and
9 running them through the city, so they'd be assigned
10 through the city and the city would assign the
11 supervisors in different areas. That was an initiative
12 that was undertaken.

13 I don't think it came to fruition entirely as
14 we had planned it to happen after I left, but the vast
15 majority of details now are operating in the city,
16 they're assigned. There's a peer system that when
17 employers want to hire police officers off duty,
18 they -- they go to one office and they put in how many
19 officers they want to work there. The officers get to
20 log on to the computer system to see what details are
21 available, to sign up for those details. And

1 supervisors are assigned to supervise somebody else who
2 was one of the details. So there are -- there are
3 different ways of doing it. It's just whatever the
4 consent decree requires.

5 MS. MARY ANN VIVERETTE: Well, I -- I agree with
6 Bob on the important things are the guidelines and the
7 supervision has to be controlled. And you have to know
8 what's going on. You have to know where the officers
9 are and what they're doing so it doesn't become
10 their -- their first priority and -- and where their
11 New Orleans job is their second. But it -- it is
12 controllable and it's been done successfully in a lot
13 of organizations.

14 And I think we just need to look at what's
15 going on and make sure it's above board and it's
16 supervised and well documented with the proper
17 guidelines.

18 MR. DENNIS NOWICKI: In -- in Charlotte we had a
19 system that we -- we controlled, you know, all the
20 off-duty employment through our -- our secondary
21 employment office. It was staffed with a police

1 officer. We developed, each year we determined the
2 rate. And it was a process of looking at the salary
3 the officers and come back and discussing it with the
4 officers. The officers had input. But basically it
5 was, the formula was the -- the average rate of pay of
6 the senior officers, and we added to that a surcharge,
7 if you will, because they took our car, they took our
8 radio, and they were -- they were also a -- would be
9 covered under our workman's comp provisions if they
10 were injured.

11 We had policy that restricted them to only
12 enforcing laws. They weren't there, for example, to
13 enforce company policies. They were there as police
14 officers. We had the same requirements that Bob
15 mentioned that if there were so many, there would be,
16 there had to be a supervisor after a certain number of
17 folks, and the supervisor had their rate of pay. We
18 also had a premium rate of pay for certain kinds of
19 jobs so that officers would be paying -- paid more if
20 the companies were willing to do it.

21 And the company, we would negotiate that with

1 the company. The company would come to us, and we
2 would allow that to occur, too. But we did have
3 control over it. And -- and -- and it only affected
4 officers who were working in a police capacity. If
5 they were (Inaudible) they could do it on their own.
6 We didn't care about that.

7 UNIDENTIFIED FEMALE SPEAKER: Okay. That would be
8 all the questions that I have.

9 UNIDENTIFIED FEMALE SPEAKER: I wanted to follow
10 up on some of the price questions that Mr. Austin
11 asked. We've been asking all of our candidates in the
12 interviews that occurred yesterday whether or not
13 they'd be willing to cap the price of the estimate,
14 which was the question that Mr. Austin asked you
15 earlier; but in all the other proposals, there was
16 just, you know, a yearly break, some sort of a break
17 down with an estimate. You guys have already included
18 a four-year estimate of 7.9 million, but also can quote
19 a cap, which is 8.9 million.

20 So I guess the question is, would you be
21 willing to cap it at the four-year estimate or only at

1 the -- the cap provided in the proposal?

2 MR. JONATHAN ARONIE: Yeah. I -- I -- to be
3 perfectly honest I'd be happy to, but I can't answer
4 that right off the top of my head. I mean, I -- I -- I
5 know that when we put it together, we -- we believed it
6 would come in at the lower number, but and whenever
7 there's a cap, you -- I mean, like you all, I have a
8 budget I have to think about, too. So I'm -- I'm not
9 in a position to say off the top of my head whether I
10 could or couldn't. But I was comfortable capping it at
11 the higher number.

12 UNIDENTIFIED FEMALE SPEAKER: Okay. Let me ask
13 you another related question. Would you be willing to
14 consider negotiating the rates that are listed in the
15 proposal?

16 MR. JONATHAN ARONIE: I -- I'm -- I think our
17 rates are -- are very fair, okay? I -- I am not -- I'm
18 not really making money off this. My -- my rate is
19 normally, it's significantly higher than that. And --
20 and -- and I -- I convinced the firm to do this, and
21 they readily accepted it because we view this as a

1 public interest project. It's not, obviously it's not
2 pro bono as in free, but it's, you know, it's -- it's
3 pretty close when you consider the other work that we
4 do.

5 I'm always willing to discuss any give and
6 take on -- on these sorts of things. And -- and you
7 know, when it comes time, if it comes time to -- to
8 draft the contract; then I imagine there's going to be
9 a lot of things we can talk about it. I -- I have
10 nothing off the table, but -- but I -- but you -- you
11 should know that -- that that was very aggressive.

12 UNIDENTIFIED FEMALE SPEAKER: Thank you.

13 UNIDENTIFIED FEMALE SPEAKER: I just have one last
14 question for -- for the (Inaudible) I'm -- I'm very
15 interested in understanding the process that you would
16 use to determine your presence here in -- in New
17 Orleans. And I know that you and -- and several of you
18 have referenced you'll be here as often as you're
19 needed. And I'm wondering how you will determine what
20 the level and amount of need is so that we have a
21 better sense of what that looks like as it relates to

1 the -- to the five of you. And I know to that there
2 are other members of your team --

3 MR. JONATHAN ARONIE: Sure.

4 UNIDENTIFIED FEMALE SPEAKER: -- might also be
5 involved. But how -- how do -- how do you get to --

6 MR. JONATHAN ARONIE: Okay. Well --

7 UNIDENTIFIED FEMALE SPEAKER: -- how much is
8 needed?

9 MR. JONATHAN ARONIE: Yeah, so there's no question
10 he at the outset a lot is needed, right? And -- and a
11 lot is needed among a lot of us. We -- we all need to
12 get up to speed. And we're -- we're -- we're all
13 committed to that, but what -- what we've learned is
14 that at the outset to kind of say in a vacuum that we
15 need X number of people there X number of days, we can
16 do it, but -- but it might not be the right decision.

17 So once we start and we -- and we really get
18 a good understanding of -- of the successes the police
19 department already has had, right, because the more
20 success they've already had, frankly, the easier it is
21 for us to confirm that, right? We don't accept

1 anything, but it's easier to confirm the success.

2 And then -- then we see there are certain
3 things that will make more or less time. I really -- I
4 really can't sit here and say -- and say what the
5 result is going to be, but I can say that -- that
6 working together and understanding there's an optical
7 issue, too, right, I mean, you, especially at the
8 outset, you want your team there for substance, as well
9 as optical. We -- we -- people need to see us there,
10 and that's part of it, but I -- I -- I can't -- I can't
11 say specifically. I mean, there's no magic formula as
12 to how you determine that number.

13 UNIDENTIFIED FEMALE SPEAKER: Can you go back to
14 your experience in DC and give us some sense of, I know
15 we're talking about obviously two different cities and
16 two different situations, but did you find, say, for
17 the first month you were there every day or -- or for a
18 time period or -- and -- and -- and I come back to this
19 because I think it is extremely important. We've all
20 acknowledged that is --

21 MR. JONATHAN ARONIE: Yeah.

1 UNIDENTIFIED FEMALE SPEAKER: -- this is one of
2 the most important efforts, certainly that this
3 administration is undertaking. So it is important
4 for -- for the City to understand as we consider all
5 the candidates exactly what that looks like. And --
6 and honestly what the level of -- of commitment is.
7 And it plays out very practically in literally the
8 number of days and the number of hours that you will
9 actually be in New Orleans.

10 And while I understand, and I certainly don't
11 want to ask an unfair question, but I'm not asking you
12 to commit to --

13 MR. JONATHAN ARONIE: No, I understand.

14 UNIDENTIFIED FEMALE SPEAKER: -- a particular
15 number; I am really honestly trying to understand
16 exactly what that looks like, myself not having been
17 through --

18 MR. JONATHAN ARONIE: Yeah.

19 UNIDENTIFIED FEMALE SPEAKER: -- a consent decree
20 and a process like this.

21 MR. JONATHAN ARONIE: Well, let -- let me start

1 the answer, and then I'm actually going to change your
2 question a little bit. Because the question is better
3 asked --

4 UNIDENTIFIED FEMALE SPEAKER: Can you answer my
5 question first before you --

6 MR. JONATHAN ARONIE: It's -- it's --

7 UNIDENTIFIED FEMALE SPEAKER: -- change it?

8 MR. JONATHAN ARONIE: I can, but I lived there. I
9 was there all the time. So I think Dennis is in the
10 right position, because I think what you want to know,
11 since he was out of town, how long he brought in -- at
12 the outset of DC, and I know you just (Inaudible) but
13 how often at the outset did we have the out-of-towners
14 in; is that a fair -- that's your question. I just,
15 since I lived there, I think it's better he answer it.

16 UNIDENTIFIED FEMALE SPEAKER: Yes. Was he the
17 monitor?

18 MR. JONATHAN ARONIE: Mr. Bromwich, myself,
19 Dennis, and Mitch Brown were the core monitoring team.
20 And -- and I was there all the time because I --
21 because I lived there.

1 UNIDENTIFIED FEMALE SPEAKER: Okay. I would like
2 to hear --

3 MR. JONATHAN ARONIE: Okay.

4 UNIDENTIFIED FEMALE SPEAKER: -- from Dennis then.

5 MR. DENNIS NOWICKI: Well, I mean, as I indicated
6 earlier, our schedule is -- is going to be some of it
7 we can control and some of will be controlled by the
8 activities of the department. But early on I see us,
9 more of us being present more often. As -- as time
10 goes on, we develop our information and sources and our
11 relationship with the department, we may be able to do
12 a lot of our work off-site; but that's down the road.

13 I mean, initially you asked what we were
14 going to do in the first week, the first two weeks
15 we're going to be, all of us are going to be down here
16 on the ground, you know, making our, developing our
17 relationships with the -- the leadership within the
18 department, as well within the city and -- and being
19 out in the community. Going forward we're going to
20 have to be here, you know -- you know, we're not going
21 to all be down after that.

1 We'll each be down individually so we have a
2 presence here often. It doesn't mean we're going to be
3 here every day of every week for the first year, but
4 we're going to be here. When I'm down, Bob won't be
5 down. When Bob is down, I won't be down. We're --
6 and -- and so on with Mary Ann and T. And of course
7 with the attorneys, they'll have something similar.

8 We really push practices, folks. The work is
9 somewhat sediment as to who does what. There's certain
10 things that we're going to do that they won't be that
11 involved in, not that they can't, but -- but they're --
12 they're not -- it's not going to be their prime
13 responsibility. And there's certain things that they
14 will do that it will be their prime responsibility that
15 we don't have to be involved in. So.

16 But for example, the training, we -- we don't
17 control that schedule. The department will control
18 that schedule, but we have to be there to monitor it.
19 That's one of the important things that we do is -- is
20 to monitor the delivery of the training. Whether it be
21 the fine arts training or any kind of classroom

1 training or anything else. But reviewing files,
2 reviewing completed investigations, that's not that
3 time sensitive.

4 We can do that, we can, if possible, we can
5 do that remotely if you have the capacity to -- to get
6 that information to us. So again, I don't know if
7 that's answering your question, but our intent is to be
8 down here as often as needed. Some presence down here
9 as often as needed. And early on that's going to be,
10 you know, out of the first six months, I would -- I
11 would say 80 percent of the time there's going to be
12 somebody from our team down here.

13 Maybe that's, you know, I -- I don't know
14 that for sure, but I feel that that's -- that that's
15 what it would be.

16 UNIDENTIFIED FEMALE SPEAKER: Thank you.

17 MR. MR. DENNIS NOWICKI: All right. Does that
18 answer your question?

19 UNIDENTIFIED FEMALE SPEAKER: It does. Thank you.

20 UNIDENTIFIED FEMALE SPEAKER: Yep, I would love to
21 hear from (Inaudible)

1 UNIDENTIFIED MALE SPEAKER: They say I'm a trial
2 lawyer. The judge says I'm great.

3 MR. DAVID DOUGLASS: But seriously, providing a
4 follow up. Just technically in the -- in the -- in the
5 proposal, there are criteria for presence that we can
6 meet; but beyond that, I think to go back to the
7 question sort of what does the first part look like,
8 and what are you -- what do you need? What are you
9 entitled to? So in this part of meeting people, we
10 think we will be here, certainly the three of us,
11 because it's got to be continuity because you can't
12 meet with Jonathan one day, someone whoever it is can't
13 meet with Jonathan and then the follow up meeting I
14 show up.

15 So either those meetings have to be all of us
16 so we can jointly move forward or we have to have
17 continuity. So in the early week one plan, in our
18 30-day plan, in our 90-day plan; you will see the
19 people you need to make commitments to have discussions
20 so that there's continuity and implementation. So I
21 would -- I would expect we would be here quite a bit in

1 those, in that first window. And that's the same
2 commitment we make to all of our clients.

3 And that is (Inaudible) every one of our
4 clients hires us, and they expect to see us. And when
5 Jonathan courted me about this, I -- I had a litigation
6 schedule that was such that I couldn't get, I would
7 have had to say no, but we're in a position to fulfill
8 that. Over the life of the monitorship, however, we'll
9 go from setting those things up maybe in print to
10 implementation.

11 And I mean, and assuming we could be, but I
12 don't think you'd want us because it's a budgetary
13 issue. So really, you want us here as much as we need
14 to be here; but you don't want us to be here for the
15 purpose of being here. So there will come a time six
16 months down the road or whenever it is, a year down the
17 road, when I -- I will add no value to being here as
18 long as I'm not just doing it to meet a term of a
19 contract.

20 I -- I think that would be sort of a place
21 where we could really save some money, more so than

1 frankly, you know, negotiating marginal rate
2 adjustments. We have to have a rigid focus on the
3 prospect of everything we do. But I think the first
4 30 days.

5 UNIDENTIFIED FEMALE SPEAKER: Thank you.

6 UNIDENTIFIED MALE SPEAKER: Judge says stop.

7 MS. SHARONDA WILLIAMS: I -- I think that's it.
8 Thank you all for the presentation.

9 MR. JONATHAN ARONIE: Thank you for everything.

10 MS. SHARONDA WILLIAMS: Okay, great.

11 MR. RANDOLPH SCOTT: I don't want to be out of
12 order, but if I can ask you all to ask these questions.
13 I think they're very important in terms of our fully
14 understanding just a little bit more.

15 MS. SHARONDA WILLIAMS: Uh-huh.

16 MR. RANDOLPH SCOTT: Indulge me for five minutes
17 if that's fine. I think it's -- it's -- I could -- you
18 could ask these questions.

19 MS. SHARONDA WILLIAMS: Mr. Scott.

20 MR. RANDOLPH SCOTT: Yes.

21 MS. SHARONDA WILLIAMS: Can you submit them to us?

1 You can submit them to us. Because an opportunity to
2 submit comments to us, could you give us those and
3 then --

4 MR. RANDOLPH SCOTT: I was going to read them to
5 you.

6 MS. SHARONDA WILLIAMS: -- we can -- we can
7 address them.

8 MR. RANDOLPH SCOTT: (Inaudible) the lady here if
9 you don't mind. It will just take five minutes. And I
10 don't want to be --

11 MS. SHARONDA WILLIAMS: Could you submit them to
12 us?

13 MR. RANDOLPH SCOTT: Three minutes, not five
14 minutes. If you don't mind, please could you ask them
15 those brief questions if you can understand my
16 handwriting?

17 UNIDENTIFIED FEMALE SPEAKER: Here's the
18 (Inaudible)

19 UNIDENTIFIED MALE SPEAKER: Mr. Austin, if we
20 could take a break while you're doing that, sir.

21 MS. SHARONDA WILLIAMS: We're going to take a

1 break right now for 15 minutes or so.

2 MR. JONATHAN ARONIE: Okay.

3 MS. SHARONDA WILLIAMS: Now Mr. Austin --

4 Mr. Austin has one more question for you guys. So --

5 MR. ROY AUSTIN: So an additional question to you,
6 to the police chiefs, what have you done in your
7 departments to help to prevent --

8 UNIDENTIFIED MALE SPEAKER: Speak into the
9 microphone.

10 MR. ROY AUSTIN: The -- the microphone is not
11 working, so I'll speak louder.

12 UNIDENTIFIED MALE SPEAKER: (Inaudible)

13 MR. ROY AUSTIN: What -- what have you done as
14 police chiefs to help address the issue of racial
15 profiling?

16 MR. ROBERT MCNEILLY: Well, I can say in
17 Pittsburgh, it's something we looked at even before the
18 consent decree was going to the early intervention
19 system, too. And it tracks several different things
20 including traffic stops, citizens' complaints,
21 (Inaudible) arrest, use of force. So that there's a

1 lot of different areas you're looking at the make up,
2 you know, for people who are stopped or arrested or
3 force was used against. You know, to make a
4 determination if anybody is racial profiling.

5 MS. MARY ANN VIVERETTE: The University of
6 Maryland did the same for all the departments in
7 Maryland, tracking all that information. But beyond
8 that, supervisors should know what -- what their
9 officers doing, are doing. And you have to be
10 available. You have to show up on traffic stops.
11 And -- and if you have good supervisors and they're
12 aware of problem officers, you have to act on what's
13 going on.

14 MR. ROBERT MCNEILLY: And that's addressed in
15 training policy, too.

16 MR. DENNIS NOWICKI: One of the things that I was
17 involved in, actually I left Charlotte, I mean, in
18 Charlotte we had, you know, policies of course, you
19 know, against it; but we didn't have quite the
20 elaborate and mandatory data gathering that became law
21 in Illinois. But when I left Charlotte, I -- when I

1 went back to Illinois and headed -- headed up the cops
2 funded training (Inaudible) public safety (Inaudible)
3 by the University of Illinois in Chicago.

4 And when that law passed, I convened a group
5 of folks, police chiefs to help them implement the
6 requirements that for every traffic stop there had to
7 be a -- a data sheet there. And -- and we actually
8 designed the sheets for them, designed the data
9 sheet -- the data sheets and developed training
10 programs for them and their officers to comply with the
11 state law that required any problems to report to a
12 central entity their traffic stop data to show any, if
13 there was any bias in that regard.

14 So I had to have experience working through
15 with the chiefs and -- and -- and -- and the Northwest
16 University ended up being the (Inaudible) that analyzed
17 the data for the city.

18 MR. ROY AUSTIN: And Chief McNeilly, you're the
19 only one of the chiefs on the Sheppard Mullin team who
20 has actually been under a consent decree; is that
21 correct?

1 MR. ROBERT MCNEILLY: Yes.

2 MR. ROY AUSTIN: And then my -- my final question
3 is, again, to the chiefs. Have you ever had to -- have
4 you ever had an officer on your force disciplined to
5 the level of a criminal arrest --

6 MR. ROBERT MCNEILLY: Yes.

7 MR. ROY AUSTIN: -- for conduct that they engaged
8 in?

9 MS. MARY ANN VIVERETTE: Yes, sure.

10 MR. DENNIS NOWICKI: Yes, yes.

11 MR. ROY AUSTIN: All right. That concludes the
12 questions.

13 MR. ROBERT MCNEILLY: In fact, let me add to that.
14 When -- when I became chief, I created a special unit
15 that did integrity testing when we were allowed to do
16 testing in the department. And there were several
17 officers that were arrested, well, arrested and
18 terminated from their positions as the investigations
19 (Inaudible)

20 MR. ROY AUSTIN: Thank you very much. And --

21 MS. SHARONDA WILLIAMS: I think that we're done.

1 Thank you so much for your -- your time and for your
2 presentation.

3 MR. JONATHAN ARONIE: Thank you.

4 MR. ROY AUSTIN: And just to discuss kind of where
5 we're going from here. So the teams are going, people
6 saw us discussing this whole process, it isn't just
7 directed at Sheppard Mullin. You're free to pack up
8 or -- or whatever. This process is a process that has
9 never been engaged in before, certainly not by the
10 Department of Justice. And this is not the exact
11 process that the City (Inaudible) so we were discussing
12 logistics as to how to go forward here.

13 What we're going to do right now is we're
14 going to take about 15 to 30 minutes as teams to
15 discuss and to see, to determine whether or not we can
16 get to a shorter number than the five who have been
17 asked to, who have come forward and -- and done
18 interviews over the last two days. If we are able to
19 come to a number shorter than five, we will announce
20 those teams in the next 15 to 30 minutes.

21 At that point the parties will approach the

1 teams to follow up with any questions that they,
2 specific questions that they have that they feel have
3 not been addressed, that they feel need to be
4 addressed, they feel the teams made something more or
5 teams may need less of and have those -- those kinds of
6 questions. At a later date that has not yet been
7 determined, right now it's scheduled for, the next
8 meeting is scheduled for April 9th.

9 We, during our logistical discussion here, we
10 realized that is not enough time if we really want to
11 delve in deeply and have these discussions with teams.
12 So at a later date that will be determined and
13 announced publically, we will then have that
14 discussion, have a public discussion about why it is
15 that we feel a certain team is best for the City of New
16 Orleans and figure out where to go from there.

17 Between now and that time, we would love to
18 get public comment if there are members of the public
19 who feel like they're -- they have feelings about
20 particular teams or people who are interested. And
21 that would be written, public written comment. And we

1 will provide that. And that will go to Mr. --

2 MS. SHARONDA WILLIAMS: Cortizas.

3 MR. ROY AUSTIN: -- Cortizas as it did previously
4 so people know where that is to go. So I just want to
5 tell people where we are. We hope to be able to come
6 back here in the next 15 minutes to half an hour to say
7 whether or not there is consensus. Again, we're, the
8 folks from DOJ, the folks from the City are going to
9 talk. We're going to see if we can come down to fewer
10 than five teams to go forward.

11 And then we will come back out as soon as we
12 feel like we can do that. All right. Thank you for
13 everybody's time.

14 MR. JONATHAN ARONIE: Thank you.

15 MS. SHARONDA WILLIAMS: Okay. Thank you all. The
16 representatives of the City and representatives of the
17 Department of Justice have taken a moment to reflect on
18 the presentations. And we really appreciate the
19 presentations and the time that all of the teams have
20 spent; the Bromwich Group, Elite, Hillard Heintze, OIR,
21 and Sheppard Mullin. All the presentations were very

1 well done and very informative. So we appreciate you
2 for that effort.

3 From the City side, we'd like to hear
4 additional information from the Hillard Heintze group.
5 We found that the proposal was very detailed and
6 demonstrated a lot of advanced work that showed their
7 interest and commitment to the process and to the city.
8 The lead manager on that team is a former police chief
9 in a city that faces similar concerns that the New
10 Orleans Police Department is going through.

11 And also, their proposal set forth team
12 members that -- that have expertise in all of the
13 monitoring areas of the consent decree. And -- and
14 with those facts being considered, we'd -- we'd like to
15 hear additional information from the Hillard Heintze
16 group.

17 MR. ROY AUSTIN: I -- I would like to also say
18 that it's -- it's been a pleasure to -- to do this in a
19 way that we have never done it before. The teams,
20 everybody who came before us clearly put a lot of time
21 and a lot of effort into making their presentations.

1 And that is very, very much appreciated. We
2 appreciated the community, those members of the
3 community who took the time to come out here to express
4 their thoughts and -- and -- and their views about this
5 process. And we -- we welcome further thoughts in the
6 future about this process.

7 We recognize how incredibly important this is
8 to the City of New Orleans, to everyone who -- who
9 lives here, works here, visits here. And we -- we've
10 taken this thing very seriously. And I -- my
11 colleague, Christy Lopez, will discuss the group that
12 we feel strongly about, most strongly about.

13 MS. CHRISTY LOPEZ: Okay. We've talked and put
14 together a number of points to help explain why we
15 think that Sheppard Mullin should be the monitor of
16 this agreement. And I'm just going to run through
17 those. And they're not in any particular order. And
18 ask any of my colleagues to jump in if I'm forgetting
19 something. We think that the -- this team brought a
20 strong balance of legal, law enforcement, and academic
21 perspectives. I think that each of those areas is

1 important to a successful implementation of this
2 agreement.

3 We felt that the experts on this team covered
4 all areas of the decree to an extent that no other team
5 did. Their expertise in EWS with Chief Viverette,
6 writing the standard for IACP and some of the other
7 chiefs having experience with implementing and
8 reforming EWS. (Inaudible) in their own departments on
9 other departments. Ms. Viverette's experience in the
10 area of -- of professional violence and dealing with
11 how the police departments investigate those sorts of
12 crimes.

13 Each of the chiefs have, that spoke had
14 experience in secondary employment, which is obviously
15 a critical area. They've all successfully implemented
16 working functional systems of secondary employment in
17 their departments. This team has a lot of cultural
18 competency, and they're open to even more. They have a
19 lot of language skills already. One of their team
20 members is fluent in Spanish, and they're open to even
21 more. They have, one of their local presences is a

1 translation team.

2 There was a good team dynamic that we -- we
3 observed. And that is obviously quite important. A
4 team has to be able to work together to work
5 effectively. We found that the police experts have a
6 depth and breadth of knowledge that was unparalleled on
7 any of the other teams. They have a knowledge of a
8 number of departments. They have a knowledge of
9 objective standards, whether it's CALEA or the IACP,
10 that we didn't see on any of the other teams.

11 And they are, important for us, their law
12 enforcement professionals continue to contribute to
13 police professionalism and ethics in their daily work.
14 We felt that there was a depth of monitoring experience
15 and that was on both sides. Chief McNeilly has been
16 monitored. He's been part of a department that's not
17 dissimilar to New Orleans that was being monitored.
18 And many of the chiefs have dealt with monitoring and
19 much of the team has dealt with monitoring departments.

20 So that should allow them to hit the ground
21 running. And that was important. The academics are

1 absolutely preeminent in their field. You know, with
2 Professor Del Carmen and his expertise in racial
3 profiling is such an important issue in this community.
4 And he has done work on the area and will be able to
5 bring that experience to this agreement. And we -- and
6 we hope help the city make great gains in that area.

7 And -- and Geoff Alpert is just very well
8 known for his knowledge of force. And the city will be
9 lucky to have that -- that knowledge. I mean, it will
10 really help the consent decree be implemented more
11 quickly we believe and more effectively. We think that
12 it is a good thing to have these practicing, to have
13 practicing lawyers as senior members on the monitoring
14 team.

15 As the police chiefs pointed out, this is a
16 legal document, this is a legal proceeding. It's
17 important to have individuals who are going to be very
18 effective at working with the court on that and being
19 able to explain some of these complex ideas to a broad
20 variety of stakeholders. This team recognizes the
21 importance of reporting and has an established track

1 record doing monitoring reports. We thought that was
2 important.

3 And these team -- this team has past
4 monitoring experiences that we believe show that they
5 can be independent of both parties and be neutral. The
6 team, we felt, had taken a sensitive and thoughtful
7 approach to adding a local component to minimize
8 polarizing distractions. They're going to listen first
9 before picking. They're going to, they talked about
10 talking with the parties here and then talking with a
11 broad variety of community members to find out how best
12 to work with community groups. We think that this is
13 going to help the consent decree implementation be more
14 successful.

15 There was also openness to adding local
16 elements to help them understand local concerns. And
17 we think that this openness combined with their rich
18 community policing experience and background, we think
19 that they will be the most effective team at working
20 with a broad swath of community groups effectively
21 and -- and continue that engagement throughout the

1 agreement.

2 The -- the team appeared very organized, very
3 hardworking, very focused on this project, which is --
4 is obviously important at a very basic level. We like
5 that there are four chiefs here including one who has
6 been chief of an agency who has been monitored, because
7 we think that that will mean that they will have better
8 rapport with the Chief of the New Orleans Police
9 Department. And as every team member pointed out -- as
10 every monitoring candidate pointed out, the commitment
11 of the Chief to this project is absolutely critical to
12 its success.

13 We -- we appreciated the commitment to and
14 faith in the ability of this city and its police
15 department to effectively implement this decree. It
16 was shown in, it -- it -- evidence, itself, throughout
17 the entire presentation, this is a team that clearly
18 thinks this department can implement this consent
19 decree and will be a better department for doing so.

20 It knows it's going to be hard, but we
21 appreciated that expression. And one -- one small way

1 in that there's faith in the city and the faith in --
2 in the possibility was evidenced was in Chief
3 Viverette's decision in 2007 to be one of the first
4 organizations, as part of the IACP, to bring in IACP
5 and 20,000 conference goers to say, you know, New
6 Orleans will come back from Katrina and recognizing
7 that it would mean a lot to places to have the police
8 come and say that this city was going to -- was going
9 to survive.

10 And we think that -- that that spirit
11 endeared a lot of the presentation, that there's a
12 great faith that this agreement can and will be
13 implemented successfully. We have, and we of course
14 were mindful of the cost part of this. We found that
15 their cost was competitive with the other candidates
16 and was a realistic proposal. And so we felt that that
17 was, it -- it helped us believe that this would be an
18 effective team for this project (Inaudible) okay. So
19 that was our, in no particular order or rank, those are
20 the reasons that we think that this group should be
21 considered for monitor.

1 MS. SHARONDA WILLIAMS: Okay. With that said, as
2 Mr. Austin mentioned earlier, between now and our next
3 meeting, and the day of that meeting will be determined
4 at a later time, the City would like to designate one
5 of its team members and the DOJ have one of its team
6 members to focus on gathering any additional
7 information from the two teams that have been narrowed
8 down to the final -- to the final two here, so that we
9 can engage in a discussion with the effort and goal of
10 trying to come to a decision on it, on a -- a monitor.

11 And from the City side, we'd like to
12 designate Ms. Beck to work with a member of the DOJ
13 team to gather any additional information from Hillard
14 Heintze and Sheppard Mullin.

15 MR. ROY AUSTIN: At this time the DOJ is not
16 prepared to -- we may have many of our members working
17 on this project working to the extent we can.

18 MS. SHARONDA WILLIAMS: Okay. With that said, we
19 will make a determination as to the next meeting date.
20 And at that time there will be further -- further
21 discussion and additional information that hopefully

1 we'll be able to analyze and further discuss on each of
2 these team members to come to a final decision. And
3 unless there's anything else --

4 MR. ROY AUSTIN: Just a thank you to the gentlemen
5 in uniform who have been here for at least two days.
6 We appreciate you being here and all of your efforts.
7 Thank you.

8 MS. SHARONDA WILLIAMS: Okay. Thank you all for
9 coming. That concludes our meeting.

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SELECTION MEETING SHEPPARD MULLIN
UNITED STATES vs. CITY OF NEW ORLEANS

April 03, 2013
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2 COUNTY OF WHATCOM)

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I, CHRISTY M. AIELLO, do hereby certify that I transcribed the audio, and that the foregoing is a true and complete transcription of the audio transcribed under my personal direction.

IN WITNESS WHEREOF, I do hereunto set my hand and seal at Blaine, Washington, this 2nd day of May, 2013.

Christy M. Aiello