

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	*	<b>CIVIL ACTION</b>
<b>Plaintiff</b>	*	<b>NUMBER: 12-1924</b>
<b>v.</b>	*	<b>SECTION: E</b>
<b>THE CITY OF NEW ORLEANS</b>	*	<b>JUDGE SUSIE MORGAN</b>
<b>Defendant</b>	*	<b>DIVISION 2</b>
		<b>MAGISTRATE WILKINSON</b>
	*	
	*	
	*	

**JOINT NOTICE OF AGREEMENT ON PROCESS TO SELECT A CONSENT DECREE  
MONITOR AND REQUEST TO MODIFY FEBRUARY 20, 2013 ORDER**

Pursuant to the Consent Decree between the United States Department of Justice (“DOJ”) and the City of New Orleans (“City”), DOJ and the City (collectively “Parties”) established an Evaluation Committee to select a Consent Decree Court Monitor for the New Orleans Police Department (“Monitor”).<sup>1</sup> The Evaluation Committee met on February 26, 2013, and agreed to a schedule and process for Monitor selection.

The Parties recognize the importance of transparency in selecting the Monitor. The Monitor selection process is not subject to the City’s procurement rules, *see* February 8, 2013 Order at 6 [ECF No. 179], but the Parties have agreed to incorporate significant elements of the

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<sup>1</sup> The City has engaged in this monitor selection process to comply with the Court’s existing orders regarding monitor selection. As this Court recognized in its February 18, 2013 Order [ECF No. 188], the City filed a motion to stay and a motion to vacate the consent decree, and the City does not waive any arguments set forth in those motions by engaging in this process. Accordingly, the City reserves all of its rights to terminate the monitor selection process and/or the monitor in the event the Consent Decree is vacated and/or modified by this Court or on appeal.

City's procurement process to make the selection of the Monitor transparent and open to the public.

Attached as Exhibit A is the process agreed upon by the Parties, along with a schedule for completion of this process. As noted, in order to accommodate transparency and public comment, this process is expected to be completed by April 30, 2013. This is consistent with the Consent Decree, which states: "Within 90 days of the Effective Date, *or additional time if agreed to by both Parties*, the City and DOJ shall together select a Monitor, acceptable to both, which shall assess and report on NOPD's implementation of this Agreement." Consent Decree ¶ 477 (emphasis added); RFP section XII. Accordingly, the Parties respectfully request that this Court modify its February 20, 2013 Order to allow for Monitor selection by April 30, 2013, rather than April 11, 2013. [ECF No. 198].

Respectfully submitted,

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Agreement on Process to Select a Consent Decree Monitor

The Consent Decree Monitor selection process will include up to five public meetings. All public meetings will take place in the Superdome, in either the St. Charles Room or the Bienville Room. Please note that the dates of these meetings have been carefully selected, taking into account pre-existing commitments of Evaluation Committee members, as well as the need to provide sufficient notice for Monitor Candidates to arrange for travel to New Orleans.

Initial Public Meeting: Explanation of Process and Selection of Interviewees

On **March 7, 2013 at 1pm** until as late as necessary, the Evaluation Committee will meet to inform the public of the process it will use to select a Proposed Monitor and schedule for doing so. Also at that meeting, the Evaluation Committee will discuss the merits of each proposal and decide on a “short list” of candidates to be interviewed. If, after such discussion, the Evaluation Committee needs more information from any of the Monitor Candidates, the Evaluation Committee may consider and discuss methods of gathering that information. The Evaluation Committee also may decide on a set of questions that will be asked of all Monitor Candidates during the public interviews.

Second Public Meeting: Interviews of Monitor Candidates

On **April 2, 2013 at 8am** until as late as necessary, the Evaluation Committee will conduct public interviews of Monitor Candidates on the short list. Each Monitor Candidate will be allowed to make a presentation of up to 30 minutes. Following each presentation, the public will be given up to 30 minutes in which to comment. The Evaluation Committee also welcomes public comments in writing prior to interviewing the Monitor Candidates. This public comment period will be set out in more detail and made public prior to the April 2, 2013 meeting. Following the public comments, the Evaluation Committee may spend up to one hour asking questions of the Monitor Candidates. In addition to any questions the Evaluation Committee has decided to ask of each Monitor Candidate, Evaluation Committee members may ask other questions at each member’s discretion.

Third Public Meeting: Request for Follow-up Information:

On **April 3, 2013 at 8am** until as late as necessary, the Evaluation Committee will meet to decide whether it needs additional information from any of the Monitor Candidates. If so, the Committee may consider and discuss methods of gathering that information. (The Committee will also complete Monitor Candidate interviews on April 3, if necessary).

Fourth Public Meeting: Contingent Selection of Proposed Monitor:

On **April 9, 2013 at 9am** until as late as necessary, the Evaluation Committee will meet to attempt to select a proposed Monitor. If the Parties cannot reach agreement on a proposed Monitor at the April 9 meeting, Evaluation Committee members will have further discussions with alternative selections and seek to come to agreement upon a monitor candidate.

As soon as a Monitor is selected, the City will work with that candidate to negotiate a formal contract, as set out in the Professional Services Agreement agreed to by the Parties in

their Joint Motion for Approval of Contract for the Consent Decree Monitor, [ECF Nos. 121-2] and approved by the Court [ECF No. 122-1].

Fifth Public Meeting: Confirm Selection of Proposed Monitor

On **April 30, 2013 at 9am** until as late as necessary, the Evaluation Committee will meet to confirm selection of the proposed Monitor. The Evaluation Committee will describe any changes to the selected monitoring team. If the Parties are able to confirm selection, they will submit their selection to the Court for approval this same day. Pursuant to the Consent Decree and the RFP [Consent Decree ¶ 477; RFP section VI], the Court may conduct a private interview of the Parties' proposed Monitor prior to approval.

If, after the completion of the above-described process, the Parties are unable to agree upon a proposed monitor, the Parties will jointly submit two proposed Monitors to the Court and the Court will select the Monitor from among those two candidates, in accordance with the requirements of the Consent Decree and the RFP. Consent Decree ¶ 477, 478; RFP section VI.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

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**CIVIL ACTION**

**Plaintiff**

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**NUMBER: 12-1924**

**v.**

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**SECTION: E  
JUDGE SUSIE MORGAN**

**THE CITY OF NEW ORLEANS**

\*

**DIVISION 2**

**Defendant**

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**MAGISTRATE WILKINSON**

\* \* \*

**ORDER**

**CONSIDERING THE FOREGOING** Joint Request to Modify this Court's Order of February 20, 2013,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Request is **GRANTED**, and the Parties shall select a proposed Monitor, or jointly submit two proposed Monitors for the Court to select a Monitor from among those two candidates, by April 30, 2013.

This \_\_\_\_\_ day of \_\_\_\_\_, 2013, New Orleans, Louisiana

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JUDGE SUSIE MORGAN