

SELECTION MEETING
UNITED STATES vs. CITY OF NEW ORLEANS

April 15, 2013

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8 NOPD Monitor Selection Meeting

9 April 15, 2013

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1 MS. SHARONDA WILLIAMS: The NOPD consent decree
2 selection committee. This selection committee is
3 meeting today, April 15th, 2013, at 12:00 pursuant to
4 an order issued in the United States of America versus
5 City of New Orleans pending in the Eastern District of
6 Louisiana, civil docket number 2012-01924. This
7 meeting is being held pursuant to a court order issued
8 on March 6th, 2013, setting forth the process for
9 selecting the NOPD consent decree monitor.

10 The City is participating in the series of
11 meetings, expressly regarding arguments made in a
12 pending motion to vacate in that matter. Today the
13 selection committee will discuss a number of topics
14 related to the final two candidates, Sheppard Mullin
15 and Hillard Heintze. The topics that will be discussed
16 reflect the areas that the candidates were requested to
17 respond to that were set forth in the RFP that was
18 issued to solicit candidate -- candidates for the
19 monitor. And I'll go through those topics so that
20 everyone will have an idea of what will be discussed
21 today.

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1 During the last meeting, we made a
2 determination at the last meeting on April 3rd that any
3 additional information that would be gathered by the
4 Department of Justice and the City would be done prior
5 to today's meeting. And some additional information
6 has been obtained on those candidates. And the first
7 item that we will discuss is any additional information
8 that either the City or the Department of Justice has
9 received since April 3rd related to Sheppard Mullin and
10 Hillard Heintze. We will then discuss topics, the
11 following topics and in the following order: Personnel
12 and qualifications, references provided by the
13 candidates, proposed activities set forth by the
14 candidates, conflict and bias issues, local presence,
15 and price proposals submitted by the candidates.

16 These discussions will be centered on any
17 additional information that any of, any member of the
18 evaluation committee would like to obtain from any of
19 these candidates to further assist the committee in
20 determining a -- a final selection for the NOPD consent
21 decree monitor. After those topics are discussed, we

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1 will have a period of public comment. And then after
2 the public comment period, a further discussion to
3 determine whether we will go forward with obtaining
4 additional information or if there is a possibility of
5 selecting a candidate today.

6 And that is the process or the agenda that we
7 shared with the court and that was provided to DOJ.
8 And if there are any corrections or additions to that
9 agenda, let me know.

10 MR. ROY AUSTIN: Now the agenda, as you mentioned,
11 sounds correct, Ms. Williams. The -- the only thing I
12 would add is that it's -- it's our hope here, from the
13 Department of Justice, that we can come to some
14 agreement. We have two very fine teams of people who
15 are interested in being the monitor. And it would be
16 great if we could come to the agreement on -- on one of
17 those or figure out a way to move this -- this forward.

18 MS. SHARONDA WILLIAMS: Thank you, Mr. Austin.
19 Just a reminder for the public comment period, if there
20 is anyone in the audience who would like to give a
21 public comment, please fill -- fill out a card. And

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1 the cards are available from the gentleman at the back
2 of the room who waved his hand. Each public speaker
3 will have two minutes to provide public comment.
4 During that period we will also read public comments
5 that have submitted -- been submitted to the City, the
6 DOJ, and the Court in writing since the April 3rd
7 meeting.

8 And with that said, we can start by
9 discussing any additional information obtained since
10 our last meeting on April 3rd. The City and the
11 Department of Justice did receive a letter dated
12 April 14th, 2013, from one of the monitor candidates,
13 Hillard Heintze. This letter was not pursuant to any
14 requests made by the City, but it was in -- in the vein
15 of providing some additional information related to
16 pricing.

17 The letter highlighted that Hillard Heintze's
18 total price as broken down in the proposal is actually
19 \$7,007,542 rather than \$7,200,000, which had been a
20 number that was publically recorded. And Hillard
21 Heintze submitted this document in an effort to clarify

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1 what their actual proposal amount is. It also detailed
2 the number of hours that Hillard Heintze intends to
3 spend in the City of New Orleans in performing the
4 duties set forth in the consent decree.

5 And that was the only information that the
6 City had to share. And it's my understanding that DOJ
7 has some additional information that has been received
8 since the last meeting. And if you all would like to
9 discuss or share that information.

10 MR. ROY AUSTIN: I don't believe we have any --
11 any written information such as that. I mean, we spent
12 just the last week, week and a half, talking to as many
13 people as possible about these monitor candidates. And
14 I think that those comments and what we've heard is
15 going to be a part of the presentation as we go through
16 the -- through the specific subject matter areas here
17 that have been highlighted. So there's -- there's
18 nothing such as that.

19 I -- I would note we certainly appreciate the
20 clarification from Hillard Heintze. Depending on what
21 happens at the end of this session here, it may be

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1 appropriate for Sheppard Mullin to respond to that
2 since it went beyond just simply a clarification on --
3 on the dollar amount and into, you know, somewhat of an
4 argument as to what their local presence would be. So
5 I -- I just note that. But again, should we be able to
6 move forward today, that would be unnecessary.

7 MS. SHARONDA WILLIAMS: Okay. With that said, the
8 first topic -- oh, go ahead.

9 MR. ROY AUSTIN: You know what, I am sorry. We
10 did, we actually, we just received this today, so
11 that's why -- and I forgot. We received a letter from
12 Community United For Change. It is, I believe it was
13 sent to all of us. It was addressed to the judge,
14 Mr. Cortizas and (Inaudible)

15 MS. SHARONDA WILLIAMS: We also received that
16 letter. And we take -- we considered the letter to be
17 a written public comment pursuant to the court's order
18 that written comments from the public could be provided
19 to the Court and to the City Attorney. And it was our
20 intention to read that letter onto the record during
21 the public comment period. But we did also receive

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1 that letter.

2 MR. ROY AUSTIN: Okay. Thank you.

3 UNIDENTIFIED MALE SPEAKER: Mr. Austin, did -- I'm
4 just trying -- trying to understand, did you just
5 suggest that Sheppard Mullin ought to have the chance
6 to respond to the Hillard Heintze letter with regard to
7 the number of hours proposed, the costs?

8 MR. ROY AUSTIN: I -- I -- I believe, and again,
9 it depends on where things go at the end of -- at the
10 end of today, but the letter went beyond just simply a,
11 you know, this is a correction to the costs that --
12 that I think we were all citing into more of an
13 argument as to why they were in a better position than
14 Sheppard Mullin. And I -- I think, should we be taking
15 any of that information into consideration, considering
16 the fact that none of us asked any of the candidates to
17 provide us with any additional information in such a
18 form, it would be appropriate probably for Sheppard
19 Mullin to -- to respond to that. That's what I was
20 saying.

21 MS. SHARONDA WILLIAMS: Okay. With regard to

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1 personnel and qualifications, does anyone have any
2 information that it would like Hillard Heintze to
3 provide to further explain or -- or give us additional
4 information on personnel and qualifications of
5 individuals submitted in their proposal?

6 MS. CHRISTY LOPEZ: I think we were planning on
7 discussing our views of the personnel policies for both
8 Hillard Heintze and Sheppard Mullin. And certainly, I
9 think after we, both parties discuss what we think, I
10 think that might give us some guidance on whether we're
11 in agreement or whether we need to get more information
12 from either or both parties to be able to make a
13 decision. Does that make sense?

14 MS. SHARONDA WILLIAMS: Yeah, sort of.

15 MS. CHRISTY LOPEZ: I -- I guess, I think, what
16 my -- our understanding of what we were supposed to,
17 are supposed to do today is to discuss each of these
18 areas as you -- as you mentioned. And then when we
19 decide if we can agree on a candidate, that's great.
20 If we decide we can't agree, yeah, we need more
21 information; we should do that. But I don't know that

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1 we know which it is until we know what each other --
2 what each other's views are on each of these areas for
3 each candidate.

4 MS. SHARONDA WILLIAMS: Okay.

5 MS. CHRISTY LOPEZ: So we're -- we're prepared to
6 talk about both candidates as far as personnel
7 qualifications. And we can go after you or before you
8 or however you'd like to do it.

9 UNIDENTIFIED FEMALE SPEAKER: Correct. Well,
10 my -- my understanding of this meeting is that we were
11 to present or discuss the need for additional
12 information. At the last meeting we heard very
13 thorough presentations from all of the candidates. We
14 narrowed it down to two. And my understanding of
15 today's meeting is that we would actually make a
16 request, make a public request of additional
17 information that would allow us to then come back and
18 have further discussion weighing the pros and cons; but
19 in order to do that, we would need to have collected
20 all of the additional information that we -- that we
21 had. So I thought that is what we were --

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1 UNIDENTIFIED FEMALE SPEAKER: I think we were just
2 talking about --

3 UNIDENTIFIED FEMALE SPEAKER: -- we were doing
4 today.

5 UNIDENTIFIED FEMALE SPEAKER: -- a matter of
6 order. I mean, as -- as Ms. Williams stated and the
7 agenda reflects, each section is titled discussion of
8 personnel qualifications, discussion of -- so we -- we
9 can discuss those things, but I think that's right, I
10 think we will -- we will; if we can't agree, then we
11 will ask them to -- we don't have any objection to
12 stating on the record the additional information that
13 we need from the candidates.

14 And then we can together go and get that
15 information from the candidates.

16 MR. ROY AUSTIN: And I think as -- as it's been
17 noted previously, the Department of Justice has never
18 engaged in this kind of format for the selection of
19 monitor. And we appreciate the format, and we think it
20 has been incredibly useful to have this kind of -- of
21 public discussion. And -- and we saw this as we are

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1 prepared to report as why we believe certain members,
2 certain teams are particularly strong here.

3 And -- and it's as our attempt to explain to
4 the City why it is we feel that one team is
5 significantly stronger than the other team for the
6 needs of the consent decree here in New Orleans. If we
7 were to, in any way, come to an agreement here on
8 the -- on the 15th as to who the team was going to be,
9 we need to have that discussion.

10 And on the City's, the way the City indicated
11 this was going to be done, we've never had that
12 discussion. We've never sat down, the City and DOJ,
13 to just talk about, here is why we believe that
14 Sheppard Mullin is the more qualified team for the
15 consent decree here than Hillard Heintze. And we feel
16 that that is an important discussion to have. And to
17 the extent that that discussion should be had
18 publically, that is what we are prepared to do today.

19 UNIDENTIFIED FEMALE SPEAKER: I don't disagree
20 with that point at all. I think we would all agree
21 with that point. It's just a matter of when that is

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1 going to -- to happen. And so what I'm trying to work
2 through my mind quickly as I listen to both you and --
3 and Ms. Lopez is if we have questions that would give
4 us all more to think about, I don't know how far we
5 could go in a discussion today about having answers to
6 all of our additional questions and then get into that
7 very robust conversation that you had described, which
8 we certainly want to have, as well.

9 So I'm -- I'm -- I'm listening to you, and --
10 and I'm trying to work it through in my mind. But I'm
11 wondering how far we'll be able to get knowing that you
12 perhaps will have additional questions, as you said,
13 that will come out as we go through the agenda. And I
14 know we have some additional questions for -- for
15 information for both of the parties. So we can -- we
16 can get started, and we'll just see how --

17 UNIDENTIFIED FEMALE SPEAKER: Okay.

18 UNIDENTIFIED FEMALE SPEAKER: -- we'll see how we
19 make our way through.

20 MS. SHARONDA WILLIAMS: Okay. Oh, go ahead.

21 MS. CHRISTY LOPEZ: No. Go ahead.

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1 MS. SHARONDA WILLIAMS: No, no. I -- if you have
2 more to say on that particular topic.

3 MS. CHRISTY LOPEZ: Oh, yeah, we have a lot to say
4 on each of --

5 MS. SHARONDA WILLIAMS: Okay.

6 MS. CHRISTY LOPEZ: -- these sections.

7 MS. SHARONDA WILLIAMS: Okay.

8 MS. CHRISTY LOPEZ: Okay. And it really is about
9 talking about the personnel, the -- the relative
10 strengths and -- and weaknesses of each team. And we
11 think that each team does have relative strengths and
12 weaknesses in each area, including this one, personnel
13 and qualifications. And I wanted, I know I speak for
14 our entire team and -- and I would hope and I believe
15 that I speak for both parties when I say, regardless of
16 which team is selected, we are committed to supporting
17 them and working with them to make this successful. I
18 mean, that is absolutely the bottom line here.

19 But we do think that their relative strengths
20 and weaknesses should be taken into account to see who
21 will be in the best position to get this job done most

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1 efficiently and most effectively and most successfully
2 in the long run. And we did take into account, just so
3 it's clear, when we say most effectively, we -- we also
4 mean cost effectively. So we, that is at the,
5 absolutely at the forefront of our consideration
6 throughout this, as well. We -- we did look at the
7 qualifications of the team and -- and the personnel on
8 it as sort of the center of our consideration because
9 it really is the -- the key, in our view, to success
10 here.

11 The agreement, things, dynamics will change.
12 The agreement will have to, you know, be -- it will
13 have to, the monitor will have to know how to work with
14 the agreement to make it -- to make it successful. And
15 you really need people who are adept at doing that. In
16 our view this is going to be a very difficult project,
17 so we're looking for a team that has a breadth and
18 depth of experience.

19 And for us it was very important that the
20 team have a proven track record of monitoring the
21 police -- monitoring police (Inaudible) it's -- it's a

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1 large project. It's a complex project. It's fixing a
2 deep history of -- of a pattern of practice of abuse.
3 And it -- it covers, as we all know, almost everything
4 or -- or very much, very many practices within the
5 department.

6 So we really did think that this is something
7 that people who had done this before will be able to
8 hit the ground running and not be tripped up by a lot
9 of the same part, things that we all learn when we do
10 this, that the people who have been through this before
11 will have learned some of the problems and some of the
12 ways around them. Well, I believe the way you had it
13 set up, Ms. Williams, was to discuss Hillard Heintze
14 first and then the Sheppard Mullin team. So we'll
15 start with Hillard Heintze.

16 We were impressed by many members of the
17 Hillard Heintze team. And in fact, we've worked with
18 many of them. We continue to work with many of them.
19 We obviously think very highly of Chief Kathleen
20 O'Toole. We actually, along with the defendant,
21 selected her to be the monitor in another case we're

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1 involved in in East Haven, Connecticut, a 50-member
2 police department.

3 So there's, I don't think there's any
4 question that we think she's a strong police subject
5 matter expert. Besides the interviews on this --
6 during interviews we obviously reviewed very closely
7 what we heard from the team. And since then we've also
8 done more research on this team. And we think that, in
9 particular, there are three members that -- that
10 provide a really unique value to this project.

11 One of them is -- is Ellen Scrivner, who of
12 course we've worked with in the past. She was actually
13 one of our experts on this case. We think very highly
14 of her. The area that she focused on in this
15 investigation was officer support, developing systems
16 to support officers better. And she's done a lot of
17 work in that area. And we've never included that in a
18 consent decree until now. We would love to have her
19 involvement on that, in particular. And just more
20 generally, she's very experienced in the area of
21 policing and would be invaluable to any team in our

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1 view.

2 In addition, Murphy Paul is -- was on -- is
3 on the Hillard Heintze team. And we found him to have
4 a unique in-depth experience and -- and apparent
5 expertise in Louisiana law enforcement up in New
6 Orleans and more broadly in IA, in -- in combatting
7 drug -- drug violence. So we thought he would be a
8 very valuable part of any team.

9 In addition, we were very impressed with
10 Judith -- Judith Dangerfield, who appears to have done
11 a lot of work in the area of community outreach and
12 community organizing. And we think that's absolutely a
13 critical skill for any team to have. And we thought
14 that she was particularly strong on the Hillard Heintze
15 team.

16 We -- we very much liked the monitoring team,
17 the core monitors, retired Chief Hillard and
18 Mr. Heintze. Our concern, however, was not, it was
19 that relative to the other team; they did not have the
20 monitoring experience or the approach to monitoring
21 that this particular project needs. In our view as

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1 we've stated earlier, you -- you want somebody who has
2 done comprehensive large-scale police reform
3 monitoring.

4 Hillard Heintze is a firm, they've -- they've
5 done a couple, a few smaller police-related projects.
6 They've -- they've done largely a lot of Homeland
7 Security work and security work of that nature.
8 There's -- there's, oh, definitely a lot of application
9 to this kind of work, a lot of overlap; and it's
10 wonderful that they're moving into this field, we're
11 just not sure that this is the right case for them to
12 take on.

13 We don't believe that they would be able to
14 hit the ground running the same as, with the same
15 ability as the other team would. We were also
16 concerned about the weaker civil rights perspective on
17 the Hillard Heintze team. I mean, this action at its
18 core is about constitutional policing. It was brought
19 because our investigation showed that NOPD has a
20 pattern of practice of violating citizens'
21 constitutional rights.

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1 And civil rights is about enforcing the
2 rights of people who are disenfranchised, people who
3 don't have the political voice to ensure their rights
4 are protected through the normal legislative
5 (Inaudible) political (Inaudible) and so any monitoring
6 team should include individuals, in our view on this
7 project, who -- whose work has been focused on fighting
8 for enforcement of civil rights. Any monitoring team
9 of course needs individuals who are intimately familiar
10 with the police practices, who understand the
11 challenges, and the dangers of the men and women
12 (Inaudible) to risk their lives every day to do this
13 work.

14 But a monitoring team also needs people who
15 are going to be very forceful when reviewing complaints
16 from civilians, arrest reports, similar incidents,
17 information about how searches have been conducted
18 illegally. Someone who is going to, because their body
19 of work, very quickly spot those sorts of civil rights
20 violations and push back on that and be forceful in --
21 in that. That needs to be an element of this team.

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1 Not the whole team, but an element of it.

2 As originally composed, Hillard Heintze had
3 this. They had a strong civil rights voice. They had
4 someone in the form of, they had someone who had
5 actually been a civil rights advocate who had helped an
6 agency get through this process. They had a chief from
7 Cincinnati who had helped the department get through
8 this process. They were removed during the -- after
9 their initial proposal came in.

10 There was no corresponding deduction of -- of
11 price but their, those two individuals, which we felt
12 had a -- should play a key role, were removed. And
13 what was most concerning to us was that during the
14 interview when we asked about this and -- and whether
15 they would, you know, who would they -- whether they
16 were considering on replacing them, they said they
17 didn't feel they needed to replace them. And for us
18 that just indicated that there wasn't quite the
19 understanding of how important that element was in this
20 particular team.

21 Not that they, we wouldn't be able to sort of

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1 talk with them about that and they wouldn't agree to
2 that; but it was concerning to us that it wasn't -- it
3 wasn't immediately their reaction. And that, I think,
4 just reflects that they're still learning how to do
5 this work. The dynamics of -- of reforming a police
6 department are different than the kinds of projects
7 they've been working on.

8 And they will undoubtedly be able to learn
9 that, but we weren't, it wasn't clear to us that they
10 had that right now. And we were concerned about
11 starting off on this project without -- without having
12 to still make that learning curve. One of the areas
13 that they had -- one of the projects they highlighted
14 was regarding Kings County -- King County Sheriff's
15 office in Washington.

16 That project was, in fact, done by Rob Davis,
17 who is (Inaudible) as well as Tom Streicher, the
18 individual who is now gone. The other police project
19 that they highlighted was a small department in
20 Illinois that hasn't had -- did not have any
21 information in 2000 and 2009. And it just, in other

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1 ways the dynamics, they were very different than the
2 dynamics of New Orleans.

3 Of course they have Chief Hillard, who as
4 Chief of -- of Chicago has dealt with these issues. So
5 he -- there is great skill in their team as far as
6 subject matter. And he has many, he's dealt with many
7 of the issues, if not all of the issues, that they've
8 dealt with in New Orleans; but it is a different skill
9 set to be a monitor than to be a chief. And I have no
10 doubt that -- that Chief Hillard has or will develop
11 that, but it's -- it's a big learning curve, as well.

12 And so we -- we thought that the other team,
13 Sheppard Mullin, that had also (Inaudible) dealt with
14 large departments but had also done monitoring might be
15 able to be a little bit stronger at, right out of the
16 gate. We also think that given the unique
17 circumstances of this case it's important to have a
18 strong legal presence and experience working in federal
19 court at the core of the monitoring team. The monitor
20 is going to need to explain his findings in terms that
21 are clear not only to the community and not only to the

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1 police department, but also be clear to the court and
2 will make sense from a legal perspective.

3 One of the qualifications set out in the RFP
4 is preparing for and participating in court
5 proceedings. Practicing lawyers are probably going to
6 be more adept at that. And many of the issues that
7 arise in this consent decree: Bias-based policing,
8 searches and seizures. Searches -- searches and
9 seizures are very complex legally. And we know that
10 police officers and chiefs have to have an
11 understanding of those concepts for their day-to-day
12 work; but in developing policies and training, it's
13 important to have a really intimate understanding not
14 only of the police implications of those practices, but
15 also the legal and civil rights implications.

16 So we felt that the Hillard Heintze team did
17 not have the same level of expertise in this area,
18 especially civil rights expertise. Sheppard Mullin
19 during this process added a former civil rights
20 prosecutor who obviously has great expertise in this
21 area. And also just many of the people they work with

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1 have a long history of working in sort of police
2 professionalism and -- and ethics and development of
3 policies and -- and modern policies.

4 Again, we were impressed with many members of
5 the Hillard Heintze team. And Sheppard Mullin stated
6 that it had deliberately held off adding members of
7 local presence until it was able to confer with the
8 parties and learn more about what the communities here
9 wanted. Sheppard Mullin said it was open to adding
10 such additional members. So we would -- one of the --
11 one of the -- one of the pieces of information we would
12 be interested in gathering from the candidates after
13 this meeting would be to approach Sheppard Mullin and
14 to approach some of these individuals about whether to
15 add team members from Hillard Heintze or either teams
16 to them.

17 Because our thought was that perhaps that
18 would assist the City's comfort level. And we --
19 we're -- we're hoping that even if we can't agree on
20 one team or the other, that we can create a team that
21 might be some combination of members from other teams

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1 that we can all feel confident with going forward.

2 Regarding Sheppard Mullin, I -- I, sort of in
3 the context of discussing Hillard Heintze, discussed
4 Sheppard Mullin. But just broadly, we did feel that
5 they had the breadth and depth of experience. They
6 have a balanced and strong law enforcement, legal, and
7 academic credential. The team appeared very well
8 organized, very focused, and hardworking; as did the
9 Hillard Heintze team.

10 All, these are traits that are critical to
11 the day-to-day tasks of monitoring. This, Sheppard
12 Mullin was the only team that we recall that had
13 specific, explicit expertise in all the areas
14 discovered by the decree. We probed this during the
15 interviews, and we were really pleased with the
16 responses from Sheppard Mullin. We'd be happy to
17 gather more information from Sheppard Mullin and
18 Hillard Heintze about their specific expertise in
19 various areas, but that didn't come through from the
20 interviews.

21 Just for example, each of the subject matter

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1 experts on the Sheppard Mullin team have successfully
2 implemented secondary employment programs, and they've
3 also maintained early warning systems. The -- the
4 primary monitor, Jonathan Aronie, has done this before
5 as a deputy monitor. He has, also has the resources of
6 a law firm, which we actually think would be helpful.
7 I mean, it's just the -- the logistical and
8 organizational backing that you get from that.

9 Just to be clear, we're not saying that to be
10 a monitor you have to be a lawyer. We're just saying
11 that there is -- it is helpful for someone to have
12 those sorts of skills as part of your core monitoring
13 team, at least in this project in our view. Deputy
14 monitor Nowicki on the Sheppard Mullin team, you know,
15 we know him well. He has a proven track record of
16 understanding police practices and police challenges
17 inside and out.

18 He's also been very attuned to the value and
19 need within the department to get some respect for
20 civil rights. Throughout his career he's been on the
21 forefront of these efforts. And that's why we have

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1 used him as an expert. That's why he was selected as
2 the monitor on the monitoring team in -- in MPD, the
3 Metropolitan Police Department.

4 David Douglass is the former civil rights
5 prosecutor that I spoke with earlier. And he fills a
6 gap that we found lacking on the Hillard Heintze team.
7 He also has done a number of very high profile
8 investigations like the Waco incident and some of
9 others. And we think that like the rest of this team
10 he would be able to withstand the pressure of this
11 assignment, which we should all be mindful about. This
12 is a very high pressure job for any, either of the
13 monitoring teams.

14 We were particularly impressed with Chief
15 McNeilly because he is the chief who helped the
16 Pittsburgh Police Department through this process in
17 the past. He knows how hard it is, and he knows it can
18 be done successfully. And we think that that is a
19 really significant contribution to be able to make.
20 And we would hope that he would be of particular
21 assistance to Chief Serpas as someone who has been

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1 through this and is probably would be able to
2 understand what Chief Serpas is going through more than
3 any of the others of -- others of us.

4 Their expert, Theron Bowman or T Bowman, he
5 has experience as (Inaudible) as well and is
6 experienced at dealing with large-scale events. He
7 probably more than any other member of the team on
8 either of the teams has extensive expertise working
9 with diverse communities and (Inaudible) in the area of
10 community policing. That combination we thought was
11 really helpful.

12 Mary Ann Viverette, the former Chief of
13 Gaithersburg has expertise with CALEA, which we think
14 would be very significant. She has reviewed policies
15 in -- in dozens, maybe hundreds of departments across
16 the country. She knows what good policies should look
17 like. She should be very helpful in that area. She
18 specifically has expertise in the area of investigating
19 sexual assaults and domestic violence, which was an
20 area that this agreement covered. And she, her
21 response regarding IAPro during the interviews showed

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1 that she has enormous familiarity with this product.

2 And we know that that's going to be an issue for the
3 City right out of the gate of what to do about IAPro.

4 The team also includes a depth of experience
5 about police practices from an evidence-based
6 perspective that we did not see replicated on the
7 Hillard Heintze team. Geoff Alpert has been a leader
8 in researching and testing police practices for
9 decades. Alejandro Del Carmen brings not only language
10 skills as a first generation Spanish speaker, but he
11 also has focused his research on the area of racial
12 profiling.

13 We think this is really important because
14 this agreement talks about outcome measures, and that's
15 never happened before. So we -- we -- we want, we're
16 going to need people who are very good at sort of
17 analyzing and looking at data. And we really like the
18 strong academic expertise that they provide. The team
19 does have cultural competence and is open to even more.
20 We felt that one of their team members is native a
21 Spanish speaker, that was helpful.

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1 And we felt that their team members were
2 unparalleled. And this is not to take anything away
3 from the members of Hillard Heintze, but it was just a
4 really impressive combination of individuals who have
5 made contributions to the fields of professionalism and
6 ethics in policing, from Chief Viverette's work with
7 IACP and CALEA to several experts work reviewing
8 different law enforcement agencies and working to
9 improve them, to the academics' career focusing on
10 improving police practices; we thought that was a
11 really strong element of this team.

12 And -- and last but not least, during the
13 interview the team appeared to have very good team
14 dynamics. They appeared to know each other well and
15 work well as a team. And that of course is important
16 to the success of any team. So we appreciate that, as
17 well.

18 So I think that there, it was a couple of
19 things there that we would be happy to, that we think
20 we would definitely need more information from both
21 teams on. And I'm sure the City has, may have more.

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1 Again, we're happy to meet with the City and call up
2 these candidates and -- and learn more about them.

3 UNIDENTIFIED FEMALE SPEAKER: Okay, all right.

4 To -- and -- and I'll just kind of summarize because --
5 action items to take away from what you just said,
6 things that we want to possibly get from the
7 candidates. Whether to add other team members or if
8 they're willing to add other team members. And who
9 they designate as the experts in the areas of the
10 consent decree were the two things that I took away
11 from what you just recited as sort of our action items.
12 Am I missing anything?

13 MS. CHRISTY LOPEZ: Well, I think Sheppard Mullin
14 has already admitted they are willing to adding team
15 members, particularly team members with a local
16 presence. So I would think we would want to sort of
17 explore first between us, who would those team members
18 be and how would, you know, what would we find helpful
19 in reaching an agreement. So I think that we, but then
20 we would of course not only talk to Sheppard Mullin
21 about that, but also the individuals clearly about what

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1 their interests would be and whether they would be so
2 inclined.

3 And then, yes, not -- not just who they
4 designate, but to more -- to discuss in more depth not
5 just who's in charge of a certain area, but what is
6 that person's expertise in that area. I thought we
7 were able to probe that with the Sheppard Mullin team.
8 And we weren't able to get those answers during the
9 Hillard Heintze interview, but obviously we'd want to
10 talk with them more to see what more information they
11 could come up with.

12 MS. SHARONDA WILLIAMS: Okay, all right. Is it
13 our time -- our team go?

14 UNIDENTIFIED FEMALE SPEAKER: Yeah. I would just
15 start by saying the City team came here today with a
16 very open mind to consider both of the candidates. And
17 so we have not necessarily looked at it from the
18 perspective you have where it sounds like you guys have
19 a -- have a clear choice at this point, but we do want
20 to gather that information and continue to see what
21 type of -- of, you know, joint selection that we can

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1 come to. And so we think that that's a very important
2 part of the process here this morning or this
3 afternoon.

4 But I -- I do want to make a few -- a few
5 points. I -- I do recall that Hillard Heintze made the
6 same commitment that Sheppard Mullin made in terms of
7 its flexibility in adding team members. So I think
8 that those are discussions that we can continue to
9 have. And I think that a lot of, you know, the issues
10 that were raised can be addressed, you know, by that
11 commitment the same way that you kind of pointed out
12 for Sheppard Mullin. I, you know, I agree with a lot
13 of what you said about Ms. O'Toole, Ms. Scrivner,
14 Ms. Dangerfield. So I'm not going to necessarily
15 rehash any of that.

16 I think that where I see a bit of a major
17 fundamental and -- and philosophical difference is with
18 respect to the lead monitor. And you know, we as a
19 City do see the importance of having a former police
20 chief who understands what it means to run a police
21 department. And so that to us is a -- is a level of

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1 experience that we find very crucial to the process.

2 You know, I know in addition, the senior
3 leadership council provides, you know, we think a lot
4 of depth and a lot of depth at the bench to their team
5 that we think can cover a lot of what they had -- what
6 you had, the concerns that you have raised. We heard
7 your concerns about needing a legal presence and -- and
8 making sure that this thing makes sense legally. And
9 we understand that -- that somewhere on the team there
10 might need to be a lawyer.

11 We don't think that it needs to necessarily
12 be the monitor. Our vision for this consent decree is
13 not, you know, a lot of lawyers arguing over the legal
14 technicalities of the document before the court. We
15 really see it as this transformative change that occurs
16 on the ground with the police department in the
17 community. And so that we see that having a police
18 chief in that role really, you know, fulfills that --
19 that sort of image better than, you know, lawyers
20 arguing about the legal technicalities of the document.
21 While we recognize there are legal aspects, we think

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1 that, you know, having a former police chief could be
2 much more effective and productive in moving the
3 process forward.

4 With respect to Mr. Heintze, we think that
5 his experience is very valuable. And you know, a lot
6 of the experience on the Sheppard Mullin team with
7 respect to Waco, with respect to health care internal
8 investigations is not directly on point either. But we
9 think that, you know, Mr. Heintze's experience is, it's
10 equally relevant to the -- to the experience you point
11 to in other investigations that are not necessarily
12 police monitoring.

13 And with respect to Mr. Bowman, we are
14 somewhat concerned that he is currently a police chief
15 in another city. And so we think that that could be,
16 you know, a concern having somebody who is -- who is
17 serving in a -- in what is generally considered to be
18 kind of a full-time role also devoting a lot of time.

19 UNIDENTIFIED MALE SPEAKER: I believe -- I believe
20 he's --he's a commissioner now.

21 MR. ROY AUSTIN: He's a law enforcement public

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1 safety director, so that he's no longer a police chief.

2 UNIDENTIFIED MALE SPEAKER: What is -- what is a
3 public safety director?

4 MR. ROY AUSTIN: He -- he oversees police hire and
5 Homeland Security.

6 UNIDENTIFIED MALE SPEAKER: So -- so --

7 MR. ROY AUSTIN: So a number of different areas.

8 UNIDENTIFIED MALE SPEAKER: Is that a full-time
9 job?

10 MR. ROY AUSTIN: It is a full-time job, yeah.

11 UNIDENTIFIED MALE SPEAKER: And then Sheppard
12 Mullin did mention that he -- that he has, the city has
13 given him a remarkable agreement as to the amount of
14 time he could use on the New Orleans project.

15 MS. CHRISTY LOPEZ: We agreed that would be
16 something we'd definitely want to go further with
17 T Bowman to see whether he, realistically we could
18 assure ourselves that he -- he would have the time that
19 we would need him to commit. We'd have to figure out
20 how much time that was, and then we'd have to make sure
21 he would have that time to commit to this project.

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1 UNIDENTIFIED MALE SPEAKER: We, yeah, we would
2 have to look at that. Because if you look at the
3 breakdown for the DBE for Chief Bowman, I think, I
4 believe, I think over four years he'd be getting over
5 \$900,000 in his contract, so that's a significant
6 portion. And I would think that takes quite a bit of
7 time that he's going to have to dedicate to this city.

8 MS. CHRISTY LOPEZ: We agree that we should probe
9 that further.

10 MS. SHARONDA WILLIAMS: Okay. Thanks, everybody,
11 for their comments. The next topic was the references
12 that were provided by the two candidates.

13 UNIDENTIFIED MALE SPEAKER: I'll -- I'll --

14 MS. SHARONDA WILLIAMS: Oh, go ahead.

15 UNIDENTIFIED MALE SPEAKER: Sorry. A couple of
16 things in this section. Well, it's -- it's clear that
17 DOJ is familiar with many of the members from both
18 teams, including the Sheppard Mullin team. In fact,
19 some of our familiarity with the Sheppard Mullin team
20 is one the reasons why we are suggesting them. We have
21 worked with them, and we know the quality of their

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1 work.

2 Some of this, you know, Christy, yeah, some
3 of this Christy had already touched on; so I'm going to
4 be little briefer than the, my original remarks. But
5 clearly Jonathan Aronie is someone who has worked with
6 DOJ when he was the deputy monitor for the agreement
7 with the DC Police Department, as was Dennis Nowicki
8 who also worked on the MPD agreement.

9 Nowicki also worked with the Virgin Island's
10 consent decree, working with the Justice Department.
11 We have experience with T Bowman. He was part of the
12 team here in New Orleans. And also with Mary Ann
13 Viverette in Lorain, Ohio, and then working with her
14 in, with on CALEA and -- and IACP. And -- and
15 certainly, with Chief McNeilly, we -- we have direct
16 knowledge of his skill set because he was the chief
17 there.

18 I did just want to mention that I have
19 personal experience working with Mr. Aronie. He was
20 the deputy monitor for the DC Police Department. And
21 I -- I had actually agreed to be a reference for him

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1 before the creation of these, of this evaluation team.

2 I just think it's important to note that I agreed to be
3 a reference for him in my professional relationship
4 with him. I don't have anything, but.

5 But as a police commander -- as a sworn
6 police commander in Washington DC for the Washington DC
7 Police Department, I, in essence, was the one being
8 monitored. And I felt that from a police perspective
9 he was incredibly knowledgeable, but he was fair,
10 unbiassed, and had a lot of common sense. And I think
11 that's one of the reasons why the DC Police agreement
12 was resolved in a relatively fast fashion. And that
13 was a pretty major reform.

14 We should also say just the Civil Rights
15 Division of the Justice Department in general for
16 decades have been pursuing consent decrees and reform
17 in police departments. And I don't think it should be
18 a surprise that we do know the -- the work of the
19 candidates from -- from both teams. And that's, I -- I
20 don't think that's unusual at all. In fact, I know
21 with Superintendent Serpas, I know that the

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1 Superintendent has also worked with candidates from
2 both teams in various capacities from organizations
3 like major city chiefs and IACP and PERF (Phonetically)
4 and -- and even federally funded projects, maybe even
5 including some from -- from the (Inaudible) office.

6 So there is that understanding of the -- the
7 skill sets of -- of both -- both teams. But the
8 ability to implement the terms of the consent decree,
9 based on our experience with them, we think that that's
10 stronger with Sheppard Mullin. And just to note that,
11 you know, all of the applicants applied in November,
12 which was several months before February when we -- we
13 created the evaluation teams. So the question really
14 is, you know, how best to implement the terms of the
15 consent decree, which candidate team is going to be the
16 most successful.

17 And you know, we recognize that Hillard
18 Heintze has been engaged in projects that involve
19 review and assessment, but they're very, very specific.
20 Even with the experience that Superintendent Hillard
21 has, it's not the same as managing a large, complex

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1 consent decree monitoring effort over a period of
2 years. And you know, in -- in looking at references,
3 it's not clear that either of the lead monitors on
4 Hillard Heintze has the experience in implementing this
5 kind of complex organizational consent decree.

6 And you know, running a large police agency,
7 and even being special agent in charge of a federal
8 office in the city, it's -- it's still different than
9 being an independent monitor. And the -- the -- it's
10 uniquely different in both nuance and the fact that
11 it's, that a federal court is involved. I mean, there
12 are a lot of complexities here.

13 Part of, and an important part of this is the
14 written part of the responsibilities connected to the
15 consent decree document. And that speaks to all the
16 stakeholders, including the federal court. We think
17 that Sheppard Mullin's past projects give us confidence
18 that they have the ability to do this. And -- and we
19 think that Hillard Heintze is still untested in this
20 area. Thank you.

21 MS. SHARONDA WILLIAMS: Any other comments about

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1 the references that were provided by the candidates?

2 UNIDENTIFIED MALE SPEAKER: No. Other than when
3 the time comes to contact, I mean, we should do so
4 jointly.

5 MS. SHARONDA WILLIAMS: Absolutely.

6 UNIDENTIFIED MALE SPEAKER: Agreed.

7 MS. SHARONDA WILLIAMS: Agreed. The next topic
8 was the proposed activities that were set forth by the
9 candidates in their -- their proposals.

10 MR. ROY AUSTIN: Does the City want to --

11 MS. SHARONDA WILLIAMS: Any comments?

12 MR. ROY AUSTIN: Does the City want to talk about
13 the preferences, though?

14 UNIDENTIFIED FEMALE SPEAKER: Do you have any
15 comments about them?

16 UNIDENTIFIED FEMALE SPEAKER: Well, yeah, I would
17 just point out that I think Christy mentioned them
18 briefly, but Hillard Heintze directly responded to that
19 question with pointing to the King County internal
20 audit of the Sheriff's Department Internal Affairs
21 Operations, which we find to be very much on point and

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1 provided the report with his proposal. So we found
2 that there response was appropriate and on point and
3 showed, demonstrated experience.

4 UNIDENTIFIED MALE SPEAKER: Now I agree. I was
5 just going to say that, you know, Hillard Heintze, they
6 provided us their documentation to support the fact
7 that they have done studies on police departments
8 before. And we did not receive that from Sheppard
9 Mullin in their quotes. So but again, it was all an
10 internal investigation. I believe the King County
11 Sheriff (Inaudible) this the Internal Affairs. It was
12 quite complex and quite detailed, and it was something
13 to look at as far as, you know, something.

14 MS. CHRISTY LOPEZ: Right. We -- we agreed they
15 did, and that was helpful, but two things that I think
16 that we pointed out earlier is that one of the two
17 people (Inaudible) having done that King County report
18 is no longer on the team, and the other one is a -- is
19 on the team and is not a forepart of their team. But
20 more, but as significantly, we also -- that's important
21 and that's -- that's good knowledge, but it is -- it's

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1 different to do a one (Inaudible) assessment of a
2 police department on a discrete issue as opposed to
3 being a monitor over a term of years over comprehensive
4 police decree (Inaudible) department.

5 And that's what I don't -- we weren't
6 concerned about Sheppard Mullin not providing those
7 sorts of reports because you can look at the monitor
8 reports in MPD. You can look at the monitor reports in
9 these other areas, the other departments they have
10 worked with. You can look at the Pittsburgh monitor
11 reports, and you can see what their expertise and --
12 and their abilities have been in actual monitoring
13 agreements.

14 So that didn't -- that -- we didn't find that
15 concern. Again, you know, it's not that we don't think
16 Hillard Heintze will learn to do this; we just think
17 that this is a big case to take on as your first
18 monitoring job, I mean, this type of monitoring job.

19 UNIDENTIFIED MALE SPEAKER: I'd like to ask
20 Mr. Ederheimer a question. I mean, you make a point
21 that running a team of, a monitoring team for a complex

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1 consent decree is -- is a big job. Is it a bigger
2 job -- who has got the bigger job in this instance, the
3 Chief of Police or the consent decree monitor?

4 MR. JOSHUA EDERHEIMER: I think that there's --
5 they are so complex, and it's hard to say who's got the
6 bigger job. I would probably say that the
7 superintendent with 13,000 sworn officers is a very
8 different job than trying to go in and do, create
9 evaluation strategies of use of force ratios. So I
10 would say they're both very complex, but there's
11 certain skill sets that are required for monitoring
12 that are very different.

13 UNIDENTIFIED MALE SPEAKER: Okay. I'm just trying
14 to understand. Because it was -- it seemed to suggest
15 that the job of running a monitoring team was more
16 complicated than the job of running a police
17 department.

18 MR. JOSHUA EDERHEIMER: I think it's very
19 different.

20 UNIDENTIFIED MALE SPEAKER: I mean, you even said
21 that. I mean, these -- these are very different jobs.

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1 And that's something that we have run into a number of
2 times where we have police chiefs and sheriffs saying,
3 are you coming in here to run our agency? And that's
4 not the job of the monitor. The monitor does not do
5 the day to day that is happening with respect to the
6 police department. No one on this side is -- is
7 questioning the incredibly difficult and the incredible
8 job that former Chief Hillard did in Chicago.

9 We're not questioning that in any way, shape,
10 or form. But a monitor isn't a police chief. A
11 monitor doesn't take over for Superintendent Serpas. A
12 monitor is -- is trying to ensure that what is in the
13 agreement is being followed. They're very different
14 jobs. And so that's the point that is being made here.
15 In no way are we saying that what Mr. Hillard did is --
16 is any less a job than what would be done by -- by a
17 monitor. We would -- we would never say that.

18 UNIDENTIFIED MALE SPEAKER: And I guess what I --
19 what I heard was it's a level of complexity. And
20 complexity is -- is -- it doesn't go to that point.
21 Complexity goes to the many balls that are moving at

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1 the same time. And I -- I guess I would just suggest
2 by my observation that the level of complexity with
3 which a Chief of Police has to operate every day is --
4 is as high a level of complexity as I would suspect
5 managing a monitoring team would require in terms of
6 complexity.

7 UNIDENTIFIED MALE SPEAKER: Again, it's -- it's
8 just very different jobs, is the bottom -- is the
9 bottom line.

10 MS. CHRISTY LOPEZ: And -- and you know, people
11 should remember that there are, what, four or five
12 chiefs of police of large departments. Many of them on
13 the Sheppard Mullin team, as well. So it's not like
14 they don't have that experience. There is -- is in
15 practicality, I don't think there's going to be that
16 much difference between the monitor and the deputy
17 monitor in the role that they play.

18 And one team you have an -- a former law
19 enforcement official (Inaudible) police as the deputy
20 monitor and a police chief as the monitor. And the
21 other one you have an attorney as the monitor and a

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1 former chief as the deputy monitor. So I think you
2 have the same amount of chief experience as the
3 monitor. And you also have smaller departments.

4 The difference is some of these chiefs have
5 been monitored and monitored others. And as we've --
6 as we've pointed out, we think that is significant
7 because it's a different skill set.

8 MR. ROY AUSTIN: And -- and --

9 MS. CHRISTY LOPEZ: Not better or worse, just
10 different.

11 MR. ROY AUSTIN: And someone who has actually
12 served as a, you know, as a deputy monitor, that is
13 something that is incredibly important, over the
14 Washington DC Police Department. Okay. That -- that
15 is an understanding that allows him, puts him in a
16 position to hit the ground running. And as we all
17 believe that this is something that is urgent and needs
18 to move as quickly as possible, we think it is very
19 important to have someone who can hit the ground
20 running understanding what role it is to be a monitor.

21 Not necessarily just what role it is to be a

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1 police chief, but to be a monitor and then backed up
2 with four police chiefs is what we see with Sheppard
3 Mullin.

4 MS. SHARONDA WILLIAMS: Just a few points I'd --
5 I'd like to follow up on. I -- I would disagree with
6 the assessment that those four police chiefs are all in
7 major cities or cities that would be more comparable.
8 I thought for the most part, they were, they tended to
9 be smaller -- smaller cities. And the -- the
10 statement, I think, I don't know if I misheard, but it
11 -- it sounded like the suggestion was made that
12 Sheppard Mullin was the monitor in Pittsburgh, but that
13 was not Sheppard Mullin, correct, that was just --

14 MS. CHRISTY LOPEZ: No. The -- the Chief of
15 Pittsburgh is on the monitoring team.

16 MS. SHARONDA WILLIAMS: Right.

17 MS. CHRISTY LOPEZ: Pittsburgh is a large city.
18 And Pittsburgh -- that chief actually has experience of
19 going through the process of being monitored, which we
20 think is an important perspective. And the other
21 chiefs, they're on, Chief Nowicki, the monitor, spent

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1 much of his career in Chicago, which is a big police
2 department and then was chief of a smaller -- of a
3 smaller agency, but not -- not very small.
4 Charlotte-Mecklenburg isn't small; it is smaller than
5 Chicago.

6 Gaithersburg is -- is a smaller agency, but
7 Arlington, Texas, that that is a major city, chief's
8 city. It is -- it's a big city with big city problems.
9 So we actually feel that there are, there is comparable
10 experience to what New Orleans experiences here, with
11 the addition of people who have monitored those cities
12 or who have experienced being monitored as law
13 enforcement.

14 UNIDENTIFIED MALE SPEAKER: I think I actually
15 looked at the population of Pittsburgh, it's like
16 350,000, very similar to -- to New Orleans.

17 UNIDENTIFIED FEMALE SPEAKER: Okay. When did the
18 Pittsburgh consent decree --

19 MS. CHRISTY LOPEZ: I think that ended in -- I
20 don't know. I don't know.

21 UNIDENTIFIED FEMALE SPEAKER: When did it --

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1 MS. CHRISTY LOPEZ: I'm sure you know.

2 UNIDENTIFIED FEMALE SPEAKER: I -- I don't
3 remember. When did it -- I don't -- when did it start?
4 I don't remember that.

5 MS. CHRISTY LOPEZ: It was one of the first ones
6 that they, the department did. So it was -- it was --
7 I can't remember if it was right before or right after
8 LA, but it was about the same time period.

9 UNIDENTIFIED FEMALE SPEAKER: Okay. Early 90s.

10 MS. CHRISTY LOPEZ: No. It definitely wasn't
11 early 90s. It was at least mid 90s.

12 UNIDENTIFIED FEMALE SPEAKER: Okay.

13 MS. CHRISTY LOPEZ: Around there. I think it
14 probably ended probably late 90s, early 2000s. I'm not
15 sure.

16 MS. SHARONDA WILLIAMS: Before -- and one other
17 thing that I wanted to talk about when we were talking
18 about references, Ms. Lopez, you referenced the many
19 reports that we could access were the Metro Police
20 Department, et cetera, et cetera. One of the things
21 that I found concerning about the Sheppard Mullin

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1 presentation, which speaks to this sort of difference
2 between a law firm focusing on it being a legal
3 document, there was a lot of focus on the monitoring
4 response -- the reporting responsibility.

5 And I think that goes back to the
6 philosophical difference that Ms. Beck just spoke of in
7 terms of having a law enforcement person as the monitor
8 who is more focused on sort of the transformation.

9 Sheppard Mullin intended to, I think, throughout its
10 presentation focus a whole lot on the written reports
11 and that kind of responsibility of -- of being a
12 monitor, which I think was a bit concerning on my end.

13 MS. CHRISTY LOPEZ: I think one of the problems
14 we've seen in New Orleans is a lack of transparency and
15 a failure to provide the public with reports and the
16 information about how your agency is running. And the
17 agreement, if you'll recall, does require, I believe,
18 quarterly reports, as well as other communications back
19 and forth. We actually think that that reporting
20 function is incredibly important.

21 There is no way for the public to know what

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1 is going on, whether this agreement is being, is
2 successful unless those public reports -- those public
3 reports are comprehensive and accessible, both in, you
4 know, how they're distributed and how they're written.
5 So we actually think it is incredibly important that
6 the monitoring team be very adept at being, reporting
7 out.

8 Not because that reporting takes the place of
9 the actual work on the ground of transforming, but
10 because there's no way for the public to know what's
11 happening unless you have someone that's reporting
12 that, reporting what's going on.

13 UNIDENTIFIED MALE SPEAKER: Well, I'd like to say
14 in my experience in -- in Washington, I -- I do think
15 that the recording was incredibly important in the
16 communication element. But I also found that
17 Mr. Aronie really did it, he had a good understanding
18 of law enforcement operations and had this credibility
19 on an independence that the police experts, who were
20 also chiefs complimented.

21 And I think the fact that he was not viewed

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1 as being from one side or the other is -- is why it
2 worked so well. Because there was, he had a good buy
3 in with the police unions and the officers. And I
4 think that Mr. Aronie helped create that environment
5 where not only could everything be documented and
6 thoroughly evaluated, but then communicated with
7 credibility.

8 UNIDENTIFIED FEMALE SPEAKER: I -- I think that on
9 April 3rd we did ask a lot of questions about the
10 reporting because we do see the reporting as a means to
11 the end and not the end, itself. And the communication
12 of the reporting and how you get that, you know, down
13 to the community and to the officers, I think Ms. Morse
14 hit on that a number of times. And I don't know that
15 we were satisfied necessarily with the -- with the
16 response from the Sheppard Mullin team on how they were
17 going to kind of bridge that gap.

18 And so we -- we saw it as more, the report,
19 in and of itself, as -- as being what the focus was as
20 opposed to the report is the vehicle for the change.

21 MS. CHRISTY LOPEZ: So that would be an area we

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1 should follow up more on with Sheppard Mullin is how
2 they intend to communicate that information to the
3 broader community beyond just written reports. And
4 that actually might go hand in hand with what
5 (Inaudible) recognize as an issue. And we certainly
6 see as an issue, the need to develop a strong local
7 presence. Not -- not people just to be here for the
8 sake of being here, but people who will be actively
9 working, engaging the community, and be hearing from
10 the community and can be that (Inaudible) so that
11 sounds like --

12 UNIDENTIFIED FEMALE SPEAKER: (Inaudible)

13 MS. CHRISTY LOPEZ: (Inaudible)

14 MS. SHARONDA WILLIAMS: Anything else on
15 references? Okay. The proposed activities. As an
16 initial matter, back, going back to the letter that was
17 submitted by Hillard Heintze yesterday. There was
18 discussion in that letter about the number of hours
19 that Hillard Heintze intends to spend over four years
20 as the monitor in comparison to the number of hours
21 that Sheppard Mullin apparently will spend as a monitor

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1 based on the proposals that were submitted. I think it
2 would be prudent to have Sheppard Mullin respond to
3 that -- that piece of information that was submitted to
4 us by Hillard Heintze.

5 UNIDENTIFIED MALE SPEAKER: I can deal with
6 proposed activities. And a lot of these are going to
7 raise the questions I think we're going to need, we're
8 going to have to, you know, ask for additional
9 information. In reviewing the Hillard Heintze
10 proposal, they had their monitor trust model and the
11 trust restored model and -- and a lot of different
12 acronyms, a very professional looking chart.

13 The trouble in looking at it, there was just
14 a lack of specifics on how that works. And I'm -- I'm
15 very curious on how that actually is -- is implemented.
16 Another thing in reviewing the detail sections of their
17 proposal where they lay out how they're going to obtain
18 and analyze the information for each of the substantive
19 areas, raises concerns. In many instances it's
20 basically review of documents.

21 What's lacking is there's no mention in there

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1 whatsoever is how they're going to determine if NOPD is
2 actually complying with the decree, such as use of
3 force. If -- there's considerable discussion in there
4 about reviewing documents, IAB -- or PIB files, et
5 cetera; but there's no mention in there that, how
6 they're going to do their own independent assessment on
7 if excessive force was used, which is impossible to do
8 just by reviewing the documents.

9 Basically, you have to recognize that this is
10 a quality assessment. They've got to look at the
11 quality of the work NOPD is doing in the consent
12 decree. In misconduct and complaint investigations,
13 again, there was a lot of discussion about reviewing
14 processes and systems; but there's no mention of review
15 of how the actual investigations are going to determine
16 the quality of the investigations. So those are,
17 that's additional information we're going to need.

18 A review and -- and -- and quite frankly, you
19 know, is something that's, in our -- in our opinion, is
20 missing from the team in Hillard Heintze because we
21 don't see the subject matter of experts as having that

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1 expertise. A review of the scope of this work laid out
2 in RFP demonstrates areas in which Hillard Heintze is
3 lacking. We've mentioned some already.

4 They have no monitoring experience. And this
5 is not -- this is the largest, most complex civil
6 rights consent decree that's been entered into since
7 civil rights has started, police consent decree. And
8 it's going to be extremely complex. It's not one where
9 you -- where you get on-the-job training. You need to
10 be able to do this when you walk in the door.

11 And Hillard Heintze has no experience
12 monitoring something like this. They need in -- in
13 monitoring and evaluating NOPD's implementation of the
14 CD, of the consent decree, they need to be able to
15 report on NOPD's progress and any obstacles for
16 implementation. Hillard Heintze, again, lacks any
17 legal expertise to render them -- and render them less
18 able to report writes -- or write reports that are
19 appropriate for the legal setting.

20 Most of these evaluations they're going to do
21 are going to be on civil rights matters, excessive use

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1 of force, policing dealing with the L -- LGBT
2 community. And a lot of that are going to be legal
3 determinations. And there appears to be a lack of
4 expertise in that on -- on the Hillard Heintze side.
5 They need to develop and carry out a plan to conduct
6 compliance, audits, and reviews.

7 Again, Hillard Heintze in their -- in their
8 proposal shows a lack of experience in those. And not
9 to their fault, it's just that, you know, this is a
10 very large project to start out as their first law
11 enforcement monitoring experience of this degree. The
12 only thing that's missing and particularly bothersome
13 is how they're going to conduct outcome assessments.

14 Part of this is they're going to have to
15 determine and come up with a scheme to see if racial
16 profiling really exists and be able to communicate that
17 to the court and to the public. They need the academic
18 experience on this issue for bias policing, for bad
19 searches, for the illegal search and seizure issues,
20 for domestic violence. You need to have experience and
21 be able to review those and know those.

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1 Hillard Heintze is missing those critical
2 portions of this. They need to be able to conduct a
3 comprehensive reassessment of the agreement in two
4 years. This is a very important component of the
5 decree where lack of prior monitoring experience is a
6 huge handicap. If you've never been a monitor
7 before -- before, how can you do an assessment on how
8 well the monitoring system is working?

9 They need to coordinate and confer with --
10 with PIB, the independent monitor, the Inspector
11 General, and other civilian oversight. And there's
12 very little civilian oversight experience on the
13 Hillard Heintze team. And they be able to -- they need
14 to be able to testify and -- and -- or -- or
15 participate in legal proceedings as provided by the
16 consent decree.

17 And again, they don't have any experience in
18 this whatsoever. Hillard Heintze was also initially
19 opposed to publication of their monitoring proposal.
20 And while we understand the argument that it's -- it's
21 proprietary, it's because of the transparency issues, I

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1 think the initial reaction to that was -- was
2 problematic.

3 Turning to Sheppard Mullin. Sheppard Mullin,
4 primarily because they've done this before, sets out
5 each of those areas in the consent decree and discusses
6 what they would specifically do in each area. And
7 we're not going to go over those in-depth and all that,
8 but they're well equipped to carry out the proposed
9 activities as set out in the RFP, primarily because
10 they've done this before.

11 Again, they have monitored implementation in
12 Washington DC. They report, they've prepared extensive
13 reports to the court, which is going to be a critical
14 portion of this because the job of the monitor actually
15 is, are the eyes of the court. So they have to prepare
16 reports to the judge so the judge can determine if the
17 City is complying with the consent decree.

18 So to say those, you don't need those
19 detailed reports is -- is simply underestimating the
20 value of that. They have legal expertise in this area.
21 You know, obviously this, we could have additional

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1 litigation. And so we need to think about that. The
2 ability to develop and carry out a plan and conduct
3 compliance, audits, and reviews. Again, Sheppard
4 Mullin has experience in this.

5 They know how to go in the police department,
6 they know what records to look for, and they know how
7 to audit them and interpret the records. Particularly
8 important I thought, Chief Viverette's experience with
9 CALEA and Professor Del Carmen's academic experience.
10 CALEA, basically to get accredited, they come in and
11 they audit your police department. They determine the
12 validity of your -- of your policies, your training, et
13 cetera, and particularly with the -- the early
14 intervention programs.

15 So they've got -- they've got more experience
16 in this. Conduct outcome assessments. Again, this is
17 critical to the -- to -- to this decree, to this
18 consent decree. Again, it's the experience of people
19 like Alpert and Del Carmen, who are academics.
20 Professor Del Carmen literally wrote the book on racial
21 profiling. It gives us a lot of confidence that they

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1 can do very difficult work that -- that can be a
2 challenge.

3 Develop -- they developed reliable
4 methodologies for audits and reviews. Sheppard Mullin
5 has already done this in the past. They know how to do
6 it, so they can hit the ground running. Review and
7 recommend modifications to outcome assessments. Since
8 they -- they have experience in this, they can
9 immediately look at outcome assessments and tell if
10 what they're reviewing is inadequate or unnecessary and
11 take care of those issues.

12 They can review and comment on policies and
13 work with parties to get over disagreements. Again,
14 this is experience. Sheppard Mullin has been the
15 referee, the umpire for our consent decrees. And I
16 would note that assuming the City has -- has checked,
17 all the other municipalities that have dealt with
18 Sheppard Mullin or at least Mr. Aronie are actually
19 references, that they thought they were treated fairly,
20 adequately, and helped them with their consent decree.
21 It was not an adversarial process. So they're, I think

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1 they would fit well as a monitor.

2 The review of use of force and misconduct
3 investigations. Most of the team members have specific
4 experience in doing this. And that's -- that's
5 critically lacking in Hillard Heintze. Conduct of --
6 of (Inaudible) comprehensive reassessment agreement in
7 two years is important. And recommend strategies to
8 improve NOPD's implementation of the -- of the consent
9 decree.

10 First off, Chief McNeilly -- McNeilly--
11 McNeilly has done this as the Chief of Pittsburgh. So
12 as we've said, he's been in Chief Serpas's shoes. He
13 can provide guidance and advice or review how the
14 strategies the NOPD have enacted are working. Chief
15 Bowman is a national expert in community policing and
16 actually operates a police department that's
17 essentially the same size as -- as New Orleans.

18 Chief Viverette, as well as the academics are
19 very good at problem solving and are particularly
20 better qualified to do this work.

21 MS. CHRISTY LOPEZ: I just wanted to -- to --

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1 UNIDENTIFIED MALE SPEAKER: Yeah.

2 MS. CHRISTY LOPEZ: -- add to that to make clear
3 that we recognized Hillard Heintze has many of these
4 same types of experience, obviously with law
5 enforcement expertise. They've testified before.
6 They've conducted audits. We recognize that. The --
7 the difference here, again, is that the -- they don't
8 have experience in monitoring in a comprehensive police
9 decree like this. It requires planning years in
10 advance -- years in advance dealing with very complex
11 dynamics on the ground and, you know, a lot of balls in
12 the air at the same time.

13 It's not -- it's not that we don't think
14 they're capable of doing that, again. It's just that
15 it's a -- it's a -- it's a measure of degree, and it's
16 something they haven't done yet, and we believe that
17 the consent decree can (Inaudible) more quickly and
18 more effectively with the team that's (Inaudible) this
19 type of experience.

20 MR. PARKER: All right. A couple of monitor last
21 comments. On Sheppard Mullin, they -- they don't have

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1 a community relations team at this point. At this
2 point I think it may actually show that this was --
3 this was a wise consideration that they didn't run into
4 this without checking out the community, talking to all
5 the parties, and making sure that they found somebody
6 that's not controversial, somebody that the entire
7 community can accept that would be able to reach out to
8 that community. And so I think -- I think that was
9 actually an advantage, you know, that they left that
10 open and -- and -- and so they can have more time to
11 think it through in a thoughtful manner. Finally --

12 UNIDENTIFIED FEMALE SPEAKER: Excuse me,
13 Mr. Parker.

14 MR. PARKER: Yes.

15 UNIDENTIFIED FEMALE SPEAKER: Is there someone on
16 the Hillard Heintze team that you deem to be
17 controversial?

18 MR. PARKER: We have -- we have received
19 information that some people in the community, I think
20 there were comments made at the last public hearing
21 that there may be members of -- of their team that are

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1 controversial. We've also received information on some
2 other controversial matters that we may need to discuss
3 in private.

4 But I can just, the main thing is, there's
5 been no public outcry about the Sheppard Mullin, and
6 which gives them the ability to sit down and work out
7 finding an unbiased -- or not unbiased, but somebody
8 that's not controversial.

9 UNIDENTIFIED FEMALE SPEAKER: The only point that
10 I would make, and I think we're going to state that
11 letter and read it into -- into the public record, but
12 again, if the point of today is to be open to gathering
13 additional information and asking additional questions;
14 I'll just ask us all to remain as open minded as -- as
15 we can be until we have the opportunity to probe a
16 little bit deeper and to ask those questions.

17 MR. PARKER: Right.

18 UNIDENTIFIED FEMALE SPEAKER: Notwithstanding the
19 comments that we heard at the last meeting and I'm
20 certain that we will hear at this public meeting, as
21 well. Our intent is to make sure that we take all that

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1 into consideration and then go back and ask those
2 questions wherever we think that there are issues or
3 concerns, being able to factor in all of the public
4 comments. So I would just -- just like to make that --
5 make that clear.

6 MR. PARKER: Correct. And we're -- and we're not
7 trying to say anybody is or is not unbiased. We're
8 saying that at this point, it, the way Sheppard Mullin
9 has done it is that it would avoid at this point any
10 controversy and give everybody a time, you know, some
11 time to input on the team. Obviously, as I said
12 earlier, a lot of these comments are designed, but we
13 need to gather more information about that.

14 And we've also talked about, Ms. Lopez's
15 ideas, about we may need to substitute members on
16 different teams and how, you know, to compromise on
17 that. So on that, the other thing and probably the
18 last thing is; bottom line, Sheppard Mullin has a --
19 has a proven record of dealing with the court,
20 providing -- complying with the court rules for being a
21 court monitor, complying with all the ethical rules,

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1 and all that.

2 And that's something that's very important.

3 So and they also have a clear record of being able to

4 communicate with all the parties, the police

5 department, the Department of Justice, the City, and

6 the community. And so they have a proven track record

7 on everything that's critical to this consent decree.

8 MS. SHARONDA WILLIAMS: Any other comments about
9 the proposed activities? I -- I just want to clarify.

10 I know that Mr. Parker referenced a moment ago that

11 there may have been a suggestion that the monitoring

12 didn't need to be as extensive. I just want to make it

13 clear that that's not --

14 MR. PARKER: I didn't.

15 MS. SHARONDA WILLIAMS: -- that the monitoring

16 reports, the written reports did not have to be -- that

17 there was some suggestion that perhaps the City thought

18 that those reports didn't need to be as extensive. I

19 just want to clarify that that's not the City's

20 position at all. Our position is, though, is that the

21 monitor's job extends far beyond written reports that

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1 will be submitted to the court.

2 And we want a monitor that's going to be in
3 place and that will actual -- actually have some input
4 and some assistance to give to the department in
5 getting to compliance and also has the ability to write
6 the reports so that the court is aware that this
7 department is in compliance. So I just want to make
8 that clear.

9 MR. PARKER: Okay.

10 MS. SHARONDA WILLIAMS: Okay. Go ahead.

11 UNIDENTIFIED FEMALE SPEAKER: No. Go ahead.

12 MS. SHARONDA WILLIAMS: I guess I wanted to -- to
13 start by making a comparison. In the Sheppard Mullin
14 report, they did break it down into the sections of the
15 consent decree and had a little blurb about each. I
16 found that a lot of those sections cited heavily from
17 the investigation as compared with the consent decree.
18 And that gave me some concern because obviously the --
19 the document that -- that is, you know, controlling, is
20 the consent decree and not the investigation report.

21 In comparison, I thought that Hillard Heintze

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1 created a chart with every area and all of the people
2 on the team and specifically checked who on the team
3 would be responsible for every area that they
4 identified. And I thought that was a very helpful
5 visual to show, not only kind of what it was that they
6 were -- that they had broken down as kind of how they
7 saw it; but also who was going to be responsible for
8 doing it.

9 So you know, I felt that that along with the
10 narrative responded very well. And I also wanted to --
11 to delve a little deeper into, you know, the -- I heard
12 again and again the statement being made about Sheppard
13 Mullin's monitoring experience. So other than
14 Mr. Aronie, when has Sheppard Mullin been a monitor,
15 and under what consent decrees?

16 MS. CHRISTY LOPEZ: Well, what we mean is the
17 Sheppard Mullin team, the team that Sheppard Mullin has
18 put together. So that's what we're -- we're saying
19 Sheppard Mullin -- Sheppard Mullin is shorthand for
20 that. So the team -- the team, the monitoring
21 experience on the Sheppard Mullin team are Jonathan

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1 Aronie has monitored, been a deputy monitor in MPD.
2 Chief McNeilly has been the chief of an agency that's
3 been monitored under a federal consent decree. Chief
4 Nowicki was a -- an expert in, I mean, a subject matter
5 expert in the MPD agreement and in the VIE agreement.

6 Marian Viverette was involved in the Lorain,
7 Ohio, case as a, I believe a subject matter expert over
8 that case, which was a federal investigation. And
9 T Bowman has not, to my knowledge, been a monitor; but
10 he is -- is familiar with the New Orleans Police
11 Department and just the particulars of this
12 investigation, which we actually think is an advantage.
13 We think he will be able, he know he will be fair and
14 unbiassed, and we think he'll be able to hit the ground
15 running because he knows, he understands, he has an
16 understanding of the issues here.

17 So there are -- we weren't saying that the
18 law firm of Sheppard Mullin has extensive experience.
19 We were saying that the Sheppard Mullin team has
20 extensive experience in monitoring.

21 MS. SHARONDA WILLIAMS: Okay. Again, I'm still

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1 hearing that it's essentially Mr. Aronie has been, you
2 know, in a -- in a high ranking monitoring position
3 before as the deputy monitor of the --

4 MS. CHRISTY LOPEZ: I don't --

5 MS. SHARONDA WILLIAMS: -- Metropolitan Police
6 Department. And I have -- we don't need to go back and
7 necessarily compare all the qualifications, but that's
8 -- that's to me, I think, the -- the only -- the only
9 piece that I'm hearing of -- of where somebody was a
10 monitor or a deputy monitor in a consent decree before.

11 MS. CHRISTY LOPEZ: Experience with monitoring, I
12 mean --

13 MS. SHARONDA WILLIAMS: Okay.

14 MS. CHRISTY LOPEZ: -- means decrees. I -- I
15 don't know how I can -- I don't want -- I'm not sure
16 why it's not being heard.

17 MS. SHARONDA WILLIAMS: Okay.

18 MS. CHRISTY LOPEZ: That's the reality.

19 MS. SHARONDA WILLIAMS: And just to be clear, I
20 think that Ms. Lopez noted at the beginning, too, that
21 there are members of the Hillard Heintze team that have

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1 monitoring experience, as well. And that, I don't want
2 that particular aspect to be looked over as we continue
3 to have this discussion.

4 MS. CHRISTY LOPEZ: We're not aware of any
5 monitoring experience they have with the comprehensive
6 police decree. There is one member, who we're unclear
7 exactly what his role will be, Mr. Furcon, who
8 monitored an LA Sheriff's department agreement before
9 in a gender discrimination, which would have been a
10 complaint involving internal misconduct and
11 discrimination, not as the constitutional policing.

12 Of course as chief, Chief Hillard was
13 involved in monitoring an agreement that I believe came
14 up during his tenure. But again, it's not the -- a
15 comprehensive, he was not monitoring a comprehensive
16 decree covering the police department. And that's --
17 that's a different -- that's a different thing. And
18 that's sort of what we -- we see this, the other team
19 having more experience with. It's, you know, it's
20 just --

21 MS. SHARONDA WILLIAMS: Anymore discussion about

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1 proposed activities as we move along?

2 MR. ROY AUSTIN: I do just want to know that one
3 of our concerns, Hillard Heintze's chart was helpful,
4 one of concerns was I think it -- it simply listed
5 areas that people could talk about. It didn't
6 specifically say, this is going to be the point person
7 on this because this is, in fact, their expertise. And
8 the chart really does list the entire team and has
9 checkmarks down the different areas, but does not say,
10 you know, this is a person who -- who knows this area
11 particularly well because of some work they've done
12 that is similar to the work that would be done as a
13 monitor.

14 So it -- it is an area that we need to delve
15 into more, ask more questions about it, and -- and
16 figure it out.

17 MS. SHARONDA WILLIAMS: Okay. The next topic was
18 conflict or bias issues.

19 MS. EMILY GUNSTON: I'll talk about that with the
20 United States and the (Inaudible) we think it's really
21 important in selecting a monitoring team here to make

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1 sure that we have someone who is really independent,
2 really will be able to call balls and strikes, and will
3 be -- and will be seen as neutral and not tied to
4 either party. It is true that the United States has
5 done work with people on -- on both teams.

6 I think it only stands to reason. The Civil
7 Rights Division has been doing this kind of work for a
8 long time. And when we do this kind of work, we can
9 list the foremost experts in the field because they
10 help us do this kind of work. And so it only stands to
11 reason that when it comes time to monitoring, that we'd
12 be familiar with some of the folks on both of the teams
13 as we're all familiar with Chief O'Toole and with
14 Ms. Scrivner.

15 And as you know, we've done work with
16 T Bowman before and Chief Nowicki, as well as others.
17 But we think it's important to note that -- that ties
18 to the City and having done work for DOJ cannot be
19 placed on the same footing. Also, I think that while
20 we agree with the City that a local presence is very
21 important in this case, we think that Sheppard Mullin's

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1 approach to dealing with a local component in this
2 consent decree was appropriate and thoughtful.

3 As with any community, there are complex
4 relationships in the City of New Orleans. And it's
5 crucial to talk to a wide variety of stakeholders and
6 to understand these relationships and find people who
7 can act independently of the City and can be seen as
8 credible by a wide swath of stakeholders. Mr. Parker
9 mentioned that we heard concerns at the last meeting
10 from the community from some of the -- some of the
11 members on the Hillard Heintze team.

12 I would just point out that we recognize that
13 the folks who show up to meetings may not represent the
14 views of the entire community. And so we made sure
15 that we reached out to a wide swath of stakeholders to
16 understand how people feel. And we heard concerns
17 from -- from a much, from a broad swath of the
18 community regarding concerns about some of the folks on
19 the Hillard Heintze team.

20 Roy, did you want to say anything about T
21 Bowman?

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1 MR. ROY AUSTIN: Yeah. Let me -- let me just do
2 that. I know it's been raised a few times about the
3 fact that Chief Bowman had listed me as a -- as a
4 reference. First of all, we had, we were months away
5 from selecting a monitoring team or a -- a monitoring
6 review panel at the time that those names were listed
7 as -- as references. My only knowledge of Chief Bowman
8 is as a person who had worked very hard on the New
9 Orleans findings letter. And I've seen him at a couple
10 professional meetings. I don't know him beyond that.

11 I would say that my knowledge of -- and --
12 and him putting me down as a reference was not done
13 as -- he never asked me how I felt about being listed
14 as a reference, but I was someone who was familiar with
15 his work. And so I don't -- I did not tell him that it
16 would be helpful at all for him to put my name down on
17 that. What -- and I -- and I don't believe it is.

18 My point is, though, that as Ms. Gunston
19 said, we know a lot of these people because we've
20 worked with them. In fact, I would say more about
21 Ms. Scrivner than I would say about T Bowman because I,

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1 in fact, worked with Ms. Scrivner on a -- on a project
2 at -- at the Department of Justice. I worked very
3 closely with her and put together a police practices
4 panel.

5 And so the fact that we know people in the
6 area of reforming police departments is of -- should --
7 should really be of -- only -- the only consequence
8 that should have is that it, in fact, says that these
9 are people who know their jobs, who have done their
10 jobs for a long time, have done it in a lot of
11 different cities, a lot of different towns, a lot of
12 different places; that's why we know the national
13 experts in these fields, both the academics and the
14 police practices experts.

15 So I just want to note that there's --
16 there's nothing about the fact that he listed me as a
17 reference that says that I -- I know him any better
18 than I know members of the Hillard Heintze team.

19 MS. EMILY GUNSTON: As -- as I mentioned we have
20 heard concerns from a broad spectrum of stakeholders
21 about the perceived lack of independence of some of the

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1 members of the Hillard Heintze team. And -- and you
2 know, just wanted to point out that we feel like ties
3 to the City have a potentially corrosive effect on
4 implementation of the decree in a way that knowing the
5 Department of Justice because they've done work for us
6 before does not. Having a monitor that is being just
7 too connected to the city government oversee whether
8 this thing is doing what it's been ordered to do
9 undermines the credibility of the monitor.

10 It will make it more difficult for people to
11 trust the integrity of the process and could compromise
12 the effectiveness of the decree. We realize that no
13 monitor can have the confidence of the entire community
14 throughout the monitoring period, but having such
15 strong concerns at the outset from such a broad
16 spectrum of the community really gives us concerns that
17 this monitoring team would be starting off on the wrong
18 foot.

19 MS. SHARONDA WILLIAMS: Any -- anything else to
20 add?

21 UNIDENTIFIED FEMALE SPEAKER: I -- I have -- I

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1 would like to get some additional information about the
2 stakeholders that you might have reached out to in --
3 in coming to some of the conclusions that you've just
4 raised, Ms. Gunston.

5 MS. EMILY GUNSTON: We should have this
6 conversation.

7 UNIDENTIFIED FEMALE SPEAKER: Okay. Anything else
8 on the conflict bias issues? We can then have that --
9 that discussion going forward, but that, I think is
10 something we should probe into a little bit farther.
11 And I think that during our last meeting from the City
12 side, the Sheppard Mullin presentation, Mr. Aronie was
13 very clear that he thought independence and being
14 neutral was very important to getting the job done as a
15 monitor.

16 But on the flip side of that, we have
17 T Bowman, who's on his team who participated in
18 drafting the findings letters. And then Mr. Aronie
19 then said that it's not his job to weigh in on or to
20 endorse the findings that are in those DOJ finding
21 letters. I think that that is a bit of a contradictory

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1 statement. So I would like some additional information
2 on that.

3 In particular, I would like to see a copy of
4 the proposal that was submitted jointly with you,
5 Ms. Lopez, for the Prince George's County monitorship.
6 I think that's something that we'd like to see. We'd
7 also like to see and -- and have a further discussion
8 about T Bowman's work in investigating the D -- the
9 NOPD that led to the findings letters. Did you have
10 anything you wanted to add?

11 UNIDENTIFIED MALE SPEAKER: I'd -- I'd like to
12 know more about the compensation on that -- that
13 (Inaudible) with T Bowman when he was part of the
14 police practice team that came down here, the
15 compensation.

16 UNIDENTIFIED FEMALE SPEAKER: Just to be clear,
17 both Hillard Heintze and Sheppard Mullin have team
18 members who participated in the investigation here in
19 New Orleans.

20 MR. ROY AUSTIN: Ms. Scrivner. And then, I think,
21 we also have Ms. O'Toole, who is going to be the -- the

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1 monitor (Inaudible) so I just -- I just note to you
2 that that in and of itself is -- is something that both
3 sides have.

4 UNIDENTIFIED MALE SPEAKER: If we could break all
5 of that up, it would be great.

6 UNIDENTIFIED FEMALE SPEAKER: Uh-huh.

7 UNIDENTIFIED MALE SPEAKER: So -- so did you say
8 Ms. O'Toole and Ms. Scrivner were both involved in
9 the --

10 UNIDENTIFIED FEMALE SPEAKER: No.

11 UNIDENTIFIED MALE SPEAKER: -- New Orleans
12 investigation?

13 UNIDENTIFIED FEMALE SPEAKER: I meant Ms. Scrivner
14 was involved in the New Orleans investigation. And
15 Ms. O'Toole was recently selected by the Department of
16 Justice and the defendants to be the monitor in East
17 Haven, Connecticut.

18 UNIDENTIFIED MALE SPEAKER: Okay.

19 MS. SHARONDA WILLIAMS: Anything else on conflicts
20 or bias issues? Local presence is the next topic.

21 UNIDENTIFIED MALE SPEAKER: I don't know, I

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1 believe we -- I think a number of people have already
2 spoken with respect to this and -- and our opinion on
3 this. Obviously, a local presence is important. How
4 you determine what that local presence is going to be
5 is -- is equally important. And we -- we think that
6 the idea of actually coming down here, sitting down,
7 meeting the numerous stakeholders, in this case in
8 particular, prior to determining exactly who that local
9 presence is going to be; we think is something that is
10 worthwhile.

11 And we feel like Sheppard Mullin has --
12 has -- has done that and has been very thoughtful in
13 their decision to do that.

14 MS. SHARONDA WILLIAMS: I -- I recall Sheppard
15 Mullin saying during their presentation that they had
16 already thought about perhaps having a local law firm
17 as a component of their local presence. I think that I
18 would like further information on who they have in
19 mind. I don't know that it's a fair evaluation unless
20 we know in advance who they think they will be engaging
21 as their local presence, particularly if they've

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1 already done some analysis on that issue. So I think
2 that that's something that we would want further
3 information on.

4 UNIDENTIFIED FEMALE SPEAKER: My recollection
5 is --

6 MR. ROY AUSTIN: I -- I was just going to say, to
7 the extent that they have chosen someone already,
8 certainly we should know that. I -- I think if they
9 provide us with what their process will be to selecting
10 someone, I think that's -- that's different. And
11 certainly we should get more information on that. But
12 I -- I did not get the impression that they have chosen
13 anyone.

14 They were thinking, and I recall being they
15 were asked specifically about this and they said, you
16 know, we're -- we're not (Inaudible) to the idea of
17 having a local law firm. There are some reasons as far
18 as court filings and things like that where you might
19 want to, but they were open to having a local presence
20 that was not a law firm is my recollection of their
21 response to that question.

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1 MS. EMILY GUNSTON: And -- and my recollection is
2 that when we specifically asked them about people
3 locally who would help with community engagement
4 face-to-face, had, they deliberately had not gone out
5 and tried to select somebody. And they wanted to sit
6 down with the parties and talk to people here in New
7 Orleans to help them figure out who the best people
8 would be.

9 So that seemed, again, that's what we've been
10 referring to as what seemed to be to us, a sensible and
11 thoughtful approach to it. And we agree we should talk
12 with them. We have some ideas of the people they
13 should talk to. And we should find out more from them
14 about what their process is and what their ideas are.

15 UNIDENTIFIED FEMALE SPEAKER: And then so based on
16 your understanding in your discussions with them that
17 they would make that decision before the next meeting
18 in the event that we're not able to reach an agreement
19 this afternoon. And I -- and I ask that question
20 because Hillard Heintze did take the step to do the
21 work in advance and to identify a local presence and

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1 certainly did -- their -- their choice of the team
2 certainly did bring about a response from the
3 individuals who attended last, the -- the -- the
4 meeting on April the third, as well as the letter that
5 will be read in just a few moments.

6 But nonetheless, that firm did actually do
7 the work in advance. And so in order for there to be
8 solid public comment on whomever it is that they
9 choose, I'm wondering if you know whether or not they
10 intend to make that choice so that we as an entire team
11 and the public have an opportunity to opine on their
12 choice.

13 MS. EMILY GUNSTON: Well, just, from the outset,
14 just to be clear, we haven't had any conversation with
15 Sheppard Mullin. I'm basing everything here on what
16 they told us during the interviews. And I agree, I
17 think we all agree that we don't fault Hillard Heintze
18 for attempting to put together a local presence ahead
19 of time. I think it's perhaps an example of where
20 Sheppard Mullin's experience, having done this before,
21 may have been helpful.

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1 And their -- their sort of civil rights
2 background may have been helpful, but they had a sense
3 that, you know what, it's not a good idea to go to New
4 Orleans without, and -- and pick people to engage the
5 community without, you know, a lot of conversations
6 with people. Which frankly, it's hard to do that when
7 you're one of 12 candidates. And as they get down to
8 being closer to it, it starts to look a lot more real
9 and a lot closer.

10 And remember, this was probably six months
11 ago when they submitted that proposal. So it's not,
12 we're not going to fault Hillard Heintze. We just
13 think it turned out better and perhaps that is related
14 to the experience Sheppard Mullin has, perhaps it's
15 just luck, we don't know. But they now have the
16 opportunity to talk with us and talk with community
17 members to find the best component.

18 We are -- we agree we should talk with them
19 and we should talk with you and we should have time to
20 find out from individuals what, how persuasive that
21 community engagement forum would be. We put forward

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1 some names for today that the people who were on the
2 Hillard Heintze team who we felt would be -- would --
3 would be very valuable in that area; people including
4 Ms. Dangerfield and -- and Mr. Paul.

5 So those are people who would be people we
6 would be interested in talking with more and would be
7 interested in seeing whether Sheppard Mullin remains
8 open to those individuals, obviously make sure the
9 individuals do, as well. There -- there are obviously
10 any number of other individuals that we as a party
11 should consider, that we should continue to reach out
12 to community stakeholders to see who would be
13 effective.

14 So we're -- we're continuing to work in this
15 area. And we look forward to working with the City on
16 this more.

17 UNIDENTIFIED FEMALE SPEAKER: I'm -- I'm
18 wondering, again, if the Department of Justice has a
19 position about, again, whether or not that decision
20 should be made so that it can be announced to the
21 public. Because essentially, what we have now is we've

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1 gotten down to two choices. And one team has put forth
2 its team, the public has had -- has had an opportunity
3 to -- to share an opinion about that team.

4 And we have another team who has not, which I
5 think the City at the last meeting expressed some
6 concern about that, again, the unknown, not knowing who
7 would be a part of -- of the local presence. We did
8 hear about a local law firm, which then again, it gets
9 back to the point that we make about the lead monitor
10 as being an attorney and -- and a reference to a very
11 large law firm and -- and lots of reports, which
12 obviously are really important; but we, I think, would
13 all agree that the other components of -- of this
14 consent decree are extremely important.

15 And -- and so this is where, I think, we will
16 spend a lot of time with the other team, with Sheppard
17 Mullin really digging in so that we can get a better
18 understanding so that we can come to a final decision.
19 But I wonder how we're going to make that decision in
20 the sunlight if that isn't done before we get to our
21 next meeting if, again, we're not able to reach a

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1 decision today.

2 So I'm wondering if -- if you were -- if your
3 department has a position on whether or not that
4 should, in fact, happen.

5 UNIDENTIFIED MALE SPEAKER: Right. You know,
6 speaking here I would say actually I would not want
7 them in the next 15 days to -- to come in and decide
8 who would be their local presence here. I think as
9 I -- as I noted, if they talk about what their process
10 would be for selecting that, I think that is sufficient
11 for us to make a determination. But for them to come
12 in the next 15 days and come before you and say, we
13 chose -- we choose so-and-so to be --

14 UNIDENTIFIED FEMALE SPEAKER: Well, come before
15 us.

16 UNIDENTIFIED MALE SPEAKER: Come before us.

17 UNIDENTIFIED FEMALE SPEAKER: All of us.

18 UNIDENTIFIED MALE SPEAKER: And -- and say, this
19 is who we're going to have as our local presence, goes
20 against exactly what we were saying, was, you know, the
21 thoughtfulness of the approach that they -- that they

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1 seemed to choose here.

2 UNIDENTIFIED FEMALE SPEAKER: Well, I don't --

3 UNIDENTIFIED MALE SPEAKER: They want to talk to
4 numerous stakeholders before coming to that choice
5 and -- and maybe coming up with a way of doing so.

6 UNIDENTIFIED FEMALE SPEAKER: I'm -- I'm wondering
7 if you got a sense, because I don't recall them
8 outlining a specific amount of time that that process
9 would take, do you recall whether or not they suggested
10 or -- or outright stated how long that process would
11 take? Because I'm wondering why it -- it would not be
12 possible, again, in an effort so that this entire team,
13 both the City and the Department of Justice, would have
14 an opportunity to hear about the local presence,
15 discuss it, perhaps debate it, and also receive public
16 comment on it before a final decision is made.

17 UNIDENTIFIED MALE SPEAKER: (Inaudible)

18 UNIDENTIFIED FEMALE SPEAKER: I'm just wondering
19 if they said it and I missed it or if you --

20 UNIDENTIFIED MALE SPEAKER: I -- I don't -- I
21 don't recall what they said.

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1 UNIDENTIFIED FEMALE SPEAKER: -- gleaned from what
2 they said --

3 UNIDENTIFIED MALE SPEAKER: I don't -- I don't
4 recall that they said anything about it, but I think it
5 would be very clear -- I mean, I -- I was part of the
6 team that came in here to do the findings. The number
7 of community members that we spoke to in the Department
8 of Justice was enormous. It is not a task that can be
9 done in 15 days. We look at the, this, the City's work
10 in trying to set up the community police commission
11 here, that takes far more than 15 days.

12 And -- and you are very familiar with the
13 community members you have here. I would not expect, I
14 would not want a group to come in here and say, yes,
15 we'll have that decision made in the next 15 days
16 before you have to make your decision. So you know, if
17 they tell us the process, if they talk to us about the
18 process; I think that would be a great question to ask
19 them, and then we can get some -- some timelines from
20 them based on that.

21 UNIDENTIFIED FEMALE SPEAKER: I -- I would just

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1 like to follow up, too, on the expectation. I think
2 the characterization of Hillard Heintze as -- as doing
3 something kind of ahead of time is a bit incorrect.
4 The RFP, I think, was pretty clear that this was a
5 required component. And so to some extent they, in
6 fact, took efforts to comply with that component;
7 whereas, you know, all we've heard thus far from
8 Hillard -- from Sheppard Mullin is that there is an
9 intent to comply.

10 And so that's why -- why we see it as a
11 little different and we wanted it upfront and there's
12 been a lot of time since this has been submitted to
13 kind of delve into this community issue. And -- and
14 knowing that before a decision is made and having the
15 opportunity to vet somebody publically is so important.
16 And that's why it was in the RFP, you know, as -- as
17 approved by the court.

18 UNIDENTIFIED FEMALE SPEAKER: Well, the RFP
19 doesn't actually (Inaudible) the RFP says that to the
20 extent members of your are not located in New Orleans,
21 describe in detail how you -- how your proposed team

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1 would establish an adequate presence in New Orleans to
2 provide the services called for herein -- herein. So
3 in detail how does not require that you identify any
4 individuals.

5 And so, but there is -- there is different
6 ways that you can do that. And there's nothing wrong
7 with the way that Hillard Heintze did it. And there's
8 nothing wrong with the way that the Sheppard Mullin
9 team did it in our view. They just, they chose
10 different ways. I don't think either of them were in
11 violation of the RFP. And I think they both equally
12 complied with it, just in different ways.

13 There were, as it turned out, there were some
14 ups and downs of doing it both ways. And again, we're
15 happy to talk with the City. We're happy to -- to talk
16 with people about who people think would be, you know,
17 effective in that role. I would remind people also
18 that there is the, if a team adds people after the
19 agreement is, after -- after the monitor is appointed,
20 adds to the team members; we have the opportunity to
21 weigh in on that, as well. So it's not as though we

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1 wouldn't be able to do that once it's done afterwards.

2 UNIDENTIFIED FEMALE SPEAKER: Yep. I just have
3 one final point. And I appreciate this chance to -- to
4 really dig deep on this particular one, because this
5 one is of particular importance to the City. The idea
6 of a decision being made without the public having an
7 -- having an opportunity to comment on it, I just
8 would -- would just state that it seems that as if we
9 run a slight risk of talking about a process and not
10 about who will actually be the local presence.

11 And so what will be discussed publically will
12 be a process and not the actual individuals who will be
13 a part of the team. And that decision, it seems like
14 now, may come before the local presence is chosen if,
15 in fact, Sheppard Mullin is -- is the team chosen. And
16 so that -- that does give me a great deal of concern,
17 again, to the point that Ms. Beck made a few minutes
18 ago, this RFP has been in a public domain for quite
19 some time.

20 And there was an opportunity for each firm to
21 do the research and to at least make an effort to

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1 identify who their partners would be. Again, the City
2 remains open to the public comment that we've received
3 so far. And I think you will hear that in just a
4 moment. And so I'm just very concerned that we will be
5 talking about process and not people. And the public
6 may decide, some segments of the public may decide that
7 they don't like, they might want -- they might like the
8 process; they don't like who any of us as an entire
9 team ends up with in terms of -- of a local presence
10 if, in fact, Sheppard Mullin is chosen.

11 So I'm just, I'm glad to have the chance to
12 talk it through and -- and wanted the City's position
13 on that to be very clear.

14 UNIDENTIFIED MALE SPEAKER: And -- and certainly
15 when we sit down, I think we need to sit down to
16 discuss this further, we can ensure that whatever
17 process is -- is chosen is a very public process for
18 the selection of what the local presence would be.
19 There's no -- there's nothing that says that -- there's
20 nothing that says what that process needs to be. So if
21 we decide that needs to be a very public process, just

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1 the decision on -- on who the local presence is, then
2 we can do that.

3 UNIDENTIFIED FEMALE SPEAKER: And in addition, to
4 the extent that we -- that we decide as, the parties
5 decide, are people that we'd like to see part of any
6 team that do establish a local presence, that can
7 certainly, after this meeting but before the next one,
8 be information that's provided to the public so they
9 can opine on that one, too. So I mean, I think we
10 agree absolutely with your commitment to transparency
11 on this topic.

12 MS. SHARONDA WILLIAMS: Okay. Any other thoughts
13 on local presence before we move on to price? With
14 regard to the price proposal, Hillard Heintze's letter
15 dated yesterday set forth a revised price of \$7 million
16 rather than the 7.2 million as -- as it discussed
17 earlier.

18 UNIDENTIFIED MALE SPEAKER: Just -- just a
19 correction, I don't think it was a revised price. I
20 think we --

21 MS. SHARONDA WILLIAMS: Well --

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1 UNIDENTIFIED MALE SPEAKER: -- were (Inaudible)

2 MS. SHARONDA WILLIAMS: -- it's clarifying.

3 UNIDENTIFIED MALE SPEAKER: (Inaudible) okay.

4 MS. SHARONDA WILLIAMS: Yes. And in that letter
5 there's also a discussion of rates and -- and a
6 comparison to Sheppard Mullin's pricing. And out of
7 fairness, I think Sheppard Mullin should have the
8 opportunity to respond to that letter with regard to
9 the pricing. Any other discussion on pricing?

10 MR. AUSTIN: Yeah. I would just say that we
11 appreciate the clarification from Hillard Heintze.
12 Price is incredibly important to both the City and to
13 the Department of Justice. It's -- it's incredibly
14 important this be done in as an efficient way as
15 possible. And we think that the -- the -- the number
16 one factor on price is getting out of this consent
17 decree as soon as possible.

18 I mean, that is -- that's the easiest way for
19 the price to be kept down. And so it's -- it's our
20 feeling that that's one of the questions that we need
21 to talk to these teams about very specifically is, you

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1 know, how does the City of New Orleans come into
2 compliance as soon as possible with this consent decree
3 in a way that its sustainable. So that's one of the
4 big questions.

5 That -- there are, one of the concerns raised
6 by Hillard Heintze's additional letter is they talk
7 about kind of local presence and price and hours on the
8 ground. And the -- the concern there is are -- are
9 they counting people who live in New Orleans when
10 they're talking about their hours on the ground. And
11 that again, is something that we have discussed just --
12 just now about, you know, what is Sheppard Mullin's
13 local presence going to be and is that going to be
14 counted with respect to the -- to the hours on the
15 ground. It's simply not clear from Hillard Heintze's
16 paper.

17 There -- there -- also, and -- and this is a
18 very important discussion and that is to find
19 efficiencies in both of these proposals to see if
20 either of them are in a position to save -- save the
21 City some money from their initial proposals. And --

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1 and one thing that jumped out at us from the Hillard
2 Heintze proposal is that they -- they stated that every
3 single member of the Hillard Heintze team, as well as
4 the DB partners, as well as the strategic advisors was
5 going to review every single policy for the New Orleans
6 Police Department.

7 And we're concerned about that because
8 that -- that seems unnecessary. You don't need every
9 single member of your team to review a policy that, as
10 I understand it, DB is going to take a great deal of
11 time to think about it. The Department of Justice is
12 going to take a great deal of time to think about it.
13 There really is probably one or two or three people on
14 either monitoring team who should be spending the time
15 to think about that.

16 And then their -- their policy review
17 proposal is around \$1300 -- 1300 hours for just policy
18 review. I suspect if we do this kind of deep dive with
19 both Sheppard Mullin and Hillard Heintze, we're going
20 to find areas of efficiency that can help save the City
21 of New Orleans some money, while at the same time not

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1 in any way, shape, or form limiting the product that
2 comes out of this -- out of this process and -- and
3 limiting what we see very optimistically as the -- the
4 success in the -- in the near future with them coming
5 into compliance.

6 So this is a discussion we need to have. We
7 also need to have a discussion on price with respect to
8 if we are talking about adding people to -- to -- to
9 teams, we need to really figure out what it means to
10 them, to Hillard Heintze, to Sheppard Mullin. What it
11 means from a cost perspective if we were to add
12 somebody to their team from either of the -- the -- the
13 monitoring teams that we have said that -- that we feel
14 strongly about.

15 But there were -- there were a number of
16 talented people in all 12 of the proposals that we
17 looked at. There are a number of people who are
18 probably outside of those proposals that we need to
19 look at and think about it. So I think -- I think
20 price is -- is an incredibly complex and incredibly
21 important piece. And it's one that we really need to

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1 spend a real deep dive in it should we need to discuss
2 this further after today.

3 UNIDENTIFIED FEMALE SPEAKER: I -- I would just
4 point out there was some discussion about off-site or
5 local presence versus nonlocal presence and whether or
6 not that meant, you know, the -- the local team that
7 was identified or whether that meant the monitor in
8 town. And it -- it might not be abundantly clear from
9 the clarification letter, but if you do go back to the
10 proposal; they do break that down by year, on-site,
11 off-site. And they break it down by the Hillard
12 Heintze team that's not in town versus the -- the local
13 team that's in town.

14 And so you do -- you do have a good
15 understanding of when they say the -- the local time,
16 whether they're talking about, you know, the monitor,
17 himself, or, you know, the strategic leadership council
18 who they identify who those people are. So you can
19 really break it down pretty well in the proposal and --
20 and see who it is that's going to be in town or out of
21 town for a given year based on this projection.

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1 UNIDENTIFIED MALE SPEAKER: And -- and -- and
2 that's fine. I think our concern is that at one point
3 they were comparing themselves to -- in their document,
4 they compared themselves to Sheppard Mullin and kind of
5 say, you know, you get more people in town for longer
6 at a cost savings to do this. And my question is, what
7 does it mean to be in town for longer if, in fact,
8 you -- you live in New Orleans. And whether or not
9 that should be counted towards any evaluation of price
10 structure.

11 So again, what they sent us, we haven't had a
12 chance to really sit down and really think about it as
13 fully as we'd like to. We would love for Sheppard
14 Mullin to -- to take a look at this and -- and let us
15 know their thoughts on it, as well as for us to -- to
16 discuss it further.

17 UNIDENTIFIED MALE SPEAKER: Well, I think that's
18 what Ms. Williams suggested earlier was that -- that --
19 that Sheppard Mullin ought to have the chance, I think,
20 before we make a determination to, you know, award a
21 contract out, to have a chance to answer these

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1 questions. Because from a financial perspective, I
2 think there's a couple of points that Hillard Heintze
3 makes here that are worth evaluating. Your question
4 was, who's going to get us out of the monitoring
5 agreement quickest.

6 That's all of our goals, yet based on the
7 pricing here, there's a fifth year of monitoring
8 available under Hillard Heintze for the same price as
9 you get four years from Sheppard Mullin. On the other
10 hand, Sheppard Mullin, because their prices seem to
11 increase by the year on an hourly rate going up to, you
12 know, an average of \$306 per hour versus about \$150 for
13 Hillard Heintze; it may be the kind of perverse
14 incentive to want to keep this thing alive if you're
15 making more dollars per hour.

16 So again, those are -- those are concerns
17 that have been raised. I would think that Sheppard
18 Mullin would want to answer those to make sure that, in
19 fact, they haven't been misunderstood or
20 mischaracterized. When somebody says that their firm
21 will produce more hours on the ground in New Orleans,

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1 which Hillard Heintze did, than the other firm will
2 produce in total working for the City; that's a fair
3 that -- that we ought to evaluate and we ought to have
4 a response from Sheppard -- Sheppard Mullin in order to
5 fairly evaluate whether or not the concerns raised in
6 this letter are, in fact, accurate.

7 UNIDENTIFIED MALE SPEAKER: And that's perfectly
8 fair.

9 UNIDENTIFIED FEMALE SPEAKER: And I just want to
10 make it clear that that information being that from
11 Sheppard Mullin, we've -- we've been on board in
12 getting that. We believe that (Inaudible) information,
13 that we get the parties together get it from Sheppard
14 Mullin and -- and we think conversations, actual
15 conversations with both teams along these lines are
16 important.

17 Because it's not just the number of hours
18 that you're going to spend on this project, it's the
19 quality of hours. I think that was the point of what
20 Mr. Austin brought up that one of the things that
21 jumped out at us from the Hillard Heintze proposal is

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1 that they're going to have all 20 of their team members
2 review each and every policy revision.

3 That's going to be a lot of hours, but it's
4 probably not the most efficient use of hours. So we --
5 we can't just look at hours. You can't just look at
6 the numbers. You really have to look at who's doing
7 what and how well they're going to be able to do it and
8 how quickly they're going to be able to do it. And
9 that, I think, is more than just sort of a written back
10 and forth from either monitor candidate.

11 It would be really helpful to have some --
12 some conversations with both and some real discussions
13 with -- with both of them to figure out sort of what
14 exactly is behind these numbers.

15 UNIDENTIFIED MALE SPEAKER: So you agree we -- we
16 ought to get more information on this?

17 UNIDENTIFIED FEMALE SPEAKER: Together, yes, we
18 absolutely agree.

19 UNIDENTIFIED MALE SPEAKER: Okay.

20 MS. SHARONDA WILLIAMS: Any other discussion on
21 price before we move to the public comment period?

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1 Okay. Do we have any cards? As we -- as referenced
2 earlier, we did receive one public comment today that
3 was submitted to the court, as well as to the City
4 Attorney, Richard Cortizas; myself; and Emily Gunston
5 from the Department of Justice from Bill Quigley for
6 Community United For Change. I'll -- I'll read the
7 letter into the record just so everyone will know
8 what -- what public, written public comment was
9 received.

10 Friends: I write at the request of Community
11 United for Change to outline their position on the
12 final two candidates for the court monitor in this
13 matter. CUC finds Hillard Heintze absolutely
14 unqualified and asks the parties and the court to push
15 Sheppard to create a robust and independent community
16 component.

17 CUC is a community organization composed of
18 people in New Orleans who have been fighting against
19 police abuse for decades. CUC contains many survivors
20 of the illegal and unconstitutional abuses by NOPD.
21 Together they have been seeking to have NOPD held

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1 accountable to the people of New Orleans. CUC called
2 for the Department of Justice intervention into the
3 NOPD before anyone, assisted DOJ in community meetings
4 and meetings with survivors of police abuse of force,
5 testified in federal court, and offered information to
6 call parties.

7 CUC has observed and made comments in the
8 selection process. While members of the public were
9 allowed to speak for two minutes each, there was no
10 evidence that community positions or comments were
11 taken into consideration at any stage of the process.
12 There is a substantial difference between being able to
13 give a two-minute comment and real community
14 participation.

15 CUC and other community organizations should
16 have had a real part in the decision making about who
17 the monitor should be. For example, the community was
18 not involved in narrowing the applicant field to the
19 final two proposals. Indeed, the City, as an example
20 of its overall disrespect and disregard of community
21 input, chose as its final candidate the one applicant,

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1 which was most vehemently objected to by community
2 observes of the process.

3 Turning to the two remaining candidates,
4 CUC's position is that Hillard Heintze is patently
5 unqualified for the position. And the Sheppard
6 proposal still has work to do in order to gain the
7 trust of the New Orleans community. Sheppard has yet
8 to create a robust community component. It needs to do
9 serious work in that area in order to have a realistic
10 chance of being effective as a monitor of the NOPD.
11 Absent vital community input and trust, the monitor
12 will have little chance of success.

13 Hillard Heintze has identified who its local
14 partners are. And in CUC's view, those local partners
15 disqualify them as a valid applicant for this important
16 position. The main reason that Hillard Heintze is
17 unqualified is that it has chosen to work with local
18 partners whose commitment to vigorous oversight of the
19 NOPD and independence from City Hall is questionable.
20 This position will be a challenging and difficult job
21 trying to make the NOPD into the constitutional

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1 policing force, which respects all the women and men in
2 New Orleans is going to demand -- be demanding and
3 controversial.

4 Without absolute independence from City Hall,
5 the community will never believe the monitor is doing a
6 full and fair job in what promises to be a very tough
7 job. This job cannot be a political one. Hillard
8 Heintze -- Heintze relies on local partners whose
9 independence from City Hall is questionable and who
10 display insufficient competence in the community need
11 for a vigorous independent monitor of the NOPD.

12 Dr. Charles Southall is one listed local
13 partner of Hillard Heintze. He did the implication for
14 the inauguration of the mayor who now tries to reverse
15 the NOPD consent decree. Southall has many businesses
16 in New Orleans and Baton Rouge and owns homes in both
17 places. One of the businesses in which he is a
18 co-owner, a mortuary, received a donation of funds from
19 the mayor's campaign fund in 2012 to help bury a victim
20 of a police shooting.

21 The campaign disclosure forms indicate he

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1 also contributed \$4600 to the campaign of US Senator
2 Mary Landrieu in 2008, the mayor's sister. Reverend
3 Southall may well be a wonderful minister, but he is
4 hardly independent of the mayor, whose NOPD he is
5 supposed to be able to independently monitor.

6 Peter Scharf is also listed as a local
7 partner for Hillard Heintze. Scharf has already served
8 on one task force for the mayor who seeks to get out of
9 the consent decree. Further, in comments in the New
10 York Times about the consent decree, Scharf is quoted
11 as saying, local NOPD officers fear the new initiative
12 targets the police officers in New Orleans, not works
13 with them and worried that it requires the City to
14 dismember its police department in the midst of a
15 murder epidemic.

16 He also wrote an article about consent decree
17 in which he concluded, I believe those charged with
18 overseeing NOPD compliance with the consent decree will
19 need to be vigilant and proactive in helping to head
20 off two potential negative consequences of the decree,
21 itself. A (Inaudible) term reduction and available

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1 NOPD experienced officers and the corresponding
2 increase in violence in key neighbors across the City.

3 CUC views him as not committed enough to a
4 tough independent monitor capable of challenging the
5 deep problems of the NOPD. Professor Scharf may well
6 be a respected academic, but CUC concludes that he like
7 Reverend Southall is not independent enough of the
8 mayor, who is now opposing and trying to be released
9 from this decree and thus not an appropriate part of
10 the vigorous independent monitor of the NOPD.

11 The job of the monitor if done well, is going
12 to be far too difficult to be held back by political
13 considerations. Independence is absolutely necessary.
14 And the Hillard Heintze proposal does not display a
15 commitment to independence. In sum, CUC finds Hillard
16 Heintze absolutely unqualified and asks the parties and
17 the court to push the remaining applicant, Sheppard, to
18 create a robust and independent community component.
19 Sincerely -- sincerely, William P Quigley for Community
20 United for Change.

21 With regard to that written public comment, I

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1 think that furthers the -- the -- the notion that we
2 addressed earlier that one of the things that should be
3 probed further is a discussion with each of the
4 candidates about their willingness to interchange
5 members of their respective teams to ensure that we get
6 a good monitoring team in place and -- and to get this
7 consent decree done.

8 Any other comments on that particular comment
9 before we have our speakers?

10 UNIDENTIFIED FEMALE SPEAKER: Just a comment about
11 Mr. Quigley's letter. And I don't know if he's here
12 with us today, but just to respond to him and to
13 (Inaudible) great respect for him, I, just for the
14 record, want to state that neither the mayor nor anyone
15 on the -- the City's team had anything to do with the
16 choices of either of the two candidates that we are
17 considering today.

18 In terms of the individuals that they have
19 placed on their teams, we remain open, as we've
20 continuously said, to look at both of the proposals.
21 And we will continue to do that, as well as factoring

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1 in the public comment that we will hear in just a
2 moment, Mr. Quigley's letter, and the information that
3 we have both agreed to -- to get as -- as part of our
4 deeper dive as we make our way towards a final
5 selection.

6 MS. SHARONDA WILLIAMS: Okay. With that said, our
7 first speaker is Roland Doucette, Senior.

8 MR. ROLAND DOUCETTE SENIOR: My name is Roland
9 Doucette, Senior. I'm a 65-year citizen of New
10 Orleans, all my life. I'm a retired police officer.
11 For the past four years I've been retired now. I'm
12 very much so concerned about the direction that we're
13 going in terms of (Inaudible) what's going on with the
14 police department in our City and the cost it's, that
15 we're going to have as a taxpayer issue. It's very,
16 very shocking to me.

17 And we're -- we're going to have to figure
18 something out. I think that we needed it years ago,
19 and it wasn't. The fact of the matter is, I'd like you
20 people to consider when you're making the selection for
21 the monitor that that monitor understands that that

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1 balance has to be struck -- has to be struck between
2 law enforcement and community. We have not achieved
3 that as of yet. It can be done, and it should be done.
4 Thank you.

5 MS. SHARONDA WILLIAMS: The next speaker is
6 Reverend Dr. Patrick Keen.

7 REVEREND DR. PARTICK KEEN: Good afternoon. I'm
8 Reverend Dr. Patrick Keen, pastor of the Bethlehem
9 Lutheran Church in Central City. And I'd like to speak
10 to a couple of issues within this two minutes of time
11 allowed. The first is to respond to the letter that
12 was written by Professor Quigley. We've been given two
13 -- two minutes for a conference review, but allowed
14 over five minutes for that letter. And -- and I think
15 that's a process that needs to be addressed. If he has
16 five minutes, then we all should be given --

17 UNIDENTIFIED FEMALE SPEAKER: Right.

18 REVEREND DR. PARTICK KEEN: -- the same amount of
19 time. But I'd also like to address the DOJ's teams,
20 presenting Sheppard as an agency who had done
21 monitoring, but we now learned that they have not.

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1 You've -- through questioning by the City's team, we
2 find that they have not done any monitoring. And
3 the -- there -- there was a question raised regarding
4 work that had been done in Pittsburgh when the consent
5 decree happened and when it ended. And the DOJ was not
6 able to respond to that.

7 I -- I Googled it. And I think that you all
8 have the opportunity to do the same thing. It's
9 interesting that in 1990 New Orleans was being
10 challenged to -- to address a consent decree. And
11 because Mayor Morial was able to convince DOJ -- DOJ
12 that it was not necessary, Pittsburgh then was looked
13 at and was the first city to be engaged in a consent
14 decree.

15 According to the American Civil Liberties
16 Union here in 2013 that a consent decree that happened
17 in Pittsburgh by the team that you mentioned is not
18 working. So we've got concerns whether or not the
19 process that was put into place in Pittsburgh, would be
20 the same type of process that would be put here in New
21 Orleans. If it's not working there, here it is

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1 13 years after the fact, what's the possibility of that
2 same process not working here?

3 I'm not going to talk with you. You've got
4 the wrong one, baby. You've got the wrong one. I want
5 you to know that right now.

6 UNIDENTIFIED FEMALE SPEAKER: Sad.

7 REVEREND DR. PARTICK KEEN: Girl, you the sad one.
8 But anyway, I think it's disrespectful that the, that
9 this committee would allow these kind of comments
10 continue to happen while you're trying to deliberate.
11 This -- this -- it's -- it's disrespectful to all of
12 us. It's disrespectful to you. So I ask that you
13 address that at -- at this time.

14 Finally, I want to say that stewardship of
15 time and resources has to be something that we're
16 concerned with. You began to address that. It's
17 unfortunate that we don't have that -- that, the
18 stewardship outlined from the Sheppard group, but we do
19 have it from the Hillard. It seems to me that there
20 is, it's -- it's not a good balance. It's not a good
21 process that we're being engaged in. It's not fair for

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1 one team to be able to present that and another team
2 not to be able to, but still they're both being
3 considered. I just ask that we be engaged in fairness
4 in this whole process.

5 Finally, let me just say that regarding the
6 Chief Bowman, I think it's disingenuous. I think
7 it's -- it's -- it speaks to integrity for him to list
8 you as a reference without your knowledge with your
9 consent and then expect for them to be some
10 consideration of your peers. And there is being
11 consideration when you say that there is not. I just
12 ask that this is -- that both teams consider that
13 again. Thank you for the opportunity.

14 MS. SHARONDA WILLIAMS: Thank you. And -- and
15 again, as we've done in all of our public meetings, we
16 do ask that people do refrain from making comments
17 unless they're at the microphone speaking and being
18 recognized by this committee during the public comment
19 period so that we can have a respectful discourse.
20 Thank you. Our next speaker is Mary Howell.

21 MS. MARY HOWELL: Hi. How are you all? I'm glad

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1 to be here. Thank you for convening this meeting. I
2 want to say aside from the judge, probably the most
3 single important position that we have to consider in
4 whether the consent decree is going to work or not is
5 the position of the monitor. I've been involved over
6 35 years of trying to clean up the New Orleans Police
7 Department. And this is a once in a lifetime
8 opportunity. This has never happened in my lifetime of
9 doing this work. And I hope that we don't have to have
10 this happen again.

11 And -- and this position is so important.
12 And it's disturbing to me, in one sense, that we're
13 here with two different teams to select on. And I
14 think part of that is a reflection of the fact that I
15 think the City is trying to get out of the consent
16 decree. And frankly, if you all were not in that
17 position, I think that your recommendations would have
18 more validity and people would have more confidence in
19 what you're saying.

20 But we're in this odd position where at the
21 same time that y'all are trying to get out of it,

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1 you're recommending the group that's going to implement
2 it. So I think that undermines the confidence that
3 people have in the recommendations you all are making.
4 I'd like you to give some serious consideration to
5 that.

6 And I would also say that I do think that the
7 suggestion was made, I think Ms. Williams, you made it,
8 about picking and choosing so we have the best team.

9 There are good people on both of these teams that are
10 there. And I've listened to you all talk about it.

11 And I'm thinking, isn't there a way that we can pick
12 and get some of the best people so that we come out of
13 here with a consensus between you all about the best
14 team. Not the City's team or DOJ's team, but the best
15 team to try and solve these problems.

16 And I think that would go a long way towards
17 people having confidence that we can move ahead on this
18 in a way that is meaningful. I do have to say, I
19 didn't have the time to really go back and do the due
20 diligence and check into anything about the -- the team
21 or the different people involved, but I do have a

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1 concern that I feel I need to raise with you today.

2 And I didn't have time to do this with all the
3 different members that were there, but this one did
4 kind of stick out to me.

5 And this is about Mr. Hillard. I don't know
6 Mr. Hillard personally, but when I made some inquiries
7 about him, everyone initially told me, he's a nice guy.
8 That's the first thing that everybody says about him
9 who knows him. The thing that piqued my -- my concern
10 is his role as superintendent of the police in Chicago.
11 And the City of Chicago has had about as bad a
12 reputation with its police department over the years as
13 our police department has had. And this is historical
14 fact. This is not something that's new. I'm sure it's
15 not new to Mr. Hillard.

16 Then so when I started making phone calls to
17 ask about Mr. Hillard, the most important questions to
18 me were, where did he stand during the time of the
19 Chicago torture cases, the police torture cases. And
20 if you all don't know about it, it's a scandal that has
21 racked that city. There has been over 120 individuals

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1 identified as having been subject to torture in police
2 stations in Chicago from 1973 to 1991.

3 That term covers beatings, use of
4 electroshock, burning, suffocation, mock executions,
5 persistent use of racial epithets and threats. There's
6 no indication Mr. Hillard knew about this at the time
7 it was going on or that he was personally involved in
8 it. However, today as we stand in 2013, 15 individuals
9 have had their convictions reversed and been released
10 from custody. Five individuals have had their death
11 penalty sentences set aside because of having findings
12 by the court of these -- of these findings of torture.

13 The exposure of that torture scandal, in
14 fact, was one of the reasons the Governor of Illinois
15 declared a moratorium on the death penalty and, in
16 fact, commuted the death sentences of every man and
17 woman who was on (Inaudible) and death row at the time.
18 So this is a really, really serious issue. And when I
19 made an inquiry about professor -- about Chief
20 Hillard's position that, what I was told, at one point
21 during the course of this, the Office of Professional

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1 Standards of the Chicago Police Department, in fact,
2 did issue a report finding that there had been
3 systematic torture in the police department, that it
4 was a serious problem in the department.

5 And with, that report then went to an aide of
6 Mr. Hillard's. That aide reversed that decision.
7 Mr. Hillard ratified the decision of the aide. And it
8 was ten years later before a lot of this came out. And
9 I raise that with us today. You say, well, what does
10 that have to do with New Orleans? One of the big
11 issues we have in this city is that there's often times
12 when we have these terrible events that happen, it's
13 not just the question, who are the perpetrators of the
14 events, but who are the bystanders? Who are the other
15 people who knew about when it was happening, failed to
16 come forward, failed to intervene, failed to do
17 anything?

18 We've had a terrible problem with that issue
19 here in our police department. It's not just the New
20 Orleans Police Department. This is a national problem
21 with policing. And when I made an inquiry about what's

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1 happened in Chicago, there had been at least 20
2 different officers who have been identified. The ring
3 leader, Burge (Phonetically) is now in federal prison.
4 At least 20 different officers have been identified as
5 being involved directly in what I call the Chicago
6 tortures.

7 But there are at least another two times
8 that, at least 40 other officers who had information
9 and knew this stuff was going on, did not speak up, did
10 not intervene, did not come forward; and this -- that's
11 what allowed this to go on for decades. And that is a
12 deep, deep issue here in our department. And I would
13 just ask, I -- I think that it's fair to look at what
14 role did Mr. Hillard had -- have -- have, what role did
15 he play in Chicago in terms of addressing that issue
16 and -- and seeing that, not just -- not another
17 (Inaudible) report that he reversed, but addressing
18 that issue and finding resolution for it because it's a
19 deep problem that we face.

20 I also did ask -- I know my time is up. I'm
21 going to tell you this very quickly. I also did

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1 request that something be put in writing to me. I have
2 not investigated all of this in detail. I looked at
3 some of the cases. I understand he's currently a
4 defendant in three of these civil suits that are now
5 pending. The City of Chicago has paid millions of
6 dollars in settlements on these cases. I think over
7 \$20 million defending them.

8 So this has been a very big issue. And I'm
9 sure -- I think it's over \$40 million that the city has
10 paid. There also is another case involving a -- an
11 antiwar demonstration, in which (Inaudible) was also
12 named defendant, made a policy decision to arrest about
13 800 people in the streets of Chicago. I understand
14 that's now being settled for around \$11 million.

15 So I did ask that some of this be put in
16 writing. I'll give it to you all with the citations.
17 I really urge you all to try to resolve this and
18 find -- and find the best team for us. Because you all
19 talk and, yeah, we want to save money, DOJ. The money
20 is a real concern. The City is right about that. But
21 we also need to find a resolution. And so hopefully

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1 you all can come together and figure that out. So
2 thank you.

3 MS. SHARONDA WILLIAMS: Thank you. The next
4 speaker was Emily Vatner (Phonetically) but she gave
5 your -- her time to you Ms. Howell. Robert Goodman is
6 the next speaker.

7 MR. ROBERT GOODMAN: Good evening, everyone.
8 Today I'm speaking on behalf of (Inaudible) start with
9 my brother, Ronald Goodman, who was (Inaudible) it
10 wasn't a high profile case just like (Inaudible) and
11 others, but I have been working with these families
12 since the beginning helping to advocate, to shed light
13 at the city from the very beginning on what happened to
14 these families. And to this day we're still working
15 closely together.

16 And I was a little disturbed that none of
17 these (Inaudible) family has ever been called to engage
18 in the process. Today as I say, we're still working
19 closely together. I took this same family to Georgia
20 last year to share their stories. And I think what we
21 be missing out here is that by these families coming

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1 together and keeping their loved one's voice alive by
2 being engaged to talk about it or being a part of the
3 process, helps the healing process because there's
4 nothing else for that. And by those families coming
5 together, like the lady we ran into in Georgia who lost
6 her son to the police, for the first time being able to
7 connect with families who are going through similar
8 experiences.

9 And we still to this day every year celebrate
10 our loved one. So I would hope that in setting up this
11 monitor, there's some kind of way that you all were
12 trying to more or less allow me to speak for the
13 families (Inaudible) because all their concern is like
14 from (Inaudible) never (Inaudible) the case never been
15 investigated. But to know that I'm part of the process
16 in keeping my brother's voice alive and making sure
17 that no other family would ever have to experience what
18 I had went through and other families. It's a very
19 important process. Thank you.

20 MS. SHARONDA WILLIAMS: Thank you. Our next
21 speaker is Danatis King (Phonetically).

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1 MR. DANATIS KING: Good afternoon.

2 UNIDENTIFIED FEMALE SPEAKER: Good afternoon.

3 MR. DANATIS KING: I'm going to be very brief, but
4 I'm speaking now as the President of the New Orleans
5 branch NAACP. And knowing the history of the NAACP
6 over the past 102 years throughout the United States,
7 the community, that's who we serve. We don't serve the
8 Department of Justice. We don't serve the City
9 administration. But we serve the community. What
10 you've heard today, that the community has a great deal
11 of concern about this entire process and particularly
12 as to where we are right now, where we're confronted
13 with what's been described as the City's candidate and
14 the Department of Justice's candidate.

15 There's a lot to be desired in both of them.
16 But one thing that has been repeated has been the
17 displeasure, the concern that the community has with
18 members of the Hillard team. And for this process to
19 have any validity, for it to have any kind of impact,
20 any kind of positive effect; it has to be the community
21 involved in it. If we're talking about policing, the

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1 police department does not police the City
2 administration. It doesn't police the Department of
3 Justice. It polices the community.

4 And if the community does not have any trust,
5 first of all, in the force, itself, and if it doesn't
6 have any trust in the monitor that's selected; then
7 we're setting ourselves up to fail. So right now as
8 far as the New Orleans branch NAACP's position, it
9 supports the Sheppard team, the Sheppard Mullin team.
10 There are -- there are problems with the Sheppard
11 Mullin team, as far as heading that -- that local and
12 identifying who the local input is going to come from
13 and where that's going to be.

14 But what's been demonstrated with the Hillard
15 Heintze firm, their local representation, that is
16 completely, completely, as has already been stated, the
17 community completely does not have any faith in those
18 local representatives that have -- have been identified
19 by the -- by the Hillard Heintze team. It has the
20 local representative -- representation. Not only has
21 it been discussed about Pastor Southall, but also

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1 Mr. Scharf, Peter Scharf.

2 He's the -- Professor Quigley has -- has
3 outlined some of the problems with -- with -- with him.
4 And again, community buy in, and that's absolutely
5 necessary and critical for any success. And the, out
6 of the two teams, out of the choices that we have
7 that -- that are there before us now, the superior
8 choice is Sheppard Mullin. And (Inaudible) Sheppard
9 Mullin leads the selection right now.

10 MS. SHARONDA WILLIAMS: Thank you. Our next
11 speaker is Norris Henderson.

12 MR. NORRIS HENDERSON: Good afternoon. It's
13 amazing, truth has a way of finding favor and disfavor.
14 I would say you're missing that on both counts. And I
15 kind of like just started laughing to myself saying
16 like, this is (Inaudible) this is where (Inaudible)
17 this is the type of city who always wants to take
18 credit for (Inaudible) and the Justice Department.

19 Well, here we are today and like Ms. Howell
20 said, you're fighting the suggestion that they give.
21 The most striking thing that these folks have said is

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1 that the community needs to have a part, they need to
2 have a role. This is the vetting (Inaudible) to always
3 win. Peter Scharf, here's a report, a 50-page report
4 on Peter Scharf. Peter Scharf filed a report in the
5 (Inaudible) case defending the police. So why would I
6 want Peter Scharf on this panel to protect me from the
7 police?

8 His testimony, his -- his professional
9 testimony, giving those attorneys a defense on how to
10 beat that case. I think we need to be really serious
11 about opening this process up. Ms. Morse said one
12 thing about process not (Inaudible) huh. Well, this is
13 process and not people. We need to have people in the
14 community that have been directly impacted by the
15 police in here, who have been directly impacted by --
16 and this man has been in the presence of the Glover
17 (Phonetically) family. And I guarantee you the Glover
18 family didn't know he'd done this.

19 In defense of the cop that killed this man
20 and you want to put him on this panel to represent the
21 community? I think not. And I think you all really

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1 need to do this vetting process in a different way. I
2 think the biggest suggestion came from, we have some
3 good people on this team, some good people on this
4 team; see can you all chuckle up. See can you all do
5 some carpools and get the best people from both groups
6 to come out of this thing with somebody that's going to
7 protect our interests. Really, this is serious.

8 This is not -- this should be an
9 embarrassment -- an embarrassment to y'all to know that
10 something like this exists and y'all allowed somebody
11 to even be considered. How can you consider somebody
12 to kind of like represent us, the community, when
13 you're building a defense for your police to get away
14 from killing somebody? This is totally embarrassing.
15 I mean, this is the document from (Inaudible) if you
16 want it, you can have it; but this is the document from
17 (Inaudible) just like anybody can go to their website
18 and pull it.

19 And in this day and age, you can't get
20 nothing over on people. Everybody got the same access
21 y'all got. The only difference is that we're willing

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1 to fight one day longer than y'all.

2 MS. SHARONDA WILLIAMS: Thank you. Our next
3 speaker is Randolph Scott.

4 MR. RANDOLPH SCOTT: Good evening. I think that
5 was some very good information that Norris Henderson --
6 Henderson just brought forth. We, Community United to
7 Change, have already made our statement. We feel as
8 though that there's a lot of conflict of interest on
9 the Hillard Heintze group. And it's clear we see -- we
10 want to thank the DOJ for providing a comprehensive
11 analysis of the Hillard Heintze, as well as the
12 Sheppard group. I think the City of New Orleans has
13 not clearly done their homework.

14 It's clear in terms of -- in terms of
15 explaining even their own recommendations. We do
16 not -- we believe that the mayor is involved in this.
17 We believe that that group was put together by the
18 administration, meaning the Hillard and Heintze group.
19 The -- looking at the Hillard and Heintze group in
20 terms of what it claims its expertise is and looking at
21 what was indicated in terms of how important it is for

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1 the group to have an expert in the use of force, legal
2 proceedings, civil rights, property assessing
3 documentation, making recommendations to the police
4 chiefs, as well as the court; is very critical and
5 important.

6 In reviewing the document that they did
7 present and that did, and that you all did talk about;
8 it's sorely lacking in many areas. One, another major
9 area is evaluations of the overall process and
10 submitting those evaluations. I cannot see that in the
11 Hillard and Heintze group. So that's woefully
12 defective in terms of what it claims to be, its
13 capabilities.

14 We in the community have always enjoyed a
15 community communications with the Department of Justice
16 now for more than two years. And we cannot say that
17 for the City administration. The City administration,
18 I mean, has yet to meet with the community on these and
19 other major fundamental issues that impact the
20 community. So to criticize and bring out, you know,
21 who the Department of Justice meets with, it has been

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1 very clear that the Department of Justice has met and
2 come to community organizations and groups throughout
3 the last two years, although this information is not
4 new. This information has all, a -- many -- a lot of
5 this information has already been publically
6 transmitted by CUC to the community in terms of
7 individuals.

8 We have also criticized individuals in our
9 community about their lack of participation in terms of
10 representation of the community. Instead they
11 represent the status quo. And they -- and they -- and
12 they support the administration against the aspirations
13 of the community and they're aligning with the
14 administration. That is a conflict of interest. It is
15 clear that this is nothing but a wholehearted conflict
16 of interest in terms of (Inaudible) in terms of what
17 we're trying to implement here for the community and as
18 wholeheartedly making a constitutional police
19 department out of the NOPD.

20 And I want to say finally that we want to
21 make sure that there is community input in this

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1 process. And we will continue to work with any of the
2 groups -- we will work with the and prefer to work with
3 the group that is more comparable to meet the needs of
4 the community. And that will probably be the -- the
5 Sheppard Mullin. Thank you.

6 MS. SHARONDA WILLIAMS: Thank you. Next speaker
7 is Diedra Lewis.

8 MS. DIEDRA LEWIS: Okay. I know this is how this
9 is going. We have the Justice team over here, these
10 are the good guys, okay? New Orleans is seemingly for
11 justice, and I believe you. Then we have here, the
12 mayor's team. I stand vehemently opposed to that
13 company Hillard Heintze as long as they have Southall
14 on the company and Dr. Peter Scharf. And also that
15 relationship with Dr. What's his name, Huey Perry.

16 People in this community have long fought to
17 get rights for average citizens. We had a meeting a
18 couple of weeks ago at Christian Unity. The mayor
19 highjacked the meeting and had it at Southall's church.
20 We were in a -- in a discussion about the NAACP and the
21 other various groups concerned about why would we do

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1 such a thing; and this was his quote: I'm not
2 concerned about these people. They don't go to my
3 church. They don't support my funeral home.

4 So that let me know that you got your hand
5 out for some money. And so you just like any other
6 pimp, you're pushing your agenda. I don't trust him.
7 The same thing when he came and took over (Inaudible)
8 school, I didn't trust that either. And he allowed
9 bully principal to still stay there with her sidekick,
10 Ms. Fortier (Phonetically) and (Inaudible) Peter
11 Thompson. I don't trust him. I can't say that enough.

12 Now, Huey Perry, where were you when the
13 lights went out? In other words, where were you when
14 the (Inaudible) was being challenged by that other
15 school to merge (Inaudible) disingenuous? It is
16 disingenuous as for you as a black man to go around and
17 (Inaudible) other black men their rights. To say that
18 the consent decree is not needed is the stupidest thing
19 I've ever heard of in my life. We should have had one
20 in here since day one.

21 Peter Scharf is concerned about the officers'

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1 fears? What about the black men that are concerned
2 about their fears? They're, black men in this city is
3 on high alert, high red alert by the domestic terrorist
4 called the NOPD. And we're going to need somebody in
5 here who is not politically persuaded and is going to
6 do the right thing. That's why I call y'all the team
7 for justice, and then they got y'all.

8 We're going to need somebody who is political
9 free and going to do the job of getting these black men
10 some kind of rights and justice in the city. That's
11 it.

12 MS. SHARONDA WILLIAMS: Thank you. W.C. Johnson
13 is our next speaker.

14 MR. W.C. JOHNSON: Good evening. Thank you very
15 much. W.C. Johnson from CUC. I wanted to speak
16 briefly and quickly about the impasse that we have
17 here. And I heard them ask how are they going to solve
18 this impasse. If you don't solve it, let the judge
19 solve it. And let's get moving with this. It's taking
20 too long.

21 The other problem that we have that we're

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1 seeing here is the fact that the City has never reached
2 out for the community. We have begged and pleaded,
3 Mitch and his administration to become involved and
4 allow community participation; and they have never
5 responded. They have always shut the door in our face.
6 So how can we trust you or even think that you would do
7 something right when you have been trampling on not
8 only the citizens, but your own employees.

9 So come on, give me a break, please. I heard
10 everything, but I didn't hear anybody talk about Judith
11 Dangerfield. She is a problem just simply because
12 she -- her -- her -- her financial income depends upon
13 the City. She -- her contract is with TCA, and if they
14 take it away from her, she's in trouble. So how can
15 she be independent?

16 Now we talked about constitutional policing.
17 We've been talking about this for a long time, but
18 finally someone listened when we got the DOJ in here.
19 Last week I was in municipal court. The policeman told
20 me to take off my kufi. I told the policeman that I
21 had the religious right constitutionally to have it.

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1 He told me he didn't know anything The Constitution.
2 And that's the way most of the police are in here.
3 They have no understanding or knowledge the
4 Constitution. And that's the big problem.

5 And so does Charles Southall, who refused to
6 allow me to pay my respects to Wendell Allen in his
7 church because of my kufi. This man respects no other
8 religion but his. So how can we trust him to come in
9 and do anything on the behalf of poor black folks in
10 New Orleans? I ask you to consider strongly the fact
11 that this process has not been fair and just from the
12 beginning. We're down to two, and there's public
13 comment.

14 I think there was five when the public first
15 was able to put their two cents in. We should have
16 been involved at the beginning with the 12. So now
17 we're here. We have two groups that we have questions
18 about. I sat through some of the sessions. There were
19 other applicants I thought were more qualified, but we
20 had no input, we had no say.

21 And we get down here to make it look good, to

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1 make their process look right. It was just, here we
2 come with our comments. But we need to get on with it.
3 And I, one other thing, I keep hearing about we've got
4 to get out of here quick. We've got to get this
5 consent decree done and out of here. Don't have that
6 attitude, please don't.

7 Because if that's the attitude, we don't even
8 need to start. We want a constitutional policing in
9 this city at any and all costs. We don't want this to
10 be a rush job. We want it done right. And you can
11 only do it right with the community.

12 UNIDENTIFIED FEMALE SPEAKER: Amen.

13 MS. SHARONDA WILLIAMS: Next speaker is Yvette
14 Terry (Phonetically).

15 MS. YVETTE TERRY: My name is Yvette Terry. I am
16 a concerned citizen, a taxpayer, a voter -- a voter,
17 registered voter in District C. I'm the executive
18 director of Safe Streets and Strong Communities. I
19 just wanted to bring some light. So last year when the
20 Department of Justice was here and there was the day
21 that Obama was in town, I was one of those concerned

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1 citizens that didn't rush to see Obama, but went to the
2 meeting with the Department of Justice because these
3 three people right here told me that they were going to
4 be my voice in this process.

5 And I really want to commend you guys because
6 I see that y'all are, you really did listen to a lot of
7 things that we had to say that day. When a lot of our
8 important community people were seeing Obama, I was one
9 of the community people that was sitting around the
10 table (Inaudible) trying to get some of this stuff
11 figured out. Safe Streets have represented people like
12 the Grimes, the Madisons, these people who have lost
13 loved ones.

14 And we can't even begin to give them a price
15 tag, the Glovers, of what their loved ones meant to
16 them. But another fact I want to bring up is when we
17 were hiring our police monitor through a very flawed
18 process when then Len Odom was the acting Inspector
19 General. And we had representatives on that board. We
20 had two community representatives that was outvoted by
21 Len Odom. Because we found out later from the deputy

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1 police monitor that there was a process where Len Odom
2 had already decided that he would hire Neely Moody.

3 And I would definitely (Inaudible) another
4 process from another group that wanted Holly Wiseman.
5 And at the end of the day it all came out. But then
6 when Ed Quatrevaux got elected as the Inspector
7 General, I, me, did best practices. I brought a packet
8 to Ed Quatrevaux at the Urban League and said, you
9 know, my organization, we've been doing our homework.
10 We just want you to consider where you should look for
11 this police monitor.

12 And the second thing we said to Ed Quatrevaux
13 was we wanted a vetting process. And all that
14 happened. And in the effect of that having communities
15 involvement, we brought Susan Hudson here, who we told
16 her that we wanted to hold her accountable. She told
17 us she wanted us to hold her accountable. And from the
18 day Susan stepped into town, she will tell you Safe
19 Streets is always meeting with her. We're always
20 talking.

21 And so that's what we talk about process.

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1 When you have a process that works for everybody, then
2 you can continue even working through the hard things.
3 Have we been 100 percent with, you know, with Susan?
4 No, because nobody is 100 percent. But we still have a
5 process where we work together, and we're invested in
6 making sure our communities are safe.

7 And as I take my seat and y'all are talking
8 about colors, think about the Grimes, think about the
9 Glovers, think about the Madisons. Do you think
10 there's a price tag big enough to bring back the life
11 into these people's loved ones? Thank you.

12 MS. SHARONDA WILLIAMS: Thank you. The next
13 speaker is Curtis Bourdenay (Phonetically).

14 MR. CURTIS BOURDENAY: Good afternoon. My name is
15 Curtis Bourdenay. I'm a citizen of New Orleans. And I
16 came here really to just kind of have some input and
17 some say and -- and just sit here, basically just sit
18 here listening to -- to both -- both sides of the
19 table. It's clear to see who's more knowledgeable
20 about the process of choosing someone, and who's not
21 knowledgeable.

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1 On one side we have the United States
2 Department of Justice, who clearly has experience and
3 knowledge with -- with -- with this process. They have
4 the expertise of the whole United States Department of
5 Justice. So they can actually make phone calls and --
6 and call people in other states and -- and get
7 resources that -- that y'all don't have. And it's
8 funny that the City is sitting on this side and you're
9 disputing everything, but I'm not hearing nothing.

10 I'm hearing somebody talk about a bracket. I
11 would describe it as a bracket. I would describe it as
12 a bracket. Well, the Hines team has -- they say who's
13 here and who's there. Like, who -- who cares? I don't
14 care who is here and there. I want the most
15 experience. And what I do know is, because I did the
16 research, I went on the websites and I looked at the
17 companies.

18 I went to the Secretary of State websites.
19 Because a lot of times the City will hire people who is
20 not even really companies. So I had to make sure they
21 were incorporated, that they were in good standings. I

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1 did all of those type of things just to make sure.

2 And -- and -- and you know, the Heintze -- the
3 Heintze -- the Hillard Heintze team is very new. It's
4 a new company. It's -- it's -- it's started after --
5 after -- after 2003. You know what I'm saying?

6 The -- the Sheppard Mullin company has been
7 around for years, years. And I'm talking about way
8 over 50. And I think somewhere like 1927 or something
9 they started. So -- so I think that it's clear. And I
10 -- I want to direct this to the Department of Justice,
11 I think it is clear who should lead this monitor. I
12 think it's clear.

13 And -- and as the United States Department of
14 Justice, you guys are representing the United States,
15 not the City. You represent each and every one of the
16 citizens here and abroad, everywhere in the United
17 States. And we ask that you guys stand your ground.
18 You are on the right team of the two that they've given
19 us.

20 And if they don't come to the agreement that
21 you're with the right one, stand your ground. And it's

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1 clear that you put on the defense that you put here,
2 and they put on the defense that they put here; you'll
3 clearly win before the judge. You'll -- you'll get --
4 you'll get what you're looking for, and we'll get what
5 we're looking for. It's clear.

6 Because if you go back and just look at the
7 video and the tape of what just took place here today,
8 you've got about five minutes of talking on this side,
9 and we've got tons of reasons why you choose who you
10 choose. And -- and just based on that, I don't even
11 need to look at what I looked up, just based on what
12 y'all told me, just based on what you said; I agree.

13 And -- and guess what, I -- I don't have a
14 problem with Mitch Landrieu. I don't have a problem
15 with him. And normally I don't side with the NAACP,
16 but on this one here, they got it right on point. They
17 got it right on point. And -- and -- and you know what
18 I'm saying, I -- I just don't understand how the City
19 of New Orleans is going to pick the monitor for the
20 City of New Orleans Police Department. It doesn't make
21 sense.

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1 UNIDENTIFIED FEMALE SPEAKER: Right.

2 MR. CURTIS BOURDENAY: It just doesn't make sense
3 at all. So -- so I'm asking the Department of Justice
4 to stand your ground. You're right. And -- and -- and
5 it is fishy. And stand your ground. And please,
6 listen, if -- if the decision going to be -- going to
7 be made, the judge will make it. And I promise you,
8 any competent judge is going to -- is going to do the
9 same thing y'all -- the same decision y'all want to
10 make. Thank you very much.

11 MS. SHARONDA WILLIAMS: Thank you. Our next
12 speaker is Donald Shopan (Phonetically).

13 Mr. DONALD SHOPAN: Good afternoon. Good
14 afternoon.

15 MS. SHARONDA WILLIAMS: Good afternoon.

16 MR. DONALD SHOPAN: My name is Donald Shopan. I
17 live at 812 (Inaudible) I'm a lifelong citizen of New
18 Orleans. I've heard all the comments that have been
19 made. And to cut to the chase and to wake those up who
20 are sleeping, okay, we can boil it down to very, very
21 simple concepts. Most of us think that the shit that

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1 we in, it's historical racist, oppressive (Inaudible)
2 the shit that we in, we're asking the -- the DOJ to
3 come here and rescue us.

4 That's exactly what it is. The City and the
5 police have been practicing an agreed upon illusion for
6 decades. It started back before the Civil War. The
7 same game. Here's the difference, at this point in
8 time we have the citizens who are (Inaudible) enough,
9 got enough fire in them to stand and fight back. If
10 you leave here and don't do due diligence, you will
11 leave us in the hands of bullies.

12 You will leave us in the -- you -- you -- you
13 will be a temporary referee that leave and leave us in
14 the hands of an oppressive (Inaudible) if you leave.
15 It will be just like what happened back in the 18th --
16 the 18th -- in the 18th century when the -- I'm
17 sorry -- in the 1800s during the Civil War when y'all
18 left. It will be the same thing.

19 The only thing that's going to make this work
20 is if you stand your ground and recognize that we are
21 now ready, able, and willing to stand our ground. If

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1 you recognize that, we can fix some of these problems.
2 The City has a habit of, first of all, not hearing what
3 you say. Not allowing you to even talk to them unless
4 you're going to agree with what you're saying. And
5 ignoring all you say that makes any sense.

6 It's worked. That's the basis for the
7 service economy, which is what this is. They have no
8 intentions of changing the paradigm, that's why
9 (Inaudible) us. (Inaudible) everything since. If
10 you -- if you -- if you loved our culture, they would
11 prefer to be (Inaudible) rather than -- rather than in
12 the people (Inaudible) bring to the city. They have no
13 appreciation of what we do and how we do it. That's
14 why a couple of years ago when they had the City -- the
15 City Hall meeting and City Council done stopped them
16 from oppressing and brutalizing the (Inaudible) as far
17 as the culture.

18 That's the way they roll with us. They
19 want -- they want to suppress us at their own expense.
20 They built the whole city on -- on tourism, which means
21 that the tourists come here to see us, but they can't

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1 find us. They spend all their money in (Inaudible)
2 they call the French Quarter, but they can't find us.
3 And when we come to the French Quarter to perform for
4 them and support the reason that they came, we are paid
5 pennies.

6 Those who work in the French Quarter, they're
7 paid pennies, and they make millions. Those of us who
8 make the culture of the city are afraid to even come to
9 the French Quarter because we're not wanted. That's
10 the paradigm that -- that we live in in New Orleans.
11 So with that being said, there is nowhere in the world
12 that they're going to (Inaudible) that (Inaudible)
13 that's going to change their paradigm because they're
14 making money for them.

15 And as long as they're making the dollars,
16 anything else doesn't make any sense. So bottom line
17 is, we need you guys to do your job. And if -- if you
18 leave here, it won't be like in the past where you came
19 here and you said, you know what, I see what's
20 happening, but the citizens are not ready. If I come
21 here and start something that I can't finish, I will

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1 leave them to be slaughtered. If you leave, you're
2 leaving soldiers behind. Thank you.

3 MS. SHARONDA WILLIAMS: Thank you. Our final
4 speaker is Marjorie Esman from the ACLU of Louisiana.

5 MS. MARJORIE ESMAN: Hi. I'm Marjorie Esman,
6 executive director of the ACLU of Louisiana. And a lot
7 of what I have to say has already been said, but I just
8 want to point out that the reason that we're here today
9 is because of history of decades of abuse of the people
10 of New Orleans at the hands of the New Orleans Police
11 Department. Had it not been for that, we wouldn't need
12 to be having this conversation today.

13 So it's important to remember that the single
14 reason that we're here is to ensure that going forward
15 the -- the New Orleans Police Department is in a
16 position to protect the civil rights and civil
17 liberties of the people of the city as it is their job
18 to do. And the only way to do that is to ensure that
19 this monitor provides the -- the support and the
20 resources to the police department to know what the
21 rights are, to know how to protect everybody's rights.

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1 'That means the rights of -- of ordinary people going
2 about their business not doing any harm, as well as the
3 rights of people who don't want to be victim of serious
4 crime, real crime, not manufactured crime.

5 So I'm not here to take a position on which
6 is the better monitor. I'm here to remind everybody
7 the reason that we're here. And that is to make sure
8 that the people of New Orleans can, going forward, know
9 that the police department will respect the fundamental
10 rights and liberties of everybody in the city. Thank
11 you.

12 MS. SHARONDA WILLIAMS: Thank you. That was our
13 last speaker. Thank you all for your -- your comments.
14 The -- the last item on the agenda was a discussion of
15 steps going forward. One, whether there could be
16 additional information that needs to be obtained from
17 the two candidates or if there was a -- a consensus on
18 a candidate at this time.

19 It seems that the DOJ has a candidate that
20 they thoroughly prefer. The City's position is that
21 we've, the discussion has raised a lot of different

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1 issues that we probably -- or -- or that we deserve to
2 have additional information on and additional vetting
3 for both candidates so that a monitor can be selected.

4 MR. ROY AUSTIN: So Ms. Williams, I would -- I
5 would simply say that the -- the Department's main
6 issue is that we want what's best for the City of New
7 Orleans. We appreciate very much what the City has
8 done in having this public forum. And we think it is
9 incredibly important what we've heard here today. I
10 think that it would be a mistake for us to try to come
11 to some consensus right now considering all of the
12 additional information we've received and what people
13 have said here today.

14 What I would strongly recommend is that we --
15 we take everything that's been said here and -- and
16 people have spent a lot of time coming here and we
17 appreciate that and I know the City appreciates that,
18 as well. What we would love is -- is we need to sit
19 down and think about this. And I think it's, we've
20 been given some -- some very good advice and some --
21 some great food for thought with respect to how this

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1 process has gone and how this process should go forward
2 with respect to what we should do next.

3 I think that we should spend this time asking
4 the questions that have been raised here of the
5 monitoring candidates. I think that there's a system
6 in place that -- that Judge Morgan set up to, where no
7 more than two -- two people from either group so we
8 don't end up with a quorum, can sit down and talk, ask
9 these questions, ask further questions of the
10 community.

11 The one thing that I would ask is that we set
12 up a formal mechanism for others to provide things in
13 writing between, you know, I would say maybe we give
14 people a week. That would be fair. I know that
15 Mr. Cortizas received stuff for the City. I don't know
16 (Inaudible)

17 MS. SHARONDA WILLIAMS: I -- it --

18 MR. ROY AUSTIN: The rest of those -- those
19 comments to Mr. Cortizas.

20 MS. SHARONDA WILLIAMS: Yeah, I believe --

21 MR. ROY AUSTIN: Okay. That's right. Thank you.

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1 MS. SHARONDA WILLIAMS: I believe that the court
2 had already set forth, in the original order setting
3 forth the process for selection of the monitor, that
4 all public comments could be sent to the City Attorney.
5 It's our position that that process can continue until
6 a monitor is selected. And all of those public
7 comments will be received and reviewed by the entire
8 selection committee as -- as these discussions go
9 forward. So if there are things that are raised in
10 writing and sent to Mr. Cortizas, they will certainly
11 be shared with the DOJ.

12 And as Mr. Austin has stated, the judge on
13 Friday set forth a process for these additional
14 questions that have been raised today, both by the
15 public and -- and by members of the committee, to be
16 addressed between now and the next public meeting on
17 April 30th. And -- and that process will be two
18 members from each team, from DOJ and from the City, to
19 sit down with the candidates to gather that additional
20 information so that that information can be shared at
21 the April 30th meeting with the idea of attempting to

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1 have a final vote on a candidate if possible. We're
2 all in agreement on that?

3 MR. ROY AUSTIN: We are in agreement.

4 MS. SHARONDA WILLIAMS: Okay. So with that said,
5 if there are additional public comments that people
6 want to share, please send them to Richard Cortizas.
7 And again, those comments will be provided to everyone
8 on the team. And the next meeting will be April 30th.
9 You can find the notice information for that meeting on
10 the City's website. And -- and with that I think that
11 this -- there's no other business. I think that we're
12 concluded for today. Thank you.

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1 STATE OF WASHINGTON)
)
2 COUNTY OF WHATCOM)

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

10

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

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Christy M. Aiello

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