

June 17, 2015

Re: Independent Monitor of the Cleveland Division of Police

Dear Applicant,

We are in receipt of the information that you submitted in response to our Request for Information for an independent monitor for the Cleveland Division of Police (“CDP”). As contemplated in that Request for Information, on May 26, 2015, the City of Cleveland and the United States of America (the “Parties”) filed a joint motion and memorandum seeking the entry of a Consent Decree. The matter, which is pending before United States District Court Judge Solomon Oliver, is *United States of America v. City of Cleveland*, 1:15-CV-01046-SO. Attached is a copy of the Consent Decree as entered by the Judge, which details the applicable timetables, duties, and responsibilities of the independent monitor.

We recognize that your initial submission was made without the benefit of the terms of the proposed Consent Decree. If you remain interested in serving as an independent monitor for the Cleveland Division of Police, please submit any additional information and formal proposals that you wish to have considered by the Parties who will be selecting the monitor.

This request is not part of, and shall not be governed by, any formal municipal, state, or federal procurement process. The Parties will not pay for any information or administrative costs incurred in response to the request. All costs associated with responding to the request will be solely at the interested party’s expense. Candidates considered for monitor or as a subject-matter expert on the monitor’s team must disclose all actual and potential conflicts of interest. All information submitted may become a matter of public record.

A description of the scope of work required by this project, along with the information that must be included in the application, is set out below. The exact requirements and terms of monitoring, as well as the designation of the monitor, are included in the Decree. The ultimate term of the monitorship is to be determined by the Parties and the Court, but is expected to be at least five years. Respondents should carefully consider this multi-year commitment in developing their monitoring teams and plans. As further described below, applications must include a projection of estimated costs and expenses, including yearly estimates, an estimated overall total amount, and a cost-cap above which fees and costs will not be billed.

Scope of Work

The following descriptions of the monitoring team’s expected responsibilities and duties are illustrative and non-exclusive. Generally, the monitoring team will be responsible for independently and objectively assessing and reporting on whether the requirements of the Decree are being implemented, and whether implementation is resulting in constitutional policing by and increased community trust in the Cleveland Division of Police.

The monitoring team's duties are expected to include the following:

- Development and implementation of an organizational plan, including appropriate staffing and scheduling, for auditing and reviewing CDP's compliance with the requirements and purpose of the Decree;
- Development of methodologies for conducting reliable audits and reviews of CDP's compliance with the Decree;
- Recommendation and review of metrics for assessing police practices and their effects during the pendency of the Decree;
- Conducting reliable assessments to determine whether the Agreement has resulted in Constitutional policing;
- Reviewing and commenting on policies, training, and initiatives developed pursuant to the Decree;
- Conducting, analyzing, and reporting on methodologically sound surveys of community members and police officers regarding CDP police practices;
- Reviewing use of force and misconduct investigations to assess their quality, reliability, and adherence to the requirements of the Decree;
- Providing or facilitating technical assistance to CDP, including recommending strategies to improve CDP's implementation of the Decree;
- Receipt from and provision of information to the Cleveland community, including civilian oversight entities, related to implementation of the Decree;
- Regularly communicating with the City and the United States regarding CDP's progress implementing the Decree, any obstacles to implementation, and as otherwise necessary to facilitate effective implementation;
- Regularly producing public reports on CDP's progress implementing the Decree and any obstacles to implementation;
- Maintaining all documents related to this project in a confidential manner as required by the Decree;
- Testifying in proceedings only as provided by the Decree;
- Making public statements only as permitted by the terms of the Decree; and
- Maintaining the highest ethical standards.

The substantive requirements of the Decree are generally grouped into the following areas:

- Community Engagement and Building Trust
- Community and Problem-Oriented Policing
- Bias-Free Policing
- Use of Force
- Crisis Intervention
- Search and Seizure
- Accountability
- Transparency and Oversight
- Officer Assistance and Support
- Supervision
- Policies

Requirements of Monitoring Team

The application to serve as or on the court-appointed monitoring team should clearly demonstrate the respondent's qualifications to perform the requested scope of work. The application to monitor the Decree should include the following:

I. Executive Summary

A brief description of how the team would complete the project.

II. Personnel

- The names of the individuals and/or subcontractor consultants who would comprise the team;
- A summary of the relevant background of each team member;
- The internal organization of the team including the areas of responsibility for each member; and
- A description of all other current employment, projects, or other professional undertakings for each team member, noting the team member's time commitments for each.

III. Qualifications

Each team member's qualifications, addressing the following areas as applicable:

- Monitoring, auditing, evaluating, or otherwise reviewing performance of organizations, including experience in monitoring settlements, consent decrees, or court orders;
- Law enforcement practices, including training, community and problem-oriented policing, complaint and use of force investigations, and constitutional policing;
- Evaluating the breadth and depth of organizational change, including the development of outcome measures;
- Development of effective quality improvement practices;
- Mediation and dispute resolution;
- Statistical and data analysis;
- Information technology;
- Data management;
- Working with government agencies, municipalities, and collective bargaining units;
- Language skills and experience working with limited English proficient persons and communities, in particular communities whose primary language is Spanish;
- Familiarity and understanding of local issues and conditions;
- Effective engagement with diverse communities;
- Creation and evaluation of meaningful civilian oversight;

- Familiarity with federal, Ohio, and local laws, including civil rights laws and policies and rules governing police practices;
- Completing projects within anticipated deadlines and budget;
- Preparing for and participating in court proceedings; and
- Report writing for a broad variety of stakeholders.

IV. Prior Experience and References

List current or recent (within the past 10 years) project experience for members of the team relevant to the monitoring duties and responsibilities; references for each project listed, including the name of the organization, contact person, title, address, e-mail address, and telephone number; and, if available, examples of non-confidential work product that is similar to the reports required for this project.

V. Proposed Activities

Describe (in as specific detail as possible and using illustrations as necessary) the activities proposed to perform the Scope of Work. This discussion may address, but is not limited to:

- Methods of obtaining information;
- Methods of analyzing information;
- Methods of reporting information;
- Frequency of proposed activities;
- Personnel responsible for the various activities described in the Scope of Work and the number of hours anticipated to be devoted to specific aspects of the project by month or quarter, including the number of hours that would be spent on site in Cleveland;
- Coordination with the City and CDP to arrange visits, on-site records reviews, and interviews; and
- Coordination of monitoring activities, information gathering, and communications with the City, the United States, and members of the community.

VI. Potential Conflicts of Interest or Bias

Disclose any potential or perceived conflicts of interest involving team members, associated firms or organizations, and any employee(s) assigned to the project, or proposed subcontractor(s), including current or former employment, contracts or grants with the City, CDP, or the United States, and any involvement in the last eight years (whether paid or unpaid) with a claim or lawsuit by or against the City, CDP, or the United States or any of their officers, agents, or employees. Any close, familial, or business relationships with any of the mentioned entities, or their agents or employees, must be disclosed. Disclose whether any member of the team has been the proponent or subject of any complaint, claim, or lawsuit alleging police misconduct. To the extent a conflict or potential bias exists, explain why it does not bar the individual's or the team's selection, including any legal or ethical opinions or waivers upon which the team relies.

VII. Estimated Costs

Provide a Cost Estimate for this project based on the above Scope of Work and requirements of the Decree:

- Include a projected budget for all costs including, but not limited to: hourly billing rates, travel costs, whether travel time is billed, sub-consultant/contractor services, overhead, and supplies.
- Break down the different activities that members of the team will perform (e.g., policy review, technical assistance, training assessment, report writing, and/or incident review).
- Include a projected allocation of hourly commitments by each team member, broken down by the number of hours projected for both on-site and off-site work.
- Take into account the uncertainty of the duration of the Decree and include both one-time or fixed costs that are expected regardless of the duration of the contract, and annual costs that are expected for each year the contract is in effect.
- Include an estimate of total costs and a cost-cap above which fees and costs will not be billed.

Application Materials as a Public Record

Under the laws of the State of Ohio, all parts of the application, other than trade secret or proprietary information, may be considered a public record which, if properly requested, the City must make available to the requester for inspection and copying. Additionally, the Parties may choose to share all or some of the submissions with the public. Therefore, to protect trade secret or proprietary information, the Responder should clearly mark each portion of each page—but only that portion of each page—of its application that contains that information. The City will notify the Responder if such information in its application is requested, and will make every attempt to protect trade secret or proprietary information by citing to the applicable exemption in Ohio’s Public Records Laws. Blanket marking of the entire application as “proprietary” or “trade secret” is not acceptable and will not protect the entire application unless each part of the entire application is in fact trade secret or proprietary information. The City is not obligated to protect information that is obviously not a trade secret, obviously not proprietary, and obviously public, even if labeled as such. Upon submission of an application that contains clearly marked trade secret or proprietary information, the Responder is agreeing to defend and indemnify the City against any lawsuit or claim that the City improperly withheld a public record based upon the Responder marking it as a trade secret or proprietary information.

All formal proposals or other additional information must be submitted by close of business **Wednesday, July 8, 2015**, in electronic format (preferably pdf) to the Parties as follows:

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