

# JACOBS LAW OFFICES, LLC

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May 18, 2015

ROGER B. JACOBS, ESQ.  
MEMBER NY & NJ BARS

## Via E-Mail

Newark Communities for Accountable Policing  
PO Box 32159  
Newark, NJ 07102  
info@newarkpolicereform.org

ATTN: [REDACTED]

Thank you for your letter of May 5, 2015.

A copy of our monitor proposal is attached.

Our expectation is to rebuild trust in the police department, from the police department and with the stakeholders in Newark. By doing so, we expect to improve the overall effectiveness of the NPD.

Our approach and planned scope is different and probably more amenable to a city like Newark and the NPD. In our view, the monitoring team must cultivate stakeholder engagement and enhance involvement with all segments of Newark's many and diverse communities. While police techniques and constitutional issues are paramount, identification of and involvement of the stakeholders is vital to the ultimate success of the monitoring process. We have established an Advisory Council. The Advisory Council will be anchored by participation from the NJISJ.

## Role of Advisory Council

Ensuring a meaningful role for local stakeholders is critical to an effective and sustainable reform process. The Advisory Council will play a key role in facilitating communication between the monitoring team and the multiple stakeholders in the City of Newark. The Advisory Council and the NJISJ will help the team rapidly develop a strategy to work with the external and community stakeholders.

The Advisory Council will regularly work with stakeholders from business, higher education, churches, and various community groups. In this way, we will make sure that the citizenry is fully engaged in an interactive process and that the police department serves the

needs of residents. Steven Yglesias, a respected business leader in Newark and native of the city, will chair the Advisory Council. The team will appoint a co-chair from among the various community groups.

### **Next Steps**

We will establish immediate contact with the NPD command staff, and area commanders and other departmental leadership among others. We will include heads of the Police Fraternal Organization in our dialogue. We will also meet with personnel responsible for developing the training materials and manuals used by the NPD.

The monitoring assignment will primarily be focused on reviews of policies and procedures; the monitoring of training on those policies and procedures; and how these policies and procedures are implemented in the field on an ongoing basis - specifically, use of force, stops, searches and arrests; discriminatory policing; recruitment; training; supervision; and misconduct including theft of property. The Advisory Council will also facilitate interaction with community groups and stakeholders who have been most concerned about the interactions between the NPD and the community.

Meetings will be regularly scheduled with the NPD and the DOJ. Rather than re-creating the work previously completed by the DOJ and U.S. Attorney's Office, we will first review those findings and begin to develop a strategy for change. We expect monthly meetings to occur initially.

The team will review documents, databases and other information that is necessary to carry out the Monitor's responsibilities. We intend to determine promptly the best ways to gain access to critical NPD personnel and relevant information. We will identify key personnel, constituents, and stakeholders; and hold focus groups and listening sessions to hear from the local citizenry who are most directly affected by the reforms. Additionally, working with Stroz, we will survey the types and categories of documents created and maintained by the NPD to ensure that the monitoring team obtains and continues to receive documents necessary to accomplish the monitoring and assessment objectives described by the U.S. Attorney Fishman.

The monitoring team will prepare a detailed monitoring plan that will evolve during the monitorship. The monitoring plan (and any revisions) will be fully shared with all parties.

The team will also be supplemented by support staff from Yorkson Legal which has provided assistance to many Fortune 100 Companies as well as Amlaw 100 Firms. We will utilize Yorkson for additional attorneys, paralegals, and administrative assistants. Yorkson is a Certified Women's Business Enterprise and experienced in providing support staff, particularly for document review, which will be necessary for the team.

## **The Monitor's Role**

We will work to understand and change the culture of the NPD where needed. The team will ensure more effective and constitutional policing by using sophisticated analysis, reporting, and re-focus. Training will be reviewed and revamped so it is done correctly, accurately, and in a timely manner.

The substantive requirements for the Request for Application detail more than twenty specific categories which are included in the plan. We will deal with each of the groupings in broader discussions. For example, Community Engagement and Civilian Oversight will largely be handled through the direction of our Advisory Council. However, we will hold focus groups, listening sessions, and identify key personnel among the constituencies in Newark. We define constituencies broadly among demographic, racial, business, religious, institutional and other categories. Efforts to reach out to and link up with opinion leaders, as well as elected officials, will be critical at all stages of the monitor program.

Policing, including bias-free policing, stops, searches, arrests, use of force, and general policing tactics and techniques, will be coordinated by Mr. Ship, Mr. Loesh, and Professor Simmons, who is an acknowledged expert in reforming police organization culture, racial profiling, and cooperative federalism. They will also be consulting model policies throughout the term of the monitor. They will consult "best practices" on a regular basis from other similarly situated police departments that have successfully implemented some of the reforms Newark will need. Of course, one of our sources will be "Promoting Principles of Police Integrity," so that our efforts will be consistent with DOJ principles. Records management, systems improvement, and data analysis will be supervised by the Stroz people working with us. Detailed data analysis and modeling is discussed in more detail in the proposal.

In-service officer training Academy and Policy Development and review will be done in tandem by Roger Jacobs, Jiles Ship, Professor Simmons, as well as people from Stroz. This area will be segmented to deal with analysis of the training modalities; review of the delivery training and by making sure there is input by the stakeholders. Discipline, misconduct and theft issues will be specifically under the direction of Jiles Ship and Larry Loesh.

Members of the Jacobs Group also are conversant in Spanish and Portuguese, two critical languages in the Newark community. Mr. Yglesias is a native Spanish speaker and has functioned for more than twenty years in the largely Portuguese business community in the Ironbound/Down Neck area of Newark. His language skills, cultural skills, as well as acceptability and leadership in those communities, will be critical to the success of the Jacobs Group.

Our team also has significant experience working with governmental agencies, municipalities, and collective bargaining agreements. For example, Mr. Jacobs has engaged in collective bargaining with police units in the past, and has taught the subject in one of the nation's leading law schools. Considered an authority on that subject, he will lead the group in understanding the dynamics of collective bargaining relationships in law enforcement. In addition, Mr. Ship has been a Director of Police and a senior law enforcement official. He is

well-aware of the intricacies of collective bargaining as well as minority/majority rights and law enforcement. Many members of the team have also worked closely with elected public officials at the local and state level, and will utilize those working relationships to make sure that input and dialogue is a two-way street.

The Jacobs Group has a strong core team with an affiliation to one of New Jersey's key institutions dealing with social responsibility, the New Jersey Institute for Social Justice. By combining expertise, community involvement, life experience, and knowledge, we will deliver sensitive and meaningful monitoring and change to the NPD. As a concomitant result of those efforts, community involvement will be enhanced, and will painstakingly be solicited.

We expect to work with community groups throughout the city of Newark on a regular basis. The Advisory council in our proposal will be a key facilitator for input from a wide range of stakeholders.

Thank you for giving us the opportunity to comment regarding this process. We look forward to your continued input

Very truly yours,

*Roger B. Jacobs /s/*

Roger B. Jacobs

RBJ/rhj

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ROGER B. JACOBS, ESQ.  
MEMBER NY & NJ BARS

February 13, 2015

**VIA E-MAIL**

Jeffrey R. Murray  
Trial Attorney  
Special Litigation Section  
601 D Street NW, 5<sup>th</sup> Floor  
Washington, D.C. 20530  
[Jeff.murray@usdoj.gov](mailto:Jeff.murray@usdoj.gov)

Sabrina G. Comizzoli  
Executive Assistant U.S. Attorney  
U.S. Attorney's Office, District of New Jersey  
970 Broad St., Suite 700  
Newark, NJ 07102  
[USANJ.NPD.Monitor.Applications@usdoj.gov](mailto:USANJ.NPD.Monitor.Applications@usdoj.gov)

Re: **NPD Monitoring Application**

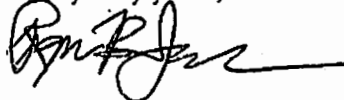
Dear Counsel:

Enclosed please find an application on behalf of the Jacobs Group for monitoring of the Newark Police Department.

Kindly acknowledge receipt.

We look forward to further dialogue with you on this important process.

Very truly yours,



Roger B. Jacobs

RBJ/dka  
Enclosure

**Proposal to Serve as  
Consent Decree Court Monitor of the  
Newark Police Department**

**Roger B. Jacobs  
Jacobs Center for Justice and Alternative Dispute Resolution  
February 13, 2015**

## EXECUTIVE SUMMARY

This proposal is submitted by Roger B. Jacobs, Managing Principal of the Jacobs Center for Justice and Alternative Dispute Resolution (Jacobs Center), to serve as the Consent Decree Monitor for the Newark Police Department (NPD). The Jacobs Center for Justice primarily deals with dispute resolution issues. Mr. Jacobs is also very involved with social responsibility and social justice.

The Jacobs Center has assembled a team, comprised of policing consultants, lawyers, data and statistical analysts, and other experts that will oversee the implementation of the comprehensive reform measures contained in the Consent Decree. The team will conduct compliance and progress reviews, conduct outcome assessments, issue quarterly reports, and provide technical assistance as requested by NPD, so long as such assistance does not conflict with the team's monitoring responsibilities.

We recognize that effective oversight may require us to add additional personnel. In such instances, we will supplement the team with sub-contractors, and we also welcome the opportunity to work with other groups or individuals that have made proposals to serve in this capacity.

## PERSONNEL

If selected, Mr. Jacobs will lead the Jacobs Group and serve as Monitor. Mr. Jacobs has an extensive background primarily in employment law, alternative dispute resolution, and representation of large public and private organizations. In addition, he has taught Bargaining and Negotiations at Fordham Law School, and well as discrimination subjects at New York Law School and School of Management and Labor Relations at Rutgers.

Early in his career, Mr. Jacobs was a prosecutor in Hudson County, and also worked in the Bronx County District Attorneys' Office. His law practice has been devoted for more than thirty five years to employment related and business issues. He was the Elias Lieberman Fellow in Labor Law at New York University School of Law, where he also received his Masters of Law. Mr. Jacobs is a well-known author and litigator in the field.

Mr. Jacobs has also been active in many community groups where he has used his community relations skills to open dialogue and build bridges. He served as Community Relations Chairman for the United Jewish Federation of Greater Metro West, and has long been active in Newark. He began the Newark Advisory Council, and is currently its co-chair. The Council is comprised of business leaders, attorneys, realtors, and other professionals working in Newark, from the Jewish community. In that role, he has continued to facilitate dialogue in the greater Newark community.

Mr. Jacobs is also now in his fifth term as Chairman of the New Jersey Educational Facilities Authority (NJEFA). NJEFA is the primary conduit financing agency in higher

education. In that capacity, he works with public and private institutions, as well as elected officials, and the Governor's office- on a regular basis.

Additional team members include:

**JILES SHIP**; A retired former Police Director with more than twenty five years of law enforcement experience. He has also held senior leadership roles in NOBLE and other important police fraternal organizations.

**STEVE YGLESIAS**; An active and respected business leader in Newark; fluent in Spanish and Portuguese, and a Newark native.

**PROFESSOR KAMI CHAVIS SIMMONS**; A tenured professor at Wake Forest Law School; has taught courses on police practices and currently has a role similar to "monitor" at Wake Forest University.

**LARRY LOESH**; A retired law enforcement professional with private sector experience handling global security and related issues.

**NEW JERSEY INSTITUTE for SOCIAL JUSTICE (NJISJ)**; Is serving an advisory role to the team. NJISJ is a key barometer on issues including police practices in New Jersey/Newark.

**DIANE E. SAMMONS**; A former Assistant District Attorney in Manhattan, an experienced trial lawyer, and chancellor to the Episcopal Church of the Diocese of Newark where she oversees all legal matters of the Diocese.

**ALYSON NASH**; A marketing professional based in Newark, and has worked with local groups including the Newark YMCA, Branch Book Park Alliance, Mompou Wine Bar and Tapas Lounge.

Partners on the team include individuals from:

**STROZ FRIEDBERG**; A global leader in investigation, intelligence, and risk management.

**YORKSON LEGAL**; A superior staffing service, that will provide support personnel for document review, drafting, and administrative assistance.

### **Internal Organization:**

Roger Jacobs will assume primary supervision of the team and its oversight function. Steven Yglesias will chair the Advisory Council. The team will name a co-chair of the Advisory Council after additional community organizations and stakeholders become involved. Supervision and review of policing will be done by Jiles Ship. Statistical and data analysis will



be handled by personnel from Stroz Friedberg. Their efforts will be headed by James M. Aquilina and Elizabeth F. Maringer who will coordinate with both Jiles Ship and Roger Jacobs.

### QUALIFICATIONS

Resumes for all members of the Jacobs Group, including subcontractors, are attached to the Appendix. We have assembled a team of individuals who are well-acquainted with Newark through their personal and professional connections, and thus, can ensure locally tailored outcomes that meet the Federal Government's principles of promoting police integrity. A summary of the team follows:

#### Roger B. Jacobs

Mr. Jacobs has worked primarily in Alternative Dispute Resolution for the last several years. He has helped parties, communities, and litigants resolve disputes that involve complex business issues, as well as bias issues and work place discrimination.

Mr. Jacobs' practice was located in Newark for more than twenty years. His firm, Jacobs Rosenberg, LLC, was at the Gateway Center in Newark, New Jersey. Mr. Jacobs has had long involvement in the city of Newark. He has also served Boards like the Greater Newark Conservancy and the Public Broadcasting Authority. He currently serves on the Community Advisory Board for NJTV.

Jacobs Rosenberg, LLC had been Employment Counsel to the New Jersey Turnpike Authority, Newark Housing Authority, County of Essex, and others. Mr. Jacobs and his attorneys led the training for every employee of the New Jersey Turnpike Authority, primarily in areas of employment discrimination as well as special subjects of management, supervision, and harassment. Mr. Jacobs also conducted investigations for the Turnpike, as well as other public and private employers including the Newark Housing Authority. Jacobs was also a special advisor to the Superintendent of Schools in Newark regarding collective bargaining issues and regularly lectured on Affirmative Action to district wide educational leaders.

#### Jiles Ship

Mr. Ship is a retired police executive with twenty five years in the field of law enforcement. He recently served as President of the National Organization of Black Law Enforcement Executives (NOBLE). Mr. Ship received a Masters of Arts degree from Seton Hall University, College of Education in Administration and Supervision, where he graduated with honors. He has also gained Certificates in Leadership and Management as well as Human Resources Training and Development. Mr. Ship earned a Bachelors of Science in Administration of Justice. He is also a Certified Community Policing Practitioner certified by the U.S. Department of Justice, and a Certified Police Academy Instructor in New Jersey.

This monitoring task will be undertaken primarily by the policing consultants and Stroz personnel. We will consult "best practices" of other similarly situated police departments that have successfully implemented some of the reforms that Newark will need which are consistent with the DOJ's "Principles of Promoting Police Integrity."

Technical advice and assistance will be provided almost exclusively by the policing consultants as well as Stroz. We will publish informational documents, fact-sheets, and web resources, in addition to finding out how the NPD prefers to receive information, and implementing a resource to accommodate their preferences. The members of the monitoring team will make themselves available for a broad range of technical assistance by e-mail and telephone as well.

## SUMMARY

In his July 2014 remarks, U.S. Attorney Paul J. Fishman noted a pattern or practice of the use of extensive force by the NPD. He said there was "a pattern and practice of unconstitutional policing in a broad range of areas." He also noted a lack of clarity in NPD policies and training.

We intend to review each of those protocols and re-design them to be compliant with constitutional and effective law enforcement. Suffice that the problems and deficiencies that the U.S. Attorney found were fundamental in the reordering of NPD include civilian review on community engagement; closer use of force documentation and review; improved internal affairs practices; fair and consistent application of discipline; constitutional stop, search, and arrest practices; improved data collection and review; better safeguarding of personal property; and an enhanced early warning system to support effective supervision and management.

In other words, the monitoring team, the Advisory Council, and each of our subcontractors, will be working at various levels simultaneously to understand the problems the U.S. Attorney identified; to develop a coherent plan of action to remedy them; and to implement changes internally and externally, with the engagement of various community stakeholders.

## CONCLUSION

The Monitor must focus carefully on Fourth Amendment/stop issues; issues of racial sensitivity and insensitivity; theft of property; and inadequate internal affairs monitoring; training and policy development and implementation; inadequate sensitivity to LGBT and related issues; concerns of sexual assault; suicide training; and an overall inadequate grasp of constitutional limits on arrests including search and seizure, as well as the use of force. In order to facilitate change, we will also develop working relationships with the institutions of higher education in the City of Newark, as well as other large institutional stakeholders.

Mr. Ship served in the New Jersey Attorney General's Office, Division of Criminal Justice as the Special Assistant to the Director and as a Supervising State Investigator, Lieutenant State Investigator and Administrator of Investigations. He also served as the Director of Public Safety for the City of Plainfield, New Jersey. As the Chief Executive Officer of the Department of Public Safety, he oversaw the Police Division, Fire Division, and the Office of Emergency Management. Mr. Ship was also responsible for 254 sworn personnel, and fifty one civilian employees, in addition to managing a \$23 million budget.

During and subsequent to his tenure as the Director of Public Safety for the City of Plainfield, he returned to the Division of Criminal Justice serving as an Administrator of Investigations in the Medicaid Fraud, Anti-Trust, Special Prosecutions, Fraud, and Public Protection Units. Mr. Ship also served on the Law and Public Safety Transition Teams for two governors in 2002 and 2006.

Mr. Ship also served as a governing board member of the New Jersey Regional Community Policing Institute, is a member of the International Associations of Chiefs of Police, the New Jersey Association of Criminal Justice Educators, Omega Psi Phi Fraternity, Inc., 100 Black Men of America, Inc., and Progressive Lodge #17 Free and Accepted Masons, PHA. He served on the U.S. Attorney General Executive Task Force, testified at Congressional Judiciary Subcommittee hearings, participated in roundtable discussions at the U.S. Department of Justice on Law Enforcement Best Practices, and is an ex-officio member of the Commission of Accreditation of Law Enforcement Agencies, Community Policing Consortium, National Law Enforcement Officers Memorial Fund, and the Law Enforcement Information Technology Standards Council for standards developing integrated justice systems.

Currently, Mr. Ship is an Adjunct Professor at Bergen Community College and teaches Police Administration and Criminal Justice. He has been active at NOBLE, the National Organization of Black Law Enforcement Executives, and served four years as the Northern New Jersey Chapter President. He is also a President and CEO of a Safety Management Firm, Homeland Global Strategies, LLC, and is currently on assignment at the Police Foundation through a grant from the Department of Justice to review the policing practices and policies of the St. Louis County Police Department.

#### Steve T. Yglesias

Mr. Yglesias is the principal owner of Mompou, one of Newark's best restaurants in the heart of the Ironbound. Mr. Yglesias grew up in Newark and attended East Side High School. He has been an entrepreneur since 1983 and is currently the President of the Ironbound Business Improvement District. He has long been involved in Newark issues and is well-respected in all quarters. His primary role will be as Chairman of the Advisory Council.

Professor Kami Chavis Simmons

Professor Simmons is a tenured professor and Director of the Criminal Justice Program at Wake Forest University School of Law. Professor Simmons, a graduate of Harvard Law School, teaches courses including Criminal Law, Criminal Procedure, and a course entitled Perspectives in Law Enforcement, Policing and Prosecution, which focuses on prosecutorial and police accountability. She had worked as part of a monitoring team in Washington, D.C. while in private practice and had been an Assistant U.S. Attorney in Washington, D.C. Professor Simmons is a well-regarded expert on stop and frisk issues, community policing, and the intersection of race and policing. She has also written and published extensively on the Fourth Amendment, racial profiling, systematic reform of police organizational culture, and cooperative federalism (how local and federal entities can work together effectively and efficiently).

Professor Simmons also has experience reviewing and commenting on policies, training, and initiatives developed pursuant to the Decree. She has a familiarity with local and federal civil rights laws and the law governing police. She is currently the Chair of the Police Accountability Task Force at Wake Forest University (WFU) which was developed to address substantive areas within the campus police department identified by an outside consultant. As Chair, she is essentially the "Monitor" for the WFU Police Department.

Diane E. Sammons, Esq.

Ms. Diane E. Sammons, Esq. is a partner with the law firm of Nagel Rice, LLP in New Jersey. She received her undergraduate degree in Government from the College of William & Mary in Williamsburg, Virginia and her law degree from Seton Hall University. She formerly served as an Assistant District Attorney in Manhattan under Robert Morgenthau.

In her current practice, she specializes in commercial litigation, class actions, and criminal defense. In the last five years, she has led cases resulting in over 60 million dollars in Class Action settlements. A portion of her legal practice is devoted to human rights law including recent efforts seeking compensation for victims of apartheid against U.S. and European companies and for African-American slave descendants against corporations deriving profits from the Transatlantic Slave Trade. Since 2004, she has served as Chancellor to the Episcopal Church of the Diocese of Newark where she oversees all legal matters of the Diocese, including the administration of clergy discipline under canon law. She currently serves as the Chair of the Sub-Committee of the Standing Committee for Constitution and Canons of the Episcopal Church, a group responsible for drafting an updated annotation of the disciplinary canons of The Episcopal Church; a Board member of the Episcopal Chancellors' Network, a non-profit corporation which provides research and education support for attorneys serving the church and; member of the Board for Trial of Bishops. She has formally served as the Chair of the Standing Committee on Constitution and Canons of the Episcopal Church; a member of the Title IV Task Force II, a group responsible for the redrafting of the current disciplinary canons of The Episcopal Church.

She has appeared as a guest on major national and international news programs and has

spoken extensively on human rights law and canon law. She is the author of a chapter in a published book on world-wide reparations: DuPlessis, M. and Pete, S. *Repairing the Past?: International Perspectives on Reparations for Gross Human Rights Abuses* (Intersentia Press 2007) and has served as a C.L.E. guest faculty for the North Carolina N.A.A.C.P. on the topic of the "Equitable Tolling of Statutes of Limitations." (Fall 2008) She has completed a chapter on employment retaliation for a text book on employment discrimination. (Praeger 2010). She has also been named a New Jersey Super Lawyer for 2013, 2014, 2015; Top 40 Women Lawyers in New Jersey (2014, 2015) by New Jersey Monthly Magazine; Top New York Women Lawyers (2013) by New York Magazine and; The National Trial Lawyer's Top 100 Trial Lawyers (2015).

### Yorkson Legal

Yorkson is a Certified Women's Business Enterprise and will provide the team with staffing for paralegal, document review, and general administrative work. Bernabette Beekman, Vice President and Senior Counsel, will be interacting and coordinating supplemental personnel on an as needed basis.

### Stroz Friedberg

Stroz Friedberg ("Stroz") will supplement our core team particularly for data analytics. Stroz is a global leader in investigations, intelligence, and risk management. With offices across the United States, as well as in London, Hong Kong and Zurich, Stroz offers a range of services, including in the areas of investigations; data analytics; forensic accounting; digital forensics; and security risk consulting. They have also served as monitors, neutrals, and special masters.

Stroz's Intelligence and Investigations ("I&I") Division, which encompasses its investigative, data analytics, and forensic accounting practice, is comprised of former federal and state prosecutors, former federal law enforcement agents, forensic accountants, and analysts with deep research skills. Collectively, Stroz's team brings decades of experience investigating potential wrongdoing and advising public and private sector organizations seeking to strengthen their controls in response to a variety of misconduct.

Stroz's personnel have served as Court-appointed monitors and special masters in a range of matters. The DOJ can have total confidence with Stroz assisting the Jacobs Group. Together, they will perform the requirements of the monitorship in a fair and impartial manner.

Key Stroz personnel include the following:

#### James M. Aquilina:

James M. Aquilina serves as part of the Executive Management team, leads the firm's Digital Forensics practice, and oversees the Los Angeles, San Francisco and Seattle offices. He supervises numerous digital forensic, internet investigative and electronic discovery assignments for government agencies, major law firms, and corporate management and information systems

departments in criminal, civil, regulatory and internal corporate matters, including matters involving data breach, e-forgery, wiping, mass deletion and other forms of spoliation, leaks of confidential information, computer-enabled theft of trade secrets, and illegal electronic surveillance. He has served as a special master, a neutral expert, and has been appointed by courts to supervise the forensic examination of digital evidence.

Elizabeth F. Maringer:

Elizabeth F. Maringer is a Managing Director and global head of the Intelligence & Investigations business unit, which is comprised of several Stroz Friedberg practices including Investigations, Intelligence, Forensic Accounting and Data Analytics. In that capacity, she directs complex investigations on behalf of public and private corporations, law firms, private equity firms, and hedge funds. Ms. Maringer specializes in a broad range of topics including, among others, regulatory investigations and risk assessments, complex financial investigations and fraud risk consulting, corporate intelligence and internal investigations, dispute services and litigation support.

Joshua J. Larocca:

Joshua J. Larocca is a Stroz Friedberg Managing Director specializing in complex investigations on behalf of corporations, law firms, and financial services firms. He concentrates on internal fraud investigations, investigative due diligence, financial fraud, employee misconduct, and corruption matters.

Stephen G. Korinko, CFE, CPP, CAMS, CFCI:

Stephen G. Korinko is a Stroz Friedberg Vice President. He investigates a wide range of cases including complex financial fraud and employee misconduct, conducts corporate and personal covert background investigations, identifies and recovers stolen assets, and ensures the security of electronic data in support of litigation.

Anthony P. Valenti, CAMS, CFE:

Anthony P. Valenti is a Stroz Friedberg Managing Director responsible for practice development and services for investigations and Intelligence and Due Diligence. He specializes in matters related to civil and criminal litigation, government fraud, asset tracing, forensic accounting and special masters and monitoring assignments.

Thomas J. Kelly, CFE, CPP, CAMS:

Thomas J. Kelly is a Stroz Friedberg Vice President. He investigates a wide range of cases including complex financial fraud and employee misconduct, conducts corporate and personal covert background investigations, identifies and recovers stolen assets, and ensures the security of electronic data in support of litigation.

Florian M. Lorenz:

Florian M. Lorenz is a Stroz Friedberg Senior Associate in Data Analytics. Ms. Lorenz provides statistical expertise, helps the development of automated models of fraud detection, and assists in augmentation of industry-leading behavior recognition software. Specifically, she deals with the implementation of probabilistic measures of fraud indicators in automated models and statistical advice for natural language processing applications.

Peter A. Weitzman:

Peter A. Weitzman is a Manager in Data Analytics. He performs, leads, and provides expert testimony regarding data analytics and source code review. He also develops software to support client requests relating to data analytics, fraud detection, and historical process replay.

Kurt E. Drozd:

Kurt E. Drozd is a Senior Associate in Data Analytics. He is a legal and data analytics professional with experience leveraging data mining, statistical analysis, and predictive analytics techniques to identify suspicious activity and ensure organizational compliance with federal and state regulations. He is experienced in leading administrative investigations and supporting law enforcement agencies. He represented local chapters and individual members of the Kansas Fraternal Order of Police in matters arising from internal affairs investigations, officer involved shootings, violations of pursuit policies, and unilateral changes in departmental policies.

Complete resumes are included for Stroz Friedberg in the Appendix.

Larry Loesh

Mr. Loesh is a security consultant, Corporate Security Executive, Business Manager, Certified Protection Professional, and Attorney with over 40-years of experience in legal and policy issues in the private and public security sectors. Mr. Loesh earned a J.D. from Saint John's Law, attended and completed the Police Management Institute program at Columbia University School of Business, is a Certified Protection Professional, and is AFCEI certified Homeland Security Level III.

Mr. Loesh is the former President of the American Academy of Professional Law Enforcement; NYC Chapter Chair of ASIS; VP of Police Management Institute Alumni Association; and former member of the Center for Strategic International Studies Homeland Security Private Sector Advisory Council. He is the current Assistant Regional VP for Region 5 of ASIS, and a current member of various organizations including: IACP Private Sector Liaison Council; the ASIS Law Enforcement Liaison Council; and the National Law Enforcement Association and American Academy of Professional Law Enforcement.

During Mr. Loesh's thirty years at the New York Police Department (NYPD), he held numerous positions including: Commanding Office of the Public Information Office; Quality Control Selection (during which he was responsible for analyzing, developing, and writing NYPD policy and procedures); Prosecutor of Disciplinary Matters assigned as Department Advocate; Precinct Commander; and Deputy Chief commanding Detective Borough of Queens. While under Commissioner Bratton, he reorganized the Health Services Division cutting the budget by millions of dollars per year.

Subsequent to leaving the police department, Mr. Loesh served on the NY Civilian Complaint Board as a mayoral appointee and Police Commissioner's representative. He is also an active Board Member for the NY Police Foundation Crime Stoppers Program.

Mr. Loesh also has substantial corporate security experience including positions as Global Head of Security for both Credit Suisse First Boston and PaineWebber. His responsibilities in these positions included problem solving and the development, design, and writing of security plans and procedures. More recently, he was a VP General Manager for the largest provider of security officer services responsible for a two-hundred and fifty million dollar annual revenue and business operation with more than 6,000 employees. In the summer of 2013, Mr. Loesh worked for Bratton Associates on a special project to re-engineer the Detroit PD and was assigned specifically to the Detroit Detective Bureau Review. More recently, he worked for T&M Protection Services as the security consultant for the NFL Super Bowl Host Committee in New York and New Jersey. Mr. Loesh is currently operating with several groups as an independent security consultant.

#### Alyson Nash

Ms. Nash is a marketing expert located in Newark and familiar with effective client messaging. She has worked with groups including the Branch Brook Park Alliance and Newark YMCA. She will assist the team in designing a plan that informs the community, while establishing communication protocols with the NPD.

#### New Jersey Institute for Social Justice

New Jersey Institute for Social Justice ("NJISJ") is a leading think tank and advocate for social justice in public policy in New Jersey. Former CEO Cornell Brooks led the fight to "ban the box," as well as initiatives in prisoner re-entry and a myriad of other social justice initiatives. He is now CEO of the national NAACP. Jerome C. Harris, Jr., Interim President and CEO of the New Jersey Institute for Social Justice, has advised that the NJISJ will be a participant in an advisory role on our team.



PRIOR EXPERIENCE and REFERENCES

Roger B. Jacobs:

1. John Bonanni, Morris County Administrator  
Address: County of Morris, P.O. Box 900, Morristown, NJ 07963-0900  
Telephone: 973-285-6020  
E-mail: jbonanni@co.morris.nj.us
  
2. Edward V. Rochford, Morris County Sheriff  
Address: P.O. Box 900, Morristown, NJ 07963  
Telephone: (973) 285-6600

Mr. Jacobs handled a complex matter on behalf of Morris County and the Sheriff involving the Department of Justice/COPs. The claims were resolved successfully through direct negotiations in Washington, D.C.

3. John B. Wilson, President & CEO of AICUNJ and President of ICFNJ  
Address: ICFNJ / AICUNJ, 797 Springfield Avenue, Summit, NJ 07901  
Telephone Numbers:  
AICUNJ: (908) 277-3738  
ICFNJ: (908) 277-3424  
NJACU: (908) 277-4217  
E-mail: jbwilson@njcolleges.org

Mr. Wilson has interacted with Roger Jacobs during his five terms as Chairman of the NJEFA and is well acquainted with his leadership style, his involvement with principals in higher education as well as state government officials.

4. Ellen Harris, Director of Law, Newark Housing Authority  
Address: Newark Housing Authority, 500 Broad Street, Newark, NJ 07102-3112  
Telephone: (973) 273-6650  
E-mail: eharris@newarkha.org

Mr. Jacobs worked with Ellen Harris when Jacobs Rosenberg was Employment Counsel to the Housing Authority. She is aware of his investigation and litigation skills, particularly handling discrimination complaints throughout the City of Newark Housing Department.

5. John O'Hern, Esq., Deputy Executive Director, New Jersey Turnpike Authority, Woodbirdge, New Jersey.  
Telephone: (732) 750-5380

Mr. O'Hern worked with Jacobs Rosenberg while the firm was Employment Counsel at the Turnpike Authority. He is aware of the training, investigation, litigation, and other skills Mr. Jacobs brought to that task.

Kami Chavis Simmons:

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Stroz Friedberg:

The following are a few examples of relevant engagements on which Stroz has worked. As these summaries illustrate, Stroz is frequently called upon to handle matter that are both sensitive and complex.

Union Monitorship: From 2011 until recently, Stroz provided investigative and consulting services to George A. Stamboulidis, Esq., the Ethical Practices Attorney (“EPA”) appointed by the Honorable Sterling Johnson, Jr., United State District Judge for the Eastern District of New York, to oversee Local 14 in accordance with a Consent Decree that followed numerous racketeering convictions of union officials and members of organized crime in *United States v. Local 14-14B of the International Union of Operating Engineers, AFL-CIO* (EDNY). Among other things, the EPA was charged with eliminating any remaining elements of corruption within the union, as well as overseeing and certifying new elections. The Stroz team investigated union members, reviewed and recommended additional financial controls, and consulted on best practices relating to membership and elections.

Construction Integrity Monitoring: Stroz has been engaged to provide integrity monitoring services in connection with a large, privately-funded construction project in New York City. Stroz’s work has focused on data analytics, fraud detection and prevention, site access and security, vendor vetting, and investigations, as well as project tracking and oversight.

Evaluation of Sheriff’s Department: A member of the Stroz team previously conducted an evaluation of the policies, and procedures of the Orange County New York Sheriff’s Department (“OCSD”). Among other areas, the evaluation team investigated prisoner transportation, training, road patrol, pistol permit, equipment, and technology issues. The team further made recommendations to reform and modernize the OCSD.

## PROPOSED ACTIVITIES

Probably the best description of what we intend to do, why, and how, was offered by U.S. Attorney Paul J. Fishman on July 22, 2014, when he said the following:

The people of Newark deserve to be safe, whether sitting in front of their houses on Bergen Street or walking through Branch Brook Park or hustling to catch a train at Penn Station. So do the thousands of people who come here to work and to take advantage of all the City has to offer. But they also need to know that the people who are protecting them, who are making them safe, are doing this incredibly important and dangerous work, while still respecting their rights under our constitution. The Justice Department has a long history of making sure of that. We recognize that great police work is constitutional police work. We are safer, and officers are more effective, when they follow the law.

Our expectation is to rebuild trust in the police department, from the police department and with the stakeholders in Newark. By doing so, we expect to improve the overall effectiveness of the NPD.

Our approach and planned scope is different and probably more amenable to a city like Newark and the NPD. In our view, the monitoring team must cultivate stakeholder engagement and enhance involvement with all segments of Newark's many and diverse communities. While police techniques and constitutional issues are paramount, identification of and involvement of the stakeholders is vital to the ultimate success of the monitoring process. We have established an Advisory Council. The Advisory Council will be anchored by participation from the NJISJ.

### Role of Advisory Council

Ensuring a meaningful role for local stakeholders is critical to an effective and sustainable reform process. The Advisory Council will play a key role in facilitating communication between the monitoring team and the multiple stakeholders in the City of Newark. The Advisory Council and the NJISJ will help the team rapidly develop a strategy to work with the external and community stakeholders.

The Advisory Council will regularly work with stakeholders from business, higher education, churches, and various community groups. In this way, we will make sure that the citizenry is fully engaged in an interactive process and that the police department serves the needs of residents. Steven Yglesias, a respected business leader in Newark and native of the city, will chair the Advisory Council. The team will appoint a co-chair from among the various community groups.

## **Next Steps**

We will establish immediate contact with the NPD command staff, and area commanders and other departmental leadership among others. We will include heads of the Police Fraternal Organization in our dialogue. We will also meet with personnel responsible for developing the training materials and manuals used by the NPD.

The monitoring assignment will primarily be focused on reviews of policies and procedures; the monitoring of training on those policies and procedures; and how these policies and procedures are implemented in the field on an ongoing basis - specifically, use of force, stops, searches and arrests; discriminatory policing; recruitment; training; supervision; and misconduct including theft of property. The Advisory Council will also facilitate interaction with community groups and stakeholders who have been most concerned about the interactions between the NPD and the community.

Meetings will be regularly scheduled with the NPD and the DOJ. Rather than re-creating the work previously completed by the DOJ and U.S. Attorney's Office, we will first review those findings and begin to develop a strategy for change. We expect monthly meetings to occur initially.

The team will review documents, databases and other information that is necessary to carry out the Monitor's responsibilities. We intend to determine promptly the best ways to gain access to critical NPD personnel and relevant information. We will identify key personnel, constituents, and stakeholders; and hold focus groups and listening sessions to hear from the local citizenry who are most directly affected by the reforms. Additionally, working with Stroz, we will survey the types and categories of documents created and maintained by the NPD to ensure that the monitoring team obtains and continues to receive documents necessary to accomplish the monitoring and assessment objectives described by the U.S. Attorney Fishman.

The monitoring team will prepare a detailed monitoring plan that will evolve during the monitorship. The monitoring plan (and any revisions) will be fully shared with all parties.

The team will also be supplemented by support staff from Yorkson Legal which has provided assistance to many Fortune 100 Companies as well as Amlaw 100 Firms. We will utilize Yorkson for additional attorneys, paralegals, and administrative assistants. Yorkson is a Certified Women's Business Enterprise and experienced in providing support staff, particularly for document review, which will be necessary for the team.

## **The Monitor's Role**

We will work to understand and change the culture of the NPD where needed. The team will ensure more effective and constitutional policing by using sophisticated analysis, reporting, and re-focus. Training will be reviewed and revamped so it is done correctly, accurately, and in a timely manner.

The substantive requirements for the Request for Application detail more than twenty specific categories which are included in the plan. We will deal with each of the groupings in broader discussions. For example, Community Engagement and Civilian Oversight will largely be handled through the direction of our Advisory Council. However, we will hold focus groups, listening sessions, and identify key personnel among the constituencies in Newark. We define constituencies broadly among demographic, racial, business, religious, institutional and other categories. Efforts to reach out to and link up with opinion leaders, as well as elected officials, will be critical at all stages of the monitor program.

Policing, including bias-free policing, stops, searches, arrests, use of force, and general policing tactics and techniques, will be coordinated by Mr. Ship, Mr. Loesh, and Professor Simmons, who is an acknowledged expert in reforming police organization culture, racial profiling, and cooperative federalism. They will also be consulting model policies throughout the term of the monitor. They will consult "best practices" on a regular basis from other similarly situated police departments that have successfully implemented some of the reforms Newark will need. Of course, one of our sources will be "Promoting Principles of Police Integrity," so that our efforts will be consistent with DOJ principles. Records management, systems improvement, and data analysis will be supervised by the Stroz people working with us. Detailed data analysis and modeling is discussed in more detail in the proposal.

In-service officer training Academy and Policy Development and review will be done in tandem by Roger Jacobs, Jiles Ship, Professor Simmons, as well as people from Stroz. This area will be segmented to deal with analysis of the training modalities; review of the delivery training and by making sure there is input by the stakeholders. Discipline, misconduct and theft issues will be specifically under the direction of Jiles Ship and Larry Loesh.

Members of the Jacobs Group also are conversant in Spanish and Portuguese, two critical languages in the Newark community. Mr. Yglesias is a native Spanish speaker and has functioned for more than twenty years in the largely Portuguese business community in the Ironbound/Down Neck area of Newark. His language skills, cultural skills, as well as acceptability and leadership in those communities, will be critical to the success of the Jacobs Group.

Our team also has significant experience working with governmental agencies, municipalities, and collective bargaining agreements. For example, Mr. Jacobs has engaged in collective bargaining with police units in the past, and has taught the subject in one of the nation's leading law schools. Considered an authority on that subject, he will lead the group in understanding the dynamics of collective bargaining relationships in law enforcement. In addition, Mr. Ship has been a Director of Police and a senior law enforcement official. He is well-aware of the intricacies of collective bargaining as well as minority/majority rights and law enforcement. Many members of the team have also worked closely with elected public officials at the local and state level, and will utilize those working relationships to make sure that input and dialogue is a two-way street.

## **Statistical and Data Analysis**

An important part of the analysis will be the use of statistical sampling. Stroz Friedberg's ("Stroz") Intelligence and Investigations ("I&I") Division, which encompasses its investigative, data analytics, and forensic accounting practice, is comprised of former federal and state prosecutors, former federal law enforcement agents, forensic accountants, and analysts with deep research skills. Collectively, Stroz's team brings decades of experience investigating potential wrongdoing and advising public and private sector organizations seeking to strengthen their controls in response to a variety of misconduct.

Stroz has experience with a variety of analytic platforms and approaches to statistical analysis, data mining, and data visualization. The data analytics team can utilize a number of approaches to harvest and interpret data. Stroz will apply statistical techniques such as data sampling, multiple comparisons, and model-based approaches in coordination with the Jacobs Group in the following areas:

- **Baseline Statistical Measures** - Incorporating Department of Justice ("DOJ") methodologies where appropriate, generating statistical measures of bias in the application of NPD tactics mentioned in the report, such as stops, searches, and arrests; use of force; and officer discipline. These baseline measures will provide a basis for tracking the impact of reforms over time.
- **Data Flow Analysis**; review the movement of data into the Early Warning System ("EWS") database, they ensure that the EWS database is correctly maintained, and that all fields are utilized properly. Over the course of the monitorship, they will verify that the data loaded into the EWS is consistent and useful. They will review any incomplete or missing information, and develop statistical measures to track the progress of closing gaps over time, as well as to determine if missing information is due to system error or intentional underreporting.
- **Text Analytics** - In addition to relational data stored in the EWS, Stroz's data analytics capabilities include the analysis and mining of text data. This is the narrative data that is often excluded from analysis due to not being easily amenable to numerical approaches. For example, narrative descriptions of use-of-force events, community complaints, and officer review information can contain significant useful information that may not be readily available in the EWS database.
- **Data Sampling** - To augment statistical approaches, and to ensure that the implementation of the EWS is robust, manual review of particular incidents is imperative. We apply statistically valid sampling approaches to ensure that manual review is thorough and consistent. We can further use the results of manual review into our models and sample methodology to identify high risk incidents.
- **Complex Modeling** - Each interaction between the NPD and members of the community potentially generates large amounts of complex data for review including, for example, body cam video and audio recordings, GPS information, investigative details, reports by

the parties involved and, in some cases, internal review documents. We will ensure that this data is utilized to the greatest extent, both to feed into the EWS and to develop risk models for identifying potential hot spots for use-of-force incidents. In some instances, the simplest features, such as the presence of a body cam, the time of day, or other incidental details can be illuminating and can lead to valuable insights.

- Data Visualization - Showing trends by incident type, by geography, or over time can provide useful insights. We will develop data dashboards to highlight the progress of the reform implementation over the course of the monitorship. Dashboards will both provide high level status information, as well as enable the visual identification of hot spots with elevated risk.

One of the advantages of the Jacobs Group is Mr. Jacobs' expertise in mediation and dispute resolution. We will work with the NPD to explore ADR alternatives for citizens, as well as internal disputes. The City of Newark has recently moved forward on its own in that regard. We expect to work with the City, as well as the NPD, to make sure that both internal and external sources of concern are being dealt with by the Monitor. Part of that process will involve policy development, training on the use of alternative dispute resolution to members of the force, as well as citizenry. The training component will be developed and supervised by Mr. Jacobs.

#### POTENTIAL CONFLICT of INTEREST or BIAS

The Jacobs Group has no potential or actual conflicts of interest relating to this matter. We are aware of no potential or actual conflicts of interest for any of the proposed subcontractors.

#### ESTIMATED COSTS

Since the duration of the Consent Decree is uncertain, it is nearly impossible to give an accurate assessment of fees. Based upon a review of other submissions in other monitor projects, it would appear that the first year costs should be about \$1.7 million dollars assuming robust involvement by the team and full cooperation with the NPD.

The costs will include hourly billing, as described, travel on an as needed basis, which may also include housing and rental of office space.

Depending upon the volume of work, it is our expectation to appoint an administrative assistant to handle full-time coordination with a salary of approximately \$50,000.00.



Other administrative personnel will come from Yorkson Legal. Our goal will be to utilize the same individuals on a long term basis to minimize costs and repetition of a learning curve.

Policy review will be conducted under the supervision of Director Ship with assistance by Mr. Loesh, Professor Simmons, as well as individuals from Stroz. This team will also handle training assessment.

Report writing will be directed by Roger Jacobs and Professor Simmons. In addition, Alyson Nash, our marketing expert, will be involved in all aspects to make sure that information is clearly and articulately gathered and disseminated in a usable and understandable fashion.

It is not possible to give a realistic projection of hourly commitments by each team member at this time. After we have had an opportunity to begin on site discussions with leadership in the Department and in the community, a projected allocation can be made.

A five year projection of estimated costs and fees should be no more than five times the initial budget, but uncertainties over a five year period of time make such a number conjectural. However, we are prepared to suggest a limit of \$8.5 million dollars.

Since this is a five year proposal, our rates will need to adjust as well over time in an appropriate and reasonable manner.

### **Billing Rates for Professional Services**

Legal professionals on the Jacobs team will be billed using blended rates. Attorney charges will be at a blended rate of \$310.00 per hour.

Retired law enforcement professionals and other members of the team will have a blended rate of \$175.00 per hour.

Personnel from Yorkson including paralegals, attorneys, administrative assistants will not exceed a blended rate of \$110.00.

Individuals from Stroz will have a blended rate of \$440.00 per hour.

Since the team may expand with additional professionals as well as subcontractor personnel, it would be helpful and economical for the Newark Police Department to provide the Monitor with adequate and furnished office space, and appropriate office equipment for use during the term of the monitoring program. Such an arrangement would be cost effective and practical. Transportation may also be necessary from time to time. If it can be provided by the NPD, that would be optimal. If not, rental expenses will be billed as they occur.