



Response to Request for Application To Serve as Court Monitor of the Newark Police Department

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Amended Response

**Response of Pugh, Jones & Johnson, P.C.
to Request to Serve as Court Monitor of the Newark Police Department**

Documents Included:

Response

Estimated Costs

Bios of Team Members

Sample Monitoring Report

East Haven Article/Highland Park Memorandum of Agreement

MBE Certificates

INTRODUCTION

February 13, 2015

VIA EMAIL

Jeff.Murray@USDOJ.gov
Jeffrey R. Murray
Trial Attorney
Special Litigation Section
601 D. Street NW, 5th Floor
Washington, D.C. 20530

usanj.npd_monitor_applications@usdoj.gov
Sabrina G. Comizzoli
Executive Assistant U.S. Attorney
U.S. Attorney's Office, District of New Jersey
970 Broad Street, Suite 700
Newark, NJ 07102

Re: Newark Police Department Consent Decree Monitor Application

Dear Ms. Comizzoli and Mr. Murray:

The following submittal to the U.S. Department of Justice represents the application of the law firm of Pugh, Jones & Johnson, P.C. (herein "PJJ") and its team to serve as Monitor for the Newark Police Department to oversee the implementation of the Consent Decree and provide technical advice and consultation.

As you will see from our proposal, we have designed our approach specifically for the special needs of the City of Newark, its diverse Community and the challenges confronting its Police Department. In particular we have set forth our monitoring approach (page 5). We also have created a structure of persons and entities that will ensure that the views of the various stakeholders are a part of the monitoring process (page 12), that the findings and recommendations of the monitoring team are accurate and transparent (page 16), and we have created a cost structure that takes into account the fiscal constraints on Newark and which is more than merely competitive (page 51).

Our monitoring team offers state-of-the-art experience and, in most cases, primacy in the relevant areas of this assignment: Preston Pugh, a former Assistant U.S. Attorney and current partner of PJJ, one of the most well-established African-American owned law firms in the country; Ronald Goldstock, one of the most accomplished monitors in the country, creator of the Independent Private Sector Inspector General concept, an expert in criminal law and a leader of two law enforcement organizations; Robert Wasserman of Strategic Policy Partnership, the preeminent name in strategic law enforcement, who is currently involved in the Newark Partnership for Safe Communities, and has worked to improve no less than 16 police departments around the country, and indeed the world; and Dr. Christopher Erath, a noted statistician, economist, and, most importantly, an expert in econometrics for purposes of interpreting the data so critical to the monitoring function.

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Through our Advisory Board we offer the contributions of five outstanding leaders in law enforcement, including former Boston Police Chief Ed Davis; Bernard Melekian, Ph.D., former director of the U.S. Justice Department's Office of Community Oriented Policing Services ("COPS"); Dr. Cedric L. Alexander, the Chief of Police for DeKalb County and Second National Vice President of the National Organization of Black Law Enforcement Executives; Chief Bernard Larrabee, former Chief of the East Haven Police Department; and Dr. Ronal Serpas, former Superintendent of the New Orleans Police Department.

We are supported by a deep bench, including J. Bradley Sargent of Sargent Consulting, accomplished specialists in data gathering, the PJJ legal team, and the IPSIG team of monitoring experts. That our team is grounded in substantial public service experience, as academics and former prosecutors, highlights and undergirds our commitment to this important task. If selected, we will commit to opening an office in Newark, and at that time will identify one or more team members who are currently members of the Newark Community to help us achieve results that benefit the diverse Newark communities. We have already spoken with members of the Community specifically for this engagement.

Below we respond to the specific questions in the Response for Application and provide more detailed information about each team member's relevant experience. We would welcome the opportunity to meet with you in person to further discuss our backgrounds and qualifications.

Thank you for your time and consideration. We look forward to speaking with you soon.

Sincerely,

Preston L. Pugh, Partner
Pugh, Jones & Johnson, P.C.

INTRODUCCIÓN

Estimados Sra. Comizzoli y Sr. Murray:

La siguiente presentación al Departamento de Justicia de los Estados Unidos representa la aplicación de la firma de abogados de Pugh, Jones & Johnson, P.C. (en adelante “PJJ”) y su equipo para ser el Confianza Designada Independiente para el Departamento de Policía de Newark y supervisar la implementación del Decreto de Consentimiento y para proporcionar asesoramiento técnico y consulta.

Como verá en nuestra propuesta, hemos diseñado nuestro enfoque específicamente para las necesidades especiales de la Ciudad de Newark, su comunidad diversa y los retos que enfrenta su departamento de policía. En particular, hemos elaborado nuestra filosofía de supervisión (página 5). También hemos creado una estructura de personas y entidades que se va a encargar de que los puntos de vista de las varias partes interesadas formen parte del proceso de supervisión (página 12) y que los descubrimientos y recomendaciones del equipo de supervisión sean precisos y transparentes (página 16), y hemos creado una estructura de costo que toma en cuenta las restricciones fiscales de Newark y que es más que simplemente competitiva (página 51).

Nuestro equipo de supervisión ofrece la última experiencia y, en la mayoría de los casos, primacía en las áreas relevantes de este proyecto: Preston Pugh, anteriormente Asistente del Fiscal Federal y actualmente socio de PJJ, uno de los bufetes de abogados de dueños afro-americanos mejor establecidos en el país; Ronald Goldstock, uno de los supervisores más exitosos en el país, creador del concepto del Inspector General Independiente del Sector Privado, experto en derecho penal y líder de dos organizaciones de aplicación de ley; Robert Wasserman de la Asociación Estratégica de Política, nombre preeminente en la aplicación de ley estratégica, quien está actualmente involucrado en la Asociación de Newark para Comunidades Seguras, y ha trabajado en mejorar no menos que 16 departamentos de policía alrededor del país, y de hecho en el mundo; y Dr. Christopher Erath, un estadístico notable, economista, y, más importante, experto en econometría con propósitos de interpretar datos tan cruciales para la función de supervisión.

Por medio de nuestro Consejo Asesor ofrecemos contribuciones de cinco líderes excepcionales en la aplicación de la ley, incluyendo al antiguo Jefe de Policía de Boston Ed Davis; Bernard Melekian, Ph.D., director antiguo de la Oficina de Servicios de Vigilancia Orientados a la Comunidad del Departamento de Justicia de los Estados Unidos (“COPS”); Dr. Cedric L. Alexander, el Jefe de Policía para el Condado de DeKalb y Segundo Vicepresidente de la Organización Nacional de Ejecutivos de la Aplicación de Ley Negros; El Jefe Bernard Larrabee, antiguo Jefe del Departamento de Policía de East Haven; y el Dr. Ronal Serpas, antiguo Superintendente del Departamento de Policía de Nueva Orleans.

Somos apoyados por un banco profundo incluyendo J. Bradley Sargent de Sargent Consulting, especialistas exitosos en la recopilación de datos, el equipo legal de PJJ, y el equipo IPSIG de expertos en supervisión. El que nuestro equipo esté basado en experiencia de servicio público considerable, como académicos y antiguos fiscales, destaca y fortalece nuestro compromiso con esta importante tarea. Si somos seleccionados, nos comprometemos a abrir una oficina en Newark, y en ese tiempo

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identificaremos uno o más miembros del equipo quienes actualmente son miembros de la comunidad de Newark para asistirnos en lograr resultados que benefician a las comunidades diversas de Newark. Nosotros ya hemos hablado con miembros de la comunidad específicamente para este compromiso.

Abajo respondemos a las preguntas específicas en la Solicitud de Aplicación y proporcionamos información más detallada sobre la experiencia relevante de cada miembro del equipo. Agradeceríamos la oportunidad de juntarnos con ustedes en persona para hablar en más detalle de nuestras capacidades y experiencias.

Gracias por su tiempo y consideración. Esperamos la oportunidad de hablar con ustedes pronto.

I. EXECUTIVE SUMMARY

Our Approach

As one of our nation's oldest cities, Newark is rightfully proud of its history and should be confident that it can overcome the challenges that it currently faces. A diverse array of cultures and traditions have shaped the City over many years, and in turn the City's contributions to our nation in numerous areas, including manufacturing, air and rail transportation, shipping, insurance and higher education, have been invaluable. Only 15 miles from New York City, Newark continues to maintain its own strong identity. It strives to become a better home for its citizens and to attract even more. Like many cities, Newark has faced adversity over time, but the grit, determination, and practical wisdom many in Newark have shown to overcome its problems have set a good example for the nation as a whole.

While opinions differ on how Newark should address many of its challenges, the recent Consent Decree signed by the City and the Department of Justice establishes a clear path towards improving the Newark Police Department. As a path towards improvement it is neither a quick fix, nor simple in all respects. However, with support from the Community, commitment by the Police Department, and with the benefit of proper guidance, the path will lead to improved law enforcement throughout the City. Our monitoring team offers state-of-the-art experience in monitoring, policing, and a deep understanding of diverse cultures that are best suited to meet the requirements of the Consent Decree. We come to this engagement not just having studied Newark's challenges from afar, but also with the benefit of knowing them from serving the City through the Newark Partnership for Safe Communities, having taught in Newark in higher education, having been trained by the FBI in Civil Rights investigations, and having successfully led police departments in other cities under consent decrees that were similar to Newark's.

We have worked in all aspects of integrity monitoring, from an employer of such services, to overseeing monitors, to being the monitor, to running governmental entities being monitored by governmental monitors, and we are acutely aware of the need to balance controls and oversight with the need to have the monitored work progress in a timely, efficient, and effective manner. As a result, we have designed our approach, as set forth below, consistent with the view that the monitor should be viewed by the Police Department and the Community as a positive catalyst for change, reporting fairly and accurately its findings, but equally as importantly, understanding the legitimate concerns of police and working with them to achieve their goals in a fair, non-discriminatory, effective, and Constitutional manner. Our program ensures that:

- The development of new or modified procedures should be undertaken with the full participation of the Newark Police Department including management, union, and rank and file, and should include input from all stakeholders including the Community and affected businesses.
- The various stakeholders should have regular access to a monitoring website that provides sufficient information so that they can participate fully in the process, in addition to regular Community meetings.

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- No practice, no matter how effective, can be, or reasonably be seen to be, violative of Constitutional rights or legal prohibitions.
- Internal controls must not only be effective, but be cost-effective, and not unduly impede the delivery of policing services including the prevention of crime and apprehension of criminals.
- Training should be ongoing, integrated into the police officers' daily work, and should be used to modify the culture of the organization.
- A process of self-evaluation intended to reveal improper practices (or practices that work well) should be designed to remain in place beyond the time the monitorship is in effect.

Our Team

Understanding the Structure of Our Team

In the sections below, we highlight the impressive credentials of the team members. In reviewing the backgrounds of the individuals, it is helpful to understand that they are not merely a collection of persons with significant monitoring experience, but they were chosen to create a particular structure designed to be both effective in its work and cost effective for the City.

The monitoring role will be overseen by Preston Pugh (the Monitor) and Ronald Goldstock (Advisor to the Monitor and Team Coordinator). Each has significant experience in running monitoring assignments and indeed, written "the book" on monitoring and monitoring standards. There are two major divisions of our team that correspond to the scope of the assignment, one professional policing and the other assessing compliance through statistical analysis. Robert Wasserman is one of the world's most notable experts in police consulting, particularly as it relates to minority communities, and brings to the team a knowledge of Newark, its businesses, its Community and its Police Department. He will be aided by members of his organization, Strategic Policy Partnership, LLC. Dr. Christopher Erath, Ph.D., is a statistical expert who has specialized in diversity issues. He will be aided by his organization, BLDS, and by Brad Sargent of the Sargent Consulting Group, both of whom have experience in policing issues. Finally, our monitoring team is composed of investigators, forensic accountants, researchers and attorneys who will be critical participants in the oversight role.

We strongly believe that those who actually perform the work may be subject to human frailties including notions based on their previous experiences, individual interactions during the course of the monitorship, anecdotal information, and, of course, confirmation bias. To avoid those inevitable concerns and to ensure the greatest objectivity possible, we have assembled an advisory board of former police chiefs, as shown below. (pp. 9-11)

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Although each of our team members has responsibility in his or her current positions, we give priority to matters of public importance. Should a conflict arise in our schedules, this monitoring assignment will take priority.

We propose that Pugh, Jones & Johnson, P.C. (“PJJ”) lead our monitoring team in this engagement and that the appointed monitor be one of the firm’s partners, Preston Pugh. Established in 1991, with offices in Chicago and New York, PJJ is one of the country’s most experienced and sophisticated minority-owned law firms. Our team of 22 lawyers draws on substantial experience as former federal prosecutors, assistant attorneys general, in-house compliance leaders and public agency general counsel to serve a variety of governments, corporations, educational institutions, and individuals. Mr. Pugh, a former government and corporate attorney, currently serves as a monitor for the EEOC and YRC, Inc. over a five-year, \$20 million consent decree and also as a monitor (or IPSIG) overseeing a stevedoring company in the Port of New York, where his work centers around organized crime and labor issues. As an Assistant United States Attorney, he was part of a team that worked with the DOJ Civil Rights Division and ACLU to investigate and eventually resolve racial profiling charges against the City of Highland Park, Illinois. (See Memorandum of Agreement attached hereto.) He has a wealth of investigations experience and experience in labor issues, currently as a defense attorney, and formerly as an attorney with the National Labor Relations Board and a union organizer with the ACTWU (now UNITE-HERE). He is a member of the American Bar Association’s Task Force on Corporate Monitors and has been a member of the Character and Fitness Committee of the Illinois Attorney Registration and Disciplinary Commission. He is a graduate of Cornell University (B.S., 1994) and New York University School of Law (J.D., 1997).

The team coordinator and Mr. Pugh’s principal advisor will be Ronald Goldstock. Mr. Goldstock served for thirteen years as Director of the New York State Organized Crime Task Force. He currently teaches law and serves as a consultant providing IPSIG, expert witness, and investigative services for corporate, union, and individual clients. He is the New York State Commissioner of the Waterfront Commission of New York Harbor. Mr. Goldstock is a graduate of Cornell University (A.B. 1966) and Harvard Law School (J.D. 1969), has served as Inspector General of the U.S. Department of Labor, Director of the Cornell Institute on Organized Crime, and Chief of the Rackets Bureau in the New York County District Attorney’s office. He is currently on the faculties of the Cornell, Columbia and New York University Law Schools. Mr. Goldstock is a past Chair and current Budget Director of the ABA Criminal Justice Section. He was past Co-chair of the Criminal Justice Standards Special ABA Ethics 2000 Committee, Chair of the ABA Criminal Justice Standards Committee and served as Chair of its “Monitoring,” “Fair Trial, Free Press,” and “Investigative Function of the Prosecutor” and member of its “Prosecutor and Defense Function” Task Forces.

Mr. Goldstock is a member of the Board of Directors of the New York Convention (“Javits”) Center Operating Corporation where he chairs the Finance Committee and Governance Committees and chaired the Audit committee, a member of the Hills Governance Program Academic Council, and was a member of the Advisory Board of Project Rise of the International Brotherhood of Teamsters. Mr.

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Goldstock serves as a referee for the NYS Commission on Judicial Conduct, has lectured, consulted, written, and testified as an expert witness on subjects related to organized and white-collar crime, the prosecution function, corruption, labor racketeering, money laundering and compliance programs, the carting, waterfront, and construction industries, policing, privatization of criminal justice, and corporate integrity. He has served as the advisor to the Secretary of State for Northern Ireland on matters relating to international organized crime and introduced organizational monitoring to the Province.

In addition to *Corruption and Racketeering in the New York Construction Industry*, (The Final Report of the New York State Organized Crime Task Force) New York University Press (1990), other relevant publications include:

- *Monitors and IPSIGS: Emergence Of A New Criminal Justice Role*, 43 Criminal Law Bulletin 217, (2007) (with James B. Jacobs);
- *Monitoring Integrity and Performance: An Assessment of the Independent Private Sector Inspector General*, 9 Public Integrity 117 (2007) (with Frank Anechiarico); and
- *The Prosecutor as Problem Solver*, The Center for Research in Crime and Justice of the New York University School of Law (Occasional Paper Series), (1991)

Robert Wasserman, Chairman of Strategic Policy Partnership, LLC (“SPP”), will provide a deep understanding of the unique needs of the Newark Police Department and the Newark Community.

Mr. Wasserman and SPP currently assists police and government agencies with policing strategy development, performance improvement, personnel selection and the utilization of technology and policy development. Mr. Wasserman completed his graduate work in Police Administration at Michigan State University. His relevant accomplishments include:

- Advisor to the “Newark Partnership for Safe Communities” (“NPSC”), a Community safety initiative that will harness innovations in public-private collaboration to create a safe, welcoming and thriving downtown Newark;
- Development of CompStat processes in a number of major police agencies, basing each system on the particular characteristics of the community and its police agency;
- Coordinated the implementation of Suspicious Activity Reporting (SARS) in rail systems throughout the United States under the Department of Justice and Department of Homeland Security;
- Served as the Transition Coordinator for the New York City Police Commissioner William Bratton;
- Served as Chief of Staff of the White House Office of National Drug Control Policy;
- Served as senior executive on Boston and Houston Police Departments and Director of Public Safety for the Massachusetts Port Authority; and

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- Has been on the forefront of major policing initiatives including 311, differential police response, police performance management, neighborhood oriented policing, Kansas City Patrol Experiments, Dayton Team Policing, San Diego Beat Profiling Initiative, Boston Community Disorders Strategy and Police Recruit Training Year.

Dr. Christopher Erath is Director of BLDS, LLC, a nationally recognized Philadelphia-based firm of statistics and economics experts who for nearly forty years have advised government agencies, law firms and privately held businesses on a wide variety of issues that require quantitative expertise and explanation. Dr. Erath has served as statistical expert for more than 25 years, particularly in the area of analyzing data for statistical evidence of discrimination. He has served as an expert for both plaintiffs and defendants in more than 100 matters, including litigation and non-litigation related projects. He is frequently engaged by public and private sector clients to review statistical data and detect meaningful patterns, and to make recommendations based on statistical findings. He has often been engaged to assist with post consent decree monitoring and identifying potential remedial actions. BLDS monitoring assignments have included work for the City of New York, Novartis, Citibank, GE, Roadway, Home Depot, the Jacob K. Javits Convention Center, and various police departments.

J. Bradley Sargent is the Managing Member of The Sargent Consulting Group, LLC (“SCG”), a firm dedicated to Forensic Accounting and Financial Investigations. Prior to forming SCG, Mr. Sargent served as the National Practice Leader of Forensic Services at a boutique firm with offices in Chicago, Cleveland, Detroit, New York and Washington, D.C. He specializes in applying accounting, investigative, operational and technical procedures to identify facts in dispute. He has attained status as a Fellow of the American College of Forensic Examiners International.

In addition, our team is proud to have the benefit of an unparalleled advisory group of highly respected policing professionals, which we refer to as our Board of Advisors. On a quarterly basis, we will meet with our Board to discuss Newark’s implementation of the reforms called for by the Consent Decree.

Our Board consists of:

Edward F. Davis has been in law enforcement for 35 years. He served as the 40th Police Commissioner of the City of Boston from December 2006 until October 2013. Commissioner Davis oversaw police services for over 600,000 residents along with those visiting and working in the City of Boston. Prior to that, Davis was the Superintendent of the Lowell Police Department, a position he held for 12 years and one he rose to after starting out as a patrol officer in 1978. Commissioner Davis’s extensive law enforcement background set the tone for policing in the city, from the walking beat, to managing massive demonstrations and special events, to creating an improved and trusting relationship between the police and community, to innovative technology and social media efforts that have improved public safety and allowed open dialogue with those the police department serves. Commissioner Davis’s leadership resulted in over 50% reductions in part one crime in Lowell and over 30% reductions in Boston.

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Bernard K. Melekian, Ph.D., is the former Director of the Office of Community Oriented Policing Services (COPS), United States Department of Justice, and founder and President of the Paratus Group, a consortium of law enforcement professionals dedicated to helping public safety professionals address today's challenging environment. Dr. Melekian served for more than 35 years with the Santa Monica and Pasadena, California Police Departments, 13 as Chief of Police of the Pasadena Police Department (and also as interim City Manager and acting Fire Chief in Pasadena). During his tenure as COPS Office Director, Dr. Melekian received national recognition for his work in shifting law enforcement grant-making to a problem-solving, outcome based approach and thus maximizing the impact of limited federal dollars. He helped to develop the Collaborative Reform Model in partnership with the Las Vegas Metropolitan Police Department to help reduce the number of officer involved shootings and help strengthen community trust in the police department.

Dr. Cedric L. Alexander serves as the Chief of Police for DeKalb County, Tucker, Georgia. He is the Chief Administrator of the Police Department and is responsible for policy development, control, supervision, and program implementation. Dr. Alexander currently serves as the National President for the National Organization of Black Law Enforcement Executives (NOBLE), holds a membership with the International Association of Chiefs of Police (IACP), has published articles on police stress and burnout, and currently lectures on topics of management and leadership. He holds a doctoral degree in clinical psychology, a master's degree in marriage and family therapy and a bachelor's degree in sociology. Prior to joining DeKalb County, Dr. Alexander was the Federal Security Director for the Transportation Security Administration, United States Department of Homeland Security at Dallas/Fort Worth International Airport; Deputy Commissioner of the New York State Division of Criminal Justice Services; Chief of Police in the Rochester Police Department; and held several leadership roles at the University of Rochester Department of Psychiatry in New York. Dr. Alexander began his law enforcement career in 1977 and also served with the Miami-Dade Police Department, and was a law enforcement officer in Florida for 15 years.

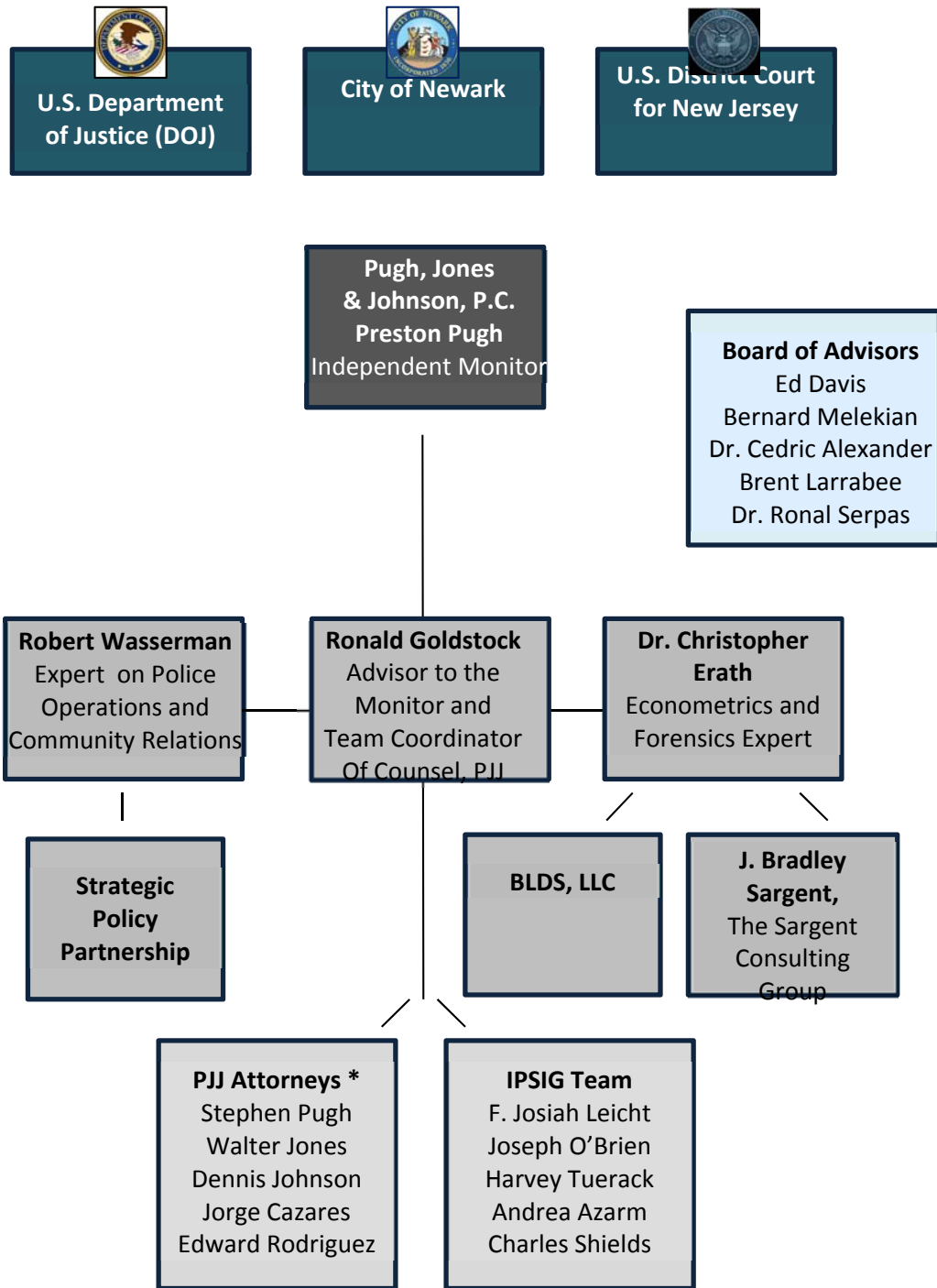
Brent B. Larrabee became Chief of the East Haven Connecticut Police Department in February 2012 after an extensive federal investigation of biased policing, unconstitutional searches and seizures, and the use of excessive force. As a result of the investigation, the East Haven Police Department entered into a Consent Decree with the United States Department of Justice, similar in a number of ways to the one Newark currently faces. The East Haven Consent Decree was originally scheduled to be in place for four years, but under Chief Larrabee's leadership, all of the required reforms were implemented in half that time, and the Latino Community has since applauded the work that Chief Larrabee and his team have done. (See attached article.) Chief Larrabee also served as Chief of Police of the Stamford Police Department, Stamford Connecticut, where, among other accomplishments, his team implemented a system of geographic, neighborhood policing, diversified the workforce, and formed and expanded community coalitions. He conducted the first community-side citizen survey and the development and implementation of a strategic plan for policing the city through 2012. In 2008, Chief Larrabee received the Distinguished Police Chief's Award from the Police Commissioners Association of Connecticut.

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Dr. Ronal W. Serpas, former Superintendent of the New Orleans Police Department, is currently a faculty member of the Loyola University Department of Criminal Justice. Dr. Serpas served as the Superintendent of Police, New Orleans Police Department, from May 2010 until he retired from police service in August 2014. He was appointed as the Chief of Police of the Metropolitan Nashville Police Department in January 2004 and served until May 2010 and he was appointed as the 19th Chief of the Washington State Patrol in August 2001 and served until January 2004. Dr. Serpas began his police career in June 1980 with the New Orleans Police Department, rising through all civil service ranked positions. Among his many accomplishments, Dr. Serpas has successfully implemented the Community Oriented Policing philosophy and has been a leader in applying the concepts of “Legitimacy and Procedural Justice,” to bring transformational change to American Policing.

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At a Glance: Our Monitor Team



* We have listed six attorneys from PJJ above who will have the most involvement in the relationship. If needed, PJJ may call upon additional resources from the firm, including Jorge Cazares, Shauna Fulbright-Paxton, Elysia Baker and Karl Analo.

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Our Cities Highlight the Depth of Our Experience

As the chart below shows, our team has led and/or instituted reforms in police departments in communities varying in size, demographics and economics.

LOCATION	POPULATION	CITY AREA	MEDIAN INCOME	SWORN PERSONNEL
Santa Barbara County, CA	435,697	2,735 sq. mi.	\$62,779	300
East Haven, CT	29,257	12 sq. mi.	\$63,673	50
Boston, MA	645,996	48 sq. mi.	\$53,601	2,144
New Orleans, LA	378,715	169 sq. mi.	\$37,146	1,271
Nashville, TN	634,464	475 sq. mi.	\$46,686	1,315
Washington State Patrol	7,061,530	66,456 sq. mi.	\$59,478	1,059
Boston, MA	645,996	48 sq. mi.	\$53,601	2,144
San Diego, CA	1,355,896	325 sq. mi.	\$64,058	2,100
Dayton, OH	143,355	56 sq. mi.	\$28,456	361
Kansas City, MO	459,787	315 sq. mi.	\$45,275	1,421
Houston, TX	2,099,451	600 sq. mi.	\$45,010	5,053
Roswell, NM	48,611	325 sq. mi.	\$37,237	80
London, England	7,200,000	620 sq. mi.	\$68,294	31,000
New York, NY	19,378,102	47,126 sq. mi.	\$58,003	34,000
Oakland, CA	390,724	56 sq. mi.	\$52,583	684
DeKalb County, GA	691,893	268 sq. mi.	\$50,856	1,074
Rochester, NY	210,565	36 sq. mi.	\$30,875	730
Orange County, FL	1,145,956	903 sq. mi.	\$47,581	1,398
Leon County, FL	275,487	666 sq. mi.	\$46,369	272

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Community First: Understanding the Needs of the Newark Monitor Position

- **Re-Building.** Over at least the last 40 years, the City of Newark has faced and is currently facing serious challenges. The ability to thrive, despite those challenges, has required a team approach, and the help of individuals from a variety of backgrounds, professions and skill sets. We understand that to surmount the challenges currently facing the Newark Police Department, you require a team that can handle the multifaceted and complex nature of the concerns that resulted in the need for a Monitor—a team that can analyze issues from a law enforcement, legal, data analytical, and perhaps most important, Community perspective. Accordingly, we have assembled a team that can draw on experiences from all of these fields, and more.
- **The Community’s Needs.** Importantly, our team is not new to Newark. Strategic Policy Partnership has a significant presence in Newark law enforcement, and other members of our team have spent considerable time in the area over the past several years. This has afforded our team an opportunity to learn about some of Newark’s unique needs. We know that one of the crucial goals for the Newark Monitor will be to help the Police Department rectify past problems and move forward in a way that engenders trust and support from the larger Community. Strategic Policy Partnership has already provided invaluable assistance to the City of Newark in this regard with the formation of the “Newark Partnership for Safe Communities” (NPSC), a Community safety initiative that will harness innovations in public-private collaboration to create a safe, welcoming and thriving downtown Newark.
- **Inherent Challenges Facing the Monitor.** We also understand that many in the Newark Community may not always be receptive to an independent monitor. We know that there may be entities, individuals, and constituencies that may seek to challenge the Monitor’s work in Newark, and seek to question whether the Monitor is truly impartial, independent, or whether he has a “hidden agenda.” That is why we carefully selected a team of individuals who have approached the issues Newark currently faces from a number of perspectives. Our team includes attorneys who have represented police officers, as well as those who have represented members of the Community when they filed suit against law enforcement agencies. We include those who have been directly involved with training police departments, as well as those who have been involved in disciplining police officers when they failed to meet the requirements of their training. In the end, we are willing and ready to ensure stakeholders in the Community that we will approach monitoring from a fair, balanced, and objective perspective.
- **A Brighter Future.** We welcome the opportunity to provide our monitoring services to the Newark Community, and believe that we can be a key aspect of a landscape of positive change and growth for the City. Having read the investigation report, we believe that with the right guidance, and collaboration from the City, the DOJ, and the Community at large, the Newark Police Department can eventually serve as an example of law enforcement at its best.

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As highlighted more fully in the next section entitled “Proposed Work Plan”, the Monitor and his team have developed a planned course of action, broken into four specific phases, to identify, address and remediate any systemic deficiencies that currently pervade the Newark Police Department. Our objectives, to make Newark a better place to live, work and visit, will be met with complete transparency, continuous communication and Community involvement, while at all times following the highest of ethical standards.

II. PROPOSED WORK PLAN

Our Proposed Work Plan

Set forth below is a planned course of action, broken into Phases, to identify, address, and remediate any systemic deficiencies that currently pervades the Newark Police Department.

In each of the below phases, the following activities will remain constant:

- Adherence to the Consent Decree and its requirements.
- Active, ongoing Community involvement.
- Effective communication at all levels.
- Complete transparency.
- An independent, objective investigation and final report.
- Implementing Best Practices.
- Appreciating what makes Newark unique.
- The objective of making Newark a better place.

PHASE 1 – GAIN AN UNDERSTANDING

Gain a more complete understanding of the long-term, entrenched systemic deficiencies.

PHASE 2 - ASSESS

Assess the scope and magnitude of any systemic deficiencies and impediments to compliance with the Consent Decree.

PHASE 3 - ADDRESS

Address in NPD's compliance with the Consent Decree deficiencies through the development of a proactive monitoring system.

PHASE 4 - REPORT

Report to the Court, DOJ, NPD and stakeholders.

II. PROPOSED WORK PLAN

Phase I

Gaining a More Complete Understanding of the Long-term, Entrenched Systemic Deficiencies

Of paramount importance at the outset of this monitorship is getting the “buy in” from the Newark Police Department (NPD), enabling a more collaborative, rather than adversarial, relationship with the Monitor. As such, this includes, immediate face-to-face meetings with the NPD Command Staff, and subsequently, in each District, with the rank-and-file, to fully explain the mandate, the process, and the expected long-term outcomes. This “buy in” must be the result of the realization that only through a cultural change within the department, will long-term success be sustainable.

Concurrently, our team will accomplish the following:

We will deploy the right people, with the right backgrounds and experiences, who will quickly gain an understanding of the culture that has pervaded the Newark Police Department. This deeper understanding will be accomplished by completing the following tasks:

- Our team will hold Community meetings, informational sessions, and spend time with individual members of the Newark Community in order to understand the full scope of concerns.
- Gain the insight of the various DOJ components that are involved, both locally and in Washington D.C.
- We will establish an office and presence in Newark.
- We will further develop our work plan, procedures and identify milestones.
- To the extent we do not have certain information from the work we are already conducting in Newark, we will collect and begin to review and compile documents, policy directives, manuals, reports, long-term plans, and other documents relating to the following areas:
 - Recruitment/Hiring
 - Training
 - Cadet
 - On-Board Personnel
 - Re-Certification Exams
 - Officer Assignments/Promotions
 - Supervision
 - Crime Prevention/COMPSTAT
 - Technology
 - Specialized Units
 - Firearms/Use of Deadly Force
 - Public Integrity Division/Ethics/Integrity
 - Mediation/Arbitration
 - City Council/Community oversight
- We will assess the adequacy of the NPD’s new systems for maintaining and reporting data.

II. PROPOSED WORK PLAN

- We will also publicize the presence of the Monitor and announce recurring public forums jointly with NPD Command Staff, in each NPD District, to better inform the public of the long-term commitment that the City of Newark has made in restoring trust and confidence in their Police Department. We will increase the Monitor’s presence in the areas that need it the most, and provide accessibility. We will also determine if there are any barriers (real or perceived) with members of the public in bringing concerns to the Monitor, and work with DOJ and NPD to eliminate those barriers. Benefits of this approach include:
 - Displaying to the public the vast diversity of backgrounds, ethnicities, and experiences to better allow our team to develop a quicker Community understanding.
 - Gaining complete access to all Newark Police Department data systems, and become familiar with their method(s) of data storage and retrieval.
- Similar to our other monitor engagements, we plan to use a running “Report Card” that will give the parties an up-to-date assessment of the parts of the Consent Decree the Monitor finds the Police Department is complying with, and those parts, if any, that it is not.
- The creation of a website containing relevant information accessible by the public will be a critical component of our work.

Phase 2

Assessing the Scope and Magnitude of any Systemic Deficiencies and Impediments to Compliance with the Consent Decree

While gaining a more complete understanding of the complete set of issues, we will begin the more proactive phase of the analysis/action plan. With the benefit of having studied DOJ’s Investigation Report and Consent Decree, we will specifically address the following:

- A complete “top to bottom” review of existing policies and procedures and developing an understanding of the barriers that will make compliance with the Consent Decree difficult.
- Begin to assess the effectiveness of existing policies, understanding the areas where deficiencies and/or inefficiencies exist per the DOJ Investigation Report.
- We will assess progress made by the NPD prior to our appointment and start to perform field observations to assess ongoing progress, including observations of training, review of video footage and unannounced ride-alongs.
- Continue to assess the adequacy of NPD’s new systems for maintaining and reporting data.
- Adequacy of the following:
 - Hiring –
 - Is the NPD hiring the right people?
 - Existing training protocols, specifically relating to:
 - Use of force
 - Photo lineups and implementation of the newly required “blind lineups”
 - Employee Disciplinary/Termination Policies

II. PROPOSED WORK PLAN

- Interrogations
- Search and Seizure
- Arrests
- Supervision
- Assess available technology and use of it (audio and video).
- Gain insight into the function and staffing of the new “Force Investigative Team”.
- All incidents of excessive or deadly force.
- NPD protocols for response to deadly force incidents.
- Effectiveness of the following:
 - All Specialized Units
 - Public Integrity Division
 - Existing Independent Police Monitor
 - Mediation/Arbitration and Employee Assistance
- “Paid Details” or “Secondary Employment” and assessment of the new oversight and rotation systems.
- Utilize data analytics to provide specific insight into areas where fraud, waste, and corruption are likely to be occurring.
- Application of trends and norms from other similar-sized municipalities and police departments to the Newark Police Department.

Phase 3

Addressing Deficiencies in NPD’s Compliance with the Consent Decree through the Development of a Proactive Monitoring System

During this phase, we will accomplish the following:

- Drawing upon our experiences from law enforcement and monitoring engagements in Chicago, New York, Detroit and New Haven, among others, listed on page 13, our team will incorporate the results of the following, in an effective monitoring system to prevent recurrence:
 - Historical deficiencies - identified through the review of existing policy, procedures, and directives.
 - Proactive deficiencies - identified through data analytics, as well as observations and experiences of the team.
 - “Community involved” deficiencies - identified through public forums, and other open forms of communication with stakeholders and Community members.
- The deficiencies identified above will be incorporated into multiple monitoring system(s), employing Best Practices, where applicable. Each of the monitoring system(s) will be replete with “trip wires” to ensure compliance, and enable “self-monitoring” and specific remedial actions in the event of non-compliance. In addition to ordering specific remedial action, instances of non-compliance will be noted and adjustments made to prevent recurrence.

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- Concurrently, begin the formulation of specific training protocols in the following areas, and develop a systematic plan for “rolling out” the training at both in-service training for on-board employees, and training for new recruits:
- Constitutional principles governing the following:
 - Use of Force
 - Stops, Searches, Seizures, and Arrests
 - Discriminatory Policing
 - Custodial and Non-Custodial Interrogations
 - Photographic Lineups
 - Application of *Garrity, Brady, Jenks, and Giglio*
- Policy guidelines and directives will be examined and re-issued, if applicable, in the following areas:
 - Recruitment
 - Supervision
 - Performance Evaluations and Promotions
 - Misconduct Investigations
 - Officer Assistance and Support Services
 - Transparency and Oversight
 - Operation of Confidential Informants
 - Specialized Units

Phase 4

Reporting and Continued Monitoring

- A final closing report will be issued to the public, and public forums will be scheduled and publicized. We will not only outline any deficiencies but will publicize those things that the Department is doing well and for which it deserves credit.
- Continuous compliance monitoring, captured either through sophisticated analytics or manual checklists will occur over at least a 2 year period to ensure that all deficiencies have been addressed and corrected.
- Other Issues to Resolve:
 - Method for Obtaining Information: A proprietary database will be maintained for initiating, approving, and tracking document requests. Each request will be reviewed and approved by the Monitor, or his designee for appropriateness in scope and relevance. Whenever possible, electronic versions of documents will be requested and incorporated into the database for review and storage. Team members will be assigned a designated counterpart at the NPD. If needs dictate field observations, team members will be accompanied by their NPD counterparts, and will operate under the supervision of the Monitor. All information will be securely maintained, with access

II. PROPOSED WORK PLAN

limited to those with a “need to know.” Even for those assigned to the monitorship, different levels of access will be established to further limit dissemination of sensitive information.

- Method of Analyzing Information: It is expected the information to be analyzed will be in multiple formats, from hard copies in various shapes and sizes, to electronically stored in various locations and formats. Once collected in a format for ease of manipulation, various methods of analysis will be deployed based on the type of information. However, differing events will require differing amounts of collection, scrutiny, and security. By way of example, it is expected that information relating to the use of deadly force would be stored in both hard copy as well as digital media. In that all events of deadly force will be individually examined, a more detailed analysis would be expected of all available media, to include hard copy, electronic, and any other form. Regardless of the level of inquiry, specific protocols will be put in place for each review, ensuring transparency and completeness.
- Method of Reporting Information: At the outset of the review, the Monitor will hold a public forum to announce the commencement of operations. The Monitor will hold periodic public forums to update the public on the progress made to-date, to the extent possible. At the conclusion of the review period, the Monitor will issue a report of findings, as well as compliance measures that have been instituted to prevent recurrence. At the conclusion of the Monitoring agreement, the Monitor will issue a final report detailing the results of the relationship.
- As mentioned at the outset, the goal is for a continuous open dialog with Community groups through publicized, scheduled, regular public meetings, held in conjunction with the Newark Police Department. As concerns are brought to the attention of the Monitor Team, we will triage issues to determine the manner in which they can best be handled.
- The overriding goal of our team is to provide a transparent, independent review of the Newark Police Department, and provide workable solutions to eliminate corruption via an ongoing system of effective compliance, monitoring, and remediation.

III. OUR DEPTH

Additional Members of Our Monitoring Team

Below we provide a high level summary of the backgrounds of the additional attorneys, investigators, and other professionals upon whom we can rely as needed during this engagement.

- **Stephen Pugh, Founder and President of PJJ**
 - Federal government experience: United States Department of Justice Honors Program, DOJ Strike Force, Criminal Division out of the U.S. Attorney’s Office in Chicago.
 - Handled organized crime prosecutions.
 - Conducted more than 30 grand jury investigations involved narcotics, gambling, securities fraud and public corruptions.
 - Prosecuted more than 50 criminal matters, including 20 jury trials.
 - Handled initial grand jury investigation and prosecution of what came to be known as “Operation Greylord,” involving judicial corruption in the Circuit Court of Cook County and culminating in the prosecution of more than 20 judges and court officials.
 - Current practice includes significant civil rights litigation (both as counsel for plaintiff and, separately, defense) as well as internal and external corporate investigations.
 - Among many examples, represented Archdiocese of Chicago in connection with detailed analysis to determine if discriminatory pattern existed in settlements of claims against clergy.
 - Also served as lead counsel for City of Chicago and various detectives and police officers in multi-million dollar civil rights claims.
 - In-depth knowledge of governmental law.

- **Walter Jones, Jr., Founder and Director at PJJ**
 - Federal government experience: served as Assistant U.S. Attorney, during which time he was Deputy Chief of the Criminal Division, Chief of the Criminal Division, and Special Litigation Counsel in charge of all litigation, both civil and criminal, for U.S. Attorney’s Office for Northern District of Illinois.
 - Currently a Fellow of the American College of Trial Lawyers, American Board of Criminal Lawyers and International Academy of Trial Lawyers.
 - Has extensive experience both as prosecutor and defender.
 - Sought after by government clients to handle complex litigation and investigations.
 - Representation includes charges such as terrorism, organized crime, voter fraud, racketeering, distribution of narcotics, and tax evasion.

- **Dennis P.W. Johnson, Director at PJJ**
 - Over 35 years of experience in the areas of complex civil litigation in federal and state trial and appellate courts as well as administrative agencies.
 - His trial, arbitration and mediation experience focus on employment discrimination and commercial matters.

III. OUR DEPTH

- Handled constitutional claims, Section 1983, antitrust, securities and RICO matters and internal investigations.
- **Jorge V. Cazares, Partner at PJJ**
 - Former General Counsel for Chicago Housing Authority.
 - Oversaw all CHA legal affairs.
 - Served as CHA's Ethics Officer in charge of supervising compliance with agency's ethics policies as well as other applicable federal and state ethics policies.
 - Supervised CHA's Office of the Inspector General, which investigated reports of possible fraud and waste of CHA's resources by employees, residents or contractors, and its compliance department.
- **Edward Rodriguez , New York Of Counsel at PJJ**
 - Over 17 years of experience in government investigations and proceedings.
 - Former Assistant Attorney General in the Office of the New York State Attorney General.
 - While with the New York City Department of Education, successfully prosecuted an array of employee disciplinary trials.
- **Shauna Fulbright Paxton, Associate at PJJ**
 - Currently part of the compliance team tasked as a federal monitor in the consent decree in *EEOC v. YRC, Inc.*
 - Represents clients during regulatory and compliance investigations launched by federal and state governmental entities.
 - Participated in the investigation of an educational institution's admissions practices.
- **Elysia Baker, Associate at PJJ**
 - Part of the compliance team tasked as a federal monitor in the consent decree in *EEOC v. YRC, Inc.*
 - Part of the defense team of an educational institution in a probe by the federal government seeking information regarding compliance with the Clery Act and the Higher Education Act, and potentially certain state laws.
- **Karl Analo – Staff Attorney at PJJ**
 - Experience includes internal investigations and claims involving "whistleblower" laws and other employment related disputes.
 - Represents clients in complex litigation matters.

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- **F. Josiah Leicht, Principal of FJL Associates**
 - Over 25 years of experience serving as an Independent Monitor and leading Independent Monitoring teams assigned to oversee and ensure that organizations develop, implement, maintain and audit effective and sustainable compliance programs.
 - In 1988, joined the New York State Organized Crime Task Force and then served as Counsel for Criminal Matters at the Office of the Inspector General for the New York City School Construction Authority.
 - Served as an Independent Monitor overseeing the business operations of a variety of companies on behalf of The Port Authority for the States of New York and New Jersey, the United States Department of Labor, Wage and Hour Division, the New York County District Attorney's Office, the Metropolitan Transit Authority, the Dormitory Authority of the State of New York, the New York City Business Integrity Commission, the Westchester Solid Waste Commission and the Office of the Medicaid Inspector General.
 - Led the team on behalf of the Independent Expert selected by the U.S. Department of Justice to review business development practices and financial products offered by Deutsche Bank, AG.
 - Led the team of the Independent Monitor selected by the U.S. Commodity Futures Trading Commission and the U. S. Department of Justice to oversee the U.S. based commodities trading activities of BP, plc.
 - In his current role as Chief Compliance Officer with the New York & Vicinity District Council of Carpenters, provides training on Codes of Conduct and various areas of business ethics.

- **Charles J. Shields, III, CPA, FE**
 - Has 25 years of forensic accounting and auditing experience, is an active member of the American Institute of Certified Public Accountants and the Association of Certified Fraud Examiners.
 - Serves as a forensic accounting consultant to attorneys and certified public accountants as well as the District Attorney of Nassau County, N.Y. and private investigative firms, and has particular expertise in the construction industry.
 - Has also held positions as the Corporate Controller of a subsidiary of Time Warner, Inc. and Senior Auditor with Coopers & Lybrand.
 - In addition to being featured in an article about investigative accountants in the publication *Accounting Today*, he has also appeared before professional groups as a featured speaker on forensic audit techniques.

- **Harvey Tuerack, Investigator**
 - An expert in labor racketeering having spent 18 years as an investigator in the Office of Inspector General of the U.S. Department of Labor.

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- Upon retirement from DOL, became the Executive Director of the Labor Management Fund of the New York District Council of Carpenters where he was responsible for investigating violations of the collective bargaining agreement and prevailing wage laws.
- For seven years, until his retirement in 2007, was a Supervisory Investigator in the Port Authority's Inspector General's Office concentrating in the area of construction fraud.
- Began his law enforcement career as a special agent in the Drug Enforcement Administration.

- **Joseph O'Brien, Investigator**
 - An accomplished former Special Agent in the Federal Bureau of Investigation, named Outstanding Agent of the Year in 1983, and the recipient of the Attorney General's Distinguished Service Award (the highest honor bestowed on a federal law enforcement officer in the United States) in 1987.
 - Served as a supervisor in both the Foreign Counter-Intelligence and Criminal Divisions in the New York Office and was the case agent in *U.S. v. Castellano*.
 - A member of the New Jersey City College Security Program Advisory Board.
 - Principal of Joe O'Brien Investigations, Inc., and has lectured, taught, and provided expert commentary on subjects relating to investigations, organized crime, and corruption, with a particular expertise in the mob's role in the construction industry.

- **Andrea W. Azarm, Azarm & Associates, LLC**
 - Founder of a full-service investigative firm providing services to business and legal communities throughout the United States and Europe.
 - Has more than 20 years of experience in the field of investigative research for litigation support, fraud inquiries and a variety of due diligence needs.
 - Has completed hundreds of assignments in connection with civil and criminal court proceedings, bankruptcies, business mergers and acquisitions, regulatory and internal compliance programs, corporate and financial fraud, hostile takeovers, proxy battles and political corruption.
 - Throughout the years, she has developed a broad network of open and confidential information sources and is recognized in the industry for superior analytical skills.
 - Previously worked in Hartford, Stamford and New York with Decision Strategies, an international investigative consulting firm and served as a leader for the firm's due diligence practice area.

IV. QUALIFICATIONS

Qualifications	Preston Pugh, Monitor	Ronald Goldstock, Advisor to the Monitor/Team Coordinator	Advisory Board	Robert Wasserman, Expert on Police Operations & Community Relations	Dr. Christopher Erath, Statistical Expert	J. Bradley Sargent and Sargent Consulting Group	Goldstock Monitoring Team	PJJ Legal Team
Monitoring, auditing, evaluating, or otherwise reviewing performance of organization, including experience in monitoring settlements, consent decrees, or court orders	√	√	√	√	√	√	√	√
Law enforcement practices, including training, Community policing and problem-oriented policing, complaint and use of force investigations, and constitutional policing	√	√	√	√		√	√	√

IV. QUALIFICATIONS

Qualifications	Preston Pugh, Monitor	Ronald Goldstock, Advisor to the Monitor/Team Coordinator	Advisory Board	Robert Wasserman, Expert on Police Operations & Community Relations	Dr. Christopher Erath, Statistical Expert	J. Bradley Sargent and Sargent Consulting Group	Goldstock Monitoring Team	PJJ Legal Team
Evaluating the breadth and depth of organizational change, including development of outcome measures	√	√	√	√	√	√	√	√
Development of effective quality improvement practices	√	√	√	√	√	√	√	√
Mediation and dispute resolution	√	√	√	√		√	√	√
Statistical and data analysis				√	√	√	√	√
Information technology				√	√	√		
Data management				√	√	√	√	√

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Qualifications	Preston Pugh, Monitor	Ronald Goldstock, Advisor to the Monitor/Team Coordinator	Advisory Board	Robert Wasserman, Expert on Police Operations & Community Relations	Dr. Christopher Erath, Statistical Expert	J. Bradley Sargent and Sargent Consulting Group	Goldstock Monitoring Team	PJJ Legal Team
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 or Portuguese		√	√	√		√	√	√
Familiarity and understanding of local issues and conditions		√	√	√			√	√
Effective engagement with diverse communities	√	√	√	√	√	√	√	√

IV. QUALIFICATIONS

Qualifications	Preston Pugh, Monitor	Ronald Goldstock, Advisor to the Monitor/Team Coordinator	Advisory Board	Robert Wasserman, Expert on Police Operations & Community Relations	Dr. Christopher Erath, Statistical Expert	J. Bradley Sargent and Sargent Consulting Group	Goldstock Monitoring Team	PJJ Legal Team
Creation and evaluation of meaningful civilian oversight		√	√	√			√	
Familiarity with federal, New Jersey 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	√	√	√	√	√	√	√	√
Report writing for a broad variety of stakeholders.	√	√	√	√	√	√	√	√

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Below we provide additional details in response to the RFP's request for our qualifications.

1. Monitoring, auditing, evaluating, or otherwise reviewing performance of organization, including experience in monitoring settlements, consent decrees, or court orders.

- As stated above, Preston Pugh is currently a court-appointed monitor in *EEOC v. YRC, Inc.* (United States District Court for the Northern District of Illinois), which is one of the EEOC's most significant cases in the Midwest in recent years. The underlying litigation involved extreme forms of racial harassment and discrimination in the employer's assignment and discipline procedures. As part of the engagement, Mr. Pugh has overseen and guided YRC to a marked improvement in (1) efficacy of YRC's complaint intake procedures; (2) quality of investigations undertaken in response to complaints; (3) implementation of changes in anti-harassment and anti-discrimination policies; (4) fairness in work assignments; (5) fairness in disciplinary practices; (6) fairness in rehiring; (7) fairness in breaks and downtime; (8) and overall improvements with regard to racial harassment and discrimination. (See attached Annual Monitor Report in *EEOC v. YRC.*)
- Mr. Pugh also serves as an IPSIG for the Waterfront Commission of New York Harbor. His team has worked with a stevedore company that is licensed by the Waterfront to ensure, among other things, that it meets the Commission's rules against contact with persons involved in organized crime, establishes and follows a strong code of internal ethics, and implements financial controls. Details and reports from this engagement are not public.
- Ronald Goldstock provides Independent Private-Sector Inspector General (IPSIG), expert witness and investigative services for corporate, union and individual clients. His particular monitoring experience (outlined further in the experience and reference portion of this response) includes:
 - Gotham and I.C. Bus Companies (New York) – monitoring company to ensure that it operates with integrity in industry with past corruption issues;
 - City Carting of Westchester (New York) – monitoring company to ensure that it operates with integrity in industry historically controlled by organized crime;
 - Dumont Electrical (New Jersey) – IPSIG services for a company which is involved in the construction industry;
 - Linx Industries (New York) – monitor company to ensure that it conducts its business practices in conformity with applicable laws and regulations;
 - Soave Enterprises (Michigan) – report to a variety of regulators in Michigan and other states; conducted in-depth examination of major conglomerate to determine the source of original funding, adequacy of internal controls, appropriateness of joint ventures, etc. and;
 - Waterfront Commission of New York Harbor (New York) – as Director of OCTF, investigated mob-controlled carting industry.

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- Robert Wasserman and Strategic Policy Partnership provides agency audits, performance management systems design, executive resource allocation analyses, policy development, strategic planning and organizational design, management training and transition coordination. Much of their work focuses on providing assistance to communities and their governments and police agencies in addressing challenging situations. Mr. Wasserman has handled monitorships for the Town of East Haven Police Department, the City of Baltimore Police Department, and the City of Detroit Police Department.
- F. Josiah Leicht has over 25 years of experience serving as an Independent Monitor and leading Independent Monitoring teams assigned to oversee and ensure that organizations develop, implement, maintain and audit effective and sustainable compliance programs. An integral part of those assignments has involved assisting organizations to develop, review and enhance internal policy and procedures, training and auditing programs to ensure fair and ethical business practices. Critical aspects of these assignments have been to work with organization leaders to ensure their active engagement in compliance programs and that they were effectively communicating the importance of compliance and ethical business practices to the organization at large. Another critical aspect was working with the organizations to ensure that there were multiple and reliable avenues available to individuals to report suspected misconduct and obtain guidance whenever they had concerns without fear of retaliation.
- Dr. Christopher Erath is a statistical expert for more than 25 years in the area of analyzing data for statistical evidence of discrimination. He has extensive experience with post consent decree monitoring and identifying remedial actions. Monitoring assignments include work for the City of New York, Novartis, Citibank, GE, Roadway, Home Depot, and the Jacob K. Javits Convention Center.
- J. Bradley Sargent is currently involved in a compliance audit of a major metropolitan Police Department. The nature of the work involves reviewing data capture, analysis and reporting systems currently in place at the Department. He is also involved in a compliance review in the assessment of a receiver in major metropolitan processes.

2. Law enforcement practices, including training, Community policing and problem-oriented policing, complaint and use of force investigations, and constitutional policing.

- Ronald Goldstock teaches and has taught criminal law, criminal procedure and constitutional policing at Cornell, Columbia and New York University Schools of Law. Mr. Goldstock has also taught these subjects at schools of criminal justice and to groups of law enforcement professionals including federal agents and state and local police.

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- Robert Wasserman and Strategic Policy Partnership have worked with a wide variety of government agencies and police departments resulting in dramatic improvement in policing operations and effectiveness. Wasserman’s team has provided policy development assistance to police agencies on complex issues, such as use of force, racial profiling, police pursuit and policing values. Sample clients include:
 - City of Cincinnati, OH
 - City of Oakland, CA
 - Cambridge University (UK)
 - City of Milwaukee, WI
 - Town of Tisbury, MA
 - Town of Edgartown, MA
 - Town of Marblehead, MA
 - City of Cambridge, MA
 - San Francisco Police Department
 - City of Allentown, PA
 - Los Angeles Police Department
 - British Transport Police
 - Transport for London (UK)
 - Stamford Police Department, CT
 - New York City Police Department
 - Chicago Police Department

- As an Assistant U.S. Attorney, Preston Pugh was part of a team that investigated racial profiling allegations against the Police Department in Highland Park, Illinois. In 2001, the City and the Department of Justice entered into a Memorandum of Agreement which provided for a cooperative effort between the City, the Police Department, and federal government to institute management practices that would promote non-discriminatory law enforcement.

- Stephen Pugh, who worked at the Chicago office of the Department of Justice’s Strike Force, was one the first attorneys who investigated issues that eventually became Operation Greylord, the joint effort by the Department of Justice, Internal Revenue Service, and Illinois State Police that uprooted corruption in the judiciary of Cook County, Illinois.

- Walter Jones, Jr. worked extensively with federal, state and local law enforcement during investigations and prosecutions of federal violations. He has worked with many local city police officials in their respective positions, since many local gun and drug crimes were “adopted” by federal authorities for prosecution and these officers became witnesses in the federal cases.

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3. Evaluating the breadth and depth of organizational change, including development of outcome measures.

- In his current monitorship work with the EEOC and YRC, Preston Pugh and his team developed a system to track all company investigations from intake to conclusion. The system evaluates the quality of all investigations and provides the EEOC and the company with up to the minute real-time feedback detailing the company's compliance with the consent decree, or lack thereof.
- As the lead attorney for compliance investigations at GE Healthcare, Preston Pugh was responsible for changing the manner in which the company conducted internal investigations, including an overhaul of the resources designated for such investigations and making sure the correct procedures were followed in each investigation.
- Ronald Goldstock, through his monitorships, routinely ensures that companies and unions operate with integrity and conform to legal and ethical mandates. He has created codes of conduct and ethics, designed financial systems, compliance programs, and anti-money laundering procedures. Mr. Goldstock, in his final reports to prosecutors, agencies and courts, has set forth the criteria and metrics with which cultural and organizational change has occurred.
- Strategic Policy Partnership and Robert Wasserman conduct business process reviews for major police agencies, identifying ways that organizational objectives can be achieved. His experience includes work with the City of Oakland Police Department.
- F. Josiah Leicht has over 25 years of experience serving as an independent monitor and leading independent monitoring teams assigned to oversee and ensure that organizations develop, implement, maintain and audit effective and sustainable compliance programs.
- Sargent Consulting Group recommended changes in organizational structure and enhanced compliance review after an internal investigation at a private university. It also performed pro-bono services to rewrite a procedures manual for a local organization in financial distress to enhance separation of duties and accountability of staff.
- From 1993-1997, Joseph O'Brien worked as Special Investigator (under Special Prosecutor Nelson E. Roth) on the worst scandal in New York State Police history, involving evidence-tampering. Five troopers pled guilty to fabricating evidence in 36 cases. As a result of the investigation, the state police changed its rules governing and handling of fingerprint evidence.

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4. Development of effective quality improvement practices.

- Ronald Goldstock, through his monitorships, routinely ensures that companies and unions operate with integrity, particularly industries with a history of corruption and racketeering. He has created codes of conduct and ethics, designed financial systems, compliance programs, and anti-money laundering procedures.
- As collaborator in the Community safety initiative “Newark Partnership for Safe Communities,” Robert Wasserman and his team, along with the City of Newark, the Newark Police Department, the Essex County Prosecutor’s Office, Essex County Public Schools, the New Jersey State Police, New Jersey Transit, and other governmental agencies, have committed to simultaneously reduce serious crime as well as address quality of life concerns. Objectives and deliverables of the group include:
 - Creating sustainable mechanisms for collaboration on public safety;
 - Reinforce confidence in public safety and feelings of safety;
 - Widely gauge perceptions among constituents of area safety and issues of concern;
 - Bolster crime-fighting capabilities through Community participation;
 - Create real time information sharing platforms that will strengthen public safety; and
 - Collaborate with residents of surrounding communities as equal partners in the initiative.
- Sargent Consulting Group investigated allegations of kickbacks and fraud schemes for a private university and recommended actions and a compliance review. It was also engaged to analyze compliance efforts of a municipality in dispute with a neighboring major metropolitan entity to stave off installment of a receiver. The parties settled without receiver appointment. Sargent Consulting also provides quality improvement practices for every project in which it works.

5. Mediation and dispute resolution.

- The attorneys at PJJ have participated in scores of mediations and have a wealth of experience with alternative dispute resolution procedures, including those that involved municipal and state agencies. Preston Pugh is an arbitrator for FINRA, and has served as a member of the Character and Fitness Committee of the Illinois Attorney Registration and Disciplinary Commission, and was responsible for assessing applicants for the Illinois Bar. In addition, he has significant experience with labor issues and dispute resolution, having been an attorney with the National Labor Relations Board. Stephen Pugh acted as hearing officer for both the Character and Fitness Committee and the Chicago Board of Education.
- PJJ has worked closely with clients for decades implementing and refining early matter assessment programs to mediate and, where appropriate, arbitrate commercial and

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employment-related disputes. These efforts include working closely with in-house counsel and business decision makers to train personnel in the particular methods that apply in mediation practice. The result has been a consistent and substantial reduction in client litigation expenses, achieved by identifying and successfully mediating disputes with suppliers, customers, executives and other managers before litigation is filed.

- Ronald Goldstock is a referee for the Commission on Judicial Conduct and has worked with communities in Northern Ireland mediating community disputes.
- Joseph O'Brien is a former FBI SWAT Team Hostage Negotiator.
- An overwhelming majority of Sargent Consulting Group engagements center on pre-litigation and litigation related disputes.

6. Statistical and data analysis.

- Dr. Christopher Erath has over 25 years of experience as a statistical expert. He has been engaged by both public and private sector clients to review statistical data, detect patterns, and make recommendations based on statistical findings. Dr. Erath has extensive experience with post consent decree monitoring and identifying remedial actions.
- J. Bradley Sargent and The Sargent Consulting Group specialize in applying accounting, investigative, operational and technical procedures to identify facts in dispute. Sargent Consulting is currently involved in a compliance audit of a major metropolitan Police Department. The nature of the work involves reviewing data capture, analysis and reporting systems currently in place at the Department. Statistical and data analysis is applied in all matters through quantification of economic performance, damage calculation and economic loss.
- Charles Shields has 25 years of forensic accounting and auditing experience.
- Joseph O'Brien is the owner of ExFed Data Services, an Albany-based computer database and research company.

7. Information technology.

- J. Bradley Sargent has extensive background in electronic discovery, imaging network servers and replicating data.

IV. QUALIFICATIONS

- Joseph O'Brien is the owner of ExFed Data Services, an Albany-based computer database and research company.

8. Data management.

- Dr. Erath has served as statistical expert for more than 25 years, particularly in the area of analyzing data for statistical evidence of discrimination.
- J. Bradley Sargent and his team have internally created data management systems. Sargent Consulting has extensive experience interfacing with government agencies and private entities in data exchange.
- Joseph O'Brien is the owner of ExFed Data Services, an Albany-based computer database and research company.

9. Working with government agencies, municipalities and collective bargaining units.

- Having represented the City of Chicago for many years in numerous matters including labor and employment cases, PJJ has solid expertise working with Government Agencies and Collective Bargaining Units. Among others, PJJ has represented the City of Chicago, City Counsel of Chicago, Chicago Board of Education, Chicago Housing Authority, Chicago Park District, Chicago State University, Chicago Transit Authority, City Colleges of Chicago, County of Cook, Illinois, Forest Preserve District of Cook County, State of Illinois, Illinois Toll Highway Authority, Illinois Department of Transportation, University of Illinois, Illinois Student Assistance Commission, Metra, Metropolitan Pier & Exposition Authority, Metropolitan Water Reclamation District, Waterfront Commission of New York Harbor, New York State Housing Finance Authority and the Federal Deposit Insurance Corporation. Preston Pugh, as a former Assistant U.S. Attorney in the Civil Division of the U.S. Attorney's Office in Chicago, has represented many federal agencies, including law enforcement and others. As a former attorney with the National Labor Relations Board, Mr. Pugh has extensive experience working with collective bargaining units across the country.
- Ronald Goldstock served for thirteen years as Director of the New York State Organized Crime Task Force. He is Commissioner of the New York State Waterfront Commissions of New York Harbor. He served as a member of the Advisory Board of Project Rise of the International Brotherhood of Teamsters. He serves as a referee for the New York State Commission on Judicial Conduct. Mr. Goldstock recently served as the advisor to the Secretary of State for Northern Ireland. He regularly investigates, monitors and negotiates with unions.

IV. QUALIFICATIONS

- Edward Rodriguez, Of Counsel to PJJ, served as Assistant Attorney General in the Office of the New York State Attorney General. In addition, with the New York City Department of Education, Mr. Rodriguez successfully prosecuted an array of employee disciplinary trials for fraud, professional incompetence, sexual misconduct and other wrongdoing.
- All of Mr. Leicht's independent monitoring work has involved working with and reporting to government agencies. While he has not negotiated with unions in collective bargaining sessions, he is familiar with the process through his role as CCO with the District Council of Carpenters and through a previous assignment with the United Federation of Teachers.
- Robert Wasserman and his firm have worked with a wide variety of government agencies through the United States and Europe. See response to section above in connection with law enforcement experience.
- Sargent Consulting has extensive experience working with State, Federal and local level organizations in multiple jurisdictions when providing forensic accounting, financial investigations and expert witness services.

10. Language skills and experience working with limited English proficient persons and communities, in particular communities whose primary language is Spanish or Portuguese.

- Collectively, the PJJ team is fluent in Spanish and can communicate in Portuguese, and has significant experience working with communities with limited proficiency in English.
- In connection with the Roofers Union Local 8 Monitorship, Messrs. Tuerack and O'Brien dealt with many individuals who did not speak English. This investigative team was able to develop numerous sources who spoke only Spanish, Polish, Albanian or other languages, utilizing a variety of methods to do so.
- J. Bradley Sargent of Sargent Consulting Group is conversational in French, and Michelle Sargent is conversational in German.
- Andrea Azarm is proficient in spoken French and competent in the written language.

11. Familiarity and understanding of local issues and conditions.

- As Commissioner of the Waterfront Commission of New York Harbor, Mr. Goldstock has utilized the agency's licensing authority to demand greater diversity from local communities on the docks of Port Newark.

IV. QUALIFICATIONS

- Robert Wasserman, through his efforts with the Newark Partnership for Safe Communities initiative, is well aware of the issue of crime and the quality of life in the Newark Community. He understands the need for enfranchisement of Newark residents and institutions from neighborhoods and surrounding communities, commuters, and private and non-profit sector partners. His team's objectives include:
 - Creating sustainable mechanisms for collaborations on public safety in the Newark Community;
 - Reinforcement of confidence in public spaces and feelings of safety in Newark;
 - Obtaining perceptions among constituents of area safety and issues of concern;
 - Bolstering crime-fighting capacities through Newark Community participation;
 - Creating real-time information-sharing platforms that will strengthen public safety; and
 - Collaborating with Newark residents of surrounding communities as equal partners in the initiative.

- Mr. Leicht is generally familiar with the issues involving the New Jersey State police and with issues facing many communities and police departments in racially, ethnically and economically diverse metropolitan areas.

- Edward Rodriguez taught the Civil Litigation Clinic at Seton Hall University School of Law, where he served as a Visiting Clinic Professor.

12. Effective engagement with diverse communities.

- PJJ is one of the leading minority law firms in the nation. Throughout its 24-year history, the firm has represented a number of diverse clients, from corporations to municipalities, to minority and women-owned businesses, and individuals.

- Robert Wasserman, through his participation in the Newark Partnership for Safe Communities initiative, is working with the diverse Newark Community to ensure that residents of the area around the center of Newark feel they are partners in creating a safe and secure environment. The initiative seeks to create partnerships between downtown organizations and entities for surrounding diverse neighborhoods to solve problems that transcend neighborhood boundaries. In addition, Mr. Wasserman has engaged with the diverse communities associated with the Oakland Police Department and the Camden, New Jersey Police Department.

- The majority of the over 500 interviews conducted by Messrs. Tuerack and O'Brien related to the Roofers Union Local 8 Monitorship described above were conducted in diverse communities of the New York City boroughs.

IV. QUALIFICATIONS

- Sargent Consulting Group has worked with diverse communities in Chicago, Illinois, and surrounding areas, and Detroit, Michigan.

13. Creation and evaluation of meaningful civilian oversight.

- As described above, Mr. Wasserman and his team understand the inherent value in civilian oversight. Through the Newark Partnership for Safe Communities, the team will create a centralized public information campaign related to crime and safety in Newark. Real-time, public alerts will be available in all Newark communities on multiple platforms. The team will conduct surveys and solicit feedback from residents, students, commuters, business-owners, transit users and others to gauge the perceptions amongst constituents of area safety and issues of concern. Electronic and social media platforms will be maintained where users can provide comment on project or Newark on-goings.

14. Familiarity with federal, New Jersey and local laws, including civil rights laws and policies and rules governing police practices.

- In collaboration with the City of Newark, the Newark Police Department, the Essex County Prosecutor's Office, Essex County Public Schools, the New Jersey State Police, New Jersey Transit, and other governmental agencies, Robert Wasserman and Strategic Policy Partnership have developed initiatives to create a safe, welcoming and thriving downtown Newark. The initiative, known as Newark's Partnership for Safe Communities, aims to simultaneously reduce serious crime as well as address quality of life concerns that cause some to feel uncomfortable coming to the area.
- PJJ's attorneys are some of the most accomplished litigators in federal courts, having tried numerous jury and bench trials as well as argued cases for the United States Court of Appeals and the United States Supreme Court.
- Mr. Leicht is an attorney licensed to practice in New York State and in the Southern and Eastern Districts of the New York Federal Courts. As a former prosecutor, he is familiar with Federal and State criminal laws, procedure and acceptable law enforcement practices.
- Mr. Goldstock, as Commissioner of the Waterfront Commission of New York Harbor, is in charge of a bi-state agency which enforces the laws of New York and New Jersey. Mr. Goldstock also teaches law, including the laws of New York, New Jersey, and federal laws, as faculty member at a number of law schools.

IV. QUALIFICATIONS

- As an FBI Special Agent, Joseph O'Brien was trained in and worked Federal Civil Rights violations cases.

15. Completing projects within anticipated deadlines and budget.

- As an organization with clients both in government and the private sector, PJJ is well-acquainted with the need to complete projects on a deadline and within budget. As a client-focused organization, our livelihood depends on it. We not only have been service providers for many years, but we also have stood in the shoes of a client having served as in-house counsel responsible for budgets.
- Ronald Goldstock and his IPSIG team have completed all assignments well within budget and well within deadlines. Mr. Goldstock is a well-known proponent of ensuring that monitorship costs are fair and reasonable and that budgets are not exceeded. (See his numerous publications, talks, and the work of his ABA Monitoring Standards Task Force as to this issue.)
- Sargent Consulting Group has been 100% compliant with deadlines and budgets.

16. Preparing for and participating in court proceedings.

- Preparation is the undisputed cornerstone of a highly effective trial lawyer. PJJ attorneys understand that successful trial outcomes depend on detailed knowledge of highly specialized areas of law, relentless trial preparation, advanced courtroom techniques and extensive experience in the courtroom. PJJ excels in preparing for and participating in court proceedings as reflected in the following awards and memberships:
 - Named by In-House Counsel as one of the Top 500 Go-To Law Firms (*Corporate Counsel* magazine)
 - Leading Lawyers, Super Lawyers (*Law & Politics* and *Chicago* magazines) and Best Lawyers in America
 - American College of Trial Lawyers
 - American Board of Criminal Lawyers
 - International Academy of Trial Lawyers
 - Illinois Trial Lawyers Society
- Mr. Leicht has significant experience preparing for and participating in court appearances as a result of his independent monitoring assignments, his role as CCO for the District Council of Carpenters (currently subject to Federal supervision as a result of a 1994 Consent Order), and as a result of his years of experience as a prosecutor. Mr. Leicht is licensed to practice in the State of New York.

IV. QUALIFICATIONS

- Preston Pugh, Edward Rodriguez, Ronald Goldstock and Jorge Cazares are licensed to practice in the State of New York.
- Mr. Goldstock, as an Assistant District Attorney in New York County, has tried numerous cases and has supervised trials as chief of its Rackets Bureau and as the Director of the NYS Organized Crime Task Force. He has also served as an expert witness in federal and state trials and in arbitrations and grievance committee proceedings in a number of jurisdictions. Mr. Goldstock has also been a consultant as to police/prosecutor relations in several states and foreign countries.
- Joseph O'Brien has prepared for and testified in multiple court proceedings, both as an FBI Agent and as a licensed private investigator.
- J. Bradley Sargent has been recognized as an expert in Federal court and the State courts of Illinois, Indiana and Michigan.

17. Report writing for a broad variety of stakeholders.

- As stated above, Preston Pugh is required to submit an annual report for the YRC monitorship in Illinois. The most recent version of the report, filed on December 23, 2014, is attached hereto.
- As Commissioner of the Waterfront Commission, and as an IPSIG, Mr. Goldstock and his team have prepared monitor reports for governmental entities and various stakeholders.
- Mr. Leicht has prepared numerous reports to courts and government agencies as an independent monitor and as a member of various independent monitoring teams. He has also participated in drafting investigative and status reports prepared for the multiple purposes of conveying activities, findings and recommendations to the leaders of labor organizations, union members and government officials.
- Robert Wasserman, with his extensive background in working with government agencies, has generated significant, detailed reports which outline complex issues, strategic planning and organizational design. Mr. Wasserman has also developed policy and procedure manuals specifically related to training and development of police officers.
- J. Bradley Sargent has provided reports to boards, audit committees and government agencies.

V. PRIOR EXPERIENCE AND REFERENCES

Experience and References - PJJ's Current Monitoring Experience

EEOC v. YRC, Inc.:

- Reference: Richard Mrizek, Trial Attorney, Equal Employment Opportunity Commission, 500 W. Madison Street, Suite 2000, Chicago, IL 60661. 312-869-8117. rmrizek@eeoc.gov.

The scope of the monitorship and the issues it has involved are described herein (p. 30). (See sample report attached hereto.)

Waterfront Commission of New York Harbor:

- Reference: Paul Babchik, Assistant Counsel, Law Division, Waterfront Commission of New York Harbor, 39 Broadway, 4th Floor, New York, NY 10006, 212-905-9213, pbabchik@wcnyc.gov.

The scope of the monitorship and the issues it has involved are described herein (p. 30). Because the monitorship is not a matter of public record, we have not included any of the monitor team's reports.

Archdiocese of the City of Chicago:

- In anticipation of threatened litigation, PJJ was hired by the Archdiocese of Chicago to conduct an independent internal investigation of racial bias in its settlement of clergy sexual abuse claims. PJJ reviewed sensitive and highly confidential documentation relating to over 330 settlements over the past 25 years, and conducted numerous interviews of those involved in the settlement process. An in-depth report of the investigation is publicly available on the Archdiocese of Chicago's website. Reference: James Serritella, Burke Warren, MacKay & Seritella, P.C., 330 North Wabash Avenue, 21st Floor, Chicago, IL 60611, 312-840-7900, jserritella@burkelaw.com.

Reference/Law Enforcement and Governmental Representation by PJJ

- Mara Georges, former Corporation Counsel for the City of Chicago, currently partner at Daley and Georges, Two First National Plaza, 20 South Clark Street, Suite 400, Chicago, IL 60603; 312-726-8797, mgeorges@daleygeorges.com.
- Stephen Patton, Corporation Counsel, City of Chicago, 121 North LaSalle Street, Suite 600, Chicago, Illinois 60602, 312-744-0220, stephen.patton@cityofchicago.org.

PJJ lawyers have worked with law enforcement in many cases in our former positions with the Department of Justice, U.S. Attorney's Office, and the New York Attorney General's Office. In private practice, we have also represented law enforcement in numerous matters as a

V. PRIOR EXPERIENCE AND REFERENCES

defendant, and have experience representing plaintiffs against law enforcement. At times we have also worked with law enforcement in our capacity as special prosecutors. We list a few examples of our experience here:

- *Williams v. City of Chicago, et al.* Plaintiff filed a five count complaint against the City and various police officers asserting claims pursuant to 42 U.S.C. Section 1983 for excessive force, unlawful search and seizure, false imprisonment, and *Monell* municipal claim, as well as state claims for liability under *respondeat superior*, malicious prosecution, and intentional infliction of emotional distress. Jury found only one count in favor of plaintiff. The matter was settled prior to appeal.
- *Petrovic v. City of Chicago, et al.* PJJ successfully defended several police officers in a complex civil rights action which included allegations of conspiracy and the deprivation of various constitutional rights.
- *Huggins v. City of Chicago.* PJJ represented City of Chicago and its officers in a false arrest and wrongful imprisonment against the City. Trial resulted in a hung jury, and the case resolved through settlement.
- *People of the State of Illinois vs. Dwain Kyles, et al.* PJJ represented the City of Chicago in successfully prosecuting the criminal contempt charges against the owner of The Epitome nightclub for municipal code violations which resulted in 21 deaths. Prosecution was based on defendants' violations of the City's building code, and resulted in a two year imprisonment for each defendant.
- *Chicago Board of Education Investigation.* The City of Chicago selected PJJ to handle the investigation of Michael Scott, President of the Board of Education, and the circumstances surrounding his death. PJJ also assisted the Board in revamping its internal financial auditing procedures.
- *Wanda Hogue, et al. v. Forest View Police Department, et al.* PJJ represented the family of Eric Smith, a deaf young man who was shot and killed by Forest View, Illinois, police officers. The action was brought against the Village of Forest View as well as various members of its police force and city officials as a result of the actions of two Forest View police officers which resulted in the man's death. In addition to Federal civil rights claims pursuant to Section 1983 and Section 1988, plaintiff also brought state law claims for violations of Illinois law including false imprisonment, wrongful death, willful and wanton assault and battery, intentional infliction of emotional distress, as well as ADA discrimination. PJJ successfully settled the matter on behalf of the family.

V. PRIOR EXPERIENCE AND REFERENCES

Experience and References – Messrs. Goldstock, Leicht, Tuerack, O'Brien, Shields, Ms. Azarm

(None of the Reports prepared for the monitorships listed below are public record; therefore, copies of these reports are not included with this response. If the Review Committee for this response is interested in seeing a copy of the Monitor Report for the Roofers Union Local 8, Mr. Goldstock will ask the Court to release the Report for a private review by the Committee.)

- Gotham and I.C. Bus Companies (New York) – Report to Special Commissioner, Department of Education. Created Code of Ethics and financial systems. Monitor company to ensure that it operates with integrity in industry with past corruption issues. Daniel Schlachet, Special Counsel, Special Commissioner of Investigation, for the New York City School District, 80 Maiden Lane, 20th Floor, New York, NY 10038, 212-510-1418.
- Roofers Union Local 8 (New York/New Jersey) – Report to Hon. Roger S. Hayes and New York County District Attorney's Office pursuant to Consent Decree. Charged with restoring union democracy after years of control by organized crime figures. Ensure that Constitution and By-laws are in accord with agreement, investigate firms who are signatories to collective bargaining agreement and audit union funds. Hon. Roger S. Hayes, Supreme Court of the State of New York, 111 Centre St., New York, NY, 646-386-4405.
- City Carting of Westchester (New York) – Report to Westchester Solid Waste Commission. Created Code of Ethics and detailed Compliance Program. Monitor company to ensure that it operates with integrity in industry historically controlled by organized crime. Sit in on negotiations with Teamster union to verify that collective bargaining agreement does not contain provisions that encourage illicit behavior. Daniel Angillilo, Executive Director, Westchester County Solid Waste Commission, 100 East First Street, Mount Vernon, NY 10550, 914-813-6850.
- Dumont Electrical (New Jersey) – Report to U.S. Attorney, SDNY, New York State Department of Transportation and Metropolitan Transportation Authority. Independent Private Sector Inspector General services for a company, which is involved in the construction industry. Results of internal investigation given to SDNY. Helped to draft a Code of Ethics and refine business practices. Regular audits are undertaken, investigations conducted, and reports to governmental agencies issued. MBE/DBE status is verified. Mr. John Irizarry, President, Dumont Electrical, Inc., Box 525, Sparta, NJ 07871, 973-729-8084.
- Linx Industries (New York) -- Created Code of Ethics and AML Program. Monitor company to ensure that it conducts its business practices in conformity with applicable laws and regulations. Arik Kislin, President, Linx Industries, 35 East 21st Street, New

V. PRIOR EXPERIENCE AND REFERENCES

York, NY 10010, 212-785-6600.

- Soave Enterprises (Michigan) – Report to a variety of regulators in Michigan and other states. Team undertook an in-depth examination of a major conglomerate in order to determine the source of the original funding, adequacy of internal controls, appropriateness of joint ventures, etc. Conducted numerous audits and investigations of corporate operations and those of subsidiary companies including those involved in construction, environmental services, carting, hotel management, and taxi fleet. Verified payments made, investigated thefts from company. Currently on temporary inactive status – Yale Levin VP, Soave Enterprises, 3400 East Lafayette, Detroit, MI 48207, 313-567-7000.

Experience and References - Robert Wasserman

- Detroit Police Chief James Craig, 313-596-5715. Mr. Wasserman acted as consultant to Detroit Police in aspects of their consent decree in 2014.
- Baltimore Police Department Chief of Police Anthony Batts, 410-396-2020. Mr. Wasserman oversaw the management audit of the Baltimore Police Department.
- Oakland Police Department, Assistant Chief of Police Paul Figueroa, 510-238-7183. Mr. Wasserman developed a community policing and crime reduction strategy under the consent decree.
- New York City Police Department, Police Commissioner William Bratton, 646-610-5577. Mr. Wasserman developed training initiatives reflecting procedural justice and related areas; assisted in Body Camera pilot for consent decree; participated in community involvement in policing policy and operations strategy development.

Experience and References - J. Bradley Sargent

- Clark Hill PLC, Ronald A. King, Esq. (Member) rking@clarkhill.com, 212 E. Grand River Avenue, Lansing, MI 48906, 517-318-3015. Type of services provided: forensic accounting, financial investigations and expert witness.
- University of St. Francis, J.D. Ross (Chairman of the Board of Trustees), dross@wgmedclinic.org, 500 Wilcox Street, Joliet, IL, 60435, 630-857-6019. Type of services provided: forensic accounting, financial investigations and expert witness.

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- Tobin & Munoz, Craig D. Tobin, Esq., ctobin@barristers.com. Three First National Plaza, Suite 1950, Chicago, IL 60602, 312-630-0900. Type of services provided: forensic accounting, financial investigations and expert witness.

Experience and References - F. Josiah Leicht

Current Assignments:

- New York City & Vicinity District Council of Carpenters – Chief Compliance Officer, James Murphy, Esq. (General Counsel), Spivak Lipton, LLP, 1700 Broadway, New York, NY 10019, 212-765-2100.
- Ad-Tech Technologies, Ltd. (Independent Monitoring assignment), Mr. Kenneth B. Norman, Assistant Chief Operations Officer, Vendor Relations, MTA NYC Transit, 2 Broadway, B18.52, New York, New York 10004, 646-252-6340. Serve as an Independent Monitor to ensure that Ad-Tech complies with MWDBE and prevailing wage law requirements of its contracts with the MTA. Ad-Tech entered a monitoring agreement with the MTA after the company and key employees were indicted by the New York County District Attorney's office in connection with MWDBE fraud.
- Lettire Construction Company (Independent Monitoring assignment), U.S. Department of Labor, Wage and Hour Division, Ms. Maria Rosato, District Director, 26 Federal Plaza, Room 3838, New York, New York 10278, 646-587-5310.

Serve as an Independent Monitor to ensure that the company complies with wage and hour laws on federally financed projects. Lettire entered an Enhance Compliance Agreement with the Department of Labor as a result of federal wage law violations on its projects.

Relevant Past Assignments:

- Wesler-Cohen Associates (Independent Monitoring Assignment), M. Margaret Terry, Esq., General Counsel, Triborough Bridge and Tunnel Authority, 2 Broadway, 24th Floor, New York, New York 10004, 646-252-7619.

Charles Brock, Esq., Chief, Construction Fraud Unit, Metropolitan Transit Authority Office of the Inspector General, 2 Penn Plaza, 5th Floor, New York, New York 10121, 212-878-0099.

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Served as an Independent Monitor to ensure that Wesler-Cohen submits true and accurate requisitions in connection with TBTA Contract Number PSC-11-2897. Wesler-Cohen entered a Monitoring Agreement after it was found to have submitted inflated requisitions.

- Regional Scaffolding and Hoisting, Inc. (Independent Monitoring Assignment) Michael Gates, Esq., Assistant District Attorney, New York County District Attorney's Office, One Hogan Place, New York, New York 10013, 212-335-9000.

Served as an Independent Monitor to ensure that Regional Scaffolding and affiliated entities comply with wage and hour laws and related payroll tax requirements. Monitoring was required as part of a Plea Agreement reached between Regional Scaffolding and key employees with the District Attorney's Office.

- Nursing Personnel Home Care (Independent Review Officer), Stephanie Kohli, Esq., Office of the Medicaid Inspector General, 800 North Pearl Street, Albany, New York 12204, 518-473-3782.

Served as Independent Review Officer ("IRO") to ensure company developed an effective and sustainable compliance program and is meeting obligations of Corporate Integrity Agreement entered with OMIG. Nursing Personnel entered a Corporate Integrity Agreement with OMIG as a result of having been found to have engaged in improper billing practices.

- Excellent Home Care, Inc. (Independent Review Officer), Stephanie Kohli, Esq., Office of the Medicaid Inspector General, 800 North Pearl Street, Albany, New York 12204, 518-473-3782.

Served as the Independent Review Officer to ensure company developed an effective compliance program and is meeting obligations of Corporate Integrity Agreement entered with OMIG. Excellent Home Care entered a Corporate Integrity Agreement with OMIG as a result of having been found to have engaged in improper billing practices.

- Danco Electrical Contractor (Independent Monitor) Dennis Monahan, Dormitory Authority of the State of New York, 515 Broadway, Albany, New York 12207-2964, 518-257-3193.

Monitored company on DASNY projects to ensure compliance with prevailing wage laws, bonding requirements and general DASNY contractual requirements. Danco Electrical Contractor was debarred by the New York City School Construction Authority.

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DASNY required the company to have an Independent Monitor as a condition of performing further work for the agency.

- AW Meyer, Inc. (Independent Monitor), Vanessa Richards, Esq., Assistant District Attorney, New York County District Attorney's Office, One Hogan Place, New York, New York 10013, 212-335-9000.

Monitored the company to ensure that effective inventory and accounts payable/receivable systems were put in place and functioning. The monitoring assignment was the result of resolving a criminal investigation concerning improper payments by company employees.

- Juda Construction Company (Independent Monitor), Bruce Berger, Esq., Westchester County Solid Waste Commission, 100 East First St., 7th Fl., Mount Vernon, NY 10550, (914) 813-6850; Michael Mirabella, Esq., 100 Church Street, 20th Floor, New York, New York 10007, 212-676-6219.

Monitored the company to ensure compliance with licenses issued by BIC and SWC and to ensure company did not have business relationship with unapproved persons. BIC and SWC required assignment of a monitor as a result of prior business relationships between the company principal and individuals convicted of criminal conduct.

- Engineered Plastics, Inc. (Independent Monitor), Mr. Kenneth B. Norman, Assistant Chief Operations Officer, Vendor Relations, MTA NYC Transit, 2 Broadway, B18.52, New York, New York 10004, 646-252-6340.

Monitored company to ensure that it did not engage in anti-competitive practices. Company principal had been found to have engaged in anti-competitive practices in connection with an MTA contract.

- WJL Equities, Inc. (Independent Monitor) Office of the Inspector General, NYC School Construction Authority, 188 West 230th Street, Bronx, New York 10463, 718-901-6600.

Monitored company to ensure that it had an effective compliance program and followed applicable laws and regulations. FJLA withdrew as monitor after discovered continuing misconduct and fraud. The company subsequently ceased business operations.

- Acme Skillman Concrete Co., Inc. (Independent Monitor), Mr. Steven Pasichow, Deputy Inspector General, Port Authority of NY & NJ, Office of Inspector General, 5 Marine View, Plaza - Suite 502, Hoboken, New Jersey 07030, 973-565-4340.

V. PRIOR EXPERIENCE AND REFERENCES

Relevant Past Assignments where Mr. Leicht led teams on behalf of appointed Independent Monitors

- BP, plc, Bart M. Schwartz, Esq. (Court Appointed Independent Monitor), Guidepost Solutions, Inc., 415 Madison Avenue, 17th Floor, New York, New York 10017, 212-817-6733.
- Deutsche Bank, AG, Bart M. Schwartz, Esq. (Court appointed Independent Monitor), Guidepost Solutions, Inc., 415 Madison Avenue, 17th Floor, New York, New York 10017, 212-817-6733.
- Hewlett-Packard Company, Bart M. Schwartz, Esq. (Court appointed Independent Auditor), Guidepost Solutions, Inc., 415 Madison Avenue, 17th Floor, New York, New York 10017, 212-817-6733.

Experience and References - Harvey Tuerack

- The United States Department of Labor, Wage & Hour Division, placed Lettire Construction in a monitorship due to a number of subcontractors' non-payment of federal prevailing wages under the Davis-Bacon Act. In addition, the New York City Housing and Preservation Development Agency (HPD) has placed the company in a monitorship to monitor specific projects in which HPD has supplied funding. Both monitorships entail review of books and records, site visits and worker interviews. This is an ongoing monitorship. F. Josiah Leicht, 60 June Road, Suite 208, North Salem, NY 10560, 914-669-1062, jleicht@fjlassociates.com.
- The New York State Attorney General placed Procida Construction in a monitorship for their subcontractors' non-payment of New York State prevailing wages. This is a two year monitorship with a potential for a one year renewal. This monitorship entails the review of books and records, site visits and worker interviews. Stanley N. Lupkin, 98 Cutter Mill Road, Suite 332 South, Great Neck, NY 11021, 516-482-1223, slupkin@gnlaw.com.

Experience and References - Brent Larrabee

- William Illingworth, Chairman, East Haven Board of Police Commissioners, 203-966-2604. Mr. Illingworth provides the reference in connection with Chief Larrabee's work on the East Haven Police Department.

VI. POTENTIAL CONFLICT OF INTEREST OR BIAS

Pugh, Jones & Johnson has no potential conflict of interest or bias with respect to the Newark Monitor position.

We note the following relationships that relate to Newark that we believe are far from creating a conflict of interest or bias, in fact, benefit the City and the Department of Justice in terms of knowledge and cost savings.

Robert Wasserman, as noted above, Chairman of Strategic Policy Partnership, LLC, is involved with the Newark Partnership for Safe Communities in Newark.

Ronald Goldstock, as noted above, is the Waterfront Commissioner of New York Harbor, the jurisdiction of which includes Port Newark. Mr. Goldstock has used his position to compel the industry to increase the diversity on the docks, bring in people from the local communities, and utilize the Newark WORKS One-Stop Program as a referral source.



Preston L. Pugh

Partner

Preston Pugh is a trial and appellate lawyer, former federal prosecutor, and a compliance monitor.

Experience

Civil Trial Litigation and Appeals: Preston is experienced in litigation and trials in federal and state courts, and administrative tribunals. He has handled cases in employment discrimination, traditional labor, whistleblower retaliation, restrictive covenant litigation, complex commercial litigation in areas ranging from breach of contract to a wide variety of business tort claims, and Title VI actions. He is a member of the Northern District of Illinois' trial bar and a former Assistant United States Attorney. Previously, as Senior Counsel for a division of a Fortune 10 company, he managed the company's commercial litigation docket, and is often sought after for advice on litigation avoidance. He is also a trained FINRA arbitrator, and has represented clients in a number of arbitration forums. He has argued cases in seven federal courts of appeal and the Illinois State Appellate Court. He was responsible for successful advocacy in a case of first impression before the U.S. Court of Appeals for the First Circuit, *Hilliard Development v. NLRB*, and in a seminal case before the Illinois Supreme Court, *Krywin v. Chicago Transit Authority*.

White Collar, Regulatory Matters and Criminal Defense:

Preston regularly counsels both large institutions and individual clients on certain complex criminal law issues stemming from federal, state or local grand jury investigations or investigations by federal, state or local inspectors general. Many of his cases involve the federal False Claims Act, and many stem from *qui tam* (whistleblower), retaliation and ethics claims. He also handles certain suspension and debarment issues. He has also handled criminal appeals, most notably in the Court of Appeals for the Seventh Circuit in *Yamango Jiles v. United States of America*.

Internal Investigations: Preston's extensive investigations experience includes his work as a former in-house investigations counsel for two highly-regulated corporations (one in the healthcare industry, and one in the defense industry) and for many more companies and institutions as outside counsel. He is regularly called upon to provide



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Practice Areas

Complex Civil Litigation
Compliance and Internal Investigations
Educational Institutions
Employment Litigation
Mediation

Education

New York University, J.D., 1997
Cornell University, B.A., 1994

Admissions

Illinois
New York
U.S. Court of Appeals, First, Fourth, Sixth, Seventh, Eighth,

representation in internal and government investigations, to prepare and defend witnesses in interviews with governmental investigative bodies, and to comply with grand jury subpoenas and related litigation. He has personally conducted investigations in every region of the United States, and abroad in Western Europe, China, South Korea, Brazil and other parts of South America. Substantively, he has handled investigations covering federal and state fraud, kickbacks in sales, federal and state whistleblower claims, FCPA, environmental inspections (GMP), and alleged government procurement noncompliance, including MWBE and DBE issues.

Compliance Monitor: Preston's experience as a compliance monitor includes drafting compliance plans, overseeing the implementation of consent decrees by corporations, enterprise risk assessments, auditing corporate compliance, employee and management training, and overseeing investigations of employee complaints and whistleblower complaints. In 2010, Preston was appointed by the federal district court in Chicago as a monitor to oversee a five-year consent decree that settled a \$20 million case filed by the EEOC against a trucking company. In 2012, he was appointed as an Independent Private Sector Inspector General by the Waterfront Commission of New York Harbor, the first of its kind, where he was responsible for the oversight of a stevedore that had previously failed to comply with a number of the Commission's rules, including rules prohibiting the stevedore's association with organized crime.

Notable representative matters include:

- Following a 2013 raid by the FBI, Department of Education, HUD and Illinois state police, Preston was called upon to represent a large public university in a federal criminal case involving the university's compliance with the Clery Act under Title IV, and other laws.
- Defense of a large road tollway authority in constitutional litigation against the authority's disadvantaged business enterprise program, currently pending before the Northern District of Illinois.
- Representation of a defendant transportation company in a *qui tam* case based on healthcare fraud allegations of a multi-year reverse false claim. District Court for the Northern District of Illinois dismissed the case based on F.R.Civ.P. 9(b) and Iqbal motion filed by defendants.
- Representation of a commuter rail line in a Title VI class action and allegations of discriminatory funding in the transportation industry. District Court for the Northern District of Illinois dismissed the case based in large part on theory that the transportation services were not similarly situated.
- Conducted internal investigation on behalf of New England biotech

Ninth and D.C. Circuits

U.S. District Court, N.D. of Illinois, including the Trial Bar

U.S. Supreme Court

News

Six PJJ Partners Named Leading Commercial Litigation Lawyers

Preston Pugh featured in Chicago Law Bulletin Article on Monitoring New York Harbor

Five PJJ Attorneys Named "Chicago Leaders"

PJJ Hired to Monitor NYC Waterfront

Preston Pugh Selected as Member of the ABA's Task Force on Corporate Monitors

2012 Leading Lawyers Selected

Preston Pugh Graduates From Leadership Greater Chicago

Partner Preston Pugh Speaks at Federal Judicial Center Program on Employment Law

Preston Pugh Participates in ABA Panel on Healthcare Compliance

Employment Newsletter

Employment Newsletter

Employment Newsletter

Preston Pugh Inducted in Leadership Greater Chicago

Preston Pugh Appointed Federal Monitor

company into allegations by a former employee made to company's CEO detailing false information provided to European clinical regulators.

- Representation of a former CEO of a large Florida medical imaging clinic in inquiry by government regarding potential Stark, False Claims Act and kickback violations.
- Representation of City of Chicago, plaintiff's former employer, at trial based on alleged FMLA retaliation and interference.
- Representation of an educational institution of higher learning and its President in state claims based on alleged violation of Illinois Whistleblower Act and Illinois Ethics Act.
- Conducted FCPA investigations in Shanghai, China; Sao Paulo, Brazil; Freiburg, Germany; and Seoul, South Korea. Managed investigations in Sydney, Australia; Tokyo, Japan; Buc, France; and other countries.

Memberships

- American Bar Association, Public Contracts Section, Suspension and Debarment Committee
- American Bar Association's Task Force on Corporate Monitors
- Co-Chair, NAMWOLF White Collar and Government Investigations PAC
- Kartemquin Board of Directors
- Leadership Greater Chicago, Class of 2012 (and Leadership Fellows Association)

Ronald Goldstock

Of Counsel

Ronald Goldstock is Of Counsel with PJJ. In addition to being the New York State Commissioner of the Waterfront Commission of New York Harbor, Mr. Goldstock provides Independent Private-Sector Inspector General (IPSIG), expert witness, and investigative services for corporate, union, and individual clients. Mr. Goldstock has served as the Director of the New York State Organized Crime Task Force, Inspector General of the U.S. Department of Labor, Director of the Cornell Institute on Organized Crime, and Chief of the Rackets Bureau in the New York County District Attorney's office. He is a Past Chair of the ABA Criminal Justice Section, Past Chairs of the ABA Criminal Justice Standards Committee, of the Investigative Function of the Prosecutor Task Force, of the Fair Trial Free Press Task Force and is currently Chair of the Monitors Task Force. Mr. Goldstock is on the faculties of the New York University, Cornell, and Columbia Law Schools and has recently served three Northern Ireland Secretaries of State as advisor on matters relating to international organized crime.

Mr. Goldstock's experience includes:

- After a 2007 scandal at the Waterfront Commission of NY Harbor, Mr. Goldstock was appointed to clean-up and reinvigorate the agency. His staff, hired on merit rather than patronage, has held public hearings exposing no-show and low show jobs, has insisted on fair hiring of a diverse work force and has investigated scores of racketeers and corrupt labor officials leading to numerous convictions and de-registration.
- As Director of the Organized Crime Task Force, he turned what had been a termed "moribund agency" into a model for the control of organized and white collar crime, playing critical roles in the *Cosa Nostra* Commission, Lucchese and Gambino Family prosecutions, Cali Cartel drug and money laundering cases. Under his leadership, OCTF produced highly acclaimed analytic reports on corruption and racketeering in the construction and carting industries. In his capacity as Director, Mr. Goldstock conceived, designed, and developed the IPSIG Program.
- Mr. Goldstock has monitored companies in a variety of industries pursuant to court orders, prosecutive and agency appointments and voluntary decisions. Mr. Goldstock routinely ensured that



Contact Info

646-632-3793
646-632-3793
rgoldstock@pjlaw.com

Practice Areas

Compliance and Internal
Investigations

Education

Harvard Law School, J.D., 1969
Cornell University, A.B., 1966

Admissions

New York

News

Ronald Goldstock and Edward
Rodriguez join Pugh, Jones &
Johnson, P.C.

companies and unions operated with integrity, particularly in industries with a history of corruption and racketeering, created codes of conduct and ethics, designed financial systems, compliance programs, and anti-money laundering procedures. Among the wide variety of industries in which the monitored entities operated (both in the United States and overseas) are:

- **Construction**
 - **Healthcare**
 - **Transportation**
 - **Solid Waste and Recycling**
 - **Debt Reduction**
 - **Scrap Metal**
 - **Testing**
 - **Debt Reduction and Collection**
 - **Hydroponics**
-
- He teaches seminars on Organized Crime Control, Corruption Control, and Criminal Trial Process.

Memberships

- Member, Board of Directors of the New York Convention ("Javits") Center Operating Corporation
- Chair of the Finance Committee and Governance Committee. Past Chair of the Audit Committee.
- Member, Hills Governance Program Academic Council
- Referee, NYS Commission on Judicial Conduct
- Finance Officer, American Bar Association, Criminal Justice Section

Publications

On the Origins and Operations of the Independent Private Sector Inspector General Program, NYSBA Government Law and Policy Journal, Vol. 13, No. 2 (Winter 2011), pp 59-63.

Monitors and IPSIGS: Emergence of a New Criminal Justice Role, 43 Criminal Law Bulletin 217, (2007) [with James B. Jacobs]

Monitoring Integrity and Performance: An Assessment of the Independent Private Sector Inspector General, 9 Public Integrity 117 (2007) [with Frank Anechiarico]

The Prosecutor as Problem Solver, The Center for Research in Crime and Justice of the New York University School of Law, (Occasional Paper Series), 1991

Corruption and Racketeering in the New York Construction Industry, (The Final Report of the New York State Organized Crime Task Force) New York University Press (1990)

A Blockbuster Trial, 33 Criminal Law Bulletin 565, (1998) [with James B. Jacobs]

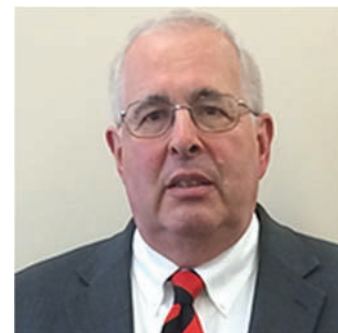
"Criminal" Lawyers: The Use of Electronic Surveillance and Search Warrants in the Investigations of Attorneys Suspected of Criminal Wrongdoing, 136 U. of Pa. Law Review 1855 (1988) [with Steven Chananie]

Controlling the Contemporary Loanshark: The Law of Illicit Lending and the Problem of Witness Fear, 65 Cornell Law Review 127 (1980) [with Dan T. Coenen]

"On the Waterfront": RICO and Labor Racketeering, 17 American Criminal Law Review 341 (1980) [with G. R. Blakey]

Robert Wasserman

Chairman, Strategic Policy Partnership, LLC



Robert Wasserman is the Chairman of the Strategic Policy Partnership, LLC, a group that assists police and government agencies with policing strategy development, performance improvement, personnel selection, and utilization of technology and policy development. He is a strong advocate of Constitutional Policing and has worked with a number of police agencies to address issues that impact the legitimacy of police in the eyes of the community. Recently he served as the Transition Coordinator for Police Commissioner William Bratton at the New York City Police Department and has continued as a Special Assistant to the Commissioner in reform efforts in the Department. He also serves as a Visiting Academic at the Stern School of Business at New York University.

He is an advisor to the National Network for Safe Communities at John Jay College of Criminal Justice in support of their Ceasefire initiative. He has served as Associate Director of the Senior Management Training for the Indian Police Service conducted by the United Kingdom's Cambridge University. He developed the policing strategy for Transport for London and worked with the Metropolitan Police on creation of the Transport Operational Command Unit, serving as Interim Director of Transport Policing and Enforcement and then as Interim Director of the London Traffic Control Center. He assisted in the development of the Underground Policing Strategy for the British Transport Police. Recently, he has served as a lead consultant for the Department of Homeland Security on federal, state and local training initiatives related to combating violent extremism.

Mr. Wasserman has coordinated the implementation of suspicious activity reporting (SARS) in rail systems throughout the United States for the office of NSI (National SARS Initiative) under the direction of the Departments of Justice and Homeland Security. He has been a facilitator for the Bureau of Justice Assistance Roundtables in a number of cities focused on building communities of trust and is the author of the recent monograph "Guidance for Building Relationships of Trust" published by the U.S. Department of Justice. He previously worked with the Office of the Program Manager (DNI) and DHS/FEMA on refining aspects of the intelligence CONOPS for Fusion Centers.

He previously served as a Senior Advisor on International Law Enforcement for the Bureau of International Narcotics and Law Enforcement at the U.S. Department of State where among other initiatives, he developed and oversaw implementation of the State Department's International Law Enforcement Academies in Roswell, NM and Bangkok.

Mr. Wasserman has had an extensive career in law enforcement. He has served as a senior executive in several large American police agencies, including Boston and Houston. He was the Director of Public Safety for the Massachusetts Port Authority. He served as Chief of Staff of the White House Office of National Drug Control Policy and was sent to Bosnia following the war, as both Deputy Commissioner/Operations and Commissioner of the United Nations International Police Task Force where he oversaw the restructuring of that country's police.

Over the years, he has consulted with police agencies, cities and universities around the world on issues of strategy, technology, management and performance. His organizational reviews have focused on understanding the vision of the client for its educational or service environment, and developing strategies that will best support that vision in the wide range of public safety and related areas impacting that environment.

During the course of his career, he has been the initiator or at the forefront of a number of seminal policing initiatives, including 311 and differential police response, police performance management, neighborhood-oriented policing, the Kansas City Patrol Experiments, Dayton Team Policing, the San Diego Beat Profiling Initiative, the Boston Community Disorders Strategy and the Police Recruit Training Year. He was a participant in the Executive Sessions on Community Policing at Harvard University's Kennedy School of Government, where he served as a Research Fellow for some years.

He did his undergraduate study in Sociology at Antioch College in Ohio and his graduate work in Police Administration at Michigan State University.

He resides on the island of Martha's Vineyard in Massachusetts and is the former Chair of the Martha's Vineyard Airport Commission.

Strategic Policy Partnership

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Located on the Island of Martha's Vineyard, Massachusetts, the Strategic Policy Partnership is a Massachusetts-based firm providing managerial assistance to Federal, state and local governments, with a particular emphasis on policing strategy and operations. The firm provides a wide range of services, including agency audits, performance management systems design, executive recruitment and selection, resource allocation analyses, policy development, strategic planning and organizational design, management training and transition coordination. Much of the firm's work focuses on providing assistance to communities and their governments (and police agencies) in addressing challenging situations.

In the area of performance management, the firm has developed CompStat processes in a number of major police agencies, basing each system on the particular characteristics of the community and its police agency. Often these activities involve business process reviews, identifying ways that organizational objectives can be achieved at less cost and greater impact and efficiency. The firm has also served as a coordinator of the Executive Session on 311 held at Harvard University's Kennedy School of Government, which led to development of performance standards across government for citizen service requests. The firm's Chairman was one of the originators of the 311 concept in American policing and government.

The firm has assisted various government agencies in the recruitment and selection of executives for specialized situations, identifying persons who best fit the agency and its community needs. Most of the firm's recruitment and selection assistance activities are to communities having a particular need to find police executive leadership that can address environments of complexity. The firm does not normally run national recruitment advertising, instead relying on its extensive professional and government contacts to identify those executives who have a demonstrated track record of success in situations similar to those faced by the requesting government, then recruiting suitable candidates who can best meet the community's expectations and requirements.

Resource allocation and staffing analyses are undertaken for major city police agencies, with the firm being at the forefront of designing policing work areas reflecting natural community boundaries. In its resource allocation work, the firm involves not only the police agency but other government agencies, political bodies and the community to ensure that resources are

allocated in a manner that provides for equal access to police service by all segments of a community.

Policy development assistance is provided to police agencies on complex issues, such as use of force, racial profiling, police pursuit and policing values. Policy and procedures manuals are developed, often linked to assistance being provided to agencies seeking accreditation, both at the national and state level. The firm is committed to values-based directives, aimed at ensuring police actions and strategies reflect high standards of integrity, community responsiveness, protection of civil liberties and bias-free actions.

Strategic planning and organizational design services include development of plans of action and strategic plans setting forth the organizational mission, values, and strategy for improvement. The firm develops organizational structures for police organizations that best meet the service goals of the agency. The firm also provides services to city school systems in strengthening school security, sometimes by transferring responsibility for school security from schools to police, reflecting a commitment to supporting sound educational policy and constructive intervention into school crime and disorder problems.

Examples of Clients. The Strategic Policy Partnership and its staff have worked with a wide variety of government agencies throughout the United States and Europe. Examples of clients for whom we have done organizational analyses are the following:

City of Cincinnati, Ohio
City of Oakland, California
Cambridge University (United Kingdom)
City of Milwaukee, WI
Town of Tisbury, MA
Town of Edgartown, MA
Town of Marblehead, MA
City of Cambridge, MA
San Francisco Police Department
City of Allentown, PA
Los Angeles Police Department
British Transport Police
Transport for London (UK)
Stamford Police Department, CT
New York City Police Department
Chicago Police Department

In each of these communities, the work of the Strategic Policy Partnership has resulted in dramatic improvement in policing operations and effectiveness.

Newark Partnership for Safe Communities

The “Newark Partnership for Safe Communities” (NPSC) is a community safety initiative that will harness innovations in public-private collaboration to create a safe, welcoming, and thriving downtown Newark. Its initiatives aim to simultaneously reduce serious crime as well as address quality of life concerns that cause some to feel uncomfortable coming to the area, whether they work there, travel through there or might be drawn to the area because of entertainment, restaurant or other entities. The initiative seeks to empower residents, commuters, corporate and business partners, civic and religious organizations, and academic institutions to contribute to common safety goals through collaborative initiatives with the City of Newark, the Newark Police Department, the Essex County Prosecutor’s Office, Essex County Public Schools, the New Jersey State Police, New Jersey Transit, and other governmental agencies. Strong collaboration between these groups and institutions can dramatically change the perception of downtown Newark in the eyes of the community and external observers.

Objectives and Deliverables

Create Sustainable Mechanisms for Collaboration on Public Safety

- Connect private and corporate security entities with each other and law enforcement entities with regular forums, and written protocols for interaction.
- Create a permanent task force to study homelessness and related issues with the aim of creating better wrap-around services and reducing quality of life concerns associated with large homeless congregations and encampments. This will include studying the issues identified by the Newark Downtown District homelessness survey, by NJ Transit, and through studying “single point of entry” plans from other municipalities.
- Create a permanent task force to study disruptions to public areas and disorder relating to school-aged youths as well as juvenile diversion programs implemented in other cities, and work with Essex County Public Schools, NJ Transit, and the Newark Police Department to create Newark’s own juvenile diversion program.
- Utilize subject matter experts from Rutgers University and various area establishments to analyze problems and propose potential resolutions.

Reinforce Confidence in Public Spaces and Feelings of Safety

- Create a centralized public information campaign related to crime and safety so that realities and not innuendo drive the conversation about safety in Newark. Issue real-time, public alerts gathered from all Newark entities on multiple platforms.
- Create an inventory of public spaces in Newark to identify physical security concerns that create quality of life or public safety challenges. Collaborate with public and private entities such as the Arts Council or historic districts to remedy identified problems.
- Engage subject matter experts to examine traffic flow and pedestrian/cyclist safety and identify proposed steps to improve flow and safety.

Widely Gauge Perceptions among Constituents of Area Safety and Issues of Concern

- Conduct surveys and solicit feedback from residents, students, commuters, business-owners, transit users, and more.
- Maintain electronic and social media platforms where users can provide comment on project or Newark on-goings.

Contact – Linda Tartaglia, The Police Institute, Rutgers University – Newark (linda.tartaglia@rutgers.edu).

- Lay the foundation for being able to rapidly address problems that impact public perceptions of safety in the area.

Bolster Crime-Fighting Capacities through Community Participation

- Provide additional resources to the new “COOR-STAT Region Real Time Crime Center at Newark – A Subsidiary of the New Jersey Regional Operations Intelligence Center” (RTCC) by linking in private CCTV feeds, improving operational issues with subject matter experts, and establishing an internship program for Rutgers graduate students.
- Assess the current capacities of and repair the ShotSpotter array (much of which was destroyed by Hurricane Sandy) to provide rapid response to reports of shots fired.
- Coordinate the radio frequencies among police (including university police) and private security in the downtown and University Heights area.

Create Real-Time Information-Sharing Platforms that will Strengthen Public Safety

- Provide for rapid information flows between government and large institutions and the public via a centralized, electronic platform to keep people informed about area issues.
- Keep the Newark community informed about project ongoing so that members can get involved and provide input.
- Provide the most important outcome measurement for the activities of the Initiative.

Collaborate with Residents of Surrounding Communities as Equal Partners in the Initiative

- Ensure that residents of the area around the center of Newark feel they are partners in creating a safe and secure environment.
- Assist residents to see the value of the Initiative in supporting the strengthening of their neighborhoods.
- Increase resident access to quality services in the core area.
- Create partnerships between downtown organizations and entities from surrounding neighborhoods to solve problems that transcend neighborhood boundaries.

Outcomes

- Perception surveys indicate greater confidence in public spaces, more willingness to spend time in Newark outside of work hours or during lunch, and widespread awareness of NPSC and project initiatives.
- Increased reporting, detection, and understanding of quality of life crime in the downtown and University Heights areas as well as of violent crime citywide.
- Tangible progress towards reducing quality of life and violent crime.
- Wide enfranchisement of Newark residents and institutions from neighborhoods surrounding communities, and of commuters and private and non-profit sector partners.
- Sustainable mechanisms for collaboration are created among the key actors, including state, county, and local government ones.

NPSC derives its strength from the diversity of its participants, which allows it to address the many factors that contribute to crime, quality of life concerns, and gaps in public safety. Join us in this important endeavor. Your participation is essential – everyone will benefit with your commitment.

Contact – Linda Tartaglia, The Police Institute, Rutgers University – Newark (linda.tartaglia@rutgers.edu).

Dr. Christopher Erath

264 N. Main St, Suite 7, Natick, MA 01760
(508) 315-3454



Experience

BLDS, LLC, Natick, MA

Director

Dr. Christopher Erath has served as a statistical expert for more than 25 years, particularly in the area of analyzing data for statistical evidence of discrimination. He has served as expert for both plaintiffs and defendants in more than 100 matters, including litigation and non-litigation related projects. He is frequently engaged by public and private sector clients to review statistical data and detect meaningful patterns, and to make recommendations based on statistical findings. He has also been engaged many times to assist with post consent-decree monitoring and identifying potential remedial actions.

Dr. Erath is Director of BLDS, LLC, a nationally recognized Philadelphia-based consulting firm of statistics and economics experts who for nearly forty years have advised law firms, government agencies, and privately held businesses on a wide variety of issues that require quantitative expertise and explanation. BLDS statistical experts provide independent expert analysis in applied statistics and effectively communicate both the results and implications. They have been retained in matters of employment discrimination including hiring, promotion, compensation, reductions-in-force, and class action certification as well as questions of police behavior, credit discrimination, wage and hour disputes, and insurance issues. Statistical expert for more than 25 years in the area of analyzing data for statistical evidence of discrimination.

- Engaged by public and private sector clients to review statistical data, detect patterns, and make recommendations based on statistical findings
- Extensive experience with post consent decree monitoring and identifying remedial actions
- Expert for both plaintiffs and defendants in over 100 matters for litigation and non-litigation projects
- Appointed by courts as neutral experts in these matters including Delaware Court of Chancery
- Monitoring assignments have included work for the City of New York, Novartis, Citibank, GE, Roadway, Home Depot, and the Jacob K. Javits Convention Center

Education

- BA, Economics and Mathematics, Bowdoin College
- MA, PhD Economics, University of Wisconsin

J. Bradley Sargent, Managing Member

CPA/CFF, CFE, CFS, Cr.FA



J. Bradley Sargent is the Managing Member of The Sargent Consulting Group, LLC, a firm dedicated to Forensic Accounting and Financial Investigations. Prior to forming SCG, he served as the National Practice Leader of Forensic Services at a boutique consulting firm with offices in Chicago, Cleveland, Detroit, New York and Washington, DC. Brad specializes in applying accounting, investigative, operational and technical procedures to identify facts in dispute. He has extensive experience in asset search and recovery, biographical investigations, business consulting, business valuation, computer forensics and E-Discovery issues, corporate recovery services, economic damage calculations, employee dishonesty claims, financial and accounting investigations, financial due diligence, internal investigations, management internal control reviews and performance compliance reviews.

Typical projects entail providing advisory services (pre-litigation and litigation) and expert witness testimony for a diverse client base: audit committees, boards of directors, creditors, examiners, in-house counsel, outside general counsel, trial attorneys and trustees. Brad's expertise covers a wide variety of industries including agribusiness, automotive, banking, construction, distribution, education, employee benefits, energy, finance, food processing, governmental, health care, hospitality, insurance, manufacturing, metals, professional services, real estate, retail, securities, staffing, telecommunications, transportation, warehousing, waste management and wholesale.

As Managing Member of the firm, Brad believes that active leadership is critical in *leading* parties to the facts. Brad is on the Illinois Certified Public Accountant Society's Board of Directors, is Chair of The Strategic Planning Executive Committee and serves on the Committee Structure and Volunteerism Committee. Previously, he Chaired the ICPAS Consulting Services Executive Committee and is Chair Emeritus of the American Board of Forensic Accounting. He has attained status as Fellow of the American College of Forensic Examiners International (ACFEI). He is also a member of the University of Illinois at Chicago Accounting Department's Executive Board. Organizations have recognized his leadership and impact by conferring the ACFEI Distinguished Board Service Award and University of Illinois at Chicago's Accounting Alumni of the Year Award to him. In 2012, Brad was inducted into the University of Illinois at Chicago's College of Business Administration Alumni Leadership Academy.

In addition to the ACFEI, Brad is a member of the American Institute of Certified Public Accountants, Forensic & Valuation Services Section, Association of Certified Fraud Examiners, Association of Certified Fraud Specialists, Association of Insolvency and Restructuring Advisors, Michigan Association of Certified Public Accountants and the Illinois Certified Public Accountant Society. He is also an associate member of the American Bar Association, Litigation and Criminal Justice Sections.

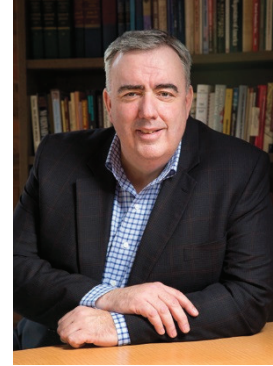
Brad's enthusiasm for forensics is evidenced by his published articles, multiple speaking engagements and passion for teaching both professionals and students to "think like a forensic accountant." He authors columns on forensics in INSIGHT magazine and for the Chartered Professional Accountants of Canada (CPA Canada) and is frequently sought out for quotes in various other media. He presents numerous continuing education seminars on the subject of forensic accounting and fraud examinations. Brad served as the national instructor for the Certified Forensic Accountant course and also acts as a guest lecturer on forensic accounting at Bradley University, Eastern Illinois University, Illinois State University, Illinois Wesleyan University, Northern Illinois University, Southern Illinois University, the University of Illinois at Chicago and University of St. Francis.

When not involved in client service or professional activities, Brad spends his time with his wife chasing his five children. He and his family are deeply involved in the United Methodist Church of New Lenox.

Contact Brad: BSargent@SCGForensics.com | Chicago 708.390.7445 | Detroit 313.986.1301 | Cell 312.961.8550

Edward F. Davis

Boston, MA



Experience

Harvard University, Cambridge, MA

Fellow at the Institute of Politics

Mr. Davis has been in law enforcement for 35 years. He served as the 40th Police Commissioner of the City of Boston for 7 years and was Boston's lead police official during the tragic Marathon bombing. Prior to that, Davis was the Superintendent of the Lowell Police Department for 12 years after starting out as a patrol officer in 1978.

- Extensive law enforcement background from walking the beat to managing massive demonstrations and special events
- Created an improved and trusting relationship between the police and community by implementing innovative technology and social media efforts that have improved public safety and allowed open dialogue with those the police department serves
- Oversaw over 50% reductions in crime in Lowell and over 30% reductions in Boston
- Worked internationally on police issues in Singapore, London, Northern Ireland, Jordan and Israel
- Recognized for his efforts locally and nationally, including through the Police Executive Research Forum, the International Association of Chiefs of Police and the Major Cities Chiefs Association
- The Commissioner comes from a police family, which allows him to better understand the needs of the police officer, making it a priority to provide the best possible resources and tools for officers to prevent, investigate and predict crime and crime trends.

Education

- BS, Criminal Justice, Southern New Hampshire University
- MS, Criminal Justice, Anna Maria College
- Certified Completion of Harvard University Kennedy School of Government Program for Senior Government Executives
- Completed the Law Enforcement Executive Development Association program at the FBI Academy, Quantico, VA
- He has received Honorary Doctorates from Northeastern and Suffolk Universities and the University of Massachusetts at Lowell

Memberships

- Police Executive Research Forum Board of Directors
- Founding Member and first President of the Massachusetts Major City Chiefs Association

Bernard Melekian

4434 Calle Real, Santa Barbara, CA 93110
(805) 681-4100



Experience

Santa Barbara County Sheriff's Office, Santa Barbara, CA
Undersheriff

Currently the Undersheriff for the Santa Barbara County Sheriff's Office. Bernard has 36 years of local law enforcement experience, including serving as the Police Chief for the City of Pasadena for 13 years. During that period, he also served as the acting Fire Chief for Pasadena for 6 months and as the interim City Manager for 10 months in 2008.

- Undersheriff Melekian was the Director of the Office of Community Oriented Policing Services (COPS). As part of his work, he oversaw the development of the concept of Collaborative Reform, a widely acclaimed alternative to the traditional consent decree. This work was first utilized in collaboration with the Las Vegas Metropolitan Police Department in 2012
- Served in the US Army from 1967-1970, and was a member of the Coast Guard reserve from 1984-2009. During that time, he was called to active duty in 1991 during Operation Desert Storm and served in Saudi Arabia. He served a second tour of active duty in 2003 when he served for eight months in the Pacific area. He retired from active duty in the Coast Guard Reserve as a Chief Petty Officer after 25 years of service
- Founder and President of the Paratus Group, a consulting group dedicated to assist local law enforcement agencies. His clients include the Cities of Seattle, Chicago, and Baltimore. He has done work for the Bratton Group and the International City/County Management Association
- Chair of the California Attorney General's Blue Ribbon Committee on SWAT Policy from 2000-2002, and authored the final report from that Commission. Served on a blue-ribbon panel to assess SWAT operations with the LAPD in 2007 and 2009. He served on the Board of Inquiry reviewing the March 2009 tragedy in Oakland, California
- Former President of the California Police Chiefs' Association in 2009, and former President of the Los Angeles County Police Chiefs' Association from 2000-2001. Served on the National Board of Directors for the Police Executive Research Forum (PERF) from 2002-2006

Education

- BA, American History, California State University
- MA, Public Administration, California State University
- Ph.D, Police, Planning and Development from the University of Southern California

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WORK EXPERIENCE

DeKalb County Police Department, Tucker, Georgia, December 2013- Present **Deputy Chief Operating Officer/Public Safety Director**

Responsible for the day-to-day operations of DeKalb County Police/Fire Department, Medical Examiner's Office, Animal Services, and 911 Communications. Responsible for making fiscal decisions that impacted this position's multi-million dollar budget. Maintain a close working relationship with the county's CEO and Board of Commissioners to establish and develop strategic plans for the department. Ensure departmental agenda items are submitted and addressed before the Board of Commissioners to obtain essential equipment and budgetary items.

DeKalb County Police Department, Tucker, Georgia, April 2013 – Dec 2013 **Chief of Police**

Responsible for the day-to-day operations of a large metropolitan county police department (DeKalb County) with over 1200 sworn and civilian employees that provides public safety service to over 700,000 citizens within 271 square miles. Manage a departmental budget of over \$100 million. Made guest appearances on CNN with Piers Morgan, MSNBC Morning Joe Show, CBS Evening News, ABC World News with Diane Sawyer, NBC Nightly News.

United States Department of Homeland Security, Transportation Security Administration September 2007 – March 2013

Federal Security Director, Transportation Senior Executive Service

As the Transportation Security Administration's (TSA) Federal Security Director at Dallas/Fort Worth International Airport (DFW) I am responsible for Federal oversight of security and regulatory inspection compliance programs at DFW, the third busiest airport in the world in operations with 44 international destinations serviced by 17 air carriers; responsible for development and execution of the vision and strategic direction of the US Department of Homeland Security. Responsibilities include: leadership and management of a workforce of over 1,100 employees, \$85M in assets, operations budget of \$1M and annual payroll of \$61M; recognized by TSA Headquarters as 2010 Category X Airport of the Year; develop and maintain effective internal and external alliances with stakeholders to include Senior DFW Airport Executives, air carrier vice presidents, Customs and Border Protection, local law enforcement, and other Federal partners; oversee passenger screening, world's largest inline baggage handling system, cargo, domestic and international carrier aviation compliance programs in accordance with TSA transportation programs and security directives; recognized by TSA Office of Inspections (OI) as one of the best Regulatory Compliance operations in the nation due to the diligence of our inspectors in enforcement activity and industry outreach; Restructured Continuity of Operations (COOP) plan to include development of COOP tabletop exercises with Federal and local partners to ensure effective operations in crisis situations; Conduct Visible Intermodal Prevention and Response (VIPR) events in collaboration with DFW Airport Department of Public Safety, local law enforcement, Federal Air Marshal service, and other Federal partners to deter terrorist activity; responsible for workforce

training and recertification to include classified intelligence briefings; ensure effectiveness of security plans through consistent monitoring and analysis of regulatory compliance, passenger and baggage screening, VIPR, Playbook, and K-9 activity, MANPADS and Joint Vulnerability Assessments. I established a Mentoring Program to promote workforce career development and bench strength in support of TSA succession planning; recognized by TSA OI for establishing a comprehensive Management Control Objective Plan and audit process to ensure compliance with administrative and security requirements used as an example to other airports; developed regional training program for TSA Security Coordination Centers; selected by TSA Headquarters to participate in a Strategic Planning Field Leadership Action Group to formulate a 5-year Strategic Plan proposal for TSA Assistant Administrator Lee Kair; appointed by TSA Headquarters to a Senior Leadership Team to design and develop the TSA Academy; organized quarterly Dallas/Fort Worth Criminal Justice Executive Luncheon to promote information sharing throughout the law enforcement community, as was appointed as TSA Federal Security Coordinator for Super Bowl XLV. From May, 2011 to September, 2011, I was deployed to Baltimore-Washington International Airport as Acting Federal Security Director at the request of TSA Headquarters Senior Leadership while still maintaining communication with an effective operation at DFW Airport.

**New York State Division of Criminal Justice Services, Albany, New York, January 2006 – August 2007
Deputy Commissioner**

Responsible for statewide public safety and homeland security training that directly supports the operational and administrative functions to all law enforcement agencies across the state of New York. In addition, this position challenged my leadership ability to provide support at all levels in assisting statewide law enforcement agencies in achieving their mission in the reduction of crime and violence in their respective jurisdictions.

- * Accountability is the hallmark of my daily responsibilities as demonstrated by overseeing and exercising constant concern for statewide public safety and the training of over 6,600 law enforcement personnel annually throughout the state of New York, from U.S. Homeland Security training and human trafficking to fraudulent documents, etc.
- * Role consisted of providing daily oral and written communications with area law enforcement personnel from local police to State and Federal officials, listening to and facilitating the needs of law enforcement agencies throughout the state of New York in carrying out the functions of public safety. This was accomplished by formal and informal public and written presentations. These presentations outlined upcoming training courses, executive development classes held for Police Chiefs and Sheriffs, sensitive briefings on combating domestic violence and international terrorism. Written documents were delivered throughout the state that detailed facts and ideas relevant to public safety. Both oral and written skills notably fostered an environment of cooperation and collaboration as demonstrated by awards received from local, state and Federal law enforcement agencies.
- * Administrative and management skills were critically important to the business function of this agency. Daily effective planning for the future, while remaining cognizant of the present is a very vital function as it relates to statewide public safety. Successful planning of new training initiatives and coordinating those initiatives with the needs of law enforcement agencies throughout the state of New York resulting in continued training of law enforcement personnel in 2007.

- * Decisiveness is a significant responsibility; responsible for making fiscal decisions that impacted this position's multi-million dollar budget. When immediate funding was needed to expedite a critical initiative, complex decisions were made based on current information.
- * In the area of operational management- consistent adherence to the laws as they related to New York State, including mandatory certification for sworn police officers.
- * Problem solving is constant as demonstrated by daily analyzing problems and working with other agencies in problem solving as our national threat changed on a daily basis.

Rochester Police Department, Rochester, New York, July 2002 – December 2005

Chief of Police/Deputy Chief

Responsible for the day-to-day managerial, administrative and operational leadership of a vibrant, upstate New York metropolitan police department.

- * Accountable for providing effective leadership and ensuring the high integrity level of the Rochester Police Department. This was evidenced through collaboration with the United States Secret Service during U.S. Presidential visits. Managed and provided leadership to approximately 850 sworn police and civilian employees as Chief of Police. Responsible for a \$54-million dollar budget.
- * Operational and tactical responsibility was delegated to my senior staff executives, whom through the departmental chain of command delivered work expectations and assignments daily. Authorized and recommended personnel actions as deemed necessary. As an example, if a citizen made a discourtesy/abuse complaint against a police officer, it would be appropriately investigated and the findings would dictate the appropriate disciplinary action to be administered, if warranted.
- * Effective problem solving objectives resulted in a number of quantitative and qualitative plans being developed to implement various proposed departmental projects in an effort to identify key crime issues. For example, scientific and analytical studies were conducted to determine the cause of new and emerging crime patterns, resulting in how to best identify the crime patterns and then assign appropriate personnel and resources into those areas. Other projects included the development of a mental health training program of "best practices" to train police officers in developing a suitable approach that is proper and safe when engaging with mentally disturbed persons/criminals on the streets of our cities.
- * Interpersonal and administrative decision-making skills, on a senior management level, are critically important. In planning and coordinating effective joint efforts with other agencies, a number of multi-disciplinary approaches must be considered and decided upon. For example, an enforcement effort amongst various law enforcement agencies during my tenure as Chief of Police required in-depth preparation and organization of over 100 law enforcement officers working together to locate and apprehend 100 of Rochester's worst criminal offenders. Sound leadership and reliable judgment was required in synchronizing agencies in an effort to establish open communication models and delegate assignments to appropriate personnel.
- * Communicating effectively and openly with colleagues and peers, as well as with all levels of personnel, cultivates the opportunity to exchange and share ideas in an effort to reach and maintain departmental goals. As an example, at the request of the Chief of Police in Schenectady, New York, provided assistance and expertise in reviewing several of his internal polices for clarity and/or recommendations.

- * During Chief of Police tenure, developed and implemented new policies and practices in a successful effort to implement valuable programs in a law enforcement environment. For example, the policy on how to confront persons with perceived mental illnesses, police car pursuits, and procedures to follow regarding police-involved shootings, and the like, were developed and supported as Chief of Police.
- * Comprehension of security components and programs at the local, state and Federal levels, such as the Department of Homeland Security, provided the knowledge necessary to better understand how these relationships work. Several years of understanding and working with various government agencies has been demonstrated throughout my work history. (Contact supervisor: Former Mayor William Johnson at 585-748-9515 or 585-244-7511).

University of Rochester Medical Center, Rochester New York, July 1997 – July 2002

Assistant Professor

Provided senior level administrative and clinical leadership direction over mental health services within the Department of Psychiatry. The population served included police officers, firefighters and their families, and members of the general population throughout western New York. Further consulted with, and provided clinical supervision to postdoctoral fellows, residents and medical students. Provided clinical consultation and service to various school systems within Rochester/Monroe County. During my tenure, provided leadership in training as demonstrated by guidance given to medical students and interns for approximately five years. Knowledge of psychology is clearly demonstrated through extensive educational training and understanding of qualitative and quantitative research as a medical school professor. Interpersonal and administrative skills were challenged on a daily basis in meeting with patients and making critical decisions at a senior level to prescribe the best treatment plan for their overall well-being. In mental health, a number of multidisciplinary measures must be considered at all times when managing training to medical students or providing good health care. These were, and remain to date, sensitive issues as it relates to the care and training of others at all levels of our society. (Contact supervisor: Dr. Susan McDaniel at 585-244-0975 – home).

OTHER RELEVANT WORK EXPERIENCE

Miami-Dade Police Department, Miami, Florida Police Officer 1981 – 1992

Enforced Florida State laws and statutes with additional assignments in the Detective Bureau.

Orange County Sheriff's Department, Orlando, Florida, Sworn Deputy Sheriff 1980 – 1981

Enforced Florida State laws and statutes.

Leon County Sheriff's Department, Tallahassee, Florida, Sworn Deputy Sheriff 1977 – 1980

Enforced Florida State laws and statutes.

EDUCATION

Doctorate of Clinical Psychology – June 1997; Wright State University, Dayton, Ohio

Master of Marriage and Family Therapy – June 1992; St. Thomas University, Miami, Florida

Major: Marriage and Family Therapy; Bachelor of Sociology – December 1983

St. Thomas University, Miami, Florida; Major: Sociology

Florida A&M University, Tallahassee, Florida; Major: Sociology-Some college coursework completed

Relevant Coursework: Acquired organizational leadership development skill sets that could be utilized in a criminal justice/law enforcement or private sector work environment. Training not only consisted of understanding leadership in getting things accomplished through people in a cooperative and collaborative manner, but also included personnel work assignments, necessary personnel actions, performance expectations and positive/negative feedback.

CERTIFICATIONS

New York State Licensed Marriage and Family Therapist; June 2006-Present
Transportation Senior Executive Service; September 2007- Present
Leadership Development – October 2004; Cornell University

JOB-RELATED TRAINING

Doctorate of Psychology Training in Human Behavior and Organizations
Leadership/Management Certification Courses 1997 – 2004

AFFILIATIONS

International Association of Chiefs of Police
President, National Organization of Black Law Enforcement Executives (NOBLE) President
Obama's Appointment- 21st Century Policing Task Force

PROFESSIONAL PUBLICATIONS

CNN Opinion Editorial, *How To Build A More Sensitive Cop*, December 4, 2014
CNN Opinion Editorial, *Police And Communities of Color Need To Build Trust*, October 10, 2014

ADDITIONAL INFORMATION

My educational training in psychology and my experience as a long time law enforcement official has prepared me for various executive positions. I have been formally trained to understand human behaviors and organizations in a more detailed manner. Training received at the doctoral level consisted of leading and managing people who are in some crisis, but also how to manage and lead people in organizations. I participated in numerous speaking engagements about leadership development in the criminal justice field; provided leadership on the implementation and delivery of mental health care training to law enforcement personnel in the state of New York; received recognition awards in regards to community cooperation and collaboration amongst law enforcement agencies and community members. In addition, awards of recognition were received from the New York State Police; Drug Enforcement Agency (DEA); the Bureau of Alcohol Tobacco and Firearms (ATF), District Attorney's Office Monroe County, New York, and various other community and civic organizations throughout the states of New York and Texas.

Brent Larrabee

471 North High Street, East Haven, CT 06512
(203) 468-3214

Experience

East Haven Police Department, East Haven, CT

Chief of Police

Chief Larrabee started his policing career in his home town of Framingham, MA in 1972, serving as patrol officer. In 1978, he was promoted to detective where he was responsible for the investigations of major crimes in the town. During the mid-1970's, Chief Larrabee served as the Framingham Police Association's (Union) President and was involved in all aspects of labor and contract issues. In 1980, he was promoted to Sergeant in the Uniform Patrol Division supervising between 6-10 police officers. Chief Larrabee was promoted to Lieutenant in 1984. As a lieutenant, he was assigned to the Administration Division where his duties included supervising the Communications, Records and Juvenile Bureaus. He also served as the department's first civil rights officer. As part of the Administration Bureau, Chief Larrabee had a significant input into the formulation and justification of the budget of the department.

Chief Larrabee was appointed Chief of Police in Framingham, MA in 1987. During his tenure, he developed a community policing initiative with emphases on youth, schools, domestic abuse, narcotics abuse and citizen participation in policing. Chief Larrabee greatly increased police respect among diverse groups of residents. He managed the \$6.8 million renovation/reconstruction of a new police facility.

After his retirement in 2001, Chief Larrabee served as the interim Chief of Police of the Westwood Police Department, Westwood, MA in 2003 following the resignation of the former Chief.

In 2004 Chief Larrabee worked for the US Department of Justice, as part of the ICITAP program. He was assigned as Technical Assistant to the Nigerian Police Force, in Kaduna, Nigeria.

Chief Larrabee has held the following positions:

- Chief of Police in Stamford, CT (2005)
- Interim Chief of Police, East Haven, CT (2012)
- Chief of Police, East Haven, CT (2013)

- As a Framingham Police Detective, Chief Larrabee was awarded the William Welch Medal of Honor, the department's highest award
- Chief Larrabee received the Distinguished Police Chief's Award from the Police Commissioners Association of Connecticut in 2008
- Chief Larrabee has been a consultant to a number of cities and towns working on executive searches as well as on policing projects

Education

- BS, Law Enforcement, Northeastern University
- MA, Public Administration, Framingham State College
- Continuing education includes the Executive Session on Policing, Program in Criminal Justice Policy and Management, Kennedy School of Government, Harvard University, Cambridge, MA. the Law Enforcement Executive Development, Federal Bureau of Investigation, Quantico, VA., and the Senior Management Institute of Police, Police Executive Research Forum, Merrimack College, North Andover, MA

Memberships

- Board of Trustees at Framingham State College from 1996 to 2001

Ronal W. Serpas, Ph.D.

6363 St. Charles Avenue, Box 55 New Orleans, LA
(504) 865-2665

rserpas@loyno.edu



Experience

Loyola University, New Orleans, LA

Professor of Criminal Justice

Dr. Serpas joined the Loyola University New Orleans Criminal Justice Department as a Professor of Practice in the Fall of 2014. Serpas began his police career in 1980 restructuring and initiating the COMPSTAT model in the New Orleans Police Department and utilized and expanded the COMPSTAT model of crime fighting continuously from October 1996 to August 2014 in two major American cities and one state police agency.

Dr. Serpas was a career police officer from 1980 to 2014, serving in three police agencies. He served as the Superintendent of Police, New Orleans Police Department for four years, was the former Chief of Police of the Metropolitan Nashville Police Department, and was also appointed as the 19th Chief of the Washington State Patrol in August for a three-year term.

- Dr. Serpas has more than 13 years of experience as a Police Chief and has successfully implemented the Community Oriented Policing philosophy, innovative crime fighting strategies and achieved demonstrated success in improved citizen satisfaction and support in each of the three departments he has led
- Dr. Serpas worked closely with the United States Department of Justice Civil Rights Team investigating allegations of patterns and practices of unconstitutional policing and the implementation of an extensive Consent Decree in the wake of Hurricane Katrina and the years that followed
- Dr. Serpas designed and implemented a comprehensive 65-point plan to rebuild the New Orleans Police Department's crime fighting, arrest/investigation practices, community policing strategies, and employed new integrity and accountability standards including a zero tolerance for untruthfulness by officers
- He has extensive experience handling major events, including a series of major sporting events held in the City of New Orleans to include the 2012 BCS National Championship Football Game, the 2012 NCAA Men's Basketball Final Four, War of 1812 Celebration, NFL Super Bowl XLVII (February 2013), the 2013 NCAA Women's Final Four and the February 2014 NBA All Star Game. Each year, New Orleans hosts the eleven-day Mardi Gras season, Jazz Festival, French Quarter Festival, Essence Festival, NCAA Sugar Bowl Classic, Bayou Classic, and what is considered one of the largest attended New Year's Eve celebrations in the nation. The NOPD was at the forefront of many innovations in policing, hosted millions of visitors and NFL Super Bowl XXXI
- Dr. Serpas served as the 4th Vice President of the International Association of Chiefs of Police (IACP) in 2011

- Dr. Serpas was the 2nd Vice President, and responsible for providing oversight to the following IACP standing Committees: Civil Rights; Diversity Coordinating Panel; Police Professional Standards, Image and Ethics; Police Administration; and the Torch Run
- Dr. Serpas served as the founding Co-Chair of the Research Advisory Committee (RAC) of the IACP
- Dr. Serpas is also a National Advisory Board Member to the ground breaking, National Institute of Justice funded, National Police Research Platform (NPRP)

Education

- BS, Applied Behavioral Sciences, Our Lady of Holy Cross College
- MSA, Central Michigan University
- Ph.D, Urban Studies, University of New Orleans

**ADDITIONAL
TEAM
MEMBERS**

Stephen H. Pugh

Shareholder

Stephen Pugh is the President of Pugh, Jones & Johnson, P.C. Since the founding of Pugh, Jones & Johnson in 1991, he has practiced in the areas of complex real estate litigation, directors and officers liability cases, internal and external corporate investigations, general and complex commercial litigation as well as representing major governmental and educational entities in a variety of areas. He also has the distinction of having tried the first civil RICO jury trial in the Northern District of Illinois. He serves as a hearing officer for the Chicago Board of Education in contractor debarment proceedings. Mr. Pugh has tried numerous jury and bench trials and has argued before the United States Circuit Courts of Appeals and the Illinois Supreme Court, and is a member of the bar of the United States Supreme Court.

Mr. Pugh served as law clerk to the Honorable James B. Parsons, United States District Court for the Northern District of Illinois, and as Special Trial Attorney in the Honors Program for the United States Department of Justice. He was associated with the law firm of Chapman and Cutler, and served as partner from 1983 to 1991.

Mr. Pugh has acted as Bond Counsel and Underwriter's Counsel for governmental issuers of general obligation bonds, tax anticipation notes, tender notes, and certain revenue bonds. His transactions have ranged from \$1 million to complex \$10 billion deals. He is listed in the Red Book.

Mr. Pugh is a Leading Lawyer and was featured in *Leading Lawyers Network Magazine* - [Click here to read](#). The *Leading Lawyers Network* selected Mr. Pugh as a Leading Lawyer in 2006-2014. He has been named an Illinois Super Lawyer by *Super Lawyers* and *Law & Politics* magazines for the years 2005 through 2014. In 2012, the American Bar Association Section of State and Local Government Law selected Mr. Pugh to receive the prestigious Jefferson Fordham Lifetime Achievement Award for his dedication to state and local government law throughout his career. Mr. Pugh was also named a Top Rated Midwest Attorney in 2013.

Experience



Contact Info

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Practice Areas

Bankruptcy Litigation / Post Judgment Proceedings
Complex Civil Litigation
Compliance and Internal Investigations
Corporate Law
Educational Institutions
Estate and Probate Law
Government Relations
Insurance Coverage
Mediation
Real Estate and Privatization
Transactional and Public Finance

Education

- Representation of the City Council of the City of Chicago in the *Shakman* patronage-hiring litigation, including presentations to the City Council regarding requirements of the decree and in all phases of resolution.
- Representation of the Archdiocese of Chicago in connection with a detailed analysis to determine if discriminatory pattern existed in settlements of claims against clergy.
- Representation of commuter rail line in Title VI class action and allegations of discriminatory funding in the transportation industry.
- Representation of the City of Chicago in a new and innovative \$1.8 billion privatization deal in a 99-year lease of the Chicago Skyway Bridge to a private entity.
- Hearing officer in debarment matters related to the Chicago school system in education-related issues (principal removal, local school elections, etc.).
- Lead counsel for a minority-owned manufacturing company in a claim of breach of contract.
- Representation of an international machine manufacturer based in Beijing, China, for products liability related litigation.
- Representation of The Chicago Housing Authority in a 7,500+ plaintiff “mass action” seeking over \$500 million for damages stemming from environmental claims.
- Lead counsel for the City of Chicago and various detectives and police officers in multi-million dollar civil rights claims.

Mr. Pugh has lectured and participated as a panel member in many professional organizations. He has authored several articles and has received numerous awards, including the prestigious Francis J. Rooney/St. Thomas More Award, and the 2008 Medal of Excellence, from Loyola University Chicago School of Law. Mr. Pugh has been appointed to Justice Anne Burke's Judicial Screening Committee.

Memberships

- Committee Member, Justice Anne Burke's Judicial Screening Committee
- Chairman, Cook County Justice for Children
- Member of the Board of Trustees, Illinois College of Optometry
- Co-Chair, ABLE Business Development Committee of The Business Leadership Council
- Member, National Association of College and University Attorneys
- Member, The Executives' Club of Chicago

Loyola University Chicago School of Law, J.D.

Loyola University Chicago, A.B.

Woodrow Wilson Fellow

Admissions

Illinois

U.S. Supreme Court

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, Federal Circuit

U.S. District Court, C.D. of Illinois

U.S. District Court, N.D. of Illinois, including the Trial Bar

Military Service

United States Air Force

News

Ronald Goldstock and Edward Rodriguez join Pugh, Jones & Johnson, P.C.

Six PJJ Partners Named Leading Commercial Litigation Lawyers

Five PJJ Attorneys Named "Chicago Leaders"

Pugh, Jones & Johnson Each Selected as 2013 'Top Rated Midwest Lawyer'

2012 Leading Lawyers Selected

Founder Stephen Pugh to Receive ABA Lifetime Achievement Award

Public Finance Alert

Stephen Pugh Serves On Ethics Panel

Public Finance Alert

- Board Member, Chicago Citizens for Change
- Member, City Club of Chicago
- Founding Member and Chairman, Jewish-Black Business Alliance
- Emeritus Board Member, Emergency Fund
- American Bar Association
- National Bar Association
- Chicago Bar Association
- Cook County Bar Association

Presentations

Panelist, *Movies on Trial - Philadelphia* - CLE
Schopf & Weiss, LLP (May 2014)

Public Finance Alert

2012 Super Lawyers

Stephen Pugh appointed to
Judicial Screening Committee.

Stephen H. Pugh Receives Medal
of Excellence.

Walter Jones, Jr.

Shareholder

Walter Jones, Jr. is Vice President and a Partner in Pugh, Jones & Johnson, P.C.'s Litigation Practice Group. Mr. Jones has tried over 250 jury trials and has argued more than 30 civil and criminal appeals in the United States Court of Appeals for the Seventh Circuit, the Illinois Appellate Court, and the Illinois Supreme Court. His civil experience in both federal and state courts includes cases related to RICO, constitutionality of municipal ordinances, fraud, patent, products liability, employment and personal injury, as well as general commercial cases. Mr. Jones also has extensive experience defending white collar criminal cases in both federal and state courts. Prior to forming the Firm, Mr. Jones served as an Assistant United States Attorney, Deputy Chief of the Criminal Division, Chief of the Criminal Division and Special Litigation Counsel in charge of all litigation, both civil and criminal, for the United States Attorney's Office for the Northern District of Illinois. He is a member of the American College of Trial Lawyers, and is one of only 500 members of the prestigious International Academy of Trial Lawyers.

Mr. Jones has been selected as a *Leading Lawyer* by the Leading Lawyers Network. In 2006 through 2014, he was named a Super Lawyer by *Super Lawyer Magazine*. He was also named a 2013 Top Rated Midwest Lawyer.

Educational Institutions Experience

Experience

- Successfully defended a global law firm in a dispute with one of its equity partners who alleged that the law firm had improperly caused him to lose his equity interest in the firm. Plaintiff's claims included breach of contract and rescission.
- PJJ's trial team, led by Walter Jones, Jr., defended the City of Chicago and five individual officers and detectives in the jury trial of malicious prosecution and conspiracy claims brought by prominent former death row inmate, Anthony Porter. Plaintiff sought a \$24 million verdict. Mr. Jones and his trial team won a



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Practice Areas

Complex Civil Litigation

Compliance and Internal Investigations

Educational Institutions

Employment Litigation

Insurance Coverage

Mediation

Product Liability and Professional Negligence

Education

University of Illinois Law School, J.D., 1972

University of Illinois at Urbana-Champaign, B.A., 1969

Admissions

complete defense verdict. The Illinois Supreme Court denied *certiorari*.

- Representation of a transportation company in *qui tam* complaint asserting various claims under the False Claims Act and the Illinois Whistleblower Reward and Protection Act.
- Representation of a large golf club manufacturer in a patent infringement case before the Honorable David Coar of the U.S. District Court for the Northern District of Illinois. The plaintiff patent holder alleged that our client, through its subsidiary corporation, had infringed its golf club patents, both literally and via the doctrine of equivalents. We countered that prior art invalidated the plaintiff's patent, and that the plaintiff had committed fraud on the patent office by failing to disclose prior art. After a four-week jury trial, the jury not only exonerated our client on the charges of infringement, but also found plaintiff guilty of fraud on the patent office. Mr. Jones gave both the opening statement as well as the closing argument. At the conclusion of the case, the Federal District Court Judge awarded our client \$2,000,000 in attorneys' fees and an additional \$101,000 in costs.
- Representation of the City of Chicago in successfully prosecuting the criminal contempt charges against the owner of The Epitome nightclub for municipal code violations which resulted in 21 deaths.
- Secured summary judgment for major telephone company in a telecommunications toll fraud case.
- A major drug manufacturer selected Mr. Jones as one of only 15 national trial counsel to defend numerous class action products liability claims filed against it following multi-district litigation involving more than 400 HIV and blood component claims.
- Successfully represented a national retailer in a \$50 million dispute with its excess carrier over a fraud claim.
- Conducted an internal undercover investigation for a University that resulted in the dismissal of several tenured instructors who had given grades to unregistered students. Mr. Jones successfully represented the University in litigation that took place as a result of the instructors being dismissed.

Memberships

- American Bar Association
- Chicago Bar Association
- Cook County Bar Association
- Illinois State Bar Association

Illinois

U.S. Court of Appeals, Seventh Circuit

U.S. District Court, N.D. of Illinois, including the Trial Bar

U.S. Supreme Court

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Walter Jones in Leading Lawyers Magazine

2012 Leading Lawyers Selected
2012 Super Lawyers

Walter Jones Speaks to Chicago Public Schools

Employment Law News -
February 2003

Employment Law News - July
2002

Employment Law News -
January 2001

Chicago Lawyer - August 2000

Employment Law News - June
2000

Employment Law News -
February 2000

- Fellow, American Board of Criminal Lawyers
- Fellow and former Chair, American College of Trial Lawyers
- Fellow, International Academy of Trial Lawyers
- Former Chairman of the American Bar, Prosecution Function Committee
- Former Chairman of the Seventh Circuit Litigation Review Committee



Dennis P.W. Johnson

Shareholder

Dennis Johnson heads the Firm's Labor and Employment Practice Group, and is a member of its Litigation Group. Mr. Johnson handles cases ranging from single plaintiff claims to national class actions and multidistrict litigation.

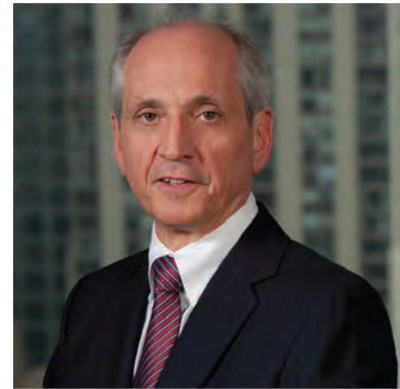
His practice covers complex civil litigation in federal and state trial and appellate courts as well as administrative agencies. Mr. Johnson's trial, arbitration and mediation experience in more than thirty years of private practice has focused on employment (including discrimination, ERISA benefits, FMLA, restrictive covenant, trade secret and labor claims) and commercial matters (including healthcare and other contracts and business torts). He also has handled constitutional claims, Section 1983, antitrust, securities and RICO matters and internal investigations.

Prior to joining the Firm in 1992, Mr. Johnson was an equity partner in the Chicago law firm of Bell, Boyd & Lloyd.

The *Leading Lawyers Network* selected Mr. Johnson as a Leading Lawyer for the past three years. He previously was named an *Illinois Super Lawyer*. In 2013, Mr. Johnson was named both a 2013 Top Rated Lawyer in Labor and Employment and a Top Rated Midwest Lawyer. Mr. Johnson is the recipient of the Award for Excellence in *Pro Bono Service* (2010), presented by Judges of the U.S. District Court for the Northern District of Illinois, and Chicago Chapter of the Federal Bar Association.

Experience

- Defended clients including a producer and distributor of electricity, financial services firm, universities, manufacturers and marketers of pharmaceuticals, paper, packaging and forest products and consumer products in employment discrimination claims alleging race, age, gender, pregnancy and disability claims as well as FMLA, reduction in force, national origin and Section 1983 claims.
- Defended insurance company in private arbitration involving breach of managed care contract claims.



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Practice Areas

Complex Civil Litigation

Compliance and Internal Investigations

Educational Institutions

Employment Litigation

Mediation

Product Liability and Professional Negligence

Education

University of Chicago Law School, J.D., 1979

Georgetown University Law Center, Dean's List, 1976-1977

Albright College, A.B., *magna cum laude*, 1976

Admissions

- Successfully defended retaliatory discharge and whistleblower suits by employees who claimed violations of the Sarbanes Oxley Act, Illinois State Officials and Employees Ethics Act, Illinois Workers Compensation Act and various civil rights and discrimination statutes.
- Successfully defended employers who terminated employees for making threats of violence in the workplace.
- Represented component furniture manufacturer in private commercial arbitration of claims against selling shareholders for fraud and breach of warranties in stock purchase agreement and defended claims for breach of employment contracts by executives of acquired company.
- Won and successfully preserved multiple summary judgment rulings on appeal in age/reduction in force cases by extending “same decisionmaker” doctrine in the Seventh Circuit.

Memberships

- American Bar Association (Litigation, Healthcare, Labor and Employment Sections)
- Chicago Bar Association
- Illinois State Bar Association

Presentations

- Speaker, Chicago Bar Association CLE on Class Actions in Employment Cases.
- Speaker, Chicago Bar Association Labor and Employment Committee meetings, on burden of proof issues in employment discrimination cases and mental disabilities under the ADA.
- Speaker, New York University annual seminar for Federal Judges concerning causation issues in employment litigation and techniques for handling jurors' use of social media during trial.

Illinois

U.S. Court of Appeals, First, Third, Fifth, Seventh, and Ninth Circuits

U.S. Supreme Court

U.S. District Court, N.D. of Illinois, including the Trial Bar

U.S. District Court, C.D. of Illinois

U.S. District Court, S.D. of Illinois

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2012 Leading Lawyers Selected

Dennis Johnson Receives Award for Excellence

Employment Law News - February 2003

Employment Law News - July 2002

Employment Law News - January 2001

Chicago Lawyer - August 2000

Employment Law News - June 2000

Employment Law News - February 2000

Jorge V. Cazares

Partner

Jorge Cazares is a Partner in Pugh, Jones & Johnson's Litigation Practice Group. His practice includes the representation of clients in contract and business disputes, defamation, major personal injury defense, civil rights, employment discrimination, labor disputes and arbitrations, local governmental defense, RICO, bankruptcy, real estate and commercial litigation matters.

Mr. Cazares rejoined the Firm after serving as General Counsel for the Chicago Housing Authority. As the first Latino to serve as General Counsel for the Chicago Housing Authority, Mr. Cazares oversaw all of the agency's legal affairs and provided advice and counsel to the CHA's Board of Commissioners, senior management and employees. Mr. Cazares also supervised a staff of over 50 employees which included over 20 in-house lawyers who provided legal assistance on the complicated and sophisticated real estate and finance transactions involved in creating mixed income communities. The Legal Department also represented the CHA in litigation matters, ranging from personal injury lawsuits to decades-old federal court consent decrees to providing advice and counsel on compliance with HUD and other regulatory requirements.

Mr. Cazares also served as the Chicago Housing Authority's Ethics Officer in charge of supervising compliance with the agency's ethics policies as well as other applicable Federal and State ethics policies. Additionally, Mr. Cazares supervised the agency's Office of the Inspector General, which investigated reports of possible fraud and waste of CHA's resources by the agency's employees, residents or contractors. He also supervised the agency's ADA compliance department as well as its One-Strike Program.

Prior to his tenure at the Chicago Housing Authority, Mr. Cazares practiced at Pugh, Jones & Johnson since 1992. He has tried various jury and bench trials and has argued before the United States Circuit Court of Appeals and the Illinois Court of Appeals.

Experience

- Representation of transportation company in *qui tam* complaint asserting various claims under the False Claim Act and the Illinois



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Practice Areas

Bankruptcy Litigation / Post Judgment Proceedings

Complex Civil Litigation

Compliance and Internal Investigations

Educational Institutions

Employment Litigation

Government Relations

Insurance Coverage

Product Liability and Professional Negligence

Real Estate and Privatization

Education

Loyola University School of Law,
J.D., 1990

Yale University, B.S., 1985

Whistleblower Reward and Protection Act.

- Conducted internal investigation on behalf of Fortune 500 manufacturer into allegations of sexual harassment and discrimination by various female employees.
- Representation of commuter rail line in F.E.L.A. matters before the United States District Court and Illinois state courts.
- Representation of major petroleum entity in eminent domain matters in Cook and surrounding counties. As former Special Assistant Attorney General, he also represented the State of Illinois in prosecuting eminent domain matters for various State of Illinois entities including IDOT.
- Secured summary judgment for client in gender and race discrimination case wherein plaintiff alleged that he was passed over for promotion, disciplined and terminated because he was an African-American male.
- Defense of major not-for-profit entity of an employee's claim of defamation after being accused of removing computers from the employer's premises without authorization.
- Secured summary judgment for major telephone company in a telecommunications toll fraud case.
- Obtained an Order of Replevin *without notice* in state court *within hours* of filing the Complaint. Such extraordinary relief is rarely granted without notice due to the high burden imposed by courts before summary seizure of the property can be justified.

Mr. Cazares has participated as a panel member in various professional organizations. He has received several awards and has been recognized for his work for various charitable organizations. Mr. Cazares was named a 2011 Business Leader of Color by Chicago United. Mr. Cazares has been selected as a Leading Lawyer from 2012-2014 by the Leading Lawyers Network.

Memberships

- American Bar Association
- Illinois State Bar Association
- Hispanic Lawyers Association of Illinois
- Member, Federal Trial Bar, Northern District of Illinois
- Member, St. Ignatius College Prep. Law Society
- Arbitrator, Cook County Mandatory Arbitration Program
- Member, Yale University Alumni School Committee
- Member, Loyola University Latino Alumni Board

Admissions

Illinois

New York

U.S. Court of Appeals, Seventh Circuit

U.S. District Court, C.D. of Illinois

U.S. District Court, N.D. of Illinois, including the Trial Bar

U.S. Supreme Court

News

Six PJJ Partners Named Leading Commercial Litigation Lawyers

Jorge Cazares Featured in Leading Lawyers Magazine

Five PJJ Attorneys Named "Chicago Leaders"

2012 Leading Lawyers Selected

Jorge Cazares named in 2011 Business Leaders of Color Publication

Partner Jorge Cazares Named 2011 Business Leader of Color

Jorge Cazares Named President of Gads Hill Center

Chicago Housing Authority General Counsel Returns to PJJ.

Languages

Spanish

- Member and President of the Board of Directors, Gads Hill Center
- Member, Loyola University School of Law, Alumni Board of Governors
- Member and President of the Board, Santa Lucia School Board

Publications

- Contributor, Seventh Circuit Writer; *Newsletter on Pretrial Practice & Discovery*, ABA Section of Litigation, Committee on Pretrial Practice & Discovery, 1995-1997
- Co-contributor, Bankruptcy Case Abstracts, *Commercial, Banking & Bankruptcy Law*, Illinois State Bar Association, Vol. 35, No. 3, April, 1991
- Co-contributor, Bankruptcy Case Abstracts, *Quarterly Report on Current Developments in Real Estate Law*, ABA Section on Real Property, Probate & Trust Law Committee on Decisions, 1990-1991

Edward Rodriguez

Of Counsel

Edward Rodriguez is Of Counsel with PJJ. Mr. Rodriguez is a seasoned litigator, strategist and advocate with over 17 years of experience. Mr. Rodriguez is Counsel to clients in government investigations and proceedings, including matters alleging fraud, malfeasance, and other white collar criminal conduct.

Experience

Mr. Rodríguez began his legal career as an associate at a well-regarded litigation boutique. There he worked closely with former federal prosecutors defending and prosecuting Fortune 50 companies in complex products liability, securities fraud, and employment discrimination litigation in federal and state courts. In subsequent private practice, as an associate with a prominent plaintiff-side law firm, Mr. Rodríguez represented clients in personal injury lawsuits and helped clients win more than \$5 million in employment discrimination, civil rights, and wage and hour litigation settlements—in lawsuits brought by clients individually or as part of a class action. He left the firm to teach the Civil Litigation Clinic at Seton Hall University School of Law, where he served as a Visiting Clinic Professor.

As an Assistant Attorney General in the Office of the New York State Attorney General, he successfully defended complex civil rights and constitutional law cases, including the lawsuit challenging the constitutionality of New York’s DNA Databank statute, and he worked on the small team that secured a compelling victory, on summary judgment, in a major federal class action. With the New York City Department of Education, Mr. Rodríguez successfully prosecuted an array of employee disciplinary trials for fraud, professional incompetence, sexual misconduct, and other wrongdoing.

Mr. Rodriguez’s experience includes:

- Representing clients in a variety of civil litigation matters in state and federal courts, including cases involving business, trusts and estates, and real estate disputes; New York Labor Law and negligence claims; breach of contract and breach of fiduciary duty



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Practice Areas

Complex Civil Litigation
Compliance and Internal Investigations
Educational Institutions
Employment Litigation
Mediation

Education

New York University, J.D., 1997
Columbia University, B.A., 1992

Admissions

New York State
U.S. District Court, S.D. and E.D. of New York
U.S. District Court, E.D. of

claims; and professional malpractice and misconduct claims.

- Representing clients in individual and class action litigation in federal and state courts and arbitration in areas such as employment discrimination, civil rights, wage and hour claims, and race discrimination.
- Achieving summary judgments in high-stakes products liability litigation.

Memberships

- American Bar Association

Michigan

News

Ronald Goldstock and Edward Rodriguez join Pugh, Jones & Johnson, P.C.

Languages

Spanish

Shauna L. Fulbright-Paxton

Associate

Shauna Fulbright-Paxton is an Associate in Pugh, Jones & Johnson's Litigation Practice Group. She represents clients in complex state and federal litigation, securities fraud claims, consumer and employment class actions, internal and regulatory compliance investigations, and insurance coverage matters. Ms. Fulbright-Paxton's investigation and compliance experience includes her current work with the federal monitor in the consent decree in *EEOC v. YRC, Inc.*, as well as her representation of corporations in state and federal-initiated investigations, and internal investigations, involving the FCPA, False Claims Act, healthcare fraud and abuse laws, and employment discrimination laws. Ms. Fulbright-Paxton is called upon to advise clients regarding best practices in electronic discovery, including the preservation, collection, review, and production of documents in litigation, and preparing document retention policies. She also handles complex commercial litigation on behalf of national financial institutions. Ms. Fulbright-Paxton's prior experience includes practicing as an associate with Mayer Brown LLP for several years, as well as serving as a law clerk with the Honorable David H. Coar (retired), United States District Court for the Northern District of Illinois.

Experience

- Team member for successful Seventh Circuit appeal on behalf of a national bank involving question of whether a class action can be certified seeking a remedy of rescission under the Truth in Lending Act.
- Representation of clients during regulatory and compliance investigations launched by federal and state governmental entities.
- Representation of governmental entity/official during internal audit and investigation.
- Participation in the investigation of an educational institution's admissions practices.
- Part of trial team for federal jury trial involving insurance coverage disputes for accounting firm client where underlying issues related to retired partner benefits.



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Practice Areas

Complex Civil Litigation

Compliance and Internal Investigations

eDiscovery

Educational Institutions

Employment Litigation

Insurance Coverage

Education

University of Michigan Law School, J.D., 2003

University of Michigan, Ann Arbor, B.A., *with distinction*, 2000

Admissions

Illinois

- Part of a team that designed an extensive electronic discovery program for a “Big Four” accounting firm.
- Gave opening statement in state criminal jury trial where trial team obtained a “Not Guilty” verdict for a *pro bono* client.

Memberships

- Black Women Lawyers’ Association
- Judicial Evaluation Committee
- Mentoring Committee

U.S. District Court, N.D. of
Illinois

News

Employment Newsletter

M. Elysia Baker

Associate

M. Elysia Baker is an Associate in Pugh, Jones & Johnson's Litigation Practice Group. Ms. Baker's prior experience includes serving as a Law Clerk with the Firm, and interning as a Legal Summer Associate with both the Trump Organization and the American Red Cross.

As a law student, Ms. Baker gained valuable litigation experience as a Student Attorney with the D.C. Law Students In Court Program representing clients in the Program's Civil Division. She also participated in Georgetown's Street Law Community Clinic, where she taught a course in practical law to incarcerated adult learners at the D.C. Correctional Treatment Facility. Prior to law school, Ms. Baker worked as a Legal Assistant with Skadden, Arps and as a Paralegal and Intake Coordinator with Katz, Marshall & Banks, LLP.

Experience

- Part of the defense team of an educational institution in a probe by the federal government seeking information regarding compliance with the Clery Act and the Higher Education Act, and potentially certain state laws.
- Part of the compliance team tasked as a federal monitor in the consent decree in EEOC v. YRC, Inc.

Memberships

- Illinois State Bar Association
- Chicago Bar Association
- Black Women Lawyers' Association



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Practice Areas

Bankruptcy Litigation / Post Judgment Proceedings
Complex Civil Litigation
eDiscovery

Education

Georgetown University Law Center, J.D., 2012
Harvard University, B.A., 2007

Admissions

Illinois

News

M. Elysia Baker Promoted to Associate



Pugh Jones Johnson

Karl E. Analo

Staff Attorney

Karl Analo is a Staff Attorney at Pugh, Jones & Johnson, P.C.

Mr. Analo was admitted to the Illinois Bar in October, 2013. At Duke University, he majored in Philosophy and minored in Sociology, and was elected the President of the Iota Xi Chapter of Kappa Alpha Psi. Mr. Analo participated in the Big Brother program at a local elementary school and in the Africana Mentoring program for young black freshman at Duke University. Mr. Analo graduated *cum laude* from the University of Illinois College of Law in May 2013, where he served on the executive board of the Black Law Students Association, was an Article Editor at the Elder Law Journal, and competed in the Frederick Douglass Moot Court Competition.

Experience

- Participated in the discovery/document review process for a complex commercial litigation matter.
- Provided advice on various legal issues, including an historic preservation tax credit, condemnation, easements, defamation, university governance, and unpaid wages claims.
- Provided advice on various legal issues regarding corporate, real estate, and environmental matters in relation to the redevelopment of client properties.
- Provided legal research and drafted corresponding legal memoranda on various issues regarding breach of contract, statute of frauds, the formation of a non-profit organization, and labor and employment matters.
- Drafted pleadings, including a motion and order for Default Judgment for a breach of contract case.



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Practice Areas

Complex Civil Litigation

Education

University of Illinois, College of Law, J.D., *cum laude*, 2013

Duke University, B.A., 2010

Admissions

Illinois



BIOGRAPHY

F. JOSIAH (“Josh”) LEICHT

Josh Leicht is the principal of FJL Associates, LLC. He is a member of the New York State Bar and is admitted to practice in the United States District Courts for the Southern and Eastern Districts of New York. Mr. Leicht is also licensed as a private investigator.

Before joining the private sector, Mr. Leicht was Counsel for Criminal Matters at the New York City School Construction Authority’s Office of the Inspector General. In that position, he led investigations of official corruption, business and labor law fraud and other “white collar” criminal activities affecting the School Construction Authority’s multi-billion dollar construction program. For eight years prior to joining the SCA, Mr. Leicht was a Task Force Attorney assigned to the New York State Organized Crime Task Force’s Construction Industry Strike Force. In that position he investigated and prosecuted labor racketeering, official corruption, business fraud and other organized crime activities occurring in the New York construction industry. Mr. Leicht played a significant role in drafting the report entitled, *Corruption and Racketeering in the New York City Construction Industry*, issued by the Organized Crime Task Force in 1989.

Since joining the private sector, Mr. Leicht has been appointed as an Independent Monitor to oversee the business operations of a variety of companies by the New York County District Attorney’s Office, the Metropolitan Transit Authority, the Dormitory Authority of the State of New York, The Port Authority for the States of New York and New Jersey, the New York City Business Integrity Commission, the Westchester Solid Waste Commission and the United States Department of Labor, Wage and Hours Division. Mr. Leicht has also been appointed by the Office of the Medicaid Inspector General to serve as an Independent Review Officer for companies that provide home health aides throughout the New York metropolitan area. In addition to assignments where he has been appointed as an Independent Monitor, Mr. Leicht lead teams on behalf of the Independent Expert selected by the United States Department of Justice to review certain practices and products offered by Deutsche Bank, AG, and on behalf of the Independent Monitor selected by the Honorable Roger Hayes, New York State Supreme Court, to oversee the activities of Local 8 of the United Union of Roofers, Waterproofers and Allied Workers. Until October 2010 when court ordered monitoring ended, Mr. Leicht lead the team of the Independent Monitors selected by the U.S. Commodity Futures Trading Commission and the Department of Justice to oversee the U.S. based commodities trading activities of BP, plc.

In late 2011, Mr. Leicht was appointed as the Chief Compliance Officer for the District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America. In that capacity, he is responsible for developing and ensuring the effectiveness and sustainability of a compliance program that meets the requirements of the United States Sentencing Guidelines and the District Council By-Laws.

Mr. Leicht provides public and private sector clients with a full range of services in the areas of background and due diligence investigations, internal investigations, litigation and dispute resolution and integrity risk management.

After graduating *magna cum laude* from the Benjamin N. Cardozo School of Law in 1983, Mr. Leicht was a law clerk for the Honorable William S. Sessions, Chief Judge of the United States District Court for the Western District of Texas. He then joined Weil, Gotshal & Manges and was an associate in the firm's securities and litigation departments.

Andrea Azarm

742 Kings Highway West, Southport, CT 06890
(203) 255-2525

Experience

Azarm & Associates, Southport, CT

Founder and Principal



Founder of Azarm & Associates, LLC, a full-service investigative firm providing services to business and legal communities throughout the United States and Europe which, with its predecessors, has operated an investigative consulting and research business since 2002.

- More than 20 years of experience in the field of investigative research
- Conducted investigations and provided research for litigation support, fraud inquiries, and a variety of due diligence needs
- Completed hundreds of assignments in connection with civil and criminal court proceedings, bankruptcies, business mergers and acquisitions, regulatory and internal compliance programs, corporate and financial fraud, hostile takeovers, proxy battles and political corruption
- Engaged as a speaker and writer on the topic of database research and investigations for security, labor, and legal professionals; trained compliance personnel within financial institutions and other organizations
- Developed a broad network of open and confidential information sources and is recognized in the industry for superior analytical skills
- Previously worked in Hartford, Stamford and New York with Decision Strategies, an international investigative consulting firm serving as a leader for the firm's Due Diligence practice area
- Early career included work in litigation support with an insurance defense law firm and the U.S. subsidiary of a French corporation

Education

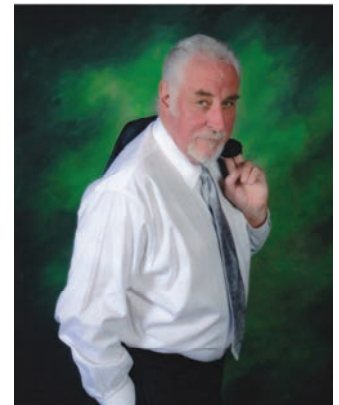
- BA, University of Connecticut

JOSEPH F. O'BRIEN

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CAREER PROFILE

A seasoned professional with 50+ years of progressive achievements in law enforcement and private investigations...co-author of the New York Times Bestseller Boss of Bosses: The Fall of the Godfather, Simon & Schuster, 1991; required textbook for Organized Crime courses taught at several colleges and universities nationwide...1987 recipient of the prestigious U.S. Attorney General's Distinguished Service Award for successful investigation against the Gambino La Cosa Nostra (LCN) Family Boss (Paul Castellano) and the Mafia Commission...Former Adjunct College Professor/Lecturer.... President of a Wall Street-based, New York City Private Investigations and an Albany-based Computer database and research firm.

HONORS AND DISTINCTIONS

- NYS Licensed Private Investigator: Certified Security Guard Instructor.
- Guest speaker for numerous talk shows (e.g. Larry King Live) in the U.S. and aboard.
- Bestselling author of Boss of Bosses. Nominated for Edgar Allan Poe Award by Mystery Writers of America. Foreign rights to Boss of Bosses sold to 23 countries.
- Served as FBI Special Agent and Field Supervisor for 20 years; received numerous awards for outstanding achievements, including the U.S. Attorney General's Award.
- Taught classes on Organized Crime Control, Criminal Investigations and NYS – mandated Security Guard courses at local community college.
- Technical consultant for cable channels TNT (Boss of Bosses movie) and HBO for future series about a NYC private investigation agency.

PROFESSIONAL EXPERIENCE

President, Joe O'Brien Investigations, Inc., 1992-Present

30 Wall St., NYC, NY 10005

Successful business enterprise conducting investigations both in the United States and abroad.

President, ExFed-Data Services, 2009 - Present

An Albany, NY-based computer database and research company; a Division of Joe O'Brien Investigations, Inc.

Federal Bureau of Investigation, 1972- 1991

Special Agent for the FBI, with seven years serving as Field Supervisor in the New York Office; first as a Foreign Counter-Intelligence Supervisor; then as a Criminal Squad Supervisor. FBI Informant Coordinator. SWAT Team Hostage-Negotiator. Named Outstanding Agent of the Year, New York Office, 1983 & 1985 - Organized Crime. Received Attorney General's Distinguished Service Award; the highest honor bestowed on a law enforcement officer in the United States, 1987. - Organized Crime

Investigative Experience on Integrity Monitorships:

- NY State Court Appointed Monitorship for Local 8 Roofers 2007-2014.
- NYC Department of Education Integrity Monitorship of a bus company 2010-2013.
- NYC Housing Preservation Development Corp; NYS Attorney General (Wage & Hour Div,) 2014 - present
- Senior Investigator for an IPSIG of:
 - a conglomerate located in Detroit 2007-present.
 - a conglomerate located in New York City 2008-present.
 - a carting company in Westchester County 2008-present

EDUCATION

M.S.Sc. degree, Syracuse University, Syracuse, NY

(Maxwell School of Citizenship and Public Affairs)

Social Sciences with emphasis on International Relations

B.A. degree, Le Moyne College, Syracuse, NY - English Major

A.A. degree, Onondaga Community College, Syracuse, NY - Liberal Arts

Business Management degree, Powelson Business School, Syracuse, NY

PROFESSIONAL AFFILIATIONS

International Association of Crime Writers (IACW)

North American Branch: International Association for the Study of Organized Crime

Society of Former Special Agents of the FBI

Associated Licensed Detectives of New York State, Inc. (ALDONYS)

World Association of Detectives - based in London, England

Association of Former Intelligence Officers (AFIO)

Selective Service System - Local (Manhattan Board) Member - Presidential appointments

New Jersey City College, Security Program Advisory Board

Screen Actors Guild (SAG)

Charles J. Shields, III, CPA, FE
55 S. Bergen Pl, 2I, Freeport NY 115520
(516) 546-1894



Experience

Forensic accounting consultant to attorneys and certified public accountants as well as the District Attorney of Nassau County, N.Y. and private investigative firms.

- Over 25 years of forensic accounting and auditing experience with a focus in the construction industry
- Frequently assigned as a forensic accountant and investigator for both civil and criminal matters
- Served for eight years as a forensic accounting consultant to the District Attorney of Nassau County, New York as well as to private investigative firms and law firms
- Provided corporate monitoring services for prominent New York City attorneys
- Former Corporate Controller of a subsidiary of Time Warner, Inc. and Senior Auditor with Coopers & Lybrand
- Active member of the American Institute of Certified Public Accountants and the Association of Certified Fraud Examiners
- In addition to being featured in an article about investigative accountants in the publication *Accounting Today*, he has been a featured speaker on forensic auditing techniques

Education

- BA, Accounting
- MA, Accounting

Memberships

- American Institute of Certified Public Accountants
- Association of Certified Fraud Examiners

Harvey Tuerack

12 Fairview Road, Marlboro, NJ 07746

Experience

Private Consulting, New York, NY

Investigator



Mr. Tuerack supervised complex investigations involving fraud, ethics violations, bid rigging, kickbacks and Anti-Trust activity while with the Port Authority. His significant investigations involved the solicitation and acceptance of bribes by a senior Port Authority Environmental Engineer and a significant fraud against FEMA and the PA, with a resulting recovery of approximately \$1,500,000. He routinely worked with federal and state law enforcement authorities and was the Port Authority representative to the New York Federal Construction Fraud Task Force.

- Mr. Tuerack has extensive labor monitoring experience from his time with the New York District Council of Carpenters. He served as the Director of the Labor Management Fund, charged with examining potential violations of the union contract and violations of prevailing wage law. He was the liaison with both federal and state law enforcement on a daily basis and referred numerous successful investigations for prosecution, including a bribery investigation of the Secretary-Treasurer of the District Council
- During his nearly 20 years with the U.S. Department of Labor OIG, he conducted investigations relative to labor racketeering, corruption in employee benefit plans, labor management relations and internal union affairs. He also investigated the activities of traditional and nontraditional organized crime groups that affected unions. These investigations included contracts and grants fraud, worker compensation fraud and internal fraud, as well as labor violations related to ERISA, the LMRDA, the Taft-Hartley Act and the Hobbs Act. He was the case agent for the Civil RICO filed against the New York District Council of Carpenters
- Most recently, Mr. Tuerack was involved in the Freedom Tower Integrity Monitorship as a member of a team of forensic accountants and investigators engaged to prevent and detect fraud, waste, and abuse during the construction of an iconic high-rise office tower. His work included investigations of the legitimacy of Minority and Woman Owned Business entities working on the project and resulted in the indictment of the owner of the steel erector in a \$76,000,000.00 MWBE fraud

Mr. Tuerack has also been involved in the following monitorships listed below:

Lettire Construction

The United States Department of Labor, Wage & Hour Division placed Lettire in a monitorship due to a number of subcontractors non-payment of Federal Prevailing Wage under the Davis-Bacon Act. In addition, the New York City Housing & Preservation Development Agency (HPD) has placed the company in a monitorship to monitor specific projects in which HPD has supplied funding. Both monitorships entail review of books and records, site visits and worker interviews. This is an ongoing monitorship.

Procida Construction

The New York State Attorney General placed Procida Construction in a monitorship for their subcontractors non-payment of New York State Prevailing Wage. This is a two-year monitorship with the potential for a one-year renewal. The monitorship entails review of books and records, site visits and worker interviews. This is an ongoing monitorship.

Employment History

Sobel & Co. LLC (part of Fortress Monitoring Group JV) <i>Forensic Investigator, Team Leader</i>	2008-December 2014
Investigator for Ronald Goldstock	2007-present
Port Authority of New York and New Jersey	1999-2007
Thacher Associates	1999
New York District Council of Carpenters, Labor-Management Fund <i>Executive Director</i>	1997-1999
United States Department of Labor Office of Labor Racketeering & Fraud Investigations, <i>Special Agent</i>	1978-1997
United States Department of Justice, <i>DEA Special Agent</i>	1973-1978
United States Department of Justice, <i>Special Agent</i>	1971-1973

Education

- BA, Lehman College, City University of New York, History

Memberships

- Association of Certified Fraud Examiners
- Federal Law Enforcement Officers Association

Michelle M. Sargent, Member

CFE, MBA, Series 3, 7, 63



Michelle M. Sargent is a Member of The Sargent Consulting Group, LLC and has been in the financial services industry for over 25 years. By successfully pairing and leveraging her knowledge of the derivatives, equities and options markets with forensic accounting and financial investigations, Michelle brings a unique knowledge base to the firm and specifically for securities-related disputes. She also serves as Marketing Director at SCG.

Michelle began her career at a premier international derivatives exchange located in Chicago. Managing teams as part of a revolutionary venture to launch the first electronic trading system in the world, she moved into large multi-national organizations servicing banks, brokers, broker-dealers, futures commission merchants, hedge funds, independent traders and proprietary trading groups. Recognizing that her clients would benefit from greater technical expertise, she earned numerous professional certifications in the financial services industry, specifically the Series 3 (Associated Person), Series 7 (Registered Representative), Series 63 (Uniform Securities Agent State Law Exam) and Certified Fraud Examiner (CFE).

Michelle has the rare gift of understanding, interpreting and translating business concepts into everyday language. Her skill as an exceptional communicator and strategic partner has enabled her to recommend solutions to a variety of financial services entities that have saved money, reduced infrastructure costs and achieved business continuity planning at significant savings. With her blend of business acumen, creative thinking, structured analysis and technical expertise, Michelle has helped clients design and implement effective Joint Application Development teams, network re-architecture strategies and problem-solving methodology programs.

A first-generation American, Michelle has traveled extensively. She has significant international client experience in Amsterdam, London and Paris training staff and management in administrative and operational controls, customer service operations, document retention and relationship management protocol.

Michelle graduated from Northwestern University in Evanston, IL with a dual major in Economics and Political Science. She went on to receive a Masters in Business Administration from The University of Chicago, Booth Graduate School of Business. She is an active supporter of women professionals and is a member of a variety of organizations including the American Bar Association, the Association of Certified Fraud Examiners, Professional Women's Club of Chicago and The University of Chicago Women's Business Group. Michelle has been a task force member and moderator for the Illinois CPA Society's fraud conference, presented courses on fraud and forensics at the American College of Forensic Examiners' Institute Executive Summit and provides continuing legal education (CLE) on forensic accounting to law firms.

She recently served a dual role as the New Mother's Ministry Chairperson and Co-chair of Rebecca Circle, is currently Secretary for Sarah Circle (both circles of the United Methodist Women at her church) and actively supports and fundraises for The Lamb's Fold Shelter for Women and Children in Joliet, IL. In her abundant spare time she teaches Vacation Bible School and serves as a ballet/cheerleading/football/karate/soccer/wrestling mom.

Contact Michelle: MSargent@SCGForensics.com | Chicago 708.390.7517 | Detroit 313.986.1300 | Cell 312.909.1538

James M. Spencer, Consultant

MBA



James M. Spencer is a Consultant with The Sargent Consulting Group, LLC. Jim graduated from Saint Xavier University in Chicago, IL with his Bachelor of Business Administration in Management (Cum Laude) and a Master of Business Administration in Finance.

While in school, Jim performed community service and raised money for charity as a member of the Students in Free Enterprise (SIFE) organization. He also was a member of the Business Student Association formed to mentor

students in business by developing presentation and networking skills while leading discussions on current events.

Jim has direct experience serving in management at a leading multi-channel global retailer and developer of technology products and services. His project management, relationship management and analytic skills enabled his teams to achieve multi-million dollar sales and services budgets annually. In this capacity, Jim also actively analyzed and managed his district P&L while creating and executing business plans.

Jim's active lifestyle includes playing softball and golf, travel and technology. When not spending time with his wife or working on his new home, Jim reads books by or about the world's greatest leaders in business.

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**ROADWAY EXPRESS, INC., and YRC,
INC.,**

Defendants.

Case No. 06-cv-4805, 08-cv-5555

Magistrate Judge Cox

**WILLIAM BANDY, TOBY LEE,
LUSHAWN SMITH, MARK WILLIAMS,
CLARENCE STOKES, FRED
THOMPSON, CLARENCE ROYSTER,
ANTAWON L. MARSHAL, NERVILLE
COX and CLEOPHUS MARSHALL,**

Plaintiff,

v.

**ROADWAY EXPRESS, INC. and YRC,
INC.,**

Defendants.

Case No. 10-cv-5304

Magistrate Judge Cox

**AMENDED MONITOR REPORT FOR THE THIRD AND FOURTH
REPORTING PERIODS UNDER THE CONSENT DECREE¹**

¹ On December 12, 2012, the Parties filed a consent motion for an extension of time for Defendants to submit their semi-annual report to the Monitor, until 45 days after the Parties agree on new work assignment measures. *See* Case No. 06 cv 4805, Doc. No. 206. In relevant part, the motion noted that during that time, YRC, the EEOC and the Monitor Team had been working cooperatively to discuss modifying and updating the work assignment measures to be included in YRC's Consent Decree Report. *Id.* Specifically, on November 26, 2012, representatives from YRC (including its statistical expert and representatives from YRC's Human Resources and Legal Departments and the Chicago Heights facility); attorneys from the EEOC; and the Monitor Team met in Chicago to discuss the process for reporting work assignment measurements going forward in light of operational changes at the Chicago Heights

I. INTRODUCTION AND EXECUTIVE SUMMARY

A. General Company Overview

YRC (“The Company”) is a Fortune 500 Company, and one of the largest transportation providers in the world.² Based in Overland Park, Kansas, YRC’s services include the shipment of industrial, commercial and retail goods domestically and internationally. YRC employs approximately 38,000 employees in North America. YRC’s Chicago Heights facility, the subject of the Consent Decree described herein, employs approximately 1,458 employees; 619 of those employees are covered by the Consent Decree. There are five levels of employees on the dock³ at YRC’s Chicago Heights facility, including Dockworker, Dock Supervisor, Lead Supervisor, Sub-Lead Supervisor (also referred to as Senior Dock Supervisor), Team Operations Manager (also referred to as Assistant Terminal Manager), and the most senior position, Terminal Manager. *See* May 7, 2011 CGN Report at 11-12 attached hereto as Exhibit A. Switchers and Janitors are also under the Monitor’s purview pursuant to the Second Amended Consent Decree. The Company’s Dockworkers, Switchers/Spotters, and Janitors are represented by Teamsters Local 710. The latest updates to the Collective Bargaining Agreement between the Teamsters

facility. *Id.* On December 14, 2012, the Court granted the Parties’ motion. *See* Case No. 06 cv 4805, Doc. No. 208. Subsequent to this Motion, on August 16, 2013, the Monitor filed a motion to extend the time to file his Monitor Report, until 60 days after YRC reports on work assignment data. *See* Case No. 06 cv 4805, Doc. No. 209, Case No. 08 cv 5555, Doc. No. 91. The Court granted that motion on August 19, 2013. *See* Case No. 06 cv 4805, Doc. No. 212, Case No. 08 cv 5555, Doc. No. 92. On September 8, 2014 and October 6, 2014, YRC submitted work assignment data to the EEOC and the Monitor Team. While the Parties are continuing to refine the final metrics that will be used to analyze YRC work assignment data, we will discuss the most recent work assignment data in Section VII of this Report. This Report also discusses recent operational changes made by YRC. The Parties and the Monitor Team discussed those operational changes in-depth during a meeting on October 29, 2014.

² Unless otherwise noted, the information concerning YRC’s demographics is obtained from the Company’s website. *See* <http://www.yrc.com>.

³ While the report will primarily focus on Dockworkers, who are the overwhelming majority of the employees with whom the Monitor team interacts, we describe the other employees under the purview of the Consent Decree in Section B of the Executive Summary.

were negotiated in February 2014.⁴ Local 710’s Business Agent for YRC’s Chicago Heights facility is Paul Hawkins, and the Local 710 is currently under Trusteeship, with John Coli at the helm as Trustee.

B. Employees and Work Assignments

The job duties of the four hourly positions that are within the scope of the Consent Decree are as follows:

Type of Employee	General Job Description
Dockworker	<ul style="list-style-type: none"> • Transport freight across dock area to/from trailers for loading to trailers • Perform freight handling using appropriate motorized and manual equipment • Verify documentation matches freight description using current electronic or manual system • Secure freight inside trailers using appropriate tools and supplies • Recoup/repair damaged freight when necessary • Verify and complete required documentation and reports • Comply with all applicable laws/regulations as well as company policies/procedures
Switcher/Spotter	<ul style="list-style-type: none"> • Ensure timely movement of trailers in and out of the docks • Perform pre-shift and post-shift equipment safety inspections • Hooking/unhooking trailers • Lifting/opening trailer doors • Safely entering/exiting yard tractor numerous times per shift • Safely maneuvering equipment with good backing skills

⁴ The newest contract negotiations were not ratified without contention, because the latest Memorandum of Understanding (“MOU”) required further concessions from the Union. While the latest MOU was ratified nationwide, the Chicago Heights facility did not vote in favor of ratifying that contract. As discussed further in some of the Spring/Summer 2014 Employee Interviews found in the Appendix of this Report, that dynamic has led to some increased hostility between employees and management.

Type of Employee	General Job Description
Janitor	<ul style="list-style-type: none"> • Keep buildings in clean and orderly condition • Perform heavy cleaning duties such as cleaning floors, shampooing rugs, washing walls and glass, and removing garbage • Duties may include tending to furnace and boiler, performing routine maintenance activities, notifying management of need for repairs and cleaning snow or debris from sidewalk • Monitor building security and safety by performing such tasks as locking doors after operating hours and checking electrical appliance use to ensure that hazards are not created
Clerical	<ul style="list-style-type: none"> • Responsible for performing clerical and administrative duties in an office setting • Assists executive assistants and secretaries by sorting mail, filing, answering phones, greeting clients, scheduling meetings, and restocking supplies • Perform basic bookkeeping duties, compile financial records and perform data entry • Operate office machines such as photocopiers, scanners, facsimile machines, voice mail systems and personal computers

1. *Assignments to Dockworkers*

Over the span of the reporting period, there have been significant changes in the way in which YRC assigns work to its Dockworkers. Many of these changes have been implemented within the last several months. In the 2011 and 2012 Monitor reporting periods, we noted that Supervisors made very frequent decisions each shift about which loads to assign to whom. *See* 2012 Monitor Report at 35-44; 2011 Monitor Report at 23-25. Because Supervisors had no step-by-step process for assigning loads to workers, they had discretion to determine which employees received what loads. This resulted in our finding that certain Supervisors had been

assigning “bad loads”⁵ to certain employees who were viewed as unproductive (often those employees with the lowest Bills Per Hour (“BPH”). Generally, we found that the Company’s work assignment data seemed to show some improvement in some areas for African American employees (as compared to the data from the 2011 Monitor Reporting time period to 2012 Monitor Reporting time period), as they had recently received fewer non-mechanized loads than in the past. *See* 2012 Monitor Report. However, across all shifts, we found that African American employees continued to have the lowest BPH average. *See id.* To the extent African American employees had the lowest across-the-board BPH, there was a concern that African American employees disparately received the worst loads. Therefore, we expressed our desire to see YRC remove subjectivity from its work assignment process.⁶

YRC measures individual worker productivity by BPH. In 2011, the Chicago Heights facility’s productivity level was below 2.5 BPH and the goal was to reach a productivity of 3.0 BPH. In 2012 the goal was 2.72 BPH. *See* 2012 Monitor Report at 39. YRC’s data in September 2012 showed that the overall BPH average was 2.48 for African American employees, 2.79 for Caucasian employees and 2.88 for Hispanic employees. *See* 2012 Monitor Report at 38.⁷ The Monitor Team has more closely observed supervisors’ use of the Dock

⁵ As we noted in the August 17, 2011 Monitor Report and the September 28, 2012 Monitor Report, while there may be no exact definition of a “bad load” or a “good load,” some loads are universally seen as bad loads, such as loads with odd pieces, loads that are oddly configured, loads with many pieces, or loads with long pieces. Many of the loads that tend to be characterized as bad loads also are the non-mechanized loads. For Switcher/Spotters, bad assignments include getting rail moves which require getting out of the horse. Switchers/Spotters who are perceived as slow or flippant are often punished with these bad assignments.

⁶ We have been informed by a representative from YRC HR in the past that there is a belief that African American employees are not giving their full effort because the Company has discouraged them as a group.

⁷ Per the 2012 Monitor Report, to compute the updated employee BPH figures, YRC used the following method: (a) for each unique employee, YRC determined the total number of “scans” (movement records) attributed to the employee during the time period as well as the employee’s total number of hours worked

Productivity Tool (“DPT”)⁸ and in real time, observed supervisors’ reactions when certain employees are “in the red” (have not scanned a bill within a certain amount of time). *See* 2012 Monitor Report at 19. The Dock Productivity Tool allows supervisors to view an individual employee’s productivity (in terms of the number of bills an employee is handling per hour), as well as gaps in scan time, which may prompt a supervisor to ask the employee about the lag time. *See* 2012 Monitor Report at 42. It is important to note that a bill count is not reflective of the size of the load. Supervisors often cannot tell much about the makeup or condition of the load based on the face of bills to which they correspond. *See* 2011 Monitor Report at. 24.

For Switchers/Spotters, their key performance metric is timeliness of trailer moves. A delay is defined as a time period of more than fifteen minutes, identified in the Yard Control computer system, during which a Switcher/Spotter does not record trailer moves. Company procedures require Switchers/Spotters to report such delays to supervisors. A supervisor may approach an employee if he or she identifies delays in trailer moves, and the Switcher/Spotter does not proactively report such delays to the supervisor.

2. Recent Developments

Recently (in late Summer 2014), YRC implemented a new work assignment process that assigns dock work on a first come, first served basis, with limited exceptions (such as “Inbound Freight,” which must be stripped expeditiously; time-sensitive freight, which must be delivered on time or

(obtained from the Company’s payroll system, which draws from KRONOS data); and (b) defining BPH as 50% of the employee’s scan count divided by the employee’s hours worked.

⁸ The Dock Productivity Tool (“DPT”) is a database by which supervisors can access, in real time, the productivity of employees’ on their shift. The database screen allows supervisors to view a number of metrics concerning employees’ loads, including the door where the employee is working, information about the freight the employee is handling, and how long it has been since the employee made his last move. If too much time elapses between an employee’s moves (approximately more than 20 minutes), that employee’s entry on the DPT screen becomes red, and the supervisor may speak with the employee (or be directed to do so by an Operations Manager or Coordinator).

YRC ships the freight for free to the customer, or freight with other logistical parameters that serve to impact the first come/first served landscape). The Monitor Team first learned about this new process in an October 6, 2014 letter from the Company, followed by an operational meeting, led by Terminal Manager Tim McKinstry (“McKinstry”), who explained key operational changes impacting employees in Chicago Heights. The October 6, 2014 letter is attached hereto as Exhibit A. We made our initial observations of this work assignment process on December 4, 2014. During those observations, the Strip Foremen we spoke with (those Foremen who assign work) stated that with some exceptions they were now following the first come, first served protocol when making assignments. Thus, we have committed to additional observations of the new process over the next several months to ensure its complete implementation. We believe the new work assignment process is a positive development that can serve to potentially remove supervisor subjectivity from the work assignment process, eliminating some of the problems of the past and also benefiting the flow of operations.

While we are encouraged by these positive developments in the work assignment process, there is some cause for concern because we learned for the first time in the October 29, 2014 operational meeting that YRC compiles a list every month of employees whose productivity is well below the average/accepted BPH. Moreover, the Company has not previously provided us these lists, even though we raised concerns with HR from employee interviews about them.⁹ Our concern stems from the fact that employees have told us that the lists serve as a basis for receiving worse assignments, discipline and heavier scrutiny for the

⁹ For instance, in his April 29, 2014 interview, employee Interviewee D stated that “the Bottom Ten are still getting carton loads.” On April 29, 2014, employee Interviewee F stated that he used to be on the Bottom Ten list, and was given loads that required a jeep, but no jeep was provided. However, that employee is now satisfied with the loads he receives, and is also satisfied by the way the Company treats him. Also, on May 16, 2014, Interviewee I stated that he gets bad loads because he is on the “modern day equivalent” of the Bottom Ten list.

employees who are on them. Moreover, the lists that were finally produced by the Company in December 2014 reveal that African American employees have often been disproportionately represented on them. We further discuss our concerns with these lists in Section IX, “Fairness in Discipline” at 62-63.¹⁰

C. Employee Discipline

Employees are informed through the Collective Bargaining Agreement and YRC’s policies, procedures, and training of the various types of conduct that may lead to discipline under the progressive discipline system. When an employee is subject to discipline, Supervisors describe the infraction on an “Appropriate Progression” form, clearly describing the nature of the violation and stating to the employee that the infraction is subject to discipline and will result in “appropriate progression.” The form is forwarded to the Labor Coordinator, Anne Stump (“Stump”), who researches the employee’s disciplinary record, and then categorizes the discipline according to categories established over time between the Local 710 and the Company. In Stump’s absence, the General Operations manager, Tom Lynch (“Lynch”),

¹⁰ Conversely, we were also informed about a list of employees maintained by Mr. McKinstry which shows Dockworkers who have had a sharp decline in production. We have reviewed Mr. McKinstry’s list, and considering its purpose, we believe it is a good sign of the Company’s continued efforts to help employees overcome barriers to perform at the highest levels they can. Because the scope of our monitorship concerns racial discrimination and harassment, we reviewed the races of the employees whose names are on the McKinstry list. We found that of the thirty-seven employees listed, nine were African American, or approximately twenty-four percent, roughly commensurate with the percentage of African American Dockworkers at the facility. We believe that the purpose of this list is helpful because the Company has explained that the list contains the “individuals [with whom Mr. McKinstry wanted] to have a dialogue to understand how their work is going and whether they are facing any obstacles which are causing their BPH this year to be a quarter bill less than the prior year’s.” In the coming month, we would like to speak with Mr. McKinstry to learn if any of obstacles the employees identified to him were work-related, and if so, what they were. We would also like to know if any employees who suffered a similar drop in performance were not on the list, and if not, the reason why, and what is being done to help them improve.

performs this task using the same recognized guidelines. Below we briefly describe the most common types of discipline the Monitor Team has encountered.

Type of Discipline	Description of Discipline
Failure to properly perform a work assignment	An employee fails to perform an assignment in the manner directed by a supervisor.
Violation of posted safety rule	An employee engages in some action that poses a risk to the safety or well-being of him or herself or others.
Mishandling of shipment	An employee fails to use proper care in the handling of a shipment, potentially causing damage to that shipment.
Misuse of company time	An employee is not engaged in work at a time he or she should be working (i.e., excessive talking, extending a break or lunch, or spends an unreasonable amount of time in the restroom).
Tardiness	An employee fails to swipe into work (using the KRONOS system, which logs employee presence at work) at the start time of his or her shift, without prior authorization to be late.
Absenteeism	An employee fails to be present for work without prior authorization for the absence.
Insubordination	An employee willfully disobeys a valid instruction or directive from a supervisor.
Violation of a posted work rule	An employee fails to swipe his or her KRONOS Card at the beginning or end of the shift.

Importantly, under the CBA, the Company cannot discipline employees directly for lack of productivity. Per the YRC and Teamsters Local Union No. 710 Work Rules, the Company

uses progressive discipline for repeated violations of like and similar infractions. Discipline measures for minor offenses are issued in following steps of progression:

- First offense: verbal warning/coaching session with employee
- Second offense: written letter of corrective action
- Third offense: written warning letter with “up-front” notice to the employee of the intent to issue the warning letter
- Fourth offense: suspension
- Fifth offense: subject to discharge

In the 2011 and 2012 Monitor Reporting Periods, the Company’s data showed that overall, African American workers received more discipline than expected. In the 2012 Monitor Report, the disparity was principally due to infractions related to tardiness, “failure to perform,” “mishandling a shipment,” and “violation of a posted work rule.” *See* 2012 Monitor Report dated September 28, 2012 at 44-50. The disproportionate number stemmed from two highly subjective disciplinary categories: “failure to properly perform a work assignment” and “mishandling of a shipment.” *See id.* While we have seen an overall reduction in the amount of discipline issued to all employees over the last year as described more fully in Section VIII of the Monitor Report, African American employees continue to receive more discipline than expected.

D. Personnel Changes

Since the 2012 Monitor Reporting Period (which covered August 1, 2011 to August 1, 2012), there have been a number of significant personnel and role changes, particularly in the YRC Human Resources department (“HR”), our primary point of contact with YRC. In January 2013, Susan Harrison (“Harrison”), EEO Compliance Consultant at YRC, assumed primary Human Resources responsibility for Consent Decree-related issues at the Chicago Heights

facility. Kendall Calhoun (“Calhoun”), then-Division HR Manager, previously had primary responsibility. From January 2013 to April 2013, Calhoun continued to work with Harrison on Consent Decree issues, participate in weekly Consent Decree meetings, and assist in conducting investigations as needed. In April 2013, Calhoun resigned. We have previously stated our concerns about the reasons for Calhoun’s resignation in an August 25, 2014 letter to the Court and the Parties.¹¹ Irrespective of those concerns, we have recommended that Harrison and the new HR Manager, Margie Leahy (“Leahy”), continue to work to gain the trust of employees and to make sure employees understand HR’s role. It continues to be of paramount importance that employees know that they have an effective avenue to raise concerns when necessary.

On August 16, 2014, Harrison became YRC’s EEO Compliance Manager. Whereas previously she had worked in a consultant role to last for the duration of the monitorship, Harrison’s new role is permanent. Harrison is responsible for overseeing EEO Compliance, including investigating discrimination, harassment and retaliation complaints at YRC’s Chicago Heights facility. In addition to her responsibility for addressing issues with EEO implications, Harrison’s role encompasses all employee relations issues for the Chicago Heights facility. Harrison will also provide advice, guidance, feedback and support to managers and other YRC Freight stakeholders with the Company’s EEO efforts at other locations. Her role also may include other support functions as directed by either YRC’s Legal Department or Human Resources Director Keith Mickler (to whom Harrison reports). *See* YRC August 16, 2014, email

¹¹ When we inquired about the reason for Calhoun’s departure, the Company was unwilling to disclose that information, citing the confidentiality of personnel issues. The Court held an off-the-record status hearing and conference call regarding this issue. Shortly thereafter, on October 1, 2013, YRC was required to disclose the reason for Calhoun’s departure to us by October 4, 2013. YRC has complied with this Order; however, this disclosure leads to even more concern about the reasons for Calhoun’s departure. We have not discussed these reasons with the EEOC per the Court’s order and the Company’s request.

correspondence from S. Harrison to P. Pugh and S. Fulbright-Paxton; *see also* YRC August 21, 2014 Correspondence to Judge Cox at 4.

Patrice Brown (“Brown”), as YRC’s Labor & Employment Counsel, continues to be a point of contact between the Company and the Monitor Team, and is responsible for the legal aspects of the company’s compliance with the Consent Decree. Tim McKinstry (“McKinstry”) remains in his role as Chicago Heights Terminal Manager, and among other things, takes a lead in implementing operational changes to meet the objectives of the Consent Decree.

In addition, YRC’s management includes one General Operations Manager, Tom Lynch; two Terminal Operations Managers, Michael McJunkin and Ed Calderon;¹² four Lead Supervisors, Jason Allison, Calvin Franklin, Shannon McNair and Robert Gonzalez; five Sub-Lead (Senior Dock) Supervisors, David Gee, Deborah Martin, Bobby Sullivan, Ron Johnson and Ken Lawrence; and twenty-three Dock Supervisors, David Blastic, Jason Celorio, Mark Cooper, Frederick Hampton, Augustin “Augie” Espinoza, Gabriel Gaytan, Dillon Grace, John Hussey, Bryan Johnston, Daniel Kane, Daniel LaTurno, Sean McCoy, Jerald Miller, Anthony Pettit, Michael Reinhart, Jeffrey Roccaforte, Justin Salas, Dean Raymond, Erick Halaburt, Charlotta Stewart, Joe Herman, Gavin Kline and John Stepanian, who serve under Mr. McKinstry’s leadership.

There also have been leadership changes at YRC’s corporate headquarters. In February 2014, YRC hired a new president, Darren Hawkins (“Hawkins”). Hawkins changed the management structure from four operating divisions to seven. This change resulted in a newly-

¹² Supervisor P was promoted to Terminal Operations Manager on April 1, 2014, when Supervisor AA, who previously served as a Terminal Operations Manager for Chicago Heights, was promoted to the role of Terminal Manager at YRC’s South Bend, Indiana facility.

created role: Area Director of Operations for Illinois, filled by Chad Miller, with whom we met during the Operational Meeting on October 29, 2014.

E. Issues that the Company Continues to Face

While we believe the Company has made progress, it continues to face certain issues which we believe are critical to achieving full compliance with the Consent Decree and eliminating its problems of the past. We discussed these issues with the Court and the Parties in our August 25, 2014 letter. Although some of the questions have been partially resolved, (and hence not listed below) we are still concerned with the following:

1. We believe that YRC's Legal Department, or outside counsel, can and should play a larger role in the assisting and facilitating of more important investigations, and can balance the importance of its role against any concerns regarding the attorney-client privilege. We continue to believe that the Legal Department or outside counsel should be involved at the outset of significant investigations and be present in certain—if not all—significant interviews. Part of the reason for this is to share the training that the Legal Department or outside counsel have in properly conducting investigations. We have suggested a triage process to help the Company decide when and where that should be the case, but the company has not adopted our suggestion.

2. We would like the Company to describe what steps, if any, it will take to determine why its African American employees on average process the lowest number of Bills Per Hour (BPH) when compared to other employees.¹³

3. We would like the Company to decide what steps, if any, it will take to determine why its African American employees on average receive a disproportionately high amount of discipline when compared to other employees.

4. We would like the Company to decide what steps, if any, it will take to eliminate the potential disparate impact problem resulting from African American employees processing the lowest BPH among all groups, resulting in African Americans receiving more discipline.

These concerns are based on our observations and anecdotal evidence gathered in employee interviews.

¹³ We have been informed by a representative of YRC HR in the past that there is a belief that African American employees are not giving their full effort because the Company has discouraged them as group.

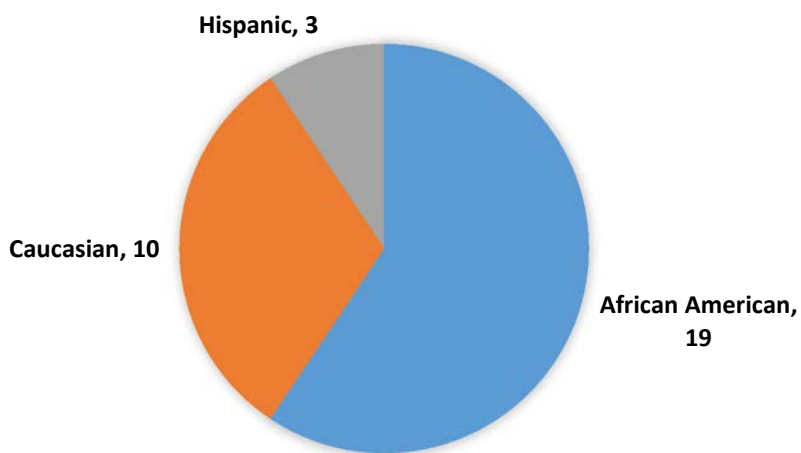
F. Employee Interviews/Employee Perceptions

Since our time at YRC began in December 2010, we have taken the approach that anecdotal evidence is as important as statistical evidence in determining YRC's compliance with the Consent Decree. To that end, in our most recent collection of such evidence during the Spring and Summer of 2014, we spoke with thirty-two employees about YRC's work environment, fairness in assignments, and fairness in discipline.¹⁴ Our goal was to interview a cross-section of employees in order to gather the most representative views possible. Of those employees, nineteen were African American, ten were Caucasian and three were Hispanic. In addition, eight of these employees were previously interviewed regarding their Winter 2013 work assignment interviews;¹⁵ another eight we previously met with following a complaint the employee made to YRC or the Monitor Team; eight were employees we previously met with as part of general employee interviews; and a final eight were employees we had not met with before. Overall, a number of employees felt that YRC has made progress, but not full compliance. We show below a number of issues—good and bad—that surfaced in our interviews.

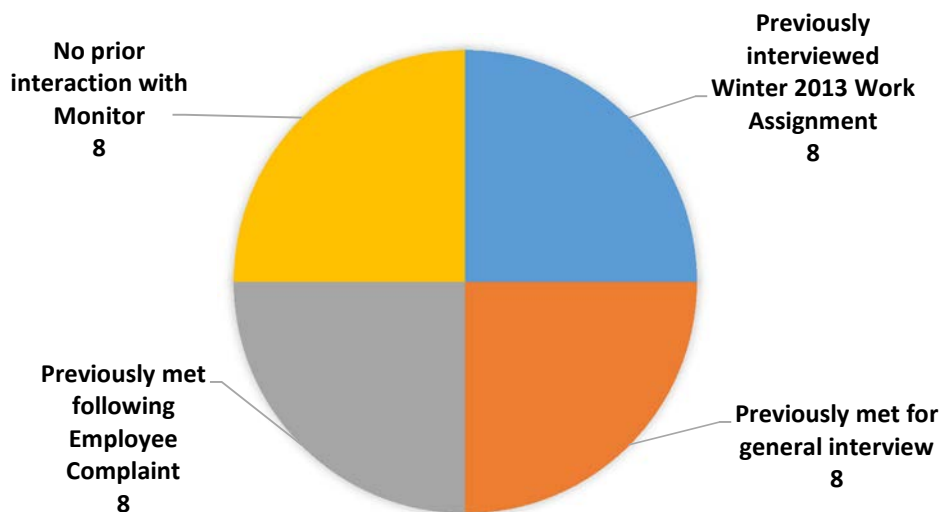
¹⁴ Excerpts from each of the thirty-two employee interviews are included in Monitor Report Appendix. Note that these summaries are not verbatim, and names have been redacted for confidentiality.

¹⁵ In Winter 2013, at the request of the Company and the EEOC, the Monitor Team conducted interviews of employees regarding YRC's work assignments. These interviews assisted the Parties in determining the metrics that would be most relevant in assessing YRC's work assignment data. These interviews are discussed in detail in Section VII of this Report.

BREAKDOWN BY RACE OF EMPLOYEES INTERVIEWED SPRING-SUMMER 2014



BREAKDOWN BY TYPE OF EMPLOYEES



Perception Number 1: Less Racism in the YRC Environment

Nearly all of the employees we spoke with stated that there is now less blatant racism in the YRC work environment than there has been in the past. In addition, employees noted that

both supervisors and employees are less likely to make racially insensitive statements. Significantly, employees also noted that management is now more aware of issues pertaining to race and are more likely to take those types of concerns seriously.

Perception Number 2: Loads are More Evenly Distributed/More Mechanized

In general, employees also believed that work assignments are more evenly distributed, and that there are fewer instances in which certain employees always get the worst loads. Most employees noted that this is due in large part to the fact that the overwhelming majority of loads are now mechanized. Thus, employees generally noted an improvement in the overall quality of loads that they work on.

Perception Number 3: Employees are Generally Satisfied with Newer Supervisors

Many employees also remarked that the newer supervisors tended to show more neutrality and fairness towards employees. For instance, the newer supervisors issued discipline to all employees they saw engage in an infraction and did not single out certain employees for favorable or worse treatments. Many employees were also encouraged by the fact that these newer supervisors have not adopted some of the supervisory problems that ultimately led to litigation underlying this Consent Decree.



Perception Number 4: Leadership at the Top is Concerned About Employees

Most employees we spoke with felt that Tim McKinstry, the Terminal Manager, wanted to improve the work environment for employees. They felt that Mr. McKinstry had an open door to listen when employees needed to talk, and intervened in supervisor-employee disputes where appropriate. However, some employees remarked that Mr. McKinstry’s efforts were hampered by some of the “old regime” supervisors, who would use negative means (*i.e.*, a confrontational style or excessive discipline) to drive production. These supervisors included Supervisor U, Supervisor P, Supervisor L, Supervisor G, Supervisor V and Supervisor M.

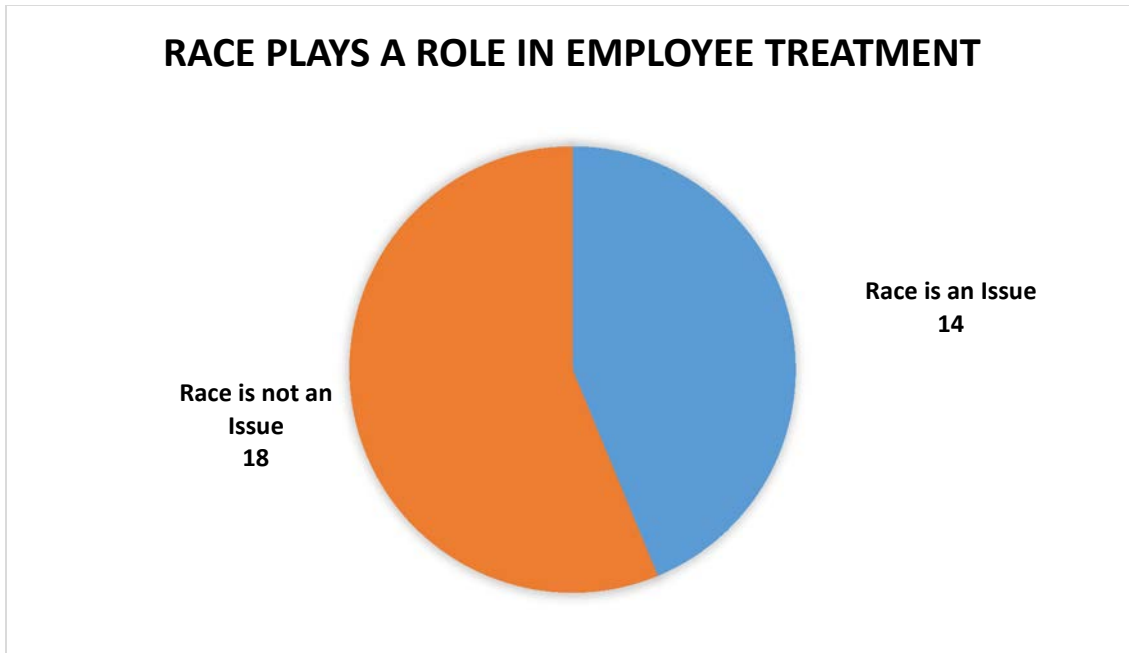
Perception Number 5: Discipline and Worse Assignments for Perceived Lack of Productivity

We asked a number of employees if they believed there is a correlation between their productivity and the discipline employees have received. Twelve employees indicated that employees with lower productivity numbers (i.e., employees that have a BPH that is generally lower than Company standards) received more discipline¹⁶. Conversely, employees believed that if a supervisor perceived an employee as a hard worker, they may ignore the employee's infractions (particularly safety violations, like seat belt violations).

Perception No. 6: Race Plays a Role in Assignments

Fourteen of the thirty-two employees interviewed to date still believe that race plays a role, or may play a role, in the type of treatment an employee receives at YRC. These employees explained that an employee may receive less favorable loads or more discipline because of his race (for example, one employee mentioned that he does not believe that African American employees can extend their time in the break room, whereas Caucasian employees may be able to do so). However, most employees also said that the Company does not allow employees to engage in openly hostile racial comments and epithets.

¹⁶ Employees who were interviewed stated that productive employees will tend to receive a balance of good and bad loads (with most loads being the better "skid" loads). Oftentimes, if an employee is viewed as productive, if that employee does happen to receive an unproductive load which results in significant gaps in time between bills scans, the supervisor will approach that employee in a polite, non-confrontational manner to inquire about the delay. By contrast, if an employee is viewed as "slow," "problematic" or "non-productive," then that employee will often face more scrutiny from supervisors, and also will tend to receive a disproportionate share of "bad loads." Because these employees face more scrutiny than productive employees, they will more likely receive discipline for infractions such as misuse of company time ("disciplining around production"). Furthermore, some employees also indicated that less productive employees will almost always receive formal discipline for safety violations while more productive employees will often receive an "off-the-record verbal warning" for safety infractions (including seat belt infractions). Two employees indicated that certain employees constantly are in management's sight for increased scrutiny and discipline (both of these employees referred to Complainant JJ as an employee who receives this increased scrutiny and discipline).



Perception No. 7: Some Employees Still Feel HR Does Not Have an Open Door

We also asked the employees if they felt comfortable reporting any concerns that they might have to YRC's HR Department. Twelve of the thirty-two employees stated that they would not feel comfortable raising a concern with HR. They gave a variety of reasons for this response, including: (1) they feel they would be retaliated against by supervisors; (2) HR doesn't have control over supervisors; (3) HR is just "corporate" and/or a part of "management"; (4) going to HR is a waste of time and is only a formality; (5) HR does not take action on hostile work environments or any other complaints; (6) the employee doesn't like the way HR previously handled a concern; (7) the employee has not received positive feedback from others regarding the way HR addresses concerns.¹⁷

¹⁷ Some employees stated that they would like to see HR walk around the dock more, and also wanted to see the Monitor Team do the same. Although we asked the Company in 2011 for regular access to the

Perception No. 8: The Best Way to Cope is to Keep Your Head Down

Eight employees indicated that they feel there is a continuing “Roadway v. Yellow” tension. Employees generally remarked that the best way that employees can succeed in the YRC environment is to keep to oneself, get work done, and to not get too heavily involved in what is going on in the work environment. Employees also mentioned that they are much happier working in the Yard compared to their time on the Dock. This is because they receive less scrutiny from supervisors in the Yard, and they do not have to deal with the “in your face” attitude that some employees receive from supervisors on the Dock.

Perception No. 9: Isolated Bouts of Low Morale

Not unlike the results of our past interviews, six employees remarked that morale was low. Some employees appear to still be angry about the recent concessions that their union made as part of the Memorandum of Understanding (“MOU”) ratified in February 2014. Some stated that certain employees expressed their anger by lowering their productivity. However, most of the employees we met with seemed to accept the concessions (even if they were not happy about them) and felt that their job still needed to be done.

Perception No. 10: Old Mentality, “Us versus Them”

We also asked employees what could be done to improve YRC’s compliance with the Consent Decree. Many employees stated that the Company needs to replace the upper management that was in place at the time the lawsuits were initiated. To them, some of the managers and supervisors who caused the problems of the past still work at YRC. The

Dock and Lunchroom, the Company believed that we did not need it, and as a result, has not provided it. Another employee recommended that HR should be more proactive in periodically checking in with employees.

employees believed that YRC's culture, which they believed to be based on management's view of a "management versus employees" mentality, could not change with these managers and supervisors still in place. Moreover, employees pointed out that some of these managers and supervisors who left did so because they were promoted.¹⁸

G. Favorable Development Going Forward

In an effort to improve employee perceptions, Mr. McKinstry informed both the EEOC and the Monitor Team about a new initiative that he called the "Morale Team." The purpose of the Morale Team, which, true to its name, is to improve employee morale and productivity at the facility. We view this as a groundbreaking effort that should help eliminate some of the problems that we have observed and which were described in the report by Mark Bidlake, the Company's Consultant who was tasked with providing recommendations to eliminate racial bias in YRC's work assignment and disciplinary practices. Although these problems are not confined to one race or another, we do hope the Morale Team initiative may make YRC a better place to work, resulting in happier and more productive employees. We especially agree with the four issues that the Morale Team has identified that appear to affect morale at the facility, namely Communication (between supervisors and union employees); Respect; Appreciation and Housekeeping. As shown in the summaries of employee interviews (*infra*), those issues do tend to recur often.

¹⁸ Supervisor AA is now a Terminal Manager at a facility in South Bend, Indiana, and Supervisor B is now Terminal Manager of a facility in Georgia.

II. HISTORY OF THE LITIGATION

A. Litigation Background

In 2006, after an employee filed an administrative charge of discrimination, Plaintiff Equal Opportunity Commission (the “EEOC”) filed suit (Case No. 06 cv 4805) against Defendant Roadway Express, Inc. (“Roadway”) under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e, *et seq.*, alleging that Roadway discriminated against African American employees at its Chicago Heights facility.¹⁹ The EEOC alleged that Roadway violated Title VII by unlawfully discriminating against a class of African American employees by fostering a hostile work environment based upon race, and unlawfully discriminating against its African American employees in the terms and conditions of employment. The EEOC also filed suit against Roadway in Case No. 08 cv 5555, alleging that Roadway discriminated against African American employees at its Elk Grove Village facility. The EEOC’s Chicago Heights Title VII case and the Elk Grove Village Title VII case were subsequently consolidated.

In addition, Roadway employees William Bandy, Toby Lee, Lushawn Smith, Mark Williams, Clarence Stokes, Fred Thompson, Clarence Marshall, Antawon L. Marshall, Neville Cox and Cleophus Marshall (“Named Intervenors”) intervened individually in the EEOC’s action. The Named Intervenors’ separate intervening complaint alleged that Roadway violated Title VII and 42 U.S.C. § 1981, by discriminating against them and a class of African American

¹⁹ The EEOC’s lawsuit was sparked by former YRC employee Ken Comer’s class action administrative complaint which alleged that on or about April 15, 2001, he and African Americans as a class were subjected to ongoing racial harassment at Respondent’s Chicago Heights Terminal. On August 4, 2005, Comer filed a second charge alleging that he was terminated from employment in retaliation for complaining of racial harassment and because of his race. The EEOC investigated Mr. Comer’s charges and found reasonable cause to believe that he and a class of African American employees had been discriminated against because of their race, in that they were subjected to racial harassment. *See* Case No. 06 cv 4805, Doc. No. 11.

employees at Roadway's Chicago Heights and Elk Grove Village facilities because of their race. In their complaint, the Named Interveners alleged that Roadway fostered a work environment that was hostile to African American employees, and unlawfully discriminated against them and other African American employees in the terms and conditions of employment, specifically with respect to job assignments and discipline. Some of the specific allegations included claims that African American employees were often subjected to racial epithets and jokes because of their race; that the work environment was rife with racist graffiti and nooses; and that some Caucasian employees may have been involved in Ku Klux Klan activity that affected the work environment. The suit also alleged that African Americans received unfair scrutiny during lunch and breaks times, and also faced disparate treatment with respect to work assignments and discipline. The employees also felt that YRC had ineffective processes in place for employees to complain about race discrimination and harassment, and that the Company failed to properly investigate complaints and handle them with the seriousness warranted by the allegations.

B. Entering of Consent Decree and Subsequent Amendments

On December 20, 2010, the Consent Decree was entered in the aforementioned matters. The Decree resolved any and all claims arising out of the complaints filed by the EEOC and the Named Interveners, and has since been amended twice. The First Amended Consent Decree was effectuated on August 17, 2011, and changed the timing by which we, the Monitor Team, were to file our Monitor Report (to allow time to review YRC's semi-annual report filed on June 20th of each year). The Second Amended Consent Decree, which was entered on June 27, 2012, expanded the Monitor Team's duties to include oversight of: (1) Switchers/Spotters, Hostlers, and Clerical employees; (2) fairness in qualification and training for the Switcher/Spotter position including, but not limited to, fair administration and scoring of the Switcher/Spotter

qualifying exam; (3) fairness in movement from casual to permanent status; and (4) analysis of the overall environment as it pertains to race harassment and/or race discrimination with regard to all employees working on the dock, including supervisory employees. *See* Second Amended Consent Decree, ¶ 41 (Case No. 06 cv 4805, Doc. No. 194; Case No. 08 cv 5555, Doc. No. 41; Case No. 10 cv 5304, Doc. No. 27).

III. MONITOR TEAM

Pursuant to Paragraph 39 of the Consent Decree, I was appointed Monitor to oversee the implementation by YRC of the terms of the Consent Decree. I am a Partner and member of Pugh, Jones & Johnson, P.C.'s Litigation and Compliance Investigation Practice Groups. Shauna L. Fulbright-Paxton, an Associate in Pugh, Jones & Johnson, P.C.'s Litigation Practice Group, and Kristy Lee, a Staff Attorney at Pugh, Jones & Johnson, are members of my team (herein "Monitor Team" or "my team"). Our biographies are listed in the Appendix attached to this report.

IV. MONITOR OBLIGATIONS

In order for the Monitor Team to meet our obligations, YRC is to notify us of complaints of discrimination within five business days of receipt of the complaint of discrimination. With respect to complaints of retaliation, YRC is to notify us as soon as is practicable, and no later than the close of the next business day after YRC receives a complaint of retaliation. Upon completion of its investigations of discrimination or retaliation complaints at YRC's Chicago Heights break bulk dock operation, YRC is to prepare and provide us with a copy of a written report summarizing the investigations undertaken, and any remedial actions taken or proposed by YRC. YRC must also promptly communicate to the complaining party the results of the

investigation, the remedial actions taken or proposed (if any), and the Monitor Team member's name, address and telephone number. In addition, we review YRC's investigations, and where appropriate, may make recommendations to YRC regarding the investigation and resolution of complaints. We may also interview the complaining party and other persons of interest with respect to any complaints, if we deem it appropriate.

According to Paragraph 49 of the Consent Decree, eight months after Final Approval of the Consent Decree, and each year thereafter, my team is to submit a written report regarding the Company's compliance with the Decree to the Parties, and file a copy of the report with this Court. *See* Second Amended Consent Decree, ¶ 49. Pursuant to the Consent Decree, we are to opine on whether YRC is in compliance with each specific non-monetary term of the Consent Decree. *Id.* This Monitor Report meets those objectives and specifically discusses employee interviews and some of the changes at YRC since our last report in August 2012. The Report also assesses: YRC's: (1) process for the investigation of complaints; (2) EEO training; (3) implementation of changes in its anti-harassment/discrimination policy; (4) fairness in work assignments; (5) fairness in discipline; (6) fairness in breaks and downtime; and (7) overall environment with respect to race harassment/race discrimination.

V. YRC'S PROCESS FOR INVESTIGATION OF COMPLAINTS

A. Overview

This section of the Monitor Report discusses: (1) YRC's obligations per the Consent Decree; (2) our observations of, and discussions regarding, YRC's investigation process; (3) specific complaints from September 2012 and July 2014; and (4) follow-up with YRC regarding investigation protocol.

B. YRC's Obligations Under the Consent Decree

Pursuant to Paragraph 41 of the Consent Decree, we are to review the efficacy of YRC's complaint procedures and the quality of investigations undertaken in response to Complaints. Also, Paragraph 44 of the Consent Decree gives us responsibility for overseeing the investigation of all complaints of discrimination based on race at YRC's break bulk dock operation, and all complaints of retaliation based on opposing such discrimination or retaliation for involvement or participation in the implementation or enforcement of the terms of the Consent Decree (including the investigation of complaints of incidents of race discrimination or harassment).

C. Monitor Team's Observations of, and Discussions Regarding, YRC's Investigation Process

As was the case during the first and second Monitor reporting period, in order to execute the duties set forth in the Consent Decree, we regularly meet with YRC's HR Department; at a minimum of once a month.²⁰ The HR employees who have attended the meetings have been primarily responsible for investigations of discrimination complaints and/or retaliation at YRC's Chicago Heights facility. During these meetings, the Monitor Team reviews all new, pending, and recently closed investigations in order to ascertain whether the Company has conducted each investigation pursuant to the requirements of the Consent Decree. As discussed in detail in the September 28, 2012 Monitor Report, we categorize each employee complaint as "Red", "Yellow", or "Green" in its investigation log during both Phase I (which begins when the complaint is received and ends when YRC deems an investigation closed) and Phase II (which

²⁰ At the beginning of this reporting period, the Monitor Team and YRC had weekly meetings, which were almost exclusively held at the YRC facility. In late January 2013, the Company requested that we shift to weekly telephone conferences, with in-person meetings only as necessary (generally about once a month). In April 2014, the Parties requested that beginning in July 2014, we shift to monthly meetings (generally held in person), with interim follow up and/or meetings with YRC as necessary.

begins once YRC deems an investigation “closed”). The Red, Yellow and Green categorizations (Red being the most serious) correspond to the level of concern (including both the severity and relevance) of each employee complaint, and ensures that each complaint receives the appropriate amount of follow up.²¹ See September 28, 2012 Monitor Report at 10-19. In these meetings, the Monitor Team reviews and discusses with YRC’s HR their investigation of complaints and investigation protocol; and from time to time we will offer suggestions with respect to investigatory techniques, to ensure that questioning is fair and balanced, and not just taken from management’s perspective.²² We also review any discipline issued to employees since the prior meeting to determine whether the underlying facts potentially implicate racially discriminatory or disparate treatment of an employee. In addition, in line with the enhanced processes, we meet with the Terminal Manager, Labor Manager, and Union leadership on a periodic basis²³

In addition to meeting with HR, we meet with and interview employees. This includes employees who have raised a discrimination complaint once the investigation of that complaint

²¹ For the Monitor Team’s purposes, Phase I begins when the complaint is received, and ends when YRC deems an investigation closed. A complaint color-coded “Green” in the Phase I stage means that the complaint raises no potential allegations that implicate race discrimination, harassment, and/or retaliation (*i.e.*, the employee has raised non-race related concerns). A complaint coded “Yellow” in Phase I means that the complaint sets forth allegations of potential race discrimination, harassment, or retaliation. A complaint is coded “Red” in Phase I if there are allegations of significant racial discrimination and/or retaliation (*e.g.*, a systemic problem at YRC). The “Green,” “Yellow” and “Red” designations have different meanings in Phase II (once YRC deems a complaint closed) compared to Phase I. In Phase II, “Green” means that all concerns in the investigation have been resolved in the opinion of the Company and the Monitor Team, and the complainant is satisfied with the end result of the investigation. Alternatively, “Green” coding in Phase II may also mean that the need for discipline (or the ultimate outcome of the investigation) was substantiated, and based on undisputed facts, there was no evidence of race discrimination, harassment or retaliation. “Yellow” coding in Phase II means that the major concerns of the complaint have been addressed, but considerable follow up is necessary in order to ultimately resolve all issues set forth in the complaint. Finally, if an investigation is coded “Red” in Phase II that means that the concerns raised in the complaint are still outstanding, and additional controls and/or interviews are necessary.

²² This issue has been a priority in our discussions with Genice Daniels, Kendall Calhoun, Susan Harrison and Margie Leahy because it has been a recurrent complaint by YRC employees (including African American, Caucasian and Hispanic employees).

²³ The frequency of these meetings with key stakeholders may vary depending upon the types of complaints we receive, or the types of concerns brought to our attention by employees.

is closed. Sections I and VII of the Monitor Report as well as the Monitor Report Appendix will discuss the two most substantive sets of additional employee interviews conducted by the Monitor Team during the relevant time period: as stated in the Executive Summary, twenty-two employee interviews conducted in Winter 2013 regarding YRC's work assignment process, and thirty-two employee interviews conducted in the Spring and Summer of 2014 pertaining to the overall environment at YRC with respect to issues germane to the Consent Decree.

As noted in the 2012 Monitor Report, miscommunication between management and employees is one of the problems that has fueled supervisors' troubles with employees in the past, especially between supervisors and employees of different races. Just as in the past reporting period, employees continue to report that YRC's more recently-hired supervisors communicate more effectively with all employees, regardless of their race. Also as discussed herein at 21, there is a growing awareness by YRC's leadership that improved communications lead to better relations with employees—which ultimately fosters a more satisfied and productive work environment. Still, almost all employees interviewed to date have continued to call for improved communications between supervisors and employees.

D. Specific Complaints from September 2012 through October 2014²⁴

1. *Complaints Brought Directly to YRC*²⁵

Between September 1, 2012 and October 31, 2014, there were twenty-one complaints,²⁶ brought by twenty-two complainants about racial discrimination made directly to the Company

²⁴ The complaints referenced herein include only completed investigations, meaning that YRC's HR Department has completed its investigation, and we have completed any necessary follow-up with the complainant or other witnesses.

²⁵ In certain instances, an employee will raise via a number of difference avenues (*i.e.*, both to HR and the Monitor Team). In those circumstances, to the extent possible we have categorized complaints by the first method in which an employee raises a complaint.

and investigated by YRC's HR Department, each of which we oversaw. Below we enclose a brief summary of representative investigations, and YRC HR's conclusion at the end of those investigations. A summary of all investigations during the relevant time period is included in the Monitor Report Appendix.²⁷ We also describe how each complaint was coded in Phase I and Phase II of the investigation from the earliest to the most recent during the relevant timeframe (from September 1, 2012 through October 31, 2014).

a. Complainant F (Caucasian) (Yellow Phase I; Green Phase II) (Yellow Phase I due to allegations of racism; Green Phase II because the Company found ways to improve the relationship between the supervisor and employee).²⁸

In October 2012, Complainant F submitted a complaint, via EthicsPoint²⁹, alleging that he was discriminated against by African American Supervisor H. Supervisor H issued Complainant F a warning letter for misuse of company time. The letter stated that Complainant F and another freight handler had not scanned a bill for more than 30 minutes. Both employees received misuse discipline. Complainant F felt he had been issued the warning letter because he believes Supervisor H is a racist. The Company investigated the complaint and found no wrongdoing by Supervisor H. Complainant F received responses from both Calhoun and Harrison. Subsequently, on February 12, 2013, Complainant F contacted us to state that he was dissatisfied with the Company's review of this complaint and a prior complaint (this includes a similar January 29, 2012 complaint against Supervisor H). Harrison reviewed both the January and October 2012 complaints and found that they had been adequately investigated. Complainant F also complained that the Company failed to interview two Caucasian employees, Complainant U and Complainant A, who Complainant F claimed had information relevant to the investigation. The Company interviewed Complainant U and re-interviewed Complainant A—both of whom stated that Supervisor H is not a racist and that he is fair with exact expectations. Calhoun and McKinstry met with Complainant F and Supervisor H to discuss the trouble in their working relationship. During the meeting, Complainant F and Supervisor H shook hands and agreed to start a more positive working relationship. The Company reinforced its position that

²⁶ Again, this number includes only complaints with completed investigations.

²⁷ A summary of all investigations during the relevant time period is included in the Monitor Report Appendix.

²⁸ Typically, any allegations of retaliation are coded Red at the Phase I stage, largely due to the concern that any retaliation could serve as a significant barrier to employees bringing forward their complaints.

²⁹ Ethics Point is a database where employees can log complaints or concerns they may have. Although employees are free to include their name along with a complaint, an important feature of Ethics Point is that it allows employees to make anonymous complaints.

there was no finding of racially based discipline issued by Supervisor H. We found the Company's attempt to resolve differences and conflicts between employees and supervisors with face-to-face meetings and informal mediation to be a positive step in the right direction.

b. Complainant RR (African American) (Red Phase I; Yellow Phase II) (Red Phase I due to number of switchers making claims of potential race discrimination; Yellow Phase II due to general concerns regarding supervisors speaking to all employees in a respectful manner and not singling out certain employees for discipline).

On February 7, 2013, Complainant RR presented a letter to Harrison alleging that he and other African American switchers were singled out for discipline by Supervisor X. The letter also stated that Supervisor Y spoke to Complainant RR in a disrespectful manner about productivity.

With respect to Complainant RR's allegations involving Supervisor Y, the Company interviewed him, and he admitted to using unprofessional language with Complainant RR. He also stated that he asked another supervisor to issue discipline to Complainant RR because he realized his initial approach was unprofessional. The Company coached Supervisor Y on his use of profane language with Complainant RR. In the Company's coaching session with Supervisor Y, he also disclosed that he had offered Complainant RR reassignments on several occasions when Complainant RR was upset about a work assignment. According to Supervisor Y, Complainant RR declined the reassignments. The investigation concluded with Supervisor Y and Complainant RR agreeing to work together to communicate more effectively.³⁰

Separately, in addition to Complainant RR, other African American switchers also complained that they were singled out for discipline by Supervisor X. With respect to Complainant RR's allegations involving Supervisor X, the Company interviewed all of the switchers who Complainant RR alleged were singled out. In its review, the Company determined that the employees were concerned because they received a "coaching"—not by Supervisor X—but by another supervisor who Supervisor Y asked to do it.³¹ There also was a complaint by African American switcher Complainant EE (discussed in more detail at p. 31), that he was singled out for a coaching by Supervisor X, and he believes that singling out was due to his race.

Subsequently on March 8, 2013, Complainant RR complained that an unnamed supervisor told him that his February 2013 complaints were the topic of a supervisory meeting held by Supervisor Z. The unnamed supervisor told Complainant RR that Supervisor Z instructed

³⁰ In April 2013, Supervisor X resigned from YRC to pursue another opportunity.

³¹ It should be noted, however, that a number of the African American switchers have told us that only the African American switchers were being targeted for additional discipline and scrutiny by Supervisor X.

supervisors at the meeting to issue discipline to Caucasian employees in the Yard so that discipline statistics would appear “fair”. The supervisor said that the source of that instruction was HR Manager Kendall Calhoun. When Harrison interviewed Calhoun, he strongly denied giving Supervisor Z that instruction. Harrison also interviewed Supervisor Z and the supervisors who attended the meeting. Supervisor Z stated that he told the supervisors to give fair and consistent discipline and to hold employees accountable. All persons interviewed stated that there was no mention at the meeting of giving Caucasian employees more discipline. The Company found no evidence to suggest that Supervisor Z’s statements at the meeting were improper or a violation of Company policy or investigatory procedure, but instead found that they were a suitable follow-up to address Complainant RR’s original complaint. The Company also found that there was no evidence suggesting racial bias in issuing discipline in the Yard.³²

We then followed up with Complainant RR in June 2014. Complainant RR emphasized that although one of the supervisors who caused the problems alleged in his complaint had left the facility, he wished to convey that it is still important for YRC to continue to follow up with *all* supervisors to ensure that they do not scrutinize and/or issue discipline in a manner that disparately impacts African American switchers.

c. Complainant EE (African American) (Red Phase I; Yellow Phase II) (Red Phase I due to number switchers making claims of potential race discrimination; Yellow Phase II due to general concerns regarding supervisors speaking to all employees in a respectful manner and not singling out certain employees for discipline).

In March 2013, Complainant EE received a “coaching” from Supervisor X for a delay during a time period in which Complainant EE claims he was working. Complainant EE printed “Harassment Racial” at the top of the coaching form, along with “I would like to talk to Human Resource!!” Complainant EE also wrote additional comments which alleged that Supervisor X harassed him and other African American switchers because of their race. On March 26, 2013, Harrison met with Complainant EE to investigate his complaint. The Company informed us that they had scheduled several follow-up interviews with Complainant EE, but Complainant EE was either was not at work or declined to meet with HR. As part of the investigation, in April 2013, Terminal Manager McKinstry conducted two meetings with African American switchers to provide a comprehensive forum in which to discuss complaints of alleged racial bias in discipline issued by Supervisor X. The Company reviewed every disciplinary action in the Yard since January 1, 2013 and concluded that no racial group received a disproportionate amount of

³² As discussed below, as part of the follow up to the investigation resulting from the complaint raised by Switcher Complainant EE, in April 2013, Terminal Manager McKinstry conducted two meetings in April 2013 with African American switchers. Mr. McKinstry conducted these meetings in an effort to provide a forum in which to discuss complaints of alleged racial bias in discipline issued by Supervisor X. We believe meetings such as these go a long way in helping allay employee concerns. We would encourage more meetings like these in appropriate instances.

discipline. Following the conclusion of the second April meeting, Complainant EE approached Harrison and told her that he considered his complaint closed and that he no longer needed to meet with her. Supervisor X later resigned from YRC in April 2013 to pursue another opportunity.

d. Complainant SS (Caucasian) (Red Phase I due to concerns of racist symbols such as nooses and graffiti; Yellow Phase II as the origin of the noose could not be identified).

In June 2013, dockworker Complainant SS reported finding graffiti in the trailer he was about to load (South Dock). The graffiti was a caricature of a face alongside the words “Chicken & Watermelon.” The trailer did not originate in Chicago Heights, but rather in Pennsylvania. The Company was unable to determine the individual(s) responsible for the graffiti, its source, or its origin. A graffiti reward poster was posted and remained in place for 60 days post-investigation. In addition, the Company continued to communicate its no-tolerance policy on graffiti, including maintaining the “Graffiti and Vandalism” poster in Chicago Heights, along with periodic reminders during pre-shifts in Philadelphia and Cleveland. This message included the admonition that graffiti that targets individuals or groups based on characteristics protected by law (i.e., race, gender, religion, national origin, or any other characteristic protected by law) violates YRC Freight’s EEO and Anti-Harassment Policy.

e. Complainant TT (Hispanic) (Yellow Phase I; Yellow Phase II) (Yellow Phase I due to allegations of disparate work assignments based on race; Yellow Phase II due to continued monitoring of employees’ claims of receiving more difficult assignments based on race).

On September 26, 2013, Complainant TT filed a complaint through the Company’s EthicsPoint complaint system. In his complaint, Complainant TT stated:

- When he was employed under the “Roadway Express” company name, he asked the Company Payroll department to correct the spelling of his first name from “Complainant TT First Name” to “Complainant TT First Name.” He complained that the Company was not able to correct the spelling of his name.
- He has “been harassed and intimidated due to being Hispanic for 20 years,” citing that Hispanics are given assignments that “no one else wants to do since they are more difficult and more strenuous.”
- On September 20, 2013, Dockworker Employee II “made hand motions as if he were going to hit and kill” Complainant TT after the two had a confrontation. Complainant TT stated he did nothing to warrant threats from Employee II, and

that he had lost wages due to allegations that he had taken materials away from his work area.³³

- Two years ago, two Caucasian dockworkers called him “an illegal,” which he stated he reported to HR Manager Kendall Calhoun. He complained that he believed that his report was ignored and not investigated.
- He has supporting documentation relative to some of the allegation.

The Company was able to change Complainant TT’s first name to the correct spelling in its Payroll System. The Company found no evidence to substantiate Complainant TT’s race discrimination claims, as during the course of the investigation, Complainant TT could not provide any specific examples of Hispanic employees receiving more strenuous assignments.

f. Complainant JJ (African American) (Red Phase I; Yellow Phase II). (Red Phase I due to number of concerns raised by this employees; Yellow Phase II due to continuing concerns about the amount of discipline issued to this employee)

On January 21, 2014, Complainant JJ filed a grievance claiming that the Company violated Article 13, Section 4 of the current Collective Bargaining Agreement by discriminating against him when he received a Warning Letter in December 2013 for insubordination. Complainant JJ claimed that he received the letter because of his race and that he had been targeted for discipline by every supervisor with whom he came in contact. The Company found no evidence to support Complainant JJ’s claims. Complainant JJ received four disciplinary infractions between December 2013 and March 2014, one of which was rescinded due to an administrative error. The Company documented the basis for each discipline Complainant JJ received. While we found no evidence to refute the Company’s assessment of the discipline

³³ On Friday, September 20, 2013, Dockworker Employee II (Caucasian) entered Supervisor U’s (Caucasian) office, accusing Complainant TT (Hispanic) of removing loading materials (dunnage and deck bars) from his stack door, and hiding the materials at the opposite end of the dock. Employee II appeared to be very angry and upset, so much so that Supervisor U asked Employee II to calm down. Supervisor U asked Employee II to remain in his office while he went to the Dock “Lead” office where Complainant TT was located. Complainant TT told Supervisor U that Employee II “went off” on him and he did not know the reason. Supervisor U asked him if he had removed any supplies from Employee II’s work area, and he responded, “No”. Employee OO (Caucasian) accompanied Complainant TT during the discussion with Supervisor U, and asked him if he felt threatened. Complainant TT replied that he did. Supervisor U immediately reported the issue to DC Manager Tim McKinstry (Caucasian) and EEO Compliance Consultant Sue Harrison (Caucasian). Mr. McKinstry, along with Labor Coordinator Anne Stump (Caucasian), interviewed Complainant TT and Employee II, separately. Because the altercation involved allegations of threats on Employee II’s part and interference with the operation on Complainant TT’s part, both were suspended and removed from service pending the outcome of the investigation. Supervisor U escorted both employees, separately, off Company property. However, Complainant TT was immediately returned to work when the Company could not substantiate Employee II’s allegations that he had removed loading materials from his work area then hid them at the opposite end of the dock. He was also awarded back pay.

issued to Complainant JJ between December 2013 and March 2014, we asked that the Company continue to monitor the amount of discipline Complainant JJ received, and any troubling trends (*i.e.*, the same supervisors routinely issuing discipline to Complainant JJ) regarding that discipline.

g. Complainant W (African American) (Yellow Phase I; Yellow Phase II) (Yellow Phase I due to allegations of race discrimination; Yellow Phase II because employee was dissatisfied with investigation process, and therefore we will follow up with Complainant W in early 2015).

Complainant W's complaint arose due to another employee's (Employee KK; Caucasian) complaint against him. Complainant W believes that Employee KK's complaint was raised in the first instance due to potential racial bias. The relevant facts are described in more detail below.

By way of background, on February 22, 2014, Supervisor P sent an email to HR, advising HR discussions he had with Employee KK and Complainant W. Supervisor P reported that Employee KK complained that Complainant W was, "deliberately trying to intimidate her by his stare-down towards her while in the break room." Supervisor P reported that when he asked Complainant W about Employee KK's complaint, Complainant W responded that he did not talk to Employee KK and that he sits at the same table in the break room each day, listening to music on his headphones before going to work. Complainant W stated that he "looks at everyone the same way."

At the end of his discussion with Supervisor P, Complainant W asked Supervisor P for a complaint form. Supervisor P gave Complainant W a blank "Complaint Preliminary Information Form" (the "complaint form"). As discussed below, Complainant W submitted his completed complaint form on February 28, 2014, and Stump received it on March 1, 2014.

In addition, HR received an email from Employee KK on February 22, 2014, written shortly after Employee KK complained to Supervisor P. Employee KK explained that she had been in the break room selling candy bars for a fundraiser. She complained that Complainant W was "leering" at her and she believed he was attempting to "intimidate/harass" her. She reported that she asked Complainant W if he "needed something" and that he refused to answer her. She added that she had complained about him to an Operations Manager approximately eight months earlier. Employee KK stated that, in the earlier incident, she was in the pedestrian walkway on the dock, when Complainant W drove his forklift so close to her that she believed that he intended to hit her with it. She explained that she had to move sideways to stay out of his way.

On February 28, 2014, Complainant W submitted a written complaint to Stump stating that Employee KK falsely accused Complainant W of intimidation. Specifically, Complainant W wrote that in the break room, while he was at the opposite end of a table from Employee KK, she turned to him and said, "[W]hy do you keep staring, do you see something [you] like?"

Complainant W also wrote, “[M]aybe she [is] intimidated because I’m a Big Black Man! (But I have Done Nothing Wrong).” HR began its investigation by contacting Supervisor DD to determine whether there was any video footage of the incident. Supervisor DD reported that he could see Employee KK at one end of the table, but that Complainant W could not be seen on the recording.

On February 28, 2014, HR met with Employee KK, who stated that on the evening of February 21, 2014, while she was in the break room selling candy bars for a fundraiser, Complainant W stared at her in an intimidating manner. Employee KK told HR that she made the statement, “Why do you keep staring at me, do you see something you like?” Employee KK explained that she had a large box of candy bars in her hands, and she was referring to the candy. Employee KK told HR that she thought that if she asked Complainant W that question, he would stop staring at her. Employee KK agreed that Complainant W did not speak to her, and that her only concern was his staring at her in what she perceived to be a threatening manner.

On March 12, 2014, HR met with Complainant W, who emphasized that he had never stared at Employee KK. Complainant W reported his concern about Employee KK’s remark (“do you see something you like?”) because he did not want to be accused of sexual harassment. Complainant W said that he sometimes “stares off into space” when he is listening to music and has his head phones on. Complainant W said that perhaps, he was “in a zone” and Employee KK interpreted that as him staring at her. Complainant W also explained that he does not speak to Employee KK because he believes she lodged a false accusation against him in the past (in which Employee KK had accused Complainant W of coming too close to her with the forklift he was driving, as she was walking in the pedestrian zone on the dock).

The next day, HR had a follow-up meeting with Employee KK, who stated that she was satisfied that her complaint had been taken seriously. At the end of the interview, Employee KK stated that she did not believe there was cause for further investigation, because even though she found his stare disturbing, she understood that Complainant W may not have intended his stare that way.

HR followed up with Complainant W a few days later. Complainant W conveyed that he was not satisfied with the outcome of the investigation, and that he believed that Employee KK should be disciplined for accusing him of intimidation. Harrison explained that there was not enough evidence to suggest either intimidation on his part or false accusations on Employee KK’s part. The Company concluded that there were no implications of race or racial bias in either his complaint about Employee KK or her complaint about Complainant W. Employee KK agreed that using the phrase, “Do you see something you like?” was not the best choice of words, and during the course of the investigation, she agreed that the phrase could have been interpreted differently than intended. In order to eliminate any potential problems in the future, Harrison recommended to Mr. McKinstry that management personnel not sell candy to Dockworkers in

the break room. Mr. McKinstry agreed. Harrison provided Complainant W with a detailed letter explaining the Company's findings.

On May 22, 2014, Complainant W submitted a written complaint in which he stated that he was not satisfied with certain aspects of the Company's investigation. On August 11, 2014, Keith Mickler, Director of Human Resources for YRC, determined that Chicago Heights HR had conducted a complete and thorough investigation, and that the Company supported it. He arrived at this conclusion because his review of the investigation revealed that Harrison's ultimate conclusion—that there was insufficient evidence that Employee KK acted inappropriately or that Complainant W intimidated Employee KK—was reasonable and supported by the evidence gathered during Harrison's investigation.

2. Complaints Brought to the Monitor³⁴

Nine employees brought ten complaints directly to us between September 1, 2012 and October 31, 2014. We encouraged all employees who raised such concerns to submit formal complaints with YRC's HR Department. We also emphasized to each employee that HR had the authority and responsibility to thoroughly investigate their complaints, and that our role was to ensure that HR carried out that responsibility in accordance with the Consent Decree. Below we enclose a brief summary of representative investigations and YRC HR's conclusion at the end of those investigations. A summary of all investigations during the relevant time period is included in the Monitor Report Appendix.

a. Complainant K (African American) (Yellow Phase I; Green Phase II) (Yellow due to concerns of singling out for discipline due to race; Green because Company rescinded discipline once it was determined that employee should not have been issued discipline).

On September 29, 2012, Complainant K alleged that he was harassed by Supervisor D when Supervisor D issued him a coaching letter for misuse of company time for going to the bathroom without seeking his permission. Complainant K was the only African American

³⁴ Again, this only includes complaints wherein YRC's investigation and follow-up, if any is deemed necessary, is complete.

employee in the restroom and felt that Supervisor D was targeting him and not the Caucasian employees in the restroom. Complainant K indicated YRC told him in the past that he could go to the restroom whenever he needed due to a medical issue. He spoke with his foreman, Supervisor C about the situation. Supervisor C told him “not to worry about it.” Supervisor D then issued Complainant K a warning letter for refusing to sign the coaching letter, although Complainant K assumed that Supervisor C would talk to Supervisor D to resolve the matter. After looking into the situation, the Company concluded that the Warning Letter that was issued should be withdrawn, because Complainant K did in fact have a documented medical issue. The Company also concluded that neither race nor retaliation played any role in the discipline, although it did not explain why Complainant K received discipline when he was not the only employee in the bathroom.

b. Complainant JJ (African American) (Red Phase I; Yellow Phase II) (Red Phase I due to number of concerns raised about this employee regarding amount of discipline received, in addition to fact employee raised retaliation concerns; Yellow Phase II due to continued monitoring of amount and type of discipline this employee receives).

In January and April 2013, Complainant JJ reported concerns to us regarding disciplinary letters he received between November 2012 and January 2013. While these letters initially led to Complainant JJ’s termination, he was later allowed to return to work because of an agreed upon resolution of his grievance of the termination. However, upon his return, Complainant JJ alleged that he continued to receive excessive and unwarranted discipline in retaliation for previously raising concerns to the Company. This included two disciplinary letters he received from Supervisor B on April 29, 2013. Supervisor B stated that he issued these two letters because it took Complainant JJ an excessive amount of time to travel from the South Dock to the North Dock. Complainant JJ also alleged that he received another letter for insubordination when he inquired about the misuse discipline. Harrison began the investigation by interviewing Complainant JJ and reviewing his discipline file. This review revealed that he received the insubordination suspension after Supervisor B told him that he would be issuing him a suspension as progression for misuse. Complainant JJ allegedly replied to him, “Write it. You will get yours.” Harrison’s review of the first disciplinary letter concluded that it should have been written as a “failure to properly follow a work order” rather than “misuse of company time.” As a result, the Company rescinded Complainant JJ’s misuse of company time letter and insubordination letter.³⁵ However, the Company did not agree with Complainant JJ’s assertion that he was singled out for any discipline by any particular supervisor, and instead found that all disciplinary actions were well documented and that Complainant JJ was given the opportunity to dispute or rebut each disciplinary action. Finally, the Company found nothing to support his

³⁵ Because the insubordination infraction, and resulting suspension, was borne out of the misuse infraction, a decision was made to rescind that suspension, as well.

belief that he was issued discipline in retaliation for previously raising concerns with the Company.³⁶

In subsequent conversations, we emphasized that while YRC had legitimate reasons for each discipline issued to Complainant JJ (with the exception of the discipline that had been withdrawn), we were still concerned that one employee received such a high amount of discipline in a short period of time, and that the employee perceived that he was being targeted for additional discipline.³⁷ The Company implemented certain remedial measures such as having Complainant JJ meet with Terminal Manager Tim McKinstry to discuss his concerns regarding discipline.

c. Complainant UU (African American) (Red Phase I; Yellow Phase II) (Red Phase I due to employee raising retaliation concerns, Yellow Phase II due to number of allegations made by employees that Supervisor AA directed supervisors to target certain employees).

In February 2013, Complainant UU complained to us that he was disciplined by Supervisor T for being idle for a lengthy period of time during a dock walk-through. Complainant UU claimed that the discipline came at the direction of Supervisor AA in retaliation for Complainant UU allegedly making negative statements about Supervisor AA in deposition testimony seven years prior. Harrison and Calhoun investigated and found that Complainant UU was not deposed seven years prior, but was instead interviewed by the EEOC. More importantly, the Company was not aware of any statements Complainant UU made in the interview that implicated Supervisor AA. Further investigation revealed that Complainant UU had a logical explanation for appearing idle but he did not share the explanation with Supervisor T; thus, the discipline was not rescinded. The Company concluded the investigation by encouraging Complainant UU to participate in future coaching sessions and to provide explanations to avoid any future unwarranted discipline.

d. Complainant A (Caucasian) (Yellow Phase I; Green Phase II) (Yellow Phase I due to allegations of increased scrutiny/discipline due to race; Green Phase II due to no evidence of additional scrutiny based on race).

In March 2013, Complainant A contacted us to report that he was facing increased scrutiny and discipline from certain Hispanic supervisors because of his race, including Supervisor P, Supervisor BB and Supervisor G. Complainant A believed that when his production numbers were not as good, he faced increased safety scrutiny and was written up for

³⁶ Despite a number of complaints from employees regarding discipline issued, Supervisor B was promoted to Terminal Manager of a small facility in Georgia (per Supervisor B's request to be transferred to Georgia).

³⁷ As discussed at p. 40, on June 2, 2014, Complainant JJ filed a charge with the EEOC pertaining to the discipline he has received at YRC.

safety offenses. Thus, he believed supervisors were using the safety offenses to penalize employees the supervisors did not like. He also believed that these Hispanic supervisors had given their Hispanic friends better loads, and accordingly, these individuals ran better production numbers. The Company found no evidence to suggest that Complainant A had previously been singled out for job assignments based on race in particular or production in general.

e. Complainant VV (African American) (Yellow Phase I; Yellow Phase II) (Yellow Phase I due to allegations of teasing/poor treatment due to race; Yellow Phase II due to additional evidence recently submitted by Complainant which may shed further light on the individual responsible for placing the skid on the door).

On May 18, 2014, Complainant VV complained to Supervisor F that after cleaning the bathroom on the North Dock, the bathroom door was blocked by a skid and Complainant VV had difficulty exiting the bathroom. Although Complainant VV did not allege racial animus, he told Supervisor F that he believed someone was “messing” with him. Supervisor F determined that the skid had been docked by dockworker Employee LL. Employee LL stated that he docked the skid in front of the bathroom but denied that he blocked the bathroom door. Supervisor F also took photographs with his phone of the skid blocking the door and emailed a copy of them and complaint to Supervisor CC.³⁸ Supervisor CC sent the complaint to Harrison, Leahy and Supervisor DD. On May 22, 2014, we telephoned Harrison to report that Complainant VV contacted us about the incident. It was not clear the incident was race-related, but based on Complainant VV’s account, he felt that Employee LL may have caused the incident because of Complainant VV’s race, or at least that Employee LL’s race would affect the investigation. He also told us that several Caucasian employees teased him about the incident, and he did not think it was funny. Both Harrison and Leahy interviewed Complainant VV to determine whether he had any additional relevant information, but he did not provide any. Supervisor DD and Supervisor L, reviewed available video footage and were unable to find any useful information. Harrison interviewed North Dock employees who were working in the area at the time of the incident, but none had any information regarding the skid, or any information to suggest that the bathroom door was intentionally blocked. Initially, the Company was unable to determine how the skid was moved in a manner that blocked the bathroom door, and more importantly, no evidence to suggest that the incident was motivated by racial animus. However, after being presented with the photos that Complainant VV took in December 2014, Harrison agreed to review the incident again because the photos showed it was highly unlikely the skid was placed in front of the door by accident. One remedial measure that the Company agreed to implement was the use of a sign that says “Bathroom Cleaning in Progress,” so that custodians can affix the

³⁸ When we interviewed Complainant VV in December 2014, he said he also gave the photos to Harrison. Harrison said she did not receive them.

sign to the bathroom door when they are cleaning.³⁹ Other findings and remedies may be forthcoming.

3. EEOC Charges Filed

During the relevant reporting period, we know of two employees who filed EEOC Charges pertaining to alleged race discrimination and harassment at YRC. The Company found no evidence to substantiate either EEOC charge, and requested that both charges be dismissed. On September 5, 2014, the EEOC issued a Dismissal and Notice of Right to Sue for each EEOC Charge. We briefly explain those employee charges below, and express no opinion on either of them because they are subject to potential litigation:

a. Complainant C

On May 21, 2014, YRC received a Notice of Charge of Discrimination from the EEOC filed by Complainant C (African American), based on race and filed on April 14, 2014. Complainant C alleged that he has been “disciplined, suspended, and subjected to different terms and conditions of employment including, but not limited to, assignment of more difficult tasks and being forced to present my grievances in front of the grievance board. Other non-black employees are treated better.”

b. Complainant JJ

On June 13, 2014, YRC received a Notice of Charge of Discrimination from the EEOC filed by Complainant JJ (African American), based on race and dated June 2, 2014. Complainant JJ alleges that “during my employment, I participated in an EEOC investigation. Subsequently, I have been harassed, disciplined, and suspended, while those who did not participate have not been similarly treated. I believe I have been discriminated against because of my race, Black, and for engaging in protected activity in violation of Title VII of the Civil rights Act of 1964, as amended.”

E. Discussions with YRC Regarding Investigation Protocol

During the relevant reporting period, the Monitor Team has engaged YRC’s HR Professionals, as well as YRC’s Legal Counsel, in discussions regarding investigation protocol. There has been some initial miscommunication about this issue, but that has since been largely

³⁹ We recently spoke with Complainant VV and included additional relevant information he provided to Harrison. This includes: (1) Complainant VV’s contention that he was in the restroom to use the facilities, not clean it (thus, had only entered the restroom moments before the skid was placed upon the door; and (2) Complainant VV had pictures of the skid, which tended to show that based on its size and positioning, someone would have had to deliberately placed it on the door). We encouraged HR to follow up with Employee LL regarding these additional facts.

resolved. The Company wants to continue to improve how it conducts investigations, and it has indicated that it wants to address concerns about its investigations process that have been raised by the Court, the EEOC and the Monitor Team.

The Company has conducted a handful of large investigations over the last few years which used a significant amount of its time and resources. We have discussed these investigations with the Company and have offered our thoughts about how they can improve. One of those investigations—the Employee NN graffiti investigation—offers a number of points from which we believe the company can learn and improve. We describe that investigation below.

1. *Employee NN Fall 2012 Graffiti Investigation*

In October 2012, racial graffiti was found: (1) on October 24, 2012 in the disabled employee stall in the restroom of the break room on the South Dock; (2) on October 26, 2012 in the restroom located in the drive-up gate entrance building; and (3) On October 27, 2012 in the middle stall in the restroom of the break room on the South Dock.

The graffiti made references to YRC employees Employee MM and Employee NN, an African American YRC driver as well as Labor Manager Anne Stump (the graffiti referred to Anne “Stunt”) and Supervisor EE. The graffiti also stated, “Hang the N---” and “Fire the N---.” Because of the nature of the investigation, both YRC HR and Security at the Chicago Heights Terminal participated in the investigation at the facility. HR and Security interviewed 138 employees regarding the first two incidents and eighty-seven employees regarding the third incident. The Company interviewed all employees who were working at the time that each incident occurred. YRC notified the Sauk Village Police Department and the FBI on October 31,

2012. On that same day, the Company also posted a \$5,000 reward for credible information regarding the first two reported graffiti incidents. In addition, Terminal Manager McKinstry held pre-shift meetings with all scheduled dock employees and drivers during which McKinstry reiterated the Company's prohibition of racial graffiti, harassment and discrimination. On October 25, 2012, the President of YRC, who was visiting the facility, personally spoke to employees at Chicago Heights about YRC's commitment to a harassment-free workplace.

As part of its investigation the Company notified local law enforcement and the FBI (who declined to pursue an investigation because a federal hate crime had not occurred as defined under federal law). As part of its investigation, the Company interviewed over 200 employees, including Employee MM and Employee NN—the individuals whom the graffiti referenced. The Company also took handwriting samples. Based on an analysis of all handwriting samples, Thomas Vastrick, a forensic document examiner, analyzed the handwriting samples and concluded that it was “probable” that Employee NN, authored the three incidents of graffiti. The Company also began to focus their attention on Employee NN because during his interviews, Employee NN presented differing versions concerning his awareness of the graffiti. Based on Employee NN's inconsistent statements, Employee NN's reference to Stump as “Stunt” (the same misspelling found in the first graffiti incident) at a grievance hearing, an eyewitness placing Employee NN at the scene on October 27, 2012, an independent handwriting analysis revealing that Employee NN “probably” authored all three graffiti incidents, records placing Employee NN at the facility on all three days of the incidents, and video footage showing Employee NN leaving the facility and not returning on October 27, 2012, the Company concluded that Employee NN was the author of the graffiti. On December 24, 2012, the Company confronted Employee NN with its findings. Although Employee NN denied

involvement in the graffiti incidents, he nevertheless chose to resign from the Company in lieu of discharge and potential criminal charges. The Company's investigation ended at that point.

The Company issued its final investigation report on December 18, 2012. On January 2, 2013, we sent correspondence to YRC indicating that while it was clear that YRC spent significant time and effort to ascertain for its own certainty the identity of the person responsible for the graffiti incident, the conclusion was premature. First, the Company's goal was to root out the problem, but it does not know if it rooted out the problem because it never asked Employee NN if he committed the violation on his own. Second, the Company never asked Employee NN why he did it, although the notion that an employee would write graffiti disparaging himself, as was the case here, is counterintuitive. There appeared to be more to the graffiti than just the conclusion the Company reached.

In addition, the Monitor Team was concerned that YRC's Legal Department did not participate in the investigation in person. There were numerous sensitive meetings that took place in the investigation, including outside law enforcement. Also, we believe that counsel trained in conducting litigation investigations (as YRC's in-house and outside counsel are) would have asked the questions referenced above.

In the aftermath, we recommended additional comprehensive training for YRC's HR professionals regarding the proper protocol for large scale and/or more serious investigations. Before the Employee NN investigation, we also expressed our willingness to meet with the Company's in-house counsel and outside counsel, as well as HR, to discuss creating a triage process to ensure that proper resources are devoted to investigations based on the severity of the allegations at issue. The Company declined this invitation, because the Company was concerned

about its counsel potentially becoming a fact witness. *See* September 8, 2011 letter from Will Dunn, attached hereto as Exhibit C. Nonetheless, we continue to believe that both training and a triage process would benefit the Company, helping to ensure its resources and personnel are best employed to meet the varying needs of the investigations it faces.

Based on our observations of the graffiti investigation, we also recommended to the Company that it involve its in-house and outside counsel more in large investigations, including when conducting on-the-ground interviews and facilitating communications, where necessary, with law enforcement. We continue to believe that the benefits of the Company involving its counsel in large investigations outweigh the risk of a waiver of the attorney-client privilege.⁴⁰ In any event, in an investigation like the graffiti case where the Company enlists the assistance of outside law enforcement, and the Company itself conducts dozens of interviews of both management and bargaining unit employees, the privilege would be rarely if ever used. One exception might be the discussions between counsel and management to decide what actions to take against the wrongdoer, but appropriate steps can be taken to protect those discussions.

VI. YRC'S DISCRIMINATION POLICY

A. YRC's Updated Policy

On April 30, 2012, the Company updated its Equal Employment Opportunity (EEO), Anti-Harassment and Anti-Discrimination Policy posted at the Chicago Heights facility to provide the new Legal Department address in Overland Park, Kansas, as one of several avenues

⁴⁰ Such benefits include the fact that in-house and outside counsel are often trained in conducting effective interviews and interfacing with law enforcement. Also, companies frequently hire outside counsel to participate in large scale investigations in order to offer assurance that the investigation is independent, impartial, fair and thorough. As for the risk of undermining the attorney client privilege, while some courts may differ on whether the privilege applies, one way to ensure an investigation will not be privileged is to eliminate the involvement of counsel.

that employees can use to report any complaints of harassment or discrimination. *See* YRC June 20, 2012 Semi-Annual Report at 1. YRC's updated EEO Policy is attached as Exhibit D. Just as the previous policy did, this current policy emphasizes YRC's continuing commitment to creating and maintaining a respectful and professional work environment where all forms of discrimination and harassment are prohibited.

B. Monitor's Assessment of Whether YRC has Complied with the Decree's Directives Regarding its Anti-discrimination and Anti-harassment Policies

As in the first Reporting Period, the Monitor Team believes that YRC is complying with its obligations with respect to its ongoing anti-harassment/anti-discrimination policy. It will be important for YRC to regularly remind all employees about the policy and its guidelines. YRC should re-evaluate and update the policy where necessary and appropriate.

VII. STATUS OF RACE HARASSMENT/DISCRIMINATION TRAINING

Pursuant to Paragraphs 56-60 of the Consent Decree, YRC is to host annual training sessions for all employees of its break bulk dock operation, including all employees who work in any part of Human Resources.

A. YRC Employee Training

As with the training sessions in 2011, 2012 and 2013, David Bowman, director of Morgan Lewis Resources Workplace Training and a partner in the firm's Labor and Employment Practice leads the training in conjunction with two additional trainers (Ed Mitnick and Louis Martin). The training sessions take place during both the day and night shifts and focus on harassment and discrimination prevention, and specifically how employees' words and actions

can impact others in the workplace. The 2014 training sessions commenced in mid-November 2014. We have observed these training sessions from time to time, and participated in them by explaining the role and function of the Monitor Team's position.

The Monitor Team appreciates that YRC has integrated employee feedback into the training sessions. For instance, employees have requested role play scenarios during the training sessions that mirror some situations that they actually experience at YRC. These role play scenarios allow the training sessions to be more interactive, and provide a springboard for questions as well. The Monitor Team also recognizes that YRC Legal and Corporate HR have recently had more of a presence at recent training sessions. Their attendance has been important for a number of reasons, including that it has facilitated positive communications between management and employees. For example, during a November 18, 2014 training session, an employee suggested that he would like supervisors and employees to attend the same training sessions, in an effort to allow supervisors and employees to learn from one another. John Deery, Vice President of Organizational Development, remarked that he appreciated the employee's suggestion, and would work with McKinstry to implement that suggestion at future training sessions. We understand that based on subsequent follow up conversations with its trainers, the Company is having second thoughts about this; however, if supervisors and employees do not attend training together, we would encourage the Company to find other forums wherein employees and supervisors can engage in dialogue and obtain constructive feedback from one another.

B. YRC Supervisor Training Sessions

As indicated in the September 2012 Monitor Report, in the Fall of 2011, the Company provided Professional Communications Training to its supervisors, which the Monitor Team observed. The training has been called for by the Company's own Consultant, Mark Bidlake,⁴¹ and for quite some time, there have been complaints by some employees that supervisors were unduly harsh in their communications with employees. Since 2012 we have recommended that the training include guidance on communications across cultural differences.

YRC held additional Business Communications training sessions in late 2013. Prior to holding these sessions, on August 23, 2013 and September 6, 2013, Lead Trainer David Bowman held a teleconference with the Monitor Team to discuss the curriculum and our feedback regarding the training session.⁴² We reiterated the need for training on cross-cultural/racial issues and awareness. As before, we also requested to attend these training sessions.

However, on October 11, 2013, YRC sent us correspondence indicating that, after consultation with Bowman, YRC believed that the presence of a third party may have served to diminish the effectiveness of the training program. Instead, YRC offered to facilitate a meeting between Bowman and his team and the Monitor Team to share any feedback received from participating supervisors and managers.

YRC and I also agreed that I could seek feedback about the Business Communications training directly from supervisors. In fact, we did just that, selecting eleven supervisors for interviews, whom the Monitor met with December 2013 to January 2014. We provide a

⁴¹ See May 10, 2011 CGN Report at 11, 12.

⁴² Mr. Bowman also provided the Monitor Team with the curriculum for the Business Communication training session on September 5, 2013.

summary of those interviews below. Each summary includes that supervisor's thoughts on: (1) whether he/she believed the training was necessary (prior to attending the session); (2) how the training served to help that supervisor, or others, in the facility; and (3) what he/she learned from the training session.

1. *Supervisor C*

Supervisor C felt there was a need for the business communications training because it served as a teaching tool for new supervisors and helped them to understand different communications scenarios, as well as how to be more sensitive in their communications. He feels that these skills are particularly key for new supervisors, because they often are unaware of when they should escalate an incident to someone else (*i.e.*, HR). Supervisor C believes this training will assist him in being clearer and more open in his communications.

2. *Supervisor B*

Supervisor B felt that there was a need for the business communications training, although he could not point to a specific incident that required it. Supervisor B vaguely remembered the training's guidance on issues of cultural biases and the importance of listening first before you react. He stated that he has tried to incorporate these lessons into his daily work. For example, he told a story of how he dealt with an employee who drove over a pile of snow and "messed up" the snow on the dock. Rather than getting upset at the employee, Supervisor B stated that he sat back and talked to the employee about why he drove over the snow carelessly.

3. *Supervisor A*

Supervisor A felt there was a need for the business communications training, especially for newer supervisors, as he believed these newer supervisors needed a unified communication approach when addressing employees and management. He particularly found the role play scenario effective, which highlighted the “dos and don’ts” for supervisors. One important point the training emphasized for him was taking the time to ask questions to understand the reasons behind each employee’s actions.

4. *Supervisor H*

Supervisor H felt there was a need for the business communications training. He specifically recalled that the role play part of the training was helpful because it provided suggestions on how to approach and communicate with employees. He stated that he is now more careful when he approaches employees. Overall, Supervisor H emphasized that training sessions such as these helped to create a positive atmosphere for employees.

5. *Supervisor GG*

Supervisor GG felt there was a need for communications training among supervisors, and felt that the diversity training was particularly useful, based on some of what she observed in the workplace. She found the role play scenarios to be especially useful. The training helped her understand that certain jokes, although funny to some, can be offensive to others. She stated that although she has not seen any drastic changes in other supervisors since the training, she felt that the training was a good refresher for many.

6. *Supervisor E*

Supervisor E felt the need for the business communications training because YRC is an environment of many different personalities. She felt that the training was especially beneficial to her in helping her appreciate different perspectives. She stated although supervising male employees requires her to be “tougher,” the training was helpful in distinguishing the line between being abrasive and being direct. She also felt that the role play scenarios were especially useful in aiding supervisors to think from the other person’s perspective, and she appreciated suggestions on how to phrase or communicate certain messages. As an example of how the training helped her approach an employee, she told the story of a Dockworker who had demonstrated a hostile attitude towards her. She had approached the employee to discuss his work performance and she stated that the employee became hostile when approached. Drawing from the lessons she learned from the training, Supervisor E calmed down and asked the employee to step into her office to talk. She believes that Dockworkers should also receive communications training.

7. *Supervisor HH*

Supervisor HH felt there was a need for the business communications training, and believed the training was particularly useful for some of the newer supervisors at the facility. He thought that the training reminded supervisors to speak with other employees in a professional manner. He felt that the role play scenarios were helpful because they emphasized the importance of talking to others in a professional manner. The one piece of constructive criticism Supervisor HH had regarding the role play scenarios was that he believed the facts should have

been more tailored to the YRC and/or trucking environment, as that would have made the scenarios even more relatable to supervisors.

8. *Supervisor P*

Supervisor P felt that the business communications training was helpful, and he particularly appreciated its message of respect in communications. The training also has assisted Supervisor P in assessing situations from the employees' perspectives—not just from his own vantage point. Like Supervisor HH, Supervisor P believed the role play scenarios should have been more tailored to the YRC environment. However, his overall viewpoint of the training was positive.

9. *Supervisor G*

Supervisor G felt the business communications training was necessary in order to assist with addressing personality clashes on the dock. Supervisor G believed that the role play scenarios were the most useful, because they helped him to observe situations he could potentially see on the dock from an employee's perspective. Overall, Supervisor G was very satisfied with the training.

10. *Supervisor II*

Supervisor II thought the training session was useful for newer supervisors who may have never participated in business communications training before, as well as for older supervisors, who may need a refresher course for some of the principles discussed during the training. Supervisor II appreciated the guidance on appropriate communication techniques (*i.e.*, taking an employee out of the earshot of others when addressing a concern with that employee);

he also thought the role play scenarios were useful. Supervisor II appreciated training and guidance on appropriate conduct as well as what is appropriate and inappropriate to say to employees. Overall, Supervisor II believes the training equipped him with the tools to evaluate situations from the person's perspective (particularly when dealing with sensitive employee issues).

11. *Supervisor JJ*

Supervisor JJ felt the business communications training was useful in order to provide supervisors with guidance on why certain supervision techniques are the best and/or most appropriate. Supervisor JJ felt that the training emphasized that supervisors should be conscious of potentially offensive behavior at all times—even beyond the workplace. Other useful information Supervisor JJ obtained from the training included that supervisors should be aware: (1) that certain statements, even if not intended to be offensive, can be deemed offensive by the recipients; and (2) of perceived favoritism (*i.e.*, do they joke around with certain employees or consistently give certain individuals more favorable work assignments).

The feedback from the training sessions was overwhelmingly positive. The training appeared to be effective in getting supervisors to think about how communication style and approach may impact an employee's receptiveness to feedback. Importantly, many supervisors also understood the training session's message that communication can be impacted by cross-cultural and/or racial differences. With respect to how the training sessions could be improved, as discussed above, a couple of supervisors felt the training sessions should be even more tailored to the YRC environment. In sum, however, the Monitor Team believes that these types of business communications training sessions are beneficial to supervisors and the employees

they supervise. The Monitor Team would encourage YRC to continue to hold these training sessions for its supervisors, even post-Consent Decree.

VIII. FAIRNESS IN WORK ASSIGNMENTS

Since late 2012, the Parties have continued to discuss the appropriate method for measuring and analyzing work assignments. On September 8 and October 6, 2014, YRC submitted work assignment data using the current metrics that are in place.

A. Overview of 2012 Key Findings and Monitor's Recommendations for Work Assignment Process

YRC's work assignment data for 2012 appeared to show improvement in some areas for African American employees. Like all employees, they received fewer non-mechanized loads than in the past.⁴³ However, across all shifts, African American employees continued to have the lowest Bills Per Hour ("BPH") average, which means that solely considering BPH, they were the least productive. That largely continued to be the case, in all but one shift, in the Company's latest data released in October 2014. Thus, the Monitor has asked YRC to explain why African-American employees continue to disproportionately have a lower BPH compared to YRC's Caucasian and Hispanic employees. YRC has not yet provided an explanation.

1. *Monitor Team's Winter 2013 Work Assignment Interviews*

As noted above at 14 in Winter 2013 at the request of the Parties, the Monitor Team conducted interviews of employees regarding YRC's work assignment processes for loads on both the north and south docks. From January 4, 2013 to February 8, 2013, the Monitor Team interviewed twenty-two YRC employees concerning such assignments. Using the list of

⁴³ Non-mechanized loads are on pallets and often easier to strip.

employees and questions provided by the parties, we interviewed eight African American, twelve Caucasian, and two Hispanic employees, from several different shifts.⁴⁴ Interview questions focused on: (1) the process for receiving assignments on the dock; (2) whether some employees repeatedly work the same customers' orders or doors; (3) the employees' ability to cross-load freight; (4) the factors that cause some loads to be perceived as easier and others as more difficult; (5) YRC's production goals; (6) the impact of the number of doors that the freight need to be moved; (7) employee teams' impact on production; and (8) overall employee sentiment.

Most of the dock workers we interviewed feel that because loads are now generally on pallets, the work is much less physical. They generally believe that there are now fewer differences between loads. Some of them, however, conveyed that African American employees still tend to receive a disproportionate share of the least desirable loads. Several also indicated that supervisors continue to implement their "old tactics", of assigning bad loads as punishment for slow production, or to employees they have bad relationships with. In addition, as noted herein, employees remarked that the least productive employees receive increased scrutiny from supervisors. Some stated that the Company should make the work assignment process more first come, first served. (The interviews took place in Winter 2013, and the Company adopted this practice in Fall 2014). Employees also stated that supervisors should not use favoritism in distributing loads to employees.

2. *Process for Receiving Assignments on the Dock*

All employees reported receiving their load assignments from a strip supervisor, once they commenced their shifts. While employees indicated that the load assignment process was

⁴⁴ The Monitor Team selected the first 10 employees who were interviewed; EEOC and YRC selected the remaining 12 employees who were interviewed.

random, or that they had no sense of how the supervisors sorted and/or assigned loads, a greater number believed that the load assignment process was not random. The latter group observed that the supervisor would either look at the load's bills or manifest, and/or open the trailers' doors, in order to assist them in assigning loads to employees. Several employees remarked that because management considers them to be good producers, they are given loads that will result in higher production numbers (*i.e.*, loads with favorable bills to pieces ratio, as described more fully below). Other employees remarked that their names are written on the bill by the time they arrive to work. Still others remarked that supervisors distribute the "blue ribbon" (time sensitive) freight first, and do not give it to employees who are not considered to be good producers do not receive "fast" loads.

This problem should be largely resolved by the Company's new process for distributing dock work assignments. Based on the Company's December 2, 2014 letter, strip assignments are now given on a first come, first served basis. The Monitor Team, with the Company's cooperation, has observed the new system in place and agrees that its potential is promising.

3. *Whether Some Employees Repeatedly Work the Same Doors/Customers*

The employees we interviewed stated that they do not repeatedly work the same customers or doors. However, several employees remarked that some employees seem to repeatedly get the same type of freight (*i.e.*, some employees may work Canadian freight, because that freight has special rules and documentation). In addition, some stackers tend to repeatedly stack at the same doors. This too should be remedied by the Company's new work assignment system.

4. *Ability to Cross-Load Freight*

Employees unanimously indicated that YRC wants them to cross-load all freight and YRC has confirmed this in our discussions. The amount of freight employees are able to cross-load on any given day ranges from 25 to 80 percent of their freight, and on average, 60 percent. When employees are not able to cross-load freight, it is because another employee is stacking at the same door where the employee needs to stack the freight, or the freight's odd configuration makes it impossible to stack. At times, employees stage their freight in front of a particular trailer when the freight cannot be stacked. One employee remarked that it is easier to cross-load freight on the South Dock, compared to the North Dock, as the South Dock is less congested.

5. *Loads That Are Perceived as Easier (Load Composition and Location)*

The employees we interviewed stated that the loads with favorable bills to pieces ratios are easier, because they result in higher production numbers. For example, a load with a 1:1 bills-to-pieces ratio is seen as very favorable (*i.e.*, a load with 53 pieces and 53 bills, as opposed to a load with 53 pieces but only one bill). Examples of favorable loads include Wal-Mart elliptical and television loads, Halex loads, and loads from conventions and expos (*i.e.*, loads from McCormick Center displays). Again, several employees remarked that because management considers them to be good producers, they are given loads that will lead to good production numbers.

Employees also indicated that loads that are local tend to be favorable, because they are almost always intact, and do not need to be recouped. In general, according to the employees we interviewed, the closer the point of origin, the more likely it is that a load will be intact.

6. *Loads That Are Perceived as Difficult (Load Composition and Location)*

Employees said that generally, carton and tire loads are seen as more difficult. Other examples of difficult loads include long awkward freight, bundles of pipes, rugs, ladders and canoes. Examples of certain customers that ship more difficult loads include those that ship long wood molding, Hasbro (toy loads), 312 (RV panels, which originate from South Bend, Indiana), Sage Medical Loads, and Eaton Loads. In contrast to the easier loads, these more difficult loads have fewer bills than pieces (*i.e.*, a load may have 10 bills, but 50 pieces). A load may also be more difficult if an employee does not have the proper equipment (*e.g.*, airbags, dunnage) to properly handle it. One employee also stated that take-over trailers are often difficult and slow production. The employee also pointed out that a supervisor has complete discretion to decide to whom to assign a take-over trailer.

Just as some loads are easier to work because of their destination, others are more difficult for the same reason. Thus, employees remarked that loads from the Western United States (California, Washington, Oregon and Nevada) tend to be more difficult. Some of these loads are more difficult because they contain an abundance of boxes or pieces. They often need to be recouped, due to the far distance traveled, and ultimately tend to slow employees' production speed.

7. *YRC's Production Goals*

Most Dockworkers said they were aware of YRC's production goal, and believe that under ideal circumstances, the Company wants employees to maintain a 3.0 BPH. Some indicated that they are repeatedly told YRC's production goals by their supervisors and that supervisors use a number of overt means to spur production. One of those means—reliance on

the DPT (Dock Productivity Tool) system to indicate which employees took longer than expected to complete a bill and were in the “red” —was a source of employee contention. One employee stated that supervisors will tell employees that the Company is “dying” (*i.e.*, production numbers are low) in an effort to increase production. Another employee remarked that supervisors always want higher production than the previous day. A couple of employees remarked that their personal production goals are higher than YRC’s production goals (*i.e.*, one employee remarked that his personal goal is a 5.0 BPH). Employees stated that supervisors should check to see whether the employee is working a more difficult and/or less productive load, before using the DPT to come to a conclusion.

Employees also stated that lower productivity employees are harassed, and ultimately indirectly disciplined, for their low productivity (*e.g.*, with discipline for infractions such as misuse of company time and safety violations). One employee stated that there are certain days where supervisors are told to write one to two discipline letters, and those supervisors focus on the lower productivity employees. One employee stated that supervisors should also tell employees when they are performing well, not just when they are too slow or not productive enough.

8. *Impact of Number of Doors Freight Needs to be Moved*

Some of the employees we interviewed stated that the number of doors that freight must be moved (in other words, distance to be moved on dock) rarely impacts productivity. However, a few employees stated that it did slow production to have to move freight across the dock. One employee remarked that if the freight to be moved is of varying heights that also could slow

production speed. One employee conveyed that the distance freight must be moved is less of a factor on the South Dock, because that dock is shorter.

9. *Employee Teams' Impact on Production*

Most of the employees we interviewed worked alone, and preferred to work alone, as they felt working in a team would stymie their productivity. However, there were some employees we interviewed who worked on a team occasionally, or worked in a team in the past; and a few of them believed that teams are beneficial. Almost all of the employees we interviewed said they receive help with freight from another employee when needed. Only one employee stated that YRC will not always provide help when needed. One employee indicated that he has to “demand” help at times, even when needed for safety purposes.

B. Summary and Analysis of Work Assignment Data from June 1, 2012 through May 31, 2012

YRC’s work assignment data at issue in this Report covers the time period from June 1, 2012 to May 31, 2014. The Company submitted it to the Parties on September 8, 2014, and then revised the data on October 6, 2014. The October 6, 2014 data submission is attached hereto as Exhibit B. The purpose of this work assignment data is to ascertain the race-neutral “expected” African American share of certain types of work assignments at Terminal 309 compared to the expected African American share of such assignments. It also lists the actual and expected shares of such assignments by Caucasian employees.

YRC examined all work completed by each employee in terms of total weight and standard time (time required by a typical employee to complete a task). For analysis purposes, YRC also created cohorts of African American and Caucasian employees working at Terminal

309 on the same day, on the same shift, and with the same job title classification. For each cohort, YRC calculated the African American fraction of all cohort standard time and used that fraction as the African American share of any and all types of work assigned to that specific cohort “expected” via a race-neutral assignment process.

- Exhibit B shows that using the “standard time” approach, African American workers completed slightly fewer mechanized loads than expected (recall that mechanized loads are generally considered more favorable than non-mechanized).
- Exhibit C shows that based on supervisor-specific data measuring five metrics (pounds per scan, pieces per scan, standard time per scan, scans per trailer and scans per hour), strip supervisors generally had significantly more scans than supervisors and managers in other roles. The Parties must further discuss additional findings that can be made from Exhibit C (or if the metrics should be changed so that the findings are more readily ascertainable).
- Exhibit D shows that a higher percentage of scans by Caucasian (“W”) employees were no-credit scans than scans by African American (“B”) employees.
- Exhibit E is the handout EEOC presented at the September 16, 2014 court conference (an excerpt from the Supervisor report YRC provided on September 8, 2014). Referencing the handout, the EEOC raised questions regarding the difference between the African American and White average standard hours per scan from June 1, 2013 to November 30, 2013 for Supervisor P Hispanic (“L”). YRC agreed to look into the Supervisor P data. However, YRC explained that Supervisor P generally was not assigning work during this time period. He was working as a lead supervisor and not a strip supervisor. More than

half of the 1,959 scans relate to one employee, Employee QQ (White), who works OS&D. Another approximately 400 scans relate to Employee RR (White), who works city freight. Many of the remaining scans also relate to employees working in specialized roles. Accordingly, YRC contends the Supervisor P data generally do not reflect assignment of traditional stripping or stacking work.

- Exhibit F is a trend analyses performed by EEOC that includes the metrics of the unloading/loading by weight, handling units, and weight per handling unit as well as the trailer by date of props per trailer, mean weight, and mean handling units, as differentiated by African American (“B”) and Caucasian (“W”) races. This is another exhibit wherein the Parties need to engage in further discussion, so that Dr. Campion, the EEOC’s expert, can provide a full analysis of this document.
- Dr. Griffin’s computation of BPH on a “person” basis showed that the difference in mean BPH for African Americans as compared to mean Caucasian BPH was -0.03, +0.02, -0.08 and -0.14 for the four reporting time periods.

Time Period	Mean BPH African Americans (“B”)	Mean BPH Caucasians (“W”)
June 1, 2012 to November 30, 2012	2.35	2.38
December 1, 2012 to May 31, 2013	2.39	2.37
June 1, 2013 to November 30, 2013	2.37	2.45
December 1, 2013 to May 31, 2014	2.11	2.25

1. *Employee Complaints about Assignments and Supervisors of Concern*

In the October 9, 2014 telephone call between the parties and the Monitor about the Company's assignment data, and again in the October 29th meeting between the parties and the Monitor, we asked the Company to identify any supervisors about whom it was concerned based on its review of the assignment data. We viewed this question as an important first step to the Company showing that it was ready to fully meet the EEOC's expectations as stated the Consent Decree because it gave the Company a chance to essentially police itself. We suggested that there might be some supervisors the Company should be concerned about, based on the assignment data, which in part showed the difference in workloads assigned to African American employees compared to white employees, and the difference in their BPH productivity, correlated by supervisor name. However, in its December 2nd letter, the Company plainly responded that it was not concerned about any of its supervisors and that it has addressed any instances of past conduct by supervisors that did not meet the Company's expectations. More specifically, the Company stated it "does not have any specific concerns at this time about particular supervisors' compliance with the terms of the Consent Decree based on the recent assignment data reports."

We find this troubling for a host of reasons. First, while we recognize that the Company has corrected a handful of instances of misconduct by its supervisors over the last four years, the statistical and anecdotal data shows that the problems may not just be isolated occurrences, but instead evidence of a pattern. Although the parties need further discussion on the statistical data provided by YRC (in particular, the parties are continuing to analyze the statistical significance of the data provided, and the parties must also agree on the metrics the parties will use to analyze work assignment data) the anecdotal evidence supports a pattern inasmuch as many

employees have often complained about the following supervisors: Supervisor G, Supervisor B, Supervisor P, Supervisor II, Supervisor E, Supervisor V, Supervisor H and Supervisor AA. *See* Interviews of Interviewees A, B, D, E, H, S, V, X, Z, and C-1. To that end, although the Company has stated that “throughout the Consent Decree term, the Company has received very few formal complaints related to work assignments,” there are many more employees who have remarked in interviews about their dissatisfaction with the work assignment process. *See Appendix* (summary of Winter 2013 Work Assignment interviews and Spring/Summer 2014 Employees Interviews) Moreover, we understand that Supervisor KK, Supervisor V, Supervisor LL and Supervisor PP came up regularly in the underlying litigation. (*See* First Amended Class Action Complaint in Intervention for Injunctive Relief and Punitive Damages at ¶¶ 46, 53-56, *E.E.O.C. v. Roadway Exp., Inc.*, No. 06 C 4805, 2009 WL 4702800, (N.D. Ill. Sep. 29, 2009).

Second, not only have the statistical and anecdotal data shown that there are, in fact, problems with certain supervisors, but the Company’s local HR has indicated the same. For example, a quick read of our notes from our discussions with HR over the years shows that Kendall Calhoun expressed concerns about Supervisor B, Supervisor G, and Supervisor P and that he understood that many African American employees complain about Supervisor B, Supervisor G, Supervisor P, Supervisor D and Supervisor V. Margie Leahy likewise indicated concern with Supervisor P. With that said, we certainly appreciate any steps that Mr. McKinstry can take to help Mr. Supervisor P improve. We believe similar measures should be taken with Supervisor G, Supervisor D, and Supervisor V. However, we believe the Company should be prepared to go beyond that and take corrective measures if necessary.

IX. FAIRNESS IN DISCIPLINE

A. Overview

This section of the Monitor Report discusses: (1) an overview of the August 2012 findings; (2) the findings from September 2012 through June 2014; and (3) our recommendations with respect to YRC's discipline process.

B. 2012 Monitor Report Findings

The share of discipline given to African American employees, compared to that give to other demographic groups of YRC employees, was higher than expected and statistically significant. *See* September 2012 Monitor Report at 48. Across the 497 infractions, 153 (or 30.8 percent) related to an African American employee, whereas under Dr. Griffin's model, one would expect only 113.9 African American infractions (a 22.9 percent share of all infractions). This difference, a surplus of 39.1 infraction events, is adverse to African Americans and statistically significant at 4.22 units of standard deviation. Dr. Griffin's data analysis states that this race disparity is principally due to infractions related to Absenteeism (a surplus of 17.7 infractions), Tardiness (a surplus of 10 infractions), and Violation of a Posted Work Rule (a surplus of 14.3 infractions), all of which are based at least in part on subjective consideration.

C. General Trends in Employee Discipline Analysis by Race (Reporting periods of June 2012 to May 2014)

Overall, the trend for infraction violation by type for all employee infractions does not deviate much during the reporting periods of June 1, 2012 to May 31, 2014. Absenteeism⁴⁵

⁴⁵ The Company informed the EEOC and the Monitor at the October 29, 2014 meeting that it has implemented a new policy on absenteeism, effective early 2014. In short, any employee who is absent or tardy and does not check in will be disciplined unless otherwise approved by Tim

always accounts for the largest infraction type each reporting period whereas refusal of work order, insubordination, violation of company policy, preventable accident, abuse of company policy and cardinal violation account for less than 1% of total infractions.

Reporting Timeline	Actual AA Infractions	Expected AA Infractions	Standard Deviation
June 2012-Nov 2012	167 of 566 (29.5%)	135.8 (24%)	3.04 units
Dec 2012-May 2013	179 of 588 (30.4%)	137.6 (23.4%)	4.04 units
June 2013-Nov 2013	219 of 635 (34.5%)	170.7 (26.6%)	4.34 units
Dec 2013-May 2014	198 of 589 (33.6%)	159.4 (27.1%)	3.55 units

Dr. Griffin factored seniority into his analysis in an attempt to show that the data was not as unfavorable to African Americans as it might otherwise appear. However, given the relatively significant seniority of all employees at YRC—irrespective of race—it seemed counterintuitive that factoring in seniority would lead to such a different result.

1. *Fairness in Breaks and Downtime*

Pursuant to Paragraph 45 of the Consent Decree, we are to evaluate fairness in breaks and downtime for African American employees. In the August 2012 reporting period, employees told us that the disparities in breaks and downtime eased. However, some employees maintained that they are unfairly singled out and/or questioned when going to the restroom, or are not allowed to overstay their breaks, even though other employees are allowed to do so. Still, at least based on the anecdotal data, these instances appear to occur less frequently than they have in the past. To the extent an employee faces additional scrutiny regarding breaks and downtime,

McKinstry. Just as we are auditing the implementation of the new work assignment process, we will audit the application of the absenteeism policy.

it is often related to supervisors' perceptions of worker productivity. These concerns should subside for dockworkers if the new assignment system evens out productivity as it is intended.

2. *Monitor's Recommendations with Respect to YRC's Discipline Process*

In the Executive Summary, we described lists compiled by Tom Lynch ("Lynch Lists") that target employees whose productivity is well below the average / accepted BPH. We find those lists troubling. The Company has stated that the purpose of the Lynch Lists had been to "help improve performance, including to help identify obstacles to better performance." See December 2, 2014 letter at 2. However, employees have informed us that the lists are also used for the purpose of discipline; in short, if an employee's name is on the list, the employee's compliance with safety, work and break rules will be more heavily scrutinized. Indeed that appears to be the case. My team and I analyzed the discipline given to employees whose names are on the Lynch Lists provided to the Parties, and we found that seventy-eight of the employees listed received some form of discipline or another subsequent to their names appearing on the list. Furthermore, the racial composition of the lists shows that African American employees are generally disproportionately represented. The Lynch List for October 2014 shows that African American employees roughly comprised 36% of the names listed, the September list shows 50%; the August list, 50%; the June list, 47%; the May list, 43%; and so on.⁴⁶ We have received ample anecdotal evidence that there is a direct relationship between employee performance and discipline. African American employees as a group are viewed as the worst-performing, at least

⁴⁶ The other Lynch Lists prior to May 2014 show the following: the April 2014 list shows 44%; the March 2014, 44%; February 2014, 58%; January 2014, 38 %; December 2013, 50%; October 2013, 23%; September 2013; 41%; July 2013, 58%; May 2013, 42%; April 2013, 22%, March 2013, 42%; February 2013, 50%; January 2013, 33%; October 2012, 50%; November 2012, 50%; and December 2013, 33%. The Monitor Team will provide its analysis of the Lynch Lists to the Parties.

according to the Company's BPH performance measure.⁴⁷ The racial composition of the Lynch Lists, and the corresponding discipline, appears to drive home these points. Furthermore, we note that the Company still has not answered why it believes African American employees on average, as an employee group, have the lowest BPH at the facility. We continue to believe this is an important question that the Company should address.

X. CONCLUSION

As in the last reporting period, the Monitor continues to see YRC make concerted efforts towards full compliance with the Consent Decree in a number of respects. There also continues to be noteworthy positive change in the overall environment for all employees. It appears that change is based, in significant part, on a number of the process improvements implemented by YRC over the several years, as well as the Terminal Manager's management style. The Monitor Team has also seen improvement in the number of employees who trust HR's investigation process, and the Monitor Team has made efforts to affirm and validate that process with employees where appropriate. These changes are significant, for it appears a primary source of difficulty in the past has been miscommunication, which, in turn, has led to a contentious environment for African American and other employees.

⁴⁷ The Company indicates that it does not know the "Monitor's basis" for the statement that "BPH for African American employees across all shifts is lower than for Caucasian and Hispanic employees." Our basis is contained in the reports of Dr. Griffin, and was described in our 2011 and 2012 Annual reports. Thus, the Company's 2011 letter contains an analysis by Dr. Griffin that shows African American employees had a 2.26 BPH for the East assignment shift, 2.10 BPH for the West assignment shift, 1.97 BPH for Stripping, and 2.67 for Stacking—each of which were lower than the BPH for Caucasian and Hispanic employees who worked on those shifts. The Company's 2012 letter contains an analysis by Dr. Griffin that shows African American employees had a 2.48 BPH while White employees had a 2.79 BPH (YRC stated that the prior distinctions between East End v. West End and stripping v. stacking are now obsolete given new dock layouts and use of an electronic tool). We explained our observation in this regard in our 2011 and 2012 reports. See 2011 report at 24-25 and 2012 report at 36-38.

As before however, YRC continues to suffer from some of its problems of the past. With respect to assignments and the overall work environment, YRC needs to better understand and hopefully solve the problem with African American employee BPH and productivity. Moreover, with respect to discipline, YRC needs to assess why African American employees continue to receive a higher disproportionate share of discipline (as we have stated before, seniority cannot be the only factor).

Over the next year, and final year of the monitorship, we will continue to assess YRC's newer process improvements, conduct employee interviews, participate in Operational Meetings between the EEOC and YRC, and observe and monitor YRC's new initiatives, such as the new work assignment tool and the Employee Morale Team. The Monitor looks forward to the Company's continued efforts toward improvement.

Dated: December 23, 2014	<p>Respectfully Submitted,</p> <p>Monitor</p> <p><u>/s/ Preston L. Pugh</u></p> <p>Pugh, Jones & Johnson, P.C. 180 North LaSalle, Suite 3400 Chicago, Illinois 60601 Telephone: (312)768-7800 Facsimile: (312)768-7801 ppugh@pjlaw.com</p>
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CERTIFICATE OF SERVICE

I, Preston L. Pugh, Federal Monitor, certify that I shall cause to be served a copy of the **Amended Monitor Report for the Third and Fourth Reporting Periods under the Consent Decree** upon the following individual(s), by deposit in the U.S. mail box at 180 North LaSalle Street, Chicago, Illinois 60601, postage prepaid, same-day personal delivery by messenger, Federal Express overnight delivery, facsimile transmitted from (312) 768-7801, or Case Management/Electronic Case Filing System ("CMECF"), as indicated below, on December 23, 2014.

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NEW HAVEN REGISTER NEWS

Latinos in East Haven applaud police efforts to heal community



Marcia Chacon, owner of The Country Store at 677 Main Street in East Haven and her son, Paul Matute. Chacon emigrated from Ecuador and has operated the Latino market for since 1999. (Catherine Avalone - New Haven Register)

By Esteban L. Hernandez, ehernandez@nhregister.com, [@EstebanHRZ](https://twitter.com/EstebanHRZ) on Twitter

POSTED: 02/07/15, 5:08 PM EST | UPDATED: 4 DAYS AGO
[15 COMMENTS](#)



The dining area of My Country Store is filled with patrons eating and watching a Spanish league soccer match on Wednesday, Jan. 28, in East Haven. This portion of the shop has been open for about a year and serves an assortment of Latin cuisine.

Esteban L. Hernandez New Haven Register

EAST HAVEN >> Sitting inside the dining area of My Country Store, owner Marcia Chacon smiled as she started explaining how last year, she and her husband expanded their convenience store to include a buffet section serving Latin cuisine.

The bodega on Main Street is a meeting place for many Latinos in East Haven, who congregate there and in a few other shops and cafes dotting this historically blue-collar town.

Hung high inside the shop, almost touching the ceiling, a collection of Mexican soccer jerseys greets customers looking to purchase soda. Across from the cash register station **where Chacon is usually posted, there's a large beverage cooler topped with flags of various Latin American countries.** The flags follow a motif that permeates the entire shop, which is bursting with bright colors from both the products in the convenience store and the large life stills of Latin America plastered on the dining side of the bodega.

Nearly everyone who walked in during a recent breezy afternoon greeted Chacon **cheerfully. It's a habit** that extends outside meeting places such as My Country Store and onto the streets where many immigrants — especially those from Latin American countries — continue to greet strangers like next-door neighbors. It offers a sense of familiarity that is comforting.

“Things have changed,” said Chacon, speaking in Spanish. **“They have returned to normal.”**

The change Chacon is referring to is the relationship between Latinos in East Haven and **members of the town’s police force. The relationship in the past had** led to a national scandal, the conviction of four officers for [civil rights violations](#) and put a black eye on police, the **community and the town’s leadership.**

But for many Latinos, that black eye is healing.

Annelly Ardon, who’s been working six years at Alex Grocery, agrees Latinos and police officers have turned a corner after a very difficult period. Speaking in Spanish, Ardon says at least three East Haven police officers speak Spanish fluently and more importantly, the **Spanish-speaking officers have told them they’re there to help.**

“The police are good people now. They’re excellent,” Ardon said.

Vicky Friere, a co-worker **of Ardon’s, shared her sentiment. She said officers stop by** weekly to check in and greet them.

“You used to not be able to live in East Haven because of the racism. It’s not the same,” Frere said, speaking in Spanish.

And it’s also not the same for Chacon, whose store was at the center of the case against the four officers. Chacon said she and her husband now feel comfortable talking to and even calling the police in case of an incident; this proved true a few weeks ago when Chacon called police to help mediate a situation with an angry patron at a bar she and her husband recently purchased.

HOW IT STARTED

Latinos haven’t always lobbed kudos at police officers. The norm was much different as recently as three years ago. Back then, some of Chacon’s Latino patrons would call ahead, she said, asking if there were any members of the East Haven Police Department nearby. The officers were known to park outside her shop, intimidating and harassing patrons.

The Rev. James Manship of St. Rose of Lima Church, which serves a predominately **Latino population in New Haven’s Fair Haven neighborhood, recalled when he first** heard of the alleged abuse. It was May 2008. A parishioner came to him, bloodied with a **split lip. The harassment had turned violent; Chacon’s store morphed** into a ground zero of sorts after [Manship was arrested there for attempting to record police behavior.](#)

“It just escalated after that,” Manship said. **“[More and more people being harassed and stopped](#); the store owners were starting to feel the officer’s excessive vigilance.”** A year later, Manship would be arrested at My Country Store after he recorded police removing license plates from a wall inside the store.

The harassment led to a civil rights lawsuit — where Chacon was the lead plaintiff — and a subsequent investigation by the U.S. Department of Justice that began in 2009.

The fallout was striking: A sweeping federal indictment accused Sgt. John Miller and Officers David Cari, Dennis Spaulding and Jason Zullo of widespread civil rights abuses. The four officers were arrested in January 2012 on charges ranging from unnecessary **force, falsifying reports and using their arrest powers to cover up officers' actions.** Miller was the supervisor and the indictment labeled the three officers as **"Miller's Boys,"** a description Miller said was false. All were found guilty and sent to prison.

The allegations of civil rights abuses by police officers and Mayor Joseph Maturo's [now-infamous line when asked what he'd do for Latinos](#) — "I might have tacos when I go home, I'm not quite sure yet" — put a national bulls-eye on East Haven, with many characterizing Maturo, the town and its residents as racist.

The investigation also resulted in a separate but related \$450,000 civil rights settlement; the entire consent decree is expected to cost the town nearly \$3 million by **the time it's completed.**

MOVING FORWARD

In December 2012, East Haven officially entered the consent decree with the Justice Department. The standards to be enforced included specific plans to create bias-free policing, monitor use of force, searches and seizure, guidance on policies and training, ways to handle and measure civilian complaints, plans for supervision and management and community engagement or oversight.

"When they say make a federal case out of it, it's not just a cliché, it's a last resort for communities," Manship said.

In signing the consent decree, the town pledged to move forward, and much has changed in East Haven.

In its [one-year progress report released January 2014](#), the DOJ commended the East Haven Police Department for its progress after signing the consent decree. The 94-page report was based on data collected from December 2012 to June 2013. It was a glowing **review of the department's development, calling the progress "remarkable."** It found a decrease in the number of Latino drivers being stopped and that police had worked to revise 85 policies within the last 12 months. Maturo lauded the report, saying it demonstrated to him and the public that the department was committed to the changes.

And according to several Latino residents, the fear they once felt when encountering the men in blue, whose motto is to serve and protect them, has subsided.

Ardon and Chacon credit East Haven police spokesman Lt. David Emerman and the other officers who speak Spanish with helping to narrow the gap.

Several years back, Emerman, who is an 11-year veteran of the department, said he was the only officer out of **approximately 50 who spoke Spanish fluently.** The department's two-year progress report is set to be released soon, he said, and the department now has at least five officers who speak Spanish, with at least two other officers who speak it fluently. Those two officers, Jonathan Andino, who is of Puerto Rican decent, and Nezar Belhna, who speaks several languages, were hired within the past two years. One officer **in-training also is fluent in Spanish, Emerman said. Emerman's Spanish was fostered**

while living in Ecuador, which is where a majority of the Latinos in East Haven are from.

“We have officers who probably don’t speak Spanish who they go and visit (shop owners) too,” Emerman said.

The regular business visits are not related to the Justice Department consent decree and **are, instead, part of the department’s community policing efforts, which Emerman said** are beneficial because they give business owners a better feel for the officers patrolling and protecting their businesses.

“That’s just one of our initiatives,” he said. “We are trying to stop in and speak to the business owners more frequently than we used to.”

Manship said he’s also seen changes in the way the Police Department treats the Latino community and he hasn’t had any reports of harassment brought to his attention.

“There’s positive change in the policing of East Haven,” Manship said. “The harassment has stopped. The profiling has stopped.”

Some of the changes enacted by the Police Department include a school visitation program that helps children meet and greet officers from the department. This action is beneficial, Manship said, because it helps parents of Latino children gain a level of **comfort that wasn’t necessarily present a few years back.**

“It’s those kinds of things that are really, really important,” Manship said. “We have change coming in from two directions: The consent decree, which is trying to retrain and develop a culture in the Police Department, and then a changing demographic in the town of East Haven. Change is inevitable and it’s not just going to come from a court decree and law, but also going to come from a changing community and people’s own conversions in their own heart.”

Chacon said Emerman stops by her shop regularly, usually to say hello, greeting her like most of her patrons.

OPTIMISTIC ABOUT THE FUTURE

Chacon said that for her, the changes in the department were not noticeable until about a year ago, after the prosecution of three former East Haven officers believed to have been responsible for the most nefarious crimes against residents.

“Before that, you could still feel the fear,” Chacon said. “It was about a year ago when you could start noticing the change a bit.”

Klever Cordova has been living in East Haven for 10 years. He said that some of his friends were pulled over by local police and he knew harassment was inflicted on other Latinos.

“Now, you don’t see a lot of that,” Cordova said in Spanish, adding, “I never had problems with the police. They never stopped me in East Haven.”

Maturo said that the community strives for a feeling of unity, which includes Latinos and any other segments of the population.

“I think the facts show that the relationship between the Latino community and the police department and the government of East Haven has improved tremendously,” Maturo said. “Traveling within the Latino community, I see that they feel much more comfortable with the government, the Police Department and their community.”

He said the local government has worked to improve relations for the entire community, not just a single group of the community.

“We are all one community here,” Maturo said.

Chacon said she’s been in the United States for 20 years. She opened her first business, a money-order office, in Branford in 1997 before opening My Country Store in 1999.

“We are not doing anything bad,” Chacon said. “All we do is come here to work. The only thing we want is to, yes, abide by the laws of this country but to be allowed to work in peace.”

According to [2010 Census data](#), 10 percent of East Haven’s population is Latino, an increase of 145 percent from the 2000 Census count. That percentage still places the town below the state’s percentage, which is 15 percent.

Chacon is optimistic, but cautious. Her shop is growing. Chacon estimated the shop lost 65 percent of its business during the worst of the harassment — what she calls “exaggerated abuse.” But these days, you’re more likely to find a smile on her face than a look of concern.

“You’re still left with a little bit of fear,” Chacon said. She uses a Spanish term, “feliz de la vida” which roughly translated means “happy as can be,” to describe how she’s now feeling despite the changes. “That thorn, that fear is still there because of what happened, not because of anything they’re doing now.”

Manship is far more optimistic, as he said the changes are not necessarily the end of the road, but rather the start of a new path.

“Good habits, when they’re practiced well, and often, become virtues,” Manship said. “Now it’s about deepening the culture and broadening it over the next two years. It’s something that’s going to stay.”

Chacon has her fingers crossed.

“As of now, things are going well,” Chacon said. “We don’t want this to be temporary. We want this to be definitive. We want this to be the way it stays.”

Reach Esteban L. Hernandez at 203-680-9901.

<http://www.nhregister.com/general-news/20150207/latinos-in-east-haven-applaud-police-efforts-to-heal-community>



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MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES AND THE CITY OF HIGHLAND PARK, ILLINOIS

This Memorandum of Agreement is entered into by the United States and the City of Highland Park, Illinois (the City). The City is a duly constituted municipal corporation under the laws of the State of Illinois, and operates the Highland Park Police Department (HPPD). This Memorandum of Agreement resolves the United States' investigation of allegations of discrimination in the provision of law enforcement services by the HPPD. The purpose of this Agreement is to provide for a cooperative effort by the United States, the City of Highland Park and the HPPD to institute management practices by the HPPD that will promote nondiscriminatory law enforcement. The United States commends the City for the substantial steps it has already undertaken to address the allegations of discriminatory police conduct. The United States also recognizes that the City has entered into a Consent Decree in *Ledford, et al. v. City of Highland Park*, No. 00 C 4212 (N.D. Ill. October 5, 2000) ("Consent Decree").

Accordingly, the parties agree as follows:

- The terms of the Consent Decree in *Ledford, et al. v. City of Highland Park*, No. 00 C 4212 (N.D. Ill. October 5, 2000) are incorporated herein and the City shall comply with all paragraphs of the Consent Decree, with the exception of paragraphs 43, 57 and 58, which paragraphs are not incorporated and have no applicability to the United States. Specifically and without limitation of the foregoing, the City agrees to make available for inspection by the United States all of the documents and records referenced in paragraphs 53 through 56 of the Consent Decree, according to the protocol set forth in the letter from Steven M. Elrod to Harvey Grossman, dated March 8, 2001, with the understanding that all the data referenced in paragraph 53(b) is included in the data referenced in paragraph 53(a). In addition, the City represents and the United States accepts that the City has completed the installation of video and audio recording equipment on all of the vehicles currently operated by the HPPD which are required to be so equipped pursuant to paragraph 37 of the Consent Decree.
- This Memorandum of Agreement is enforceable through an action for specific performance in federal court. Failure of any party to enforce this entire Memorandum of Agreement or any provision thereof with respect to any deadline or any other provision herein shall not be construed as a waiver of its right to enforce other deadlines and provisions of this Memorandum. No person or entity is intended to be a third-party beneficiary of the provisions herein for purposes of any civil, criminal, or administrative action. No person or entity shall be entitled to assert any claim or right as a beneficiary or protected class under this memorandum in any civil, criminal, or administrative action. This Memorandum shall not be construed to authorize access to any City or HPPD documents by any person or entity that is not a party to this memorandum. Nothing in this Memorandum of Agreement shall be deemed or interpreted as adding the United States as a party to either the ACLU Consent Decree or the class action lawsuit, No. 00 C 4212, in which the Consent Decree was entered.
- This Memorandum of Agreement does not preclude the United States from carrying out its law enforcement duties under Title VI of the Civil Rights Act of 1964 ("Title VI"), 42 U.S.C. § 2000d, or the Omnibus Crime Control and Safe Streets Act of 1968 ("Safe Streets Act"), 42 U.S.C. § 3789d(e), should a new complaint be filed with the United States against the City of Highland Park or the HPPD, or should the United States determine that a compliance review under Title VI or the Safe Streets Act is necessary. This Agreement also does not preclude the United States from carrying out its law enforcement duties or filing out under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14141, or under the Safe Streets Act,

GENERAL INFORMATION CIVIL RIGHTS DIVISION SPECIAL LITIGATION

LEADERSHIP

Jonathan M. Smith
Chief

CONTACT

Special Litigation Section
(202) 514-6255
toll-free at (877) 218-5228

FAX - (202) 514-0212

Alt. FAX - (202) 514-6273

Email -

Special.Litigation@usdoj.gov



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42 U.S.C. 3789d(c)(3), should the United States receive new information indicating possible violations of those statutes.

4. The investigation of complaints the United States received in 2000, alleging that command staff and officers of the HPPD had violated 42 U.S.C. § 14141, Title VI, and the Safe Streets Act by discriminating in law enforcement on the basis of race and national origin, now having been resolved; the United States represents that as of the date the parties sign this Memorandum, the City is not the subject of any other investigation or action by the Department of Justice, under 42 U.S.C. § 14141, Title VI, or the Safe Streets Act, concerning discrimination in the provision of law enforcement services.

5. Nothing in this Memorandum of Agreement shall be construed as an acknowledgment, an admission or evidence of liability of the City under 42 U.S.C. § 14141, Title VI, the Safe Streets Act, or the Constitution, or an acknowledgment, an admission, or evidence of liability of any HPPD officer under federal or state law. By entering into this Memorandum, the City does not imply that it has ever adopted or condoned any policy, practice or custom requiring or allowing racial profiling by the HPPD.

6. This Memorandum constitutes the entire Memorandum of Agreement between the parties and supercedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Memorandum. No amendment or modification to this Memorandum shall be effective unless and until it is reduced to writing, and approved and executed by the parties to this Memorandum in accordance with all applicable statutory procedures.

7. The effective date of this Memorandum of Agreement shall be the date of entry of the Consent Decree, and this Agreement shall terminate in five years from that date; provided, however, it shall terminate in three years from that date if both of the following conditions are met: (1) the HPPD is in compliance as of the third anniversary of the effective date of this Agreement, with all provisions and obligations set forth in paragraphs 30 through 56 of the Consent Decree, inclusive; and (2) in the event that there has been an allegation of a violation of any of the aforesaid paragraphs, there has been an investigation and response by the HPPD that the United States considers to be effective, timely and adequate. If the plaintiffs in Ledford, et al. v. City of Highland Park, No. 00 C 4212 (N.D. Ill. October 5, 2000), agree to terminate their Consent Decree after three years, the United States' agreement to terminate this Memorandum of Agreement shall not be unreasonably withheld.

For the City of Highland Park:

/s/ David Limardi

DAVID LIMARDI
City Manager

Date: _____

/s/ Steven M. Elrod

STEVEN M. ELROD
Holland & Knight LLP
55 West Monroe Street
Chicago, Illinois 60603

Date: _____

For the United States:

/s/ William R. Yeomans

WILLIAM R. YEOMANS
Acting Assistant Attorney General
Civil Rights Division

/s/ Steven H. Rosenbaum

STEVEN H. ROSENBAUM
Chief
DONNA M. MURPHY
Deputy Chief
DAVID R. ROCAH
Trial Attorney
Special Litigation Section

Civil Rights Division
United States Department of Justice
P.O. Box 66400
Washington, DC 20035-6400

Date: _____

/s/ Thomas P. Walsh

THOMAS P. WALSH
Acting United States Attorney
Northern District of Illinois

/s/ Joan Laser

JOAN LASER
PRESTON FUGH
Assistant United States Attorneys
219 South Dearborn Street
Chicago, IL 60604
(312) 383-1857

Date: _____

U.S. DEPARTMENT OF JUSTICE at 11 Pennsylvania Avenue, N.W., Washington, D.C. 20530

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Empire State Development

June 12, 2013

File ID: 57220

Mr. Stephen Pugh
Pugh, Jones & Johnson, P.C.
180 North LaSalle Street
Suite 3400
Chicago, IL 60601-2807

Dear Mr. Stephen Pugh:

The New York State Department of Economic Development, Division of Minority and Women's Business Development (DMWBD) has completed its review of your application for State Certification as a Minority Business Enterprise (MBE) and has determined that your firm meets eligibility requirements for certification, pursuant to Executive Law, Article 15-A.

On behalf of the DMWBD, we are pleased to inform you that the firm of Pugh, Jones & Johnson, P.C. has been granted status as a Minority Business Enterprise (MBE). In our effort to help you have the broadest possible reach, your business will be listed in the State's Directory of Certified Businesses with the codes listed on the following page

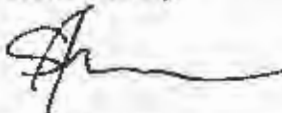
Certification status is not intended to imply that the State of New York guarantees your company's capability to perform on State contracts, nor does it imply that your company is guaranteed any State business.

Be advised that your certification expires 3 years from the date of this letter or unless you are contacted by this Office for recertification.

Please remember that any changes in your company that affect ownership, managerial and/or operational control, must be reported to this Office within thirty (30) days of such changes; including changes to company name, business address, telephone numbers, principal products/services, and bonding capacity. At such time as it is necessary for your company to be recertified, you will be notified by this office.

If your certification is questioned by any public or private entity, please direct the inquiry to this Office for clarification. Thank you for your cooperation. On behalf of the State of New York, I wish you luck in your business endeavors, particularly those involving State agencies.

Yours sincerely,



Scott Munson
Director of Certification



Empire State Development

New York State Department of Economic Development
633 Third Avenue New York New York 10017 Tel 212 803 2414
Web Site: www.esd.ny.gov/MWBE/html

June 12, 2013

File ID: 57220

Mr. Stephen Pugh
Pugh, Jones & Johnson, P.C.
180 North LaSalle Street
Suite 3400
Chicago, IL 60601-2807

Pugh, Jones & Johnson, P.C. will be listed in the State's Directory of Certified Businesses with the following list of codes for products and services:

ESD-I-0391: LEGAL SERVICES
NAICS-541110: LAW FIRMS

August 7, 2013

Stephen H. Pugh
Pugh, Jones & Johnson, PC
180 North LaSalle Street - Suite 3400
Chicago, IL 60601



Ref.:DASNY Opportunities Program Registration
Registration Date: 7/29/2013

Dear Stephen H. Pugh:

The Dormitory Authority of the State of New York (DASNY) Opportunity Programs Group is pleased to inform you of your firm's acceptance in the Authority's Opportunity Programs. Your firm will be included in the Authority's Registry under the following categories:

AAP Classification	Business Classification	Work Trades/Services
Minority	Legal Firm	Legal Services Civil Legal Service Real Estate

Your Registration with the Authority is effective for two (2) years from the registration date referenced above. Our office must be informed of any material changes in your company that affect ownership, managerial and/or operational control, as soon as possible. In addition, you should also report any changes in the following: business name, business address, telephone numbers, principal business classification and work trades/services.

Acceptance in DASNY's Opportunity Programs as a registered Minority or Women Owned Business is not in lieu of New York State Certification as a Minority or Women Business Enterprise. If your firm is not New York State Certified, we strongly urge you to obtain and forward a completed Uniform Certification Application to Empire State Development, Division of Minority and Women's Business Development (DMWBD). To request an application please call their office at (212) 803-2414.

CORPORATE HEADQUARTERS

515 Broadway
Albany, New York 12207-2964
T 518.257.3000
F 518.257.3100

NEW YORK OFFICE

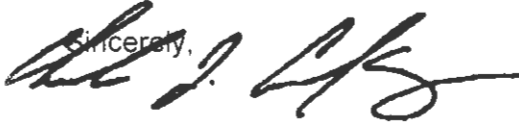
One Penn Plaza, 52nd Floor
New York, New York 10119-0098
T 212.273.5000
F 212.273.5121

BUFFALO OFFICE

539 Franklin Street
Buffalo, New York 14202-1109
T 716.884.9780
F 716.884.9787

August 7, 2013
Pugh, Jones & Johnson, PC

If you have any questions regarding the content of this letter, do not hesitate to contact me at 212-273-5115. We look forward to your full participation in DASNY Opportunity Programs.

Sincerely,


Charles J. Croskey
MWBE Business Development Outreach Coordinator

CMS

ILLINOIS

Pat Quinn, Governor

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

October 9, 2014

Stephen H Pugh
Pugh, Jones & Johnson, P.C.
180 N LaSalle St
Suite 3400
Chicago, IL 60601-2807

Certification Term Expires: October 8, 2015

Dear Business Owner:

Re: MBE Recognition Certification Approval
(CMSDC)

Congratulations! After reviewing the information that you supplied, we are pleased to inform you that your firm has been granted certification as a Minority Business Enterprise (MBE) under the Business Enterprise Program for Minorities, Females, and Persons with Disabilities.

BEP accepts the Chicago Minority Supplier Development Council's (CMSDC) certification regarding your business status. This outside certification is in effect with the State of Illinois as long as it is valid with the CMSDC.

At least 60 days prior to the anniversary day of your certification, you will be notified by BEP to update your certification as a condition of continued certification. In addition, should any changes occur in ownership and/or control of the business or other changes affecting the firm's operations, you are required to notify BEP within two weeks. Failure to notify our office of changes will result in decertification of your firm.

Please be advised, while this certification does not guarantee you will receive a State contract, it does assure your firm the opportunity to participate in the State's procurement process. Your firm's participation on State contracts will be credited only toward Minority Business Enterprise (MBE) goals in your area(s) of specialty. Your firm's name will appear in the State's Directory as a certified vendor with the Business Enterprise Program (BEP) in the specialty area(s) of:

SERVICES, ARBITRATION
SERVICES, ATTORNEYS
SERVICES, LEGAL
SERVICES, MEDIATION

Please visit our website at www.sell2.illinois.gov to obtain information about current and upcoming procurement opportunities, contracts, forms, and also to register to receive email alerts when the State is preparing to purchase a product or service you may provide.

Thank you for your participation in the Business Enterprise Program (BEP). We welcome your participation and wish you continued success.

Sincerely,


Carlos Gutierrez
Certification Manager
Business Enterprise Program

(L21MBE)

100 W Randolph St., Suite 4-100, Chicago, IL 60601

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CHICAGO MINORITY SUPPLIER DEVELOPMENT COUNCIL

THIS CERTIFIES THAT

PUGH, JONES & JOHNSON, P.C.

Has met the requirements for certification as a bona fide Minority Business Enterprise as defined by the National Minority Supplier Development Council, Inc. (NMSDC) and as adopted by the Chicago Minority Supplier Development Council.

****NAICS Codes: 541110**

****Description of their product/services as defined by the North American Industry Classification System (NAICS)**

Product/Service Description: LEGAL SERVICES

10/31/2014

Issued Date

10/31/2015

Expiration Date

CH2033

Certificate Number

President, ChicagoMSDC

By using your assigned (through NMSDC only) password, NMSDC Corporate Members may view the original certificate by logging in at: <http://www.nmsdc.org>



An affiliate of the National Minority Supplier Development Council, Inc. (NMSDC)