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May 21, 2015

Via E-Mail and Overnight Mail

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

Dear Newark Communities for Accountable Policing:

Thank you for your May 5 letter and the opportunity to provide you with information concerning our application to serve as court-appointed monitor of the Newark Police Department. Like you, we believe that community engagement with law enforcement in Newark is critical to the success of the reform process.

Enclosed please find a copy of the application we have submitted to the Department of Justice. The only parts of the application that we have redacted are proprietary financial information in Section VII and personal references listed for prior monitoring experience within Section IV. Names and biographical information of all members of our monitoring team are set forth in the application.

We are submitting these items to you electronically to comply with the response deadline. We will also send hard copies to your mailing address for your convenience. Our responses to your six specific questions are as follows:

1) What do you see as the biggest challenge(s) to successful community engagement with the Newark Police Department? How do you anticipate working to overcome those challenges?

The biggest challenge to successful community engagement with the police department in Newark is the same challenge that is faced by many communities throughout the country, namely, engaging with a police department that historically has not been accustomed to a substantial community role in its operations. A substantial step already has been taken in addressing this through the Mayor's creation of the Civilian Complaint Review Board.

The court-appointed monitor can help to overcome challenges in this regard by fostering an environment of open communication and mutual respect. As set forth in our monitorship application, at the very outset of our monitoring term, we would begin meeting with community and civil rights organizations to learn from them, share insights, and ensure open lines of communication that will facilitate the provision of feedback as the monitoring process continues. As monitor, we would ensure that we are accessible to the community through in-person meetings, town hall-type events and other similar events as permitted by the Consent Decree. The Consent Decree will set forth, among other things, the specific authority and permitted activities of the monitor, which will determine and guide particular means of community engagement. The ultimate goal is to foster an environment in which community feedback is valued by local law enforcement.

2) What is your plan for ensuring that community participation is permanently integrated into the policies and decision-making of the Newark Police Department?

The best way to ensure that community participation is permanently integrated into law enforcement decision-making in Newark is through facilitating a law enforcement culture in which such participation is valued. Long-term success in this regard is best achieved not through permanently forcing one party to accept the involvement of another, but rather through helping both parties see the value of each other's involvement. The initial steps in fostering this culture are premised on the lines of communication referenced above, including regular meetings with the interested parties.

Operational vehicles through which the police department and community groups work together, such as the Civilian Complaint Review Board, also can be valuable in this regard. As monitor, we would consider and implement such opportunities on an ongoing basis. It is vital to develop opportunities for positive interactions between local law enforcement and the community and to enshrine those mechanisms into police department policy and culture. Key in this regard is the notion of community policing, which the Department of Justice itself has defined as "a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime." U.S. Department of Justice Community Oriented Policing Services, <http://www.cops.usdoj.gov/pdf/vets-to-cops/e030917193-CP-Defined.pdf>, at p. 1. An important component of these efforts is "collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police." *Id.* Also vital is aligning police department structure and systems to support these community partnerships. We look forward to working with stakeholders in Newark on these efforts.

3) Please describe your expertise, if any, with law enforcement practices, and with policing reform consent decrees in other jurisdictions. How will those experiences inform your approach to overseeing implementation of Newark's consent decree? If you do not have such prior experience, what experiences prepare your team for overseeing a policing reform consent decree in Newark?

Our team has decades of experience with law enforcement practices, including, for example, training protocols, community policing, resolving misconduct complaints, use of force, and related constitutional requirements. This collective experience comes from our team members' unique backgrounds which include serving as a police instructor, federal prosecutor, State Comptroller, Deputy Director of the FBI, FBI Special Agent, and State Police Bureau Chief. In terms of experience with other consent decrees, our experience includes such efforts with the New Jersey State Police and the Seattle Police Department.

Our team's expertise with law enforcement practices and our experience in implementing related consent decrees is set forth in detail in our monitorship application on pages 5 through 13 and 16 through 26. In terms of our approach to overseeing the Consent Decree in Newark, we respectfully refer you to pages 27 through 32 of our application.

4) What is your plan for educating Newarkers about your role in the reform process? How do you plan to educate the community about opportunities for involvement in that process? How do you anticipate overcoming potential skepticism or distrust in the community?

In our experience, two key concepts in overcoming potential skepticism or distrust in a situation such as this one are transparency and credibility. With regard to transparency, as noted above, open lines of communication are vital. We would use all means contemplated by the Consent Decree, including, for example, social media, traditional media, and in-person meetings to inform and educate local residents about our role, obtain community feedback, and provide information about opportunities for involvement. It is vital to engage community groups and their leadership so they know they are part of the solution to the challenges that face the police department and local residents. Their voices can help the community feel that their concerns are being addressed effectively and swiftly. Regular, consistent, and sustained communication is fundamental to overcoming potential community skepticism and laying the foundation of trust needed for Newark residents to ultimately view their police department with a sense of civic pride.

Credibility is a function of, among other things, credentials. We believe strongly in our credentials as a monitoring team. As mentioned above, our team includes the former New Jersey State Comptroller, a former New York City Inspector General, the former Deputy Director of the FBI and two former FBI special agents, and a respected 27-year veteran of the New Jersey State

Police. Behind the individuals on our team are the resources of one of the nation's leading law firms in Lowenstein Sandler LLP and the internationally respected accounting and advisory firm of PricewaterhouseCoopers LLP.

Credibility also comes from a proven history of engagement with the community. For example, our team member David Alston has years of experience working with civic and religious leaders to address concerns regarding violent crime, drugs, and weapons in their neighborhoods, and keeping those individuals informed about law enforcement efforts in these areas. He has been honored by the National Organization of Black Law Enforcement Executives and the Essex County Prosecutor's Office for such efforts on behalf of the residents of Essex County. David also has particular experience addressing misconduct complaints from residents regarding police officers. He has ensured that such complaints were properly reported, he conducted interviews to determine the validity of complaints, and he worked to achieve satisfactory resolutions.

Similarly, team member David Harris serves on the Board of Trustees of the Coalition on Race-South Orange/Maplewood, a nonprofit organization committed to building a community free of racial segregation in housing patterns and community involvement; has participated for years in all phases of the Election Protection campaign, a nonpartisan coalition formed to ensure that all voters have an equal opportunity to participate in the political process; and serves on the Executive Committee of the Lawyers' Committee for Civil Rights, an organization that aims to secure equal justice for all through the rule of law. David also formerly served as president of the Board of Trustees of the American Civil Liberties Union of New Jersey. He started the ACLU-NJ Amicus Club to organize attorneys who support ACLU initiatives and to provide education about legal representation for important cases. David's decades of effective community engagement and civil rights leadership place him and the monitoring team in an excellent position to achieve a successful monitorship in Newark.

5) What changes, including policy changes, do you believe are critical to ending the civil rights and civil liberties violations identified in the Department of Justice investigation's findings, including racial profiling, unconstitutional stop-and-frisk practices, excessive force, retaliation against Newarkers engaged in First Amendment-protected activities, and a broken internal affairs system?

Keys in this regard include development of stronger policies and procedures, robust training and feedback, development of objective testing standards, ongoing testing and auditing against those standards, and ongoing analysis of pertinent data. While some specific policy changes cannot be identified until after we have the opportunity to review all of the Newark Police Department's current policies and the terms of the Consent Decree, the approach we would take is set forth in detail on pages 30 through 32 of our monitorship application.

6) What role do you see existing community-based organizations and ongoing policing accountability work in Newark playing in your plans to oversee reforms to the NPD?

As is emphasized throughout this document, the role of community-based organizations in this process is a vital one. As set forth in our monitorship application itself, our monitoring process will begin with us meeting in person with community groups and other relevant parties. These meetings will further the education of the monitoring team and we look forward to gaining insights from the experiences of local community, civil rights, and labor organizations. We also would look to continued dialogue with community groups for feedback throughout the monitoring term. All of this is, moreover, in addition to the operational and structural roles for community groups as discussed earlier, such as through the Civilian Complaint Review Board.

Many of the organizations that constitute the Newark Communities for Accountable Policing have worked with Lowenstein Sandler before and are familiar with our commitment to community engagement, transparency, and civil rights. Our history of efforts in this regard speaks louder than any words can. We hope we have the opportunity to continue to work with you on these efforts in Newark.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



A. Matthew Boxer

AMB:mr

FEBRUARY 13, 2015



**APPLICATION TO SERVE AS
COURT MONITOR OF THE
NEWARK POLICE DEPARTMENT**

Submitted by

**Lowenstein
Sandler**



Table of Contents

Section I: Executive Summary	Page 1
Section II: Personnel	Page 4
Section III: Qualifications	Page 15
Section IV: Prior Experience and References	Page 22
Section V: Proposed Activities	Page 27
Section VI: Potential Conflicts of Interest or Bias	Page 33
Section VII: Estimated Costs	Page 35

SECTION I

Executive Summary

I. Executive Summary

Serving as monitor for the implementation of reforms at the Newark Police Department (“NPD”) is a vitally important role that will impact the residents of Newark for years to come. The City of Newark (the “City”) has faced adversity, but remains a vibrant municipality whose residents deserve a police force that conducts itself in a manner consistent with all constitutional requirements.



Our monitoring team, which is led by a group of individuals with close ties to the Newark area, brings a comprehensive set of skills to this monitorship.

Our team includes:

- Lawyers with deep experience in law enforcement, civil rights law, and policing standards, as well as with leading large, complex projects;
- Accountants and analysts with unsurpassed experience and expertise in testing agency performance against established standards, including in the monitorship context;
- Law enforcement professionals and policing experts; and
- Data and statistical analysts.

This diverse team is led by Matthew Boxer, a partner at the law firm of Lowenstein Sandler LLP. Matt is the former New Jersey State Comptroller and has unequalled experience in New Jersey with conducting the type of reviews that will be required by the consent decree (“Consent Decree”) involving these parties. He has a proven record of putting together effective oversight teams and monitoring processes, and synthesizing the resulting data into a written report. Perhaps most importantly, he has tremendous credibility in this state and is someone New Jersey residents trust to be guided by the highest professional and ethical standards.

Matt is supported at Lowenstein Sandler by a law firm with a reputation for quality that is as strong as any firm in the region. On this project, Matt would be assisted by renowned Lowenstein attorneys David Harris and Ike Sorkin as well as others at the firm.

Joining the Lowenstein team in this Application is the internationally respected accounting and advisory firm of PricewaterhouseCoopers LLP (“PwC”), bringing vast analytics, law enforcement, and other field work experience to this project. PwC is uniquely qualified to assess and analyze performance of organizations and has extensive monitorship experience. PwC’s combination of industry-leading practices and deep knowledge of government agencies allows it to offer the City a unique set of skills and approach. As described herein, we have significant experience in the substantive areas to be covered by the Consent Decree, including policing standards, internal affairs procedures, police training practices, unconstitutional stops, and post-stop enforcement activity.

We have focused on putting together a team known for its skill, its professionalism, its integrity, and the absence of any political agenda. With the additional support of policing experts, our team would serve the Consent Decree parties and the District Court well in ensuring that the objectives of the Consent Decree are met and that NPD progress is appropriately monitored and charted.

I. Executive Summary

We also have focused on putting together a monitoring team whose members have the right personality for this assignment and who know the value of effective communication. Our team members (“Monitoring Team”), we believe, will have strong, positive relationships both with the parties to the Consent Decree and with the many constituencies that have an interest in this monitorship. We believe we can avoid the rancor some other cities and police departments have faced while operating under similar consent decrees. Especially with our familiarity with local issues, perspectives, and stakeholders, we believe we can avoid land mines and problems that would be unforeseen to others submitting monitorship applications.

We also are experienced in avoiding the temptation to overreach in fulfilling our responsibilities. While the monitor’s role is broad in some respects, it is limited in others. The monitor’s job is simply that – to monitor. It does not, for example, include operational responsibilities.

As set forth in more detail in Section V of this Application, our monitoring plan is a straightforward one. Standards will be established in consultation with the parties. It is important that these standards are objective ones, with subjectivity eliminated wherever possible. Then data is collected and testing takes place. Along the way, our Monitoring Team stands ready to provide technical assistance to the NPD. Feedback will be provided on policies and procedures and, if sought, various types of assistance will be given in the implementation of the Consent Decree.

The culmination of the periodic testing process is the issuance of a written report, through which the monitor simply reports on compliance with established standards in a professional, objective manner. The role of the monitor should not extend beyond this, and the monitor should make public statements only as specifically permitted by the Consent Decree.

Successful monitorships in a situation like this are based on notions of fairness, integrity, partnership, and an emphasis on facts. We will stay true to these basic concepts throughout our work.

We see the future of the NPD in the most positive of terms. Members of the NPD have challenging job responsibilities, and we respect the steps that the NPD already has taken since the July 22, 2014 report (“Report”) by the Department of Justice. We believe that the NPD can be a national model for best police practices and constitutional policing, and we look forward to playing a role in helping that become a reality.

OUR MONITORING TEAM WILL BE GUIDED BY FOUR CORE PRINCIPLES

1. The Monitor should not stray beyond the duties and role envisioned by the parties to the Consent Decree.
2. To the extent possible, subjectivity should be eliminated from the monitoring process.
3. The results of testing should be reported in an academic and professional manner.
4. The monitoring process should be fully transparent to all parties and surprises should be avoided.

SECTION II

Personnel

II. Personnel

Our Monitoring Team brings together highly talented individuals from diverse backgrounds, including attorneys, law enforcement and police practices experts, and data management and other analytics experts. The names of individual team members along with a summary of their background are set forth below.

LOWENSTEIN SANDLER LEGAL TEAM



Matthew Boxer
Partner and Chair, Corporate Investigations and Integrity Practice

As Chair of Lowenstein Sandler's Corporate Investigations and Integrity practice, Matt applies his public service experience in serving as a monitor and representing private clients in government and internal investigations. Matt is widely recognized for his impressive track record of leading fair and effective government investigations while serving for six years as New Jersey State Comptroller.

As New Jersey's first independent State Comptroller, Matt oversaw a staff of more than 130 employees responsible for conducting audits and reviews, examining the efficiency of government programs, and investigating misconduct by government officers. In that role, Matt and his staff produced a steady body of reports and other work that uncovered hundreds of millions of dollars in waste of taxpayer funds. The work of the office resulted in multiple new remedial state laws and was applauded by media outlets throughout the state.

Matt also served in monitor roles as State Comptroller, including with regard to the New Jersey State Police following the termination of the December 1999 consent decree with the United States Department of Justice. He served in similar roles in monitoring the State of New Jersey's expenditure of federal stimulus funding under the American Recovery and Reinvestment Act of 2009 and the state's expenditure of federal recovery funding following Superstorm Sandy.

Matt also has extensive experience with the federal courts in this district, having tried numerous cases to verdict and as a federal prosecutor led the successful prosecution of numerous public officials on corruption charges. Among them were the "Monmouth 11," a group that included three sitting mayors and four sitting councilmen, making it one of the largest single-day corruption takedowns in state history. As a federal prosecutor from 2001 to 2006, Matt served in the terrorism unit, the criminal division and the special prosecutions division of the U.S. Attorney's Office.

Matt clerked for Judge Jerome B. Simandle, U.S. District Judge for the District of New Jersey, and for Justice Gary S. Stein of the New Jersey Supreme Court. He earned his J.D. from

II. Personnel

Columbia University School of Law and a B.A. in Politics, *magna cum laude*, from Princeton University.



David L. Harris
Of Counsel, Litigation Department

David has been lauded as one of the top 10 litigators in New Jersey, and he is known for his trial, appellate, and arbitration skills in complex litigation spanning multiple jurisdictions, including intellectual property, antitrust, and trade secrets litigation.

Giving back to the community and establishing a level playing field between the powerful and powerless are the principles that have always defined David. He is active in the firm's substantial pro bono efforts and currently sits on the Lowenstein Center for the Public Interest's Pro Bono Committee. He also has been an active member of multiple community organizations including the Newark School of Theology, the American Civil Liberties Union, Essex-Newark Legal Services, Volunteer Lawyers for Justice, and the Lawyers' Committee for Civil Rights.

David earned his J.D. from Rutgers University School of Law – Newark, and an M.Ed. and a B.A. from Pennsylvania State University.



Ira Lee "Ike" Sorkin
Partner, White Collar Criminal Defense Practice

Ike focuses his practice on white collar criminal defense, SEC enforcement and other regulatory investigations and proceedings, internal investigations, corporate governance, FINRA defense, and criminal and civil litigation. He is well positioned to counsel clients in these areas, given his unique background as one of a handful of lawyers to have served in senior positions at the United States Attorney's Office in New York (Deputy Chief of the Criminal Division for the Southern District), at the SEC (Director of the SEC's New York office) and as the Chief Legal Officer of a member firm of the New York Stock Exchange (Nomura Holding America, Inc., and Nomura Securities International, Inc.).

II. Personnel

Ike earned his J.D. from George Washington University Law School and a B.A. from Tulane University.



Jewel M. Watson
Associate, Litigation Department

Jewel represents clients in high stakes, complex litigation matters. She is also heavily involved in the Lowenstein Center for the Public Interest, where she represents children in immigration proceedings as well as victims of domestic violence. She also has participated in an Essex-Newark Legal Services Fellowship, where she represented clients threatened with unjust eviction and homelessness.

Jewel is passionate about improving circumstances in disenfranchised communities and has an extensive public policy background. She is currently a Fellow in Lead New Jersey, a highly selective fellowship that educates, empowers, and engages talented leaders to create systemic change around New Jersey's most challenging issues. Prior to practicing law, Jewel served as a Special Assistant to the Commissioner of the Administration for Children's Services in New York City. In that role, she helped develop and implement ACS's Juvenile Justice Initiative, a citywide initiative that provides both an intensive service alternative for delinquent youth in family court who would otherwise serve time in institutional settings, and transitional and re-entry therapeutic services for youth – and their families – returning home from placement in institutional settings as a result of delinquency involvement.

Jewel earned her J.D. from Rutgers University School of Law – Newark and a B.A., *magna cum laude*, in Political Science and Policy Studies from Syracuse University.



Steven Llanes
Associate, Litigation Department

Steven has unique and valuable experience in public policy and relations across the government and business sectors. For nearly three years, Steven served as a White House

II. Personnel

Presidential Appointee, Policy Analyst and Spokesperson at the U.S. Department of Homeland Security in Washington, D.C. In these positions, Steven was a national media and Spanish-language spokesperson and coordinated with state and local governments to organize emergency preparedness training programs and drills. Later, Steven served as a corporate communications manager at KPMG LLP, where he advised firm partners and senior executives and handled public relations for the firm's corporate social responsibility, ethics and compliance, and recruiting initiatives including diversity recruitment and hiring.

Also active in Lowenstein Sandler's Center for the Public Interest, Steven is currently representing two clients in immigration proceedings before the Newark Immigration Court.

Steven earned his J.D. from Seton Hall University School of Law, an M.A. in Public Policy from Harvard University's John F. Kennedy School of Government, and a B.A., *summa cum laude*, from Saint Peter's University.

PWC FORENSIC SERVICES TEAM



Mark Gerber
Forensic Services Partner

Mark oversees forensic accounting investigations, assists companies in developing remedial procedures, and designs compliance systems and internal controls to mitigate future potential issues. Mark will be the lead PwC partner for the NPD project. In providing advice to clients, Mark combines his unique experience as a Special Agent with the FBI, as a CFO, and as an auditor with a Big 4 international accounting firm.

During Mark's nine-year tenure with the FBI prior to joining PwC, he was the lead investigator on both the \$14 billion Cendant case, which ultimately led to the conviction of the CEO, COO, and CFO of the company, and the Bristol-Myers Squibb channel stuffing case, which resulted in the company's acceptance of a deferred prosecution agreement and the indictment of two senior executives. Mark is a Certified Public Accountant and also is certified in financial forensics.

II. Personnel



William B. Waldie
Forensic Services Director

Bill is a director in PwC's Advisory Forensic Services practice and specializes in conducting forensic accounting investigations related to fraud, FCPA, anti-corruption, and money laundering matters. Bill joined PwC after a 24-year career with the FBI and has extensive experience managing and investigating sophisticated matters.

As an FBI Special Agent, he managed and participated in hundreds of investigations involving public corruption, fraud, money laundering, counterfeiting, piracy, organized crime, terrorism, and other crimes. He initiated and was the lead case agent on the largest public corruption and international money laundering investigation in New Jersey history. The case resulted in charges against more than 90 targets, including businessmen, organized crime associates, religious leaders, and dozens of New Jersey state, county, and local public officials. Further, the investigation led to the conviction of a major international human organ trafficking ring leader and the disruption of a \$1 billion-per-year international money laundering ring. The investigation received international media attention, was featured on the television show "American Greed," and is the subject of the book, [The Jersey Sting](#).

Bill has testified in numerous federal trials and is a Certified Public Accountant, a Certified Fraud Examiner, and a certified police instructor.



Sanjay Subramanian
Forensic Technology Solutions Principal

Sanjay is a principal in PwC's Advisory Forensic Services practice. He was a lead inventor of PwC's patented fraud detection capabilities and manages the Washington, D.C. and Philadelphia Forensic Data Analysis teams.

Sanjay led the data collection efforts for the Department of Justice ("DOJ") antitrust request concerning a major U.S. merger in the transportation industry. He collected and analyzed more than four terabytes of structured and unstructured data, while coordinating efforts among the client's general counsel, two law firms, and the DOJ.

II. Personnel

Sanjay also led a forensic audit of 750 million general ledger records to identify and analyze abnormal balances. Nineteen abnormal balances were identified, potentially impacting the reliability of financial statements and audit readiness of the financial management process. He suggested a remediation approach with supporting documentation from both a data analytics perspective and a system configuration analysis.

Sanjay received his M.B.A. from the University of Maryland, Robert H. Smith School of Business with a Six Sigma Red Belt Certification and is also a Certified Fraud Examiner, EnCase Certified Examiner, and Certified Information Systems Auditor.



Peter L. Zanolin
Forensic Services Manager

Peter is a member of PwC's Advisory Forensic Services practice. He specializes in program integrity, internal investigations, risk assessments, and the design and implementation of internal compliance programs.

A former public integrity, frauds, and organized crime prosecutor, Peter was most recently the New York City Inspector General charged with oversight of seven of the city's largest construction, environmental, and economic development agencies comprising more than 16,000 employees and contracting over \$9 billion in capital commitments. Peter's responsibilities also included oversight of the NYC Department of Environmental Protection Police. Peter was responsible for overseeing the appointment and oversight of integrity monitors and the negotiation and implementation of responsibility certifications and monitoring agreements. Peter also commanded a squad of investigators and attorneys with responsibilities for training, updating protocols, and planning and executing investigative operations.

As a prosecutor, Peter also conducted investigations of deadly force and allegations of unreasonable force by police officers. Peter tried multiple felony and misdemeanor cases to verdict, presented more than 100 cases to grand juries, interviewed and managed cooperating witnesses, examined or cross-examined hundreds of witnesses under oath, and conducted interrogations in pre-arrest and proffer settings.

II. Personnel



Michael Tosh
Director, State and Local Government

Michael is a director in PwC's State and Local Government practice, with more than 18 years of experience helping companies and governments develop innovative strategies to achieve improvements in performance. He is highly skilled in the technology and business fields, with a proven track record of enabling strategic initiatives through effective technology-based solutions. Michael has particularly strong project/program management, delivery, and architecture skills. In addition to his public-sector work, Michael has broad experience in delivering enterprise resource planning and customer relationship management solutions across multiple industries.

Michael's experience includes managing the efforts of the City of Seattle Police Department to identify requirements and define a solution to provide reporting on key public safety metrics, as mandated by a U.S. Department of Justice consent decree.

LAW ENFORCEMENT AND POLICE STANDARDS TEAM



David B. Alston
State Police Bureau Chief

David was a member of the New Jersey State Police for 27 years, retiring as a Captain and Bureau Chief. His responsibilities included all civilian and sworn personnel, along with all administrative, operational, and criminal investigative functions, duties, and strategic missions of six investigative units operating in central and northern New Jersey. He assisted in Bureau-level development of policy and procedures and was involved in several areas and levels of investigations, including those related to drugs and weapons trafficking, official corruption, theft, conspiracy, and fraud, among other areas, for 24 years.

David holds a New Jersey Certified Public Manager credential and continues to serve as an instructor for the State Police. He has years of experience working with local police departments and local community and religious leaders to address community concerns. He also has years of experience with the intake and investigation of law enforcement misconduct complaints. He received his B.A. from Fairleigh Dickinson University.

II. Personnel



Sean M. Joyce
Forensic Services Principal

Sean is a principal in PwC's Advisory Practice, where he specializes in Strategic, Risk, and Management Consulting, Forensics, Crisis Management, and Technology.

Prior to joining PwC in December 2013, Sean was Deputy Director of the FBI, where he spearheaded several strategic initiatives and established a framework to operate and evaluate the FBI's 56 domestic field offices.

Sean began his career as an FBI special agent in 1987. He has served as the Executive Assistant Director of the FBI's National Security Branch, Assistant Director of the FBI's International Operations Division, Chief of the Counterterrorism Division's International Terrorism Operations Section, Assistant Special Agent in Charge Washington Field Office, Supervisory Senior Resident Agent Dallas Field Office, SWAT Team Leader, and Hostage Rescue Team.

Sean is a 2011 recipient of the Presidential Rank Award, the nation's highest civil service award. He holds degrees from Boston College and Dartmouth College's Amos Tuck School of Business.



William D. Courtney
Director, Advisory Forensics Services

Bill joined PwC in 2000 with more than 18 years of experience in conducting investigations for major law firms and large multinational corporations. Previously, Bill served as the Deputy Director, Investigations (North and South America) for Control Risks Group, Ltd. (London), and as Vice President for The Investigative Group, Inc., a New York investigative firm. Bill also has worked for several New Jersey law enforcement agencies including the New Jersey Attorney General's Office, the New Jersey State Police, and the Westfield Police Department. In these roles, he built on his education at John Jay College of Criminal Justice and enhanced his expertise in local policing standards and issues.

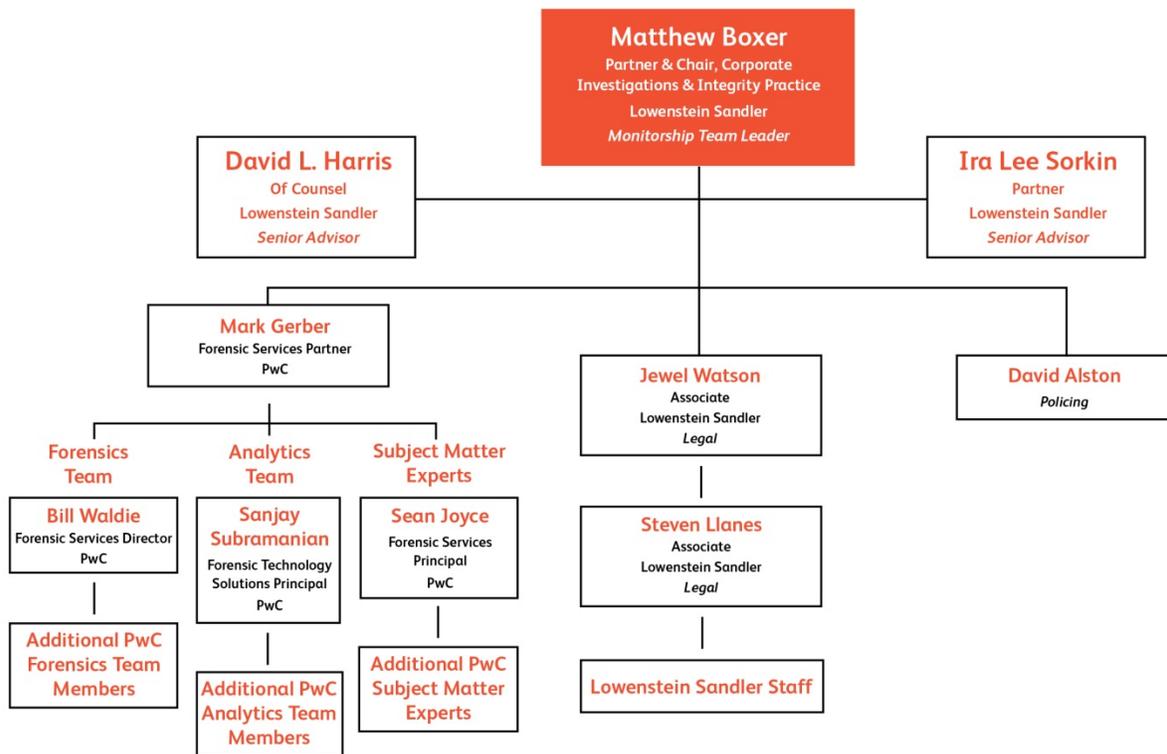
II. Personnel

Bill is a graduate of John Jay College of Criminal Justice and the New Jersey State Police Academy, and is a U.S. Marine Corps veteran.

INTERNAL ORGANIZATION

Our Monitoring Team’s division of responsibility will be fairly straightforward. Matthew Boxer will oversee the monitorship effort. He will be supported from a legal and report-writing perspective by attorneys from Lowenstein Sandler. Field work, testing, and data analytics will be conducted by PwC and reported to Matt and the legal team. Expertise on law enforcement and policing practices will be provided by PwC staff and David Alston.

In chart form, the organization of our team is as follows:



While a formal structure like this is necessary to ensure accountability and clear lines of responsibility, we have worked to put together a group of individuals who will spend less time worrying about internal chain of command and more time getting the job done.

In addition, the New Jersey Institute for Social Justice, which has substantial experience in areas such as community policing and civil rights, has agreed to serve as an advisor to our Monitoring Team. Lowenstein Sandler has substantial historical and current ties to the Institute, and a Lowenstein Sandler partner currently sits as the Chair of the Institute’s Board. We also are in discussions to add to our team another police practices expert from Rutgers University should the need arise.

II. Personnel

CURRENT PROJECTS

Although each of our team members has other professional responsibilities separate from this engagement, this project would be our highest (and, for some on the team, only) priority. For example, Matthew Boxer and others from Lowenstein Sandler currently are managing other cases, but if we are selected for this project, we would re-assign matters as needed. Rest assured that we would spend whatever time is necessary to make this project a success.

You will undoubtedly receive monitorship applications from firms outside this region that have no New Jersey office and, perhaps in some cases, from principals who have not spent time in Newark (or in New Jersey at all) other than when passing through our airport. These firms may be concurrently managing multiple engagements, and for them this engagement may simply represent another income stream that competes with other assignments for their attention. For us, this is where we live. We know that this project is too important for our state to take lightly, and we will devote the time and energy needed to achieve the results envisioned by the Consent Decree.

Specifically, Lowenstein Sandler team members are currently engaged in representing clients in white collar crime matters and SEC and FINRA proceedings, and in representing clients in commercial litigation and class action lawsuits. Our team members are also currently representing pro bono clients in a wide range of matters, including immigration proceedings before the Newark Immigration Court.

All PwC team members are currently working on a variety of forensic audits and investigations. Schedules are not fixed, and PwC has the available staff to address current projects and make sure the staff assigned to this project is fully committed to the mission.

Our team is composed of leaders in their respective fields. Not surprisingly, our team members are busy. However, we pride ourselves on the level of service we bring to our clients and no matter how busy an individual team member may be, Lowenstein Sandler, as a full-service law firm, and PwC, as one of the largest professional services firms in the world, have the ability to add capacity to our teams as needed. We assure you that the successful implementation of the Consent Decree will be our team's top priority.

“For us, this is where we live. We know that this project is too important for our state to take lightly and we will devote the time and energy needed to achieve the results envisioned by the Consent Decree.”

SECTION III

Qualifications

III. Qualifications

Our Monitoring Team has tremendous qualifications in the areas required by this monitorship. Specific qualifications are set forth below.

MONITORING & AUDITING EXPERIENCE

Our Monitoring Team has deep and varied experience with institutional investigation, review, and assessment. For example, Matthew Boxer spent six years as New Jersey State Comptroller monitoring, auditing, evaluating, and reviewing the performance of organizations and agencies. Under his supervision and guidance, the Office of the State Comptroller issued dozens of reports on such projects and obtained a reputation for quality and thoroughness throughout the state.

Similarly, PwC's team members have extensive audit experience and have developed, implemented, and analyzed numerous compliance programs for private and public entities. They also have designed and implemented compliance-monitoring controls in both the private and public sectors. Specific experience with monitoring settlements and similar arrangements is set forth in Section IV.

LAW ENFORCEMENT PRACTICES

Our team is closely familiar with a wide variety of law enforcement practices, including training protocols, community policing and problem-oriented policing, misconduct complaints and use of force investigations, and related constitutional requirements.

Several PwC team members have extensive law enforcement experience and knowledge of police practices and training, including Sean Joyce, former Deputy Director of the FBI and former FBI, Newark Division Special Agents Bill Waldie and Mark Gerber. Bill Waldie is also a certified police instructor.

Similarly, as a Bureau Chief in the New Jersey State Police, David Alston served as a Primary Instructor at the New Jersey State Police Academy. David also addressed misconduct complaints from citizens regarding bureau members. He ensured complaints were properly reported, conducted interviews to determine the validity of complaints, and ensured satisfactory resolutions.

OUR MONITORING TEAM INCLUDES

- The former New Jersey State Comptroller
- A former New York City Inspector General
- The former Deputy Director of the FBI and two former FBI special agents
- A 27-year veteran of the New Jersey State Police
- The former Director of the Securities Exchange Commission's New York Office

III. Qualifications

Finally, as State Comptroller, Matthew Boxer was charged with monitoring New Jersey State Police conduct following the end of federal oversight. Under Matt's direction and supervision, the Office of the State Comptroller issued a series of reports assessing the State Police's commitment to non-discrimination, professionalism, and accountability in its practices. Further details regarding these projects can be found in Section IV.

ORGANIZATIONAL CHANGE & QUALITY IMPROVEMENT PRACTICES

As State Comptroller, Matthew Boxer put a system in place so that every auditee of the Comptroller's Office would be required to submit a Corrective Action Plan following an audit. Matt and his staff worked with auditees to come up with effective improvement practices. Matt further put systems in place to ensure that following each audit, the office subsequently completed a follow-up report to evaluate the breadth and depth of organizational change, as measured against appropriate metrics.

Examples of these follow-up reports can be found at the website of the Office of the State Comptroller at: http://www.nj.gov/comptroller/news/approved/news_archives.html.

David Alston and our policing experts from PwC will also be involved in the development of quality improvement practices. For example, as Deputy Director of the FBI, Sean Joyce established a framework to evaluate the FBI's 56 domestic field offices. Former FBI Newark Division Special Agent Mark Gerber now regularly assists clients in developing remedial procedures and designing compliance systems and internal controls to mitigate future potential issues, and Peter Zanolin, former Inspector General of New York City's Department of Investigations, specializes in program integrity, risk assessment, and the design and implementation of internal compliance programs.

Jewel Watson, in her prior position as Special Assistant/Senior Analyst at New York City's Administration for Children's Services, also evaluated the performance of the organization's juvenile justice program and measured the program's success relative to its goal of keeping juvenile delinquents out of institutional settings.

MEDIATION & DISPUTE RESOLUTION

The Lowenstein Sandler attorneys on our team have extensive experience in the areas of mediation and dispute resolution and have participated in numerous such sessions. David Harris has served on the New Jersey Courts Fee Arbitration panel for several years. On the panel, David helps resolve disputes between clients and attorneys related to fees charged for legal matters. David has also received mediation training from the International Institute for Conflict Prevention & Resolution. As a firm, Lowenstein Sandler has experience representing clients in all aspects of mediations and arbitrations across the country.

III. Qualifications

STATISTICAL & DATA ANALYSIS, INFORMATION TECHNOLOGY & DATA MANAGEMENT

PwC's Forensic Technology Solutions practice applies advanced approaches to address complex information management challenges. The practice combines data analysis techniques, sophisticated technology tools, information management principles, and an understanding of the particular environment created by investigative, dispute, compliance, and risk management matters to help clients make well-informed decisions. Our PwC team members offer the latest technology in managing data in a monitorship such as this one.

Similarly, PwC's Dispute Analysis group provides financial, economic, and statistical services and has deep experience in data collection and analysis.

In addition, Lowenstein Sandler's Practice Support Department hosts data both in-house and by using external platforms hosted by service providers, including Xact Data, Xerox, Kroll, Empire Discovery, and DTI. At present, the department oversees hundreds of active document databases. We are well versed in processing and hosting data in a way that makes it available for review and analysis by clients and other parties participating in joint arrangements. All of our databases are hosted on a platform that allows access, review, and analysis by clients and other partners. We use our expertise and understanding to process and host each project in the most cost-sensitive and effective manner.

GOVERNMENT AGENCIES & MUNICIPALITIES EXPERIENCE

A number of members of our Monitoring Team have extensive experience with government agencies. For example, Matthew Boxer spent six years dealing with government agencies, municipalities, and collective bargaining units as State Comptroller and two years before that as Director of the Authorities Unit in the Office of the Governor. Many of our other Lowenstein team members previously have worked for government agencies. For example, Ike Sorkin served as Deputy Chief of the Criminal Division for the Southern District of New York in the United States Attorney's Office in New York and as the Director of the SEC's New York office. Steven Llanes served as a Policy Analyst in the federal government's Department of Homeland Security, and Jewel Watson was a Special Assistant/Senior Analyst at New York City's Administration for Children's Services. This unique combination of experience gives our team an insider's knowledge when working with government agencies and municipalities.

Our PwC team members similarly have substantial government and municipal experience from their time employed by the FBI. In addition, David Alston has extensive experience working with municipalities and municipal police departments from his 27 years with the New Jersey State Police.

LANGUAGE SKILLS

Our team also has experience working with non-English-speaking persons and communities. Steven Llanes is a native Spanish speaker and has used his language skills in professional contexts, including serving as a Spanish-language spokesperson at the Department of Homeland Security and representing pro bono clients in immigration cases.

III. Qualifications

Through Lowenstein Sandler's Center for the Public Interest, Lowenstein regularly works with non-English-speaking persons (predominantly Spanish-speaking individuals) in immigration proceedings. The firm employs three Spanish-speaking paralegals who interact with our clients, function as translators, interpret documents, and overcome all limitations a non-Spanish-speaking attorney may face when representing a Spanish-speaking individual.

Lowenstein attorneys also regularly work with translation services in and around the New Jersey and New York area that allow us to communicate with Portuguese, French, Turkish, and Syrian speakers as well as speakers of a wide variety of other languages. Similarly, PwC hires and utilizes talented personnel with diverse backgrounds in several languages, including Spanish and Portuguese.

Our Monitoring Team would be amenable to translating key reports into Spanish if the parties to the Consent Decree would like us to do so.

FAMILIARITY & UNDERSTANDING OF LOCAL ISSUES & CONDITIONS

Most of our Monitoring Team comes from and lives in New Jersey, and we cumulatively have decades of experience working in Newark. In addition, several of our team members went to school in Newark and have developed a strong connection to its communities.

Many of the pro bono clients Lowenstein serves are from the greater Newark area. While assisting these clients, our lawyers experience first-hand the difficulties the residents of Newark may face. Our Monitoring Team members maintain strong relationships with the community through their pro bono representations and service in community organizations. For example, David Harris is a member of the Newark School of Theology, Essex-Newark Legal Services, Volunteer Lawyers for Justice, and other organizations.

As previously noted, Mark Gerber and Bill Waldie worked in the FBI's Newark Division for many years, which gave them intimate knowledge of the City and its diversified culture, local issues, and conditions. Collectively, our team's knowledge of local conditions will enable us to act more efficiently than others and avoid land mines on which others may unknowingly step. Unlike other potential applicants, we don't need to partner with a local counsel because we are already here. We don't need to rent a local office because we already work here. We don't need to find New Jersey residents to tack on to our Application because New Jersey residents are the backbone of our Monitoring Team.

EFFECTIVE ENGAGEMENT WITH DIVERSE COMMUNITIES

In his role with the New Jersey State Police, it was imperative for David Alston to engage the community during law enforcement operations. He worked with civic and religious leaders to address concerns regarding violent crime, drugs, and weapons in their neighborhoods and has been honored by the National Organization of Black Law Enforcement Executives and the Essex County Prosecutor's Office for his contributions to and efforts on behalf of the residents of Essex County.

III. Qualifications

Other team members have engaged with diverse communities through participation in local organizations. David Harris serves on the Board of Trustees of the Coalition on Race – South Orange/Maplewood, a non-profit organization committed to building a community free of racial segregation in housing patterns and community involvement; has participated for several years in all phases of the Election Protection campaign, a nonpartisan coalition formed to ensure that all voters have an equal opportunity to participate in the political process; and serves on the Executive Committee of the Lawyers' Committee for Civil Rights, an organization that aims to secure equal justice for all through the rule of law.

Jewel Watson sits on the Young Professionals Board of the New Jersey Law and Education Empowerment Project, an organization founded in 2006 to empower youth from underserved neighborhoods in northern New Jersey to greater educational achievement through focusing on skills, habits, and exposure. Steven Llanes is a member of the Hispanic Bar Association of New Jersey, through which he is involved in outreach to the Hispanic community.

CREATION & EVALUATION OF MEANINGFUL CIVILIAN OVERSIGHT

Members of our law enforcement team have engaged with civilians in a variety of capacities. As mentioned above, David Alston worked with civic and religious leaders to address civilian concerns. Moreover, as part of the New Jersey State Police's Safe City Initiatives, David worked with the Newark Police Department and the Essex County Prosecutor's Office to combat violence and drugs in Newark housing projects. As part of that process, David engaged with ministers and other community leaders to help residents maintain a sense of safety by keeping them informed about these efforts. David regularly participated in community partnerships between citizens and police. He also has assisted with addressing police misconduct complaints from citizens.

FAMILIARITY WITH FEDERAL, NJ & LOCAL LAWS, INCLUDING CIVIL RIGHTS LAWS

The attorneys at Lowenstein Sandler have unsurpassed familiarity with federal, New Jersey and local laws, particularly in the civil rights context. Civil rights cases have long been central to the firm's pro bono program, and the firm continues to vindicate civil rights through the Lowenstein Center for the Public Interest. The firm has been engaged in civil rights matters such as challenging unconstitutional immigration actions, representing asylum seekers, preventing profiling at airports, advancing voting rights, and advocating for community housing for people with disabilities, among other matters. We have, moreover, expertise in police practices as described above.

Our PwC team members similarly have years of experience working with local police departments across the country.

COMPLETING PROJECTS WITHIN ANTICIPATED DEADLINES & BUDGET

Many members of our team have extensive experience completing large and complex projects within deadline and on budget, at both Lowenstein Sandler and PwC. We are very accustomed

III. Qualifications

to delivering work product to clients on a set time frame and with monetary constraints. In the government context specifically, budgeting limitations were a central part of the job both for Matthew Boxer as State Comptroller and for Sean Joyce as Deputy Director of the FBI.

PREPARING FOR & PARTICIPATING IN COURT PROCEEDINGS

This is another everyday part of the job for attorneys at Lowenstein Sandler and we have decades of experience in courtroom settings. Our PwC team members similarly have deep experience preparing for trial and participating in court proceedings.

REPORT WRITING FOR A BROAD VARIETY OF STAKEHOLDERS

As the former New Jersey State Comptroller, Matthew Boxer has extensive experience collecting voluminous information, synthesizing it, and reporting on it in written form to be read by a broad variety of stakeholders. His success with this process over many years speaks for itself. Similarly, PwC's professionals have worked in a multitude of industries, including in the public sector and for very large companies, and have consistently delivered reports in line with their clients' needs.

SECTION IV

Prior Experience and References

IV. Prior Experience and References

Members of our Monitoring Team have substantial project experience relevant to the duties and responsibilities of this engagement. Some examples and references are set forth below.

NEW JERSEY STATE POLICE

In 2009, as part of the termination of the consent decree between the Department of Justice and the New Jersey State Police, the New Jersey Legislature passed the Law Enforcement Professional Standards Act. That act charged the Office of the State Comptroller with monitoring State Police conduct following the end of the federal monitors' oversight. Under Matthew Boxer's direction and supervision, the office issued a series of reports assessing whether the State Police was maintaining its commitment to non-discrimination, professionalism, and accountability in its practices. These reports covered, for example, training practices, the internal affairs and discipline processes, and motor vehicle stops and post-stop enforcement activity.

An example of such a report can be found at:

http://www.nj.gov/comptroller/news/docs/sp_report_04172012.pdf.

Other examples can be found on the Office of the State Comptroller website:

http://www.nj.gov/comptroller/news/approved/news_archives.html.

Reference:

SUPERSTORM SANDY

Under Executive Order 125 (2013), Matthew Boxer was assigned a key role in monitoring billions of dollars in federal reconstruction funds sent to New Jersey following Superstorm Sandy. The responsibilities of the Office of the State Comptroller included conducting risk assessments of public entities receiving federal reconstruction funds and engaging audits and reviews as appropriate. Those responsibilities also included pre-screening all state contracts involving Sandy relief funds to ensure that the proposed vendor-selection process complied with public contracting laws. The office also established a Sandy website, www.nj.gov/comptroller/sandytransparency, that allows the public access to all Sandy-related contracts entered into by the state. Under Matt's direction and supervision, the site also included a "funds tracker," enabling the public to view how and where the state has allocated its Sandy funding. In addition, the office maintained a Sandy fraud hotline to field tips about waste and abuse of reconstruction funds, and issued guidance to municipalities and other entities involved in post-Sandy reconstruction.

Reference:

FEDERAL STIMULUS SPENDING

In 2009, following appointment by the then-Governor, Matthew Boxer served as the co-leader of a task force that oversaw federal investment in New Jersey through the American Recovery and

IV. Prior Experience and References

Reinvestment Act. Specifically, the group reviewed whether recovery funds were awarded based on clear and appropriate criteria and then distributed in a prompt, fair, and reasonable manner. Among other tasks, the group provided internal controls guidance and training to New Jersey government units, reviewed project selection criteria, and assisted in the development of a website that catalogued Recovery Act spending in New Jersey. In this role, Matt also designed and oversaw reviews of Recovery Act spending and reported on results.

An example of such a report can be found at:

http://www.nj.gov/comptroller/news/docs/04_29_2010_labor_wia.pdf.

Reference:

SEATTLE POLICE DEPARTMENT – BUSINESS INTELLIGENCE READINESS ASSESSMENT & RECOMMENDATIONS

PwC was on the monitoring team overseeing the implementation of reforms at the Seattle Police Department (“SPD”). The City of Seattle had entered into a settlement agreement with the Department of Justice with the goal of ensuring that efficient police services were delivered to the people of Seattle in a way that promoted public confidence in the SPD and its officers.

PwC constructed a robust business intelligence system to provide officer performance data to managers which enabled them to actively supervise and monitor their officers. This system also functioned as an early intervention system to alert managers, through identifying trends in officer performance, to take corrective action. Working across 16 different functional units within the SPD, PwC worked around gaps in data and other hurdles to successfully deliver on this engagement.

Reference:

NEW YORK STATE – SUPERSTORM SANDY PROGRAM RECOVERY OFFICE - INTEGRITY MONITORING

Following Superstorm Sandy, the State of New York engaged PwC on several fronts as it planned and managed its disaster response. With particular relevance here, PwC was engaged by the state to provide program management and integrity monitoring services concerning all of the state’s disaster response, including CDBG-DR Housing recovery, SSBG Social Services recovery, Transportation, and Environmental funding streams. With respect to Housing and Small Business recovery, PwC assisted the state’s Homes and Community Renewal office in administering the CDBG-DR program, helping design processes, evaluate resources and technology tools, and provide integrity monitoring and quality assurance services.

Reference:

IV. Prior Experience and References

SSBG COMPLIANCE SERVICES - NJ DEPARTMENT OF HUMAN SERVICES

PwC was engaged by the State of New Jersey to provide compliance and monitoring services in the form of risk assessments as three New Jersey agencies moved forward with the distribution of Supplemental Social Services Block Grant monies for services to Superstorm Sandy survivors. PwC has been assessing risk concerning missing controls and areas that could be vulnerable to fraud, waste, and/or abuse.

Reference:

CONFIDENTIAL CLIENTS

PwC has also performed monitorship work for confidential clients, making providing a reference difficult. Brief summaries of two examples are provided to show some of the firm's prior experience in this area.

- PwC provided Special Compliance Official Services to a company that was a party to a consent agreement related to AECA/ITAR violations. PwC monitored the company's ITAR compliance program, including remedial measures, corporate oversight, policies and procedures, identification and classification of ITAR-controlled defense articles, and compliance with the terms, conditions, and provisos of ITAR licenses and agreements. PwC's subject matter professionals reported directly to the company's executive leadership through status reports on the company's ITAR compliance program. PwC assessed and reported the company's progress in adhering to the terms of the consent agreement, presented findings and conclusions, and made recommendations to the company on enhancing its ITAR compliance program in addition to reviewing and coordinating with the company's internal ITAR audits.
- A multinational pharmaceutical company entered into one of the largest settlement agreements in U.S. history, settling allegations of fraudulent pricing schemes that inflated reimbursement by the Medicare and Medicaid programs, violations of the Prescription Drug Marketing Act and anti-kickback statutes, and other sales and marketing misconduct related to one of its core drugs. As a result, the company agreed to enter into a Corporate Integrity Agreement ("CIA") with the Office of the Inspector General ("OIG") for a five-year period. The company selected PwC to serve as its Independent Review Organization for the duration of its CIA. As mandated by the CIA, PwC conducted a multi-phase Drug Price Reporting Review, a Sales and Marketing Review and a Compliance Review and reported the review results as part of the company's annual submission to the OIG. To design the most efficient and productive procedures, PwC worked with the members of the company's senior management team to address critical issues related to statistical sampling, information systems, and testing universes.

IV. Prior Experience and References

OTHER RELATED AUDITS AND WORK FOR CORPORATE CLIENTS

Numerous other audits conducted under Matt's supervision at the Office of the State Comptroller can be found at: http://www.nj.gov/comptroller/news/approved/news_archives.html. Similarly, at Lowenstein Sandler, Matt has conducted internal investigations for corporate clients. Many of the details of those reviews are confidential under the attorney-client privilege, but a generic summary can be provided upon request.

SECTION V

Proposed Activities

V. Proposed Activities

On a day-to-day basis, the Monitoring Team's efforts will involve a large number of discrete tasks designed to have a cumulative effect in helping the NPD achieve constitutional compliance and secure the respect of the communities it serves. It is important for a monitor to be guided by overarching principles as the monitor completes these multiple discrete tasks. For our Monitoring Team, those principles are as follows:

1) The monitor must not stray beyond the duties and role envisioned by the parties to the Consent Decree.

Specifically, that role is to "assess and guide implementation of a judicially enforceable consent decree." Request for Applications at 1. The monitor's role is not to engage in policing, infringe on the law enforcement province of the NPD, or engage in public discourse concerning these issues except as set forth in the Consent Decree. Rather, it is to assess compliance with the Consent Decree and to report on that compliance in the form sought by the DOJ and the City.

2) Subjectivity should be eliminated from the monitoring process to the extent possible.

The monitorship role should be performed through establishing objective testing criteria with which all parties are comfortable and then assessing compliance with those objective criteria. In other words, the NPD should be well aware of what is required of it and, ideally, at the conclusion of testing there should be no dispute regarding the NPD's performance.

3) The results of the testing should be reported in an academic, professional manner.

The reporting process should be akin to a baseball umpire calling balls and strikes, without pre-judging the NPD's performance, without hyperbole, and without inflammatory discourse. The goal of the monitorship is to help the NPD achieve compliance with legal requirements and measure its performance – nothing more and nothing less.

4) The monitoring process should be fully transparent to all parties and surprises should be avoided.

This transparency should extend to the NPD, the public, and community stakeholders. Along the way, there must be opportunities for input and feedback from relevant parties and no report should be issued without the subject of the review viewing a draft and having an opportunity to comment on it. The Monitoring Team will have regular meetings with the City and with DOJ throughout the process.

V. Proposed Activities

The monitoring process will begin with the Monitoring Team meeting in person with all relevant parties, both in the law enforcement field and from the Newark and Essex County community. This serves several purposes. First, it continues the process of educating the Monitoring Team so that the team can fulfill its obligations in the most effective manner possible. Second, it helps ensure that the lines of communication from and to the Monitoring Team are open, which, for example, will facilitate providing feedback to the Monitoring Team as the monitoring process continues. And third, it enables various stakeholders to see first-hand that the Monitoring Team is determined to “get this right” and to see that their input is valued.

For example, our Monitoring Team would establish immediate contact with the NPD. Our dialogue would include getting complete information about the work the NPD already has done to implement reforms. Similarly, we would meet with the DOJ investigative team and review available DOJ materials to get the benefit of the detailed work DOJ already has conducted. We would review current NPD policies and procedures and compare them with policies in other cities and with model policies from professional police organizations. Concurrently, we would ensure that community groups and stakeholders have an opportunity to express their concerns and observations.

While these meetings are taking place during this initial 60-day period, the Monitoring Team will draft its detailed monitoring plan. Objective metrics will be established in consultation with the Consent Decree parties and audit protocols and procedures will be finalized. The DOJ Report provides a tremendous framework for this process.

At the same time, the Monitoring Team will stand ready to provide technical assistance to the NPD. Feedback will be provided on policies and procedures, and, if sought, assistance will be given in the implementation of the Consent Decree.

The next aspect of the monitorship is the collection of data, to occur in coordination with the NPD and the City. Review of documents frequently is of the greatest significance in this regard, but data collection also will include interviews of individuals as well as methodologically sound surveys where appropriate. The testing process is designed to determine, in part, whether constitutional performance has improved during the pendency of the Consent Decree. It will be conducted in accordance with accepted standards.

In many ways, the drafting of written reports is the culmination of the monitoring process. Such reports are addressed first and foremost to the Court and to the Consent Decree parties, but should also be in a form easily understood by other stakeholders and members of the public. In this case, we envision completing periodic reports concerning the activities of the Monitoring Team, with reports also issued upon the completion of major reviews as well as issuance of an annual report assessing compliance with the Consent Decree. A website can be set up to post these reports and other significant information regarding the monitorship, if the parties desire. In addition, the Monitoring Team will set up an email account and a telephone hotline through which stakeholders and other members of the community can provide feedback to the Monitoring Team.

Throughout this process the goal of the monitorship remains the same: implementation of constitutional policing practices and transition by the NPD to a system of self-monitoring as expeditiously as is possible.

V. Proposed Activities

This process as generally described above will be applied to each of the specific substantive areas set forth in the Consent Decree. The Report already has set forth a significant foundation in this regard and provides a framework for the process going forward. Examples of particular areas to be reviewed are set forth below.

A. STOPS, SEARCHES AND ARRESTS

The Report found, among other areas of concern, that:

- The NPD engaged in a pattern or practice of making pedestrian stops without individualized suspicion;
- For many of those stops there was no documented justification for the stop, and in other instances the basis that was documented was not legally sufficient;
- Lack of clarity in NPD policies appears to have contributed to these issues;
- There is reason to believe the NPD has engaged in a pattern or practice of unconstitutional arrests for behavior the NPD perceived as disrespectful to NPD officers;
- There is reason to believe that some NPD narcotics arrest reports have not accurately described the circumstances leading to arrest, caused in part by inadequate supervisory review.

As Monitor, we will ensure that each of these areas is addressed by the NPD. That effort begins with ensuring that appropriate written policies and procedures are drafted and put into effect. From there, a robust training program will be put in place and monitored by the Monitoring Team.

The success of these enhanced policies and training program will be evaluated through an ongoing analysis of stop data and arrest data, including review of Field Inquiry Reports and other relevant documentation as well as interviews with NPD personnel and others as necessary.

We are confident that these efforts will yield dramatic improvements in practices within the NPD.

B. BIAS-FREE POLICING

The Report found that “black people in Newark have been stopped and arrested at a significantly higher rate than their white and Hispanic counterparts.” Report at 16. The Report further found that the NPD does not adequately maintain, track, or analyze demographic data for its law enforcement actions and that further data analysis is necessary to more fully understand the nature and causes of the racial disparities. In addition, the Report found that the NPD’s use of Quality of Life citations has been ineffective and has disproportionately targeted black individuals. All of this has resulted in a city where black men “fear law enforcement action, regardless of whether such action is warranted by individualized suspicion.” Report at 17.

V. Proposed Activities

Eliminating discriminatory law enforcement action is closely connected to ensuring, as described above, that all stops and arrests are conducted on constitutionally appropriate grounds. Strong NPD policies and procedures, as well as robust training, are critical to this effort and will be overseen by the Monitoring Team. The Monitoring Team also will assist the NPD in improving its gathering and analysis of demographic data and will monitor and report on those efforts. These efforts are crucial, as only through an awareness of this data can the NPD and other stakeholders assess the NPD's efforts in this regard.

The Monitoring Team will also look specifically at Quality of Life citations, ensuring appropriate policies and training are in place, gathering relevant data, and reporting on whether these citations are being used in a lawful manner. The Monitoring Team will also consider using interviews with residents and stakeholders, as well as focus groups if needed, to assess community reaction to changing procedures within the NPD.

C. USE OF FORCE

The Report found cause to believe that the NPD has engaged in a pattern or practice of using unconstitutional force, failing to fully investigate use of deadly force, and failing to make appropriate criminal referrals. The investigation also revealed underreporting of use of force by NPD officers in internal NPD records such as Incident Reports, as well as limits to the usefulness of some of those internal records. In addition, the Report noted the absence of a robust process for supervisory review of use of force, contributing to a culture within the NPD that facilitates unreasonable force.

These limitations are best addressed through revisiting the structure of the records themselves, implementing strong policies related thereto, providing appropriate training, and using objective criteria to determine whether these matters are being handled appropriately by NPD officers. Robust supervisory review within the NPD over these issues is critical in establishing accountability, as well as a culture and "tone at the top" that cultivates a respect for appropriate practices.

The Monitoring Team will test and report on the NPD's progress in these areas.

D. MISCONDUCT COMPLAINTS/DISCIPLINE

The Report found significant deficiencies in the NPD's handling of civilian complaints, including an alarmingly low rate of sustained civilian complaints, a failure to collect appropriate evidence from complainants, and a failure to objectively assess evidence compiled. It also noted the NPD's inappropriate use of criminal history of complainants, failure to give weight to accused officers' disciplinary history, and a practice of discouraging complainants by giving them Miranda warnings. Lastly, the Report found significant flaws in the way in which the NPD determines discipline, stemming from the absence of transparent, objective criteria to guide and document disciplinary decisions. Since the time of the Report, media accounts indicate that the NPD already has taken steps to address some of these issues.

V. Proposed Activities

Each of the issues mentioned above is best monitored through development of objective, defined standards of appropriate conduct, followed by testing against those standards. Clear and effective policies need to be developed and then discussed with NPD personnel through the training process. The focus should include, but is by no means limited to, issues such as timely adjudication of complaints and effective tracking of complaints and their resolution. The Monitoring Team will ensure that this occurs and that the results of that process are reported.

Complaints can and should be a vehicle through which agency improvements are achieved, and thus the manner in which the NPD has dealt with complaints represents a lost opportunity for the department.

An effective and constitutionally compliant process contributes to an effective police force. Just as any good attorney should be interested in the feedback of others about his or her performance, law enforcement officials should welcome constructive criticisms, whether they come in oral, written, or electronic form. This dialogue can help ensure that small problems do not turn into larger problems. In turn, an appropriate complaint and disciplinary system makes the community feel that it has a role in the process of ensuring a strong and fair police force.

We are confident that our monitoring efforts will yield dramatic improvements in these areas, resulting in a police department that will be proud to say it is implementing and using best practices.

E. OFFICER TRAINING

As is clear from the discussion above, effective training is key to addressing many of the issues identified in the DOJ Report. Our Monitoring Team's goals in ensuring that effective training is implemented would include the following areas of review:

- Assessments of what substantive areas of training are necessary;
- Selection of high-quality instructors;
- Development of training objectives and lesson formats;
- Measuring the effectiveness of training programs, both through exam-type assessments and through analysis of real-world results; and
- Maintenance of training documentation.

The Monitoring Team will review current training procedures, provide technical assistance, work with the NPD to establish appropriate metrics and goals, and monitor achievement of those goals.

SECTION VI

Potential Conflicts of Interest or Bias

VI. Potential Conflicts of Interest or Bias

We are aware of no potential, actual, or perceived conflicts of interest that would bear on the ability of our Monitoring Team to serve as monitor under the Consent Decree.

As described above, several members of the Monitoring Team previously have worked for the Department of Justice, but not in recent years. Similarly, PwC periodically has been hired to perform work for various federal agencies. In addition, other attorneys at Lowenstein Sandler have cases adverse to the United States Attorney's Office, District of New Jersey, but no such cases will be handled by members of the Monitoring Team.

To our knowledge, no member of the Monitoring Team has been the proponent or subject of any complaint, claim, or lawsuit alleging misconduct.

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