

Telephone Meeting with the U.S.
Department of Justice
concerning the Ferguson Police
Department Monitorship

June 27, 2016



A. Prospective Monitor and Team and their relevant credentials

Multi-disciplinary team of professionals with deep expertise in evaluating government agencies generally and police departments specifically and diverse backgrounds and perspectives

- Partner, Squire Patton Boggs (US) LLP, in the Government Investigations and White Collar practice group.
- Former Inspector General of the U.S. Department of State (2001-2002) and the U.S. Department of Homeland Security (2003-2004).
 - As an Inspector General, Mr. Ervin and his team conducted scores of inspections, audits, and other assessments of the programs and operations of those agencies with a view to making them more effective, efficient, and economical. Additionally, his role as Inspector General entailed his overseeing his own force of federal criminal investigative agents, and overseeing and evaluating the agencies' various internal law enforcement components.
- Monitor approved by the U.S. Department of Education with respect to conditions agreed to by Zenith Education Group in connection with its acquisition of certain formerly for-profit colleges owned by Corinthian Colleges (June, 2016 to present).
- Served as co-counsel on two monitoring teams, one for a law firm partner selected by DOJ and the SEC to monitor Weatherford International's compliance with the terms of a deferred prosecution agreement regarding the company's alleged violation of the Foreign Corrupt Practices Act, and the other for another law firm partner selected by the National Highway Traffic Safety Administration to monitor FCA's (Fiat Chrysler Automobiles) compliance with the terms of a consent decree concerning the company's auto parts recall campaigns and related vehicle safety issues.

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- Former Boston Police Commissioner and Lowell Police Superintendent.
 - Nationally recognized expert in community policing and crisis management.
 - 35-year career in local law enforcement.
 - Founder and CEO of a security-focused consulting firm.
 - Member of the team monitoring the New York Police Department.

- Professor in the Department of Law, Police Science, and Criminal Justice Administration at John Jay College, City University of New York.
- Founder, Center on Race, Crime and Justice at John Jay College, City University of New York.
- 30 years of experience in criminal justice practice, education, and research, with a focus on police-community interactions; alternative policing strategies; attitudes toward police; police use of force; and racially biased policing.
- Invited member of the Newark Police Department monitoring team
- Trained police officers on use of force, diversity, and other relevant issues in criminal and constitutional law.
- Research Co-Coordinator, Communities United for Police Reform
- Executive Board Member, Center for Policing Equity
- Former county-level prosecutor who tried felony and family court cases.

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- Practice Group Leader of Squire Patton Boggs' Government Investigations and White Collar Practice Group.
 - Three decade-long career in federal litigation and white collar defense and appellate matters.
 - Former Chief of the Appellate Section, Criminal Division, DOJ.
 - Former Assistant U.S. Attorney for New Jersey.
 - Former Associate Independent Counsel to the U.S. Senate.

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- Professor, Washington University School of Law.
 - Expert in implicit bias, who lectures on the subject and trains judges, lawyers, legislators, and educators.
 - Member of the Missouri Supreme Court on Racial and Ethnic Fairness Commission.
 - Member of the Missouri Supreme Court Working Group on Municipal Court Reform.
 - Author, “Ferguson’s Fault Line: The Race Quake that Rocked a Nation.”

- Founding Partner of FRA, Forensic Risk Analysis.
- Expert in forensic auditing and statistical sampling and analysis.
- Member of the Weatherford International monitoring team.
- Lead FRA partner for the ongoing the New York Department of Financial Services monitorship of Bank Leumi.
- Designed and implemented the solution for evaluating claims in respect of hundreds of thousands of former slave and force laborers as part of the multi-billion dollar German Slave and Forced Labor Settlement.
- Performed complex data analysis to identify potential Holocaust era assets at a major Swiss bank and designed claims evaluation database.
- Designed defensible statistical sampling methodology for dozens of complex cases from price fixing to consumer fraud to pensions access.
- Performed data analytics and statistical analysis of over 140 million transaction records relating to the property income and oil revenue income of over 300,000 trust beneficiaries.

- Former Director of the Office of Impact Evaluation in the Bureau of Consumer Protection, Federal Trade Commission (in-house marketing and advertising expert for all divisions of the Bureau of Consumer Protection for over 16 years).
- During his time at the FTC, he designed and implemented over 300 consumer surveys, using virtually every survey research methodology.
- Expert witness since 1997 on marketing and advertising matters before federal and state courts.
- Member of the Zenith Education Group monitorship team.
- Professor of Marketing at Towson University (Baltimore, Maryland).

B. Our Principles

- Independent (While seeking input and information from all interested parties, the Monitor would not take direction from any party, but, subject to the terms of the Consent Decree and the dictates of the Court, he would make his own findings and recommendations based on his own analysis and judgment.)
- Objective (Findings and recommendations would be based on facts and evidence, not preconceived notions or bias.)
- Thorough (Monitor would be scrupulous in carrying out the tasks outlined in the Consent Decree.)
- Accurate (As noted above, Monitor would ensure that findings and recommendations are supported by facts and evidence. As a result, findings and recommendations would be credible.)
- Actionable Recommendations (Monitor's recommendations would be practical, and, consequently, actionable.)
- Integrity (Monitor has a record from his time in government for independence, objectivity, and sound analysis with respect to the performance and operation of government agencies.)

B. Our Principles (continued)

- Open (Monitor would encourage open, ongoing dialogue with the parties and with the community. Believing that there is no substitute for direct interaction, the Monitor would envisage spending considerable time on the ground in Ferguson during the course of the term.)
- Attentive to deadlines and budget constraints (Monitor would be punctilious in meeting deadlines and working within the prescribed budget, given the City's financial condition.)
- Merely meeting the terms of the Consent Decree is necessary but not sufficient (the Monitor's ultimate goal would for FPD, in the words of the Consent Decree, to "become an exemplar of modern community-oriented policing for the entire region and for other cities of similar size.")
- Helping to effect cultural change (Key to success is instilling a culture of constitutional, bias-free, community-oriented policing, which requires setting the right "tone at the top" and encouraging good behavior through recognition and rewards and discouraging bad behavior through internal disciplinary measures and, where appropriate, external legal action, including prosecution, conviction, and adequate sentencing.)

C. The Monitor's Four Key Tasks

- Determine whether the right written policies, procedures, and protocols are in place to promote constitutional, community-oriented policing.
- Determine whether officers are being adequately trained on these policies, procedures, and protocols so that they can be implemented.
- Determine whether these policies, procedures, and protocols are in fact being implemented, and, if not, why not?
- Determine whether these policies, procedures, and protocols, when implemented, are having the effect of producing constitutional, community-oriented policing and doing so on a consistent and sustained basis. (In making this assessment, the Monitor's judgment would be guided by the use of tools like community surveys, trend analysis, and regression analysis. To the extent the department lacks the requisite data to enable the Monitor to make such assessments, the Monitor would work with the department to see to it that it obtains and maintains such data and any associated data management and analytical systems.)