

REQUEST FOR APPLICATIONS  
to serve as  
INDEPENDENT MONITOR

**I. Background**

On January 22, 2004, Prince George's County ("County"), the Prince George's County Police Department ("PGPD"), and the United States Department of Justice ("DOJ") entered into a Memorandum of Agreement ("MOA") and a Consent Decree ("Decree"). The Decree addresses the use of force within the PGPD's Canine Section and will be monitored by the DOJ. The MOA addresses the use of force on a department-wide scale. The MOA is available on the DOJ's website at [http://www.usdoj.gov/crt/split/documents/pgpd/pg\\_memo\\_agree.pdf](http://www.usdoj.gov/crt/split/documents/pgpd/pg_memo_agree.pdf).

The County and the DOJ (collectively, the "parties"), invite you to apply to be the Independent Monitor ("Monitor") for the MOA. Potential applicants are cautioned that descriptions herein of the Monitor's duties are illustrative and non-exclusive, and that only the MOA describes the scope of the Monitor's responsibilities. Potential applicants should consult the MOA as applications are prepared.

Because of the unique nature of this proposal, this solicitation is being conducted solely pursuant to the procedures set forth in this document and the MOA, and will not be governed by any formal or legal procurement requirement. (MOA ¶ 91) The parties anticipate that the Monitor will head a project team to carry out the responsibilities of the position.

The MOA comprehensively addresses use of force by the PGPD, including (1) response to incidents involving mentally ill persons, (2) general use of force policies, (3) oleoresin capsicum policies, (4) evaluation, documentation, and review of uses of force, (5) critical firearm discharges, (6) training, (7) receipt, investigation, and review of misconduct allegations, and (8) management and supervision.

The County has approximately 883,084 residents and occupies approximately 487 square miles. The PGPD is authorized for 1420 sworn officers but currently has 1319 officers. The PGPD is also authorized for approximately 255 civilian personnel. The PGPD is divided into four Bureaus as follows: the Patrol Services Bureau, the Support Services Bureau, Bureau of Strategic Management, and the Bureau of Professional Responsibility. The Bureau of Professional Responsibility processes citizen complaints, and the Bureau of Strategic Management is responsible for policy development, training, and human resource management. The Chief of Police is appointed by the County Executive subject to ratification by County Council vote. The Assistant Chief of Police reports directly to the Chief. The commander of each police District/ Division reports to his or her respective Bureau Chief. The PGPD is comprised of six patrol districts, each headed by a major.

## II. Scope of Work

The responsibilities and specific duties of the Monitor are set forth in Section VIII of the MOA (§§ 91-106). As you consider a response to this request for applications, please consider the MOA provisions that specifically outline the Monitor's responsibilities as well as the various substantive provisions of the MOA.

In order to monitor and report on the County and the PGPD's implementation of the MOA, the Independent Monitor shall perform the following duties:

1. Review, and evaluate for compliance with the MOA, the policy revisions and enhancements the PGPD is undertaking under the MOA, including revisions to its policies on the use of oleoresin capsicum, response to incidents involving mentally ill persons, and general use of force. Review and evaluate for compliance appropriate samples of PGPD use of force and other incident-specific reports to evaluate the implementation of these policy revisions and enhancements. (MOA §§ 33-39).
2. Review, and evaluate for compliance with the MOA, the quality and timeliness of appropriate samples of the County's and the PGPD's use of force reports, use of force investigations, and complaint investigations. This includes ensuring that all investigations are conducted by the appropriate entity, encompass all relevant issues, include the required information, satisfy all professional standards for investigations, and result in a fair and proper disposition with appropriate follow-up action. This also includes evaluating the information provided to the public about the complaint intake and investigation processes, and the disposition of particular complaints. (MOA §§ 40-48, 60-74).
3. Review the PGPD's training program for compliance with the MOA. This includes ensuring effective management oversight and proper curriculum. It also includes evaluating the sufficiency of revisions to the PGPD's FTO program. (MOA §§ 49-59).
4. Review, and evaluate for compliance with the MOA, the design, implementation and completeness of the PGPD's enhanced and expanded Early Identification System. This includes ensuring that (i) the system is developed according to the schedule set forth in the MOA, (ii) all required data is entered into the system, and (iii) the protocol for the system's use is properly implemented. Provide technical assistance to the County and the PGPD regarding the design and implementation of the system. (MOA §§ 75-84).
5. Review, and evaluate for compliance with the MOA, the PGPD's development of auditing protocols and implementation of protocols for auditing mobile video camera usage. (MOA §§ 85-90).

6. Make technical assistance recommendations to the Parties regarding measures necessary to ensure full and timely implementation of the MOA. (MOA ¶ 94).
7. Perform such additional compliance reviews, consistent with the terms of the MOA, as may be appropriate to monitor and report on the implementation by the County and the PGPD of each substantive provision of the MOA. (MOA ¶ 95).
8. Determine whether any investigation is incomplete and should be re-opened by the County or the PGPD for further investigation, subject to stated limitations. (MOA ¶ 96).
9. Review status reports filed by the County and the PGPD, conduct compliance reviews and issue reports (at least quarterly, and more frequently at the Monitor's discretion) detailing the County's and the PGPD's compliance with, and implementation of, each substantive provision of the MOA for the duration of the MOA. (MOA ¶¶ 105, 107).
10. Maintain all documents related to this project in a confidential manner and not disclose any non-public information to any person or entity except as provided by the MOA. (MOA ¶ 103).
11. Testify in litigation or proceedings only as provided by the MOA, and refrain from testifying in any other litigation or proceeding. (MOA ¶¶ 105-106).

### **III. Period of Performance**

Unless earlier terminated for cause, the Monitor shall serve until the termination of the MOA. The MOA will be in effect three years, and may expire within two years if the parties agree that the County and the PGPD have achieved substantial compliance with each of the provisions of the MOA and have maintained substantial compliance for at least two years.

### **IV. Evaluation of Award**

The parties will select a Monitor based on the requirements and qualifications set forth herein. Fees and costs shall be one factor the parties will consider in making the selection. (MOA ¶ 93). The price proposals shall be irrevocable for at least 90 days following the closing date for submission of the application.

## V. Proposal Submission Requirements

An applicant shall submit fifteen (15) copies of its application, each of which shall be accompanied by a cover letter that clearly indicates the contact person for the project team and all appropriate contact information. The application shall include a table of contents, and it shall be divided into two sections: (1) technical proposal, and (2) cost proposal. Each of these sections shall be separately bound. Five (5) copies of the application shall be submitted in a single sealed envelope conspicuously marked "Application for Prince George's County Independent Monitor" to each of the following:

1. Shanetta Y. Cutlar, Esquire  
Chief, Special Litigation Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530
2. David S. Whitacre, Esquire  
County Attorney  
County Administration Bldg.  
Room 5121  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772-3050
- Or, if by overnight courier, to:  
601 D Street, NW, Room 5034  
Washington, DC 20004
3. Captain Leroy K. James  
Prince George's County Police Dept.  
7600 Barlowe Road  
Landover, MD 20785

The application is due March 22, 2004 at 5:00 PM. This is the date the application must actually be received; it is not a deadline for postmarking the application. The parties have no obligation to accept late applications. Telephonic, electronic and telegraphic proposals will not be accepted except upon prior written agreement by the parties. If you have technical questions regarding the completion and/or submission of an application, please contact the County's Compliance Coordinator, Captain Leroy K. James, at 301-772-4784.

The application must, at a minimum, include the information requested below in the section titled "Required Proposal Content." Applicants who fail to provide sufficient detail and specificity will be disadvantaged in the selection process, both because the parties will be unable to evaluate the application fully, and because it negatively bears upon the applicant's ability to carry out the requirements of the position of Monitor. The parties reserve the right to reject any and all applications and reserve the right to offer oral interviews to applicants.

## VI. Required Proposal Content

### A. Technical Proposal

1. Executive Summary. Provide a brief description of the manner in which you and your project team would complete the project. The summary should include an outline of your proposed project team (*i.e.*, individual(s) and/or subcontractor consultants and/or agency(ies) proposed to be involved and proposed reporting responsibility hierarchy).
2. Personnel. Provide the name(s) of the individual(s) and/or subcontractor consultant(s) and/or agency(ies) who would constitute the project team, including a summary of the relevant background/experience of each team member. Provide an organization chart for the project team showing the lines of responsibility and reporting for the project team. If the identity of the individuals or entities that would assist in performing the monitoring function is unknown at the present time, state the areas of expertise you would seek to retain and your organization's process for contracting for such services.
3. Qualifications. Describe your qualifications and the qualifications of the project team in the following areas:
  - law enforcement, law enforcement practices, community policing, complaint investigation and monitoring law enforcement practices;
  - auditing, investigating, or reviewing performance of organizations (including experience in monitoring settlements, consent decrees, or court orders);
  - mediation and dispute resolution;
  - statistical and data analysis;
  - computer technology and data management;
  - working with government agencies, municipalities, and collective bargaining units;
  - federal, Maryland and Prince George's County laws, policies and rules governing police practices, including the Maryland Law Enforcement Officers' Bill of Rights;
  - appearing in court as a judge, monitor, counsel or expert witness, or providing other types of testimony; and
  - report writing.
4. Experience. Provide a brief description of current or recent (within past 5-8 years) project experience possessed by you or members of your project team relevant to the monitoring tasks sought in this Request for Applications. Furnish references for each project listed, including the name of the organization, contact person, title, address, and telephone number. If available, submit non-confidential work products that are similar to the quarterly monitoring reports required for this project.

5. Proposed Activities. Describe (in as specific detail as possible and using illustrations as necessary) the activities you and your project team would propose to undertake in order to monitor compliance, including but not limited to:

- method(s) of obtaining information;
- method(s) of analyzing information;
- frequency of various proposed activities;
- the personnel (*e.g.*, yourself, employees assigned to the project team, or proposed subcontractor(s)) responsible for the various activities and the number of hours anticipated to be devoted to specific aspects of the project by month or quarter;
- the monitoring processes, methodology, and staff you and your project team would use to review the PGPD's Oleoresin Capsicum training as an example of how your team would review the PGPD's use of force training (MOA ¶ 55(g));
- the monitoring processes, methodology, and staff you and your project team would use to evaluate the effectiveness of the complaint investigations conducted by the PGPD as an example of how your team would review citizen complaints (MOA ¶¶ 60-74);
- how your project team's experience and expertise has prepared your team to fulfill the monitoring requirements of the MOA, particularly the requirement to report regularly on compliance with each substantive provision of the MOA, within the context of the PGPD's organizational structure, size, and volume of work; and
- how your team would coordinate with the County and the PGPD to arrange visits, on-site records reviews and interviews, and how your team would coordinate its monitoring activities and communications with the County, the PGPD and DOJ.

6. Potential Conflict or Bias.

- (a) Disclose any potential conflicts of interest involving yourself, your team, your firm, employee(s) assigned to the project, or proposed subcontractor(s), including current or former employment, contracts or grants with any of the parties and any involvement in the last eight years (whether paid or unpaid) with a claim or lawsuit by or against any of the parties or any of their officers, agents, or employees. Disclose whether any member of your proposed team has been the proponent or subject of any complaint, claim or lawsuit alleging police misconduct. To the extent such a conflict or potential bias exists, but you believe it does not bar your selection, state the basis for that position, including any legal or ethical opinions or waivers upon which you rely.
- (b) Describe any law enforcement monitoring services that you or members of your proposed team currently perform for other communities, and state why you believe those other responsibilities should not bar your selection.
- (c) To the extent members of your proposed team are not located in the Greater Prince George's County Area, describe in detail how your proposed team will establish an

adequate presence in the Prince George's County Area to provide the services called for herein.

## B. Cost Proposal

Provide a detailed budget (using the attached form as a model) for all costs under the proposed Monitor contract, including staff costs, travel, sub-consultant/contractor services, overhead, supplies etc. for each year of the three-year term of the proposal. The cost proposal must provide adequate detail to enable the Parties to assess how the cost estimate allows the level of performance and monitoring required by the MOA. The Cost Proposal should be broken down based on the different activities required of the Monitor (*e.g.*, technical assistance, review, report writing, etc.).

The Cost Proposal also must account for the fact that the precise duration of the Monitor contract is uncertain, as the MOA has a three-year term, but may terminate after two years if the specified conditions are fulfilled. Proposals must be broken down into two categories: (i) one-time or fixed costs that will be incurred regardless of the duration of the contract, and (ii) annual costs incurred for each year the contract is in effect (factoring in some rate of inflation). This breakdown must allow the total cost of the contract (regardless of how many years it is in effect) to be calculated by multiplying the total number of years the agreements are in effect by the annual costs (factoring in some rate of inflation) and adding the one-time or fixed costs.

**PGPD Independent Monitor RFQ**

**Budget Template**  
 \*Year \_\_\_\_ of 3

Cost Item	Technical Assistance			Review			Report Writing			Base Year Total
	<u>R</u>	<u>H</u>	<u>D</u>	<u>R</u>	<u>H</u>	<u>D</u>	<u>R</u>	<u>H</u>	<u>D</u>	
<b>Direct Labor</b>										
• Employee A										
• Employee B										
• Employee C										
<b>Total Labor Hours</b>										
<b>Total Labor Dollars</b>										
<b>Fringe Benefit</b>										
<b>Total Direct Labor</b>										
<b>Office Space</b>										
<b>Other Direct Costs (e.g., Equip. &amp; Supplies; Materials)</b>										
<b>Travel</b>										
<b>Subcontractors</b>										
• Sub A										
• Sub B										
<b>Overhead</b>										
<b>Fee/Profit</b>										
<b>Total Price</b>										

**R = Rate**  
**H = Hours**  
**D = Dollars (Rate X Hours = Dollars)**

*\* **Note:** Please provide cost information in the above format for each year of the three-year term of the proposal, and provide a Total Budget Template reflecting the aggregate costs of Years 1– 3.*