

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DAVID FLOYD, *et al.*,

08 Civ. 1034 (AT)

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

-----X  
JAENEAN LIGON, *et al.*,

12 Civ. 2274 (AT)

Plaintiffs,

-against-

CITY OF NEW YORK, *et al.*,

Defendants.

-----X

**ORDER REGARDING MONITOR COMPENSATION AGREEMENT**

## Agreement and Order

This Agreement, by and between Peter L. Zimroth (Monitor) and New York City (City) is effective as of the last date signed below (Start Date) and, unless sooner terminated, shall terminate upon the termination by the Court of the Monitor's duties. The Monitor and New York City are sometimes referred to individually as a Party and together as the Parties.

### 1. AGREEMENT DESCRIPTION AND PURPOSE

1.1 This agreement is for the payment by the City of reasonable costs and fees incurred by the Monitor, Monitor staff, and consultants and experts hired by the Monitor for the monitor work described in *Floyd v. City of New York*, 959 F. Supp. 2d 668 (SDNY 2013), as modified by *Floyd v. City of New York*, [Judge Torres Order, Document 466, July 30, 2014].

### 2. FEES

- 2.1 Fees during 2013 and 2014 up to October 31, 2014. There will be no charge for fees recorded during this period by the Monitor or any other Monitor staff or consultants.
- 2.2 Monitor legal fees from November 1, 2014, going forward. The fee for the Monitor's service will be \$43,750 per month. There will be no additional fees for other personnel from Arnold & Porter LLP (Arnold & Porter), who are currently contemplated to participate in monitor work (two associates, one paralegal, secretaries and library personnel). If the work of those Arnold & Porter personnel (other than the Monitor) substantially exceeds the current expectations of the Monitor or if it is contemplated that other Arnold & Porter personnel will be added to the Monitor team, the Monitor and the City will consider whether any prospective changes should be made to this agreement.
- 2.3 Fees for consultants, experts and other staff from November 1, 2014, going forward. Fees for work performed by the following personnel will be charged at the hourly rates described below.
  - 2.3.1 Richard Jerome, \$375 per hour.
  - 2.3.2 Edward Davis, \$250 per hour.
  - 2.3.3 Jane Perlov, \$250 per hour.
  - 2.3.5 Anthony Braga, \$250 per hour.
  - 2.3.4 James E. McCabe, \$200 per hour.
  - 2.3.6 John MacDonald, \$200 per hour.
  - 2.3.7 Jennifer Eberhardt, \$200 per hour.
- 2.4 Additional staff and experts. It is contemplated that the Monitor will hire additional consultants, experts, and staff for the Monitor work under this agreement. At that time, this agreement will be amended to reflect the terms for fees and compensation of those consultants, experts and staff.

### 3. COSTS AND EXPENSES

- 3.1 Costs and Expenses during 2013 and 2014, up to October 31, 2014. The Monitor will submit for payment actual out-of-pocket costs and expenses recorded during this

period by the Monitor or any other Monitor staff or consultants.

- 3.2 Costs and expenses from November 1, 2014. The Monitor and Arnold & Porter will be reimbursed for actual out of pocket costs and expenses from November 1, 2014. There will be no additional charge for certain administrative services supplied by Arnold & Porter -- e.g., conference rooms, clerical assistance, library -- as long as the use of these administrative services does not exceed current expectations or exceed capacity. Should these administrative services exceed the current expectations of the Monitor, appropriate prospective changes will be made to this agreement.
- 3.3 Costs and expenses from November 1, 2014, going forward for consultants and experts hired by the Monitor. Costs and expenses by the consultants, experts and staff including travel, meals, lodging and other out of pocket expenses will be reimbursed by the City. Meals for consultants, experts and staff who do not live in New York City will be reimbursed on the basis of the federal government's GSA per diem rate for meals for New York City (modified as appropriate to reflect only meals actually paid by the consultant, expert or staff member).

#### 4. PAYMENT SCHEDULE

- 4.1 Payment of the Monitor fees will be made monthly beginning one month after Start Date.
- 4.2. Consultants and experts will submit their invoices monthly directly to the City. Those invoices will include charges for fees, costs and expenses. . Payment on such invoices will be made within 30 days of receipt.
- 4.3. The first invoice submitted by the Monitor and any consultant or expert will include any fees and expenses covered prior to the date submitted, including expenses listed in Section 3.1.
- 4.4. From time to time, an invoice will be sent to the City covering Monitor and Arnold and Porter out of pocket expenses. Payment will be made within 30 days of receipt.

**For: Monitor**

By: Peter L. Zimroth

Name: Peter L. Zimroth

Date: 2-5-15

**For: City**

By: Rachay W. Carter

Name: Rachay W. Carter

SO ORDERED.

Dated: February 6, 2015  
New York, New York



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ANALISA TORRES  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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08 Civ. 1034 (AT)

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12 Civ. 2274 (AT)

Plaintiffs,

-against-

CITY OF NEW YORK, *et al.*,

Defendants.

-----X

**ORDER REGARDING FACILITATOR COMPENSATION AGREEMENT**

## Agreement and Order

This Agreement, by and between JAMS (on behalf of itself and Hon. Ariel E. Belen, (Ret.), the court-appointed Facilitator), and the City of New York ("City"), is effective as of the date signed below (Start Date) and, unless sooner terminated, shall terminate upon the termination by the Court of the Facilitator's duties. The Facilitator and the City are sometimes referred to individually as a Party and together as the Parties.

### 1. AGREEMENT DESCRIPTION AND PURPOSE

1.1 This agreement is for the payment by the City of reasonable costs and fees incurred by the Facilitator appointed by Hon. Analisa Torres of the United States District Court for the Southern District of New York by the Order Appointing Facilitator dated November 10, 2014 (08 Civ. 1034 (AT); 12 Civ. 2274 (AT)), and others who assist him in the Facilitator work described in *Floyd v. City of New York*, 959 F. Supp. 2d 668 (SDNY 2013), as modified by Judge Torres on July 30, 2014.

### 2. FEES

2.1 Facilitator fees from November 10, 2014 going forward. The fees for the Facilitator's service and for those JAMS staff who will assist him are:

Hon. Ariel E. Belen, (Ret.) (Facilitator) - \$600 per hour  
Michael D. Young, Esq. (Deputy Facilitator) - \$350 per hour  
Junior Attorney - \$150 - 175 per hour  
JAMS Support Staff - \$75 per hour

2.2 The Facilitator, the Deputy Facilitator and JAMS Support Staff incurred fees prior to the date of this agreement and such fees will be paid as if incurred after the date of this agreement.

2.3 Additional staff and consultants. It is possible that the Facilitator will hire or retain additional or different consultants or staff in order to conduct the work required by the Court and/or under this agreement. At that time, this agreement will be amended (or deemed amended) to reflect the terms for fees and compensation of those consultants or staff.

### 3. COSTS AND EXPENSES

3.1 JAMS will not charge ordinary expenses (e.g., telephone or non-meeting related copying) but will pass through, without markup, extraordinary costs, such as rental of non-JAMS meeting sites, stenographic or transcription services, food/beverage and volume copying. There will be no additional charge for conference rooms at JAMS as long as the use of these conference rooms does not exceed current expectations or exceed capacity. Should the use of conference rooms at JAMS exceed the current expectations, appropriate prospective changes will be made to this agreement.

### 4. PAYMENT SCHEDULE

- 4.1 JAMS will submit invoices on a monthly basis directly to the City. Said invoices will include fees for services at the rates described above, as well as incurred costs for which reimbursement will be made.
- 4.2. Payment on such invoices will be made within 30 days of receipt. All fees will be made payable to JAMS, Inc.
- 4.3. The first invoice submitted by the Facilitator and other staff will include any fees and expenses incurred after November 10, 2014 but before the Start Date.

**For: JAMS**

By: AEBelen

Name: HON. ARIEL E. BELEN (Ret.)

Date: January 26, 2015

**For: City**

By: Ludwig W. Carter

Name: L.W.C.

Title: Cooperation Counsel

Date: 1/30/15

SO ORDERED.

Dated: February 6, 2015  
New York, New York



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ANALISA TORRES  
United States District Judge

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ARNOLD & PORTER LLP

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New York, NY 10022-4690

February 5, 2015

**VIA ECF**

Honorable Analisa Torres  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Floyd, et al. v. City of New York*, 08-CV-1034 (AT),  
*Ligon, et al. v. City of New York, et al.*, 12-CV-2274 (AT)  
Proposed Compensation Agreements and Orders

Dear Judge Torres,

The City and I have agreed on an appropriate method of compensating the Monitor team as reflected in the attached agreement signed by Zachary Carter and me, which we jointly request be entered as an order of the Court. The agreement and proposed order apply to the *Floyd* and *Ligon* cases only. If the settlement in *Davis, et al. v. City of New York, et al.*, 10-CV-0699 (SAS) is approved and the case transferred to your Honor, the Monitor will be required to undertake additional duties and work. However, there would be no addition to the fee being paid to the Monitor under paragraph 2.2. It is contemplated that this order would simply be docketed in *Davis*.

At the request of Judge Belen, I am also attaching an agreement reached by the Facilitator and the City and a corresponding proposed order.

In addition to myself, the following are members of the Monitor team covered by the attached Proposed Order Regarding Monitor Compensation Agreement. Each has substantial experience working with police departments in areas related to the subject matters of the remedial order.



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## ARNOLD & PORTER LLP

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**Richard Jerome (Deputy Monitor)** is a lawyer who has spent most of his career working on criminal justice issues with law enforcement agencies and private foundations. Most recently, he was Project Manager of the Public Safety Performance Project of the Pew Charitable Trusts. This project helps states advance fiscally sound sentencing and corrections policies that protect public safety, hold offenders accountable and control corrections costs. Prior to joining Pew, Mr. Jerome served for six years (2002-2008) as Deputy Monitor and court-appointed Special Master for two police reform settlements in Cincinnati, Ohio. From 1997 to 2001, he was Deputy Associate Attorney General in the U.S. Department of Justice, overseeing the work of the Civil Rights Division and the Community Relations Service, as well as coordinating the Justice Department's efforts to promote police integrity, including the Department's publication of "Principles for Promoting Police Integrity." Mr. Jerome also has served as a consulting expert for the City of Oakland and the Detroit Police Departments. Mr. Jerome has been a senior trial lawyer in the Civil Rights Division and has worked on Capitol Hill and in private practice.

**Edward Davis** is a 35-year veteran police officer. He rose through the ranks of the Lowell Police Department holding positions in patrol, detective supervisor and lead of a local, state and federal narcotics and organized crime task force. In 1994, Mr. Davis was promoted to Superintendent of the Lowell Police Department and led that agency for 13 years. During his tenure he introduced a community policing philosophy that led to a more than 60% reduction in serious crime. Lowell was recognized by Attorney General Janet Reno for its leadership in forming close relationships with the community that drive crime reductions.

In 2006, Mr. Davis was appointed by Mayor Thomas Menino to lead the Boston Police Department. Davis worked to bring the BPD closer to the community. He was a constant presence in Boston's troubled neighborhoods. This community policing philosophy led to a reduction of serious crime in Boston of more than 30%. During the same period there was also a reduction in arrests of 30%. Davis is an accomplished lecturer in police leadership. He completed a fellowship at Harvard's Institute of Politics in 2014. After managing several high profile cases, including the Boston Strangler, the Craigslist Killer and the tragic Boston Marathon bombing, Davis stepped down in 2013. He is the founder and president of Edward Davis, LLC, a security consulting firm located in Boston's North End.

**Jane Perlov** has an extensive background in risk management and a distinguished career in law enforcement, public safety and corporate security. She served more than 25 years in law enforcement, starting in 1981 as a police officer in the New York City Police Department. She rose through the ranks, ultimately commanding the 20<sup>th</sup> and 30<sup>th</sup>

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## ARNOLD & PORTER LLP

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Precincts in Manhattan and serving as Chief of Detectives for the Borough of Queens. In late 1998, while in that position she was invited by Governor Cellucci of the Commonwealth of Massachusetts to join his Cabinet as Secretary of Public Safety. There, she managed policy and fiscal oversight for 21 agencies, boards and commissions, such as the State Police and the Corrections Department.

In 2001, Ms. Perlov was sworn in as Chief of Police for the capital city of Raleigh, North Carolina. Under her leadership, the Department initiated a decentralized district policing model that fostered strong bonds between police officers and the neighborhoods they served and placed both opportunity and accountability in the hands of district commanders.

From 2009 to 2011 Ms. Perlov served as Global Corporate Security Director of Bank of America. She was responsible for developing and implementing strategies and programs that provided a safe and secure environment for employees, customers and assets worldwide. Born and raised in New York City, Ms. Perlov is now an independent consultant residing in Asheville, North Carolina.

**James McCabe** is an Associate Professor, Department Chair and Director of the Graduate Program in Criminal Justice at Sacred Heart University in Fairfield, CT. He joined the faculty at Sacred Heart after completing 21 years with the New York City Police Department. In the NYPD, he held numerous command level assignments including the Commanding Officer of Labor Relations, Commanding Officer of the Training Bureau, Commanding Officer of the Police Academy, and the Commanding Officer of the 110<sup>th</sup> Precinct in Elmhurst/Corona, Queens. He was also assigned as the Executive Officer of the Police Commissioner's Office and the 113<sup>th</sup> Precinct in South Jamaica. He retired in 2006 from the NYPD with the rank of Inspector to assume a new career in academia at Sacred Heart.

Dr. McCabe has a BA in Psychology from Queens College, an MA in Labor Studies from Empire State College, an MA in Criminal Justice from John Jay College, and a Ph.D. in Criminal Justice from the CUNY Graduate Center. He is a graduate of the 189<sup>th</sup> Session of the FBI National Academy, and of the Executive Programs at Columbia University's Police Management Institute and the JFK School of Government at Harvard University. He has published numerous scholarly articles and book chapters on the subject of police effectiveness and has been the principal investigator in more than 40 studies examining police operations in 26 states and in every region of the country. He has lectured around the country to both police and academic audiences about organizational behavior, leadership, supervisory communications, and the impact of police operations on public safety and neighborhood satisfaction with police services.

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**Anthony A. Braga** is the Don M. Gottfredson Professor of Evidence-Based Criminology in the School of Criminal Justice at Rutgers University and a Senior Research Fellow in the Program in Criminal Justice Policy and Management at Harvard University. He is also a member of the University of Chicago Crime Lab. He is the immediate Past President and an elected Fellow of the Academy of Experimental Criminology. Dr. Braga's research involves collaborating with criminal justice, social service, and community-based organizations to address illegal access to firearms, reduce gang and group-involved violence, and control crime hot spots. Dr. Braga's work on controlling and preventing violent crime has received many awards. He was a recipient of the United States Attorney General's Award for Outstanding Contributions to Community Partnerships for Public Safety (2009), the U.S. Department of Justice Project Safe Neighborhoods' Distinguished Service by a Research Partner Award (2010), and the International Association of Chiefs of Police Excellence in Law Enforcement Research Award (2011).

Dr. Braga has published numerous scholarly papers and his work has been published in top criminology and criminal justice journals such as *Criminology*, *Journal of Quantitative Criminology*, *Journal of Research in Crime and Delinquency*, and *Criminology & Public Policy*. His work has also appeared in important medical and public health journals such as *New England Journal of Medicine*, *Journal of the American Medical Association*, and the *American Journal of Public Health*. With colleagues, he has authored and edited several books such as *Policing Problem Places: Crime Hot Spots and Effective Prevention* (Oxford University Press, 2010), *Problem-Oriented Policing and Crime Prevention* (Criminal Justice Press, 2008), *Legitimacy and Criminal Justice: A Comparative Perspective* (Russell Sage Foundation Press, 2007), and *Police Innovation: Contrasting Perspectives* (Cambridge University Press, 2006).

**John MacDonald** is Associate Professor of Criminology and Sociology and Chair of the Department of Criminology at the University of Pennsylvania. Professor MacDonald focuses primarily on the study of crime, race and ethnic disparities in criminal justice, and the effect of public policy responses on crime. In 2012, Dr. MacDonald won the Association of Public Policy and Management's David N. Kershaw Award, established to honor individuals younger than 40 who have made significant contributions to the field of public policy analysis and management. He has served as a principal investigator and co-principal investigator on health, injury prevention, and crime research projects through funding provided by the American Statistical Association, the National Institute of Justice, the Centers for Disease Control and Prevention, the Robert Wood Johnson Foundation, and the National Institutes of Health.

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## ARNOLD & PORTER LLP

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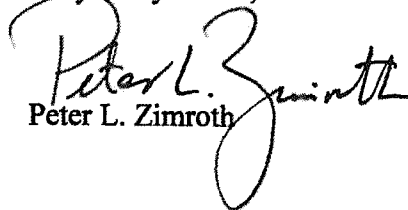
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He was awarded the Young Experimental Scholar Award by the Academy of Experimental Criminology for significant contributions to experimental research. Dr. MacDonald's research publications include numerous studies using rigorous quantitative methods to examine the effects of social policies on crime and of institutional social justice reforms on criminal justice practices. His recent work on racial disparities in criminal justice has appeared in the American Journal of Public Health and Journal of Legal Studies.

**Jennifer Eberhardt** is an Associate Professor in the Psychology Department of Stanford University. Her area of expertise is the ways that individuals racially code and categorize people, with a particular focus on associations between race and crime. She is currently working with the Oakland Police Department to design ways to improve policing and to help build and maintain the trust of the communities it serves. She is also working with that Department to study the implementation of its program of body-worn cameras.

Professor Eberhardt received a B.A. (1987) from the University of Cincinnati and an A.M. (1990) and Ph.D. (1993) from Harvard University. From 1995 to 1998, she taught at Yale University in the Departments of Psychology and African and African American Studies and was a research fellow at the Center for Race, Inequality, and Politics. She joined the Stanford University faculty in 1998. Professor Eberhardt was one of 21 people who received a fellowship from the John D. and Catherine T. MacArthur Foundation in 2014 (MacArthur "genius grant").

Very Truly Yours,



Peter L. Zimroth

Enclosures

cc: Zachary W. Carter  
Ariel E. Belen