



JOHN J. TECKLENBURG  
MAYOR

*City of Charleston*  
*South Carolina*

OFFICE OF  
COMMUNICATIONS

## **Fact Sheet: City of Charleston Audit**

**BACKGROUND:** On February 28, 2017, Charleston City Council approved a contract to hire The Novak Consulting Group to perform a performance audit of all areas of city government, including a specific "bias-based policing" audit of the Charleston Police Department.

Bias-based policing audits have become a standard tool in recent years to help police departments determine whether their existing practices and procedures are fair and impartial to all citizens in their area, and to help find strategies to remedy any systemic problems that might be found.

The bias-based policing audit of the CPD is currently set to begin later this year.

**THIS DOCUMENT:** Over the past several days, the Charleston Area Justice Ministry has made a number of claims with regard to the Charleston Police Department and the Novak contract.

This document contrasts those claims with facts that can be verified via public documents, all of which are attached and/or directly linked. Quotations referenced in the claims below are from a June 19, 2017 op-ed by a member of the Charleston Area Justice Ministry ([\*Charleston needs a qualified, independent police audit\*](#)).

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**CLAIM:** There have been "repeated allegations of racial bias" against the Charleston Police Department.

**FACTS:** Since January of 2015, there have been no citizen complaints of racial bias filed against the Charleston Police Department.

**SOURCE:** *The City of Charleston Open Data Project* (<http://www.charleston-sc.gov/open-data-project>)

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**CLAIM:** Novak Consulting, the firm the city has hired to conduct a performance audit of all City of Charleston departments, cannot conduct a "credible audit" of bias-based practices in the CPD because it lacks sufficient expertise in the area.

**FACTS:** Novak was hired to oversee the government-wide performance audit, in the same way that a general contractor is hired to oversee the overall process of building a house. In this role, Novak is responsible for hiring subcontractors with appropriate expertise in specific areas, as a general

contractor would hire electricians, HVAC experts, etc. In fact, Novak is currently in the process of hiring a leading firm in the area of bias-based policing to work with them on that part of the audit.

The practice of using this "general contractor" approach is standard in large-scale city projects. For example, the firm hired to oversee the development of the West Ashley Master Plan has partnered with expert subcontractors in the areas of transportation, drainage, economic development and more.

**SOURCE:** *Official City of Charleston subcontracting language from the Novak and West Ashley Master Plan contracts* [[attached](#)]

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**CLAIM:** The selection committee that chose Novak was inconsistent with city procurement policy because it did not include a member of Charleston City Council.

**FACTS:** The selection of Novak was fully consistent with the city's written procurement policy, which was drafted in accordance with South Carolina law and adopted by Charleston City Council on June 23, 1983.

As the policy makes clear, the Novak contract is a standard city contract, not a state-licensed, professional services contract requiring the appointment of a Councilmember to the selection committee.

However, in order to ensure that Council had a significant role in the process, all councilmembers were invited to meet with the selection committee over a four-day period (February 10-13, 2017) before any vote was held to approve the contract.

After those meetings took place, Council voted unanimously to sign the Novak contract.

**SOURCE:** (1) *City of Charleston Procurement Policy passed June 23, 1983* – (2) *City of Charleston Performance Assessment Timeline* [[attached](#)]

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**CLAIM:** The selection committee that chose Novak was "headed by the police chief," Greg Mullen.

**FACTS:** The selection committee that chose the firm was headed by Director of Procurement Gary Cooper. Director of Process Improvement Susan Poteat served as Cooper's point-person on the committee. Chief Mullen was one of four individuals on the panel, and the only one with police experience.

**SOURCE:** *Official City of Charleston Email from Director of Process Improvement Susan Poteat, dated Sep. 7, 2016* [[attached](#)]

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**CLAIM:** The city's Request for Proposal was "vague" on the issue of bias-based policing, and unclear with regard to the city's expectations in that area.

**FACTS:** The city RFP took its language directly from leading sources on the subject of bias-based police assessments, including the Obama administration's Task Force on 21st Century Policing, and former Attorney General Eric Holder's COPS Collaborative Reform process materials.

Moreover, on Dec. 16, 2016, the city sent potential contractors a mandatory RFP addendum question, which read as follows:

"The City of Charleston feels that law enforcement is a collaborative effort requiring respectful and trusting relationships with the communities we serve. As we discussed Thursday, data analysis is key to creating transparency, as well as an accurate and objective representation of the actions and practices used in a modern police department. It also allows for the identification of disproportionality, disparities, and the potential of bias. However, data alone does not provide a complete picture.

"Please develop a detailed project plan and highlight the methodologies you will use to assist the Police Department with this analysis.

"Outline datasets you will utilize, how you will determine the integrity of the data, how you will analyze the data, and what additional information you will research to build the most complete representation of the Department's current strategies and practices.

"Include a list of staff that will be assigned to this project and outline their experience and qualifications conducting these types of analysis."

**SOURCE:** *Memo from City Director of Performance Improvement Susan Poteat, dated Dec. 16, 2016* [\[attached\]](#)

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**CLAIM:** Many members of City Council did not know that a bias-based policing audit was part of the Novak contract when they approved it.

**FACTS:** On Wednesday, February 22, 2017, all members of City Council were provided with a full color, 17-page pullout on the bias-based policing portion of the audit, as part of their consideration of the contract [\[attached\]](#). This was, in fact, the only portion of the overall city performance audit contract that received its own special pullout.

Moreover, the bias-based portion of the audit was a matter of significant public discussion during the entire selection process, including several articles in the Post and Courier, all of which are attached here.

**SOURCE:** (1) *Official Bias-Based Policing Pullout, distributed to councilmembers on Feb. 22, 2017* – (2) *Post and Courier articles* [\[attached\]](#)

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**CLAIM:** The words "racial bias" appear nowhere in Novak's proposed scope of work.

**FACTS:** The term "bias" or "police bias" appears eight times in Novak's proposed scope, as in the following sentence, from page 3 of the proposal: "For example, one of the common indicators cited in academia as an indicator of potential implicit bias in a police department is the racial distribution of individuals stopped for traffic violations as compared to racial distribution of the general population."

**SOURCE:** *Official Bias-Based Policing Pullout* [\[attached\]](#)

[illegible]

**AGREEMENT BETWEEN THE CITY OF CHARLESTON  
AND THE NOVAK CONSULTING GROUP FOR  
PERFORMANCE ASSESSMENT CONSULTING SERVICES**

THIS AGREEMENT is entered into this 1st day of March, 2017 between the City of Charleston, a municipal corporation organized under the laws of the State of South Carolina (hereinafter referred to as "the City"), and The Novak Consulting Group (hereinafter referred to as "Contractor").

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and conditions stated herein, the parties agree as follows:

## **§1. SCOPE OF SERVICES**

The parties agree that the Contractor shall furnish Consulting Services pertaining to Performance Assessment in accordance with Solicitation #16-P027C and any and all addenda. All attachments and exhibits listed below shall be incorporated herein:

- Exhibit A: Solicitation #16-P027C (the “Request for Proposal”)  
Exhibit B: Addenda to Solicitation  
Exhibit C: Insurance Requirements  
Exhibit D: Contractor’s Proposal Response (the “Work”)  
Exhibit E: Contractor’s Follow-up Document  
Exhibit F: Contractor’s Pricing Proposal

1. The Contractor shall safely, diligently and in a professional and timely manner perform, with its own equipment and assets, and provide goods and/or services as described in Exhibit A, Exhibit B, Exhibit D, Exhibit E, and Exhibit F as approved by the City in fulfilling its obligations as set forth in this Agreement. The City also reserves the right to request any additional goods and/or services as it relates to this solicitation if the need arises and is in the best interest of the City. Unless modified in writing by the parties hereto, the duties of the Contractor shall not be construed to exceed the provision of the goods and/or services pertaining to this Agreement.
2. The Contractor shall provide the goods and/or services as set forth and described in Exhibit A, Exhibit B, Exhibit D, Exhibit E, and Exhibit F as approved by the City to this Agreement and specifically detailed in any Purchase/Work Orders, if any, as may be issued from time-to-time by the City.
3. The Contractor hereby warrants and represents to the City that it possesses all necessary licenses to perform the work as set forth in this Agreement, carries the requisite insurance policies as set forth in Exhibit C, and is competent and able to provide professional and high quality goods and/or services to the City in accordance with this Agreement.

without the required prior approval of the City may be at the risk of subsequent rejection by the City.

- C. Contractor warrants to have represented that its staff is knowledgeable about, and experienced in providing the materials specified in the Work required under this Agreement and warrants that it will use its best skill and attention to provide the above described Work in a professional and timely manner.

#### **§5. SUBCONTRACTORS**

- A. If any Subcontractors will be used for this project, the Contractor shall provide to the Director of Procurement a list of names of any of the intended Subcontractors, the Subcontractor's applicable license number(s), and a description of the work to be done by each subcontractor, if requested.
- B. The Contractor shall not substitute other Subcontractors without the written consent of the Director of Procurement.
- C. Contractor shall be responsible for all services performed by a Subcontractor. Responsibilities include, but are not limited to, compliance with any applicable licensing and insurance regulations.
- D. If at any time the Director of Procurement determines that any Subcontractor is incompetent or undesirable, he shall notify the Contractor accordingly, and the Contractor shall take immediate steps for cancellation of the subcontract and replacement.
- E. Nothing contained in any contract resulting from this Agreement shall create any contractual relationship between any Subcontractor and the City of Charleston.

#### **§6. INDEMNIFICATION**

Except for expenses or liabilities arising from the negligence of the City, the Contractor hereby expressly agrees to indemnify and hold the City harmless against any and all expenses and liabilities arising out of the performance or default of this Agreement as follows:

The Contractor expressly agrees to the extent that there is a casual relationship between its negligent, reckless or intentionally wrongful action or inaction, or the negligent, reckless or intentionally wrongful action or inaction of any of its employees or any person, firm, or corporation directly or indirectly employed by the Contractor, and any damage, liability, injury, loss or expense (whether in connection with bodily injury or death or property damage or loss) that is suffered by the City and its employees or by any member of the public, to indemnify and save the City and its employees harmless against any and all liabilities, penalties, demands, claims, lawsuits, losses, damages, costs, and expenses arising out of the performance or default of this Contract. Such costs are to include defense, settlement, court costs and reasonable attorneys' fees incurred by the City and its employees. This promise to indemnify shall include bodily injuries or death occurring to Contractor's employees and any person directly or indirectly employed by Contractor (including without

**AGREEMENT BETWEEN THE CITY OF CHARLESTON  
AND DOVER, KOHL & PARTNERS FOR  
WEST ASHLEY MASTER PLAN**

performance or default of this Contract. Such costs are to include defense, settlement and reasonable attorneys' fees incurred by the City and its employees. This promise to indemnify shall include bodily injuries or death occurring to Contractor's employees and any person directly or indirectly employed by Contractor (including without limitation any employee of any subcontractor), the City's employees, the employees of any other independent contractors, or occurring to any member of the public. When the City submits notice, Contractor shall promptly defend any aforementioned action. This obligation shall survive the suspension or termination of the contract. The limits of insurance coverage required herein shall not serve to limit this indemnity obligation. The recovery of costs and fees shall extend to those incurred in the enforcement of this indemnity.

30. OFFEROR'S QUALIFICATIONS

The City reserves the right to request satisfactory evidence of any Offeror's ability to furnish services in accordance with the terms and conditions listed herein. The City further reserves the right to make the final determination as to the Offeror's ability to provide said services. We reserve the right to investigate the qualifications of any respondent under consideration, require confirmations of information furnished, and require additional evidence of qualifications to perform the work described in this Solicitation, contact references, and request an audited financial statement in order to determine a potential contractor's capabilities.

31. ASSIGNMENT

The Contractor(s) shall not assign in whole or in part its duties under the contract without the prior written consent of the City of Charleston. The Contractor shall not assign any money due or to become due to it under this contract without the prior written consent of the City of Charleston.

32. SUBCONTRACTORS

- A) If any subcontractors shall be used for this project, the Contractor shall provide to the City's Director of Procurement a list of names of any of the intended subcontractors, the subcontractor's applicable license number(s), and a description of the work to be done by each subcontractor, if requested.
- B) The Contractor(s) shall not substitute other subcontractors without the written consent of the City's Director of Procurement.
- C) Contractor(s) shall be responsible for all services performed by a subcontractor. Responsibilities include, but are not limited to, compliance with any applicable licensing regulations.
- D) If at any time the City's Director of Procurement determines that any subcontractor is incompetent or undesirable, he shall notify the Contractor(s) accordingly, and the Contractor(s) shall take immediate steps for cancellation of the subcontract and replacement thereof with a subcontract that is approved by the City of Charleston.
- E) Nothing contained in any contract resulting from this Solicitation shall create any contractual relationship between any subcontractor and the City of Charleston.

33. SUSPENSION OF WORK



## RESOLUTION

TO AMEND PARAGRAPH C.8(A) AND (B) OF THE PROCUREMENT POLICY OF THE CITY OF CHARLESTON TO AUTHORIZE CONSTRUCTION MANAGER AT RISK SERVICES AS AN ALTERNATIVE MEANS OF CONSTRUCTION DELIVERY SERVICES FOR CITY CONSTRUCTION PROJECTS.

WHEREAS, the City of Charleston adopted by resolution a Procurement Policy on June 23, 1983, which said Policy has been subsequently amended (hereinafter referred to as the "Policy"); and

WHEREAS, the City of Charleston is now minded to amend Paragraph C.8(A) and (B) of the Policy to authorize construction manager at risk services as an alternative means of construction delivery services for City construction projects more fully set forth below and on Exhibit A, attached hereto and incorporated by reference herein.

NOW THEREFORE, IT IS RESOLVED that Paragraph C.8(A) and (B) of the Policy is hereby amended by adding the following underlined language to said Paragraph, which shall read as follows:

### **"Paragraph C. Construction Services**

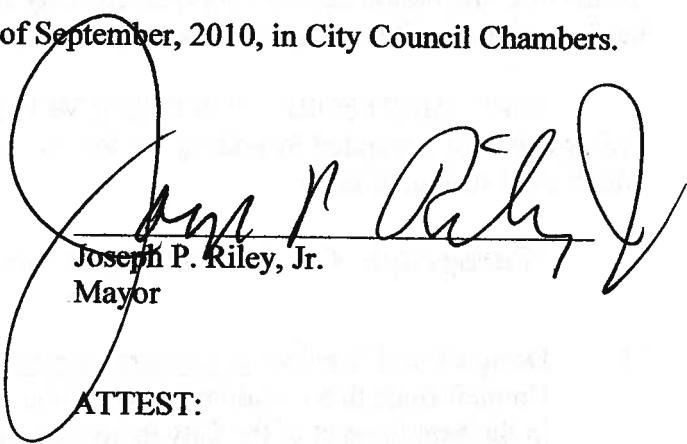
- "8. Design/Build Services or Construction Manager at Risk Services. City Council finds that certain non-traditional project delivery systems can be in the best interest of the City in certain circumstances. Therefore, the following methods may be employed under the following circumstances:
- A. The Mayor shall recommend, subject to the approval of City Council, either design/build services or construction manager at risk services as an alternative to the traditional design/bid/build method for City construction projects. In making such a recommendation, the Mayor shall consider the City's requirements, its resources and the type of project as well as the criteria set forth in Paragraph B.4A-G herein. The Mayor shall also consider either method if it will result in the most timely, successful or economical completion of the construction project.



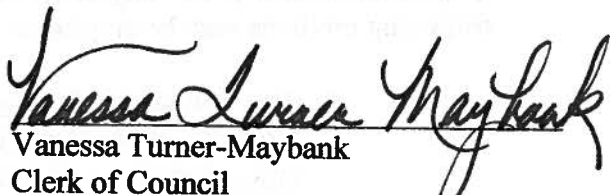
The Mayor shall prepare a written statement setting forth the facts which support his recommendation for the selection of the particular method of construction delivery method for each City construction project and shall submit same to City Council for approval. Upon approval by City Council, the determination for such selection shall be retained in the contract file.

- B. If the Mayor recommends and City Council approves the utilization of design/build services or construction manager at risk services for a particular construction project based upon the criteria set forth in Paragraph B.4A-G and Paragraph C.8(A) above, the method of selection for these services shall be by the Request for Qualifications method more fully set forth in Paragraph B(4) of this Policy. In the alternative, the Mayor may determine that a Request for Proposals method, in which both cost and capability are considered in the selection process, may be utilized.”
- C. For purposes of this Paragraph, (i) design/build services shall mean the selection of a single firm to perform and manage the complete design and construction of a construction project; and (ii) construction manager at risk services shall be defined as the selection of a single firm to perform pre-construction design services and construction of a City construction project.

RESOLVED this 14<sup>th</sup> day of September, 2010, in City Council Chambers.

  
Joseph P. Riley, Jr.  
Mayor

ATTEST:

  
Vanessa Turner-Maybank  
Clerk of Council

## **EXHIBIT A**

### **PROCUREMENT POLICY, AS AMENDED AND APPROVED BY CITY COUNCIL AS OF SEPTEMBER 14, 2010 CITY OF CHARLESTON, SOUTH CAROLINA**

#### **A. PURPOSE OF POLICY; APPLICATION**

1. The purpose of this Policy is to provide for the fair, open, competitive and equitable treatment of all persons involved in public purchasing by the City of Charleston, South Carolina, hereinafter referred to as the "City", to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality, openness, competition and integrity.
2. This Policy shall apply to all contracts for the procurement of supplies and services by the City after the effective date hereof. It shall apply to every expenditure of public funds irrespective of its source. Nothing in this Policy, however, shall prevent any City department or agency from complying with the terms and conditions of any grant, gift or bequest which are otherwise consistent with law.
3. Procurement information shall be a public record to the extent required by Chapter 4 of Title 30 (The Freedom of Information Act), South Carolina Code of Laws, 1976, as amended, with the exception that commercial or financial information obtained in response to a "request for proposals" which is privileged and confidential shall not be disclosed.
4. Where the expenditure of public funds is involved in the procurement of any goods or services, the Procurement Director or appropriate City department shall comply with such rules and regulations as may be required by the appropriate Federal agency, if applicable.
5. In all actions involving the procurement of supplies, services or construction for the City, the provisions of Chapter 13 of Title 8 (State Ethics Act), South Carolina Code of Laws, 1976, as amended, shall be followed.
6. All contracts for goods or services to which the City is a party shall be approved by the Mayor, the Chief Financial Officer or the Deputy Chief Financial Officer when budgeted by Council and where the total cost of goods or services covered by the contract is \$40,000.00 or less. All

contracts for goods or services that exceed \$40,000.00 shall be approved by the Committee on Ways and Means.

7. All contracts of any nature entered into by the City shall be signed by the Mayor, the Chief Financial Officer or the Deputy Chief Financial Officer.

**B. PROFESSIONAL SERVICES  
(ARCHITECT/ENGINEERING/CONSULTANT SERVICES)**

Contracts for the engagement of an architect, engineer or consultant services shall be subject to the following procedure:

1. Definition of Professional Services.

As used in Paragraph B, Professional Services shall mean services that may be rendered lawfully only by a person licensed or otherwise authorized by a licensing authority in the State of South Carolina to render the service ("Professional Services"). This definition shall include but not be limited to architectural, engineering, planning or land surveying services, which are those professional services associated with the practice of architecture, professional engineering, land surveying, landscape architecture, planning, and interior design pertaining to construction, as defined by the laws of the State of South Carolina, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform, including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, inspections, shop drawing reviews, sample recommendations, preparation of operating and maintenance manuals and other related services.

2. Preparation of Scope of Professional Services to be procured.

The City department requiring the Professional Services shall prepare the scope of the work for the proposed project.

3. Selection of Professional Services – Fee of \$50,000 or Less.

A contract for Professional Services with a total fee of \$50,000 or less, excluding reimbursable expenses, shall be defined as a Small Contract ("Small Contract"). A Small Contract is not required to be advertised but may be negotiated after the City has received proposals from interested professional consultants taking into account:

- A. The nature of the project;

- B. The proximity of the consultant to the project;
- C. The capability of the consultant to produce the required services within a reasonable time;
- D. Past performance; and
- E. Demonstrated ability to meet project budget requirements.

No consultant or firm with which the consultant is associated shall be awarded a Small Contract if it will result in the total fees awarded to that consultant or associated firm for Small Contract(s) to exceed \$100,000, excluding reimbursable expenses, during the twenty-four (24) month period immediately preceding the date of the award of the Small Contract.

The City shall maintain a list of professional consultants from which to solicit proposals for Small Contracts (the "List of Professional Consultants for Small Contracts"). On a semi-annual basis, the City shall publish a notice in at least two (2) newspapers of general circulation in the City and if desired on the City's intranet site, for the purpose of soliciting statements of interest from qualified professional consultants who are interested in submitting proposals for Small Contracts. The City shall also accept statements of interest from qualified professional consultants by mail or hand delivery at any time.

Any professional consultant who wishes to be included on the List of Professional Consultants for Small Contracts shall submit a resume to the City c/o the City of Charleston Procurement Director, 116 Meeting Street, Charleston, SC 29401, which shall contain the following information:

- i. Name, address and discipline of the professional consultant and number of years in business.
- ii. The capability of the professional consultant to produce the required services within a reasonable and satisfactory time frame, including past performance.
- iii. Names, titles, addresses and phone numbers of clients for whom the professional consultant worked for at least six (6) previous projects.
- iv. Demonstrated ability to meet time and budget requirements on projects within the last 3 years.

The City may select any professional consultant from the List of Professional Consultants for Small Contracts.

4. Selection of Professional Services – Fee In Excess of \$50,000.

A contract for professional services with a fee in excess of \$50,000 shall be defined as a Large Contract (“Large Contract”). A Large Contract shall be advertised in a local newspaper of general circulation and the South Carolina Business Opportunities (SCBO).

A Selection Committee of five to seven members, including at least one member of City Council, shall be established by the Mayor to select a minimum of three firms for interviews (short-list). The selection shall be based on a review of the submitted materials and information available prior to the interviews, using the following criteria:

- A. Past performance;
- B. Ability of professional personnel;
- C. Location;
- D. Demonstrated ability to meet time and budget requirements;
- E. Creativity and insight related to the project;
- F. Related experience on similar projects; and
- G. Any other criteria as required in order to meet the particular needs of the project.

The Selection Committee shall interview, rate and rank all three firms based on the same criteria as used for the short-listing. Negotiations shall first be conducted with the highest-ranked firm. If the Selection Committee is unable to reach acceptable contract terms with the highest-ranked firm, including an acceptable fee, negotiations shall be terminated and re-instituted with the next, highest-ranking firm in order of the Selection Committee’s ranking. This negotiation procedure shall continue until such time as the Committee reaches an acceptable contract with one of the short-listed consultants, if possible. If an acceptable contract cannot be negotiated pursuant to this procedure, all proposals shall be rejected if necessary in the best interest of the City.

5. Professional Services Indefinite Delivery Contract.

An Indefinite Delivery Contract is an agreement for professional services to be performed on an "as-needed" basis for work that may not be identified at the time of soliciting a contract ("IDC"). The contract period for an IDC shall be limited to a maximum of three (3) years. When needed, professional services shall be issued as Delivery Orders pursuant to an IDC. The fee for each Delivery Order shall be separately negotiated in accordance with the selected consultant's Hourly Rate and Reimbursable Schedule and by agreement of the City.

**A. Small IDC – Fee of \$50,000 or Less.**

The maximum fee permitted for a Small IDC shall be \$50,000, with a maximum fee of \$50,000 for the Delivery Order issued pursuant thereto. The procedure for the selection of a Small IDC shall be the same as for a Small Contract more fully set forth in Paragraph B(3) above.

**B. Large IDC – Fee in Excess of \$50,000.**

The maximum fee permitted for a Large IDC shall be \$300,000, with a maximum fee of \$100,000 for each Delivery Order issued pursuant thereto. The procedure for the selection of a Large IDC shall be the same as for a Large Contract more fully set forth in Paragraph B(4) above.

**C. CONSTRUCTION SERVICES**

Contracts for securing construction services shall be subject to the following procedure:

1. The City Department requiring construction services shall prepare specifications of the work required for the proposed project. Bids shall thereafter be solicited in accordance with such specifications. When it is apparent from the scope of services required that the costs of same will likely exceed \$20,000, the solicitation of bids shall be by public advertisement in a newspaper of general circulation in the City, allowing proposed bidders at least five (5) days notice for receipt of proposals, and said notice shall include, at a minimum, a general description of the services required and state where bid forms and specifications may be obtained and the time and place for opening bids.

When it is apparent from the scope of services required that the costs of such construction services will likely be less than \$20,000, the solicitation of bids shall be in accordance with Paragraph E(3) herein.

- A. Discussion with Bidders. As provided in the invitation for bids, discussions may be conducted with the apparent low responsive and responsible bidder for the purpose of

clarification to assure full understanding of the requirements of the invitation for bids. Such bids, in the Procurement Director's sole judgment, needing clarification may be accorded such an opportunity. Clarification of any bidder's bid must be documented in writing by the Procurement Director and shall be included with the bid. Documentation concerning the clarification shall be subject to disclosure upon request as set forth in Paragraph A(3) herein.

B. Award. Unless there is a compelling reason to reject bids, notice of an intended award of a contract to the lowest responsive and responsible bidder whose bid meets the requirements set forth in the invitation for bids shall be given by posting such notice at a location specified in the invitation for bids. Prior to the posting of the award, the Procurement Director with the City Department requiring the construction services may negotiate with the lowest responsive and responsible bidder to lower his bid within the scope of the invitation for bids.

2. When deemed necessary by the City Department requiring the construction services, bid deposits shall be prescribed in the public notices inviting bids. Upon the award of the contract, any unsuccessful bidder shall be entitled to a return of the bid deposit. The successful bidder shall forfeit any bid deposit required upon failure to enter into a contract within ten (10) days after the award; provided, however, that the City, in its discretion, may waive this forfeiture.
3. Construction contracts not exceeding \$40,000.00 shall be awarded by the Mayor or the Chief Financial Officer to the lowest responsive and responsible bidder. All construction contracts exceeding \$40,000.00 shall be awarded by the Committee on Ways and Means.
4. In determining the lowest responsive and responsible bidder, in addition to price, the City Department requiring the construction services shall consider: (a) the ability, capacity and skill of the bidder to perform the contract or provide services required; (b) whether the bidder can perform the contract or provide the services promptly, or within the time specified, without delay or interference; (c) the character, integrity, reputation, judgment, experience and efficiency of the bidder; (d) the quality of performance of previous contracts or services; (e) the previous and existing compliance by the bidder with the laws and ordinances relating to the contract or services; (f) the sufficiency of the financial resources and services; (g) the quality, availability and adaptability of the supplies or contractual services to the particular use required; (h) the ability of the bidder to provide such future assistance as may be reasonably

contemplated by the subject matter of the contract; (i) the number and scope of conditions attached to the bid.

5. The City may pre-qualify construction bidders when the construction cost is estimated to exceed one million (\$1M) dollars in value or the construction project is unique in nature and requires a substantial level of expertise. The prequalification process shall consist of an evaluation of the prospective contractor's financial, material, facility, personnel resources and expertise as well as its record of performance and integrity.
6. The City Department requiring the construction services may require bonds, including but not limited to a Payment Bond and/or Performance Bond, before entering into a contract in such form and amount as shall be deemed necessary to protect the best interests of the City.
7. Nothing herein shall be construed to prevent the City from rejecting all bids, or parts thereof, when the public interest will be served thereby.
8. Design/Build Services or Construction Manager at Risk Services. City Council finds that certain non-traditional project delivery systems can be in the best interest of the City in certain circumstances. Therefore, the following methods may be employed under the following circumstances:
  - A. The Mayor shall recommend, subject to the approval of City Council, either design/build services or construction manager at risk services as an alternative to the traditional design/bid/build method for City construction projects. In making such a recommendation, the Mayor shall consider the City's requirements, its resources and the type of project as well as the criteria set forth in Paragraph B.4A-G herein. The Mayor shall also consider either method if it will result in the most timely, successful or economical completion of the construction project. The Mayor shall prepare a written statement setting forth the facts which support his recommendation for the selection of the particular method of construction delivery method for each City construction project and shall submit same to City Council for approval. Upon approval by City Council, the determination for such selection shall be retained in the contract file.
  - B. If the Mayor recommends and City Council approves the utilization of design/build services or construction manager at risk services for a particular construction project based upon the criteria set forth in Paragraph B.4A-G and Paragraph C.8(A) above, the method of selection for these services shall be by the Request for Qualifications method more fully set forth in Paragraph B(4) of this Policy. In the alternative, the Mayor may determine that a



Request for Proposals method, in which both cost and capability are considered in the selection process, may be utilized.”

- C. For purposes of this Paragraph, (i) design/build services shall mean the selection of a single firm to perform and manage the complete design and construction of a construction project; and (ii) construction manager at risk services shall be defined as the selection of a single firm to perform pre-construction design services and construction of a City construction project.

#### **D. REAL ESTATE**

Contracts for the sale, purchase or lease of real property by the City shall be subject to the following procedure:

- 1. In accordance with Section 2-266 of the Code of the City of Charleston, City Council shall not offer for sale nor sell any piece or parcel of real estate owned by the City, except:

- A. By advertising the real estate in a newspaper of general circulation in the City, calling for sealed bids on the same, and reserving the right to reject any or all bids or to accept any bid most advantageous to the City. Such sale may be at an upset price and may contain such conditions as deemed appropriate.

- B. This Paragraph shall not apply to sales of City-owned real estate to agencies possessing the power of condemnation over City-owned real estate, to sales to public agencies for public purposes and to sales where, because of the value of the property, public advertising would not be cost effective.

- C. The provisions of this Paragraph shall also apply to any lease of City-owned real estate when the proposed lease term is greater than one (1) year in duration.

- D. City Council shall have the right to waive any provisions of Paragraph D(1)(A), (B) or (C) where, by a vote of two-thirds of the council members present, City Council determines that such provisions are not in the public interest.

- 2. Subject to the requirements of Paragraph D(1) herein:

- A. The Mayor or his designee shall identify the land, and when appropriate the improvements thereon, and shall secure the Fair Market Value thereof. Fair Market Value may be determined by the Chief Financial Officer, at his discretion, after consultation

with appropriate City departments, the Real Estate Advisor for the City and Corporation Counsel. When he may deem it necessary, the Chief Financial Officer may secure a formal appraisal.

- B. Upon the initial drafting of any contract of sale, purchase agreement or lease, but prior to any acceptance thereof on behalf of the City, the Chief Financial Officer shall submit the said contract of sale, purchase agreement or lease to Corporation Counsel for review.
- C. After input from the appropriate City departments and Corporation Counsel, the Chief Financial Officer shall submit the proposed contract of sale, purchase agreement or lease to the Real Estate Committee of City Council. The Real Estate Committee shall review the proposed contract of sale, purchase agreement or lease and thereafter make a recommendation to Council.
- D. City Council shall consider the recommendation of the Real Estate Committee and it shall have final authority to approve or disapprove any proposed sale, purchase or lease of real property.
- E. Pursuant to SC Code Section 5-7-26(6), any sale or lease or contract to sell or lease any City-owned real estate shall be by ordinance ratified by City Council.

#### **E. GOODS AND SUPPLIES**

Contracts for the purchase or disposal of goods and supplies shall be subject to the following procedure:

1. The Procurement Director shall be responsible for the procurement of goods and supplies for the City, as well as the management and disposal of them.
2. The Procurement Director shall procure or supervise the procurement of all goods and supplies needed by the City, exercise general supervision and control over all inventories and supplies belonging to the City, sell, trade or otherwise dispose of any surplus goods or supplies belonging to the City, and establish and maintain programs for the inspection, testing and acceptance of goods and supplies.
3. The purchase of goods or supplies shall not be had until after bids for them have been duly solicited by the Procurement Director. When it appears that a contract for the purchase of goods or supplies shall exceed \$20,000, the solicitation of such bids shall be by public advertisement in a newspaper of general circulation in the City, allowing proposed bidders at

least five (5) days notice for receipt of proposals, and said notice shall include, at a minimum, a general description of the goods or supplies required and state where bid blanks and specifications may be obtained and the time and place for opening bids.

When it appears that a contract for the purchase of goods or supplies shall be less than \$20,000, the solicitation of such bids for the amounts specified below shall be as follows:

A. \$0.01 - \$2,500.00	No Bid Requirements.
B. \$2,500.01 - \$5,000.00	3 telephone quotes verified by Procurement.
C. \$5,000.01 - \$20,000.00	3 written quotes verified by Procurement.
D. \$20,000.01 - \$40,000.00	3 written responses to solicitation issued by Procurement. Local advertisement (minimum). Procurement Director approval.
E. \$40,000.01 +	3 written responses to solicitation issued by Procurement. Local advertisement (minimum). Procurement Director approval. City Council approval.

4. Contracts for goods or supplies not exceeding \$40,000.00 shall be awarded by the Mayor or the Chief Financial Officer to the lowest responsible bidder. Such contracts exceeding \$40,000.00 shall be awarded upon approval by the Committee on Ways and Means. In determining the lowest responsible bidder, in addition to price, consideration shall be given to: (a) the ability, capacity and skill of the bidder to perform the contract or provide the goods or supplies required; (b) whether the bidder can perform the contract or provide the goods or supplies promptly, or within the time specified, without delay or interference; (c) the character, integrity, reputation, judgment, experience and efficiency of the bidder; (d) the quality of performance of previous contracts; (e) the previous and existing compliance by the bidder with the laws and ordinances relating to the contract; (f) the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the goods or supplies; (g)

the quality, availability and adaptability of the goods or supplies to the particular use required; (h) the ability of the bidder to provide future maintenance and service, if reasonably contemplated, for the goods or supplies; (i) the number and scope of conditions attached to the bid.

5. The Procurement Director shall have the authority to require a bond or warranty before entering into a contract in such form or amount as is reasonably necessary to protect the best interest of the City.
6. Nothing herein shall be construed to prevent the Procurement Director from rejecting all bids, or parts thereof, when the public interest will be served thereby.
7. The Procurement Director shall have the authority to transfer excess goods or supplies from one City department to another when the circumstances justify such action.
8. Any disposal of surplus goods and/or supplies by the Procurement Director shall be had by online public auction utilizing the online public auction site known as govdeals.com or some other suitable online public auction site to be selected by the Procurement Director. When it appears to the Procurement Director that the interest of the City would be better served by holding an on site auction at a time and location to be determined by the Procurement Director or by trading surplus goods and/or supplies, he shall have the authority to so act. The disposal, sale and/or trade of surplus supplies or goods shall be approved by the Mayor and the Chief Financial Officer.
9. Notwithstanding the foregoing, the City may retain and use lawfully seized or abandoned personal property for official business purposes in lieu of sale or disposal. Such property shall be placed on the City's list of inventory as property of the City.

#### **F. TECHNICAL SERVICES**

Contracts for the acquisition of technical services, such as maintenance agreements on City equipment, landscaping contracts or telephone service, etc., shall be subject to the following procedure:

1. The City department requiring technical assistance shall work up a proposal of services required. Bids shall thereafter be solicited by the Procurement Director. When it is apparent from the scope of services required that the cost of same will likely exceed \$20,000, the solicitation of bids shall be by public advertisement in a newspaper of general circulation in the City allowing proposed bidders at least five (5) days notice for receipt of proposals, and said notice shall include, at a

minimum, a general description of the services required and state where bid blanks and specifications may be obtained and the time and place for opening bids. The advertising requirements may be waived when the nature or make of the goods indicates that such services should be obtained from a specific source or supplier.

2. Technical services contracts not exceeding \$40,000.00 shall be awarded by the Mayor or the Chief Financial Officer to the lowest responsible bidder. All contracts exceeding \$40,000.00 shall be awarded upon approval of the Committee on Ways and Means. In determining the lowest responsible bidder, in addition to price, consideration shall be given to: (a) the ability, capacity and skill of the bidder to perform the contract or provide the services required; (b) whether the bidder can perform the contract or provide the services promptly or within the time specified, without delay or interference; (c) the character, integrity, reputation, judgment, experience and efficiency of the bidder; (d) the quality of performance of previous contracts or services; (e) the previous and existing compliance by the bidder with the laws and ordinances relating to the contract or services; (f) the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services; (g) the quality, availability and adaptability of the supplies or contractual services to the particular assistance; (h) the ability of the bidder to provide future assistance, if the same is reasonably contemplated; (i) the number and scope of conditions attached to the bid.
3. Nothing herein shall be construed to prevent the City from rejecting all bids, or parts thereof, when the public interest will be served thereby.

**G. AUTOMOTIVE OR DIESEL REPAIR SERVICES:**

1. Selection of Automotive or Diesel Repair Services – Fee of \$40,000 or less.

A contract for automotive or diesel repair services with a total fee of \$40,000 or less, excluding reimbursable expenses, shall be procured in accordance with the provisions governing the selection of a Small Contract as set forth in Paragraph B(3) above.

2. Selection of Automotive or Diesel Repair Services – Fee in Excess of \$40,000.

A contract for automotive or diesel repair services with a total fee in excess of \$40,000, excluding reimbursable expenses, shall be procured in accordance with the provisions governing the selection of a Large Contract as set forth in Paragraph B(4) above.

3. Automotive or Diesel Repair Services Indefinite Delivery Contract.

An Indefinite Delivery Contract is an agreement for automotive or diesel repair services to be performed on an "as-needed" basis for work that may not be identified at the time of soliciting a contract ("IDC"). The contract period for an IDC shall be limited to a maximum of two years. When needed, automotive or diesel repair services shall be issued as Delivery Orders pursuant to an IDC. The fee for each Delivery Order shall be separately negotiated in accordance with the selected vendor's Hourly Rate and Reimbursable Schedule and by agreement of the City.

A. Small IDC – Fee of \$40,000 or Less.

The maximum fee permitted for a Small IDC shall be \$40,000, with a maximum fee of \$40,000 for the Delivery Order issued pursuant thereto. The procedure for the selection of a Small IDC for automotive or diesel repair services shall be the same as for a Small Contract more fully set forth in Paragraph B(3) above.

B. Large IDC – Fee in Excess of \$40,000.

The maximum fee permitted for a Large IDC shall be \$300,000, with a maximum fee of \$100,000 for each Delivery Order issued pursuant thereto. The procedure for the selection of a Large IDC for automotive or diesel repair services shall be the same as for a Large Contract more fully set forth in Paragraph B(4) above.

**H. INTERGOVERNMENTAL RELATIONS**

1. Definitions.

The following words, terms and phrases, when used in this Paragraph, shall have the meanings ascribed to them in this Paragraph, except where the context clearly indicates a different meaning:

*Cooperative Purchasing* shall mean procurement conducted by, or on behalf of, more than one (1) public procurement unit.

*Public Procurement Unit* shall mean any local public procurement unit or any state public procurement unit, inside and outside of the State of South Carolina, which shall include any country, city, town or any other subdivision of the state, public authority, political subdivision, educational, health, or other institution or entity which expends public funds for procurement of supplies, services or construction.

2. Cooperative Purchasing Authorized.

The City may participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of goods, supplies, services or construction with one (1) or more Public Procurement Units in accordance with an agreement entered into between the participants, including the third party with which the Public Procurement Unit has contracted so long as the third party was selected by the Public Procurement Unit based on a competitive bid process. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between Public Procurement Units.

3. Sale, Acquisition or Use of Supplies.

The City may sell to, acquire from, or use any supplies belonging to another Public Procurement Unit independent of the requirements of Paragraph E of the Procurement Policy of the City of Charleston.

4. Cooperative Use of Supplies or Services.

The City may enter into an agreement, independent of the requirements of Paragraphs B, C, E or F of this Policy with any Public Procurement Unit for the cooperative use of supplies, services or construction under the terms agreed upon between the parties.

5. Joint Use of Facilities

The City may enter into agreement independent of the requirements of Paragraph D of this Policy for the common use or lease of warehousing facilities, capital equipment and other facilities with another Public Procurement Unit under the terms agreed upon between the parties.

6. Use of State Contracts.

The City may, independent of the requirements of Paragraphs B, C, E or F of this Policy procure supplies, services or construction through the contracts established by the purchasing division of the State of South Carolina as provided in Chapter 35 of Title II (State Consolidated Procurement Code), of the South Carolina Code of Laws, 1976 (Sections 11-35-10 through 11-35-5270).

7. Procurement Director's Responsibilities Under This Paragraph.

The Procurement Director shall be responsible for the procurement, sale, acquisition or use of supplies, services, facilities or construction for the City pursuant to any cooperative agreement with a Public Procurement Unit in accordance with this Paragraph.

## **Professional Services (Architecture, Engineering, Consultant Services)**

- 1. City Department requiring the professional services shall prepare the scope of work for the proposed project**
- 2. Selection – Fee of \$50,000 or less**
  - a. Shall be defined as a small contract – which is not required to be advertised but may be negotiated after the City has received proposals from interested professional consultants taking into account:**
    - i. Nature of the project**
    - ii. Proximity of the consultant to the project**
    - iii. The capability of the consultant to produce the required services within a reasonable time.**
    - iv. Past performance, and**
    - v. Demonstrated ability to meet project budget requirements.**
  - b. No consultant or firm with which the consultant is associated shall be awarded a Small Contract if it will result in the total fees awarded to that consultant or associated firm to exceed \$100,000, excluding reimbursable expenses, during the 24-month period immediately preceding the date of the award of Small Contract.**
  - c. City shall maintain a list of professional consultants from which to solicit proposals for Small Contracts from which to solicit proposals for Small Contracts.**
    - i. Semi-annual basis, the City shall publish a notice in at least 2 newspapers of general circulation in the City and if desired on the City's intranet site. City shall accept statements of interest from qualified professional consultants by mail or hand delivery at any time.**
    - ii. To be on the List of Professional Consultants, a resume needs to be submitted.**
- 3. Selection – Fee In Excess of \$50,000**
  - a. Shall be defined as a large contract – shall be advertised in a local newspaper of general circulation and the South Carolina Business Opportunities (SCBO)**
  - b. Selection Committee –**
    - i. Five to seven members, including at least one member of City Council, shall be established by the Mayor to select a minimum of three firms for interviews.**
    - ii. Selection shall be based on a review of the submitted materials and information available prior to the interviews:**
      - 1. Past performance**
      - 2. Ability of professional personnel**
      - 3. Location**
      - 4. Demonstrated ability to meet time and budget requirements**
      - 5. Creativity and insight related to the project**
      - 6. Related experience on similar project; and**
      - 7. Any other criteria as required in order to meet the particular needs of the project**
    - iii. Shall interview, rate and rank all three firms based on the same criteria as used for the short-listing.**
    - iv. Negotiations shall first be conducted with the highest ranking firm**



## Construction Services

1. City Department requiring construction services shall prepare specifications of the work required for the proposed project
2. If the scope of the services required exceed the cost of \$20,000, the solicitation of bids shall be by public advertisement in a newspaper of general circulation in the city. Allowing proposed bidders at least five (5) days notice for receipt of proposals and said notice shall include at a minimum, a general description of the services required and state where bid forms and specifications may be obtained and the time and place for opening bids.
3. Upon the award of the contract, any unsuccessful bidder shall be entitled to a return of the bid deposit. Successful bidder shall forfeit any bid deposit if a contract is not entered after 10 days.
4. Construction contracts \$40,000 or less – awarded by the Mayor or Chief Financial Officer
5. Construction contracts \$40,000 or more – awarded by the Committee of Ways and Means

## Real Estate

1. City Council shall not offer for sale nor sell any piece or parcel of real estate owned by the City; except:
  - a. By advertising the real estate in a newspaper of general circulation in the city. Calling for sealed bids or to accept any bid most advantageous by the City.
  - b. Does not apply to sales of City-owned real estate to agencies possessing the power of condemnation over City-owned real estate to sales to public agencies for public purposes and to sales where, because of the value of the property, public advertising would not be cost effective.
  - c. Terms shall apply to any lease of City-owned real estate when the proposed lease term is greater than one year in duration
  - d. City Council shall have the right to waive any provisions by a vote of two-thirds of the council members present, City Council determines that such provisions are not in the public interest.
2. Subject to requirements of Paragraph D(1):
  - a. Mayor or his designee shall identify the land, and when appropriate the improvements thereon, and shall secure the Fair Market Value thereof. Fair Market Value may be determined by the Chief Financial Officer after consultation with the appropriate City departments, Real Estate advisor for the City and Corporation Counsel.
  - b. During the initial drafting process, the Chief Financial Officer shall submit the draft contract of sale, purchase agreement or lease to Corporation Counsel for review.
  - c. After input from the appropriate City departments and Corporation Counsel, the Chief Financial Officer shall submit the proposed contract of sale, purchase agreement or lease to the Real Estate Committee of City Council
  - d. The Real Estate Committee is to review the contract and give a recommendation to City Council which shall be considered. City Council shall have final authority to approve or disapprove any proposed sale, purchase or lease of real property.
  - e. The final sale shall be completed by an ordinance ratified by the City Council

### **Goods and Supplies**

1. Procurement Director is responsible for the procurement of goods and supplies
2. Purchase of goods or supplies shall not be had until after bids for them have been duly solicited by the Procurement Director.
3. Procurement Director may sell, trade, or dispose of goods that are no longer needed by the City, however it shall be approved by the Mayor and Chief Financial Officer

### **Technical Services**

1. Contracts for the acquisition of technical services – maintenance agreements on equipment, landscaping contracts or telephone services.
  - a. City Department requiring the services shall work up a proposal of services required
  - b. Bids shall be solicited by the Procurement Director
  - c. When services shall exceed \$20,000 – solicitation of bids shall be by public advertisement in a newspaper of general circulation in the City allowing proposed bidders at least five days notice for receipt of proposals
2. Contracts not exceeding \$40,000 shall be awarded by the Mayor or the Chief Financial Officer
3. Contracts exceeding \$40,000 shall be awarded upon approval of the Committee on Ways and Means

### **Automotive or Diesel Repair Services**

1. Fee of \$40,000 or less for repair services excluding reimbursable expenses, shall be procured in accordance with the rules of a Small Contract
2. Fee of \$40,000 or more for repair services excluding reimbursable expenses, shall be procured in accordance with the rules of a Large Contract
3. Indefinite Delivery Contract – “As-needed” repair services that are separately negotiated in accordance with the selected vendor’s hourly rate and reimbursable schedule by the agreement of the City. The “IDC” contract time is limited to a maximum of 2 years.

**CITY OF CHARLESTON**  
**PERFORMANCE ASSESSMENT TIMELINE**

**Daniel Island Councilmember Workshop – Overview of Performance Innovation Program**  
*September 8, 2016*

**Solicitation Finalized**  
*September 13, 2016*

**Advertisement Notice Sent to Vendors**  
*September 15, 2016*

**Advertisement in SC Business Opportunities** (Only advertises certain days of the week)  
*September 15, 2016*

**Advertisement in Post & Courier** (Sunday advertisement)  
*September 18, 2016*

**Questions from Proposers Due and Forwarded to Process and Service Improvement**  
*October 5, 2016*

**Responses to Questions Received**  
*October 13, 2016*

**Proposals Due**  
*October 26, 2016*

**Selection Committee – First Meeting**  
*December 2, 2016*

**Presentations Conducted by Short Listed Vendors (Two Vendors)**  
*December 15, 2016*

**Police Assessment – Data Analytics Question Emailed to Two Vendors**  
*December 20, 2016*

**Police Assessment – Data Analytics Responses Received and Emailed to Selection Committee**  
*January 9, 2017*

**Final Ranking of Vendors**  
*January 20, 2016*

**Councilmember Meetings – Pre-Contract Approval by City Council**  
*Thursday, February 9, 2017*

Attendees: CM Wilson, CM Williams, CM Seekings, CM Gregorie, Chief Mullen, Amy Wharton, Susan Poteat

*Friday, February 10, 2017*

Attendees: CM Shahid, CM Waring, CM Wagner, Chief Mullen, Amy Wharton, Susan Poteat

*Friday, February 10, 2017*

Attendees: CM Moody, Chief Mullen, Amy Wharton, Susan Poteat

*Monday, February 13, 2017*

Attendees: CM White, Chief Mullen, Amy Wharton, Susan Poteat

**Novak-Raftelis Contract to City Council and Approved**

*February 28, 2017*

Contract approved unanimously by City Council.

**Novak – Raftelis Site Visit – Councilmember Meetings – Post Contract Approval by City Council**

*Thursday, April 27, 2017 @ 4:00 PM*

Attendees: CM Williams, CM Shahid, Chief Mullen, Amy Wharton, Susan Poteat

*Friday, April 28, 2017 @ 1:30 PM*

Attendees: CM Gregorie, CM Waring, CM White, Chief Mullen, Amy Wharton, Susan Poteat

*Friday, April 28, 2017 @ 2:30 PM*

Attendees: CM Seekings, Chief Mullen, Amy Wharton, Susan Poteat

*Friday, April 28, 2017 @ 3:30 PM*

Attendees: CM Moody, CM Wilson, Chief Mullen, Amy Wharton, Susan Poteat

## Barrett-Robinson, Robin

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**From:** Poteat, Susan  
**Sent:** Wednesday, September 07, 2016 9:18 AM  
**To:** Barrett-Robinson, Robin; Cooper, Gary  
**Subject:** RE: City of Charleston Performance Assessment RFP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Robin –

It will either be four or five. Amy Wharton, Chief Mullen, Susan Poteat, and one maybe two others. When do you need to have the final members?

*Tracy McKee*

Thanks!

Susan

*1st wk Dec*

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**From:** Barrett-Robinson, Robin  
**Sent:** Wednesday, September 07, 2016 9:15 AM  
**To:** Poteat, Susan; Cooper, Gary  
**Subject:** RE: City of Charleston Performance Assessment RFP

Susan,

Do you know how many committee members you will have to evaluate the proposals that come in?

*Robin*

**Robin Barrett-Robinson** | Senior Buyer  
City of Charleston | Department of BFRC  
Procurement Division  
75 Calhoun Street, Suite 3500 | Charleston, SC 29401  
T:(843) 724-7314 | F:(843) 720-3872 | [robinsonr@charleston-sc.gov](mailto:robinsonr@charleston-sc.gov) | [www.charleston-sc.gov](http://www.charleston-sc.gov)



*City of Charleston*

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**From:** Poteat, Susan  
**Sent:** Wednesday, September 07, 2016 9:15 AM  
**To:** Cooper, Gary; Barrett-Robinson, Robin  
**Subject:** RE: City of Charleston Performance Assessment RFP

Perfect – thanks Gary and Robin! 😊

## Poteat, Susan

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**From:** Poteat, Susan  
**Sent:** Friday, December 16, 2016 9:35 AM  
**To:** Cooper, Gary; Barrett-Robinson, Robin  
**Subject:** Performance Assessment RFP Question

Good Morning Gary and Robin –

Here is the question for the vendors. Please send this out today. We appreciate your help.

We want you to expand on Section Four of the City of Charleston's Performance Assessment RFP Meeting Agenda.

The City of Charleston feels that law enforcement is a collaborative effort requiring respectful and trusting relationships with the communities we serve. As we discussed Thursday, data analysis is key to creating transparency, as well as an accurate and objective representation of the actions and practices used in a modern police department. It also allows for the identification of disproportionality, disparities, and the potential of bias. However, data alone does not provide a complete picture.

Please develop a detailed project plan and highlight the methodologies you will use to assist the Police Department with this analysis.

Outline datasets you will utilize, how you will determine the integrity of the data, how you will analyze the data, and what additional information you will research to build the most complete representation of the Department's current strategies and practices.

Include a list of staff that will be assigned to this project and outline their experience and qualifications conducting these types of analysis.

You will have until Monday, January 9<sup>th</sup> to complete your project plan and submit it to us.

Thanks!

Susan

**Susan Poteat** | Director of Process and Service Improvement | City of Charleston  
Budget, Finance, and Revenue Collections | 2 George Street | Charleston, SC 29401  
T:(843) 577-1381 | [poteats@charleston-sc.gov](mailto:poteats@charleston-sc.gov) | [www.charleston-sc.gov](http://www.charleston-sc.gov)







# *city of* CHARLESTON

## PERFORMANCE ASSESSMENT

Follow-Up Information - Policing Data Analytics

Proposal Number: 16-P027C / January 9, 2016







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- 1 Police Department Analysis:  
Methodology & Project Plan
- 5 Police Department Engagements
- 6 Key Team Members
- 9 Appendix A: Key Project Team Resumes



# POLICE DEPARTMENT ANALYSIS: METHODOLOGY & PROJECT PLAN

Today's police departments face a difficult operating challenge. They are tasked with proactively and effectively controlling crime in a policing climate that has largely evolved to assume bias, rather than good intent, on the part of police agencies and officers. This climate constricts the ability of municipalities to meet the practical challenges of delivering police services and creates barriers to implementing broad, community-based strategies to crime prevention and reduction.

The strategic partnership between The Novak Consulting Group and Raftelis Financial Consultants offers direct, related experience and a powerful, nuanced analytical approach that allows the question of policing bias to be vetted within the practical, operational requirements of effective policing. As local government practitioners, we have an experiential understanding of these challenges. We understand that the nuanced complexity of delivering effective policing services cannot be easily captured with simple, high level metrics or broadly extrapolated anecdotal information. A more intentional, thoughtful view of the challenges of policing is required. To meet this goal, we have applied a four tiered analytical methodology that distills questions of police operations, and the questions of policing bias, through distinct filters, including: 1) Community Experiences and Expectations; 2) Police Operations and Officer Expe-



riences; 3) Data Assessment and Validation; and 4) Solutions. This methodology, which is described in detail below, provides a circular framework that has the power to serve as a continuous improvement and community engagement framework into the future.

## COMMUNITY EXPERIENCES AND EXPECTATIONS

The first step in our process is engaging the public to understand the needs, experiences, and expectations of the community. Ultimately it is the trend of those expectations and experiences that provides context for new

initiatives, and serves as the ultimate test of success. The City of Charleston Police Department's implementation of the Illumination Project serves as an important foundation in that effort. The extensive community engagement and thoughtful strategic planning provide a clearly articulated vision for police and community relations and, just as importantly, set a precedent for proactive dialogue and discussion. We would build upon that work with further discussions, focus groups, and public engagement sessions designed to continue advancing the agenda and assess how perceptions and expectations are evolving.



## POLICE OPERATIONS AND OFFICER EXPERIENCES

The second step is to engage the Police Department to understand their needs, experiences, and expectations. The daily experience of sworn officers must be considered alongside those of the community. Policing remains a dangerous profession, and the practical, daily requirements of providing policing services must be respected. Our team will engage with each level of the Police Department – executive, supervisory, and front-line – to develop a detailed understanding of the departmental operations, patrolling expectations, organizational values, and the Department's underlying strengths, weaknesses, and challenges.

## DATA ASSESSMENT AND VALIDATION

Following the operational analysis, we will review the department's current state of data analytics and assess to what degree the data and systems line up with operations and goals identified in the step above, in the Illumination Project Strategic Plan, and in the CPD 2015-2019 Strategic Plan. We will pursue a two-pronged approach to: 1) analyze existing data and 2) improve quality of data and data collection to the point where we can help the CPD achieve the Illumination Project Strategic Plan within the three-year timeline.

CPD has a long history of utilizing technology and data analysis to improve public safety. Our team has extensive experience gathering and manipulating large data sets to provide the reporting and metrics to objectively represent CPD's pol-

icies and operating environment. Datasets that we will initially request and mine include:

### CPD DATA

- Police activity data and incident data including crime reports, arrest reports, and other event details accessible on the CPD Police 2 Citizen website
- Calls for service records, patrol rosters, and other event and operational data that is not currently on the public-facing site
- Current and past years' crime analysis data as available from the IBM i2 COPLINK database and IBM SPSS predictive analytics database

### CITY AND OTHER AGENCY DATA

- Computer Aided Dispatch System (CAD) data, including the distribution of calls for service by geography, call type, priority, hour of the day, and day of the week to assess what relationships may exist between demand for police response and officer-initiated activity
- Demographic data at different levels of detail from the U.S. Census Bureau; the City Department of Planning, Preservation, and Sustainability; Berkeley-Charleston-Dorchester Council of Governments; Charleston Regional Development Alliance; Charleston Metro Chamber of Commerce; South Carolina Office of Research and Statistics; and other local and regional agencies
- Charleston County Tax Assessor data
- Regional and local news articles

### ILLUMINATION PROJECT DATA

- Listening sessions and survey data
- Strategic Plan measurements collected to date

Raftelis has widespread experience performing quality control and assurance on data for over 40 municipal utilities across the country. To determine the integrity of the data listed above, we will compare CPD and City datasets against other agency data and local jurisdictional data to confirm what is statistically valid. We can marry the data geographically and tabularly in ArcGIS mapping software, and verify if the datasets fall within the same range. We can also conduct time series analysis on data for certain locations and blocks to determine whether the data fall within reasonable bounds for event and demographic characteristics. The Police 2 Citizen site already has a Google-based crime map to which we can add more detailed demographic data, and we can check against past data that was input and produced from the IBM SPSS predictive analytics software and other tools that the CPD is currently using to determine reasonable bounds for the datasets.

After processing the datasets, the team will analyze the data using geostatistical models to normalize demographic and event changes over time for particular blocks and neighborhoods. Against the backdrop of these various mapped datasets and relational databases, we can establish a baseline to evaluate current CPD policies and practices. Raftelis can create custom reports and maps to eval-



uate strategies that have been prioritized for implementation in 2017. We can assist with data gathering, filtering, categorization, and aggregation to get to the level of detail needed to assess operational performance and effectiveness of individual strategies.

Using these integrated datasets, we will apply multiple linear regression analysis to test and validate perspectives and experiences. This offers a rigorous analytical approach to identifying correlations between key outcome indicators in a police department, allowing us to uncover the depth of situational and operational nuance that lies below superficial macro indicators. For example, one of the common indicators cited in academia as an indicator of potential implicit bias in a police department is the racial distribution of individuals stopped for traffic violations as compared to racial distribution of the general population. We have successfully worked with other agencies to move beyond this metric in attempt to clarify the reality, and necessity, of proactive and responsive policing by developing a clear picture of all correlating factors. The table to the right summarizes some of the key measures that we propose to evaluate alongside aggregate population demographics.

As part of the Illumination Project Strategic Plan, CPD has begun the process of collecting over 80 discrete performance measures. Our analytical process will use the data collected through the Illumination Project as a core data set in our geostatistical and regression

## Key measures that we would evaluate alongside aggregate population demographics

Aggregate Metric	Data Set Tested for Correlation	Insight Gained
<b>Officer initiated Traffic Stops</b>	Racial, ethnic, and gender distribution by population – permanent and adjusted daytime	How does the distribution of traffic stops compare to aggregate population demographics?
	Racial, ethnic, and gender distribution by census block	How does the distribution of traffic stops compare to population demographics in the specific geographic area of the traffic stop?
	Number, type, and geographic distribution of reported crimes by severity of crime (e.g., Part 1, Part 2, etc.)	How do traffic stops correlate to proactive policing requirements associated with effective response to crime by severity of crime?
	Demographics characteristics of perpetrator descriptions in crime reports	Do traffic stops correlate with active searches for individuals, victims, or suspects
	Distribution of traffic stops by police unit (patrol, VICE/Street Crimes, Investigations) as compared to aggregate and census block population demographics	Does the distribution of traffic stops correlate strongly to active investigations?

analysis. This will allow us to clearly articulate the full operational requirements of policing in Charleston and to partner with the City to complete a gap analysis that integrates that reality and the expectations and experience of the community.

During the gap analysis, if our team identifies immediate improvements that can be made in data quality, gathering, and integration, we will provide a detailed assessment and assist with implementing the improvements if desired. We can also facilitate the CPD's goal of increasing transparency by implementing solutions to present visualized and summarized event

data to the public through the CPD Police 2 Citizen website.

## SOLUTIONS

The final step in our methodology is to work collaboratively and constructively with the City and the Police Department to develop a practical, measurable series of initiatives that serves to address any issues or opportunities clarified through the analytical process. Just as importantly, we will work to identify the strengths of the Police Department and to ensure that the factors which support those strengths continue to receive dedicated attention and priority. The outcome of this effort will serve as an action plan that can be pre-

sented to the community and serve as a rubric for ongoing feedback, dialogue, and success.

The Novak Consulting Group recently applied this nuanced analytical approach to test accusations of bias in Boulder, Colorado. In January of 2016, the City of Boulder contracted with The Novak Consulting Group to review an analysis completed on behalf of the Denver-based Homeless Advocacy Policy Project (HAPP). HAPP had submitted an open records request to the City regarding municipal citations for illegal camping in the City limits. Their analysis concluded that the Boulder Police Department was unfairly targeting the homeless in its use of the camping ban. While HAPP's analysis was factually accurate in stating that the City of Boulder issued more violations for camping violations than other Front Range communities, The Novak Consulting Group identified a number of questionable conclusions that unfairly characterized the City of Boulder in this report.

1) The presentation of the data did not compare the broader programmatic approaches to the issue of homelessness employed in each community. The analysis did not compare data regarding the services offered by each community, service referrals, or the enforcement approach employed in each community for issues of ordinance violations within the homeless population.

2) For many criminal or ordinance violations, it is reasonable to expect citation statistics to be representative of a community's

demographics. However, this is not the case with all ordinances. For example, citations for a failure to maintain working exit signs will be primarily attributable to business owners. This does not imply that business owners are "disproportionately" targeted for enforcement. This is also the case with the camping ban citations. In the case of camping ban citations, the homeless population is far more likely to camp outside of designated areas than other segments of the population because people with access to housing, or on holiday, do not have pressing need to camp in areas not designated for camping. To justify the statement that the City of Boulder "disproportionately" targets the homeless population, HAPP would need to demonstrate evidence that the non-homeless population is regularly camping illegally and that enforcement is not occurring in that population. HAPP has not provided such evidence.

The Novak Consulting Group's analysis noted that the issue of homelessness is a sensitive one for any community, and the policy discussion regarding how to approach that issue may be a legitimate topic for discussion. However, HAPP's analysis did not justify initiating that policy discussion on the basis of a pre-existing pattern of targeted enforcement directed at the homeless population.

Similar thought needs to be taken into consideration when looking for potential police bias with other populations. As the City of Charleston explores the question of police bias, the intent of the anal-

ysis needs to be carefully balanced with conclusions being shared. We would be working **with** the City to understand **if** patterns exist that suggest bias, and at the same time looking at why those patterns exist. In reviewing citations, it will be important to analyze the citation locations and compare the mapped data against demographic data so that housing and density can be taken into consideration.

Existing data should be gathered to form a baseline of what is known to be true today. Evolving best practices for data collection that help communities understand and identify if bias exists need to be put in place and used as a management tool to help officers police the community in a way that is consistent with community values.

As police departments across the country are taking a hard look at how they are policing their community, there are new trends in what officers are being asked to track in order to understand individual and collective efforts to keep the community safe. Critical data points include tracking demographic information for all traffic stops, regardless of whether or not citations were issued, tracking field interview demographics, and action information for interactions.

In using available data to help the Charleston Police Department understand if bias exists and how it is manifested, it will be important to balance hard data analysis with qualitative information. This may include:

- Identifying a "line" for speeding citations where anything "over"

that line is widely agreed nondiscretionary (for example, anyone would write a ticket for someone going 40 mph in a 25 mph zone) and anything under that "line" is discretionary. We would interview officers and supervisors to understand the community culture around speeding tolerance and identify if there is such a line, then review citation patterns for that discrete group of citations – and compare the geocodes of the citations with demographic patterns city-wide and within the immediate census block.

- Conducting focus groups with community groups who represent the general public as well as members of the Illumination Project Steering Committee
- Conducting focus groups with individuals who have had recent interactions with the department (invite people who have received citations to come and share experiences)
- Conducting focus groups with police officers to understand the pressures they are facing in protecting and serving their community

A holistic look at the "facts" and the "perceptions" will allow the City to identify the best steps forward to build mutually trusting relationships between citizens and police in the Charleston community.

## **POLICE DEPARTMENT ENGAGEMENTS**

The Novak Consulting Group has extensive experience working with police departments across the country. The following is a list of some of the most recent communities within which we have worked.

- Carbondale, IL
- Charlottesville, VA
- Clayton, MO
- Clearcreek Township, OH
- Cleveland Heights, OH
- Edina, MN
- Farrell, PA
- Franklin County, MA
- Hastings, NE
- La Plata County, CO
- Long Beach Transit Authority, CA
- Munster, IN
- Mt. Rainier, MD
- Oberlin, OH
- Pioneer Valley Planning Commission, MA
- St. Marys, PA



# KEY TEAM MEMBERS

OUR PROJECT TEAM IS MADE UP OF SENIOR-LEVEL CONSULTANTS WITH DIRECT LOCAL GOVERNMENT EXPERIENCE. WHAT SETS OUR PROJECT TEAM APART IS OUR ABILITY TO EXPLORE AND RELATE TO LOCAL COMMUNITY VALUES WHILE AT THE SAME TIME INVESTIGATING REALISTIC APPROACHES FOR COST-EFFECTIVE SOLUTIONS.



**JULIA  
NOVAK**

*Project Director  
President, Novak*

Julia has worked in and around local governments for over twenty-five years – 16 years in direct service to local governments and 13 years as a full-time consultant. She founded The Novak Consulting Group in 2009. As a professional consultant she has led engagements in communities of all sizes covering the full spectrum of local government services. She has facilitated more than 100 retreats and strategic planning sessions with elected officials and is an established thought leader in the area of governance and management. During her local government career, she worked in Fort Collins, Colorado; Lexington, Massachusetts; Rockville, Maryland; and was city manager of Rye, New York. Julia earned a bachelor's degree in government and politics from George Mason University and a master's degree in public administration from the University of Kansas. Julia was in the first class of individuals certified by ICMA as Credentialed Local Government Managers and maintains that designation.



**MICHELLE  
FERGUSON**

*Project Manager  
/ Continuous  
Improvement,  
Data Analytics,  
& Operational  
Assessment Teams  
Organizational  
Assessment Practice  
Leader, Novak*

Michelle has over 20 years of local government management experience, both as a consultant and in direct service to some of the leading local governments in the country. As a consultant, Michelle has completed detailed organizational reviews of entire jurisdictions and recommended improvements to structure, staffing, and processes within departments across the country. She has provided customized training in the development and use of performance measures to assist numerous organizations continuously improve service delivery. Additionally, Michelle is also a skilled facilitator, able to bring diverse groups of people together to articulate shared visions and priorities. She has lead strategic planning engagements at the community, organizational, and department levels, and she has facilitated numerous staff and governing body retreats.





## **BILL CONNORS**

Operational  
Assessment Team  
*Police Specialist, Novak*

Bill has 35 years of public safety experience, most recently as the police commissioner in Rye, New York from 2001 through 2013. He also served as the city's emergency management coordinator. Prior to Rye, Bill completed a 20-year career with the New York City Police Department. Bill has a unique background that includes high level field and administrative work in both large urban and small suburban agencies. He has provided consulting services for more than twenty municipalities in ten states and is sought after because of his keen insight and outstanding reputation as a public safety professional.



## **JONATHAN INGRAM**

Operational  
Assessment Team  
*Associate, Novak*

Jon has over eight years of consulting experience and has developed an expertise in operational and staffing analysis. He joined The Novak Consulting Group in January 2012, having most recently served as a budget manager for the City of Cincinnati, Ohio. In addition to providing expert financial analysis, Jon has conducted numerous reviews of organizations while serving as a consultant. He is adept at evaluating business problems with equal consideration given to both cost and quality of service.



## **HALEY KADISH**

Project Support Team  
*Associate, Novak*

Haley has six years of government and consulting experience that inform her work as an analyst. She provides our project teams with a variety of staffing and operations analyses, researches best practices, and develops performance measures at the department, organizational, and community level. Prior to joining The Novak Consulting Group, Haley served as an ICMA Local Government Management Fellow in Catawba County, North Carolina where she improved the talent recruitment and selection process, developed departmental performance measures, assisted in the development and implementation of a community food sustainability plan, and improved operations by researching and analyzing options for special projects throughout the county.



## **JOSH RAUCH**

Project Support Team  
*Associate, Novak*

Josh has seven years of consulting and government experience involving a wide variety of organizational and operational analysis. Prior to joining The Novak Consulting Group in December 2014, he served as deputy economic development administrator for the City of Springfield, Ohio. In addition to his background in economic development, Josh has significant experience in community engagement efforts and property maintenance code enforcement.





## **KEITH READLING, PE**

**Data Analytics Team**  
*Executive Vice  
President, RFC*

Keith has 30 years of experience in municipal infrastructure management and civil engineering. Keith has consulted with many of the largest and most complex drainage/stormwater utilities in the U.S. and is one of the foremost authorities in the country regarding management programs, data systems, and business process optimization for local government environmental services. He has provided management and data systems consulting to 41 drainage and stormwater utilities in 14 states and a number of municipal solid waste service organizations. Keith is a data-systems subject matter expert in the areas of non-metered billing and collections with emphasis on connectivity to geographic systems. Keith is a Past President of the North Carolina Chapter of the American Public Works Association and a registered Professional Engineer with a Bachelor of Science Degree in Civil Engineering from North Carolina State University.



## **CHRIS MCPHEE**

**Data Analytics Team**  
*Director of Data  
Services, RFC*

Chris is a subject matter expert in the fields of application development and geospatial analysis in support of local government public service delivery analysis. As a data analyst and application developer, he has experience including financial modeling, forensic analysis of spatial data, relational database development, Oracle and SQL Server programming, and desktop/web/mobile application development. His qualifications include specialized training in ESRI ArcGIS analysis and tool development, Microsoft .Net programming in the C# and VB.Net languages, web application programming in the ASP.Net language, and mobile application development for the iOS (iPhone) and Windows Phone platforms. Chris' expertise also includes large data systems integration in support of performance measurement initiatives. Chris holds Master degrees in Forestry and Geosciences.



## **TOWNSEND COLLINS**

**Continuous  
Improvement & Data  
Analytics Teams**  
*Consultant, RFC*

Townsend has extensive experience leading process improvement, organizational change management, and financial analysis initiatives for municipal utility, environmental, and public works entities. He has formal change management and continuous improvement training and experience working as an internal management consultant with Mecklenburg County Land Use and Environmental Services Agency (LUESA). LUESA provides water quality, stormwater management, building code enforcement, air quality, geo-spatial information systems (GIS), solid waste, and environmental health services. At Raftelis Townsend supports clients with performance metric identification, business analytics and performance management systems implementation. Townsend has an MPA from the University of North Carolina Charlotte and is a certified Six-Sigma Black-belt and Change Management Professional.



# APPENDIX A: KEY PROJECT TEAM RESUMES

## JULIA NOVAK

**PROJECT DIRECTOR** (President, Novak)

Julia established The Novak Consulting Group in September 2009 when she acquired Public Management Partners. From 2003 to 2009, she served as a vice president for a local government consulting firm. Julia has over 25 years of experience working with and for local governments. She is a consultant, trainer, and facilitator who worked with numerous organizations and community groups. During her local government career, she worked in Fort Collins, Colorado; Lexington, Massachusetts; Rockville, Maryland; and was city manager of Rye, New York.

Julia has extensive experience as a facilitator and trainer. She has worked with both elected and appointed officials across the country to conduct goal setting, develop strategic plans, and prioritize service delivery. She has conducted training for elected officials as an individual trainer and through the National League of Cities and a consortium of cities in California. Topics included leadership style and evaluating appointed officials.

Julia has also established herself as a thought leader in the area of governance and administration. In April 2002, Julia was one of 20 practitioners who participated in the ICMA-sponsored symposium on the future of local government administration. Her response to Dr. James Svara's paper, "City Council, Roles, Performance, and the Form of Government," is included in the ICMA-published book, "The Future of Local Government Administration." Public Management Magazine has published multiple articles which she authored and co-authored, including "Preparing Councils for Their Work," co-authored with Dr. John Nalbandian; "Permission to Manage" which discusses the importance of using data to manage local governments; "Dreams That Make a Difference" on the value of community based strategic planning; "Civility" and most recently "Using Data in Police Management." In 2010, Julia served as a trainer for a USAID Initiative in Baghdad, Iraq to develop the capacity of local advisors and councils in Iraq to engage in strategic planning, project management, policy analysis, and policy advocacy.

In 2000, the International City/County Management Association (ICMA) awarded Julia its Assistant's Excellence in Leadership Award for her work in building community and increasing organizational capacity as deputy city manager of Rockville, Maryland.

Julia has been a speaker at national conferences for the ICMA, National League of Cities, and American Society of Public Administrators. She has been a featured speaker/trainer for many state associations, including Ohio, Vermont, Connecticut, New Hampshire, Pennsylvania, North Carolina, the Metropolitan (D.C.) Association of Local Government Administrators and the Illinois Assistant Municipal Managers Association.

Julia earned a bachelor's degree in government and politics from George Mason University and a master's degree in public administration from the University of Kansas. Julia was in the first class of individuals certified by ICMA as Credentialed Local Government Managers, and maintains that designation. Julia is a Master Facilitator of the popular Myers-Briggs Personality Type Indicator, and is certified to administer several other Level B psychological assessments, Apter Motivational Styles Profile, and the Strength Deployment Inventory. She also is trained in popular level-A assessments, including the Thomas-Killman Conflict Modes Inventory and the Human Element-B.

### EDUCATION

- » Master of Public Administration, University of Kansas
- » Bachelor of Arts, George Mason University

### PROFESSIONAL CERTIFICATIONS

- » Certified Professional Manager, International City/County Management Association
- » Master Facilitator, The Myers-Briggs Personality Type Indicator

### INDUSTRY TENURE

- » 29 years
- » Consulting, 13 years
- » Local Government, 16 years



# MICHELLE FERGUSON

## PROJECT MANAGER / CONTINUOUS IMPROVEMENT, DATA ANALYTICS, & OPERATIONAL ASSESSMENT TEAMS

(Organizational Assessment Practice Leader, Novak)

Michelle has over 20 years of management experience in local government, and she currently serves as the organizational assessment practice leader for The Novak Consulting Group, having been with the firm since its inception.

Michelle began her consulting career in 2005 following 10 years of direct experience in local government management, which included serving as assistant county manager in Arlington County, Virginia.

Michelle excels at helping local governments continuously improve their organizations and enhance service to the public. She is skilled in project management, process improvement strategies, performance measurement, consent building, and public process design.

As organizational assessment practice leader, Michelle has completed detailed organizational reviews of entire jurisdictions and recommended improvements to structure, staffing, and processes within departments across the country. Specific department reviews have included development review, parks and recreation, public works, human services, human resources, capital budgeting, and collections. Additionally, she has provided customized training in the development and use of performance measures to assist numerous organizations continuously improve service delivery.

Michelle is also a skilled facilitator, able to bring diverse groups of people together to articulate shared visions and priorities. She has lead strategic planning engagements at the community, organizational, and department levels, and she has facilitated numerous staff and governing body retreats.

During her tenure with Arlington County, Michelle oversaw the daily management and implementation of the County's capital program. She also led the organization-wide performance measurement initiative establishing their Balanced Scorecard. Prior to Arlington County, Michelle served as assistant city manager in Overland Park, Kansas.

Michelle earned a bachelor's degree in political science from Loyola University-Chicago and a master's degree in public administration from the University of Kansas. She is a member of the International City/County Management Association. She also served as the president of the Metropolitan Association of Local Government Assistants in Washington, D.C and has presented at state and national conferences on topics such as strategic planning, effective governing bodies, and council-staff relations.

### EDUCATION

- » Master of Public Administration, University of Kansas
- » Bachelor of Arts, Loyola University - Chicago

### INDUSTRY TENURE

- » 20 years
- » Consulting, 11 years

# BILL CONNORS

## OPERATIONAL ASSESSMENT TEAM

(Public Safety Specialist, Novak)

Bill has more than 33 years of experience in policing, 29 of which have been in supervisory and managerial capacities.

Following a 20-year career with the New York City Police Department, Bill retired from the department at the rank of inspector, assigned as the executive officer of the Office of the First Deputy Commissioner. That office directed the administrative and support functions of the department, including personnel, labor relations, training, discipline, budget, and quality assurance. He served as commanding officer of the 52nd Precinct and the Domestic Violence Unit, as well as in the Office of the Chief of Patrol; the Office of Labor Relations; Patrol Borough Manhattan North; and several precincts.

Most recently, Bill was the police commissioner of the City of Rye, New York from 2001 through 2013. He also served as the city's emergency management coordinator.

As a consultant, Bill has worked on projects with police departments across the nation, in such diverse areas as Reading, Harrisburg, Hazleton, St. Marys, and Ford City Borough, Pennsylvania; Fredericksburg, Virginia; Gilroy, California; Norman, Oklahoma; Cleveland Heights and Oberlin, Ohio; Hastings, Nebraska; Munster, Indiana; Windsor, Connecticut; Williamsburg, Chesterfield, Deerfield, Whately, and Sunderland, Massachusetts.

Bill is a graduate of the Police Management Institute of the Columbia University Graduate School of Business and of the Federal Bureau of Investigation's Law Enforcement Executive Development Seminar. He has served on boards and committees of several community and professional organizations, including the International Association of Chiefs of Police and the Westchester County Association of Chiefs of Police.

Bill received the degree of Juris Doctor from New York Law School and his bachelor's degree from Fordham University. He is admitted to the practice of law in the state and federal courts of New York and New Jersey, as well as the Supreme Court of the United States.

### EDUCATION

- » Juris Doctor, New York Law School
- » Bachelor of Arts, Fordham University

### INDUSTRY TENURE

- » 35 years
- » Consulting, 10 years
- » Local Government, 33 years



# JONATHAN INGRAM

## OPERATIONAL ASSESSMENT TEAM

(Associate, Novak)

Jon has over 12 years of experience in management consulting and local government management, most recently as budget manager in the City of Cincinnati, Ohio budget office. Prior to that, Jonathan served as a management consultant and worked in the city manager's office for the City of Highland Park, Illinois.

### EDUCATION

- » Master of Public Administration, Northern Illinois University
- » Bachelor of Art, Aurora University

### INDUSTRY TENURE

- » 12 years
- » Consulting, 8 years
- » Local Government, 4 years

Jon is a skilled financial analyst in the areas of budget and revenue analysis. Additionally, he has extensive experience as a management and operations consultant to local governments in the United States and abroad.

As a consultant, Jon has completed operations reviews for multiple local governments and has helped to improve service delivery for a broad range of departments – from police to public works. He has developed staffing and deployment plans for city operating departments, analyzed and facilitated intergovernmental consolidations, helped local governments develop custom performance management systems, and facilitated the development of long-term strategic plans.

Jon's expertise is in local government budgeting and finance, operations analysis, project management, public safety staffing analysis, process improvement, and performance measurement. He is adept at evaluating business problems with equal consideration given to both cost and quality of service.

During his tenure with the City of Cincinnati, Jon managed the development and administration of a \$1 billion operating budget. In addition, he conducted special analysis projects, served on the City's collective bargaining team, and co-managed the implementation of an enterprise budget system.

Jon earned a bachelor's degree in political science from Aurora University and a master's degree in public administration from Northern Illinois University. He is a member of the International City/County Management Association and the Ohio City/County Management Association.

# HALEY KADISH

## PROJECT SUPPORT TEAM

(Analyst, Novak)

Haley has six years of government and consulting experience that inform her work as an analyst. She provides our project teams with a variety of staffing and operations analyses, including workload and scheduling evaluations as well as staffing assessments. She also researches best practices and develops performance measures at the department, organizational, and community level.

Prior to joining The Novak Consulting Group, Haley served as an ICMA Local Government Management Fellow in Catawba County, North Carolina. As a Fellow, she improved the talent recruitment and selection process and developed departmental performance measures. She also assisted in the development and implementation of a community food sustainability plan and improved operations by researching and analyzing options for special projects throughout the County.

Haley started her career in the private sector as a virtual solutions subject matter expert for Procter & Gamble. During her tenure, she led a global team and launched and managed virtual consumer research services in multiple product categories.

While in graduate school at The Ohio State University, Haley served the Franklin County, Ohio Child Support Enforcement Agency as a program analysis intern. She also served as a public affairs intern for the U.S. State Department in Zambia.

Haley earned a bachelor's degree in business administration from University of Texas at Austin and a master's degree in public administration from Ohio State University. She is a member of the International City/County Management Association. Haley is an accomplished artist whose analytic and technical skills are complemented by her design skills.

### EDUCATION

- » Master of Public Administration, Ohio State University
- » Bachelor of Art, University of Texas, Austin

### INDUSTRY TENURE

- » Consulting, 3 years
- » Local Government, 3 years



# JOSH RAUCH

## PROJECT SUPPORT TEAM

(Analyst, Novak)

Josh has experience in several local government settings, most recently with the Economic Development Division of the City of Springfield, Ohio. While there, he assisted with business retention and expansion activities, provided staff support for tax incentive negotiations and reporting, and helped develop the City's marketing strategy.

Josh began his career as an undergraduate intern with the City of Dayton, Ohio. He organized community engagement events for young adults working in Dayton over the summer months. He built on this experience during graduate school when he began working for the City of Mission, Kansas. There he helped coordinate a variety of community events, including public budget hearings, community input sessions, and a successful attempt to set the Guinness World Record for the Largest Painting Made with Footprints. He also managed the City's property maintenance code enforcement program and neighborhood assistance programs.

Aside from community engagement activities, Josh has helped formulate, implement, and administer new policies and programs related to transportation funding, social media engagement, code enforcement and neighborhood assistance, information technology, sustainability planning, and performance measurement.

As a consultant, Josh has provided analytical support for organizational and operational reviews involving a wide array of functions, including fire staffing, human resources, economic development, public works, information technology, and administration.

Josh earned a bachelor's degree from the University of Dayton and a master's degree in public administration from the University of Kansas. He is a member of the International City/County Management Association.

### EDUCATION

- » Master of Public Administration, University of Kansas
- » Bachelor of Arts, Political Science, University of Dayton

### INDUSTRY TENURE

- » Consulting, 1 year
- » Local Government, 6 years

# KEITH READLING, PE

## DATA ANALYTICS TEAM

(Executive Vice President, RFC)

Keith has 31 years of experience in municipal infrastructure management and civil engineering.

As an executive and the leader of RFC's Stormwater Management Consulting Division, Keith has broad responsibilities for service delivery to clients across the U.S., with a particular focus on program and financial planning, stormwater utility, and enterprise fund data and systems development for local governments.

Keith has consulted with many of the largest and most complex drainage/stormwater utilities in the U.S. and is one of the foremost authorities in the country regarding management programs, data systems, and business process optimization for local government environmental services. He has provided management and data systems consulting to 41 drainage and stormwater utilities in 14 states, as well as to a number of municipal solid waste service organizations. Keith is a data-systems subject matter expert in the areas of non-metered billing and collections with emphasis on connectivity to geographic systems.

Keith's other technical expertise includes water resources and civil engineering planning, analysis, graphical and non-graphical database development and management, and environmental and regulatory compliance efforts. He is experienced in all aspects of implementing municipal stormwater management programs, from strategic planning and regulatory compliance services, to database architecture and customer service support systems.

As a consultant, Keith has worked in diverse communities across the country, including Charlotte, NC, New Orleans, LA, Philadelphia, PA, Dallas, TX, Beaufort County, SC, and Atlanta, GA.

Keith is a Past President of the North Carolina Chapter of the American Public Works Association and a registered Professional Engineer with a Bachelor of Science Degree in Civil Engineering from North Carolina State University.

### EDUCATION

» Bachelor of Science in Civil Engineering, North Carolina State University

### INDUSTRY TENURE

» Consulting, 32 years



# CHRIS McPHEE

## DATA ANALYTICS TEAM

(Director of Data Services, RFC)

Chris has nine years of expertise, and is a subject matter expert in the fields of application development and geospatial analysis in support of local government public service delivery analysis.

As a data analyst and application developer, Chris has experience including financial modeling, forensic analysis of spatial data, relational database development, Oracle and SQL Server programming, and desktop/web/mobile application development. His qualifications include specialized training in ESRI ArcGIS analysis and tool development, Microsoft .Net programming in the C# and VB.Net languages, web application programming in the ASP.Net language, and mobile application development for the iOS (iPhone) and Windows Phone platforms. Chris' expertise also includes large data systems integration in support of performance measurement initiatives.

Chris is well versed in the entire lifecycle of stormwater utility development including feasibility studies, implementation, customer service, data maintenance, and process improvement. He is also familiar with water, wastewater, and solid waste financial modeling including cost of service studies, rate structure design, affordability and impact analyses, and billing system best management practices.

Chris' data analytic and application development skills have been fully utilized in support of projects in Baltimore, MD, Philadelphia, PA, Dallas, TX, New York City, NY, Washington DC, New Orleans, LA, and Jackson, MS.

Chris holds a bachelor's of arts in environmental studies from Yale University and master's degrees in Forestry and Geosciences from Duke University and the University of Arizona, respectively.

### EDUCATION

- » Master of Forestry, Duke University
- » Master of Science, University of Arizona
- » Bachelor of Arts, Yale University

### INDUSTRY TENURE

- » Consulting, 8 years



# TOWNSEND COLLINS

## CONTINUOUS IMPROVEMENT AND DATA ANALYTICS TEAMS (Consultant, RFC)

Mr. Collins has 8 years of experience leading process improvement, organizational change management, and financial analysis initiatives for municipal utility, environmental, and public works entities. He combines extensive experience working with Mecklenburg County Land Use and Environmental Services Agency (LUESA), an organization that provides water quality, stormwater management, building code enforcement, air quality, geo-spatial information systems (GIS), solid waste, and environmental health services, as an internal management consultant, and more recent experience as a management consultant with Raftelis Financial Consultants, to provide clients with a compelling blend of organizational understanding and analytical expertise.

Examples of Mr. Collins' background and experience, as well examples of his most significant organizational and client successes include:

- Successfully facilitated creation, formalization, and implementation of an intentional performance management program for Montgomery County Environmental Services, where prior to collaboration with RFC, performance management was decentralized.
- Managed all ongoing and annual performance management initiatives for LUESA, a fee-funded agency with a \$50 million budget serving a population of over 1,00,000 people, and successfully transitioned LUESA from a Balanced Scorecard performance management framework to a novel, County-developed performance management and service evaluation structure.
- Facilitated and implemented numerous data driven process improvement projects on behalf of LUESA and County leadership to meet strategic objectives and improve operational efficiency. Project outcomes yielded streamlined processes, improved employee buy-in, and increased customer satisfaction.

Mr. Collins seeks client engagements where real opportunities exist for organizational continuous improvement. Improvement opportunities with municipal partners provide Mr. Collins an environment where he can apply a dynamic mixture of education, training, and experience in public administration and continuous improvement with effective analytical skills and a keen understanding of how municipal organizations truly operate. Mr. Collins' dynamic specialties include: performance indicators, program and service evaluation, process improvement, benchmarking, data analytics, and modelling and forecasting.

### EDUCATION

- » Master of Public Administration, Urban Management and Policy concentration and Emergency Management concentration – University of North Carolina at Charlotte (2010); Bachelor of Arts in Political Science – University of Tennessee (2008)

### PROFESSIONAL CERTIFICATIONS

- » Certified Lean Six Sigma Black Belt (2016)
- » Prosci® Change Management Certification (2014)
- » Certified Six Sigma Green Belt (2012)
- » Certified Lean Six Sigma Yellow Belt (2012)

### INDUSTRY TENURE

- » Consulting, 3 years
- » Local Government, 4 years

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TOP STORY

## Justice ministry renews call for outside audit of Charleston, North Charleston police

By Glenn Smith [gsmith@postandcourier.com](mailto:gsmith@postandcourier.com) Oct 29, 2016

An interfaith advocacy group is calling for a deeper, outside examination of Charleston police policies on pedestrian stops beyond Chief Greg Mullen's planned review aimed at weeding out innocent people from a massive database culled from these encounters.

Members of the Charleston Area Justice Ministry said Mullen's approach won't get at the underlying problems with these stops or the racial disparities highlighted in The Post and Courier's recent series, "Watched." Erasing names from the database eliminates documentation of questionable stops without exploring the potential lessons they contain, said the Rev. Charles Heyward, co-president of the justice ministry.

"That's just getting rid of the evidence," he said. "Nothing they're proposing to do gets at the real issue of restoring trust with the community."

Mullen strongly disputed that assertion, saying that he and his department have been working on several fronts to strengthen ties and trust with the community. He said the idea of removing names from the database came directly from the "Watched" series, which described how several police agencies have gone this route to avoid unfairly labeling people who have done nothing wrong.

"We are not destroying evidence," he said. "We're not trying to hide anything from anybody."

The "Watched" series, published in September, revealed that police forces across the United States are stockpiling massive databases with personal information from millions of Americans who crossed paths with officers but were not charged with a crime. They have compiled this data through the use of field contact or interview cards to document everything from suspicious behavior to random encounters with the public.

Heyward and other members of the justice ministry said they were troubled to learn that Charleston police had a database that included nearly 100,000 entries documenting encounters with some 35,000 people. North Charleston police have a similar database with about 52,000 entries on 34,000 people. Blacks are disproportionately represented in both databases, as they are in field contact files kept by many departments across the nation. Police attribute this to a concentration of resources in high-crime areas.

In response to the series, Mullen assembled a team to review how his department could remove people in its database not specifically tied to crimes. Police in the capital city of Columbia police also announced a plan to review their field contact policies. And on Friday, North Charleston Police Chief Eddie Driggers said his department had launched a similar review in response to the series.

"NCPD's executive staff has discussed and are examining law enforcement best practices regarding field interview contact cards," he said.

The justice ministry, however, doesn't think those efforts go far enough. They want police in Charleston and North Charleston to submit to an independent, external audit to evaluate their policies, procedures, training and tactics with an eye toward ensuring fairness and equal protection under the law. The group first made this request at its annual Nehemiah Action Assembly in April, citing concerns over the rate of investigatory stops made by the two departments.

The Rev. Daniel Massie, a founding member of the justice ministry, said that with the amount of concerns and mistrust surrounding law enforcement nationwide, police agencies "can't afford not to undergo an independent audit" of their practices and procedures.

"When people are being stopped for no apparent reason, your trust erodes," he said.

Charleston officials said they are already working to address these concerns. The Illumination Project, funded by the nonprofit Charleston Police Fund, worked for the past year to solicit citizen input and draft a plan to improve trust with the community. Work is now underway to implement 86 strategies outlined in the group's final report, including special training for officers on topics such as unconscious bias and cultural differences.

The city also is soliciting proposals to conduct a performance review of its departments, including Charleston police. In a request for proposals, the city has asked that firms interested in evaluating the police department cite their experience related to "fair and impartial policing, disparate impact, and crime analysis associated with enforcement practices used to identify, prevent, and respond to public safety requirements of a diverse population."

Justice ministry representatives, however, said that the city's request doesn't specifically state that those areas will be addressed in the evaluation or that companies must have that experience to be selected.

Mullen said the firm that is chosen to evaluate the department will indeed be looking at its data management and practices, as stated in the request. In addition, a citizens advisory board will be working with the department to review policies and procedures, including those surrounding field contact stops.

"I think we are already doing a lot of things they are talking about," he said. "And I am doing everything I can to try to work with the community and build trust and legitimacy in this organization."

Mullen said he sees no need to proceed with another justice ministry request to install a permanent Independent Police Auditor's office with civilian oversight modeled after similar agencies in San Jose, Calif.; New Orleans; Eugene, Ore.; Austin, Texas; and Albuquerque, N.M.

Mullen said his department already gets sufficient monitoring from the mayor, City Council and the public. From the feedback he's received, Mullen said, people don't have a real trust issue with his department.

For his part, Driggers said North Charleston is already undergoing a voluntary, year-long review by the U.S. Justice Department's Office of Community Oriented Policing Services, or COPS. "The audit is underway," he said.

North Charleston is the 11th city in the country to experience a top-to-bottom look at its policing efforts by the COPS program. The city asked for the review after months of tensions in the wake of the April 2015 shooting death of Walter Scott. He was shot by a North Charleston police officer now facing a murder charge.

But critics, including justice ministry members, worry that the Justice Department review will take too long, won't drill down into potentially unconstitutional acts and might not bring the lasting reforms they seek.

Justice ministry members said they plan to keep pressing their agenda. The group, which generally picks a new social justice topic to examine each year, is considering deviating from that practice in 2017 and maintaining its focus on racial discrimination in policing. More than 600 members of the Justice ministry are expected to gather on Nov. 14 to vote on a course of action for the coming year.

Reach Glenn Smith at 843-937-5556 or follow him on Twitter @glennsmith5.

**Glenn Smith**



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TOP STORY

## Justice Ministry calls for outside review of Charleston Police Department

By Abigail Darlington [adarlington@postandcourier.com](mailto:adarlington@postandcourier.com) Nov 22, 2016



By Paul Bowers [pbowers@postandcourier.com](mailto:pbowers@postandcourier.com)

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The Rev. Charles Heyward, co-president of the Charleston Area Justice Ministry, and other members of the interfaith group, also held a press conference last week to call for a federal investigation of the North Charleston Police Department. Paul Bowers/staff file

A day after Charleston officials touted the progress their police department has made in building trust with the community, the Charleston Area Justice Ministry said that wasn't enough and urged City Council to hire a specialized firm to conduct an outside review of the department.

The interfaith group held a press conference announcing its position in Washington Square, just minutes before City Council's Tuesday meeting next door at City Hall. Members of the ministry then repeated their message during the meeting and presented a petition from 500 residents calling for the audit.

Ministry officials said they want "a qualified, independent, external police auditor" to conduct a review of the police department to identify any policing tactics and policies rooted in racial biases.

On Monday, the police department announced several recommendations from its Illumination Project – a recent initiative to strengthen its relationship with minority communities – that already have recently been put in place.

Also, the city plans to hire an auditing firm by year's end to conduct a performance review of all its departments, including the police department. The auditor ultimately will advise how all departments can improve their efficiency, financial planning and responsiveness to the community.

But ministry members said Tuesday that neither effort is rigorous enough to examine and prevent racial biases in the police department.

"While we applaud many of the strategies put forth by the Illumination Project's steering committee, we are also clear that trying to implement any of those important ideas without a full and deep understanding of the history of our police department is futile," said Suzanne Hardie of the Unitarian Church.

The group said it wants the city to put out a different request for proposals from national police auditing firms that lays out more objectives to identify racial biases.

Mayor John Tecklenburg recently told ministry leaders that whoever the city hires to do the audit will examine the aspects of the police department that the ministry is concerned about.

He repeated that point after Tuesday's City Council meeting, pointing out that any firms applying to conduct the police audit have been instructed in the request for proposals to include their experience examining impartial police practices.

"It seems they (the ministry) have the impression that this city and its police department have some intent towards bias," he said. "Our commitment is to treat everybody in the community the same... That's what the Illumination Project is all about - to make our police department even better."

Ministry members said the city should follow the request for proposals that the city of Madison, Wisconsin recently put out for an audit of its police department - a document that was passed out to city council members.

"The RFP produced by their city delineated exactly what would be examined and delivered by the bidding firms, ensuring that only those firms that had the qualifications necessary would apply," said Bill Thomas, a ministry member with the Unitarian Church.

The ministry's press conference took place just across Meeting Street from the Charleston County Judicial Center, where North Charleston police officer Michael Slager is currently standing trial for murder of a civilian last year.

Slager, who is white, was captured on a bystander's video shooting at Walter Scott, a black man, following an April 4, 2015, traffic stop, Scott got into a struggle with Slager, who said Scott grabbed his Taser during the scuffle.

While that incident unfolded in North Charleston, it - along with other nationally publicized police shootings - has shined a brighter light on how police departments interact with minority communities.

The interfaith group also held a press conference last week in Charleston to call for a federal investigation of the North Charleston Police Department.

Reach Abigail Darlington at 843-937-5906 and follow her on Twitter @A\_Big\_Gail.

**Abigail Darlington**

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TOP STORY

## Hicks column: Sometimes you have to take "yes" for an answer

By Brian Hicks [bhicks@postandcourier.com](mailto:bhicks@postandcourier.com) Nov 30, 2016

Brian Hicks

By Paul Bowers [pbowers@postandcourier.com](mailto:pbowers@postandcourier.com)

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The Rev. Charles Heyward, co-president of the Charleston Area Justice Ministry, and other members of the interfaith group, also held a press conference last week to call for a federal investigation of the North Charleston Police Department. Paul Bowers/staff file

Back in April, members of the Charleston Area Justice Ministry asked Mayor John Tecklenburg the same question six times.

Would he direct the police chief to participate in a task force to reduce investigatory traffic stops — and sign a contract, helpfully provided, to do an external audit of the department?

They kept asking because they didn't like his answer: No.

But the Justice Ministry apparently doesn't like "Yes" any better.

Tecklenburg and City Council last week moved to hire an outside auditor to review the police and all other municipal departments by year's end. The mayor even met with representatives of the Justice Ministry beforehand to show them what these auditors would be tasked with investigating.

It obviously wasn't good enough. Before last week's City Council meeting, the Justice Ministry stood in Washington Square and said the city wasn't doing enough. They said Charleston's request for proposals limited the scope of the audit; city officials say it asks for exactly what the Justice Ministry is seeking.



The protesters said the city should follow the lead of Madison, Wisconsin, which earlier this year hired an outside firm to audit its police department.

Which, oddly enough, is the same company the Justice Ministry demanded Tecklenburg hire in April.

### **Not that simple**

Make no mistake, the Justice Ministry has a noble goal.

This group, made up of dozens of local church congregations, wants to curtail discrimination in law enforcement. That's what everyone wants.

Except, to hear them tell it, the police.

But that line of thinking ignores a year-long Illumination Project to strengthen relations between police and the community, supported strongly by Chief Greg Mullen, and the city's participation in a White House-led initiative to make law enforcement more transparent.

The problem here is thinking that the solutions here are easy, or that everything can be distilled down of a "Yes" or "No" answer. It can't, no matter how much everyone wishes that were the case.

The Justice Ministry holds what it calls a Bible-based Nehemiah Action Assembly, where politicians are called on the carpet to answer "yea" or "nay" to a number of questions. Equivocating, or debate, is not allowed. Because, you know, politicians are hard to pin down.

That's understandable to a point, but completely unworkable in complex situations ... and the political arena. The Justice Ministry forced Tecklenburg to say "No" in April because you can't just hand the city a contract and expect it to ignore procurement and bid processes.

When Tecklenburg tried to explain that, well, they turned off his microphone.

And last week, they essentially did the same thing. They are undermining a coming audit before it is conducted, and why — because the company they think is the best doesn't have the inside track?

We should be talking about these serious issues, not playing facile politics.

### **Trust but verify**

There are local congregations that have backed away from the Justice Ministry because of its in-your-face tactics.

The group gets its training from The Dart Center, which says its mission is to unite the faith community to do justice. That, too, is a noble goal. These days, it is good to see black and white people work together for common good.

If only that happened everywhere.

But expecting everything to be as simple as black and white is where naivete and realism collide. Back in April, the group said it had spent a year looking at this, and claimed to have all the answers.

Sorry, a lot of people have been looking at policing practices for years. If there was a magic formula to balance investigatory stops and fighting crime, it would already be out there. It's going to take a lot more work, and a lot more efforts like the Illumination Project.

Assuming only one company has the answers, or giving citizens subpoena powers over the police (as the Justice Ministry wants in North Charleston), is a simplistic assessment of a complex problem. We already have citizens with control over the police department. They're called city council members.

This does not mean the Justice Ministry should stand down and trust that all is well, nothing to see here. The group's goal is righteous, even if its methods are too self-righteous. Let's see what the city's audit finds and go from there.

It's very simple: When someone says "yes," don't fight them. Work with them.

Reach Brian Hicks at [bhicks@postandcourier.com](mailto:bhicks@postandcourier.com).



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TOP STORY

## Interfaith group continues call for racial bias audit of Charleston Police Department

By Gregory Yee [gyee@postandcourier.com](mailto:gyee@postandcourier.com) Mar 22, 2017



By Gregory Yee [gyee@postandcourier.com](mailto:gyee@postandcourier.com)

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Arthur McFarland, a member of the Charleston Area Justice Ministry, speaks in front of North Charleston City Hall on Tuesday, March 22, 2017, during a press conference about racial discrimination in policing practices. Gregory Yee/Staff

Members of a local interfaith advocacy group are continuing to call for a specialized audit of alleged racial bias within the Charleston Police Department.

During a press conference outside of North Charleston City Hall on Tuesday, members of the Charleston Area Justice Ministry said Mayor John Tecklenburg has resisted calls for such an audit, instead prioritizing an overall audit of all city departments for performance and efficiency.

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Charleston recently hired two national firms to carry out the review, which will include the Police Department.

Checks for racial bias are outlined in the contract with one of the firms — Cincinnati-based Novak Consulting Group — which has worked with police departments in Oberlin, Ohio; Carbondale, Ill.; Charlottesville, Va., and 14 other communities around the country.

Justice ministry leaders, however, say that the firm doesn't have sufficient background in police-related auditing. What's needed, they say, is a "top rated police auditing firm."

"I think with the city of Charleston, again, we're happy with the efficiency audits that are going on," said the Rev. Jeremy Rutledge, the Justice Ministry's co-president. "What we'd like is a group with particular expertise in policing practices and racial bias."

Rutledge and other Justice Ministry members say they'd like to see Charleston take similar steps as North Charleston, which invited the U.S. Justice Department to review its policing practices.

While that process was not an audit, it led to the creation of the North Charleston Citizens' Advisory Commission on Community-Police Relations, which met for the first time this month.

Justice Ministry leaders also delivered a letter to North Charleston Mayor Keith Summey on Tuesday requesting a meeting to discuss the future of the commission.

"This audit is just the first step," said Arthur McFarland, a Justice Ministry member. "Even with North Charleston ... there are further steps to be taken."

Reach Gregory Yee at 843-937-5908. Follow him on Twitter @GregoryYYee.

**Gregory Yee**

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TOP STORY

## Charleston Area Justice Ministry again tackles police pretext stops at Nehemiah Action Assembly

By Brenda Rindge [brindge@postandcourier.com](mailto:brindge@postandcourier.com) Apr 24, 2017



More than 2,000 people from diverse congregations attended the Charleston Area Justice Ministry's Nehemiah Action Assembly in 2013 to determine which community needs they would tackle in the coming year. In 2017, pretext stops was the chosen issue. (Brad Nettles/Staff)

The Charleston Area Justice Ministry got most of the answers that it was looking for from elected officials on Monday.

One North Charleston City councilman, five Charleston City councilmen and five Charleston County School Board members took the stage at Justice Ministry's fifth annual Nehemiah Action Assembly to answer questions in front of a crowd of nearly 2,000 at Mount Moriah Baptist Church.

Will you support the police department in reporting all the vehicle and pedestrian stop data to the public? Will you write a request for proposals to hire a firm specializing in auditing police departments for racial bias? Will you support the hiring of additional Positive Behavioral Interventions and Support coaches in schools?

One by one, they agreed to all of the group's requests, until Charleston City Councilman Rodney Williams tried to qualify a question about whether he will request that the city hire a firm specializing in auditing police departments for racial bias.

In the last year, Charleston has surpassed North Charleston as the state's leader in public contact stops, stops that do not result in a citation or arrest, according to the group.

Charleston is currently undergoing an efficiency audit of all departments that is supposed to include an audit of racial bias in the police department, but the firm selected does not specialize in such audits, group members said.

"We need an auditing firm that has the skill and experience required to do this work," said the Rev. Jeremy Rutledge, Justice Ministry co-president.





Charleston City Councilman Rodney Williams. File/Staff

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Williams said he favors waiting for the current study before spending money on another.

"My answer is 'yes' but only after I have reviewed what we have spent the taxpayers' money on," he said. "Regardless of what you think of the firm, the firm is hired and we're spending money on the firm. It's the logical thing to do."

"Councilman Williams, I think we are very clear on where you stand," McFarland responded. "And let me just make it clear that it appears that you are willing to stand with the city police chief and mayor and not with this community."

As Williams and his fellow council members left the stage, Williams exited the sanctuary through a side door.

The group has come under fire in the past for its aggressive tactics. Elected officials are asked a yes or no question and given 30 seconds to explain. If they say no, the person asking the questions then tries to negotiate, as McFarland did with Williams.

"This is our meeting," McFarland said. "We set the rules and have done our best to prepare (elected officials) for their roles."

This year's event centered on the same topic as last year's - pretext police stops - plus encouraging schools to implement restorative practices, which includes promoting dialogue between a person who has been wronged and the person responsible.

Reach Brenda Rindge at 843-937-5713 or @brindge on Twitter.

**Brenda Rindge**

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TOP STORY

## Charleston City Council could heed justice ministry's call to hire new firm to audit police department

By Abigail Darlington [adarlington@postandcourier.com](mailto:adarlington@postandcourier.com) May 24, 2017By Gregory Yee [gyee@postandcourier.com](mailto:gyee@postandcourier.com)

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Arthur McFarland, a member of the Charleston Area Justice Ministry, speaks in front of North Charleston City Hall on Tuesday, March 22, 2017, during a press conference about racial discrimination in policing practices. File/Gregory Yee/Staff

Members of the Charleston Area Justice Ministry dominated the public comment period at the Charleston City Council meeting Tuesday, as they had during the previous three meetings, to repeat that the city hadn't hired the right firm to identify racial biases in the Charleston Police Department.

For months, before and after Novak Consulting Group was hired to audit multiple city departments, members of the interfaith group have argued that the firm's expertise is in improving governments' efficiency, not reviewing police practices.

Novak, of Cincinnati, has worked with police departments in Oberlin, Ohio; Carbondale, Ill.; Charlottesville, Va.; and 14 other communities around the country. Justice ministry leaders, however, argue the firm doesn't have enough background in police-related auditing.

"You have no clue what it's like to be stopped by the police almost every time you leave your house," said the Rev. Nelson Rivers of Charity Missionary Baptist Church in North Charleston. "What you are really saying to us is, 'It's not bad enough for us to handle it for you.' That's wrong."

This week, their concerns struck a chord with City Council. It led to an emotional discussion among council members about race relations and police practices in Charleston, and they ultimately agreed to put the issue to a vote.

Council will decide at its June 20 meeting whether it supports hiring a different auditor to conduct the performance assessment of the police department, despite having approved Novak's contract on Feb. 28.

Councilman Robert Mitchell, one of the longest-serving black members of council, reeled off several instances when he was pulled over by city police for no apparent reason.

"I have municipal council on my tags. It doesn't make a difference to anyone. I know how it is," he said. "There's a problem here, and we need to fix it."

Moody mentioned that the police department already has taken steps to improve the relationships between patrol officers and black residents through the Illumination Project. Mitchell said he had been involved in those efforts, too, but that the city needed to do everything possible to rid itself of racially biased police tactics.

"We need to put it to rest, and get it over with, not have them coming to this meeting all the time and have people say, 'What's wrong with the city of Charleston?' " Mitchell said.

Councilman Keith Waring said he didn't think council had been adequately informed that the firm hired for the full performance assessment would also be conducting a review of the police department.

"I think that should be separate," he said. "Let's get firms that have the qualifications and a track record."

Mayor John Tecklenburg said the city's original request for proposals specified that firms should include their experience with impartial policing in their applications. Plus, he reminded council, the justice ministry had called on the city to hire a different firm for the police audit months before Council approved the contract with Novak.

"I'm not sure why you didn't know it," Tecklenburg said to Waring.

Novak was voted the most overall qualified firm out of six applicants by the four-member committee, which included Mullen, process improvement director Susan Poteat, Chief Financial Officer Amy Wharton and Tracy McGee from the city's Information Technology Department.

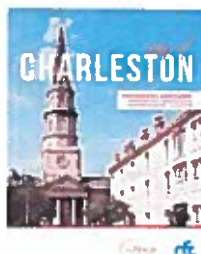
An internal team including members of that committee will identify areas for Novak to focus on in a report expected to be completed in June.

The firm will be working with its subcontractor, Raftelis Financial Consultants of Charlotte. Their services could cost up to \$250,000, depending on the scope of work needed.

Councilman William Dudley Gregorie agreed that it had become an issue of appearance. He said Police Chief Greg Mullen was on the committee of city staff members that reviewed applications and selected the firm to do the performance assessment, which sent the wrong message to residents concerned about the police audit.

"Regardless of how well this assessment is done, that cloud will always exist," he said. "I have a problem with the fox guarding the hen house."

Reach Abigail Darlington at 843-937-5906 and follow her on Twitter @A\_Big\_Gail.



**Novak's police audit qualifications**  
May 24, 2017

**Abigail Darlington**



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TOP STORY

## Charleston City Council's Public Safety Committee meets Thursday to discuss police chief's retirement

By Abigail Darlington [adarlington@postandcourier.com](mailto:adarlington@postandcourier.com) Jun 14, 2017 Updated Jun 14, 2017



Police Chief Greg Mullen is retiring in August. (Glenn Smith/StaffFile)

Charleston City Council's Public Safety Committee meets Thursday afternoon to discuss the city's next steps now that top positions at its police and fire departments have opened up.

Police Chief Greg Mullen announced he's retiring in August, and former Fire Chief Karen Brack resigned in April, prompting Interim Chief John Tippet to take over.

City Spokesman Jack O'Toole said the mayor's staff already is looking at national consulting firms for both searches.

Also Thursday, the committee will review Councilman James Lewis' resolution to hire a new firm to conduct the performance review of the Police Department. The city already has hired Novak Consulting to audit several city departments, but Lewis wants City Council to heed the Charleston Area Justice Ministry's call for an additional firm with more experience identifying racially biased police practices.

"The justice ministry did a lot of research and gave us a lot of good information," Lewis said Wednesday. "I think we need to look at hiring a firm to look into the police department and see if what they're talking about is really true."

Regardless the discussion goes at the Public Safety Committee, Lewis said the resolution will have to go before City Council Tuesday.

Charles Heyward, co-president of the ministry, said Mullen's upcoming retirement could be the best opportunity to begin the audit of the police department.



"I would think the mayor and City Council would want an external audit done at such a time as this so that when the next person comes, they have some base line measurements to start from," he said.

The committee meets at 3:30 p.m. in the first floor of City Hall, 80 Broad St.

Reach Abigail Darlington at 843-937-5906 and follow her on Twitter @A\_Big\_Gail.



**Officials, advocates point to Charleston's outgoing police chief as example for one who will take his place**

**Abigail Darlington**

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TOP STORY

## Charleston Mayor John Tecklenburg offers compromise on police audit to 'resolve this issue once and for all'

By Abigail Darlington [adarlington@postandcourier.com](mailto:adarlington@postandcourier.com) Jun 15, 2017 Updated Jun 15, 2017



Charleston police Chief Greg Mullen and others hold a news conference on June 5, 2015, in the wake of a child's shooting. Mullen, who will retire in August, is attending Charleston City Council's Public Safety Committee meeting today. File/staff

After months of complaints from the Charleston Area Justice Ministry about the firm hired to review the Charleston Police Department, Mayor John Tecklenburg proposed a plan Thursday that could address their concerns without ditching the consultant already under contract.

The mayor said at the Public Safety Committee meeting that Novak Consulting Group can subcontract with a specialized firm that has experience evaluating police practices and identifying racial biases. If City Council approves that idea Tuesday, he can appoint a special committee of elected officials and city staff to review and approve the firms Novak considers.

"We can get this thing going and resolve this issue once and for all," he said.

Novak was selected earlier this year to conduct a performance review of multiple city departments, including the Police Department. The ministry, however, has repeatedly demanded the city hire a separate firm to examine police practices, arguing Novak doesn't have enough experience in that field.

Ministry members made their case at several council meetings over the past few months. Council members stayed silent on the issue until the most recent meeting on May 23, when they decided to schedule a vote for next week about whether a new firm should be hired.

Then last week, Police Chief Greg Mullen — who has focused on strengthening the Police Department's ties with minority communities through the Illumination Project over the past two years — submitted his retirement letter to Tecklenburg.

Tecklenburg said Wednesday that council's questions about Novak and the performance review of the Police Department might have factored into Mullen's decision.

The police chief is retiring Aug. 1. He attended the committee meeting Thursday to update city officials about the department's latest initiatives and accolades. He also said briefly that he is leaving a department with a bright future.

"I know and have confidence that the department will be fine. It's staffed with the most professional people I have ever worked with," Mullen said. "They have demonstrated they are some of the best people, the most noble and honorable people, that we should thank every day for what they do."

He declined to comment further after the meeting about his retirement.

Councilman James Lewis, who serves on the Public Safety Committee, drafted a resolution supporting the ministry's call to hire a new firm to assess the Police Department. He submitted it to be included in Tuesday's City Council meeting agenda, but it was also discussed in the committee meeting.

Council members on the committee, including Kathleen Wilson, Peter Shahid and Marvin Wagner, seemed more supportive of Tecklenburg's proposal.

"I want this addressed. I want the question answered and what the mayor has proposed is a very reasonable solution," Shahid said.

Lewis said he felt like his resolution had been undermined but concluded, "We'll finish this discussion on Tuesday."

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**Abigail Darlington**



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TOP STORY

## Charleston Area Justice Ministry calls for new firm to audit police for racial bias

By Mina Corpuz [mcorpuz@postandcourier.com](mailto:mcorpuz@postandcourier.com) Jun 19, 2017 Updated 19 hrs ago

Members of the Charleston Area Justice Ministry gathered Monday at City Hall to call on Mayor John Tecklenburg and City Council to find a new firm to audit the police department. Mina Corpuz/Staff

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A civil rights group urged the city of Charleston on Monday to find a new firm to audit the police department for racial bias.

Members of the Charleston Area Justice Ministry gathered on the steps of City Hall to urge Mayor John Tecklenburg and City Council to support Councilman James Lewis' recommendation to replace Novak Consulting Group. The council will make its decision Tuesday night.



The Justice Ministry has repeatedly argued that Novak doesn't have experience with considering racial bias in audits. The interfaith group first presented the information about Novak to several council members at an April assembly and later to the council at their meetings.

"Any future involvement of Novak with the audit for racial bias is fruit of the poisonous tree," said Rabbi Stephanie Alexander, a former co-president of Charleston Area Justice Ministry.

Novak was hired to oversee a government-wide performance audit, said city spokesman Jack O'Toole in a statement. The consulting group is in the process of hiring a firm with experience with biased-based policing to work on the audit. This is similar to the way a general contractor would hire experts for a building project, he said.

Statistics reported by the department show that Charleston leads the Palmetto state in traffic stops and public contacts that don't result in citation or arrest, according to Lewis' resolution. Blacks are twice as likely to be stopped compared with whites, a disparity that may indicate racial bias.

There have been no citizen complaints of racial bias filed against the police department since January 2015, according to the city.

Tecklenburg proposed a compromise at a Thursday Public Safety Committee meeting that would address public concern about racial bias without replacing Novak. If the council approves the compromise, the consulting group can subcontract with a specialized firm that has identified racial biases and evaluated police practices.

The plan didn't ask for community input and doesn't ensure a fair, competitive bidding process to find a qualified firm, said the Rev. Charles Heyward, co-president of Charleston Area Justice Ministry.

"This is a typical response to addressing the needs of the African-American community — take shortcuts and change the rules of the game to give us less than what we ask for and deserve," he said.

Lewis' resolution also calls for a vendor request modeled after one in Madison, Wis.; the city began to audit its police department in August 2016. Madison's proposal request asked for expertise in reducing racial disparities in policing and examining impacts on different racial groups.

Madison's request for proposal to carry out the audit cost about \$400,000, O'Toole said. The city's contract for Novak and Raftelis Financial Consultants is \$250,000.

Charleston's requests for proposal would be presented to council to approve in a July meeting.

Showing Up For Racial Justice, a group that looks to work against racism, is supporting the Justice Ministry's call for a new police auditor.

Having a new group audit the department would help the mayor and incoming police chief create a new age of accountability and trust between citizens and officers, Heyward said.

Novak, of Cincinnati, has worked with police departments in Oberlin, Ohio; Carbondale, Ill.; Charlottesville, Va.; and 14 other communities around the country.

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### **Mina Corpuz**

Mina covers local news and North Charleston at The Post and Courier. She has written for the Boston Globe, Sun News in Lowell, and The Daily Free Press at Boston University.