

# Elite Performance Assessment Consultants, LLC

Letter of Interest Regarding the Independent Monitor for the  
Albuquerque Police Department's Settlement Agreement



November 16, 2014

Paul Killebrew  
Trial Attorney  
United States Department of Justice  
Civil Rights Division, Special Litigation Section  
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Scott Greenwood  
Special Counsel for the City of Albuquerque  
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Subject: Letter of Interest/Independent Monitor

Dear Mr. Killebrew and Mr. Greenwood:

As President of Elite Performance Assessment Consultants, LLC, I am pleased to provide you with our response to the Request for Information pursuant to the Settlement Agreement Regarding the Albuquerque Police Department. Attached to this letter is an outline of our plan for assisting the Court, the Parties, and the Albuquerque community in assessing and promoting the City's compliance with the Settlement Agreement.

We appreciate your review of these materials and look forward to hearing from you soon.

Sincerely,



Randy Khatami, CFE, CFS, CLEA, CRMA  
President  
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## **EXECUTIVE SUMMARY**

Elite Performance Assessment Consultants, LLC (EPAC) is honored to submit its Letter of Interest to provide services as the Independent Monitor, as required by the United States District Court for the District of New Mexico (“Court”), United States v. City of Albuquerque (“City”). Elite Performance Assessment Consultants hereby proposes a team of law enforcement professionals, attorneys, law enforcement auditors, and scholars, to be selected as the Independent Monitoring Team, pursuant to the Settlement Agreement (SA).

Our attorneys have extensive experience in monitoring and assessing compliance under a federal consent decree as well as expertise in assessing legal sufficiency, compliance with constitutional legal requirements, civil rights, criminal and administrative law.

Our law enforcement professionals are subject matter experts in law enforcement practices, training, community and problem-orientated policing, complaint adjudication, use of force investigations, crisis intervention, and management of specialized units.

Our auditors are experts in monitoring, auditing, evaluating and reviewing the performance of law enforcement agencies. Additionally, they have extensive experience in monitoring settlement agreements, private agreements and court orders. They also design, and implement qualitative and quantitative analysis to assess progress and performance.

The EPAC team has experience in civilian oversight systems design and implementation, including complaint investigations and adjudications; individuals with experience in mediation and other forms of alternative dispute resolution.

Elite Performance Assessment Consultants is committed to working collaboratively with all the parties involved to assist them in meeting the reforms specified in the SA. It is EPAC’s belief that consent decrees are cooperative activities and the goal is to establish a foundation of reform so that when it is finally removed, the reforms will be maintained and used as a platform for future reform.

## **PERSONNEL**

### **Gerald Chaleff – Independent Monitor**

Mr. Chaleff is a licensed attorney and presently retained by the New York Police Department (NYPD) and the city of New York as a consultant to assist them in preparing for the newly created Office of the Inspector General. He is also consulting the NYPD to meet compliance with a federal court order associated with stop, question and frisk. This court order is similar in form and substance to a consent decree.

The city of New Orleans retained Mr. Chaleff as a special consultant to assist in negotiating the consent decree that they requested. As the special consultant, he worked closely with the U. S. Department of Justice, New Orleans city officials and various stakeholders in formulating their Consent Decree.

Mr. Chaleff was also on the team that negotiated the Los Angeles consent decree. When William Bratton became the chief of the Los Angeles Police Department (LAPD), he selected Mr. Chaleff to serve as his Special Assistant for Constitutional Policing, to implement the reforms and terms of the consent decree. The City of Los Angeles and the Los Angeles Police Department successfully completed the reforms of the decree.

Mr. Chaleff served as the Special Assistant for Constitutional Policing from 2007 to 2013 where he oversaw the operations of the Department Risk Manager, Planning and Research Division, Legal Affairs Division, Internal Audits and Inspections Division, and Fiscal Operations Division. Prior to assuming that post, he served on the Los Angeles Board of Police Commissioners and was President of that body from 1999 to 2001. Therefore, Mr. Chaleff has a unique perspective (maybe the only one) of having negotiated and then implementing a consent decree.

He is a former President of the Los Angeles County Bar Association and served as Deputy General Counsel to the Webster Commission, which examined the LAPD's response to the 1992 civil unrest. He has prior experience with both the Los Angeles County District Attorney's Office and the Public Defender's Office, and spent several years in private practice. Mr. Chaleff received his Bachelors of Science Degree from the University of California, Los Angeles, and is a graduate of Harvard Law School, receiving his Juris Doctorate degree.

In private practice, Mr. Chaleff is a nationally recognized expert in criminal defense, in both State and Federal courts, and has been elected to the American College of Trial Lawyers and the Chancery Club. He is a former partner of the firm Orrick, Herrington & Sutcliffe, LLP, where he chaired the white-collar criminal defense practice group. He has extensive trial experience and has provided legal analysis to a variety of news media, providing commentary and legal analysis on high profile criminal cases.

#### **Randall Khatami – Assistant Monitor**

Mr. Khatami is the President of EPAC, and a consultant specializing in law enforcement auditing and internal investigations. Currently, Mr. Khatami oversees the EPAC audit team conducting internal audits related to the Negotiated Settlement Agreement (NSA) between Delphine Allen, et al. (plaintiff) and the City of Oakland, et al. (defendant). These audits include search warrants, community relations, complaint investigations, internal affairs selection process, performance evaluations, Oleoresin Capsicum Inventory and review of the Oakland Police Department's policies and procedures.

Mr. Khatami has completed complex audits relating to the LAPD consent decree in the areas of search warrants, uses of force, arrest, booking and charging reports, complaint investigations, performance evaluations, racial profiling, command accountability, confidential informants, and Gang Enforcement Detail selection criteria. He has also reviewed LAPD policies and procedures.

Mr. Khatami is an expert in auditing officer-involved shootings. In the past 10 years, he has audited more than 300 officer-involved shooting investigation reports and has made numerous recommendations to enhance LAPD's officer-involved shooting investigative process.

As the President of EPAC, Mr. Khatami has also provided consulting and auditing services for Riverside Police Department, Atlanta Police Department, and Nashville/Davidson County Police Department.

Mr. Khatami is a certified California Commission on Peace Officer Standards and Training (POST)/Robert Pressley Institute of Criminal Investigation (ICI) instructor, wherein he instructs Police Performance Auditing/Capturing Fieldwork Data and Report Writing. As a member of the LAPD Basic Law Enforcement Performance Auditor Course (BLEPAC) instructor cadre, he provided instruction to approximately 40 different law enforcement agencies, including the California Highway Patrol (CHP), Detroit (DPD), Oakland, San Jose, Denver, Indianapolis, Phoenix, Portland Police Departments, Calgary and Edmonton Canada Police Services, and San Diego Sheriff's personnel.

Mr. Khatami teaches Auditor Independence and Organizational Transparency, Capturing Fieldwork Data, Report Writing and Managing Consent Decrees at EPAC's Advanced Auditors Course, where students from the CHP, New Orleans Office of the Independent Monitor, Oakland Police Department and Westminster Police Department attended.

He has 23 years of audit and investigative experience. Mr. Khatami was a fraud investigator for a large financial institution and spent 10 years investigating internal and external fraud. His duties included investigating areas of possible fraudulent activity over all divisions of the company, including wholesale lending, correspondent lending, sub-prime lending, retail divisions, and employee related investigations.

Mr. Khatami received his Bachelor of Science degree in Psychology from California Lutheran University. He is a Certified Fraud Examiner (CFE), a Certified Fraud Specialist (CFS), Certification on Risk Management Assurance (CRMA) and a Certified Law Enforcement Auditor (CLEA). Mr. Khatami is a graduate of the Los Angeles County Sheriff's Department, Deputy Leadership Institute.

### **Chief Brian Brewer (Retired) – Senior Law Enforcement Expert**

Chief Brewer is a Senior Law Enforcement Consultant at EPAC. He has 28 years of law enforcement experience through the rank of Assistant Chief with the CHP. He is an expert in analyzing police practices regarding use of force, pursuit management, investigative methods, risk assessment, and auditing administrative processes. Throughout his career, he has investigated, analyzed and provided recommendations for thousands of police reports, investigations, and law enforcement administrative processes.

Chief Brewer has over eight years of Executive Management experience as a Chief responsible for over-site of 19 police commands, special services operations, such as critical incident response teams, vehicle theft, commercial enforcement, emergency communications centers, and seven years as a commanding officer in Los Angeles, San Bernardino, Fresno and Sacramento, California.

Additionally, Chief Brewer has moment-to-moment experience in use of force/police shootings as a participant and administrator. He understands sensory awareness and other human factors present in force incidents. Chief Brewer has a teaching certificate from the California POST/ICI. Chief Brewer has taught law enforcement professionals and attorneys throughout the states of California, Nevada and Arizona in police investigations and operations.

In 2012, Chief Brewer was asked to assist the California POST to audit and evaluate the California Department of Justice Use of Force and Officer-Involved Shooting curriculum for investigators. Subsequently, Chief Brewer was central in developing a new top-quality 40-hour course of scenario-based instruction for detectives and supervisors. He currently serves as the Course Administrator and instructor for this training and contracts with Sacramento State University in Sacramento, California, and the South Bay Regional Public Safety Training Consortium, in San Jose, California. Chief Brewer is licensed by the State of California as a Private Investigator.

Chief Brewer has been retained for defense of law enforcement personnel, as well as, cases on behalf of plaintiffs. In the area of labor relations, he has represented law enforcement management where he had to render decisions that would lead to discipline, termination, or criminal charges being filed. Chief Brewer has acted as a Pre-disciplinary Hearing Officer to evaluate whether adverse action and penalties are appropriate for the infraction committed by the employee. Also, Chief Brewer has represented law enforcement employees who were facing disciplinary action by their employer.

### **Dawn Reynolds – Police Oversight and Legal Expert**

Ms. Reynolds is the Vice President of EPAC, a private consulting firm that works with public safety programs to limit risk and liability through systemic performance assessments of training programs, policies, and management practices. She holds a CLEA designation from the International Law Enforcement Auditors Association (ILEAA) and has conducted internal audits for the Oakland Police Department. As a former public safety performance auditor for the Eugene, Oregon, Police Department, Ms. Reynolds also conducted internal assessment of the agency's operations.

Ms. Reynolds is a licensed attorney with a background in civil rights, criminal law and in civilian oversight of law enforcement. She is a member of the Board of Directors for the National Association for Civilian Oversight in Law Enforcement (NACOLE) and chairs the Strategic Planning committee and is a Certified Practitioner of Oversight (CPO). Ms. Reynolds has expertise in using IAPRO, a software system used in many police and oversight programs to manage complaint systems, investigations, adjudications, and provide an early warning system for police managers.

Ms. Reynolds is also a partner with the private law firm of Brissenden and Reynolds in Salem, Oregon. She is licensed in Oregon, Washington (inactive), federal district court, the Ninth Circuit Court of Appeals and the U. S. Supreme Court. She has served as a prosecutor, a public defender, mediator, judge pro tem and municipal court judge. Ms. Reynolds has taught Criminal Procedure, Mediation and Indian Law.

Ms. Reynolds received her Bachelor of Arts in English Literature and Fine Arts from the University of Washington, graduating, *summa cum laude*. She received her Master of Arts, English Literature, also from the University of Washington, graduating with Honors. Ms. Reynolds received her Juris Doctor from the University of Idaho, College of Law (Honors).

She is a Certified Instructor for the California POST/ICI and has taught Courtroom Preparation for the LAPD/ICI Core Course, where investigators from other California law enforcement agencies have attended. She teaches Managing Risk and Liability, Auditor Independence and Organizational Transparency, and Managing Consent Decrees at EPAC's Advanced Auditors Course, where students from the CHP, New Orleans Office of the Independent Monitor, Oakland Police Department and Westminster Police Department attended.

### **Dr. Christopher Figueroa – Academic and Training Expert**

Dr. Figueroa is the Director of Training for EPAC, and a retired Police Detective III with the LAPD, Audit Division. He was the Officer-in-Charge of the Audit Training Section at Audit Division. Dr. Figueroa had 33 years with the LAPD and was assigned to patrol, field training officer, traffic collision investigator, background investigator, field detective, detective training, and an internal auditor.

Dr. Figueroa received his Bachelor of Science degree in Business Administration and Management from the University of Phoenix. He received his Master of Arts degree in Behavioral Science, Conflict Negotiation and Resolution from California State University, Dominguez Hills. He is a Doctor of Public Administration from the University of La Verne with an emphasis in the field of law enforcement performance auditing and organizational development.

Dr. Figueroa is a Certified Government Auditing Professional (CGAP), CFE, CFS, CRMA and CLEA. Dr. Figueroa has conducted law enforcement performance audits for the Riverside, Oakland, Nashville/Davidson County Police Departments and LAPD.

He is also a member of the instructional staff of the Association of Certified Fraud Specialists (ACFS) and is an advisory board member of ILEAA. He has lectured in the field of law enforcement performance auditing for the ACFS, NACOLE and ILEAA.

Dr. Figueroa was the instructional designer of the first Basic Law Enforcement Performance Auditor Course (BLEPAC) in the United States that is certified by California POST and the Michigan Commission on Law Enforcement Standards (MCOLES). This course was presented by the LAPD, and iterations were presented to the DPD and CHP, wherein Dr. Figueroa was the course administrator. Approximately 40 different law enforcement agencies, including Oakland, San Jose, Denver, Indianapolis, Phoenix, Portland Police Departments, Calgary and Edmonton Canada Police Services, and San Diego Sheriff's personnel attended the BLEPAC course administered by Dr. Figueroa.

He was also responsible for the development of the same course presented to the San Jose Police Department by San Jose State University's Administration of Justice Bureau. Alameda Police Department personnel also attended this course. Dr. Figueroa is also the instructional designer of

the first Advanced Law Enforcement Auditor Course for Executives and Managers in the United States that was certified by California POST. This course, presented by EPAC and administered by Dr. Figueroa, consisted of students from the CHP, New Orleans Office of the Independent Monitor, Oakland Police and Westminster Police Departments.

He is a certified California POST/ICI instructor and a graduate of the California POST Master Instructor Development Program (MIDP). Dr. Figueroa graduated from the Technology, Training Design and Development Course at the University of Southern California (USC).

### **Sergio Sais – Law Enforcement Expert**

Mr. Sais is the Director of Auditing for EPAC and a professional law enforcement auditor. He is a retired Police Sergeant II with the LAPD, Uniformed Support Division where he specialized in incident command system training, command post operations and major incident response. Mr. Sais had over 20 years with the LAPD and was assigned to patrol, field training officer, administration, and as a field supervisor.

As a professional law enforcement auditor, Mr. Sais was responsible for conducting consent decree audits, which included use of force investigations, complaint investigations, search warrants, and gang enforcement detail selection. Additionally, he was responsible for coordinating and directing the LAPD's response to the Inspector General's and Independent Monitor's inquiries regarding those audits.

Mr. Sais has also provided auditing and consulting services to the Los Angeles Fire Department's Arson and Counter Terrorism Section (ACTS), where he conducted audits to determine the quality of ACTS's arson investigations. He also provided assistance in developing procedures for streamlining supervisory oversight of the investigations.

Mr. Sais is a certified California POST/ICI instructor, wherein he instructs Police Performance Auditing/Capturing Fieldwork Data, Audit Planning, Audit Work Plans, and Fieldwork Analysis for the LAPD BLEPAC. As a member of the LAPD BLEPAC instructor cadre, he provided instruction to approximately 40 different law enforcement agencies, including the CHP, Oakland, San Jose, Denver, Indianapolis, Phoenix, Portland Police Departments, Calgary and Edmonton Canada Police Services, and San Diego Sheriff's personnel.

Mr. Sais obtained his Bachelors Degree in Public Administration from USC, and a Master of Public Administration from California State University, Northridge. He is a CGAP, CFE, and CLEA.

### **Chief Arthur Miller – Senior Law Enforcement Expert**

Chief Miller is a Senior Law Enforcement Expert for EPAC. Currently, he is the Chief of Police of the South Pasadena, California, Police Department (SPPD) and has over 34 years of law enforcement experience. Prior to becoming the chief of SPPD, Chief Miller retired from the LAPD as a captain. His experience as a staff and command officer is vast, with a wide variety of experience in human resources, emergency operations, training, department media spokesperson and professional standards.



As a captain with the LAPD, Chief Miller was the Patrol Commanding Officer of Hollywood Area. He commanded the uniform police officers, worked with community members to establish a permanent foot beat in the established Entertainment District in Hollywood. He was also responsible for providing law enforcement services to a 10 square mile area with a diverse population of approximately 200,000. Chief Miller then transferred to the LAPD's Southwest Area as the Patrol Commanding Officer.

Chief Miller was then assigned as the Assistant Commanding Officer of LAPD's Metropolitan Division, where his command responsibility involved managing several specialized units that included special weapons and tactics (SWAT), K-9, Horse Mounted Unit, Under Water Dive Unit, Crime Suppression Platoons, Administrative Operations, Security Details for the Chief of Police, Mayor and City Attorney, Cadet Program and the Crime Analysis Detail.

Chief Miller's educational background includes a Master's Degree in Organizational Leadership from Woodbury University and an Undergraduate Degree in Business Administration from the University of Phoenix. He also attended numerous specialized training courses, which include Certificate-Emergency Response to Critical Incident, Command Post; Graduate-FBI National Academy; Graduate-California Commission on POST Supervisory Leadership Institute; West Point Leadership Program; POST Management School; POST Supervisory Leadership Institute, Instructor Course; Juvenile Procedures; Advanced Field Officers Course; Supervisory Development Course; Tactical Communications Course; Interview and Interrogation Course; Civil Unrest Response; Quality Leadership Seminar; Sexual Harassment; Watch Commander School; Cultural Awareness; Standardized Emergency Management Systems; Problem Oriented Policing; Affirmative Action for Supervisors; Informant Management and Control; Ethical Decision Making; Tools for Tolerance; Retaliation Prevention; Incident Command System; Bicycle School; and, Urban Police Rifle.

Chief Miller was also the recipient of LAPD's top three prestigious awards for heroism. He is a recipient of the Police Star, Police Medal and the department's highest award, the Medal of Valor. He was the only officer on the LAPD to receive all three of the department's highest awards.

## **QUALIFICATIONS**

The EPAC team qualifications include:

- Law enforcement practices, including training, community and problem-oriented policing, complaint adjudication, use of force investigation, crisis intervention and management of specialized units. Chiefs Brewer and Miller will oversee the EPAC team responsible for these tasks.

As an Assistant Chief with the California Highway Patrol, Chief Brewer analyzed police practices regarding use of force, pursuit management, investigative methods, risk assessment, and auditing administrative processes. Throughout his career, he has investigated, analyzed and provided recommendations for thousands of police reports, investigations, and law enforcement administrative processes.

As the Chief of Police for the South Pasadena Police Department, Chief Miller is responsible for the daily administration of the department. His prior experience with the LAPD included being the Assistant Commanding Officer, Metropolitan Division, where his command responsibility involved managing several specialized units that included special weapons and tactics (SWAT), K-9, Horse Mounted Unit, Under Water Dive Unit, and Crime Suppression Platoons.

- Assessing the legal sufficiency and compliance with constitutional and other legal requirements. Mr. Chaleff and Ms. Reynolds will ensure that the Albuquerque Police Department (APD) meets all legal requirements.

Mr. Chaleff is a licensed attorney and served as the Special Assistant for Constitutional Policing for the Los Angeles Police Department from 2007 to 2013 where he oversaw the operations of the Department Risk Manager, Planning and Research Division, Legal Affairs Division, Internal Audits and Inspections Division, and Fiscal Operations Division. Prior to assuming that post, he served on the Los Angeles Board of Police Commissioners and was President of that body from 1999 to 2001.

Ms. Reynolds is a licensed attorney with a background in civil rights, criminal law and in civilian oversight of law enforcement. She has expertise in using IAPRO, a software system used in many police and oversight programs to manage complaint systems, investigations, adjudications, and provide an early warning system for police managers.

- Monitoring, auditing, evaluating, or otherwise reviewing the performance of law enforcement agencies, including experience in monitoring settlements, private agreements, or court orders. Mr. Chaleff, Dr. Figueroa, and Mr. Khatami will be responsible for these tasks.

Mr. Chaleff served as the Special Assistant for Constitutional Policing in Los Angeles throughout its consent decree with the U. S. Department of Justice; and he is an expert in consent decrees, settlement agreements, and court orders.

Dr. Figueroa is a Doctor of Public Administration from the University of La Verne with an emphasis in the field of law enforcement performance auditing, organizational development. He is also a certified auditor with the following designations: CGAP, CFE, CFS, CLEA and CRMA. Dr. Figueroa has conducted law enforcement performance audits for the Riverside, Oakland, Nashville/Davidson County Police Departments and LAPD.

Mr. Khatami is a certified auditor with the following designations: CFE, CFS, CLEA and CRMA. Mr. Khatami has conducted law enforcement performance audits for the Oakland, Nashville/Davidson County, Atlanta Police Departments and LAPD.

- Evaluating organizational change and institutional reform, including applying qualitative and quantitative analyses to assess progress and performance. Mr. Khatami will oversee the team that will be responsible for these tasks. Mr. Khatami has extensive experience in designing, planning and implementing law enforcement performance audits for consent decrees, wherein he used qualitative and quantitative analysis to assess progress and performance.

- Providing formal and informal feedback, technical assistance, training and guidance to law enforcement agencies. Dr. Figueroa will oversee the team that will be responsible for these tasks. Dr. Figueroa is a California POST Master Instructor and has also received a certificate in instructional system design from USC. He was the class administrator for several LAPD and California POST Detective Training Courses. Dr. Figueroa has provided technical assistance in the development of training courses for California law enforcement agencies.
- Engaging with diverse community stakeholders to promote civic participation, strategic partnerships, and community policing. Ms. Reynolds will oversee the team that will be responsible for these tasks. Ms. Reynolds has extensive experience working with community stakeholders establishing strategic partnerships. Most recently she conducted an assessment of the Oakland Police Department's Community Policing Program.
- Mediation and dispute resolution. Ms. Reynolds will be assigned this task. As an attorney and former municipal court judge, Ms. Reynolds has presided over numerous mediation and dispute resolution cases.
- Use of technology and information systems to support and enhance law enforcement activities and initiatives. Ms. Reynolds will be responsible for this task. She has expertise in using IAPRO, a software system used in many police and oversight programs to manage complaint systems, investigations, adjudications, and provide an early warning system for police managers.
- Preparing public reports. The EPAC team has experience preparing public reports to the law enforcement community, the judiciary and the U.S. Department of Justice.