

December 12, 2014

Paul Killebrew, Esq.  
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Civil Rights Division – SPL  
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Scott Greenwood, Esq.  
Special Counsel  
for the City of Albuquerque  
law@scottgreenwood.com

Re: Guidepost Response to Request for Information for an Independent Monitor

Dear Messrs. Killebrew and Greenwood:

This letter is written in Response to the *Request for Information for an Independent Monitor in Connection with the Settlement Agreement Regarding the Albuquerque Police Department, October 31, 2014* (RFI), arising from the U.S. Department of Justice (DOJ) and the City of Albuquerque (City) having entered into a court-enforceable Settlement Agreement to resolve the findings issued by DOJ in April 2014 (April 2014 Findings) concerning the Albuquerque Police Department (APD), for which the parties publicly announced in July 2014 and the Settlement Agreement provides, that they will jointly select an Independent Monitor to oversee compliance.

The RFI indicates that DOJ, through the Civil Rights Division's Special Litigation Section and the U.S. Attorney's Office for the District of New Mexico (UAAO) and the City (collectively, the Parties) is seeking interested individuals or firms to serve as the Independent Monitor (Monitor). The Monitor and his or her team will assist the U.S. District Court for the District of New Mexico (Court), the Parties, and the Albuquerque community in assessing the implementation of the Settlement Agreement in an independent and transparent manner. Once selected and appointed by the Court, the Monitor and his or her team will assess implementation, provide technical assistance, and issue public reports on the City's compliance with the Settlement Agreement. As further indicated in the RFI, the April 2014 Findings and in the Settlement Agreement, nine substantive areas are implicated and specifically addressed in the Settlement Agreement with specific action required within specified time limits:

1. Use of Force: Internal Controls and Accountability
2. Specialized Units
3. Crisis Intervention
4. Policies and Training
5. Misconduct Complaint Intake, Investigation, and Adjudication
6. Staffing, Management, and Supervision
7. Recruitment, Selection, and Promotions
8. Officer Assistance and Support
9. Community Engagement and Oversight

The Settlement Agreement provides that the Monitor will assist the Court, the Parties, and the Albuquerque community in assessing and promoting the City's compliance with the Settlement Agreement; will independently and objectively assess and report on whether the terms of the Settlement Agreement are being met; whether implementation is resulting in the constitutional treatment of individuals and increased community trust of APD; and will promote compliance by offering technical assistance, issuing recommendations, and preparing public reports on the Settlement Agreement's implementation. Specifically the Monitor is required to:

- Track and evaluate the City's and APD's implementation of the Settlement Agreement;
- Review and comment on policies, procedures, manuals, and other administrative orders or directives developed pursuant to the Settlement Agreement and work with the Parties to resolve any disagreements regarding the development of these materials;
- Develop and carry out a monitoring plan to audit and review the City's and APD's compliance with the Settlement Agreement, including developing reliable methodologies to assess implementation;
- Conduct qualitative and quantitative outcome assessments;
- Regularly report to the Court on the City's and APD's progress implementing the Settlement Agreement and any obstacles to implementation;
- Maintain regular contact with the Parties and community stakeholders;
- Review training materials, programs, and use of force investigations;
- Oversee the implementation of the civilian oversight process and coordinate with oversight personnel;
- Assess APD's community policing initiatives and partnerships;
- Review the development and implementation of information systems and technology programs to support compliance, such as the Early Intervention System;
- Conduct a comprehensive reassessment of the Settlement Agreement to ensure that implementation of the Settlement Agreement is achieving desired outcomes;
- Provide or facilitate the provision of technical assistance to APD;
- Avoid and disclose any potential conflicts of interest; and
- Make public statements only as permitted by the terms of the Settlement Agreement.<sup>1</sup>

## **EXECUTIVE SUMMARY AND METHODOLOGY**

### **General Approach**

Guidepost Solutions (Guidepost) recognizes that thoughtful and efficient planning project management and review are critical both to the implementation success of APD's new program requirements and to any effort to oversee, monitor and evaluate those programs. When we conduct our monitoring projects, we follow our own project protocol to ensure success. Our approach begins with learning more about the subject area, in this case, Albuquerque, and the entity, the APD, its officers and other personnel, and its community.

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<sup>1</sup> The Monitor specifically is not empowered or authorized to execute any action on behalf of the City and will not replace or assume the role and duties of the City or APD, including the Chief of Police, or any other City official.

This enables us to understand each of the nine substantive areas outlined in the Settlement Agreement, the requirements for changes or supplementation set forth in the Settlement Agreement, and what is necessary to ensure that the changes required are implemented in a manner that complies with the requisites of the Settlement Agreement, to accomplish its stated goals. In other words, that we will understand and are in a position to evaluate that (a) implementation of the policies, procedures, training and other requirements for the nine substantive areas outlined in the Settlement Agreement occur; (b) within the timely periods required; (c) result in effective change or make recommendations to accomplish effective change; (d) that the findings we make are reported to the Parties and the Court within the time frames detailed in the Settlement Agreement; and (e) while doing so, we engage and meet with community stakeholders as required by the Settlement Agreement, encourage their input for improvement and are available to render technical assistance if required.

This general approach has proven effective across many years of compliance consulting and oversight, and Monitorship and IPSIG assignments the Guidepost Team has conducted on behalf of a vast variety of clients. On this assignment, it is anticipated that Guidepost's proven ability to quickly assess the requisite tasks for the implementation of the Settlement Agreement for a large and varied law enforcement department will increase the effectiveness of the assignment, ensure timely completion and be accomplished at the least disruption and cost to the City, the APD and the community.

### **Specific Approach**

If selected as the Independent Monitor, Guidepost Solutions will provide oversight and assist the City and APD with its efforts to timely implement a culture of the highest ethical standards and professionalism that increases integrity, reduces misconduct, increases trust, advances professionalism and meets constitutional standards using the following approach:

**1. Information Gathering:** In addition to further reviewing the requirements of the Settlement Agreement and the status of changes made prior to the Agreement, Guidepost will meet with appropriate Party, City and APD representatives to assess the requisite staff required by Guidepost or who will be involved in the implementation of the requirements of the Agreement on behalf of the City and APD (ensuring the requisite staff has the necessary knowledge in each of the nine areas addressed in the Agreement); will assess how the requirements have been implemented or will be implemented to ensure the implementation has resulted or will result in effective change. This will include initial meetings with counsel for the Parties, the APD Chief and his assigned team, the information team to be designated under the Settlement Agreement to discuss the Settlement Agreement, and the designated staff from APD to liaison with our team. At those meetings and future meetings we will further work towards identifying other APD staff that can be the most helpful in the different areas of the department. Thereafter, we will assemble for review all relevant documents and information required, such as rules, regulations, policies, special orders, past reports, proposed plans and educational curricula, etc. Separate requests will include all training materials. The required goals and timelines for

each substantive area, and the required action items will be mapped and discussed. From this information and those meetings we will be in a position to draft a phased work plan and project schedule for the first and then subsequent phases that will cover all of the requirements of the Settlement Agreement.

**2. Project Management:** To ensure order and reliability to the entire monitoring assignment, a defined and rigorous project schedule with actions, deliverables and deadlines detailing assigned responsibilities will be developed for approval for the first phase and all subsequent phases. This includes specific schedules for tracking and evaluating implementation with clear and defined reporting protocols for each deliverable of the plan. Schedules will be developed for each of the nine areas addressed in the Settlement Agreement according to the time period prescribed. The Guidepost Team will agree and manage each piece of the phased monitorship plan ensuring that we meet the required schedule and are aware of the progress of all deliverables and the implementation of the required changes in accordance with the Settlement Agreement.

**3. Communication:** Throughout the review and analysis of the first phase and all subsequent phases, Guidepost will provide regular oral and written updates and reports regarding our progress to the designated APD and other Party personnel serving as our points-of-contact as required by the Settlement Agreement and as necessary to ensure all involved in the implementation are on the same page. Progress reports will be developed to include a combination of on-going verbal communication with the oversight authority and the delivery of periodic written status reports as required, including reports for delivery in public forums to legislative or oversight bodies, as well as forums for community members.

The open communication is intended to help us serve the Parties and the APD in a cost-efficient manner, meet the requirements of the Settlement Order, and ensure that possible findings and recommendations will assist the City and the APD to meet the Settlement Order objectives to increase integrity and transparency; reduce perceived officer misconduct; increase community trust and public confidence in the capabilities and responsiveness of the City's law enforcement and public safety structure; position the APD for sustainable success; advance the Department's professionalism; and achieve constitutional muster.

Our reports and findings will follow the requirements of the settlement order, but will also be tailored to the needs of the APD and the Parties changing needs, if any as we proceed.

**4. Evaluation and Reassessment:** Ongoing and comprehensive reassessment of the requirements of the Settlement Agreement will be conducted to ensure that the implementation of the requirements of the Agreement is effective, achieves desired outcomes and is sustained.

**5. Professionalism and Technical Assistance:** Our Team is familiar with and has access to benchmark studies from the International Association of Chiefs of Police, the Police Executive Research Forum, the Office of Community Oriented Policing Services, the National Association for Civilian Oversight of Law Enforcement, among other resources. Our Team members are

practitioners familiar with the areas covered by the Settlement Agreement, have years of practical police experience, have years of oversight experience and understand what their job is and is not. We will take into account best practices for federal, state and local ethical standards from relevant government agencies including the U.S. Department of Justice; state, county and city police departments in other jurisdictions; as well as risks and compliance breaches experienced at other comparable law enforcement and governmental agencies/bodies.

In addition, the team assigned to this project will tap into each other's knowledge and expertise. They understand how to analyze public safety organizations, recommend appropriate modifications to improve the quality and effectiveness of those organizations; and provide training on procedures and practices to relevant personnel, especially in the areas subject to the April 2014 Findings and the Settlement Agreement. They also understand the concept of the Independent Monitor and the role that the Independent Monitor is to play. They all recognize that the Monitor in this matter does not assume an active role as decision maker of the City or the APD. The Team's experienced law enforcement leaders and chiefs of police with significant experience in the public sector are well positioned to provide consultation on the nine substantive areas addressed in the Settlement Agreement. The Team is proficient in public safety issues, and understands how government services must collaborate with communities to provide the most effective services and protections.

### **Summary**

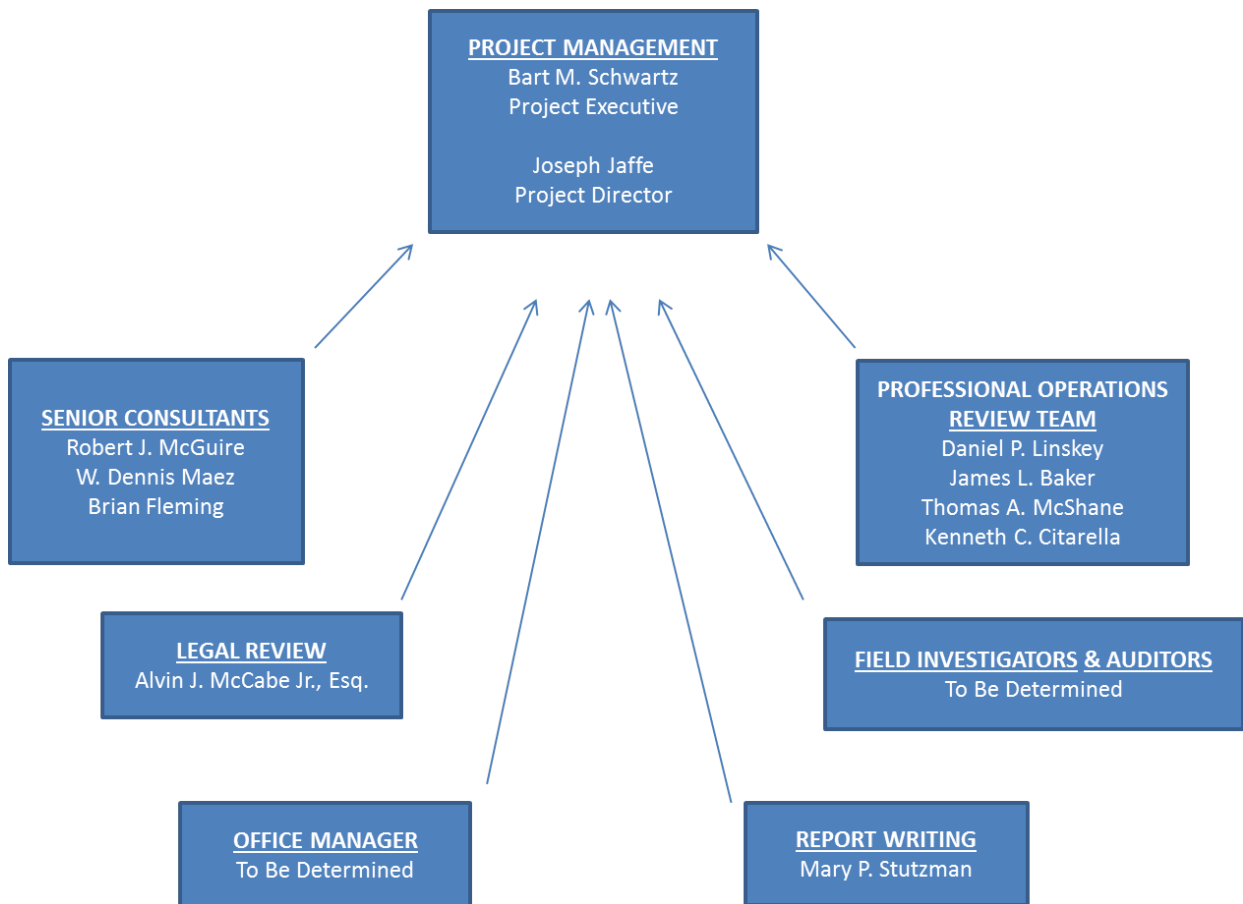
Our approach and methodology are designed to meet the specific circumstances and demands of the assignment and seek to maximize the effectiveness of our oversight function without impeding the operations of the entity. At the same time, our approach will address any fundamental shortcomings in the ethical or operational culture of the entity and the implementation of corrective policies and procedures.

### **PERSONNEL**

The Guidepost Team will bring its own unique approach and broad expertise to the monitorship. Our initial core team and those to be added, encompass a diverse and expert staff with significant experience in law enforcement, federal and state prosecutions, legal matters, investigative, integrity, compliance, oversight, analytical, fieldwork, and training activities including service as high ranking police officials, use of force and community policing experts and training specialists, law enforcement agents, elected District Attorneys, as well as individuals with vast experience as Federal District Court, DOJ, SEC and State Court and State Agency Appointed Monitors, who presently serve in a variety of public and private Integrity Monitorships in several states. Our core team members possess the relevant professional experience, certifications and credentials. The Team's experience also includes research methodologies, data gathering, analysis, and project management. Our team members have served courts, government agencies, prosecutors, cities, states, law enforcement agencies, foreign governments and the full spectrum of private industry for decades. Our combined team is skilled in delivering all of the elements required, related to the monitorship described in the Settlement

Agreement. We also are able to supplement our resources with specialists that may be required as we better comprehend and plan the tasks to be performed.

For this Monitorship, Guidepost proposes a key group of individuals and entities as our Team. The Team presently contemplated can be supplemented or reduced as circumstances indicate. The Team will be organized as indicated in the following organization chart.



This organization scheme permits every member of the Monitor’s staff to have direct access to Project Management and controls costs by eliminating unnecessary levels of supervision. Project Management will always be able to call upon either the Legal or Professional Operations Review Team to cooperate on specific tasks or to review each other’s work. When necessary, the Legal Review Team or the Professional Operations Review Team may supervise other personnel in the absence of the Project Executive or Project Director. Full resumes for Team Key Personnel are included in Appendix A. They include the following:

**Bart Schwartz, Project Executive**

Described by the New York Times as the person “often sought out in...thorny situations” by corporations and having served as Chief of the Criminal Division of the U.S. Attorney’s Office

in New York, Bart has wide experience providing advice and support to corporations, governments and individuals. For more than 30 years, he has managed crises, complex investigations, security, and sophisticated investigative services. He has had numerous court and other appointments to monitor conduct regarding ethics, integrity, policy and procedures. The majority of these assignments were from or with the approval of the Securities and Exchange Commission, the U.S. Department of Justice, the U.S Attorney's Office, the Manhattan District Attorney's Office, the New York Organized Crime Task Force, the New York School Construction Authority and the New York Department of Environmental Conservation.

**Joseph Jaffe, Project Director**

Joseph Jaffe has more than 40 years of experience in law enforcement spanning several governmental agencies and private practice positions. During his tenure as an Assistant U.S. Attorney in the Southern District of New York he served as Deputy Chief of the Criminal Division and Chief of the Official Corruption Section, as well as Acting Chief Inspector of the U.S. Drug Enforcement Administration. He has served as Monitor appointed by the SEC, the U.S. District Court in the Southern District of New York and for numerous state agencies.

**Robert J. McGuire, Esq., Senior Project Consultant**

Robert J. McGuire is the former New York City Police Commissioner, former chairman and chief executive officer of Pinkerton's Inc., and former president of Kroll Associates, Inc., an international corporate investigations and security consulting firm. As an Assistant U.S. Attorney, he prosecuted criminal cases in the Southern District of New York. Mr. McGuire is a lawyer with a broad range of governmental and private sector experience and currently serves on Guidepost's Advisory Board. He serves as monitor and ombudsman to a number of large public corporations.

**Daniel P. Linskey, Professional Operations Review (Subcontractor)**

After 28 years of service, Daniel P. Linksey retired from the Boston Police Department as Superintendent-of-Chief, the highest ranking uniformed officer. He was in charge of all uniformed officers with a responsibility for implementation of community policing and the delivery of effective and efficient police services to the city of Boston. In addition, he lectured and consulted police officials and emergency management officials in the United States and abroad on special event management and planning. During his tenure, there was a marked increase in public trust and favorability rating in recent studies conducted by Northeastern University and the University of Chicago.

**James L. Baker, Professional Operations Review (Subcontractor)**

James L. Baker's distinguished 22-year law enforcement career includes collaborating with local, regional, and national agencies to maintain public safety and security through community policing, patrol, tactical operations, drug recognition, emergency operations, large-scale response and mutual aid coordination, criminal investigations, and crime suppression. He has developed strong working relationships with local, regional, national, and international key stakeholders, including government agencies and private partner organizations. Mr. Baker retired from the



Alameda County Sheriff's office in Oakland, California as Assistant Sheriff where he is credited for championing staff development and education by initiating formal mentoring programs and staff development programs. He also taught community policing, ethics, cultural diversity, and crowd control courses at the Alameda County Regional Police Academy.

**Alvin J. LaCabe, Esq., Legal Review (Subcontractor)**

Alvin J. LaCabe provides consultation services to law enforcement agencies departments with regard to systemic and structural reform, particularly in the areas of recruitment and hiring, training, policy development, issues related to search and seizure, reports of physical force, and investigations of alleged officer misconduct. He works closely with government officials and law enforcement leaders to set measurable goals for fair and consistent discipline practices and sanctions; protocols for civilian oversight; and community-oriented and constitutionally-based police and correction practices that promote trust within a community. Mr. LaCabe has a long and distinguished law enforcement career having served as the Manager of Safety for the City and County of Denver's Department of Safety where he supervised the Chief of Police, Fire Chief and Director of Corrections and performed the duties of the Sheriff of Denver County. He also has served as an Assistant U.S. Attorney for the District of Colorado and as Deputy District and Chief Deputy District Attorney for Denver.

**Thomas A. McShane, Professional Operations Review**

Thomas A. McShane oversees the Monitoring and Investigations practice for Guidepost Solutions. He spearheaded the development of the firm's Independent Monitorship Program under which Guidepost is currently retained on behalf of law enforcement authorities to oversee and report on the operations of a major infrastructure projects throughout the New York metropolitan area. Mr. McShane works with numerous governmental and quasi-governmental authorities, including the Department of Investigation of the City of New York, the Port Authority of New York and New Jersey, the New York State Attorney General, the New York City Business Integrity Commission, and the Dormitory Authority of the State of New York. Mr. McShane began his career as a prosecutor in the Office of the Nassau County District Attorney. He also served as a counsel to the New York State Commission on Government Integrity and later served as Chief Counsel the New York State Temporary Commission on Local Government Ethics where he provided counsel and guidance to municipalities regarding the creation of codes of ethics to eliminate corrupt practices and to strengthen public confidence in the integrity of government.

**Kenneth C. Citarella, CFE, CIPP, Professional Operations Review**

Kenneth C. Citarella's in-depth background includes police officer training while serving as an Assistant District Attorney for Westchester County, New York. His training experience includes police corruption awareness training by reviewing the elements of crimes that concern the conduct of public employees and exploring how they applied to police activities. Mr. Citarella's training curriculum covered legal issues such as the use of deadly force, elements of crimes, arrest procedures, search warrants, etc. He directed investigations into alleged police misconduct



and while serving as Deputy Chief of the Investigations Division for the Westchester District Attorney, he supervised the Public Integrity Bureau.

**W. Dennis Maez, Senior Project Consultant (Subcontractor)**

W. Dennis Maez has more than 30 years of experience in law enforcement and security systems evaluations. He provides security consulting services for both the public and private sectors in the areas of vulnerability assessments and security system design and integration. He served for 21 years as a Special Agent of the U.S. Secret Service and began his professional career began as a police officer with the Albuquerque, New Mexico Police Department where he attained the rank of Sergeant.

**Brian Fleming, Senior Project Consultant (Sub-contractor)**

Brian Fleming currently serves as police academy instructor for the Boston Police Department. His 31-year career with the Department includes serving as the Director of Peer Support for its Family Assistance and CISM Team where he assisted police officers with issues ranging from alcohol and substance abuse, mental health, and critical incident trauma. He is credited for establishing the first national confidential online police “stress and anxiety quiz” to assist officers in assessing their own mental health.

**Mary P. Stutzman, Report Writing**

Ms. Stutzman, a business intelligence and investigative professional, has more than 25 years of experience. In addition to conducting due diligence and corporate investigations, she has participated in a number of assignments involving the creation and implementation of compliance policies and procedures and the assessment of compliance activities in a number of different industries. In many of these engagements Ms. Stutzman was responsible for report writing/editing and analysis.

## **QUALIFICATIONS**

Guidepost is a global leader in security consulting solutions, risk management, compliance, integrity monitoring, investigations and business intelligence. The Guidepost team includes former U.S. law enforcement personnel, prosecutors and other professionals with proven backgrounds in investigations, business intelligence, public safety, compliance and monitoring. They have significant experience in the public sector to provide consultation on key issues of public safety including effective collaboration between government services and the community.

Guidepost Solutions offers integrity monitor services to the public and private sectors that help clients reduce crime, lower response times, increase community and customer satisfaction, and improve fiscal performance. We manage comprehensive and inclusive assessment and training programs that combine our years of successful experience in the most challenging police, fire, emergency medical services and private security environments with the participation of local department members of all ranks, chiefs, elected officials, union representatives and various community stakeholders.



In its numerous assignments related to public safety consultation services, Guidepost has been required to undertake precisely the kinds of tasks that will be required of the APD. Key members of the Guidepost team gained their experience in senior management positions for large and challenged police departments throughout the country, including the New York City Police Boston Departments. These individuals served their Departments during major organizational changes and enforcement and community relations challenges. Each has relevant experience managing law enforcement personnel; reviewing the performance of police activities; and evaluating, developing and implementing processes and training to assist supervisors and managers in providing oversight and ensuring accountability.

Team members have participated in the review and revision of policies and procedures related to the use of force, supervisory practices and community relations, among other things. Team members have monitored, reported and chronicled entities' compliance with settlement agreements, deferred prosecution agreements or consent decrees, and which formed the basis for the oversight authority's determination with respect to extending or concluding a monitoring program. The authorities to which we have answered have included the U.S. Department of Justice, Offices of the United States Attorney, the U.S. Securities and Exchange Commission, Judges of the United States District Courts, the Port Authority of New York and New Jersey, the Metropolitan Transportation Administration, The New York City Department of Investigation, The New York County District Attorney and the Attorney General of the State of New York.

Our specific experience and role in the subject areas listed within the Request for Information is highlighted in Appendix B, as examples of similar work performed for our clients. It includes the Newark Police Department, the Office of the Bergen County Prosecutor, Fort Lauderdale Police Department, and other related monitoring assignments.

Thank you for this opportunity to work with the Parties and the APD. If you have any questions or need additional information, I will serve as your central point of contact throughout the proposal process and engagement. I can be reached at (646) 553-1376 or [jjaffe@guidepostsolutions.com](mailto:jjaffe@guidepostsolutions.com) if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "JJaffe", enclosed in a thin black rectangular border.

Joseph Jaffe  
Chief Compliance Officer and  
Deputy General Counsel



## **APPENDIX A: PERSONNEL**

# BART M. SCHWARTZ

## CHAIRMAN

### CONTACT INFORMATION

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New York, NY 10017  
212.817.6733  
bschwartz@guidepostsolutions.com

### EDUCATION

- Juris Doctor, New York University School of Law
- Bachelor's Degree, University of Pittsburgh

### AFFILIATIONS

- International Bar Association
- American Bar Association, Criminal Justice Section New York Regional Litigation Support Committee, Co-Chairman
- New York State Bar Association
- Southern District of New York, Assistant U.S. Attorney
- New York City Bar Association
- Federal Bar Council
- National Association of Criminal Defense Lawyers
- Society of Corporate Compliance and Ethics
- Practising Law Institute
- New York Hedge Fund Roundtable
- HMS Holdings Corp. (NASDAQ:HMSY), Compliance Committee Chairperson

### AREAS OF EXPERTISE

- Complex Investigations
- Compliance
- Integrity Monitoring
- White Collar Crime
- Fraud
- Asset Searches
- Anti-Money Laundering
- Security Consulting
- Due Diligence
- Foreign Corrupt Practices Act
- Organized Crime

Described by *The New York Times* as the person “often sought out in...thorny situations” by corporations, Bart M. Schwartz has wide experience providing advice and support to corporations, governments and individuals.

Mr. Schwartz has served as a trial lawyer, corporate advisor and CEO of a private company and a unit of a public company. For more than 30 years, he has managed complex investigations, prosecutions and security assessments, and provided sophisticated investigative services to a wide array of clients. He is currently the Chairman and Chief Executive Officer of SolutionPoint International, Inc., which owns Guidepost Solutions, LLC and NSM Surveillance. Mr. Schwartz also serves on the board of HMS Holdings Corp. (NASDAQ:HMSY) where he serves as the Chairperson of the Compliance Committee.

Earlier in his career, Mr. Schwartz served under U.S. Attorney Rudolph Giuliani as the Chief of the Criminal Division in the Southern District of New York. In that post, he had direct responsibility for overseeing prosecutions related to financial and business fraud, organized crime, and other types of white collar crime.

### SELECT PROFESSIONAL EXPERIENCE

- In April 2014, approved as a compliance consultant by the U.S. Attorney's Office to evaluate and report on the insider trading compliance procedures of Point72 Asset Management (formerly SAC Capital Advisors);
- Served as the independent compliance expert to a special committee of the Board of SAIC, arising out of the “CityTime” investigation conducted by the U.S. Attorney's Office for the Southern District of New York and the New York City Department of Investigation;
- Appointed monitor in December 2010 by the U.S. Attorney for the Southern District of New York in its Non Prosecution Agreement with Deutsche Bank AG in a matter involving the bank's participation and implementation of fraudulent tax shelters;
- Appointed receiver of the Madoff-related Merkin hedge funds, which includes making investment decisions, managing litigation and investor relations;
- Selected by the CFTC and the Fraud Section of the Department of Justice to monitor BP trading activities, arising out of BP's settlement of illegal trading activities investigated by DOJ and CFTC;
- Retained by the United Arab Emirates to oversee compliance with MOUs between the UAE and Bangladesh, Pakistan, Mauritania and Sudan relating to the repatriation and compensation of children who were involved in camel racing in the UAE;
- Retained by Hewlett-Packard to conduct a worldwide review of their investigative practices and procedures;
- Engaged by a publicly traded utilities company to review the corporation's compliance program and advise on best practices;
- Appointed monitor of DHL, an international logistics company, by the U.S. Department of Commerce for issues relating to OFAC violations;
- Served as monitor of Milberg Weiss LLP law firm under auspices of the Los Angeles U.S. Attorney's Office;
- Elected, by investors, to the Board of Directors of the Bear Stearns High-Grade Structured Credit Strategies Enhanced Leverage (Overseas) Ltd. to conduct an independent investigation; now serving as Co-Counsel to the Receiver;
- Conducted independent investigation at Texaco into allegations of racial discrimination and destruction of documents in civil discovery;



# BART M. SCHWARTZ

## CHAIRMAN

- Appointed by Mayor Giuliani to chair a task force to conduct a top-to-bottom management review of the New York City Department of Buildings;
- Selected by the New York Metropolitan Transit Authority (MTA) to conduct a transparency assurance audit for the procurement of \$5 billion of new subway cars;
- Retained by the MTA in 2003 to build a compliance and ethics department and to study MTA procurement procedures;
- Served as a monitor of a hedge fund;
- Appointed with the approval of the U.S. SEC to review Smith Barney's compliance with the settlement in the Independent Research case;
- Served as general counsel of the Fortress Monitoring Group, which was selected by the Port Authority of New York and New Jersey as the integrity monitor for the construction of the Freedom Tower at Ground Zero; and
- Guidepost Solutions is the integrity monitor for the Port Authority of New York and New Jersey on the multi-year, multi-billion dollar construction of the Vehicle Security Center at the World Trade Center complex in New York.

Mr. Schwartz has had numerous court and other appointments to monitor the conduct of corporations in the concrete, construction, waste management and other industries. He has received assignments from or with the approval of the U.S. Securities and Exchange Commission (SEC), and the U.S. Department of Justice, the U.S. Attorney's Office for the Southern District of New York, the Manhattan District Attorney's office, the New York Organized Crime Task Force, the New York School Construction Authority, and the New York Department of Environmental Conservation. He has conducted asset searches for the Bankruptcy Court, Trustees and Board Special Committees, including most recently in the Adelphia case.

Mr. Schwartz was a partner in a New York law firm specializing in federal civil and white-collar litigation. He also served as a Deputy Special Prosecutor in the investigation of a Presidential Cabinet Officer.

In 1991 Mr. Schwartz founded and was CEO of Decision Strategies, an internationally recognized investigative and security firm, which was sold to SPX (NYSE:SPW) in 2001. He continued as CEO until 2003, when he resigned to start his new venture. He has conducted many domestic and international investigations, including internal investigations and inquiries relating to human resources matters, compliance issues, the Foreign Corrupt Practices Act, fraud, asset searching and due diligence.

Mr. Schwartz co-authored a chapter on investigations for West Publications in the treatise Business and Commercial Litigation in Federal Courts. Mr. Schwartz frequently speaks at law and other conferences. He has served as an expert witness.



# JOSEPH JAFFE

## CHIEF COMPLIANCE OFFICER & DEPUTY GENERAL COUNSEL

### CONTACT INFORMATION

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### EDUCATION

- Juris Doctor, New York University School of Law, Cum Laude
- Bachelor of Science, Cornell University

### AFFILIATIONS

- American Bar Association
- New York State Bar Association
- Federal Bar Council
- New York City Bar Association
- International Association of Independent private Sector Inspector General, Vice President

### AREAS OF EXPERTISE

- Law Enforcement Consulting
- Compliance
- Monitoring
- Investigations
- Litigation Support

Joseph Jaffe has more than 40 years of experience in law enforcement spanning several governmental agencies and private practice positions. During his tenure as an Assistant U.S. Attorney in the Southern District of New York he served as Deputy Chief of the Criminal Division and Chief of the Official Corruption Section. His extensive background includes serving as District Attorney for Sullivan County, New York and as an Acting Chief Inspector for the U.S. Drug Enforcement Administration where he investigated and tried complex business fraud, public corruption, terrorist and bombing cases.

Mr. Jaffe joined Guidepost Solutions in 2012. As Chief Compliance Officer and Deputy General Counsel, Joseph Jaffe oversees compliance issues and assists with legal matters for all of Guidepost Solutions' offices.

Throughout his career, Mr. Jaffe has overseen and participated in a host of investigative and fact gathering assignments for foreign governments and state, federal, and private entities related to allegations of misconduct, employee dishonesty, fraud, sexual harassment, union corruption, inventory and intellectual property theft, prevailing wage violations, corporate compliance and governance, money laundering, construction accidents, and violations of the Foreign Corrupt Practices Act and the U.S. Securities and Exchange Commission (SEC). He supervised numerous due diligence investigations into the backgrounds of employees, entities and customers for corporations and financial institutions and coordinated litigation support assignments for trial attorneys in civil and criminal cases.

Mr. Jaffe's vast experience extends to the private sector serving as an Independent Private Sector Inspector General (IPSIG), integrity monitor and outside compliance officer for governmental and regulatory agencies including the U.S District Court, SEC, and private clients; leading the forensic and due diligence team at Proactive Integrity Associates; specializing in civil and criminal litigation as a partner in general practice law; serving as a managing director at UHY Advisors FLVS, Inc., the firm's forensic, litigation practice; and instituting investigative consulting and security firms.

Mr. Jaffe's past affiliations include serving as Chairman of the Merit Selection Panel for Magistrate Judges of the SDNY; member of the New York State Third Department Judicial Nominating Committee; Chair of the New York State Bar Association's Criminal Justice Section and Founding Member and Secretary of the New York State Association of Criminal Defense Lawyers. He regularly lectures, presents and writes for attorneys, accountants, and the business and financial communities.



# ROBERT J. MCGUIRE, ESQ.

## ADVISORY BOARD MEMBER

### CONTACT INFORMATION

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robert.mcguire@rjmcguire.net

### EDUCATION

- Juris Doctor, St. John's University Law School (Cum Laude)
- Masters of Law, New York University Law School
- Bachelor of Arts, (Magna Cum Laude)

### AREAS OF EXPERTISE

- Internal Investigations
- White Collar Investigations
- Integrity Monitoring
- Security Consulting
- Due Diligence
- Litigation Support

Robert J. McGuire is the former New York City Police Commissioner; former Chairman and Chief Executive Officer of Pinkerton's Inc.; and former President of Kroll Associates, Inc., an international corporate investigations and security consulting firm.

Mr. McGuire is a lawyer with a broad range of governmental and private sector experience. As an Assistant U.S. Attorney from 1962 through 1966, he prosecuted criminal cases in the Southern District of New York. In 1969 he established his own law firm of McGuire and Lawler, which specialized in white collar investigations. Mr. McGuire worked at this firm until his appointment as the New York City Police Commissioner. He served as Police Commissioner from January 1978 to December 1983. At 41 years of age, Mr. McGuire became the youngest Police Commissioner in the City's history.

Mr. McGuire was appointed Special Master by the New York County District Attorney to oversee the Gambino family's exit from the garment industry. He presently serves as the Monitor for all Bovis Lend Lease construction projects in New York City.

Mr. McGuire has served on numerous Boards and Commissions, including the President's Advisory Council of Executive Reorganization (the Ashe Committee); the Secretary of State's Advisory Panel on Overseas Security (Inman Committee); the New York State and City Commission on Government Integrity (the Sovern Commission); the New State Commission of Judicial Nomination; the conflicts of Interest Board for the City of New York; the Mayoral Task Force on Police/ Community Relations; the Lawyer's Departmental Disciplinary Committee on the Representation of the Poor. McGuire was appointed by Mayor Bloomberg to Chair the 2002 New York City Charter Revision Commission. He is presently the Vice Chairman of the Police Athletic League (New York City's largest youth organization) and also serves the boards of Mutual of America and Artio Global Investment Funds, Inc., Mr. McGuire formerly served on the boards and the audit committees of Six Flags, Inc., and Protection One, Inc.

While attending St. John's University Law School, Mr. McGuire was Editor-in-Chief of the Law Review. He has been the recipient of numerous awards, honors and degrees from civic, governmental and educational institutions.

# DANIEL P. LINSKEY

## SUB-CONTRACTOR

### CONTACT INFORMATION

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### EDUCATION

- U.S. Marine Corps

### AWARDS

- Boston Police Medal of Honor (three time recipient)
- Hanna Medal of Valor
- American Legion Medal of Valor
- Italian American Police Officer Association Medal of Valor
- 2013 Semper Fidelis Society, Semper Fi Marine of the Year Award

### AFFILIATIONS

- International Association of Chiefs of Police
- Police Executive Research Forum

### AREAS OF EXPERTISE

- Law Enforcement Training
- Crisis Training
- Emergency Management
- Police Academy Instructor
- Community Policing Initiatives
- Community Engagement Strategies

Daniel P. Linksey retired from the Boston Police Department as Superintendent-of-Chief and founded the Linskey Group LLC. He provides a wide range of security, law enforcement, and emergency management services including crisis training and exercise preparedness for agencies and facilities. He also conducts facility security assessments and reviews and provides dignitary protection, cyber security, and confidential investigations.

Mr. Linksey's clients have included numerous state and local police and emergency management groups including the U.S. Marine Corps Marathon Planning Team, the New York Police and Fire Departments, the Federal Bureau of Investigation, the U.S. Drug Enforcement Administration, the Bureau of Alcohol Tobacco and Firearms, the Egyptian Ministry of Interior Police Force, the U.S. State Department, the Dutch Police and Military, the Australian Federal Police, the Queensland Police Service, the Finnish Police Service, the Abu Dhabi Police Service, the Iraqi Police Service, amongst others.

As Superintendent-of-Chief, he helped guide the Boston Police Department to a 30% reduction in part one crime over a seven year period. During that time, the Department experienced an increase in public trust with a mid-80s favorability rating. Throughout his tenure with the Department, Chief Linskey rose through the ranks as a Detective, Sergeant, Sergeant Detective, Lieutenant, Lieutenant Detective, Deputy Superintendent, and Superintendent, before being promoted to the rank of Superintendent-in-Chief the highest sworn member of the Boston Police Department. He spent a large portion of his career in the Drug Control Unit serving at different ranks. His other assignments have included the police academy as an instructor, the Dignitary Protection & Security Unit as the Unit Commander, as well as, Commander of the Special Police Division.

Chief Linskey was the Incident Commander for the Boston Marathon bombings. He oversaw the response, the evacuation of the injured, the securing of the scene and the stabilizing of the city while overseeing the investigation which was being conducted by the FBI, Boston Police, and State Police. He was the first commander on scene during the shootout following the bombing with terrorists exchanging gunfire and throwing bombs at responding officers. He was also the incident commander who oversaw the unprecedented lockdown of the metropolitan Boston area and the manhunt that led to the arrest and capture of the terrorist responsible for the bombings.

Chief Linskey is a frequently sought after public speaker presenting leadership lessons learned from the Boston Marathon Bombing Attack. He presents lectures, conducts training and consults with numerous federal, state, local, as well as international police, homeland security, and military officials regarding large scale event management, crisis leadership and preparedness, use of force, community policing initiatives, and community engagement strategies.



# JAMES L. BAKER

## SUB-CONTRACTOR

### CONTACT INFORMATION

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### EDUCATION

- Bachelor of Arts, Criminal Justice Administration, Columbia College, magna cum laude

### CERTIFICATIONS

- Certified National Assessor, FEMA Emergency Management Accreditation Program
- Certified Drug Recognition Evaluation Expert

### AFFILIATIONS

- International Association of Chiefs of Police

### AREAS OF EXPERTISE

- Government & Stakeholder Relations
- Law Enforcement & Policing Best Practices
- Emergency Operations & Preparedness
- Law Enforcement Training
- Police Academy Instructor
- Multi-agency/Multi-jurisdiction Collaboration
- Personnel Management & Scheduling

James L. Baker's distinguished 22-year law enforcement career includes collaborating with local, regional, and national agencies to maintain public safety and security through community policing, patrol, tactical operations, drug recognition, emergency operations, large-scale response and mutual aid coordination, criminal investigations, and crime suppression. He has developed strong working relationships with local, regional, national, and international key stakeholders, including government agencies and private partner organizations.

Mr. Baker retired from the Alameda County Sheriff's office in Oakland, California as an Assistant Sheriff where he directed all operations and personnel matters for 1,650 sworn and professional staff employees in conjunction with its human resources department, risk management team, and county counsel. Throughout his 13-year tenure, he held the ranks of Sergeant, Lieutenant, Captain, and Commander where he is credited for managing full law enforcement services for Alameda County residents; transforming the sheriff's entire operation; improving morale; and lowering its annual operating cost by \$3M through restructuring personnel scheduling practices. Mr. Baker championed staff development and education by initiating formal mentoring programs and staff development programs and taught community policing, ethics, cultural diversity, and crowd control courses at the Alameda County Regional Police Academy.

Mr. Baker is a recognized expert in exercise design and delivery. He developed the nationally recognized Urban Shield Exercise Program and manages Urban Shield Exercises in high-risk regions throughout the United States. He was selected by the U.S. State Department to design and coordinate Capstone Exercises in East and West Africa to prepare partner nations for a collaborative and coordinated response to on-going terrorist attacks and selected by the Department of Homeland Security Science & Technology to coordinate exercises that test and validate national assets and federally funded emerging technologies.

# ALVIN J. LACABE, JR., ESQ.

## SUB-CONTRACTOR

### CONTACT INFORMATION

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### EDUCATION

- Juris Doctor, University of Denver College of Law
- Bachelor of Arts, Criminology and Law Enforcement Administration, Loyola University of New Orleans, cum laude

### BAR STATUS

- U.S. Court of Appeals, 10<sup>th</sup> Circuit
- U.S. Attorney's Office, District of Denver
- State of Colorado

### AFFILIATIONS

- American College of Trial Lawyers
- International Associations of Chiefs of Police
- Colorado Bar
- Sam Cary Bar Association
- National Association for Civilian Oversight of Law Enforcement
- National Organization of Blacks in Law Enforcement

### AREAS OF EXPERTISE

- Use of Force Prevention
- Law Enforcement Recruitment, Hiring, & Training
- Officer Misconduct Investigations
- Public Safety Policy & Procedures
- Correctional Practices

Alvin J. LaCabe provides consultation services to police and sheriff departments with regard to systemic and structural reform, particularly in the areas of recruitment and hiring, training, policy development, issues related to search and seizure, reports of physical force, and investigations of alleged officer misconduct. He works closely with government officials and law enforcement leaders to set measurable goals for fair and consistent discipline practices and sanctions; protocols for civilian oversight; and community-oriented and constitutionally-based police and correction practices that promote trust within a community.

Mr. LaCabe's experience includes testifying and providing depositions in defense of lawsuits of disciplinary actions brought in Federal and State courts against the City of Denver and Department of Safety entities; drafting and editing public statements analyzing uses of deadly force; and drafting policies, preparing training materials and conducting in-person and video training in the areas of use of force, discipline and ethics.

Mr. LaCabe has served as a member of the transition team for the newly elected Governor for the State of Colorado and the newly elected Mayor for the City of Denver. In these volunteer capacities, he provided recruitment and hiring services for key, public safety positions in the State and City. In addition, Mr. LaCabe was appointed to a committee reviewing the use of force and disciplinary policies and practices of the Denver Sheriff Department following an increase in use of inappropriate force incidents.

Prior to his consulting business, Mr. LaCabe had a long and distinguished law enforcement and legal career. He was appointed the Manager of Safety for the City and County of Denver's Department of Safety where he reorganized the Manager's Office to better facilitate meaningful oversight of safety agencies and centralize functions duplicated in individual agencies. In this capacity, he supervised the Chief of Police, Fire Chief and Director of Corrections and performed the duties of the Sheriff of Denver County. He also created and participated in department-wide and community involved collaborative processes to include the Mayor's Use of Force Task Force; the Manager of Safety's Discipline Advisory Group Task Force; the Manager of Safety's Minority Recruitment and Selection Task Force; and the Manager's Professionalism Task Force. These task forces thoroughly discussed and recommended changes to use of force, training, disciplinary and hiring practices/policies of the Denver Police and Sheriff Departments. Mr. LaCabe also conducted investigations while at the Colorado Bureau of Investigations. He began his law enforcement career with the New Orleans Police Department.

Mr. LaCabe was an Assistant U.S. District Attorney for the U.S. Attorney's Office for the District of Colorado where he investigated and prosecuted violations of federal law including drugs, gangs, firearms and violent crimes and served as Chief of the Narcotics and Violent Crimes Section, Chief of the Organized Crime Drug Enforcement Task Force and Senior Litigation Counsel. He also served as a Deputy District Attorney and Chief Deputy District Attorney for the Denver District Attorney's Office. Mr. LaCabe's private sector experience includes working at the law firm of Davis, Graham & Stubbs, LLP.

Mr. LaCabe is a recipient of the National Association for Civilian Oversight of Law Enforcement Flame Award for significant contributions to the field of civilian oversight of law enforcement and the National Organization of Blacks in Law Enforcement Lloyd Sealy Award for achievement in the field of criminal justice.

# THOMAS A. MCSHANE

## PRESIDENT, INVESTIGATIONS AND MONITORING

### CONTACT INFORMATION

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### EDUCATION

- Juris Doctor, Fordham University School of Law
- Bachelor of Arts, Hamilton College

### BAR ADMISSIONS

- U.S. Supreme Court
- U.S. Eastern District of New York
- U.S. Southern District of New York
- State of Massachusetts
- State of New York

### AFFILIATIONS

- Westchester County Solid Waste Commission, Chairman

### AREAS OF EXPERTISE

- Monitoring
- Compliance
- Investigations
- Security Consulting

Thomas A. McShane oversees the Monitoring and Investigations practice for Guidepost Solutions. He spearheaded the development of the firm's Independent Monitorship Program under which Guidepost is currently retained on behalf of law enforcement authorities to oversee and report on the operations of a major metropolitan area hospital, a prominent Long Island construction company and one of the largest electrical contractors on the east coast. Mr. McShane works with numerous governmental and quasi-governmental authorities, including the Department of Investigation of the City of New York, the Port Authority of New York and New Jersey, the New York State Attorney General, the New York City Business Integrity Commission, and the Dormitory Authority of the State of New York.

Throughout his tenure, Mr. McShane directed complex investigations into allegations of corrupt practices by the management of corporations in the entertainment, healthcare, media and industrial products fields and coordinated and oversaw the development of comprehensive security solutions for two major sports facilities recently built in the New York metropolitan area.

Mr. McShane began his career as a prosecutor in the Office of the Nassau County District Attorney where he specialized in the investigation and prosecution of public officials and employees. He left to serve as a counsel to the New York State Commission on Government Integrity, a blue-ribbon commission created by the Governor of New York to investigate the roots of corruption in the institutions of government throughout the State. In that capacity, he designed and implemented investigative strategies and supervised the commission's team of investigative auditors and detectives in broad-ranging investigations of government practices.

Mr. McShane later served as Chief Counsel to a successor commission, the New York State Temporary Commission on Local Government Ethics. In that role, he supervised the Commission's investigative and legal staff in a statewide audit of the procedures and practices of municipal government. He provided counsel and guidance to municipalities regarding the creation of codes of ethics crafted to eliminate corrupt practices and to strengthen public confidence in the integrity of government.

Prior to joining Guidepost, Mr. McShane was a partner in the New York City law firm of McKeegan, McShane & Drago, PC, where he specialized in the representation of individual and commercial clients in all aspects of civil litigation, including trials and appeals.



# KENNETH CITARELLA

## MANAGING DIRECTOR

### CONTACT INFORMATION

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### EDUCATION

- Juris Doctor, New York University School of Law
- Master of Business Administration, Information Sciences, Pace University
- Bachelor of Science, Business Administration, Manhattan College

### AFFILIATIONS & DESIGNATIONS

- Certified Fraud Examiner
- Certified Information Privacy Professional
- New York Law School, Adjunct Professor
- New York City Bar Professional Responsibility Committee

### AREAS OF EXPERTISE

- Police Officer Training
- Investigations
- Integrity Monitoring
- Field Investigations
- White Collar Crime

Kenneth C. Citarella's in-depth background includes police officer training while serving as an Assistant District Attorney for Westchester County, New York. His training experience includes police corruption awareness training by reviewing the elements of crimes that concern the conduct of public employees and exploring how they applied to police activities. Mr. Citarella's training curriculum covered legal issues such as the use of deadly force, elements of crimes, arrest procedures, search warrants, etc. He directed investigations into alleged police misconduct and while serving as Deputy Chief of the Investigations Division for the Westchester District Attorney, he supervised the Public Integrity Bureau.

Mr. Citarella joined Guidepost Solutions in 2010 and has worked on several of the company's high profile monitoring and investigation assignments. He served on the monitoring team for the New York City Rapid Repair program overseeing Superstorm Sandy-related reconstruction where Guidepost monitored residential repairs from initial assessment through final walk through, documenting work order authorizations and variances between authorized work and actual performance, permitting New York City to properly evaluate invoices and satisfactory performance by contractors. In addition, Mr. Citarella supervised 300 professionals, including more than 200 field investigators, assigned to investigate fraudulent claims for the Gulf Coast Claims Facility in its administration of the \$20 billion BP compensation fund. Nearly 18,000 claims were referred for investigation; many involved the financial analysis of a claimant's business operations, including numerous construction-related entities. The project team wrote thousands of fraud reports which were described by an official of the U.S. Department of Justice as the finest body of investigative work he had ever seen.

Prior to joining Guidepost Solutions, Mr. Citarella worked with a commercial litigation law firm and the Corporate Investigations Division of Prudential.

Mr. Citarella had a distinguished 28-year career as a white-collar and computer crime prosecutor in the Westchester County, New York District Attorney's Office, which he concluded as Deputy Chief of the Investigations Division. He prosecuted investment frauds, larcenies, embezzlements, anti-trust violations, public corruption, forgeries and many other economic crimes. A pioneer in computer crime prosecution, Mr. Citarella obtained convictions for computer intrusions, malicious software attacks, a software time bomb, spamming, digital child pornography, and the use of the Internet for child exploitation, among other cases.

In addition to his affiliations and designations, Mr. Citarella frequently lectures before professional, legal, academic, corporate and community groups on monitoring, computer crime and fraud related issues. In 2011, he received the Lifetime Achievement Award from the High Technology Crime Investigation Association.



# W. Dennis Maez

## SUBCONTRACTOR

### CONTACT INFORMATION

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505.515.0202

### EDUCATION

- Master's Degree, Public Administration, University of New Mexico
- Bachelor's Degree, Criminal Justice, University of Albuquerque
- Associate's Degree, Police Science, University of Albuquerque

### AREAS OF EXPERTISE

- Law Enforcement Consulting
- Vulnerability Assessments
- Security Consulting
- Security Systems

W. Dennis Maez has more than 30 years of experience in law enforcement and security systems evaluations. He has provided consulting services for companies such as Fox News Network, Lowe's Home Improvement, Tarrant Regional Water District, Bimbo Bakeries USA, Home Depot, Hunt Oil, and many more both in the public and private sectors.

Mr. Maez served for 21 years as a Special Agent of the United States Secret Service, five years of which were assigned to the White House protecting former Presidents George H.W. Bush and William J. Clinton and their families. In September 2003 Mr. Maez retired from the position of Special Agent in Charge of the San Antonio District (which was also responsible for Secret Service issues in Mexico) and founded Maez Security Consultants Inc., a provider of security solutions in the form of vulnerability assessments, security system design and integration, as well as executive protection for clients in the United States and Latin America.

Mr. Maez's professional career began as a police officer with the Albuquerque, New Mexico Police Department where he attained the rank of Sergeant prior to accepting an appointment as a Special Agent of the United States Secret Service.

# BRIAN FLEMING

## SUB-CONTRACTOR

### CONTACT INFORMATION

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### EDUCATION

- Bachelor of Arts, Criminal Justice, Curry College
- Associate of Arts, Criminal Justice, Quincy College

### CERTIFICATIONS

- Certified National Assessor, FEMA Emergency Management Accreditation Program
- Certified Drug Recognition Evaluation Expert

### AFFILIATIONS

- International Association of Chiefs of Police

### AREAS OF EXPERTISE

- Mental Health Assistance
- Law Enforcement Trauma Programs
- Crisis Intervention
- Police Academy Instructor

Brian Fleming currently serves as police academy instructor for the Boston Police Department. His 31-year career with the Department includes serving as the Director of Peer Support for its Family Assistance and CISM Team where he assisted police officers with issues ranging from alcohol and substance abuse, mental health, and critical incident trauma. He is credited for establishing the first national confidential online police "stress and anxiety quiz" to assist officers in assessing their own mental health.

During and after the Boston Marathon bombings, Mr. Fleming led the most comprehensive critical incident intervention in the Department's history. He led the team responsible for debriefing more than 650 police officers in 57 debriefings in nine days. Because of the success of those interventions many police officers today are receiving help they never would have were it not for those debriefings.

Throughout his tenure with the Boston Police Department, Mr. Baker served as the Range Master where he established an updated online weapons inventory and tracking system. In addition, he was Supervisor of the SWAT and Motorcycle Unit where he provided assistance with planning and implementing crowd control tactics during high-profile events.

Mr. Fleming has numerous certifications and specialized training including:

- Advanced Group Crisis Intervention
- Psychological First Aid
- Post-Critical Incident
- CISM Implications for First Responders
- Strategic Response To Crisis
- Individual Crisis Intervention
- Suicide Prevention & Intervention
- Group Crisis Intervention
- Firearms Instructor Courses
- High Risk Warrants, Barricaded Gunmen
- Active Shooter Instructor
- Hostage Rescue Techniques
- Raid Planning & Tactics
- Executive & Dignitary Protection
- Soviet Threat Weapons
- Chemical Agents Training

# MARY STUTZMAN

## MANAGING DIRECTOR

### CONTACT INFORMATION

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### EDUCATION

- Master's degree, University of California Los Angeles
- Bachelor of Arts, State University of New York at Albany
- Certificat d'Etudes Françaises from the Université de Nice, Nice, France

### AREAS OF EXPERTISE

- Integrity Monitoring
- Investigations
- Compliance
- Due Diligence
- Business Intelligence

Mary Stutzman, a business intelligence and investigative professional, has more than 25 years of experience serving Fortune 500 companies and major international law firms.

Ms. Stutzman joined Guidepost Solutions in having worked with Guidepost's Chairman, Bart M. Schwartz, at his law firm since 2005. In addition to conducting due diligence and corporate investigations, she has participated in a number of monitorships with Mr. Schwartz involving the creation and implementation of compliance policies and procedures and the assessment of compliance activities in a number of different industries. These include: a review of the compliance program at a publicly-traded utilities company; the creation and oversight of a women's and minority business enterprise program at a manufacturing company; the monitorship of the trading activities at a major energy company, an assignment which also included the design and performance of an operational audit of the company's compliance framework; the review of investigative practices at Hewlett Packard; the review and assessment of Smith Barney's compliance with the consent decree in the research analyst/investment bank settlement; and, the administration of the distribution of a \$40 million SEC settlement fund for a company that was found to have engaged in market timing activities. Most recently, Ms. Stutzman was part of the Guidepost Independent Expert Team appointed by the U.S. Department of Justice as part of its non-prosecution agreement with Deutsche Bank AG in a matter involving the bank's participation and implementation of fraudulent tax shelters. She is currently a member of the BP plc Integrity Monitor's Team, appointed by the U.S. Department of Justice as a result of its settlement over the Macondo oil spill in the Gulf of Mexico.

Prior to joining Mr. Schwartz's law firm, Ms. Stutzman spent several years with a consulting firm that specialized in corporate investigations and business intelligence assignments, including due diligence, litigation support, asset searches, background screening and competitive analysis. There she served in both case management and investigative research capacities.

Earlier in her career Ms. Stutzman was the Team Leader in the Healthcare Practice at Find/SVP, a business consulting firm. There she managed a group of healthcare consultants. Within the group she focused on the pharmaceutical and biotech sectors, providing primary and secondary competitive intelligence to clients.





**APPENDIX B:**

**SAMPLE OF RELEVANT RECENT AND  
PRESENT EXPERIENCE AND INDEPENDENT  
MONITOR ASSIGNMENTS**



**Newark Police Department: Jersey City, New Jersey**

At the request of the Mayor of Newark, Guidepost Solutions undertook an analysis of the organizational structure and operations of the Newark Police Department (NPD) with the goal of providing recommendations to improve crime reduction and increase effectiveness and efficiency within the NPD. We conducted several hours of interview and focus groups with members of the NPD, community, and state, county and municipal governments. A series of internal and external documents were also reviewed.

We presented a series of findings and recommendations based on 11 management categories including: key crime drivers, COMPSTAT (the New York City Police Department's accountability process for organizational management), crime control, staffing, organizational structure, morale, integrity/internal affairs issues, budget issues, personnel issues, community outreach programs and technology.

Guided by our recommendations, the NPD created specific written strategies and plans to address major crimes and conditions that affected its citizens and adopted the industry-accepted law enforcement philosophy; Broken Windows (if a community ignores disorder and quality-of-life offenses, offenders will recognize these "no one cares" conditions resulting in more serious crimes. However, if a community and its police, through proactive attention to quality-of-life and disorderly violations, do not tolerate such conditions, serious crime is not likely to flourish). In addition, the NPD followed our recommendations regarding the COMPSTAT Process and created a crime control strategist as an essential element of their methodology to reduce crime. We recommended a dedicated full-time strategist with central authority over the COMPSTAT Process and responsible for working closely with department police commanders and government officials to address major crimes and conditions.

**Office of the Bergen County Prosecutor, Bergen County, New Jersey**

At the behest of the County Executive, the Bergen County Prosecutor hired Guidepost Solutions to conduct a consolidation study of law enforcement activities for the Office of the Bergen County Sheriff, the Bergen County Police and the Office of the Bergen County Prosecutor. Bergen County sought a consultant to help determine how county law enforcement agencies could effectively share personnel, services, equipment and facilities in order to reduce tax payer expenditure on redundant services without limiting the County's ability to deliver the law enforcement services necessary to preserve and protect the health, safety and welfare of its citizens.

Guidepost reviewed and identified gaps and opportunities for operational efficiencies for consolidation/cost-sharing in the following areas: core and specialized functions; criminal investigations, warrant execution and extradition, and patrol and oversight of the jails; staffing



and overtime; budgets; facilities (including underutilized facilities); and information technology and resources.

The Guidepost team reviewed documents provided by the stakeholder agencies; conducted interviews with stakeholder and agency representatives, including with the County Executive and the County Administrator; reviewed and compared current operations and functions at each of the agencies, conducted site visits, and developed comparative data.

Guidepost Solutions recommended three options designed to produce cost savings, efficiencies and general improvement in the provision of law enforcement in Bergen County. The three options presented were a reduction in force (RIF) for the County Police; an initial reduction in force for the County Police, followed by a subsequent reduction in force by the County Police and a simultaneous transfer of the remaining personnel and functions, powers, duties and responsibilities of the County Police to the Sheriff's Office; or an initial reduction in force for the County Police, followed by, at a time certain, elimination of the County Police and transfer of its functions, powers, duties and responsibilities to the Sheriff's Office with an increase in headcount for that agency to accommodate the increased workload.

Guidepost Solutions also made several recommendations involving the elimination of a function deemed no longer necessary, the privatization or civilianization of services currently being provided by law enforcement or the consolidation of service provided by more than one agency.

#### **Fort Lauderdale Police Department: Ft. Lauderdale, Florida**

Due to increasing crime rates, the City of Fort Lauderdale engaged Guidepost Solutions to conduct a comprehensive staffing study of the City of Fort Lauderdale Police Department (FLPD). More specifically, FLPD wanted recommendations for continuous improvement including recommendations for sufficient staff levels to help reduce crime; organizing, managing, deploying and utilizing resources to reduce crime; and planning future staffing needs to reduce crime.

Guidepost Solutions reviewed and analyzed various FLPD and City of Fort Lauderdale documentation, conducted on-site interviews with FLPD and City of Fort Lauderdale employees and concluded that according to our analysis of comparable cities, there was no clear correlation between the ability to reduce crime and the number of sworn officers per 10,000 residents. The fundamental issues that needed to be addressed to reduce crime were: the manner in which FLPD deployed personnel; the lack of a cohesive, proactive crime reduction strategy directed by department senior management; and certain operational practices did not support a culture of accountability or otherwise optimize a highly skilled, experienced and well regarded FLPD workforce.

Guidepost Solutions recommended that the department's ability to reduce crime would be improved by the deploying personnel from specific district stations, restructuring specific ranks and reinstating other ranks in certain areas. We also recommended that reducing crime would be enhanced by deploying specific bureau schedules, integrating COMPSTAT, and introducing specific goal-oriented crime reduction strategies directed by senior management and enforced with appropriate accountability mechanisms at all levels of the department. Although we found that current authorization levels should be sufficient to reduce crime, we further recommended, that in addition to filling all current vacancies, the City should consider authorizing additional positions specifically tied to an accountable, goal-oriented crime reduction strategy. We noted that the result of an effective and comprehensive crime reduction strategy coupled with the adoption of the recommendations would accelerate the FLPD's efforts to reverse the crime trend.

### **Other entities to which Guidepost Solutions has provided similar services:**

#### **Metropolitan Transportation Authority (MTA)**

Guidepost Solutions conducted a wide-ranging review of the MTA's integrity, compliance and procurement policies and practices. This was a self-imposed review by the MTA to strengthen its governance practices. Guidepost worked closely with the MTA's senior staff, its agencies and the MTA Inspector General and Auditor General. The engagement included assessing current policies and procedures through auditing and interviewing relevant individuals. It also included examining comparable policies and procedures of other public agencies and private sector entities in order to revise MTA's existing procedures and policies, and where appropriate, apply best practices to create new policies, as well as streamline and strengthen lines of report. A detailed report was delivered to the Board of the MTA recommending changes in the enforcement of its minority hiring programs, purchasing improvements, changes in the bid process and the creation of a vehicle to enhance cooperation among the agencies within the MTA. At our recommendation, the MTA created two new high level headquarters positions, Chief of Procurement and Chief of Integrity.

#### **Penn State University:**

In the wake of a child sex scandal, Guidepost Solutions was engaged to evaluate and monitor for five years the implementation and effectiveness of Penn State's security and access protocols for athletic, recreational and camp facilities including monitoring and evaluating the effectiveness of communication and training related to those protocols. Guidepost Solutions provided recommendations to provide reasonable protection for those using the facilities including training on security policies and procedures; child abuse detection; alertness; incident reporting and escalation procedures; workplace violence; and security program compliance.

#### **Welsbach Electric Corp.:**

The Port Authority of New York and New Jersey, the New York City Department of Investigation, the New York City Economic Development Corporation Inspector General and the

New York City Transit Authority, required, as a condition of contract, for Welsbach to hire a third party monitor for approval by the Agencies to oversee all facets of its operations.

As Welsbach's integrity monitor, Guidepost reviewed policies and procedures and made numerous recommendations to enhance integrity controls and investigated allegations of fraud and abuse by company employees, personal use of company assets, falsification of employee time sheets and undue union influence. Guidepost reported on Welsbach's activities to all four agencies. To reduce potential impropriety, Guidepost created a fraud and corruption prevention program; developed an ethics training program and annual monitoring of ethics training for all employees; and created and managed an Integrity Hotline. In addition, Guidepost conducted background investigations on all subcontractors and reviewed subcontracts; conducted background research on new employees and screened for prohibited contacts or associations; and, conducted monthly forensic audits of payment requisitions and supporting documentation for public contracts.

#### **Ruttura and Sons Construction Co.:**

Based on the conviction of a principal of Ruttura and Sons Construction Co., Inc. (Ruttura) for criminal charges relating to unfair labor practices, the Port Authority of New York and New Jersey (the Authority), along with the New York City Department of Investigation Inspector General, the New York City Economic Development Corp, the New York City Business Integrity Commission and the Dormitory Authority of the State of New York required Ruttura to accept an Independent Private Sector Inspector General (integrity monitor). Reporting to Authority, Guidepost served as the integrity monitor and oversaw all facets of Ruttura's operations. A fraud and corruption prevention program and Integrity Hotline was created. Guidepost managed the Hotline; conducted background investigations on subcontractors and reviewed all subcontracts; conducted background research on new employees to screen for prohibited contacts or associations; conducted forensic audits of Ruttura and it affiliate's books, records and payment requisitions; and made covert and overt observations at job sites to gather field intelligence. Guidepost further conducted investigations related to equipment theft, allegations of labor racketeering and environmental compliance and examined equipment purchases and leasing arrangements. Upon any identification of internal control flaws, Guidepost provided recommendations to eliminate them.

#### **Staten Island University Hospital**

After settling on charges related to regulatory improprieties and over-billing of Medicaid claims, Staten Island Hospital agreed to the appointment of an independent monitor to ensure compliance with specific integrity provisions that were made part of the settlement agreement.

Guidepost reviewed the Hospital's Code of Conduct, Code of Interest, protocols and procedures; made recommendations and works with the Hospital to improve upon them. More specifically, Guidepost oversaw its procurement and hiring functions; integrity hotline and conducted

investigations in connection with calls to that Hotline; worked with the Hospital's procurement director to establish an integrity screening process for vendors and suppliers that included selecting and performing background investigations for more than 200 vendors; conducted investigations into allegations of conflicts of interest involving real estate transactions and allegations of theft and drug use and the influence of organized crime at its construction projects. Guidepost continuously conducted forensic audits of targeted Hospital transactions and its departments, programs and projects. In addition, as part of our oversight, we routinely monitor the work of Hospital managers on bidding processes for construction matters, and we regularly analyzed financial statements, cost reports, loan documents, contracts, management letters, and compliance and internal audit reports to identify potential integrity risks and issues.

### **SAC Capital Advisors**

After pleading guilty to fraud charges linked to insider trading schemes involving stocks of 20 publicly traded firms, SAC Capital Advisors was required to hire a Compliance Consultant to review its future trading practices as part of its agreement with prosecutors. In April 2014, Mr. Schwartz was approved as the Compliance Consultant by the U.S. Attorney's Office and the Court to evaluate and report any deficiencies in the procedures of SAC's renamed entity Point72 Asset Management.

### **Confidential Independent Consultancy for Foreign Bank**

In 2013, pursuant to an appointment by the New York State Department of Financial Services, Guidepost Solutions serves under an independent consultant for issues related to anti-money laundering and the Office of Foreign Asset Control (OFAC). Guidepost personnel review the Bank's OFAC and anti-money laundering procedures and software programs and provide recommendations for software improvements and procedures. Guidepost utilizes software and big data analytics to improve OFAC filter rates and to identify potential money-laundering issues.

### **World Trade Center Vehicular Security Center Project**

A major component of the redevelopment of the World Trade Center is the Vehicular Security Center, the Bus Parking Facility and the Streets Program (collectively, The Project). The \$850 million project began in 2009. Our role as the Integrity Monitor is to oversee, from an integrity perspective, all facets of the project including procurement; contract management; records compliance; labor, materials and equipment billings; and safety and environmental compliance. We fulfill that role as follows:

- On a daily basis we observe site construction activities and gather field intelligence. This includes conducting headcounts and identifying subcontractors and deliveries to site. In addition, we review documents being generated such as manifests, superintendents' daily reports and sign-in logs.



- Our engineers and architects work with other team members to provide technical expertise and guidance. They review project schedules, budgets and construction processes to identify potential integrity issues.
- We review the environmental compliance process for indications of potential wrongdoing. This includes on-site activities and off-site reviews such as the investigation of soil and construction debris disposal facilities
- We regularly perform labor audits of contractors to confirm payment of prevailing wages and accurate overtime hours along with transmittal of proper union benefits. The audits are performed in conjunction with headcounts and labor related documents obtained during site observations.
- We attend all bid openings and closely monitor the procurement process from bid solicitation to contract award looking for indications of contract steering and other improprieties.
- We routinely conduct forensic audits of payment requisitions including all accompanying supporting documentation. Additionally, we regularly audit change orders, MWBE participation representations and certified payrolls.
- We review the safety processes for indications of misrepresentations, including fraudulent training certificates, falsification of inspection reports and the payment of bribes to hide safety violations.

### **Lincoln Tunnel Access Program**

The New Jersey Department of Transportation, with financial support from the Port Authority of New York and New Jersey, is constructing a new Wittpenn Bridge and repairing and repaving several miles of the Pulaski Skyway. These are major roadways for traffic entering New York City. The project is scheduled to last for eight years at a total cost of more than one billion dollars. Guidepost was awarded the contract to serve as the Integrity Monitor for the entire set of projects, which, because of the sequencing of its various portions, requires us to monitor up to five major construction projects simultaneously, each with its own contractor, work site, Resident Engineer and unique issues. We are performing the activities as described above for the Vehicular Security Center.

### **Bayonne Bridge Navigational Clearance Project**

In 2013, the Port Authority of New York and New Jersey commenced a \$743.3 million project to raise the roadway of the Bayonne Bridge to increase navigational clearance and provide access for larger ships to the Port of Newark. This construction site extends for more than three miles, crosses a river and extends into two states. Work is taking place not only on the bridge but at various locations on land at both ends of the bridge as new approaches and piers are constructed. Guidepost was hired as the Integrity Monitor to oversee, from an integrity perspective, all facets



of the project including procurement, contract management, fiscal oversight, records compliance, and on-site construction monitoring. Our work commenced in August 2013 and includes activities substantially similar to those described above for the Vehicular Security Center.

**Goethals Bridge Modernization Program**

In 2014, the Port Authority and New York New Jersey Link Partnership entered into a public/private partnership for the design, construction, operation and maintenance of a new Goethals Bridge connecting Staten Island, New York and Elizabeth and Linden, New Jersey. Guidepost was selected as the Integrity Monitor to oversee, from an integrity perspective, all facets of the project including procurement, contract management, fiscal oversight and records compliance. To that end, our work, which commenced in April 2014, is expected to include initiatives and activities substantially similar to those described above for the World Trade Center project. The estimated hard construction cost for the Bridge Replacement Project is \$825 million.