



POLICE PERFORMANCE CONSULTING

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LETTER OF INTEREST TO SERVE AS MONITOR OF THE ALBUQUERQUE POLICE DEPARTMENT

Police Performance Consulting, LLC, its principals Chief (ret) Charles Reynolds, Attorney Eric P. Daigle, and a select group of recognized experts in the field of law enforcement management and monitoring respectfully submit a letter of interest to serve as monitor for the Albuquerque Police Department. Police Performance Consulting, LLC (hereinafter “PPC”), incorporated in the State of Connecticut, is a consulting firm that was incorporated for the purpose of proposing services to departments under DOJ Special Litigation analysis, or for consulting services. PPC’s Principals have joined together to provide clients a unique set of tools and level of representation. Chief Reynolds has many years of experience working as a chief of police, and monitoring consent decrees/agreements. Attorney Daigle takes great pride in providing his clients with specialized, focused consulting. Together we provide a distinctive blend of legal advice and consultation to a wide range of law enforcement agencies across the country, focused in the areas of operational liability, including use of force policies, operation, and investigation. PPC’s objective is to incorporate use of force best practices into an agency’s operations, specifically in the areas of training, investigation, and supervision of force, as well as deadly force incidents involving law enforcement. For purposes of this monitoring proposal, PPC has assembled a team dedicated to working with the parties to this agreement, and with the greater Albuquerque community, to assess compliance and provide technical consultation pursuant to the Settlement Agreement, and as may otherwise be requested and appropriately approved.

INTRODUCTION:

The Albuquerque Police Department has made a commitment to constitutional policing and promoting respectful and effective police practices by working in cooperation with the United States Department of Justice to promote effective, respectful, and publicly accountable policing.

We believe that proper policy, procedure, training, supervision, and operations in law enforcement are paramount to the realization of respectful, transparent, and constitutional policing. Through its collective experience, our team offers proven ability and success in the review, evaluation, and development of comprehensive policies and procedures. Our experience includes conducting patterns and practice investigations with the U.S. Department of Justice, Civil Rights Division, acting as members of multiple monitoring teams, and providing technical assistance as police practices experts to agencies under DOJ investigation. PPC proposes a two phase approach methodology and monitoring plan to review substantive areas of the Settlement Agreements, while assisting the Albuquerque Police Department in creating comprehensive, sustainable policies and procedures. Our experts have the technical and legal experience to ensure a use of force management system and an internal affairs function that employs generally accepted contemporary policing practices. We will also ensure that Albuquerque Police Department demonstrates to the community and to its employees that the department has an objective and effective internal system to fairly investigate actions of members of the department, including their use of force. We have reviewed the Settlement Agreement and related documents and believe our expertise could benefit the Albuquerque Police Department's progress towards maintaining an effective and constitutional police department.

A. EXECUTIVE SUMMARY AND METHODOLOGY ON MONITORING:

PPC's monitoring approach combines straight-forward assessment and technical assistance, with the goal of fostering the department's internal capacity to develop and maintain the desired policy and procedure changes. This process allows our monitoring tenure to stay within the agreement. While the Albuquerque Request for Letters of Intent requests that we provide our ideas concerning the processes and methodology we would use to review the substantive areas of the Settlement Agreement, we believe it is also important to work with the parties in the development a comprehensive monitoring plan to assure understanding and, to the extent possible, agreement on the proposed plan. Our anticipated approach for the methodology will consist of two phases, described below. The Albuquerque Police Department will not be in substantial compliance until it has achieved compliance with both phases.

1. Phase One

The Department achieves Phase One compliance when it has promulgated appropriate policies and has trained relevant department members of employee on the content of the approved policies, and specified training identified in the Settlement Agreement.

PPC proposes that under Phase One, the monitor must consider the following steps when determining policy compliance. In general, Phase One compliance comprises of the following steps:

- All changes to existing policies, procedures, orders, directives, and protocol ("rules") applicable to specific tasks or paragraphs have been made, submitted to the monitor and,

if applicable, to DOJ, and have received final approval. If DOJ approves the submissions, the monitor's approval is expected;

- All new policies applicable to specific tasks or paragraphs have been drafted, submitted to the monitor and, if applicable, to DOJ, and have received final approval. Again, if DOJ approves the submissions, the monitor's approval is expected;
- All training materials relating to new or changed policies specific to tasks or paragraphs have been drafted, reviewed, and received final approval from the monitor, as necessary; and
- All relevant personnel, including officers, civilians, and the chain of command have been trained and tested on their understanding of new or changed policies related to specific tasks or paragraphs.

2. Phase Two

PPC proposes that Phase Two will be the final phase, and identified as substantial compliance. In general, substantial compliance means that the requirements of the Settlement Agreement have been fully adopted through policy, effectively incorporated into training, and routinely and consistently applied in actual practice for a sustained period of time. In general, Phase Two compliance comprises of the following steps:

- APD police personnel in the field, in administrative positions such as internal affairs, and throughout the chain of command, are actually implementing and complying with the requirements of the Settlement Agreement;
- The APD is producing fair, thorough, complete, and reasonable internal investigations, use of force investigations, and audits as contemplated by the Settlement Agreement, and has adequate audit and oversight mechanisms to detect and correct lapses therein;
- The APD thoroughly identifies, investigates, and corrects all material instances of unconstitutional policing or other non-compliance;
- The APD is actively and effectively managing risk of unconstitutional policing;
- The APD adjudicatory and disciplinary systems are producing fair and reasonable results, reinforcing new rules, and addressing non-compliance when retraining or other non-disciplinary corrective options have been tried, or are not appropriate, given the gravity of the non-compliance;
- Objective evidence demonstrates that constitutional policing is being maintained; and

- All systems for the capture of new or existing data required by the Settlement Agreement are functioning and consistently supplying all relevant data required by the monitor, the court, and the parties.

The PPC will additionally assess current use of force, citizen complaint, and other activity data for the purpose of establishing a baseline from which, over time, outcomes can be measured.

In determining substantial compliance, PPC believes the threshold should be met when the APD has the capacity, will, internal control mechanisms, and competence to sustain compliance, and to identify and correct noncompliance during the life of the Agreement and thereafter; and whether the goals and objectives of the Agreement have been met and constitutional policing has been restored, maintained, and sustained. PPC agrees that the ultimate goal of the Settlement Agreement is the amelioration of unconstitutional conduct and the sustained maintenance of constitutional policing. A review of outcomes will assist in making these determinations.

B. PERSONNEL / PROJECT TEAM:

PPC brings to bear a wide breadth of experience that will facilitate a high quality evaluation and effective technical assistance to the Albuquerque Police Department. Our monitoring methodology consists of a customized team concept. For purposes of this monitoring proposal we have identified team members, however, the team can be adjusted to meet the needs of the project. The individual characteristics of our team principals make them uniquely qualified to best serve the needs of the review process. The review team members' experiences and background are complementary characteristics that are mutually reinforcing, as we will illustrate. Our consultants are well versed in best practices for use of force, stops and detentions, non-discrimination, and community policing. They have recent monitoring experience and are technically skilled with regard to analyzing risk management databases, citizen complaint procedures, and police officer training. We are acutely aware of the burdens a large monitoring team places on an agency; accordingly we propose using four key members and having subject matter experts available to meet additional needs as they are identified.

Utilizing our two-phase concept, team members are able to interact more efficiently, and, coincidentally, more cost effectively. Our experience includes:

- working as law enforcement officers and executives responsible for the development, implementation, management, and evaluation of use of force policies and procedures;
- providing expert assistance to a variety of law enforcement agencies on policing issues, including use of force policies, procedures and training, stop and detentions, community policing, complaint systems, disciplinary systems, investigations, and accountability mechanisms;

- designing and implementing programs to correct systemic deficiencies in law enforcement agencies;
- responding to crisis situations following police shootings and other significant uses of force, and making the difficult judgments about the propriety of particular uses of force;
- addressing legal issues specific to law enforcement;
- assisting in investigations of cases involving alleged excessive use of force;
- working with government officials, police unions, and community groups on a variety of policing issues;
- working with the U.S. Department of Justice investigating law enforcement agencies with systemic civil rights violations;
- participating in public policy and criminal justice research to assess the impact of management systems on police integrity and police use of force;
- designing and implementing leadership development programs to ensure that supervisors have the tools, ability, and will to uphold policies and procedures related to use of force and police integrity; and
- compliance monitoring of law enforcement agencies.

There are four core members of our consultant team, all with extensive law enforcement experience; three are active or retired police executives and one is an attorney who specializes in law enforcement operations. Part of our consultants' rapport is that we have been on both sides of the fence so to speak. As police chiefs, we have gone in front of the community after a "bad shooting" incident, been responsible for the firing of police officers, and have implemented reforms in our own agencies. As consultants, we have been challenged to convince police officers that reform is a positive change. Equally important, we have the patience, experience, and restraint to provide monitoring services in a manner that minimizes the intrusion into the day-to-day affairs of the Police Department.

Team Organization:

We propose Charles Reynolds and Eric Daigle to serve as Co-Monitors. To assist in the review, PPC has chosen two additional law enforcement executives and has identified subject matter experts to provide specific focused support in selected areas. Additional subject matter experts may be identified as required. Competent administrative staff will be selected as required. In our experience, working in collaborative teams yields the most positive results when assessing policy and procedure.

Charles Reynolds

Mr. Reynolds serves as Deputy Monitor for the Negotiated Settlement Agreement related to the Oakland Police Department and Consent Decree in Niagara Falls (NY). He previously served as the Independent Auditor for the consent decree in the City of Steubenville (OH), and as a member of the monitor teams for the consent decree/agreements between the USDOJ and the State of New Jersey (state police) and Prince George's County (MD) police, respectively. Moreover, Mr. Reynolds was one of the principle evaluators with the Oversight Commission on Policing Reform in Northern Ireland, responsible for monitoring and reporting on progress with the "Patten Report" recommendations as part of the ongoing peace process.

Mr. Reynolds has consulted on police organizational and management issues in eighteen states and internationally. He also serves as a police practices expert for the Civil Rights Division of the U.S. Department of Justice. He holds a Bachelor of Science (cum laude) Degree in Criminal Justice and a Master's Degree in Public Administration (MPA).

Mr. Reynolds' policing career spans over 35 years, during which he has served as Chief of Police for over 26 years and as Assistant to the Director of Public Safety for the Navajo Nation. He is a Past President and a current member of the International Association of Chiefs of Police Executive Committee, and its Civil Rights and Wrongful Convictions Committees. Mr. Reynolds is a former member and Vice Chair of the Commission on Accreditation for Law Enforcement Agencies. He is a member of the Americans for Effective Law Enforcement (AELE) Board of Directors and holds its Certified Litigation Specialist (CLS) credential.

Eric P. Daigle

Mr. Daigle is an attorney, whose primary area of expertise is in civil litigation in both federal and state court, with an emphasis on defending municipalities and municipal clients in civil rights actions, including police misconduct litigation. Mr. Daigle currently serves as member of the federal Independent Monitoring Team for the City of Oakland Police Department, California. He also serves as a member of the Independent Monitoring Team for the Niagara Falls Police Department, NY Consent Decree brought by the State of New York. As a lawyer with civil rights and law enforcement experience, Mr. Daigle brings to his position of Monitor both the police perspective and the civil rights perspective when examining all compliance tasks. It is his position that all problem solving techniques must make sense from both of these perspectives.

Mr. Daigle works as a consultant and expert witness for law enforcement pattern and practice abuse. He works as a Police Practices Consultant for the Virgin Islands Police Department, which is under a Federal Consent Decree, and the Puerto Rico Police Department, which is currently under investigation by the US Department of Justice. He works with agencies across the country to prevent DOJ investigations where allegations of excessive force, multiple officer involved shootings have occurred, or an ineffective internal affairs process is identified. He works with agencies to develop policies, training, and implementation of investigation/ tracking functions.

Mr. Daigle is a legal use of force trainer and conducts training related to managing force, deadly force investigations, and tactical liability. He serves as general counsel for the FBI Law Enforcement Executive Development Association and conducts internal affairs training for the association. He is well versed in best practice standards for use of force and internal affairs. He is a member of the Americans for Effective Law Enforcement (AELE) Board of Directors, an instructor in the use of force seminar, and holds its Certified Litigation Specialist (CLS) credential. Mr. Daigle is a retired Connecticut State Police trooper and a certified officer in the State of Connecticut.

Donald Anders

Mr. Anders is a subject matter expert in multiple critical law enforcement disciplines, including: use of Force, internal affairs, criminal investigations, policy development and commensurate training, leadership, operations, supervision and accountability, critical incident management, collaboration, and risk management. He worked with the Oakland Independent Monitoring Team and served as a member of the federal Compliance Director's staff, during which he reviewed and co-authored a detailed report on the Occupy Oakland protests. Most recently, he has consulted for two international Silicon Valley firms on the issues surrounding critical incident management, policies, training, and accountability. Chief Anders volunteers his time with the Northern California Innocence Project at the Santa Clara University School of Law. He resides in Northern CA.

Mr. Anders retired from full-time peace officer status in 2010, following more than 32 years of service with two law enforcement agencies, the last of which was the San Jose, CA Police Department, where he served for 28 years. During his tenure at San Jose PD, he served in many capacities, including but not limited to: Special Operations, Internal Affairs, Criminal Investigations, Field Training, Administration, and Field Operations.

Mr. Anders is a graduate of the FBI National Academy; he holds a Bachelors of Arts Degree in Management; and a Master of Arts Degree in Education from San Diego State University.

John Romero

John Romero is a core Team Member for the Office of Technical Compliance Advisor (Monitor) for DOJ Agreement for Reform with the Commonwealth of Puerto Rico. He also serves as a consultant to the U.S. Department of Justice, Special Litigation Section, Civil Rights Division, and has worked with the Bratton Group, LLC and Strategic Police Partnership, LLC.

Mr. Romero's policing career spans over 44 years, during which he served in multi-cultural communities. He served as a member of the New York City Police Department, retiring at the rank of Deputy Inspector in 1999. He was appointed Chief of Police in Lawrence, Massachusetts, where he served until his retirement in 2014. During his tenure in New York, he served in a variety of capacities, including assignments with the Homeless Outreach and Anti-Graffiti Units. During his tenure as Lawrence police chief, he was recognized for his focus on

the importance of building community relationships and trust as he faced the challenges of rebuilding a demoralized agency, while trying to reverse an ever increasing crime rate.

Mr. Romero is a graduate of the FBI National Academy and holds a Bachelor of Science Degree in Police Administration.

Subject Matter Experts/Advisors

Brian Buchner

Mr. Buchner is a Special Investigator with the Los Angeles Board of Police Commissioners, Office of the Inspector General (OIG). In that capacity he oversees all aspects of the Los Angeles Police Department's operations, with a primary focus on ensuring the preservation and institutionalization of Consent Decree reforms, assessing compliance with Department policies and state and federal law, and evaluating the integrity and effectiveness of the Department's accountability systems. He has more than ten years of direct experience working in civilian oversight of law enforcement, during which he has reviewed hundreds of sensitive law enforcement investigations, including those that arise in the aftermath of an officer-involved shooting, in-custody death, or other critical police-involved incident. Prior to joining the OIG in 2007, Mr. Buchner was the Policing Specialist at the Police Assessment Resource Center (PARC), where he assisted the PARC Director and Special Counsel to the Los Angeles County Board of Supervisors with monitoring and critically reviewing the Los Angeles County Sheriff's Department.

Mr. Buchner is the current President of the National Association for Civilian Oversight of Law Enforcement (NACOLE), having been involved with the organization since 2004. He has spoken about policing and police oversight issues in a variety of forums, including panels hosted by NACOLE, the American Civil Liberties Union, the American Society of Criminology, the Canadian Association for Civilian Oversight of Law Enforcement, the Homicide Research Working Group, the Major Cities Chiefs Association, the National Organization of Black Law Enforcement Executives, the Police Executive Research Forum, the University of California-Los Angeles, and in jurisdictions and communities across the nation.

Mr. Buchner holds credentials as a Certified Inspector General, a Certified Practitioner of Oversight and a Certified Law Enforcement Auditor. He also holds a Bachelor of Science (cum laude) Degree in Criminal Justice, and a Master of Arts Degree in Criminology and Criminal Justice.

Walter B. Tibbet

Mr. Tibbet has more than 40 years of police service, during which he served with the San Jose Police Department in various command capacities with differing roles, including Technical Services, with responsibility for the implementation of emerging technologies and Community Services where he worked exclusively in developing trust and building community and business collaborations in a wide, diverse community. He also served as Co-Chair of the Mayor's Gang

Prevention Task Force. Retiring from San Jose as captain, he was appointed as Chief in Alameda until 2010, when he was appointed Chief of Police in Fairfield (CA). During his tenure as Fairfield Chief, he has made involvement with diverse neighborhoods through faith based, business, and service organizations a cornerstone of his administration.

Mr. Tibbet is a graduate of the FBI National Academy; he holds a Bachelor of Arts Degree in Management; and a Master of Science Degree in Counseling Psychology.

C. QUALIFICATIONS

The request for information requests specific qualifications in various areas that APD believes is required for an effective Independent Monitor. At PPC, we believe we hold all necessary qualifications as identified in our biographical summaries above. In addition we submit the following qualifications:

- The proposed team members have extensive experience and qualifications in monitoring agencies under active Consent Decrees, working as consultants with agencies under investigation by DOJ Special Litigation or under a Consent Decree. Attorney Daigle specializes in use of force policy development, training, implementation and investigation of force incidents including officer involved shootings. Messrs. Reynolds, Romero, Anders, Tibbet, as former police officials and consultants, have extensive experience with law enforcement practices, community, and problem oriented policing, complaint adjudication and management of specialized units.
- Team member Attorney Eric Daigle specializes in law enforcement operations specifically assessing legal sufficiency and compliance with constitutional and other legal requirements ensuring effective and constitutional policing across the country. All team members have experience assessing legal sufficiency and compliance.
- Mr. Reynolds has experience with monitoring several agreements, including monitoring agreements involving the Steubenville (OH) Police Department, the New Jersey State Police, the Prince George's County Police Department, the Detroit (MI) Police Department, Niagara Falls (NY) Police Department, the Oakland Negotiated Settlement Agreement, developing the Hobb (NM) Police Department Agreement, and consulting with the Puerto Rico Police Department prior to and post agreement. He serves as the police practices expert on four additional settlements between police agencies and the DOJ. Attorney Daigle and Mr. Anders worked with the monitor team overseeing and implementing the Oakland Negotiated Settlement Agreement.
- All team members have experience in evaluating organizational change and institutional reform, including applying qualitative and quantitative analyses to assess progress and performance. This has been demonstrated in the experience identified above.

- Attorney Daigle, Mssrs. Reynolds and Anders are active consultants providing technical assistance, training, and other guidance to law enforcement.
- Mssrs. Reynolds, Anders, Romero, and Tibbet each have experience in their capacities as police executives with the engagement of community members to promote civic participation, strategic partnerships, and community policing.
- Attorney Daigle and team members, in their participation as representing municipal operations, have participated in and used mediation and dispute resolution.
- All team members have experience in using technology and information systems to support and enhance law enforcement activities and initiatives in multiple monitoring and consulting projects.
- Chief Charlie Reynold has been preparing public reports in monitoring and consulting projects for the last twenty years. These include multiple comprehensive quarterly reporting requirements for the Federal Judge, reports on DOJ investigations, and consulting projects.

CONCLUSION:

Police Performance Consulting, LLC believes that we possess the knowledge, expertise, and ability to serve as a Monitor for the Albuquerque Police Department. Our experience with these projects will allow us the unique ability to assess the City's compliance with the terms of the agreement, and report on the status of compliance to the Parties and the Court, while working with the parties to move closer to compliance with constitutional policing. Our history as law enforcement professionals and experts will better allow us to provide technical assistance and consultation to the APD, while understanding its operational needs to continue policing in the City. We thank you for the opportunity to submit this Letter of Intent and are willing and able to respond to any additional questions that may arise. Please contact Chief Charles Reynolds at (603) 781-0168 (reynolds.charles@comcast.net) or Attorney Eric Daigle at (860) 982-5098 (eric.daigle@daiglelawgroup.com) with any future inquiry.



Charles Reynolds



Eric P. Daigle, Esq