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March 30, 2021

Ms. Theresa Gonzales, Sr. Administrative Assistant  
DFAS Purchasing - City of Albuquerque  
1 Civic Plaza NW  
Albuquerque, NM 87102

Re: Response to City's Request for Letters of Interest - External Force Investigation Team

Dear Ms. Gonzales:

In response to the City of Albuquerque's Request for Letters of Interest ("RFLI"), I am pleased to submit this Letter of Interest to serve personally as the External Force Investigation Team ("EFIT") Administrator. My services, as well as the services of additional EFIT personnel, the hiring of whom is called for under the RFLI, will be provided through a wholly owned corporation, IntegrAssure Incorporated. I believe the unique qualifications and experience that I would bring to this assignment, as detailed below, make me an ideal choice for the position.

On the following pages, I present details on my background and qualifications, on how I would establish and approach the role of EFIT, and on pricing for the assignment. For ease of reference, I have separated this letter into sections which, along with the page number at which each section begins, are as follows:

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## Introduction

The police hold a unique position in our society. They are the most visible component of government charged with not only promoting and preserving civil order, but, equally important, protecting the constitutional rights of all they encounter.

To accomplish these fundamental responsibilities, the police have been granted tremendous discretion and power. The core of this power is the police prerogative to detain, search, arrest and use force without first seeking approval from a neutral magistrate, or even from their own supervisors. It is this great weight of power that causes community apprehension, the perceived abuse of which undoubtedly leads to community distrust. Indeed, for any police department to be effective, it must exercise these extraordinary but essential powers constitutionally and thereby with the trust and support of the community that they serve.

In April of 2014, the Department of Justice (“DOJ”) investigation regarding the Albuquerque Police Department (alternatively “APD” or “the Department”) found that the Department was not exercising those powers within the boundaries of the law, but was instead engaged in a pattern and practice of unconstitutional use of force. Moreover, the investigation found that the systems for supervisory review and accountability for such use of force were inadequate. The Court Approved Settlement Agreement (“CASA”), which resulted from that investigation, mandated a variety of different reforms to address and cure the deficiencies.

Notwithstanding substantial efforts on the part of APD, the Independent Monitor appointed pursuant to CASA, has found many of the problems originally identified in the DOJ investigation persist. It is because of this finding that the parties have embarked on the extraordinary remedy of bringing in a team of external personnel to “guide, direct and, if necessary, take over investigations of Level 2 and Level 3 uses of force” to ensure “that each investigation is conducted with integrity and within investigatory deadlines.”

Simply put, the process detailed in the Stipulated Order establishing the EFIT is designed to ensure that every investigation into use of force is fair, unbiased, professional and performed in a timely manner. EFIT personnel will work with APD to gain and then maintain the public confidence in use of force investigations. The resulting accountability of those within the Department who transgress the boundaries established by the Constitution and APD policies, in turn will serve to limit, and, in the best case, eradicate, unconstitutional and inappropriate uses of force. At the same time the system will be thereby made fairer, and so, too, will public safety be enhanced through the trust and respect that will inure to the benefit of the Department.

The work of the EFIT is designed to be and will be unburdened by knowing any of the participants or by having any bias for or against any involved officers. The investigative work will be conducted pursuant to a proscribed methodology and findings relative to whether uses of

force are both Constitutional and within Department guidelines will be made based solely on an analysis of the facts without fear of, or favor for, any particular interest.

I strongly believe that the process as designed can bring about the change that is required not only by the Monitor, but by the people of the City of Albuquerque and can prove the notion that constitutional policing is entirely consistent with, and indeed an enhancement to, fighting crime and ensuring the public safety.

### [My Background and Relevant Work Experience](#)

Over the more than 40 years since graduating law school, I have been engaged in a series of professional experiences, both in the private and public sectors, building an expertise that makes me an ideal candidate for the position of EFIT Administrator (“Administrator”). This includes experience at the highest levels of law enforcement and prosecution, monitoring, and the investigation of complex, high profile matters. In addition, I have developed policies and training relative to routine police encounters and have overseen, supervised and investigated such encounters to determine both their constitutionality and adherence to policy and law. I have built a company and a process which recruited, trained, supervised and quality assured the work of more than 2500 contract and employee investigators conducting federal security clearance investigations for the United States government. Lastly, much of the experience outlined above has been conducted within the context of monitorships which has given me a perspective and understanding of that which is necessary in order to achieve compliance. This unique combination of skills would serve the interests of the City and APD well.

My experience spearheading high-profile independent investigations and oversight began in my role as a prosecutor in the Manhattan District Attorney’s office (DANY), where I spent 12 years and rose to the level of both Senior Trial and Senior Investigative Attorney, the first individual to hold both such titles. During that period of time, I investigated and prosecuted some of the most notorious cases in the office, including the prosecution of the West Side gang known as the Westies and the prosecution of John Gotti, the head of the Gambino Crime Family.

I left DANY in 1990 and formed a private investigation firm which in 1998 was bought by Kroll, at the time the world’s leader in that field. At Kroll I founded the Government Services practice, and, with William Bratton, began consulting to major police departments around the world. I led the proposal for the assignment and, working with DOJ’s expert at the time, Jim Ginger, developed the design and execution of the monitoring methodology in Los Angeles. For the next eight years I served as the Primary Deputy Monitor for the LAPD consent decree directly responsible for all operations of the monitorship including the review of LAPD’s compliance with all reform efforts. This included ultimate review of use of force cases for compliance under paragraphs 45-69 of their Consent Decree, as well as the production of quarterly reports which, over the more than eight years of the monitorship, were always produced timely, and included a

“report card” indicating the level of compliance in each of the substantive paragraphs of the Decree.<sup>1</sup>

In a Harvard Kennedy School study, conducted in 2009 the researchers found that the Consent Decree had brought about remarkable change over its eight years: “Stepping back from the dozens of specific provisions of the LAPD consent decree that have been implemented, we see a staggering scale of change. The LAPD is the largest and most complicated police agency ever subjected to the oversight of a Federal Court under the 1994 law giving the Justice Department authority to bring pattern-and-practice cases against states and municipal governments; and the consent decree in LA is among the most complex ever entered by a police department. If local governments and police departments elsewhere are ever going to consent to such reform programs in the future, they will need to know that success is possible. The changes in Los Angeles should be encouraging in that respect.”<sup>2</sup>

During that same time period, I performed a number of significant independent investigations at the request of large police departments throughout the country including the Tennessee Highway Patrol (an investigation into corruption in the hiring and promotion process), the San Francisco Police Department (an investigation into an internal affairs investigation probe involving the son of a Chief in the Department), and the Austin Police Department (investigative reviews of two separate fatal officer-involved shootings). I also served on the Executive Committee of the Working Group for National Guidelines for Monitors, which developed the National Guidelines for Police Monitors.

In 2009, when Kroll’s Government Services Practice was spun out, I became the president and CEO of the new entity, KeyPoint Government Solutions. This was the business that I personally founded and built which employed and contracted with more than 2,500 investigators responsible for performing security clearance investigations on behalf of various agencies of the U.S. government. These engagements with the federal government necessitated the development of policies and procedures, the development and delivery of multi-week full time training, and the development and implementation of an extremely rigorous quality assurance process.

Beginning in 2013, while still at KeyPoint, I served as the Primary Deputy Monitor of HSBC, developing methodologies and overseeing their implementation to ensure remediation of the bank’s involvement in financial crime throughout the world. The HSBC monitorship today stands as one of the most complex and comprehensive monitorships ever implemented.

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<sup>1</sup> The quarterly reports can be found at [https://www.lapdonline.org/office\\_of\\_constitutional\\_policing\\_and\\_policy/content\\_basic\\_view/9010](https://www.lapdonline.org/office_of_constitutional_policing_and_policy/content_basic_view/9010) and the final report, which is omitted in error from the LAPD website, is separately attached **Appendix D** to this letter.

<sup>2</sup> The study can be found at <http://lapd-assets.lapdonline.org/assets/pdf/Harvard-LAPD%20Study.pdf>

In 2014, I left KeyPoint to re-join the public sector as the chief of staff to Manhattan District Attorney Cyrus Vance. At DANY, I oversaw the day-to-day operations of the office with more than 500 attorneys and 700 support staff. I also oversaw a number of special projects for the office, including its "Extreme Collaboration" program with the NYPD which included the funding of NYPD's mobility initiative from forfeiture funds, providing approximately 36,000 officers with smart phones and the infrastructure to support those devices. Today, those devices continue to be an indispensable tool for NYPD officers.

In 2015, I left DANY, to join Exiger LLC as president of its advisory division. There I again oversaw the work on the HSBC Monitorship, as well as all other advisory engagements. In 2016, I assembled and led a team of policing professionals in the comprehensive review of the University of Cincinnati Police Department (UCPD), conducted in response to a fatal officer-involved shooting. The project included a thorough review of the UCPD and an analysis of its current practices relative to best practices in policing. The report found more than one hundred areas for improvement and made more than 275 specific actionable recommendations for improving the department while at the same time rebuilding trust between the UCPD and its community. I was then chosen to be the monitor of the department, overseeing the implementation of those recommendations. This monitorship was voluntary, supported and embraced by the University and the community as a way to provide assurance to the public that the reforms to which the UCPD had committed were actually being undertaken. Specifically, both the recommendations and the monitorship of the mandated reforms emanated from a deep review of all of UCPD's relevant policies, procedures, practices, training and accountability relating to use of force including encounters involving injuries to officers and civilians. The monitorship concluded very successfully two years later.

In 2018, I again left for the public sector, joining the NYPD as Counsel to the Police Commissioner working with the Commissioner on a number of reform initiatives. Three months later, I was asked to take on the position of Deputy Commissioner for Risk Management as the Department elevated the risk management function to bureau (three star) status. I served in this capacity until March 19, 2021, helping to guide the Department through its most tumultuous period ever, implementing reforms brought about by both the federal monitorship arising out of stop and frisk abuses and the tragic murder of George Floyd.

In my position of Deputy Commissioner for Risk Management, I was directly responsible for, among other units, the body-worn camera (BWC) unit and the Quality Assurance Division (QAD) and was directly involved in the ongoing audit and investigation of thousands of fourth amendment cases involving search and seizure. Specifically, these investigations involved determining whether a fourth amendment encounter was constitutional, whether it was recorded appropriately on body worn camera video, and whether it was appropriately documented on Departmental forms. We employed this same methodology to uses of force. In each instance we would identify "potentially at-risk officers," through in house technology, built first in Tableau and then in Power BI, used to identify outliers either of individual officers or in terms of units or

particular shifts. Those officers or units were then audited through BWC analysis to determine whether their actions were lawful and appropriate.

During my tenure as Deputy Commissioner for Risk Management, I was directly responsible for:

- Establishing the Department's Early Intervention Program, designed to identify at-risk officers and address performance issues through non-disciplinary interventions.
- Redesigning of the Quality Assurance Division, to include the extensive use of Department data to identify potential risks at both an individual and unit level.
- Establishing the Civil Rights Integrity Unit in the Bureau to ensure that the Department was always policing in a manner consistent with federal, state and local laws.
- Continuing the implementation of the city-wide roll-out of Body Worn Cameras (BWCs), on-going refreshes to hardware, and the regular production and distribution of statistics pertaining to the mandatory activation of BWCs.
- Designing the systematic utilization of BWC video in the risk management process as a method of remote and enhanced supervision.
- Directly overseeing the one day training of 36,000 uniformed members of Department in investigative encounters and the development of periodic refresher/remedial training on-line training modules on fourth and fourteenth amendment issues
- Establishing clear goal posts for determining compliance with the mandates of the federal court order by working closely with the federal monitor and plaintiff's counsel
- Leading the Department's efforts to comply with all aspects of the federal monitorship through a collaborative process with the federal monitor in which more than 80% of all mandates were brought into compliance.
- Leading the Department's efforts to work collaboratively with the Inspector General for NYPD.
- Establishing and presiding over semi-annual meetings with each of the 98 NYPD commands in what are now known as RISKS (Remediation of Identified Situations Key to Success) Reviews, discussing in detail that command's compliance with the Department's reform efforts.
- Establishing the Force and Tactics Workgroup designed to deal with issues facing the Department in those areas

- Designing and developing the Disciplinary Matrix in collaboration with the Office of the First Deputy Commissioner, the Department Advocate and the Deputy Commissioner for Trials.

In my role as Deputy Commissioner for Risk Management, I also sat on numerous departmental committees including the Use of Force Review Board and the Disciplinary Committee.

Over the years, I have served in numerous pro bono positions including as Special Assistant District Attorney in Nassau County, NY investigating a cold-case homicide and separately on a claim of innocence in a child molestation conviction. I also served as Special Counsel to the New York State Commission on Public Integrity, involving an investigation into corruption and perjury allegations involving the governor of the state.

In sum, as detailed above, I have spent much of my professional career involved in investigating and addressing law enforcement conduct, addressing compliance to constitutional standards for both use of force and stops, and dealing with reform legislation. In addition, I believe I meet and exceed each of the four specific areas called out in the RFLI:

- I have managed what would in most police departments be an internal affairs function under a federal settlement agreement and have significantly assisted in the success of the NYPD settlement agreement<sup>3</sup>.
- I have overseen and monitored investigation into both police use of force and misconduct involving deprivation of Fourth Amendment rights which has significantly contributed to the success of the NYPD Settlement Agreement and before that the Los Angeles Police Department Consent Decree.
- I have a juris doctorate and extensive experience regarding standards of constitutional policing in both the Fourth and Fourteenth Amendment contexts.
- I have a (juris) doctorate and have served as a Deputy Commissioner of NYPD, the largest police department in the United States, contributing significantly to compliance (as determined by the federal monitor) of over 80% of the reform items covered by the Settlement Agreement. Perhaps more importantly, I have served as both a Primary Deputy Monitor and Monitor and have helped each department being monitored successfully conclude their monitorships.

In addition, I have extensive experience in standing up a large organization performing extremely detailed investigations. This included the development of policies, training, and supervisory and quality control oversight relative to those investigations ensuring compliance with complex investigative requirements.

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<sup>3</sup> Floyd, et.al. v. City of New York, et. al. 959 F. Supp. 2d 540 (S.D.N.Y. 2013)

I am a graduate of SUNY Binghamton (now Binghamton University) and New York University School of Law, hold a federal security clearance at the TS-SCI level and have never had any contract or employment with the APD or the City of Albuquerque.

## Technical Response

### Role of the EFIT Administrator

The envisioned role of the EFIT Administrator is multi-faceted and complicated. The Administrator will be running and overseeing an operation which will at times be advisory in nature directing and guiding APD IA use of force investigations, but at other times will be conducting such investigations without involvement of APD IA in a primary role. In many cases, where misconduct has arisen out of a use of force or use of force investigation, the EFIT will be conducting an investigation into that misconduct.<sup>4</sup> In addition, the EFIT will be evaluating the work of APD IA investigators and supervisors on each case. There will also be weekly and quarterly reporting on progress being made as well as providing assistance to the Commanding Officer of APD IA in evaluating personnel in the unit.

In order to facilitate all of these aspects of the EFIT's work, protocols will need to be collaboratively developed with the City and APD. In addition, the EFIT administrator will be participating in meetings, trainings and informal assessments, and will be providing technical assistance as requested. He/she will also need to attend and participate in legal proceedings as requested by parties and will need to comply with all record requests.

Lastly, and perhaps most difficult of all, the EFIT administrator will need to recruit, hire, train, and supervise a diverse group of experienced investigators and staff who have not only the qualifications required by the RFLI, but the abilities to perform both the advisory and investigative functions, in a totally new environment. I currently estimate that the project will need between 15 and 30 FTE's (full time equivalents) in order to ensure both quality and timeliness of all EFIT deliverables. A significant number of those hired will need to be stationed in Albuquerque in order to respond to call-outs and conduct investigations without APD IA involvement in which either misconduct is committed by an APD IA investigator or the investigation in the opinion of the EFIT or APD will not be completed in a timely manner. These investigators, like all other EFIT personnel may have no prior association with APD or the City of Albuquerque and will need to be available 24/7. The EFIT Administrator will also have to set up internal controls and processes by which staff communicates, is managed and supervised, and is quality controlled--all in a secure environment. Simply put, this is no small task.

That being said, I believe that I have all of the necessary attributes including deep subject matter expertise, extensive experience with monitorships, and the proven track record of

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<sup>4</sup> See workflow diagram attached as **Appendix C**

building an organization from the ground up designed to deal with complex investigative requirements which will combine to ensure the success of the assignment. This success will include making certain that APD IA investigators are mentored and coached in a way that ensures appropriate findings and conclusions are reached in investigated cases relative to APD uses of force and that corrects any deficiencies in the quality and timeliness of their investigations. Once achieved, APD will be brought into compliance with the relevant mandates of the CASA. This will not only be a huge step in terms of moving closer to full compliance under the CASA, but will have the natural effect of limiting inappropriate and unconstitutional uses of force, which will, in turn, increase the trust of the community in their police department.

### Assembly of a Team

Drawing on my contacts over my career in oversight and law enforcement, I will build a team that will lead to the success of the assignment. The team will consist of experienced supervisors, investigators, and reviewers all with subject matter expertise in constitutional policing. These team members will be drawn from major police departments including LAPD and NYPD, whose use of force investigation programs are the most well-developed in the nation. Many of the personnel will have significant instructional experience as well. In addition, as is so important in assignments such as these, I will also bring in experienced administrative staff to set up and manage systems and to deal with non-investigatory issues which may arise. By utilizing these different levels of experience and expertise, along with the management of personnel so that the individuals with the right levels of experience are performing the right level and type of work, that the cost of each investigation will be kept as low as possible while absolutely ensuring its quality.

### Methodology for Project Implementation

As is absolutely necessary in assignments as complex as this, I have already begun assembling appropriate personnel and developing a structured approach to ensure that all of the mandates of the Stipulated Order ("Order") and the services outlined in the RFLI will be met in the most expedient post-award manner possible. It is obviously important not only to all of the parties, but to the members of the Department and residents of the City of Albuquerque, that the mandates of the Order be implemented, and therefore concluded, as quickly as possible.

All-important to the process, would be a series of first-week post-award meetings with appropriate APD, Department of Justice ("DOJ") and Independent Monitor ("IM") staff. These meetings would serve as both orientation and goal setting and would provide me and my senior staff with a fulsome appreciation of the compliance challenges facing APD. During these meetings we would deeply explore APD IA staffing and understand its impact on the quality and timeliness of investigations. We would also thoroughly review the current workflow including supervisory review and any additional quality assurance processes.

We would request and receive all pertinent documentation including the most recent policies, procedures, training materials and gain a full appreciation of current practices. Workflow and protocols would be further developed and refined during this crucial week including those pertaining to response to Level 2 and Level 3 use of force scenes by EFIT personnel, the decision making process as to whether the EFIT role will be as primary investigator or in an advisory role.<sup>5</sup> We would also explore the strengths and weaknesses of individual investigators from the viewpoints of supervisors, command staff and the IM, and devise remedial approaches that would serve to expeditiously allow each investigator to achieve “cleared” status<sup>6</sup> and to complete each investigation in a timely manner so as to vastly limit the necessity of the EFIT acting in a primary investigative role. This would also include the ways in which feedback would be provided to each investigator on their work product, both during the investigation and in written form at the conclusion of each investigation.

A notional process map of the investigative role of the EFIT is attached as **Appendix C**. This process includes a crucial step of EFIT Quality Assurance. This will apply to all cases irrespective of whether the EFIT is acting in the advisory or primary role. This second level supervisory review will help make certain that the investigation and its conclusions are consistent with the law and APD policies and consistent with the facts and that no investigative steps were missed in the process. In addition to the steps outlined in **Appendix C** a report on both the investigative and supervisory performance of each investigation and supervisor will be prepared.

Perhaps most importantly, during the first week of this engagement, I, along with senior EFIT staff, would meet with APD IA supervisors and staff and establish the best possible working relationship. Having dealt extensively with culture change in my career, I have learned that a good working relationship is all-important to the success of any project, and especially important when oversight is involved. Those being overseen are sometimes defensive and sometimes even initially hostile. Being able to overcome these reactions will, at least partially, determine the success of the EFIT. In the best case, members of the APD will recognize and respect the role which the EFIT will be playing and will welcome the guidance and direction that will be provided.

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<sup>5</sup> Pursuant to paragraph 23 of the Order, the primary role will depend on whether there is some indication of misconduct by APD IA investigators during the course of the investigation that would undermine the integrity of the investigation; or that deficiencies in the tactics or work product of the IA investigators assigned to the matter would be likely to prevent the investigation to be completed in a timely manner.

<sup>6</sup> This status is that which would allow an APD IA investigator or supervisor to be fully responsible for a Level 2 or Level 3 use of force investigation and, under paragraph 35 of the Order, would require: (1) that the APD IA investigator or supervisor was fully trained; (2) that the IA investigator or supervisor has regularly conducted high-quality investigations for at least two months per the EFIT’s written assessments of the investigations; (3) that the APD IA investigator regularly produces high-quality investigations as per the EFIT’s written assessments; (4) that the APD IA investigator or supervisor has committed no misconduct during the course of investigations and (5) that 95% of the APD IA Investigator or supervisor’s investigations from the previous quarter satisfied all CASA requirements for investigations.

While the first week's meetings are always crucial to the success of a project, on-going dialogue and interaction with the parties, and refinement of protocols and processes are likewise extremely important. As such, I would expect that there would be near-daily interaction between me and the parties and APD IA personnel throughout the life of the assignment.

In tandem with the processes outlined above, I will be working assiduously to finalize the engagement of EFIT personnel and training them on the protocols to be employed in the EFIT process. This is a fundamental building block to the successful discharge of the EFIT duties and responsibilities.

## Pricing Response

I am pleased to present proposed pricing for services of both External Force Investigation Team (EFIT) Administrator and the required staffing and deliverables that are contemplated in the assignment. The goal of this pricing is to provide a cost effective but high quality solution to the City's needs. As such, I have taken into account projected hours of each level of personnel in each of the different categories of investigation. In the following paragraphs I will provide specificity as to what is included in the pricing and provide insight into how the prices were developed.

The proposed pricing is submitted herewith as **Appendix A** to this Letter of Interest. It is a modified version of that which was included as Exhibit B in the City's RFLI. I have expanded and modified that exhibit to include options which will allow the city flexibility and cost management in the execution of the project as well as to more easily recognize and align the category of cases with level of effort. The proposed categories of cases are more consistent with the case descriptions in the statement of work and follow the categories which were provided in response to questions posed by me.

Pursuant to the RFLI Instructions, and for compliance sake, I have included, what I recognize is an unrealistic pricing proposal on the City's Exhibit B as **Appendix B** to this Letter of Interest. Because of an inability to parse out which case categories in Exhibit B would be Primary or Advisory, I had to assume for the purposes of this pricing sheet that each would be Primary. Similarly, with regard to the Complex Cases, an inability to parse out which case categories would potentially involve an extremely intricate investigation such as an officer involved shooting, I had to assume for the purposes of the pricing sheet that each would be, not only in a role as Primary, but also in the most intricate kind of investigation.

I would, of course, be happy to further discuss pricing and its methodology with the City.

I hereby acknowledge the draft contract and state that the contract is generally acceptable, but would like the opportunity to negotiate Clauses 6 and 7 relating to Indemnity and Liability.

### Pricing Methodology for Staffing

I have built the pricing model including a relatively minimal amount of my own time in each investigation, rather including the vast majority of my time in the monthly administrative fee. I have recognized that the best value to the City would include engagement of investigators of different levels and skills, attempting to ensure that an individual best suited to a particular role in an investigation, performs that role. This method, of necessity, implicates a different cost build up and includes for cost build up purposes, three levels of investigator/supervisor, roughly equivalent to a level of Detective Investigator, Detective Sergeant and Detective Lieutenant (or their equivalents) in major urban police departments. This yields the most cost effective pricing for the City while ensuring appropriate expertise at each level.

### Pricing of Case Types

As discussed in the solicitation and in the answers to the questions, the role of the EFIT in cases will be either advisory or primary depending on the circumstances of the individual case. Given the significantly different levels of effort between those roles, we are providing separate pricing for when the role is primary and when the role is advisory. We have also priced Level 2 and Level 3 cases separately with their associated subcategories. The primary and advisory pricing is shown on **Appendix A**. These prices include all required case specific activity by EFIT personnel including investigative and supervisory hours in either the primary or advisory role as well as the evaluation of APD IA performance in each case. It also includes any additional necessary investigation where misconduct on the part of an involved officer is found to have occurred. It does not include monthly or quarterly summaries of written assessments and progress, nor weekly summaries as required by the RFLI, the costs of which are included in the monthly administrative fee. Administrative assistant support time directly related to a case is included, as are all fringe benefits for case matter personnel, equipment, and overhead. Not included in the case price (but included in the Monthly Administrative Fee) is on-call compensation for on-scene investigators. Given the uncertainty of case volume by case type, the gross receipts tax is called out for each case type and not aggregated on a separate line item on either **Appendix A** or **Appendix B**. Incidental travel associated with response to and from a use of force call out is included in the case price. However, travel associated with necessary deployment of non-resident temporary duty assignment (TDY) of personnel is not included and will be billed at actual cost based on a not-to-exceed per diem amount. I will make every effort to avoid this cost by hiring locally based investigators if suitable individuals are found to exist.

### Pricing of Monthly Administrative Fee

The monthly administrative fee covers the general support hours for the Administrator as well as all administrative support not directly related to any individual case. It also includes fees associated with the compilation and production of monthly and quarterly summaries of written assessments and progress, and weekly summaries as required by the RFLI. It covers all start up expenses, including, but not limited to provision of communication and computer equipment to personnel, and development of software to be utilized in the workflow, all amortized across a 12 month period of performance, amortized insurance and anticipated professional fees as well as administrative assistant support time for this work, and all fringe benefits for personnel included in these tasks. Also included is a monthly on-call compensation for on scene investigators. The gross receipts tax for the monthly administrative fee is called out separately.

### Pricing of Hourly Support

As discussed above, my general support hours are included in the monthly administrative fee. When non-recurring specific support for protocol development, special training and remedial action planning, or non-case-specific instructional services or other technical assistance is required or requested, we would propose to bill it on an hourly basis at the rates called out in the "Hourly Support Rates" on **Appendix A**.

For any additional tasks requested by the City, I have included the utilization of Subject Matter Expert pricing, which would include those with professional credentials at the most senior levels of law enforcement and/or JD or doctorate level educational qualifications. Any such individuals would be pre-submitted to the City for approval. These rates include all fringe benefits for personnel.

### Pricing of Travel and Other Direct Costs

As noted, travel will be billed at actual, reasonable cost. This will include travel expenses for all project personnel with the exception of incidental mileage for local travel associated with case matters which is included in the pricing of each case. All efforts will be made to secure preferred pricing including government rates where available. In addition, I will try to minimize travel of all but "call out" personnel through utilization of video-conferencing whenever practical and acceptable to the parties.

### Conclusion

Perhaps nothing is more important in policing than having the trust of those being policed. That trust needs to be built in the first instance, and once built, needs to be retained and, hopefully

amplified, over time. As we have so vividly seen over the last year, trust that does exist is fragile. Fundamental and foundational to the building, retaining, or rebuilding of trust, is the principle of constitutional policing. And fundamental to constitutional policing is the right to be free from the unreasonable and unjustified use of force by police.

Since entering into the Settlement Agreement with the Department of Justice, the City of Albuquerque and its police department have, among other mandated reforms, been working toward the goal of ensuring that the use of force by its officers is consistent with the US Constitution, the laws of the State of New Mexico, and the policies and procedures of the Department. Moreover, they have been working to ensure that any transgressions by officers are appropriately recognized by supervisors and appropriately investigated and remediated.

While no doubt the majority of those within the Department want nothing more than to earn the trust of the public they serve through constitutional policing, somewhere the system has broken down and failed them. The EFIT is certainly a major part of the fix.

In the preceding pages I have detailed the reasons I believe that I am particularly well-suited to perform the extraordinary services called for by the City's RFLI, as well as my plans for the implementation of, and proposed pricing for, those services. There is no doubt in my mind that a properly functioning force investigation process coupled with an appropriate disciplinary process to address any misconduct arising from the use of force or the failure to properly document and/or record uses of force will not only bring the Department into compliance relative to Use of Force investigations, but will help the Department significantly reduce the number of unjustified and unreasonable uses of force. If selected, my primary aim will be to work with all those in the Department to eliminate the need for the EFIT as quickly as possible, and to help the City and Department in any way I can to achieve full compliance with the CASA.

Respectfully Submitted,



Jeffrey Schlanger

### [List of Appendices](#)

**[Appendix A: Pricing Based on Alternative to City's Exhibit B](#)**

**[Appendix B: Pricing Based on City's Exhibit B](#)**

**[Appendix C: EFIT Workflow](#)**

**[Appendix D: LAPD Final Monitor Report \(Transmitted as a Separate Attachment\)](#)**

**APPENDIX A**  
**PRICING BASED ON  
ALTERNATIVE TO  
CITY'S EXHIBIT B**

**Alternative Pricing Proposal**

JEFFREY SCHLANGER

Type of Service	Subtype		PRIMARY			ADVISORY		
			Flat fee cost	Gross Receipts Tax	Total with Tax	Flat fee cost	Gross Receipts Tax	Total with Tax
<b>Level 2 Cases (Includes Misconduct Investigations)</b>	Level 2		\$ 7,415.00	\$ 648.81	\$ 8,063.81	\$ 3,632.50	\$ 317.84	\$ 3,950.34
	Level 2 - TA		\$ 10,465.00	\$ 915.69	\$ 11,380.69	\$ 5,007.50	\$ 438.16	\$ 5,445.66
	Level 2 - ERT		\$ 13,540.00	\$ 1,184.75	\$ 14,724.75	\$ 6,545.00	\$ 572.69	\$ 7,117.69
<b>Level 3 Cases (includes Misconduct Investigations)</b>	Level 3		\$ 7,415.00	\$ 648.81	\$ 8,063.81	\$ 3,632.50	\$ 317.84	\$ 3,950.34
	Level 3 - TA		\$ 10,465.00	\$ 915.69	\$ 11,380.69	\$ 5,057.50	\$ 442.53	\$ 5,500.03
	Level 3 -ERT, OIS, OIS&TA		\$ 16,040.00	\$ 1,403.50	\$ 17,443.50	\$ 7,895.00	\$ 690.81	\$ 8,585.81
<b>Administrative Monthly Fee</b>	Management and Oversight of Project as provided in the Scope of Services	\$ 49,686.67		\$ 4,347.58	\$ 54,034.25			
<b>Other Related Costs including Gross Receipts Tax, When Applicable</b>	Travel and Other Direct Costs		Reimbursed at actual reasonable cost. See narrative for details					
	Gross Receipts Tax		Provided with each subitem					
<b>Hourly Support</b>	Administrator	\$ 295.00		\$ 25.81	\$ 320.81			
	Law Enforcement Subject Matter Expert	\$ 250.00		\$ 21.88	\$ 21.88			
	Investigator Level III	\$ 135.00		\$ 11.81	\$ 11.81			
	Investigator Level II	\$ 115.00		\$ 10.06	\$ 10.06			
	Investigator Level I	\$ 95.00		\$ 8.31	\$ 8.31			
	Administrative Assistant	\$ 60.00		\$ 5.25	\$ 5.25			

**APPENDIX B**  
**PRICING BASED ON  
CITY'S EXHIBIT B**

## ORIGINAL EXHIBIT B

## JEFFREY SCHLANGER

Type of Service	Subtype	Flat fee cost
<b>Standard Cases (includes Misconduct Investigations)</b>	Investigation: Level 2 or 3 - one officer using force	\$ 9,273.38
	Investigation: Level 2 or 3 - two to four officers using force	\$ 9,273.38
	Investigation: Level 2 or 3 - five or more officers using force	\$ 9,273.38
<b>Special Operations Call Out</b>	All call-outs using force	\$ 17,239.87
<b>Complex Cases - Emergency Response Team (ERT) Call Out: Officer Involved Shootings (OIS); more than 6 Uses of Force (includes Misconduct Investigations)</b>	Investigation: Level 2 or 3 - one officer using force	\$ 20,060.03
	Investigation: Level 2 or 3 - two to four officers using force	\$ 20,060.03
	Investigation: Level 2 or 3 - five or more officers using force	\$ 20,060.03
<b>Administrative Monthly Fee</b>	Management and Oversight of Project as provided in the Scope of Services	\$ 62,139.39
<b>Other Related Costs including Gross Receipts Tax, When Applicable</b>	Expense Documentation	Gross Receipts Tax of 8.875% and Travel/Other Direct Costs @ 15% included in flat fee cost for each item
<b>Total</b>	Because of unknown volume quantities of individual case types, unable to calculate.	

# APPENDIX C

## EFIT WORKFLOW

# EFIT INVESTIGATIVE WORKFLOW

