

DLG

DAIGLE LAW GROUP, LLC

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Via Email: tagonzales@cabq.gov

Theresa Gonzales
Senior Administrative Assistant
DFAS Purchasing

LETTER OF INTEREST **SERVICES FOR OVERSIGHT OF ALBUQUERQUE POLICE DEPARTMENT** **EXTERNAL FORCE INVESTIGATION TEAM**

Daigle Law Group, LLC and Attorney Eric P. Daigle respectfully submit a Letter of Interest to serve as the Administrator of an External Force Investigation Team to assist the Albuquerque Police Department in conducting investigations of uses of force. The Daigle Law Group, LLC (hereinafter “DLG”), incorporated in the State of Connecticut, is a law firm that takes great pride in providing specialized, focused consulting services related to police operations and use of force analysis. We provide police practices consultation across the country in the area of operational liability, with an emphasis on policies, training operations, and investigations, specifically related to use of force.

Attorney Daigle is pleased to present his proposal to act as the Administrator of an External Force Investigation Team. This letter of intent will identify the experience and expertise Attorney Daigle possesses in investigations of law enforcement misconduct, the constitutional standards for police officers and system reform litigation. Attorney Daigle and members of DLG have no current employment relationship or contract for services with APD or the City. Attorney Daigle and members of the team did provide a proposal and participate in the process for the position of Monitor. Attorney Daigle and team were not selected for the Monitoring position. In full disclosure, DLG, under the management of Attorney Daigle, has operated a yearly *Use of Force Summit* which specializes in use of force policy development, proper training and effective force investigation. APD has sent department members to that training over the years. In addition, Attorney Daigle has developed a 36-hour Basic Certification Internal Affairs Investigation Training which APD contracted services for in 2017.

Attorney Daigle takes pride in his years of experience, expertise and ability learned from over two decades of investigating and reviewing use of force cases and investigations. These include officer-involved shootings and in-custody death investigations. Attorney Daigle has been instrumental in the development of policies and training reflective of contemporary police practices. This would include use of force, force investigation and OIS investigations.

I. PROJECT TEAM

Attorney Eric Daigle will serve as the designated Administrator and principal investigator/evaluator of the level two and three uses of force, along with misconduct cases. A select group of investigators and additional subject matter experts may be identified if/as required.

Attorney Daigle takes pride in his years of experience, expertise, and ability learned from over two decades of monitoring, investigating, reviewing, evaluating, litigating and instructing on Internal Affairs operations and force investigations. His experience includes reviewing use of force cases and investigations; these include officer-involved shootings and in-custody death investigations. Attorney Daigle has reviewed and evaluated many Officer-Involved Shootings (OIS) and in-custody deaths. He started in 1996 as a Major Crime investigator conducting investigations, processing evidence from scenes, and analyzing evidence that was collected during the course of a police shooting. In 2002, he began as a litigation attorney and spent the next eight years in litigation of misconduct, use of force and police death cases. This litigation experience was what started Attorney Daigle's expertise. He learned through litigation that a clear failure of operational effectiveness as it related to policy, training, supervision, internal affairs and use of force investigations was affecting appropriate constitutional policing practices.

In 2010, after eight years of litigation, consulting and investigative experience, Mr. Daigle incorporated Daigle Law Group, LLC, which specializes in consulting services specific to Law Enforcement Operations. Mr. Daigle spent six years as a member of the Federal Independent Auditing Team for the City of Oakland Police Department, California. He has also served as a member of the Independent Auditing 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 both the police perspective and the civil rights perspective when examining all compliance tasks. His expertise focuses on: officer involved shooting investigations, tactical operations, crowd management, and Use of Force standards.

Attorney Daigle has presented expert analysis and evaluations regarding use of force for, and against, police officers and departments throughout his career. This has included administrative reviews and discipline, expert assessment, civil litigation cases and criminal prosecution. He is also sensitive to current and contemporary community concerns facing this Country.

Attorney Daigle is one of twenty-five hand selected members of the Human Rights Committee for the International Association Chiefs of Police. He is a member of the National Association for Civilian Oversight of Law Enforcement (NACOLE) where he holds the Certified Practitioner of Oversight from NACOLE and he is a member of the International Law Enforcement Auditors Association (ILEAA). He is a national instructor certified for Fair & Impartial Policing. He is a certified and advanced force Investigator. Attorney Daigle has received extensive training and certification in Forensic Video Examination and Force Video Analysis.

Regarding internal affairs investigations, Attorney Daigle has been evaluating the effectiveness of investigations for the last eighteen years. He has an extensive history of conducting criminal and administrative investigations and has learned that the mechanism used for conducting the investigation is vital to an effective investigation, wherein conclusions are supported by evidence utilizing a preponderance of the evidence standard. As a civil litigator specializing in civil rights actions brought against officers, supervisors, and departments/municipalities regarding allegation of police misconduct, Mr. Daigle finds internal affairs investigations to be an important evidentiary tool. After identifying failures in the effectiveness of internal affairs investigations over a decade ago, Attorney Daigle developed

weeklong training programs to instruct investigators on how to ensure their investigations are effective. Currently at DLG, Attorney Daigle has developed both a Basic Internal Affairs Certification Training and an Advanced Internal Affairs Investigation training. He instructs hundreds of investigators yearly on the process of conducting effective investigations in OIS and in-custody death cases. Since 2010, Attorney Daigle has acted as a consultant for departments evaluating the effectiveness of their internal affairs process and their overall investigations. As such, he personally has reviewed an extensive number of internal affairs investigations.

II. PROPOSER'S CAPABILITIES

Our Principal, Attorney Eric Daigle, is a nationally recognized expert in law enforcement operations, effectiveness and management. For over a decade, Attorney Daigle has worked with law enforcement agencies to ensure constitutional police operations. Attorney Daigle is a nationally recognized expert in law enforcement operations, effectiveness and management, specifically including Internal Affairs Investigation, officer involved shootings, use of force management and force investigation. He works with agencies throughout the country in developing constitutionally based policies, training, investigating, auditing and managing.

Attorney Daigle works as a consultant and expert witness for law enforcement pattern and practice development. He has worked as a monitor and Police Practices Consultant for the Virgin Islands Police Department and the Puerto Rico Police Department, which are under a Federal Consent Decree. His work focused on the development of use of force policy, developing training for the officers and supervisors, and implementing operational changes. In fact, Attorney Daigle and the DLG team have worked in the Albuquerque area and are in touch with the issues facing the APD and the community. DLG worked as consultants for the Bernalillo County Sheriff's Office to conduct an evaluation of their use of force policy, training and staffing analysis.

Attorney Daigle has reviewed, evaluated and investigated many uses of force, Officer-Involved Shootings (OIS) and in-custody deaths. He has acted as a consultant/expert in reviewing one or more OIS investigations for Oakland Police Department, Virgin Island Police Department, Puerto Rico Police Department, Niagara Falls NY Police Department, Wichita KS Police Department, Anchorage AK Police Department, Greenville SC Police Department, Cody WY Police Department, Casper WY Police Department, Utica NY Police Department, Rhode Island State Police, Kansas City KS Police Department, San Diego CA Police Department, Albany County WY District Attorney, Salt Lake County UT District Attorney, Portland State University Police Department and the Vermont State Police Department, to name a few.

Attorney Daigle is an expert and leader in the industry, conducting high level training on Deadly Force and Use of Force Investigations across the country, including a yearly nationally recognized Use of Force Summit training run by DLG since 2012 called the *Use of Force Summit*¹. He has completed the Force Science Institute Certification and Advanced Specialist

¹ www.useofforcesummit.com

training programs. He also completed multiple training courses involving video analysis and video investigation in force investigations.

DLG is also a corporation which effectively uses technology as part of its core structure to provide our clients the most efficient interaction. DLG operates with clients across the Country. The use of effective technology ensures ongoing interactive supervision, open communication with our clients and collaboration between DLG contractors and Attorney Daigle during these projects. In addition, the development of the DLG Learning Center an online training platform has been effective in developing and providing training on critical issues in a timely manner with proper accountability.

III. Project Approach and Understanding

Attorney Daigle and DLG understand the project commitment and the contract scope. We are prepared to meet the requirements of the scope of services as identified in Exhibit A in the request for the Letter of Interest.

1. Proposed work tasks

DLG utilizes proven methodologies, based on the principle of constitutional policing, accountability and community trust. These three principles are intended to act as, and promote, a system of checks and balance. Each principle is designed to identify failures within the others in order to ensure a strong foundational approach to monitoring a police department.

As clarified, the policy, training, and investigations will be evaluated in the following categories:

- a. Guide and direct IA force personnel and, when necessary, conduct investigations of Level 2 and Level 3 uses of force;
- b. Evaluate and provide written assessments of IA investigations carried out by IA force personnel and provide written feedback on IA force personnel's work product.
- c. Evaluate the effectiveness of Department policies and tactics related to determining if current policy is followed in the manner which the investigation is conducted. In addition, based on expertise and experience, Attorney Daigle will evaluate whether contemporary police practices and legal standards applicable to force were followed.
- d. Evaluate whether the supervisors are effectively evaluating the force used by their officers. This includes an evaluation of whether supervision failures were involved in or contributed to the underlying force incident.
- e. Evaluate if the use of force was fully and fairly investigated to include all of the witnesses being effectively interviewed, all evidence was collected and evaluated, all injuries were analyzed, and the analysis of human factors, procedural justice, and de-escalation was examined and reviewed.

- f. Evaluate whether the investigations meet common industry standards for proper evaluation of deadly force incidents pursuant to law, policy, and training.
- g. Evaluation of practical application of APD in OIS investigations to include that investigators have proper training and skills to effectively investigate OIS incidents.
- h. cursory evaluation of training, equipment, and communication surrounding the OIS incidents.

Attorney Daigle will utilize his expertise and knowledge to review, analyze, report, and discuss his findings.

IV. Proposed Cost

The Scope of Services requests that a cost proposal be prepared for the project using Exhibit C. Our review of Exhibit C identifies some budgeting concerns and we hope that the City would be open to other options for a cost proposal. It is the intent of DLG to maintain a manageable team size to reduce costs for the City, however we do need a small and experienced team to be able to effectively meet the demands of the project.

Our preliminary proposed budget was organized with a unique method of operations for the EFIT Administrator and DLG consultants. Exhibit C requests flat fee costs for the completion of the deliverable. We have reviewed the steps described in the Stipulated Order, especially paragraphs 17-26, and the requirements of on-scene response, investigation, interviews, an investigative report, and assessment of the APD force personnel. Our experience identifies that it very difficult to quote a flat fee rate for the individual investigations based on size and scope. As such, we choose to provide a proposed cost based on a daily rate.

Our interpretation of the scope of services identifies that APD data shows a total of 629 level 2 and level 3 cases which averages to 52 a month. The data shows that there were approximately 100 misconduct cases which averages to 8 a month. I believe that to best serve the City the DLG team will need to have a presence in Albuquerque seven days a week and twenty-four hours a day to be available to respond to scenes and conduct investigations. DLG has an extensive bench of Use of Force experts that would meet the requirements of the identified scope. DLG intends to have four consultants assigned to the EFIT DLG team and switch them out every 14-30 days to ensure twenty-four hour, seven days a week, coverage. At minimum we will have Attorney Daigle as the Administrator and possibly a Deputy Administrator in Albuquerque a minimum of sixty to eighty hours a month. The Administrator or Deputy Administrator will need to be available to guide the EFIT members twenty-four hours a day and seven days a week. Attendance in Albuquerque will include investigation, analysis, meetings and the training requirement as identified in the scope of services.

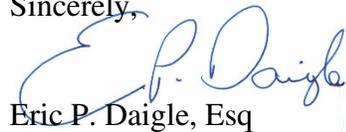
As instructed in the Scope of Services, DLG has proposed alternative costs in addition to the method in Exhibit C. Exhibit C is attached as **APPENDIX B**. The difficulty in preparing Exhibit C was it does not account for the twenty-four hour, seven days a week response. Also, there is not enough information available to breakdown the cases by number of officers involved.

We believe that the City has options available as it related to how operationally effective they would like this EFIT team to be. We believe that there should be least two EFIT DLG members onsite every day to respond and evaluate force and misconduct cases. The Costs identified in **APPENDIX A** below are necessary to begin the process of negotiation. These costs are for one year from the date the project begins.

CONCLUSION:

Attorney Daigle and Daigle Law Group, LLC possess the knowledge, expertise and ability to serve as the Administrator of the Albuquerque Police Department External Force Investigation Team. Our collective experience with these projects gives us the unique ability to efficiently and effectively assess the City's compliance with the terms of the Stipulated Order, 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 allows us to provide technical assistance and consultation to the APD, while understanding its operational needs to continue policing in the City. We believe we are the strongest team of contemporary experts and we would like the opportunity to assist the APD in being the best that it can be. 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 Attorney Eric Daigle at (860) 982-5098 (eric.daigle@daiglelawgroup.com) with any future inquiry.

Sincerely,

A handwritten signature in blue ink that reads "Eric P. Daigle". The signature is written in a cursive style with a large initial "E".

Eric P. Daigle, Esq

APPENDIX A

The City has options available as it related to how operationally effective, they would like this EFIT team to be. We believe that there should be least two EFIT DLG members onsite every day to respond and evaluate force and misconduct cases. The below proposed costs are necessary to identify to begin the process of negotiation. These costs are for one year from date project begins.

Personnel Costs:

EFIT Administrator	80 hours a month at \$250 per hour. (80x250)	\$200,000.00
EFIT Deputy Administrator	60 hours per month at \$250 per hour. (60 x250)	\$150,000.00
EFIT DLG Consultant #1	Day Rate of 1,800 dollars (24x7x365)	\$657,000.00
EFIT DLG Consultant #2	Day Rate of 1,800 dollars (24x7x365)	\$657,000.00
Support Administrative Staff	Day Rate of \$400	<u>\$104,000.00</u>
Personnel Costs		1,768,000.00

Operational Expenses:

Office Space and Equipment	Provided by the City	
Apartment Rental W/ Services	Approximately \$2,000 per month Less expensive than hotel rooms	\$24,000.00
Vehicle	Rental Agreement \$2250 a month The City could provide a vehicle	\$27,000.00
Air flights	Anticipate 2-4 flights per month Would try to keep Consultants onsite for 30 days to reduce flight costs.	\$36,000.00
Per Diem	\$56 a day x two consultants x 365	<u>\$40,880.00</u>
Operational Expenses		\$127,880.00

Total Costs:

Personnel Costs	\$1,768,000.00
Operational Expenses	<u>\$ 127,880.00</u>
Total Estimated Costs	\$1,895,880.00

APPENDIX B

For the services identified as a case, the deliverable is a completed case. The steps necessary to complete a case are, in part, described in the Stipulated Order, especially paragraphs 17-26, and include but are not limited to an on-scene response, investigation, interviews, an investigative report, and assessment of the APD force personnel.

Type of Service	Subtype	Flat fee cost
Standard Cases (Includes Misconduct Investigations)	Investigation: Level 2 or 3 - one officer using force	Two Consultants onsite to provide 24X7 Coverage Yearly Cost \$1,314,000.00
	Investigation: Level 2 or 3 - two to four officers using force	See Above
	Investigation: Level 2 or 3 - five or more officers using force	See Above
Special Operations Call Out	All call-outs using force	See Above
Complex Cases - Emergency Response Team (ERT) Call Out; Officer Involved Shootings (OIS); more than 6 Uses of Force (Includes Misconduct Investigations)	Investigation: Level 2 or 3 - one officer using force	See Above
	Investigation: Level 2 or 3 - two to four officers using force	See Above
	Investigation: Level 2 or 3 - five or more officers using force	See Above
Administrator Monthly Fee	Management and Oversight of Project as provided in the Scope of Services	\$454,000.00
Other Related Costs including Gross Receipts Tax, When Applicable	Expense Documentation	\$127,880.00
Total		\$1,895,880.00