

# Federal Monitor Applicant Community Questionnaire

May 20, 2015

[REDACTED]

Newark Communities for Accountable Policing  
P. O. Box 32159  
Newark, NJ 07102  
[info@newarkpolicereform.org](mailto:info@newarkpolicereform.org)

Subject: Federal Monitor Applicant Community Questionnaire

Dear [REDACTED]:

As President of Elite Performance Assessment Consultants, LLC, I am pleased to provide you with our response to the Federal Monitor Applicant Community Questionnaire. We welcome community involvement in monitoring the Newark Police Department's Consent Decree. We believe that transparency in government is very important and specifically in law enforcement. It builds trust within its community and the police department.

Attached to this letter is an outline of our plan for assisting the Court, the Parties, and the Newark community in assessing and promoting the City's compliance with the Agreement. If you have any questions, please feel free to contact me. My contact information is listed below.

Sincerely,



Randy Khatami, CFE, CFS, CLEA, CRMA  
President  
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Phone: 805-231-2836

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## I. EXECUTIVE SUMMARY

Led by Ms. Dawn Reynolds, Elite Performance Assessment Consultant, LLC (EPAC) provides a team of qualified professionals with experience in negotiating and implementing consent decrees, assessing and measuring police programs, implementing programmatic and structural change, and achieving compliance with consent decrees. Their expertise and experience includes the following areas:

- Community Engagement and Civilian Oversight;
- Stops, Searches and Arrests;
- Bias-Free Policing;
- Use of Force;
- Theft by Officers;
- Intake and Investigation of Misconduct Complaints;
- Discipline;
- Early Warning System;
- Records Management Systems Improvement; and,
- Academy and In-Service Officer Training.

Team members have executive police management experience and training. The team also possesses unique expertise in its ability to provide hands on training and mentoring in conducting systemic, statistically reliable audits and assessments. Our work with the parties and stakeholders will achieve the desired sustainable cultural changes in the department, ensure constitutional policing, promote transparency and accountability, and build community trust.

This team is made up of attorneys, police executives, law enforcement performance auditors, Information Technology (IT) experts and skilled instructors with the proven ability to provide both qualitative and quantitative assessments of critical compliance areas enumerated in the Judicially Enforceable Agreement (“the Agreement”) and provide technical assistance.

The role of the Monitor is defined as stipulated within the Agreement. Ms. Reynolds will serve as the Monitor and direct a team of attorneys, auditors, police executives and technical consultants to complete the following tasks in accordance with the requirements of the Agreement:

- A. Meet with the Court, Newark Police Department (NPD), City Officials and community stakeholders to develop a five-year strategic plan.
- B. Review and recommend any changes to the outcome measures detailed in the Agreement.
- C. Develop a monitoring and methodology plan for conducting compliance reviews and outcome assessments, and submit the plan to the parties for review and approval.
- D. Conduct a comprehensive compliance assessment.

- E. Conduct a comprehensive outcome assessment to determine whether and to what extent the outcomes intended by the Agreement have been achieved, and whether any modifications are necessary.

## II. PERSONNEL

### A. **Independent Monitor (IM): Dawn Reynolds, JD, CLEA, CPO**

Ms. Reynolds is the Vice President of EPAC. She brings to the project expertise in several key areas relevant to monitoring responsibilities under the Newark Agreement. These include criminal law, civil rights, working with civilian oversight systems and performance auditing. She currently serves as a board member for the National Association for Civilian Oversight of Law Enforcement (NACOLE) and is a Certified Practitioner of Oversight (CPO). As chair of the NACOLE Strategic Planning Committee she has worked to develop best practices and ongoing regional training and training in legal standards applicable to police oversight.

Ms. Reynolds is an experienced attorney, mediator, auditor and training instructor. She has experience in auditing and reviewing Internal Affairs investigations, civilian complaint systems, community policing, problem-oriented policing, SARA, critical force incidents, warrants, arrests and Use of Force. She has conducted audits for the City of Eugene, the Oakland Police Department and the King County Sheriff's Department in Seattle.

She served on the federal criminal appeals panels in the states of Oregon and Washington and handled direct appeals and habeas petitions. Her criminal legal background also includes working with three federally recognized Indian tribes. While in private practice she served as an ACLU cooperating attorney and represented individuals and groups in civil litigation and administrative appeals against government entities including municipal governments, school districts, public hospitals and universities.

She has taught Alternative Dispute Resolution at the University of Idaho and has taught Evidence and Criminal Procedure in the Criminal Justice program at Washington State University. She is certified through the California Commission on Peace Officer Standards and Training (POST)/Robert Pressley Institute of Criminal Investigation (ICI) instructor, wherein she instructs Police Performance Auditing and Presenting Courtroom Evidence.

She holds a Bachelor of Arts and Master of Arts from the University of Washington (summa cum laude) and earned her Juris Doctor from the University of Idaho (Honors). She received her certification in mediation from the University of Washington Law School in 1994. Ms. Reynolds is a Certified Law

Enforcement Auditor (CLEA) through the International Law Enforcement Auditors Association (ILEAA).

**B. Assistant Monitor (AM): Randy Khatami, CFE, CFS, CRMA, CLEA**

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

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

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

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

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

Mr. Khatami teaches at EPAC's Advanced Auditors Course providing instruction for police managers and civilian oversight professionals from agencies as diverse as the California Highway Patrol, New Orleans Office of the Independent Monitor, Oakland Police Department and Westminster Police Department.

Mr. Khatami received his Bachelor of Science degree in Psychology from California Lutheran University. He is a Certified Fraud Examiner (CFE), a

Certified Fraud Specialist (CFS), Certification on Risk Management Assurance (CRMA) and a Certified Law Enforcement Auditor (CLEA). Mr. Khatami is a graduate of the Los Angeles County Sheriff's Department, Deputy Leadership Institute.

C. **Executive Advisor (EA): Gerald Chaleff, JD.**

Mr. Chaleff is a consultant in law enforcement management. He has negotiated consent decrees, implemented consent decrees and worked with parties to ensure compliance. Mr. Chaleff was President of the Los Angeles Police Commission, the civilian oversight body of the LAPD. He was a member of the City of Los Angeles' negotiation team in its negotiations with the U. S. Department of Justice (USDOJ) which resulted in a consent decree.

Mr. Chaleff was appointed to the Los Angeles Police Department by Chief of Police William J. Bratton in January 13, 2003 to serve as the Chief of the Consent Decree, to lead the department's efforts to achieve compliance with the consent decree. This was achieved. In 2009, Mr. Chaleff's position change to the Special Assistant for Constitutional Policing and He held that position until retiring 2013. He was responsible for the operations of the Department's Risk Manager, Planning and Research Division, Legal Affairs Division, Internal Audits and Inspections Division, and Fiscal Operations Division.

Mr. Chaleff oversaw the Risk Manager's duties that included workplace and retaliation issues. He supervised the Planning and Research Division, and was responsible for scripting the Department's policy and procedures. Mr. Chaleff was responsible for the coordination of all lawsuits involving the department. Mr. Chaleff also oversaw the Internal Audits and Inspections Division. This division was responsible for conducting audits including consent decree police performance audits.

Mr. Chaleff was also a member of the negotiating team for the City of New Orleans in its negotiations with the USDOJ.

The New York Police Department (NYPD) presently retains Mr. Chaleff to consult with NYPD issues relating to a federal court order and to insist the department in its relationship with the newly created Office of the Inspector General. Additionally, he is consulting on use of force issues.

He is nationally recognized as an expert in criminal law, and has served as an attorney both in the Los Angeles County District Attorney's Office and the Public Defender's Office. Mr. Chaleff received his Bachelors of Science Degree from the University of California, Los Angeles; he is a graduate of Harvard Law School.

**D. Technical Advisor (TA): Brian Brewer**

Chief Brian Brewer is a senior law enforcement professional whose career spans nearly thirty years of public service. Chief Brewer served as the California Highway Patrol's Valley Division Assistant Chief from 2008-2011 prior to his retirement. During this assignment, he was charged with overseeing in excess of 1,000 departmental personnel assigned to 19 Northern California field commands including California's State Capitol, Sacramento. His work resulted in the transformation of a troubled agency into one that was more transparent, accountable and effective.

Chief Brewer's proven leadership skills and ability to establish effective policing programs throughout diverse communities will be an asset to NPD Executive Staff.

Chief Brewer excels in his skill-set for his recruitment, hiring and retention efforts; oversight of background investigations; implementation of mandated and departmental training; dissecting administrative investigations and sanctioning discipline for misconduct; preparation and review of annual performance appraisals; review of promotional readiness packages and provision of proper recommendation; handling and review of "Threshold" or "High Risk" Incidents including excessive force and pursuits; negotiating and drafting Memorandums of Understanding between agencies and media relations; and identifying policy and procedural compromise resulting in exposure to liability and limiting risk of liability by taking swift, appropriate corrective action. Additionally, Chief Brewer has extensive experience working with one of the largest and most proactive police associations in California.

Chief Brewer has extensive experience managing specialized high risk law enforcement units and in changing cultural values to ensure constitutional policing standards. These include Warrant Service Teams, Air-Operations, Auto and Drug Task Forces, Special Investigations Units and Special Response Teams to Civil Unrest incidents including the aftermath of the Rodney King incident and the Bay Area Riots.

**E. Technical Advisor (TA): Arthur Miller**

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



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

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

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

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

**F. Technical Advisor (TA): Chris Burbank**

Chief Burbank has been with the Salt Lake City Police Department since 1991. Appointed to the position of Chief of Police in March 2006, he became the 45<sup>th</sup> Chief of the Department.

Chief Burbank has been an outspoken opponent to the cross deputization of police officers as immigration enforcement agents. He has participated in several

national conferences regarding the issue, including the USDOJ's Civil Rights Division's 2009 Title VI Conference. In May 2010, Chief Burbank and nine other Police Chiefs met with Attorney General Eric Holder regarding Arizona immigration laws. During the last two years, he addressed the House of Representatives Committee on the Judiciary regarding racial profiling and civil rights issues.

Chief Burbank was chosen by the Salt Lake Tribune as Utahn of the Year for 2011. The state's largest newspaper cited his handling of several high profile protest incidents and stated, "Burbank's stature as a community leader, including a willingness to endure threats and criticism over his position on immigration enforcement, is noteworthy at a time of ebbing confidence in those elected to govern."

Chief Burbank was honored for his work on behalf of the women and children who live, play and grow by the YWCA Salt Lake City as the 2010 Public Official of the Year. Additionally, in 2010, the Utah Minority Bar Association as their Honoree of the Year for his service to minority communities and dedication to diversity recognized Chief Burbank.

In May 2009, Chief Burbank received special recognition from the American Civil Liberties Union of Utah for work in protecting immigrant civil rights. In June 2009, he was recognized by the Latino Community Center for his dedication to community policing in building and maintaining a great foundation with the Latino community. Additionally that year, Chief Burbank received the Vicki Cottrell Community Hero Award from the Utah National Alliance on Mental Illness for assistance to individuals suffering from mental illness.

Chief Burbank was appointed a Venue Commander during the 2002 Salt Lake City Winter Olympic Games, also serving as a liaison to the U.S. Secret Service during the Games. He was recognized by Director Brian Stafford, United States Secret Service, for outstanding cooperation in support of its protective mission, by Utah Governor Michael Leavitt for his contribution to the law enforcement volunteer program, and by Major General Brian L. Tarbet, Adjutant General, Utah National Guard, for exceptional meritorious service in support of the Games.

Chief Burbank has a Bachelor of Science degree in Sociology from the University of Utah and is a graduate of the FBI's National Executive Institute, Class XXX and serves on the Board of Directors for the NEI Associates. Chief Burbank serves as the First Vice President of the Major Cities Chiefs Association, an assembly of the 69 largest policing agencies in the United States and Canada. He served as the Chair of the Valley Police Alliance during its inception and is proud to sit on the Utah Peace Officer Standards and Training Council.

**G. Technical Advisor (TA): Christopher Figueroa, DPA, CGAP, CFE, CFS, CRMA, CLEA**

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

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

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

He is also a member of the instructional staff of the Association of Certified Fraud Specialists (ACFS). Dr. Figueroa is an advisory board member of ILEAA and Abraham Lincoln University in Los Angeles, California. He also serves as a board member of his church, Calvary Chapel Solid Rock in Chino Hills, California. He has lectured in the field of law enforcement performance auditing for the ACFS, NACOLE and ILEAA.

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

He was also responsible for the development of the same course presented to the San Jose Police Department by San Jose State University's Administration of Justice Bureau. Alameda Police Department personnel also attended this course. Dr. Figueroa is also the instructional designer of the first Advanced Law Enforcement Auditor Course for Executives and Managers in the United States that was certified by California POST. This course, presented by EPAC and

administered by Dr. Figueroa, consisted of students from the CHP, New Orleans Office of the Independent Monitor, Oakland and Westminster Police Departments.

He is a certified California POST/ICI instructor and a graduate of the California POST Master Instructor Development Program (MIDP). As a Master Instructor, Dr. Figueroa is responsible for course design, and the training and evaluation of law enforcement instructors through out California. Dr. Figueroa also graduated from the Technology, Training Design and Development Course at the University of Southern California (USC).

**H. Technical Advisor (TA): Sergio Sais, CGAP, CFE, CLEA**

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

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

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

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

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

**I. Technical Advisor (TA): Marcos F. Soler**

Mr. Soler is the Deputy Executive Director (DED) for Policy and Strategic Initiatives at the New York City Civilian Complaint Review Board (CCRB). He joined the CCRB in 2001. The CCRB is the largest civilian oversight agency in the United States. As DED, he oversees the preparation of qualitative and quantitative analyses, policy memoranda, monthly and semi-annual reports and public testimony. He designs and monitors the implementation of organizational strategies and policy initiatives for the Board. During the past twelve years, he has presented his research on civilian oversight of law enforcement to domestic and international audiences.

Mr. Soler is a graduate of the New York City Leadership Institute, which is the main organizational and executive development program for City's executives and senior managers. As part of this program, he conceptualized and developed policy initiatives concerning behavioral assessment and recidivism for the New York City Department of Juvenile Justice.

Mr. Soler is an Adjunct Professor of Political Science at John Jay College of Criminal Justice (City University of New York). Since 2005, he has taught senior seminars on judicial policies and processes, civil rights and liberties, and constitutional politics. Since 2011, he has been a Visiting Professor of Constitutionalism at the Technical University of Dresden (Germany).

Mr. Soler served on the Board of Directors of the National Association of Civilian Oversight of Law Enforcement (NACOLE) from 2009 to 2012. He was NACOLE's Treasurer and Chair of the Membership Development and Outreach Committee and served on the Finance and Strategic Planning Committees.

Mr. Soler is currently a Ph.D. candidate in Political Science at The New School, New York, where he also earned a MS in Management and Policy Analysis. He began his undergraduate education in Europe studying philosophy and law. Mr. Soler obtained graduate degrees in Legal Theory (LLM), Constitutional Law (Diploma), Law and Society (MA), and Jurisprudence (Ph.D.). He was a Research Fellow in Jurisprudence at the University of Valencia Law School (Spain) and at the Spanish Center for Constitutional and Political Studies (Madrid, Spain).

**J. Information Technology Systems Specialist (ITSS): John Doucet**

Mr. Doucet is a Police Performance Auditor for the LAPD's Internal Audits and Inspections Division (IAID). He is currently assigned to a full-time collateral position in the Audit Training Section. In this position, he is responsible for coordinating the LAPD BLEPAC. He is a POST/ICI certified instructor.

In November of 2007, he was assigned as the project manager for the acquisition, installation, and implementation of CCH/Wolters Kluwer "TeamMate" software

program, and associated hardware and software. TeamMate is an industry leading audit project and electronic work paper storage software suite. Upon completion of the project, Mr. Doucet was assigned as the system administrator of the software suite for approximately 45 employees. This included both training and support for end users, and back-end administration of the software and respective server.

Mr. Doucet is regularly tasked with the creation of databases in Microsoft Access. As an example, his most recently constructed database was used to track the implementation of financial disclosure folders for LAPD sworn personnel.

In addition to the above, he is also responsible for providing computer troubleshooting and support for LAPD Internal Audits and Inspections Division (IAID) personnel. This includes providing training and assistance with Microsoft Office 2007 applications. He also coordinates with outside parties for the repair of computer equipment.

Mr. Doucet earned his Bachelors of Science degree in Criminal Justice Administration from the University of Phoenix. He earned his Master of Science degree in Information Systems Management – Concentration in Information Security, from the Keller Graduate School of Management. Mr. Doucet is presently pursuing his Doctor of Philosophy from Capella University with an emphasis in the field of Information Assurance and Security. His primary area of research is database security in cloud computing environments.

In addition to the education listed above, Mr. Doucet has also completed the following Computer Information Systems (CIS) courses:

- CIS 1A Introduction to Computer Systems;
- CIS 2 Fundamentals of Systems Analysis;
- CIS 5 Introduction to C++;
- CIS 26A Cisco Routing Fundamentals;
- CIS 26B Cisco Routing Protocols;
- CIS 26C Cisco LAN Switching and Wireless;
- CIS 26D Cisco Accessing the WAN;
- CIS 61 Introduction to Database Theory; and,
- CIS 62 MS Access DBMS Comprehensive.

Mr. Doucet is affiliated with the International Electronic and Electrical Engineers Association and the Association of Certified Fraud Examiners, where he holds a CFE designation.

Mr. Doucet also has law enforcement experience as a former Immigration Enforcement Agent. He was tasked with the detection, apprehension, and

detention of people illegally present in the United States. From August 2003 to August 2006, Mr. Doucet was assigned a full-time collateral position as one of two accreditation managers for the San Pedro, California, Criminal Detention Facility. In this position, he was responsible for ensuring the facility met accreditation mandates set forth by the American Correctional Association.

### III. QUESTIONNAIRE

A. The following is EPAC's response to the Federal Monitor Applicant Community Questionnaire.

1. What do you see as the biggest challenges to successful community engagement with the Newark Police Department?

As with most urban communities, the Newark "community" is made up of many distinct groups. Most of these groups have different needs and interests and all have their own unique experiences and histories with the NPD. Many are demanding nothing less than that the NPD change its culture and the city has agreed, through the consent decree, that this fundamental change is necessary. The rate of cultural change within NPD will be uneven—particularly in the first years of the consent decree. Police practices will have to be measured against policies, procedures and training but also against community perception. Nationally, it is becoming clear that police culture is too often insular, rigid and prone to viewing members of the police culture as being separate and distinct from other parts of the larger community. Unconstitutional practices such as biased-based policing must give way to constitutional policing or community trust will never be achieved. Changing police culture is not as simple as walking through a door. The city has taken meaningful steps on this journey by entering into the consent decree, but the distance that must be traveled challenges deeply held values, beliefs and self-perceptions within the NPD as an organization and by individuals within that organization. The NPD will have to engage with the community in new ways that reflect new values and beliefs. Meanwhile, community members will have to believe the new forms of engagement are meaningful and resulting in a safer city and a better quality of life.

2. What is your plan for ensuring that community engagement is permanently integrated into the policies and decision making of the Newark Police Department?

Newark has recently established a very strong civilian review board and our team will work with that group to support that key function. The civilian review board's role is to focus on handling individual civilian complaints against police employees to ensure investigations are robust

and timely and that the outcome is fair. Our team will build measurement systems for the many police programs that are not covered by the civilian oversight process but which are high risk. These are outlined in the consent decree and include: gang and vice units, SWAT, stops, frisks, arrests, warrants, property handling, etc. We have experience in reviewing, auditing and reporting on these areas. The reports we produce reflect data that is statistically reliable. Since the audits are repeated over time, the community will be able to see the levels of compliance the NPD has reached in these critical areas. We also have experience in measuring community-policing programs and can help the department identify specific strengths and weaknesses in community engagement and whether that engagement is a meaningful tool in making Newark a safer city.

3. Please describe your expertise, if any, with law enforcement practices and with policing reform consent decrees in other jurisdictions. How will those experiences inform your approach to overseeing implementation of Newark's consent decree? If you do not have such prior experience, what experiences prepare your team for overseeing a policing reform consent decree in Newark?

Many of the team members have worked within the Los Angeles Consent Decree. Gerald Chaleff was the head of the LAPD Constitutional Policing for 10 years and led a team of risk management executives that helped ensure police officers who posed a risk to civilians in the field were removed from the department. Mr. Chaleff also helped negotiate the New Orleans consent decree. Randy Khatami is a police performance auditor for LAPD and has audited all of the high risk areas identified as patterns and practices of unconstitutional policing within the LAPD. Mr. Khatami has also conducted consent decree audits for the Oakland Police Department. Christopher Figueroa, DPA developed the LAPD audit school and is a Master Instructor with California Police Officer Standards and Training. Brian Brewer is a retired Assistant Chief with the California Highway Patrol and helped lead that statewide law enforcement program into full compliance with the CHP consent decree. Dawn Reynolds is an attorney with twenty-five years experience in criminal law and civil rights, she has been active in civilian oversight of law enforcement for the past seven and serves on the board of directors for the National Association for Civilian Oversight of Law Enforcement. Chris Burbank is the Chief of Police for Salt Lake City and has gained national recognition for community policing and working with LGBT and immigrant populations.

4. What is your plan for educating Newarkers about your role in the reform process? How do you plan to educate the community about opportunities for involvement in that process? How do you anticipate overcoming potential skepticism or distrust in the community?



If we are selected, we will engage in a series of community forums to answer questions and listen to concerns. Within the structure and procedures outlined in the consent decree, our timelines and work plan will be published and we will participate in community forums upon the publication of all scheduled reports. We will also maintain a web site and use social media to keep the public informed.

Newarkers will see for themselves that we will be a driving force in reform. Policies, practices and training will be analyzed and measured against constitutional standards. Other cities have addressed these issues and abandoned police practices that have left them isolated from and distrusted by large parts of the population. The USDOJ is continuing to lead the way to standardization of best practices in law enforcement in the United States. We are optimistic that the NPD will see the benefits of adopting and embracing new practices that result in greater respect, cooperation and trust from Newarkers. Our reasoned, methodical and persistent approach will produce better, more effective ways of policing that will win over skeptics in the police department as well as in the community they serve.

5. What changes, including policy changes, do you believe are critical to ending the civil liberties violations identified in the Department of Justice investigation's findings, including profiling, unconstitutional stop-and-frisk practices, excessive force, retaliation against Newarkers engaged in First Amendment-protected activities and a broken internal affairs system?

This list of policy changes speaks for itself—yet it is equally clear the NPD did not set out to adopt policies that promote or sanction these unconstitutional practices. Our role in monitoring the NPD is to measure the gaps between policy, practices and training against constitutional standards. Policies will each be reviewed in conjunction with the training police employees receive in each of these areas. The policies will also be measured against how they play out in the field and identify weaknesses in supervision that are contributing to policy violations or misinterpretation of policy. Where there is ambiguity or language that is inherently against the law, specific policy changes will be recommended.

Our reviews and audits are particularly effective in showing weaknesses in policies and training in the practices identified in this question and which were identified in the DOJ investigation. For example, we have measurement tools (used in other cities including LA, Oakland and the California Highway Patrol) that measure IA investigations by taking a random sample of investigations then measuring them against identified criteria for thoroughness and objectivity. In this random sample we identify the complaint itself, how they are received and logged, how they are assigned, review recordings and interviews, analyze the investigative

reports, findings or recommendations and whether the adjudication was based on established facts, whether the department is using a clear set of standards or disciplinary matrix and whether discipline or corrective measures are being consistently applied. Our measurement tools are a series of questions--binary in nature --that simply require a yes or a no to each question asked. The result is a number that is the level of compliance with the set professional/legal standard. For high-risk activities such as the ones identified in this question, high rates of compliance--90% to 95%-- could be expected.

6. What role do you see existing community-based organizations and ongoing policing accountability work in Newark planning in your plans to oversee reforms to the NPD?

Community-based organizations will play a key role in measuring how well the reforms are working, reporting problems and successes they have knowledge of, educating the public on how to participate meaningfully in the process and providing real-time feedback to the monitoring team, the city, and the NPD.