

# O'Toole Associates, LLC

[REDACTED]

June 10, 2022

Nicole Porter  
Trial Attorney  
Civil Rights Division  
U.S. Department of Justice

Michelle Leung  
Assistant United States Attorney  
United States Attorney's Office for the District of Massachusetts

Kathleen T. Breck  
Deputy City Solicitor  
City of Springfield Law Department

Re: Compliance Evaluator Application

Dear Attorney Porter, Assistant US Attorney Leung, and Deputy City Solicitor Breck:

Please accept the attached application from O'Toole Associates, LLC, to perform services as Compliance Evaluator pursuant to the Settlement Agreement between The United States, the City of Springfield and the Springfield Police Department dated April 29, 2022.

Thank you very much for your consideration.

Sincerely,

[REDACTED]

Kathleen M. O'Toole  
President  
O'Toole Associates, LLC

O'Toole Associates, LLC ("OA") is pleased to present this response to the Request for Compliance Evaluator Qualifications ("RFQ") related to the Settlement Agreement ("Agreement") executed on April 29, 2022 between The United States, the City of Springfield, MA ("City"), and the Springfield Police Department ("SPD"). As directed, the numbering of main paragraphs below aligns with those in the RFQ.

### **34. Executive Summary**

We believe that OA is uniquely qualified to perform the services outlined in the Agreement. Our team members have unrivaled experience and have produced positive outcomes in similar matters in other jurisdictions.

Company founder and president, Kathleen O'Toole, a native of Western Massachusetts, rose through the ranks of local and state policing in the Commonwealth. She served as MA Secretary of Public Safety and Boston Police Commissioner. O'Toole also served as Seattle Chief of Police and Chief Inspector of the Irish National Police. She is an attorney, member of the Massachusetts Bar, and earned a PhD in Business with focus on organizational change. She has been a consultant to the USDOJ Civil Rights Division, has served as a monitor of a settlement agreement in East Haven, CT, and has been a member of other monitoring teams (Chicago and Baltimore). She was also the chief of an organization that was a party to a settlement agreement. She has been a vocal proponent for more collaborative, efficient and cost-effective monitoring methods. O'Toole would lead the team as Compliance Evaluator.

Chief Rodney Monroe (ret.) is also a member of the OA team. He is an accomplished and highly respected expert in community engagement and police reform. He served as chief of police in three jurisdictions: Charlotte, NC, Richmond, VA, and Macon, GA. Under his leadership, these jurisdictions experienced historical reductions in violent crime and significant increases in police/community engagement. He was also an Assistant Chief in Washington, DC. Monroe has extensive oversight and monitoring experience. He, too, is committed to efficient and collaborative approaches to reform.

Natalia Delgado has spent most of her legal career in government roles. She served as Associate General Counsel in the Illinois Governor's Office and, in that capacity, had principal responsibility for legal matters involving several agencies and boards, including the State Police, the Prisoner Review Board and the Department of Corrections. Delgado also served as Deputy General Counsel and Chief of Litigation for the Illinois State Police, Deputy Director of Policy for the Cook County State's Attorney, and as a City Prosecutor in Chicago. In all of her work, she has been recognized for her commitment to community engagement and passion for equitable justice.

We are purposely limiting our core team to three individuals to align with the goal of keeping the process as efficient and cost-effective as possible. Also, our approach is highly collaborative and we have found that a smaller team allows greater opportunity to develop valuable, authentic relationships. We do anticipate utilizing the company's extended management and

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administrative resources to assist with research, analysis and project management, but the three individuals listed above will be those directly engaging with the parties, community members and other stakeholders in Springfield.

We were pleased to see clear timelines spelled out in the Agreement. Parties working collaboratively and diligently should have no difficulty meeting the proposed deadlines. In addition, OA believes a definitive budget should be established in advance. The City and the SPD should know there is a clear roadmap to success if they continue to act in good faith to accomplish the goals set forth in the Agreement. OA is prepared to offer two accounting options: hourly rate model or project fee divided into monthly installments. While the overall cost estimate will be the same, OA has found the latter has been mutually advantageous and more efficient to administer during similar engagements. Based on experience, OA would frontload more work and budget into Year 1 and Year 2. During Year 3 and Year 4 the budget would decline incrementally as the project moves toward completion. A more detailed budget will be presented later in this proposal. The following is a synopsis:

Year 1	\$ 420,000
Year 2	\$ 420,000
Year 3	\$ 345,000
Year 4	<u>\$ 307,500</u>
Subtotal	\$ 1,492,500
5% Travel Costs	74,625
5% Administrative Costs	<u>74,625</u>
<b>Total Project Cost</b>	<b>\$ 1,641,750</b>

**35. Scope of Work**

The following scope of work aligns with and develops upon paragraphs 8-28 of the RFQ.

OA will be a conscientious, honest broker in the role of Compliance Monitor, but also in the spirit demonstrated by the Parties to date, will engage in a highly collaborative approach to assist the Court and the Parties in evaluating the City's and the SPD's implementation of the Settlement Agreement. Assuming Parties continue to act in good faith and with a sense of urgency, OA is confident, based on experience, that Substantial and Effective Compliance with the provisions of the Agreement can be achieved during the first two years of this engagement and maintained for a subsequent two years. (RFQ Par 8)

Throughout the engagement, OA will perform thorough, fair and efficient assessments to determine if the City and SPD have obtained Substantial and Effective Compliance with the Settlement Agreement. Both quantitative and qualitative data will be captured and analyzed to accomplish the assessments. (RFQ Par 9)

During the four-year engagement, OA will assist the Parties in achieving compliance by engaging regularly with all stakeholders, providing technical assistance, issuing recommendations, and preparing public reports. Authentic community engagement and transparency will be important pillars for this work. This should not be a “box-ticking exercise.” The goal, as set out in the Agreement, is “positive, constructive, and long-lasting change for the Firearms Investigation Unit, SPD, and the community at large.” In addition, OA will emphasize the importance of developing and embedding a culture of continuous improvement and innovation in SPD that will survive well beyond the life of this Agreement. (RFQ Par 10, 11)

As required in the Agreement, each year OA will develop and implement an annual Compliance Plan. The initial plan will be created within the first 90 days of the engagement. The plans will include clear matrices delineating requirements, expectations, timelines, assessment criteria and other important guideposts. OA will provide a clear roadmap to success that aligns in every respect to the requirements in the Agreement. Compliance plans and processes will be comprehensive but efficient. No doubt this will be a rigorous process for all involved, but OA will make every effort to promote efficiency so as not to unnecessarily distract the City or SPD from its other important work in the community. (RFQ Par 14)

Validated compliance reviews based on pre-determined criteria agreed in advance by parties will be conducted. The reviews will be driven by reliable qualitative and quantitative data and underpinned by academic rigor. (RFQ Par 15)

Throughout the process, OA will make recommendations that will assist parties in accomplishing timely Substantial and Effective Compliance. OA’s robust experience in similar projects will prove enormously helpful in this regard. While each jurisdiction has its unique characteristics, this team has worked nationally to develop best practices in policies, training, and accountability elsewhere that could be easily tweaked to meet some of the Parties’ needs. Benchmarking and building on robust knowledge that already exists will lead to much greater efficiency. (RFQ Par 16, 17)

OA shall file with the Court, every six months, written public reports that will include all the requirements listed in Paragraph 18 of the RFQ. These reports will be prepared in collaboration with the parties to ensure fairness and accuracy. In the interest of all stakeholders, compliance reports must be comprehensive and transparent. The Compliance Evaluator will earn the trust of parties, the community and other stakeholders by being a straightforward, honest broker in this process. In similar processes, Kathleen O’Toole has applied the mantra, “We go where the truth takes us – and we share that truth transparently.” At the same time, for this effort to succeed, the Compliance Evaluator must design and lead a collaborative process based on mutual purpose and respect. (RFQ Par 18, 19)

The lifeblood of any effective change initiative or reform process is authentic engagement with stakeholders. In addition to ongoing formal and informal engagement with the parties, robust

community engagement will be essential. In addition to quarterly meetings required in RFQ paragraph 20, OA will work hard to identify and engage a diverse range of community stakeholders, in group and individual meetings.

As indicated in the budget section of this proposal, OA has significantly reduced its proposed rates for this important project. Team members have also committed to providing an additional 10% of hours pro bono. Also, OA is aligned closely with several academic institutions and projects that can bring great value to this initiative. Previous experience in similar projects has underscored the value and importance of academic rigor and diversity of thought. (RFQ Par. 23)

If granted this opportunity, OA will prioritize its commitment to Springfield and relinquish other roles if necessary to avoid potential conflicts and/or allow greater time commitment. (RFQ Par. 25)

The Compliance Evaluator must be an honest broker who earns and maintains the respect of the Parties, the community and other stakeholders. This will evolve through authentic engagement and honest reporting. Spirited dialogue and constructive criticism will be important features of this project. Acknowledging the strengths of the organization and highlighting successes will be equally important. (RFQ Par. 26.)

### **36. Personnel and Current Time Commitments**

The three primary team members identified in this proposal do have other professional commitments. Kathleen O'Toole and Rodney Monroe are retired police chiefs who continue to work on police reform initiatives in other jurisdictions. They also serve as board members and advisors to various non-profit and private sector organization. Natalia Delgado currently serves in an Illinois state government position. All are entirely committed to this opportunity and have the capacity to satisfy the time requirements allocated in the proposed budget. In addition, all have agreed to prioritize this project over other opportunities if necessary.

### **37. Qualifications**

OA is proposing a small, but diverse team that will engage effectively with a broad range of state stakeholders in the Springfield community.

#### **Kathleen O'Toole**

Kathleen O'Toole is a lawyer and career police officer who has earned an international reputation for her principled leadership and reform efforts. She currently serves as president of O'Toole Associates, LLC and as a partner at 21<sup>st</sup> Century Policing Solutions.

In 2018, Kathleen completed her service as Chief of Police in Seattle, Washington where she led the Seattle Police Department through a major transformation project. In addition to addressing

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the requirements of a settlement agreement between the US Department of Justice and the City, she introduced leading-edge business practices and operational strategies that reduced crime and enhanced community trust.

Kathleen also chaired the Commission on the Future of Policing in Ireland. In September 2018, the Commission presented its findings and recommendations for sweeping reforms to An Garda Síochána, the Irish national police service. Kathleen had previously served a six-year term as Chief Inspector of the Garda Síochána Inspectorate, an oversight body responsible for advising the Irish Minister of Justice and recommending best practices for policing and security.

Earlier in her career, Kathleen rose through the ranks of local and state policing in Massachusetts. She began her career as a beat cop in the Boston Police Department and was assigned to numerous patrol, investigative, undercover, supervisory and management positions. She served as Superintendent (Chief) of the Metropolitan District Commission Police and Lieutenant Colonel overseeing Special Operations in the Massachusetts State Police. She was later appointed Massachusetts Secretary of Public Safety and Boston Police Commissioner.

Kathleen has worked on other high-profile reform projects. In 1998-1999, she was a member of the Independent Commission on Policing in Northern Ireland (The Patten Commission). The Commission published recommendations that transformed policing there as part of the Peace Process. In 2009, Kathleen served on a four-person panel that created the blueprint for reforming the Northern Ireland Prison Service. She was a member of the Independent Commission on Policing in England and Wales that published findings in late 2013. She also served as Joint Compliance Expert overseeing an agreement between the US Department of Justice and the Town of East Haven, CT to ensure constitutional policing. She continues to serve as a consultant to USDOJ and several state and local government agencies.

Kathleen earned a BA from Boston College, a JD from New England School of Law, and PhD from the Business School of Trinity College Dublin. She is a life member and served on the board of directors of the International Association of Chiefs of Police. She also served as a board member and treasurer of the Police Executive Research Forum.

### **Rodney Monroe**

Retired Chief Rodney Monroe is an accomplished and highly respected subject matter expert in community policing and police reform. With over 40 years of experience in law enforcement, retiring as Assistant Chief of Police in Washington, D.C., and continuing to serve as Chief of Police for 15 years in three cities, he is now sharing valuable knowledge and expertise with various law enforcement entities.

Under his leadership as Chief of Police in Charlotte, NC, Richmond, VA, and Macon, GA, historical reductions in violent crime were reached. These departments also experienced a significant increase in police and community relationships through the development and implementation of innovative programs and engagements.

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Chief Monroe continues his police reform efforts by partnering with noted professional organizations providing consulting services and subject matter expertise in collaborative reform projects, critical incident reviews, violence reduction projects, body worn camera programs, and the handling of mass demonstrations and special events.

He served as Monitor for Department of Justice Federal Consent Decree in Meridian, MS. He currently serves as the Deputy Monitor for the Chicago Police Department's Consent Decree. His focus areas include, Use of Force, Accountability/Transparency, Supervision, Training, Officer Wellness and Safety, and Hiring, Recruitment, and Promotion.

Chief Monroe has served as an Expert for the USDOJ Civil Rights Division in conducting Pattern and Practices investigations in the Louisville Metro Police Department and the Mt. Vernon Police Department.

Additionally, Chief Monroe has provided subject matter expertise on several other projects, which include: conducting a Racial Bias Audit for the City of Charleston, SC; North Charleston Collaborative Reform; and, Minneapolis Critical Incident Review. Chief Monroe currently serves as a Strategic Site Liaison for the Department of Justice, Bureau of Justice Assistance National Public Safety Partnership (PSP), National Body Worn Camera Program, and Safer Neighborhoods through Precision Policing Initiative (SNPPI) TTA programs.

### **Natalia Delgado**

Attorney Natalia Delgado left private practice in 2009 to begin her career in government, serving as Associate General Counsel with the Office of Illinois Governor Pat Quinn. Delgado had principal responsibility for addressing the legal issues of several State boards and agencies, including the Illinois State Police, Prisoner Review Board, and the Department of Corrections. In addition, Delgado managed Executive Clemency, leading a team reviewing petitions and making recommendations to the Governor, ultimately acting on nearly 5,000 petitions.

Delgado went on to serve as Deputy General Counsel and Chief of Litigation for the Illinois State Police. Her responsibilities included managing the litigation pending against the Department and its officers, prosecuting officers administratively for alleged policy violations, making policy recommendations, drafting proposed legislation and testifying before the legislature. Delgado also created curriculum and provided training to sworn officers and forensic scientists on various topics including Civil Rights & Civil Liabilities, Responsibilities of Field Training Officers, Search & Seizure, Bias Based Policing and Civil Deposition Preparation. While there, Delgado received a Meritorious Service Medal, awarded for outstanding achievements contributing to the efficiency and effectiveness of the Department.

Delgado next served as Deputy Director of Policy at the Cook County State's Attorney's Office, where she coordinated the planning, development and execution of several new policy and research efforts. Delgado leveraged relationships with law enforcement partners and advocates to

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educate and train on new initiatives and developed multidisciplinary teams to coordinate investigations and support services.

Delgado went on to serve as City Prosecutor in the City of Chicago, managing the attorneys and department responsible for prosecuting criminal and administrative violations of the Chicago Municipal Code. Delgado's practice also included civil defense of Freedom of Information Act litigation pending against City Departments in circuit court.

Delgado currently serves as General Counsel for the Illinois Commerce Commission, the state agency responsible for overseeing electric, natural gas, telecommunications, water and sewer public utility companies in the state. The Commission employs close to 300 people and operates with an annual budget of approximately 65 million dollars.

Delgado received a Bachelor of Arts Degree from Colgate University and a Juris Doctor from DePaul University School of Law. She is bilingual in Spanish and English.

### **38. Prior Experience and References**

As clearly indicated in the above biographies, the O'Toole Associates Team has extensive experience managing, assessing and reforming police departments of various sizes. All of these projects required effective engagement with a variety of stakeholders. The following is a small sampling of previous experience:

- Seattle Police Department – O'Toole led the efforts at SPD to achieve full and effective compliance with the settlement agreement negotiated with the USDOJ. Her team developed departmental policy, designed and implemented training (de-escalation/crisis intervention/use of force), restructured management and operational sections, established best business practices, and developed sophisticated systems of critical self-analysis and risk management. During her tenure, there was a steady decrease of crime in the City and a remarkable increase in public confidence.
- Chicago Police Department – O'Toole was contracted by the IL Attorney General to assist in the negotiation of a settlement agreement there. Later she joined the monitoring team and served in that capacity for two years. Monroe continues to serve as Deputy Monitor in Chicago.
- Baltimore Police Department – O'Toole serves on the monitoring team in Baltimore, MD. In that capacity, she has reviewed numerous use of force and sexual assault investigation cases.
- US Department of Justice Civil Rights Division – O'Toole and Monroe have been contracted by DOJ for projects involving police agencies in the State of New Jersey, Puerto Rico, Louisville, KY, and Meridian, MS.
- East Haven, CT – O'Toole served as Compliance Expert during the implementation of a settlement agreement between the US Government, the town, and the police department. It is frequently cited as one of the most effective such processes in the nation.

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- International Reform Experience – O’Toole served as the Chief Inspector of the Irish National Police for six years. She also served on a commission in Northern Ireland during the Peace Process that developed a new framework for policing there. In addition, she was a member of a commission to reform the Northern Ireland Prison Service, the Commission on the Future of Policing in England and Wales, and she recently chaired the Commission of the Future of Policing in the Republic of Ireland.

*Note: References are readily available for the above projects. Noting potential privacy and security concerns, OA will provide specific names and contact details of references for these and numerous other reform projects upon request.*

**39. Budget**

The total cost for services provided by OA as Compliance Evaluator, assuming the Parties meet the requirements and timelines detailed in the Agreement, is estimated to be **\$ 1,641,750**.

This amount breaks down as follows:

Year 1	\$ 420,000
Year 2	\$ 420,000
Year 3	\$ 345,000
Year 4	<u>\$ 307,500</u>
Subtotal	\$ 1,492,500
5% Travel Costs	74,625
5% Administrative Costs	<u>74,625</u>
<b>Total Project Cost</b>	<b>\$ 1,641,750</b>

The following breakdown projects the hours and fees of the three OA team members and also accounts for a variety of supplemental resources that will be required to support the team, for example: IT experts, data analysts, academic support, and project management.

<u>Year 1</u>			
O’Toole	40 hours monthly	\$325/hr	\$156,000
Moore	40 hours monthly	\$300/hr	\$144,000
Delgado	20 hours monthly	\$300/hr	\$ 72,000
Supplemental	20 hours monthly	\$200/hr	<u>\$ 48,000</u>
			\$420,000 Annual Total
 <u>Year 2</u>			
O’Toole	40 hours monthly	\$325/hr	\$156,000
Monroe	40 hours monthly	\$300/hr	\$144,000
Delgado	40 hours monthly	\$300/hr	\$ 72,000

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Supplemental	40 hours monthly	\$200/hr	<u>\$ 48,000</u>
			\$420,000 Annual Total

### Year 3

OToole	30 hours monthly	\$325/hr	\$117,000
Monroe	30 hours monthly	\$300/hr	\$108,000
Delgado	20 hours monthly	\$300/hr	\$ 72,000
Supplemental	20 hours monthly	\$200/hr	<u>\$ 48,000</u>
			\$345,000 Annual Total

### Year 4

OToole	25 hours monthly	\$325/hr	\$ 97,500
Monroe	25 hours monthly	\$300/hr	\$ 90,000
Delgado	20 hours monthly	\$300/hr	\$ 72,000
Supplemental	20 hours monthly	\$200/hr	<u>\$ 48,000</u>
			\$307,500 Annual Total

Note: The above rates have been discounted by approximately 25%. Also, team members have committed to contributing an additional 10% of pro bono time to this project.

#### **40. Collaboration and Cost Effectiveness**

Having considerable experience in similar reform initiatives, OA has learned how to design and implement monitoring processes that are efficient and produce desired results. Effective monitoring plans are built on a strong foundation of collaboration and efficiency. While OA is poised to provide expert technical assistance when required, we believe that the Parties are more appropriately positioned to do the required work themselves with oversight and guidance from the monitoring team. In too many instances, we have witnessed monitors and monitoring teams who have embedded themselves in day-to-day police operations and have collected robust fees under the banner of technical assistance. OA has no intention of following that path, thereby reducing potential cost significantly. As a native and current resident of Massachusetts, Kathleen O'Toole is available to spend considerable time on the ground in Springfield engaging with the Parties, the community and other stakeholders. Other team members will attend in-person meetings on pre-determined schedule as well.

#### **41. Potential Conflicts of Interest**

As indicated in the biographies of proposed team members, O'Toole and Monroe fully disclose previous and existing contractual relationships with the USDOJ Civil Rights Division. Otherwise, we are not aware of any potential conflicts of interest.

**Conclusion**

Thank you very much for considering our proposal. If given this opportunity, the OA team – Kathleen O'Toole, Rodney Monroe and Natalia Delgado – will bring passion as well as expertise to this project. We are determined to work collaboratively with all stakeholders to provide exceptional outcomes to the communities we serve. We hope to add Springfield, Massachusetts to our list.