

MICHAEL LEVINE
CONSULTING

RESUMÉ
(updated November 2018)

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LANGUAGE: Spanish (bilingual) Italian (conversant)

EXPERIENCE:

1990 - Present

Expert Witness – Trial Consultant:
I am currently serving (since 2003) as a consultant and reviewer of Police-involved shootings (homicides) as well as related areas pertaining to arrest and investigative procedures for both the Atlanta and the Dekalb County Georgia District Attorneys Offices and regularly take part in the investigation of questionable police-involved shootings and related arrest procedures as well as provide expert testimony for criminal grand juries in those districts. My peer review journal articles on police procedures and manual on Undercover Tactics and Informant Handling (and related arrest procedures) have been published by Academia.edu and are currently in the top .01% of global downloads by police departments and researchers. I am also currently working on a contractual basis as a police instructor primarily lecturing on Undercover Tactics and Informant Handling, which includes a focus on use-of-force and related arrest issues.

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TRIAL - CONSULTING - SECURITY

Since 1990, as a civilian, I've been retained in more than 500 criminal and civil matters relating to the below topics. 90 percent resulting in out-of-court resolution (see details below).

1. Police standards of Interrogation and Interviews/ false confessions.
2. Police Use of Force (including deadly force)and reasonability of action in all related arrest and confinement procedures.
3. Police Procedures and standards all areas; adherence to search-for-truth principals.
4. Documentation of elements of proof indicative of the "avoidance of bad evidence," during the overall investigative process. "Bad evidence," meaning the avoidance of any investigative process that will result in the revelation of information or evidence (Brady materials) that contradict police and/or prosecution theories of guilt AND/OR evidence that would, in anyway, result in the exposure of police corruption and/or abuse of official powers.
5. Police Involved Shooting Investigative Procedures.
6. Reenactment of Use-of-force and arrest scenarios.
7. Raid Planning & Execution.
8. Human Intelligence (Informants) recruitment, corroboration, management and control.
9. Law Enforcement Procedures (local and federal).
10. Due Diligence in Obtaining Probable Cause.
11. Undercover & Surveillance Tactics.
12. Entrapment.
13. Police Community anti-drug Tactics.

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14. Domestic and International Narcotic trafficking Investigative procedures, including transportation, RICO/Conspiracy investigations, Money Laundering and other related matters.
15. Physical and Plant Security.
16. Official Corruption and abuse of official powers.
17. Reasonability of law enforcement action during all arrest and related detainment procedures.

1973 - Present: LAW ENFORCEMENT INSTRUCTOR/LECTURER

Law Enforcement Instructor (since 1990)

I am currently retained on a contractual basis by law enforcement agencies across the US and Canada as an instructor lecturer in police procedures related to undercover operations, informant handling, Interrogations & Interviews and plainclothes arrest tactics. Between 2010-2013 I was retained by the US State Department as an instructor/lecturer for the Brazilian Federal Police. I have also have served as a certified Police Instructor for the State of New York, working on assignments emanating from the New York State Division of Criminal Justice Services. In January of 2008, I authored the NY State Law Enforcement Instructional Manual "Undercover Survival Tactics and Informant Handling," which included training in Use of Force related to Undercover Work. This manual was translated to Brazilian Portuguese in November, 2010 and is currently being used by police agencies worldwide via Academia.edu.

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Since my retirement from the Drug Enforcement Administration in 1990, to date, I have also lectured on a contractual basis for many local enforcement agencies on Human Intelligence, Undercover/Covert Operations, Narcotics Investigations [from street level to international], International Operations and more (details on request) across the United States, Canada and Australia. I served as a regular instructor of Undercover Tactics (and all related arrest procedures), Narcotic and Money Laundering Investigations and Informant Handling for Ontario Provincial Police Academy for 7 years.

Law Enforcement Instructor (1973-1990):

From 1973 to 1990, I was assigned co-duty as a Police Instructor in the Department of Justice, Drug Enforcement Administration, Training Division, two-week narcotic investigations school offered for law enforcement agencies nationwide. The subjects of my lectures encompassed the following:
UNDERCOVER TACTICS (*including Use of Force and arrest procedures related thereto*), INFORMANT HANDLING, RAIDS, NARCOTIC INVESTIGATIVE PROCEDURES, (all facets including but not limited to Standards of Interrogation and Interviews). SURVEILLANCE and UNARMED SELF-DEFENSE. The following are some of the highlights of this period of time:

- Became a New York State Certified Police Instructor.

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- Regular DEA Instructor at the New York State Police Academy.
- Developed a course of self-defense for plainclothes operations.
- Received DEA Commendation for training activities.
- Specially invited lecturer to FBI Academy, Quantico, VA, to lecture Advanced Undercover Seminar.

As a lecturer/consultant, on the subject of Undercover Survival Tactics, Informant Handling, Narcotics Investigative Procedures and related subjects including all arrest procedures related thereto, (1990-present), I have appeared before a wide variety of audiences, from the United Nations and the World Presidents Organization to the New York City Council, and The Cato Institute. I lecture frequently at colleges and universities across the US and Canada. In 1993 I was voted the Canadian College Speaker of the Year. I have also been invited as a lecturer/consultant to international drug conferences sponsored by the French, Spanish and Dutch governments. (complete list available on request).

1993-1994

Named as member of the Mayoral and City Council Automated Teller Machine (ATM) Task Force at the special request of Mayor David Dinkins. The work of this task force resulted in new laws increasing security at the 25,000 automated teller machines in the City of New York.

1992- 1993

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Drug Bureau Chief Barnstable County,
Mass. (Cape Cod) Sheriffs Department.

1973-to- 1990

Drug Enforcement Administration.
During this period, I was considered one of DEA's top Undercover/Deep Cover and international narcotic trafficking specialists. I was charged with design and orchestration of some of the government's most significant national and international Deep Cover and conspiracy investigations.

Highlights:

Some of my international RICO and Conspiracy investigations were considered among the most significant in drug war history (see publications) and were recently featured on the History Channel's "Twentieth Century."

1973 -1990 cont'd

DEA Positions held:

- Country Attaché, Argentina and Uruguay. 1979 - 1982 I was the senior US law enforcement officer in the Southern Cone;
- Special Operations Officer, worldwide
- Inspector of DEA field Operations, worldwide, Office of Professional Responsibility;
- Desk Officer, Cocaine Desk and Heroin Desk, DEA Headquarters, Washington, DC;
- Miami Airport Supervisor, Vice President's South Florida Task Force;
- Instructor/Lecturer, Public Affairs and Training Office. As part of my

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duties I lectured federal and local law enforcement agencies on Human Intelligence (Informant Handling), Undercover & Deep Cover Survival Tactics, Use-of-Force in plainclothes operations, Narcotic Investigations, Conspiracy and more.

- Group Supervisor, New York City Field Division (co-duties:Internal Affairs & Training);
- Group Supervisor, New York City Joint Federal State Task Force supervising New York City and State Police officers as well as federal agents;
- Acting Group Supervisor, International Group, New York City Field Division.
- Assistant Group Supervisor FBI/DEA Task Force.
- Acting ASAC (Division Leader), New York Field Division.
- Liaison Officer with government of Israel.

Expert Witness

During my career as a DEA officer, I qualified as an Expert Witness testifying as to Undercover Tactics, Controlled Delivery operations, Narcotic trafficking, Informant Handling, Organized Crime, Conspiracy, Use of Force, and reasonability of all arrest procedures and other matters directly and/or peripherally related to violations of US Narcotic and conspiracy laws, on more than 170 occasions.

1970 - 1973

Assistant Group Supervisor,
Hard Narcotics Smuggling Division, US Customs. Also held positions of

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Special Agent and Special Agent/Sky Marshal.

Highlights: Deep Cover investigation in South East Asia during Vietnam conflict resulting in Special Act US Treasury Award, for taking down one of the most significant international heroin smuggling organizations of the time.

Expert Witness

During my career as a Customs officer, I qualified as an Expert Witness testifying as to Narcotic trafficking, Informant Handling, Controlled Delivery Operations, Organized Crime, Conspiracy and other procedural matters directly and/or peripherally related to violations of US Customs laws, informant handling and other enforcement investigative procedures on more than 25 occasions.

1966 - 1970

Special Agent, Bureau of Alcohol, Tobacco & Firearms (BATF).

Expert Witness

During my career as a BATF officer, I qualified as an Expert Witness testifying as to all matters related to weapons, narcotics trafficking, Organized Crime, Conspiracy and other matters directly and/or peripherally related to violations of laws enforced by BATF on more than 35 occasions, including but not limited to Use-of-force and informant handling.

1965 - 1966

Special Agent, Intelligence Division of the Internal Revenue Service, OCD (Organized Crime Division)

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1958 - 1961

Air Police Officer, United States
Air Force, includes all training
related thereto.

EDUCATION:

BBA degree in Accounting with a minor in Economics, June,
1965, Hofstra University.

OTHER SIGNIFICANT TRAINING AND BACKGROUND RELATED TO LAW ENFORCEMENT:

1958 -1961 US Air Force: Military Police School
Sentry Dog Handling School (K-9)

IRS Intelligence Schools Special Agent School
(Tax Fraud Investigations)
Tax Law School

US Treasury Schools Treasury Law Enforcement
Academy. Every facet of law
enforcement procedures covered in
intense training sessions.

BATF Schools ATF Investigator School
Bomb Investigation and Weapon Schools
Interrogations and Homicides
Executive Protection School.
Seminars on Crime Scene
Investigation.
Seminars on Gun Crimes.
Seminars on Security Assessments
Pursuit and Surveillance driving.
Dealing with the public in volatile
arrest and/or crime situations.

US Customs Schools Customs Special Agent Academy
(Enforcement of all US Custom laws).
Conspiracy Investigations Seminar.
Sky Marshal Training Course.
Seminars and training Security
Assessments

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Dealing with the public
(reasonability of action) in all
volatile situations.

DEA Schools

Senior and Mid Level
Management Schools,
Police Instructor School
(Multiple Seminars given by various
US Attorneys offices and DEA -
Conspiracy/RICO/Homicide).
Two seminars on money laundering
investigations.
Pursuit and surveillance driving.
Numerous seminars on Title III
investigations given by U.S Attorneys
offices, as well as DEA Training
Division.
Drug Related Homicide seminar.
Drug Related Death Seminar (Dr.
Michael Baden).
Methamphetamine investigations
seminars.
Seminars on Crime Scene
investigations given by NYPD .
Intelligence Gathering Principles,
(given by CIA).
Internal Security Inspectors Tng,
Executive Protection
(given by Secret Service)
Special DOJ Training While in DEA:
OPR (Office of Professional
Responsibility)Inspector Training,
State Department Schools while in
DEA:
Foreign Service Institute (foreign
Diplomacy and diplomatic Spanish)

MILITARY-SERVICE 1958 - 1961

US Air Force - served as military
police officer and sentry dog
handler. Strategic Air Command - Base
Security Division of Air Police.

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AWARDS

I was considered one of the most decorated agents in the Drug Enforcement Administration. My awards include the Octavio Gonzalez Award, given by the International Narcotic Enforcement Officer's, for the undercover penetration of the Roberto Suarez, Bolivian cocaine cartel; the, then, biggest case in drug war history, along with more than twenty other Justice and Treasury Department awards, and awards from foreign police agencies. (A complete list is attached).

PUBLICATIONS

- *Deep Cover*, nonfiction, *New York Times* bestseller, (Delacorte Publishers, March 1990, since republished by special arrangement between the Author's Guild and iuniverse-numerous foreign translations).
- *Fight Back , How to Take Your own neighborhood Back From the Drug Dealers* (Dell Publications). Recommend reading by the Clinton Administration Drug Policy Office for communities with drug problems.
- *The Big White Lie*, (Thunder's Mouth Press), nonfiction, co-written by my wife, LAURA KAVANAU was published October, 1993 (Numerous foreign translations).
- *The Triangle of Death*, also co-written with Laura Kavanau, published August, 1996 (Delacorte).
- I was a contributing writer in the Cato Institute Book *After Prohibition* (April 2000).
- I contributed a chapter to *Into The Buzzsaw*, Edited by Kristina Borjesson. (Prometheus, March, 2002).
- I completed a Manual for Undercover Tactics & Informant Handling, for the State of New York, Criminal Justice Services Division (December 2007).

ARTICLES

The following is a list of publications and articles from 1993 to present:

- "King Rat" by Michael Levine, article on Informant Entrapment, based on documented cases

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taken from the author's experience. Published by *Utne Reader*, and many other venues.

- "Going Bad" by Michael Levine, article on law enforcement corruption, based on cases taken from the author's experience, *Spin* magazine and republished in numerous other venues.
- "A Time Warner Executive Executes Cops" opinion piece published in *New York Newsday*, *The NARC Officer*, and other venues, concerning violence against law enforcement officers inspired by certain rap music pieces irresponsibly released by music company executives.
- "The Expert Witness" published by *Texas Lawyer Magazine*.
- "That Nightmare Moment" (police use of deadly force), published by the *Los Angeles Times*.
- "Blind Mules-Fact or Fiction"-unwitting and/or duped participation in crime, published in *Law Enforcement Executive Forum* a publication of the Illinois Law Enforcement Training and Standards Board, the University of Western Illinois.
- "The Weakest Link" - Management responsibility for snafoos involving covert operations and informant handling, based on a presentation given to the Defense Intelligence College Southern Command, December 2008); published in *Law Enforcement Executive Forum* a publication of the Illinois Law Enforcement Training and Standards Board, the University of Western Illinois.
- "American Hustle," (2015) a peer review journal article published in *Law Enforcement Executive Forum* a publication of the Illinois Law Enforcement Training and Standards Board, the University of Western Illinois. A critique of undercover sting operations and the management failures related thereto.
- All the above articles have been republished in 2014, via Academia.edu. The student manual on undercover tactics and informant handling, whose primary intention is the avoidance of police-involved shooting situations by proper planning and execution is now among the top.01% of global downloads by police agencies and researchers.
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MEDIA CONSULTANT & GUEST/EXPERT APPEARANCES:

I have appeared as a guest/expert on the following nationally televised shows, included but not limited to the following: *The Big Idea* (Donnie Deutch, CNBC), *Rivera Live*, *60 Minutes*, *Donahue*, *Geraldo Rivera* (both Daytime show and *Rivera Live*), *Inside Edition Good Morning America* (3 times), *NBC Morning Show*, *CBS Morning Show*, *MacNeil Lehrer News Hour* (interviewed by Charlene Hunter Gault), *Dick Cavett* (2 times), *9 Broadcast Plaza*, *Bill Moyers* (2 times), *Like It Is* (Gil Noble, 2 times), *Dan Rather News* (several times), *20/20* (ABC), *CBS Eye On America*, *Night Watch*, *Crier Report* (Fox News Net), *Crossfire*, HBO documentary on undercover work; Arts and Entertainment Movie *Undercover*, and more. Most recently can be seen on the History Channel in the Mike Wallace's "20th Century Special "Losing the Drug War" and as an expert on interrogations and confessions on "The Big Idea," CNBC.

I have been retained by Spelling, NBC Productions and Sony Pictures as technical consultant in television shows in the areas of Informant Handling, Arrest and Undercover Procedures and Use-of-Force.

I have appeared as an expert on various law enforcement related topics on numerous local television shows around the country including Miami, New York, Connecticut, Westchester County, Dallas, San Diego, San Francisco, Chicago, Detroit, Tampa, Houston, Seattle, Los Angeles, New Orleans, Boston, Cape Cod, Portland, Washington, DC, Baltimore, Maryland, Atlanta and more. I have also made guest appearances on hundreds of local and national radio shows around the country.

ASSOCIATIONS

- COPS (Concerns of Police Survivors), an organization of families of police officers killed in the line of duty.
- Survivors of the Shield, an organization of families of New York City police officers killed in the line of duty.
- New York State Shields (Lifetime membership).
- National Organization of Police Concerns.

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- American Society of Law Enforcement Trainers.
- The New York State Shields Inc., a police fraternal organization.
- Association of Former Intelligence Officers.
- Association of Former Federal Narcotic Agents.
- ASLET: Association of Law Enforcement Trainers.
- Force Science Research Center.
- AELE Law Enforcement Legal Center.

The following training and experience combine to formulate the basis of, or “lens” through which I formulate my opinions as to what professional standards are as they relate to Use of Force, Interrogations and Interviews, Homicide and/or other criminal Investigations, Raids Planning and Tactical Procedures, peripheral arrests, the Acquisition of Probable Cause leading to raids and arrests, Internal Affairs Investigative Procedures and Procedural Review issues including but not limited to assessing management and supervisory oversight:

Police Instructor, US State Department and New York State Department of Criminal Justice Services.

Until 2013 I worked for the US State Department lecturing on Undercover Tactics (including use of force) for the Brazilian Federal Police. Until March, 2008, I served as a New York State certified law enforcement instructor and have lectured in New York State on the topic “Undercover Survival Tactics & Informant Handling” both on Department of Justice Assignment and continuing after my retirement on contractual basis. My lectures are attended by officers from federal

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agencies and other state agencies as well. In January of 2008 I authored the law enforcement student manual "Undercover Tactics and Informant Handling," for the New York State Division of Criminal Justice Services. An important part of the lecture is the use of force tactics and procedures that relate to undercover work. In 2010, I was called upon as a consultant to the New York State Department of Justice Services for the preparation of a law enforcement student manual dedicated to procedures and tactics associated with Informant Handling. This manual has now been translated to Portuguese for the State Department.

Police Involved Shooting and Use-of-Force Reviewer for Atlanta District Attorneys Office.

I have been called upon, since 2003, to review Police Involved Shooting (homicides) incidents for the Atlanta District Attorneys Office. Includes providing expert testimony before criminal grand juries in this regard. These reviews often encompass the application of other areas of expertise such as probable cause, undercover tactics and informant handling, interpretation of crime scene evidence, interrogations and interviews and other related investigative tactics and procedures.

Police Involved Shooting Reviewer for District Attorneys office of DeKalb County Georgia.

In 2014 I began reviewing Police-involved shootings for the Dekalb County District Attorneys Office covering essentially the same duties already being performed for the Fulton County DA.

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**Instructor of Suggested National Standards in Investigative
Procedures-- DEA Local Enforcement Training Programs**

The Drug Enforcement Administration, designated our nation's "lead agency in the war on drugs" in 1973, began, in that year, an intensive effort to set national standards for all investigative procedures related to the undercover work, including the use of force, interrogations and other arrest procedures related thereto.¹ This, effort was begun, in response to widespread violence, wrong door raids, false arrests and even convictions, and continues to this date.

For Seventeen years of my career with the Drug Enforcement Administration, I served periodic co-duties as an Instructor/Lecturer in this program, specializing in Undercover Tactics, Informant Handling, Interrogations, Homicide Investigations, Raids, Narcotic Investigative Procedures, and other areas related thereto including the use-of-force while working in an undercover capacity. During this period of time, among many other training assignments I fulfilled as part of this program, I became a licensed New York State Police Instructor and a regular instructor at the New York State Police Academy.

Martial Arts Instructor and Practitioner

¹ Well Documented cases illustrating the tragic results of substandard use of Criminal Informants, and/or undercover and/or deep cover tactics, include, but are not limited to the arrest and incarceration of innocent citizens, deaths of both innocent citizens and law enforcement officers alike, the destruction and/or seizure of businesses and homes of innocent citizens, wrongful and/or illegal prosecutions and convictions of innocent citizens etc., dating back to the very origins of undercover work in the US, with the Pinkerton Detective Agencies undercover probe of labor unions and continuing to this date. I have been professionally involved in these issues since 1965.

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I have been a martial arts (Karate) practitioner and instructor since 1963, receiving my Black Belt in 1973. I was involved in international and Intra national competition, including the 1976 Police Olympics as member of the Drug Enforcement Administration team, and the South American Caribbean Championships (Panama-1973). A five decade lens of intense training and observation of the physicality of combat that is heavily relied upon in those matters where this is a factor.

Design “Use—of—Force” Course for DEA

I was requested by the Drug Enforcement Administration in 1975 to devise a course aimed at the Use—of—Force in making arrests for law enforcement officers, with a particular focus on the protection of a gun, while utilizing reasonable force; and the arrests of individuals exhibiting signs of drug and/or alcohol intoxication. I taught the course as a co-duty to my regular assignments from 1975—8.

Supervision of in Excess of 500 raids involving the arrests of multi-defendants, 5,000 individual Felony Arrests, plus credit for in excess of 3,000 personal arrests.

During 17 years of my career with the DEA, I was a “street” supervisor, involved in the supervision, planning and physical participation in more than 500 raid operations involving multi-defendant arrests, in excess of 5,000 individual arrests, most of which involved armed suspects who had committed major felonies, including but not limited to narcotics trafficking, armed robbery, hijacking, bank robbery, car theft, homicide, vehicular homicide and multiple homicide. Approximately five – ten

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percent of these incidents involved the forceful arrest of individuals who were drug and/or alcohol intoxicated, (including but not limited to car chases) also, including but not limited to mind altering substances such as PCP. During this time, as a Department of Justice, Street Supervisory Officer I was charged with primary responsibility for the training and biannual evaluation ratings for officer performance as relates to standards of conduct in the planning and execution of raids, dealing with the public and Use—of—Force in all enforcement situations.

During my 25 years in law enforcement,

I was also credited for in excess of 3,000 personal arrests—most of which involved armed subjects involved in the full gamut of major felonies, from drug trafficking and homicide to extortion and organized crime violations. A good portion of these arrests involved combative defendants as well as issues related to reasonable probable cause for arrest without a warrant.²

**Responsible for Use—of—Force and/or misconduct Investigations
for All Arrests and raids conducted Under my Command which
number at more than 5000.**

During my 17 years supervisory service with the DEA, in accordance with Department of Justice and DEA training and SOPs, I was also made responsible for the initial investigation of all violent incidents occurring under my watch, particularly as said incidents related to

² See *Undercover*, by Donald Goddard, Random House/Times Books, March 1988.

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Use—of—Force by officers under my command, which included in excess of 1,000 arrests wherein some elements of physical force that exceeded that of vocal commands were necessary. During my years of supervisory service I had occasion to investigate Use—of—Force incidents and other procedural violations related to raids, raid planning and damage and injuries related to use of government vehicles, involving federal and state officers assigned to DEA, NYPD, FBI, BATF, US Customs, New York State Police, Miami Police, US Immigration and Naturalization Officers and other police agencies involved in DEA task force organizational units.

19 Years Service as a Supervisory Officer:

Nineteen years of training and experience as a Drug Enforcement Administration and US Customs supervisory officer with intensive training and experience in supervising and/or reviewing and/or conducting thousands of criminal investigations including the direct supervision of the handling, control and record keeping associated with Investigative Procedures and Informant Handling practices, Raids and Raid Planning. The cases numbering in excess of 10,000, involved every aspect of law enforcement investigative activities, including but not limited to Organized Crime, drug trafficking, homicide, extortion, money laundering, continuing criminal enterprise, RICO, armed robbery, kidnapping, etc.

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Review of Use—of—Force Procedures, Investigations and Training for in Excess of 100 United States Federal and State Law Enforcement Agencies.

From 1973 to the present my Department of Justice official duties and training in Internal Affairs Investigations, Operations Inspection and Police training, combined with my trial consulting and police training, have necessitated that I conduct in depth reviews of Use—of—Force, Raids and Raid Planning Procedures, Investigations and Training related thereto, for in excess of one hundred (100) United States federal and state law enforcement entities.

Responsible for Performance Ratings of Federal Agents and Local Police Under my Command:

17 Years of experience as a DEA supervisory officer during which time I was responsible for the performance, review and training of all investigators under my command in all areas of investigative activities including, but not limited to, Informant Handling, Interrogations and Interviews, Raids and Raid Planning, Undercover Operations, Investigative Report Writing, reasonability of use of force in all situations, Standards of Conduct, Surveillance, Asset Seizures and all aspects of performance related to the prosecution of cases.³ This entailed the completion of biannual performance ratings that mandated my personal observation and rating officer performance in every area of performance, including but not limited to Informant Management, Security, Interrogations and Interviews, etc.

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Training in Investigative File and Operations Review Procedures:

It was during my 17 years as a DEA supervisory officer, that I was specifically trained in the reliable methods and principals of the Reliable Methods of Investigative file and Action review, as well as the close review and supervision of agents and local police officers under my command; supervisory duties that entailed the close supervision and full review of thousands of criminal investigative actions, most of which entailed the use of criminal informants, interrogations and interviews.⁴

Hiring and Background Investigations

During most of my 17 years of supervisory duty I was also tasked with taking part in Hiring Panels and supervising the background investigations of Law Enforcement Applicants for the job of DEA Special Agent and other law enforcement positions related to federal and local narcotic enforcement units.

Responsible for Approval of Prosecution Packages:

It is significant to note here, that part of my training, experience and supervisory duties was the supervision and review of investigations and/or investigative files and the affixing my signature of approval of

³ These duties required that I prepare written performance reviews for every enforcement officer under my command, including local law enforcement officers, on a biannual basis.

⁴ DEA Management School at the University of Maryland; Operations Inspector Training, Wash.D.C. and mandatory attendance at numerous management training sessions and conferences throughout this period of time.

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same prior to said investigations and/or files being forwarded to federal and/or state prosecutors for prosecution; and in excess of 90 percent of these cases involved the use of undercover tactics and/or Informants.⁵ Many of these cases involved peripheral arrests; that is arrests emanating from officer interaction with the public during volatile situations.

Expert Testimony for Prosecution:

Approximately 19 of my 25 years as a federal agent, during which time I was called on by the prosecution, on in excess of 200 occasions, to testify as an expert in all areas of criminal investigations including but not limited to undercover operations, Raids, Raid Planning, informant handling, interrogations, use of force and matters related thereto. Many of these cases involved peripheral arrests emanating from officer interaction with the public during volatile situations.

Co-duty as OPR Inspector of Operations:

Three years of co-duty as a DEA Inspector of Operations, attached to the Department of Justice, Office of Professional Responsibility, during which time I was pulled from my normal supervisory duties and sent to DEA Divisional offices throughout the world on unannounced operational inspections. These inspection duties always included a full file review and evaluation of investigative procedures related to all law enforcement investigative procedures including but not limited to Use

⁵ Commonly referred to as "prosecution packages."

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of Force issues, with a view toward affixing “management responsibility” for all deviations from standards.

It is important to note that, in essence, these reviews were almost identical in technique, purpose and standards, to the instant review.

Supervisory Enforcement Officer

17 years of my career in the Justice Department, wherein as a supervisory officer I was trained and made responsible for observing and rating in biannual “performance” reports, the law enforcement performance of all officers under my command in ALL facets of their law enforcement duties and training, including but not limited to:

- Appropriate Use-of-Force and/or police authority in all situations, including but not limited to the reasonability of arrest and other actions taken while dealing with the public in these extremely volatile situations.
- Raids: Preparation, Planning and Execution.
- Investigative report writing and adherence to professional and national standards in investigative reporting.
- Standards of Conduct. (including honesty judgment, integrity, etc.). I was required to specifically observe, investigate and report indications of deception and/or corruption in all areas of performance.

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- Adherence to National Drug Policy [i.e. the exhausting of all investigative means to fully exploit each and every investigation in the direction of sources of supply and/or kingpins] and/or to the resolution of all drug related crimes encountered, including but not limited to homicide, extortion, larceny, witness tampering, etc.
- Courtroom Testimony.
- Presentation of Investigations and Investigative Files for Prosecution.
- Undercover Work. (all phases)
- Productivity.
- Informant Handling, including Informant Debriefings & Interrogations, security, Adherence to Investigative Corroboration of Informant Claims, Record Keeping and Reporting Standards,
- Appropriate use of assigned official vehicles in all situations.

27 Years of Trial Consulting Experience:

Since my retirement from DEA, twenty-seven years of professional consulting during which time I have reviewed in excess of 500 federal, state and local (civil and criminal) cases, a high percentage of which involved, use-of-force issues, false arrests, substandard handling, interrogation and corroboration of informants, police investigative procedures and/or the management and supervision related thereto.

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In use of force cases involving Raids and Raid Planning as well as management and supervisory responsibility related thereto, I have been retained both by PLAINTIFF and DEFENDANT, and PROSECUTION and DEFENSE.

Internal Affairs Investigative Experience

More than ten years of my career as a street enforcement supervisor during which I was assigned co-duties as an Internal Affairs Investigator, which routinely covered investigations of the full gamut of police misconduct and/or corruption, a significant percentage of which involved use-of-force issues and the substandard handling of informants, including but not limited to accusations of false arrest and excessive force.⁶

Current Database of Experts and Research Materials

My current journalist/expert witness/Trial consultant database with includes more than 200 serving law enforcement officers worldwide, journalists and other experts and practitioners, with whom I consult and collaborate on all matters that are under my review as a trial consultant and/or expert witness and/or journalist and/or law enforcement instructor, including but not limited to Use-of-force issues, Informant Handling and matters relating to Interrogations and Interviewing tactics of criminal informants.

⁶ This was a mandatory co-duty of all DEA Group Supervisors.

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Review of in Excess of 500 complete investigative files:

My review of, in excess of 500 full case files, as an expert witness and trial consultant, relating to civil and criminal matters involving police investigative procedures and informant handling (including “jailhouse snitches”) and Use-of-Force issues, including but not limited to accusations of false arrest and/or excessive force since my retirement from the Department of Justice, January, 1990.

The discovery materials reviewed as a result of my trial-consulting activities, include up-to-date Police and federal law enforcement agency operations, procedural and training manuals for in excess of 50 state, city and county law enforcement entities as well as all law enforcement agencies within the Department of Justice, U.S. Treasury and the Department of Homeland Security.

Specific Formal Training Received as Relates to Investigative Procedures, Informant Handling, Use of Force, and Interrogations:

- US Air Force, Air Police Training School. (Use of force, interrogations and interviews)
- US Air Force, Sentry Dog Handling School (Use of Force-K-9)
- Treasury Law Enforcement Academy. (, Raids, Raid Planning, Use of Force, Informant Handling, Interrogations & Interviews)

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- Internal Revenue Service, Intelligence Division, Special Agent Training School. (Raids, Raid Planning, Use of Force, Informant Handling, Interrogations & Interviews)
- US Treasury, Alcohol, Tobacco and Firearms Investigator Training School. (Raids, Raid Planning and Execution, Use of Force, Informant Handling, Interrogations & Interviews)
- US Customs, Special Agent Training School. (This included specialized training in the tactics used in “flipping” arrested drug couriers) obtaining confessions and intelligence and/or prosecutable information as to all criminal activities.
- US Department of Justice, Drug Enforcement Administration. Numerous training sessions, (Raids, Raid Planning and Execution, Use of force, Informant Handling, Interrogations & Interviews) including one given by Central Intelligence, involving intensive study of Interviews and Interrogations as an investigative and intelligence gathering tool.
- US Department of Justice, Drug Enforcement Administration, Supervisory School, University of Maryland – Reliable Methods of File Review, Personnel Investigations, Supervisory and Review Responsibilities in all procedural areas.
- Department of Justice, Office of Professional Responsibility Training Seminar, Inspector-in-Place

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Reliable Methods of Investigative File Reviews,
Management Responsibility Reviews, all enforcement
areas, including but not limited to use-of-force issues.

- Review and thorough familiarization of the John Reid method of Interviews and Interrogations, within which as an associate member, I am kept current.
- Certification course in Advanced Methods of Interrogation and Interview. (John Reid Institute).
- Periodic seminars and discussions on Use-of-force issues, U.S Treasury and Justice Departments, and OPPC.
- Periodic seminars in less-than-lethal devices, i.e. Tazers, Pepper Spray, Batons, etc.

Reliable Methods of Investigative File and Action Review

Explained:

RELIABLE METHODS OF INVESTIGATIVE FILE and action REVIEW & RELATED EXPERTISE QUALIFICATIONS FURTHER EXPLAINED

The route to being deemed to qualify as an expert within the Department of Justice and the training involved in the reliable methods of investigative file & action review employed in this matter are set forth as follows. The officers selected for supervisory promotion to front-line supervisory status must consistently demonstrate an expert's level of performance in the following areas; areas in which, as a supervisory

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officer, they will be called upon to observe and evaluate the performance of those under their command in biannual written ratings:.

- a. Adherence to Professional Standards as relates to all areas of investigative processes, including but not limited to Undercover Operations, Surveillance, Raid and Operational Planning, Informant Handling, Interrogations, Internal Affairs and Conduct investigations, Background Investigations and adherence to search-for – truth principals that are the basis of all criminal investigative processes in the United States.
- b. Dealing with the Public and Code of Conduct
- c. Appropriate (reasonability) use of force, including deadly force.
- d. Courtroom testimony and preparation.
- e. Report writing.
- f. Investigative effectiveness in all areas including conducting background investigations for pre-employment of law enforcement personnel and the conducting of accident investigations and Internal Affairs investigations at the order of supervisory personnel.
- g. Adherence to agency guidelines and directives.
- h. Adherence to state and local law.
- i. Character and Reasonability of Judgment in all situations.
- j. Maintaining mental and physical condition.

Once designated as a frontline supervisory officer, I became one of the administration's procedural experts in the field by consistently being evaluated as "Outstanding" in all phases of my position. I was now

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called upon to conduct the frontline review and investigation of all incidents occurring under my command.

After my selection and promotion at the beginning of my 17 years as a DOJ supervisory officer, I was sent to the University of Maryland for management training during which I began specific training in the reliable methods of investigative and action file review; that is, the methodology of utilizing your areas of expertise in the methodical review of all incidents that merit said review.

After approximately 6 years of receiving “outstanding” annual ratings for my performance in a supervisory capacity, the Department of Justice selected me for assignment as an Inspector-in-Place in OPR, The Office of Professional Responsibility. This assignment entailed additional training in Washington DC, with a strong focus on assessing Management and Supervisory Responsibility in all incidents occurring world-wide in DEA Divisional Offices, often involving local police and other federal agencies involved with DEA in Task Force or similar operations. As an inspector-in-place I was subject to leave my normal supervisory duties on short notice and join with a team of OPR inspectors to conduct a no-notice inspection of any DEA Divisional office worldwide. After performing these duties for 42 months I received an overall “Outstanding performance” rating. The methodology of Reliable Methods of Investigative File & Action review employed during these OPR Inspection assignments involved the breakdown of investigative and other files into a timeline of events and the examination of procedures involved as viewed through the lens of my already proven areas of

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expertise followed by my recommendations which included but were not limited to Management Responsibility.

Since my retirement from the Department of Justice, I have been retained on at least 500 criminal and civil matters involving my review of classified law enforcement reports, evidence, reports, tactics and procedures, as applied to cases fielded from law enforcement agencies, federal, state and local throughout the US, Puerto Rico and some foreign nations. I have also, with the aid of currently serving law enforcement colleagues, kept up my training in, and exposure to, the use of less-than-deadly force weapons such as tasers and chemical sprays, thus further expanding and keeping up to date, my knowledge, training and experience in the application of said reliable methods of review.