

DLG

DAIGLE LAW GROUP, LLC

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October 14, 2020

Via Email: j.wyatt@dover.nh.gov

Joshua Wyatt, Esq.
City Attorney
City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169

RE: Internal Investigation Review

Dear Attorney Wyatt,

On August 31, 2020, the City of Dover, New Hampshire, engaged the expert services of Attorney Eric Daigle to review and evaluate the completed Internal Affairs investigation of Officer Ronald “RJ” Letendre. The scope of services requested that after reviewing and evaluating the completed Internal Affairs Investigation, and supporting evidence, I provide an opinion as to whether the investigation was thorough, complete and fair. My evaluation also included a review of the conclusions identified in the report and whether there was a presence of bias during the investigation. In addition, this analysis includes an evaluation of the policies subject to this investigation to ensure the policies are consistent with best practices.

I. EXPERIENCE

My name is Eric Daigle¹. I am an attorney and consultant in law enforcement operations. I have been actively involved in police practices and law enforcement operation in municipal, state, and military law enforcement since 1989. For the past 16 years, I have been an instructor on a wide range of law enforcement subjects. In my position as the principle of Daigle Law Group, LLC, I work as a consultant and expert witness specializing in law enforcement pattern and practice analysis. I work as a Police Practices Consultant with multiple departments across the country to revise and develop department policies; provide daily operational legal advice; evaluate and revise use of force and internal affairs operations; incorporate accreditation standards; and develop effective training and employment operational procedures. In my position as an instructor, I participate in law enforcement seminars throughout the United States where I have instructed officers, commanders, agency administrators, and the attorneys representing these agencies on a number of liability and investigation related subjects. My instruction focuses on Monell liability protection for departments, including topics such as developing effective policies, conducting effective internal affairs investigation, and ensuring proper supervisory oversight. I have hosted and participated in seminars focusing on use of force legal standards, including investigating force, electronic control weapon usage, and responses to officer-involved shootings.

¹ <https://daiglelawgroup.com/eric-p-daigle/>

Regarding internal affairs investigations, I have been evaluating effectiveness for the last 18 years. I have an extensive history of conducting criminal and administrative investigations and have learned that the mechanism used for conducting the investigation is vital to an effective investigation, wherein conclusions are supported by evidence utilizing a preponderance of the evidence standard. As a civil litigator specializing in civil rights actions brought against officers, supervisors, and departments/municipalities regarding allegation of police misconduct, I find internal affairs investigations to be an important evidentiary tool. Therefore, it is clear when an ineffective investigation is conducted that does not thoroughly collect and evaluate all available evidence. After identifying failures in the effectiveness of internal affairs investigations over a decade ago, I developed weeklong training programs to instruct investigators on how to ensure their investigations are effective. Currently at DLG, I have developed and offer both a Basic Internal Affairs Certification Training and an Advanced Internal Affairs Investigation training. I instruct hundreds of investigators yearly.

Since 2010, I have acted as a consultant for departments evaluating the effectiveness of their internal affairs process and their overall investigations. As such, I have reviewed an extensive number of internal affairs investigations. Finally, at DLG we conduct administrative investigations for police and fire departments, as well as municipalities. These investigations usually involve high exposure for the agency and are highly sensitive in nature. In sum, my experience involves writing the policy, conducting the training, evaluating the investigation, and conducting investigations.

II. INTRODUCTION

The public image of the Dover Police Department is determined by a professional response to allegations of misconduct against its employees. A robust and well-functioning accountability system, in which officers are held to the highest standards of integrity, is critical to the legitimacy the Dover Police Department, and should be a Department priority. A well-functioning accountability system is one in which the department: openly and readily receives complaints reported by civilians and officers and fully, fairly, and efficiently investigates them; supports all investigative findings by the appropriate standard of proof and documents them in writing; holds accountable all officers who commit misconduct pursuant to a disciplinary system that is fair, consistent, and provides due process; and treats all individuals who participate in the department's internal disciplinary process—including complainants, officers, and witnesses - with respect and dignity.

III. EVALUATION SUMMARY

I evaluated the Internal Affairs Investigation of Officer Ronald "RJ" Letendre conducted by Sergeant Mark Nadeau dated August 28, 2020. It is my *opinion to a reasonable degree of professional certainty* that the investigation is thorough, complete, and fair. Furthermore, I agree with Sgt. Nadeau's investigative conclusions and find them to be supported by a preponderance

of evidence. I do not find the presence of any apparent bias during the course of the investigation or in the conclusions reached.

Initially, Dover Police Department opened the investigation against Officer Letendre to investigate a domestic violence incident that occurred July 10, 2020. Subsequently, an allegation was made by Ms. Sarah Letendre, the wife of Officer Letendre, on her Facebook account where she posted “My husband, who is a Dover police officer and former MMA fighter, broke 4 of my ribs on Saturday...I was arrested.” The investigation revealed that Officer Letendre and his wife were involved in a domestic disturbance which resulted in violence. Both parties sustained injuries. Significant to this investigation is that Rollinsford Police Department handled all aspects of the initial investigation and the subsequent investigation when Sarah Letendre returned to the house, which violated the bail order and led to an additional charge of stalking. During its investigation, the Rollinsford Police Department found that Sarah Letendre was the primary physical aggressor and Officer Letendre was the victim of domestic violence. It is important to note that Dover Police Department was not involved in this initial investigation. Rather, it was conducted by other agencies, including the Rollinsford Police Department and the Merrimack County Attorney’s Office. Utilizing outside entities ensures transparency in the investigation and reduces the possibility of bias and ensures accountability resulting from a finding of wrongdoing. Dover Police Department utilized the investigation and findings of these agencies when conducting its own investigation and an evaluation of the evidence. Dover Police Department’s investigation agreed with conclusions that led to the arrest of Sarah Letendre.

In my opinion, the quality of the evidence following this allegation of violence is significant. Over the years, domestic violence investigations involve minimal evidence and conflicting statements from the involved parties. In this case, however, the available evidence includes 911 calls for service, interviews that were contemporary with the incident, witnesses, photographic evidence, and the parties’ actions, which clarified the Ledendres’ mental state during the volatile incident. While this incident is unfortunate and illustrative of the failure of Officer Letendre’s marriage and family unit, it does not by a preponderance of the evidence show violations of Dover Police Department policy.

During the course of this investigation, an additional five allegations were identified against Officer Letendre, including: additional incidents of physical altercations, the improper use of his Taser while off-duty, smoking marijuana, theft of evidence, and evidence improperly stored in his locker. The investigator was methodical and thorough while conducting the investigation and collecting evidence. Based on my review, I agree with the investigator’s conclusions regarding the five additional allegations.

IV. POLICY ANALYSIS

The scope of this evaluation included a review of the applicable Dover Police Department policies implicated during this investigation and utilized in the conclusion. The City of Dover requested a determination of whether the policies are reasonable and consistent with best practices. At DLG, we take great pride in developing policies that effectively identify required standards and provide clear guidance to officers. Policies are developed to provide

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direction and guidance to officers in the field. Therefore, it is critical that they are clear and consistent in format, definition, content, and language. As part of this investigation we reviewed the following policies:

- O-101 Police Use of Force Policy
- O-101 Training Brief 5 Police Use of TASER
- O-701 Police Reporting
- P-101 Rules and Regulations Policy
- P-251 Internal Investigation Policy
- P-251a, Internal Investigation Policy

It is my *opinion to a reasonable degree of professional certainty* that the policies are reasonable and consistent with best practice.

Sincerely,

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

Eric P. Daigle