



Kroll Phase B Report

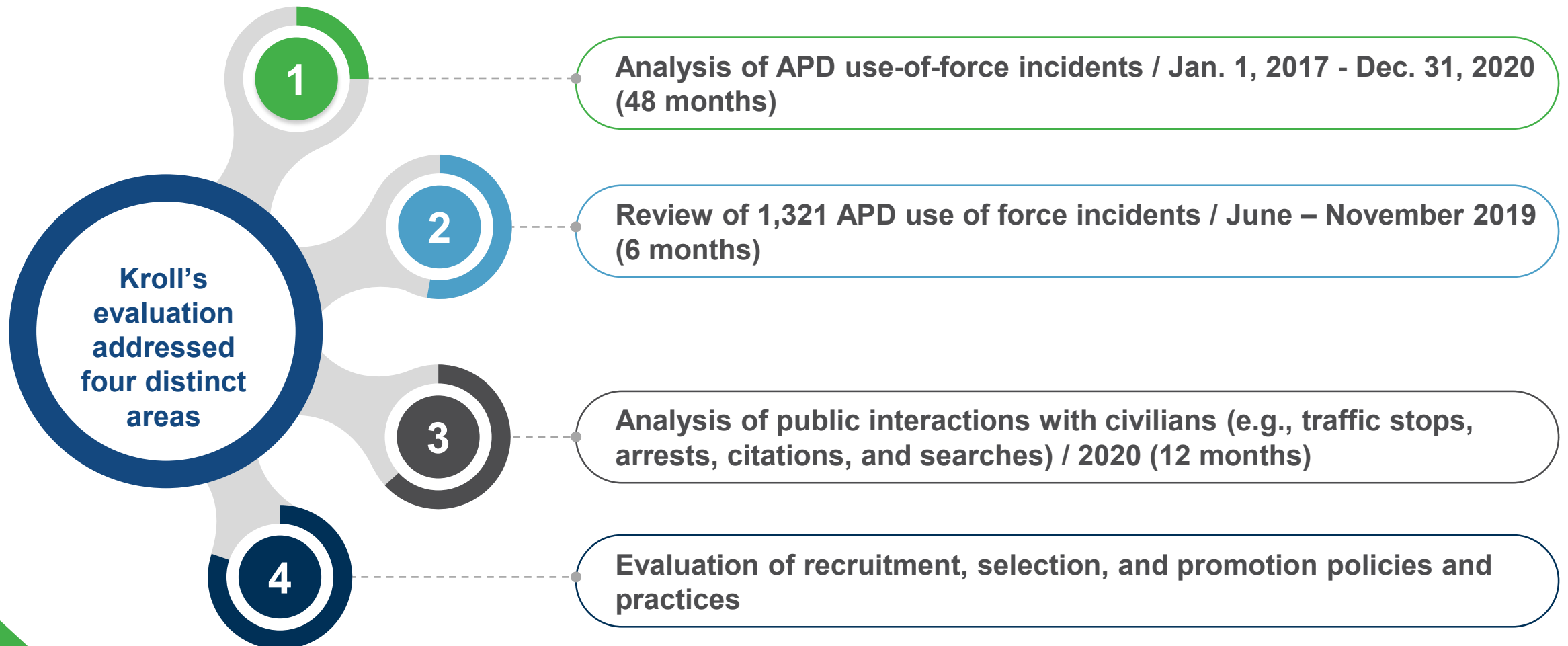
Evaluation of Austin Police Department:
Use of Force / Public Interactions / Recruitment, Selection, and Promotions

Presentation to Austin Public Safety Commission

March 7, 2022

Introduction / Scope of Work

Scope of Report



Report Overview

Section 3

Provides a 48-month analysis (2017-2020) and contextualized understanding of how, when, and against whom the APD uses force. Are there disparate impacts based on race, ethnicity, or gender / geographical sectors / other factors?

Section 4

Provides a qualitative analysis and review of 1,321 use-of-force incidents from June to November 2019. Is force appropriately applied? Does APD unnecessarily escalate encounters? Is their sufficient supervisory review?

Section 5

Documents patterns and trends observed for APD motor vehicle stops during 2020 (1 year) and arrests from 2017-2020 (4 years) and examines racial/ethnic disparities in the outcomes.

Section 6

Reviews and analyzes APD's recruitment, selection, and promotion processes and potential impact on racial, ethnic, and gender diversity.

Section 7

Kroll recommendations.

Section 3:

Review and Data Analysis of APD Use of Force (2017-2020)

Definitions

- **Disproportionality**

- A difference in outcomes **within a single racial/ethnic group** (e.g., use of force against Black individuals) compared to that group's representation in a selected comparison population (e.g., Black residential population)

- **Disparity**

- A difference in outcomes **across groups** (e.g., racial/ethnic groups, gender, etc.) in policing

- **Bias**

- Prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair

- **Racially biased policing**

- Occurs when law enforcement inappropriately considers race or ethnicity in their decisions to intervene in a law enforcement capacity

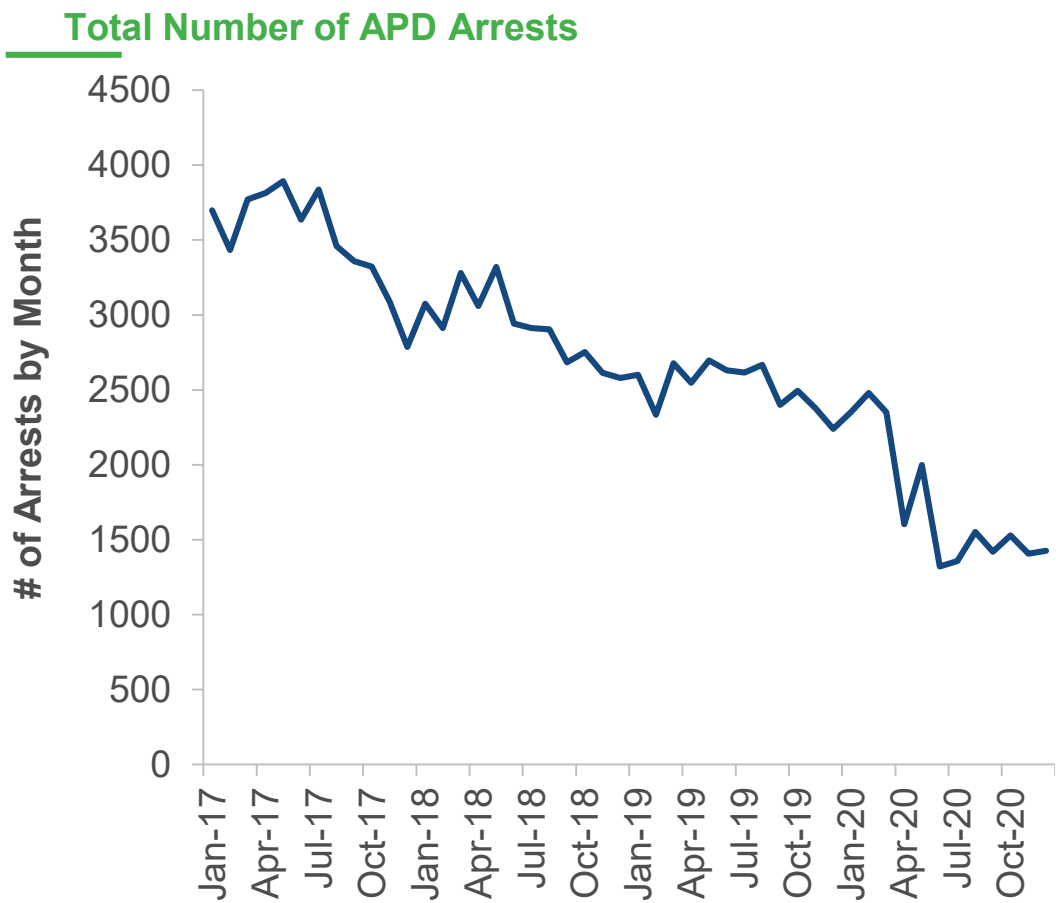
If you find disparity what does that mean?

How much disparity is too much?

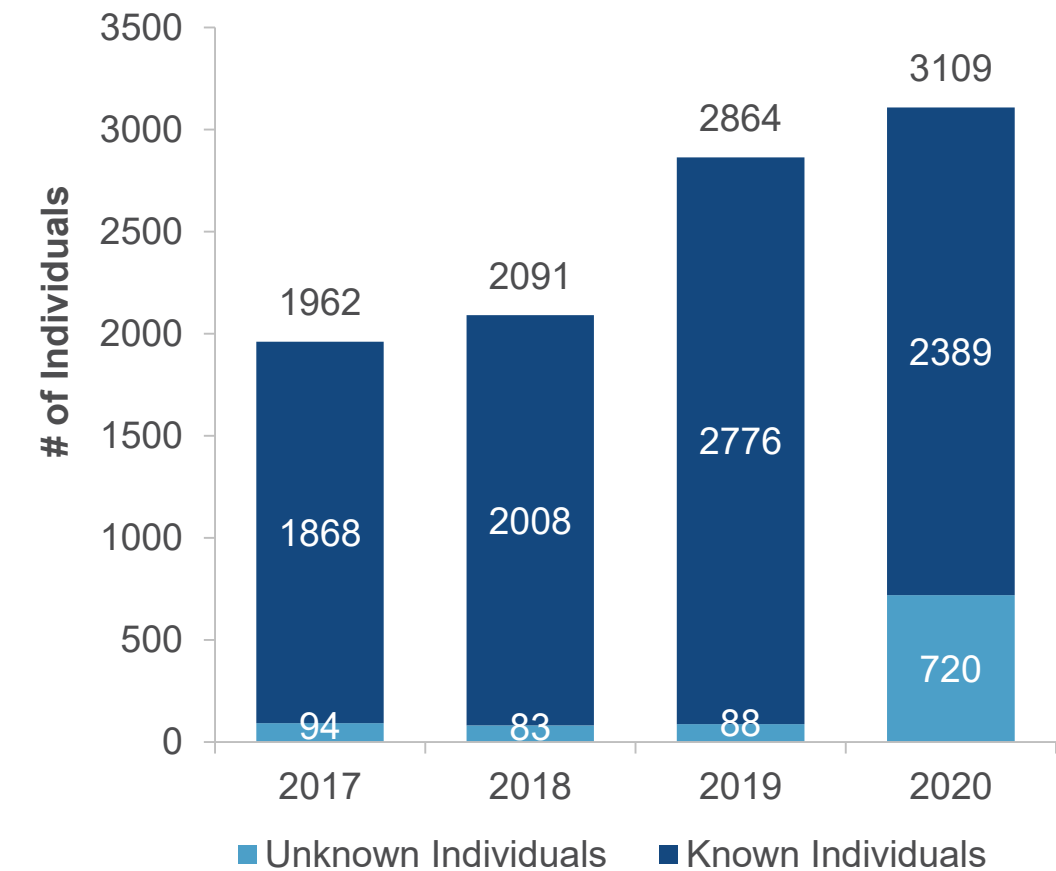
- Statistical analyses measure disparity or disproportionality, **not bias**
 - Cannot be reliably used to determine the reasons for differences
 - Cannot conclude that disparity, even high levels of disparity, is proof of bias – bright line does not exist
- Why do the analyses then?
 - Identifying disparity allows you to examine patterns and trends more closely
 - Identify the questions to ask to determine whether there are legitimate explanations for disparities
 - Develop more appropriate corrective measures (e.g., training, supervision, policy)

2017-2020 Trends: APD arrests declined 51%

Use of force incidents increased 58%

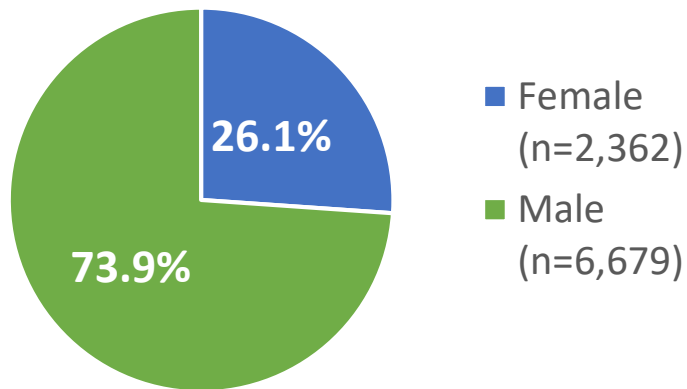


Number of Known and Unknown Individuals Who Experienced Use of Force

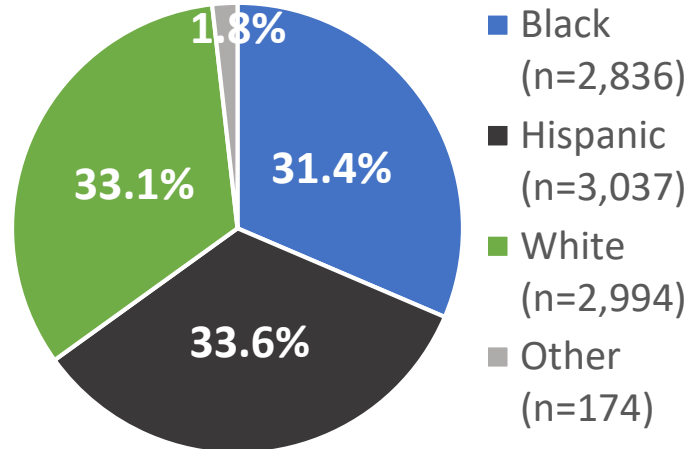


APD Use of Force 2017-2020

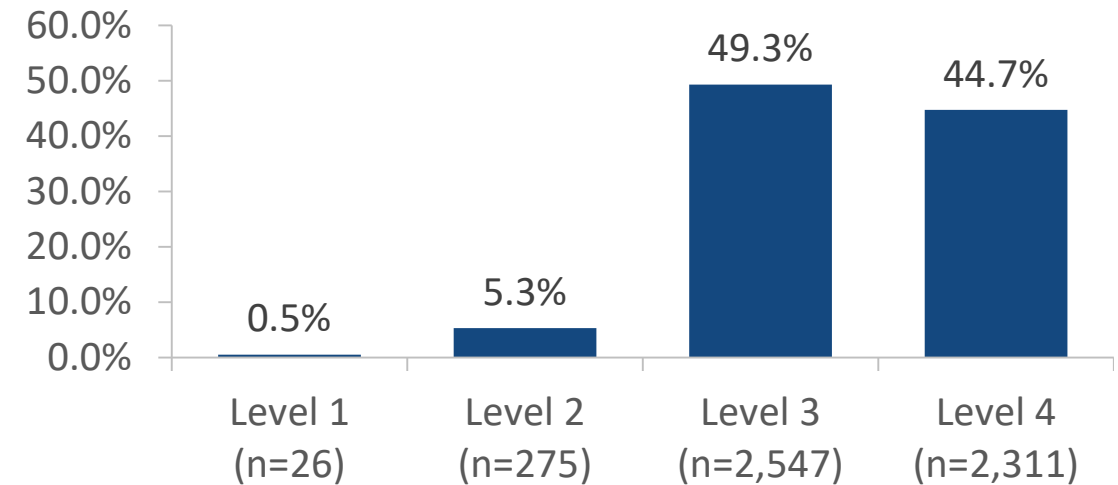
Gender



Race/Ethnicity

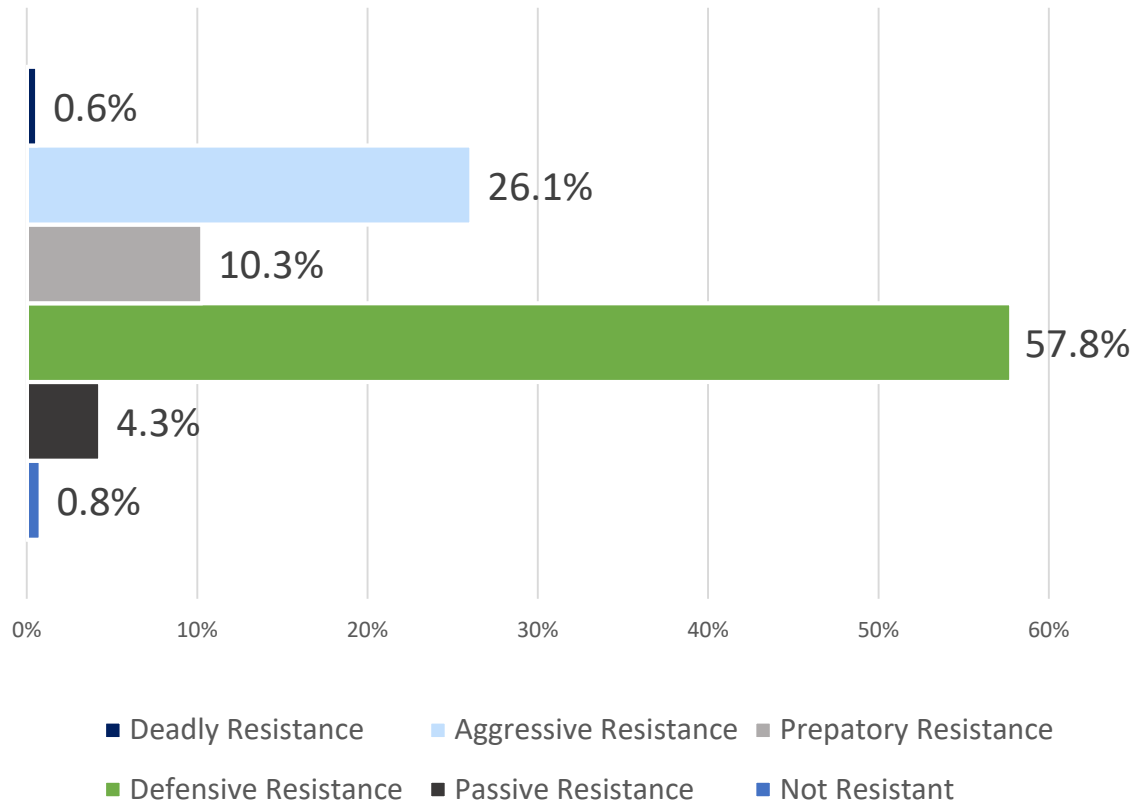


Severity Level of Use of Force



- Most severe = Level 1; Least severe = Level 4
- No significant racial/ethnic differences in force severity
- Significant gender differences in force severity
 - Females 1.6 times *more likely* than males to experience least severe level of force
 - Males significantly more likely than females to experience the higher force severity

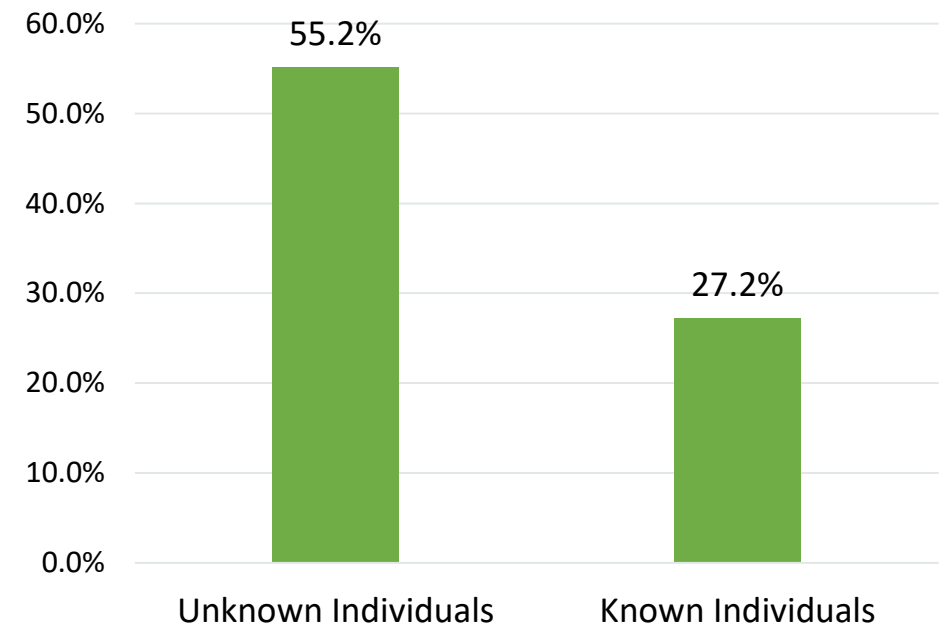
Highest Levels of Resistance Displayed Toward Officers



- **Average levels of resistance** displayed toward officers were consistent across gender and racial/ethnic groups and stable each year

- **Unknown individuals** displayed more serious levels of resistance than known individuals

Individuals Displaying Aggressive or Deadly Resistance

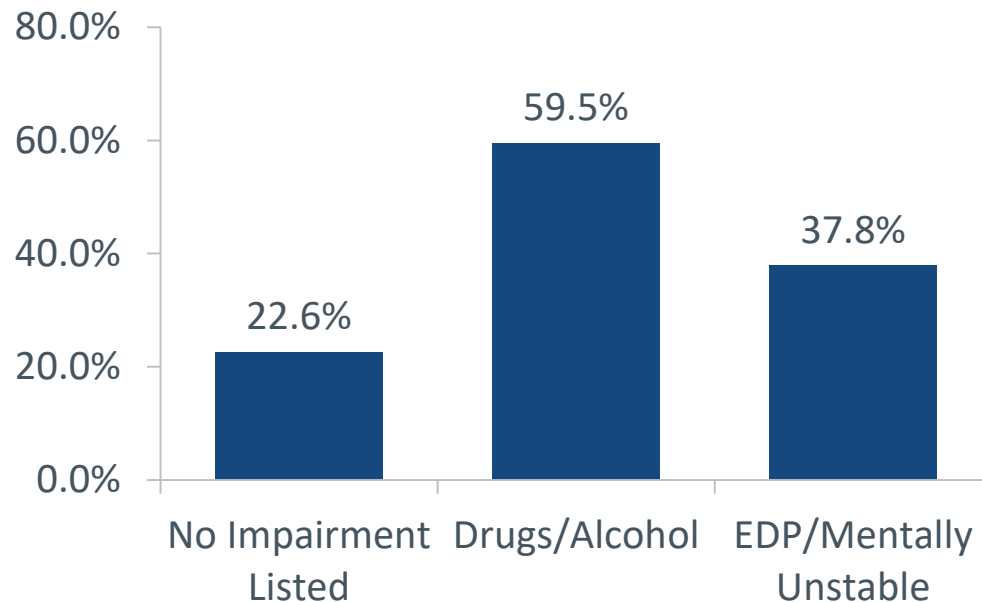


Individuals' Impairment by Race/Ethnicity

Perceived Impairment

- Individuals perceived to be under the influence of drugs/alcohol and/or with mental health issues were at greater risk for use of force

Impairment of Individuals during Use of Force Events

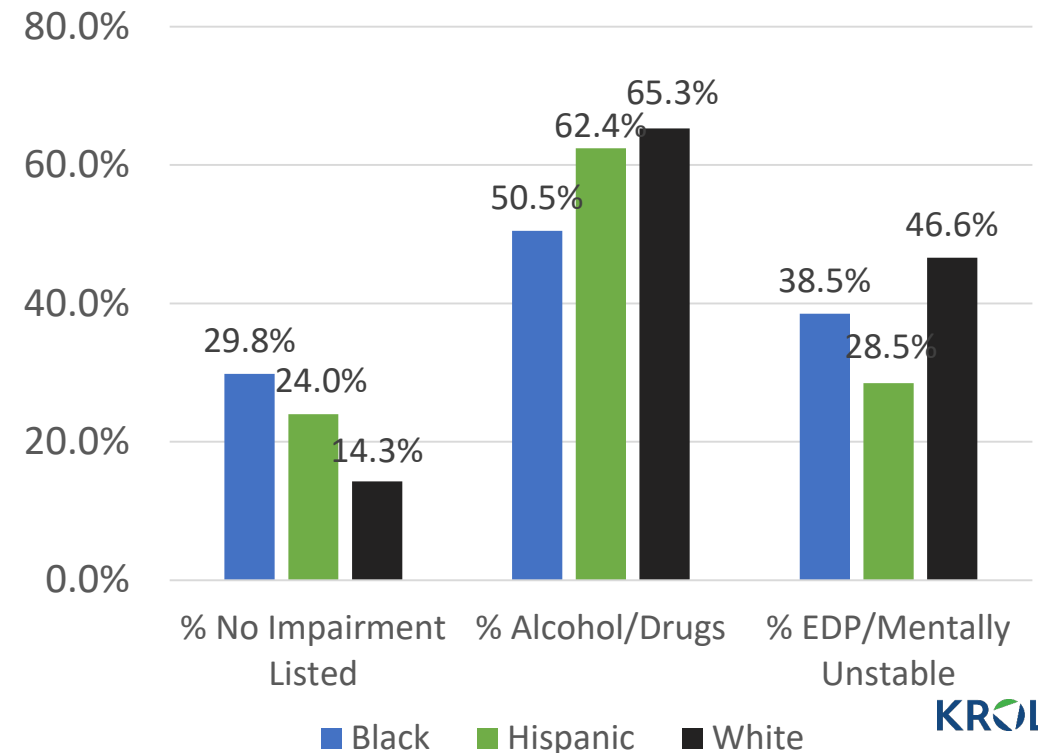


Note: Under the influence of drugs/alcohol and EDP/Mentally Unstable are not mutually exclusive

Race/Ethnicity Comparison

- Black individuals were most likely to have force used against them when no impairment

Impairment Type by Individuals' Race/Ethnicity

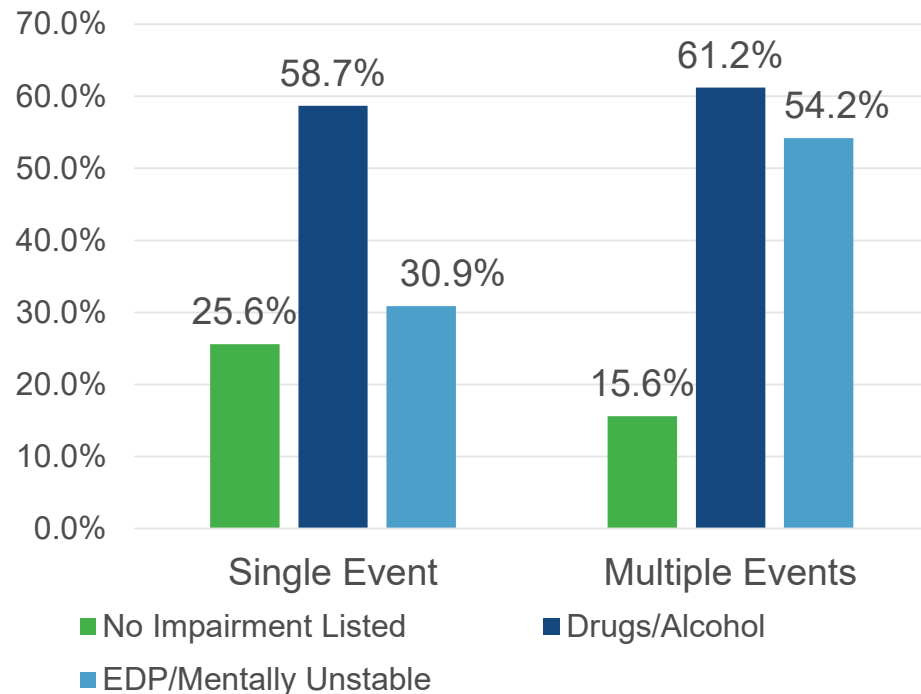


Repeat Uses of Force

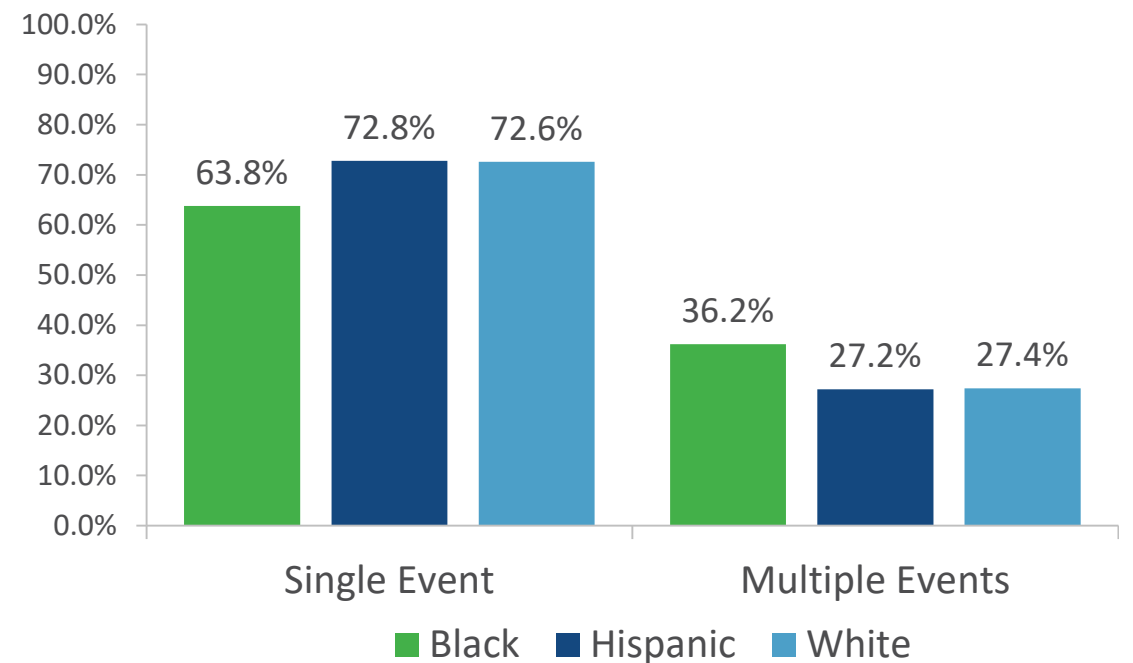
Repeat Uses of Force (2017 – 2020)

- **30%** of those who had force used against them were involved in **more than one** use of force event
- Individuals with perceived impairments were **more likely** to have multiple use of force encounters
- Black individuals were **more likely** to have multiple use of force encounters

Single vs. Multiple Use of Force Events, by Individuals' Impairment



Single vs. Multiple Use of Force Events, by Individuals' Race/Ethnicity

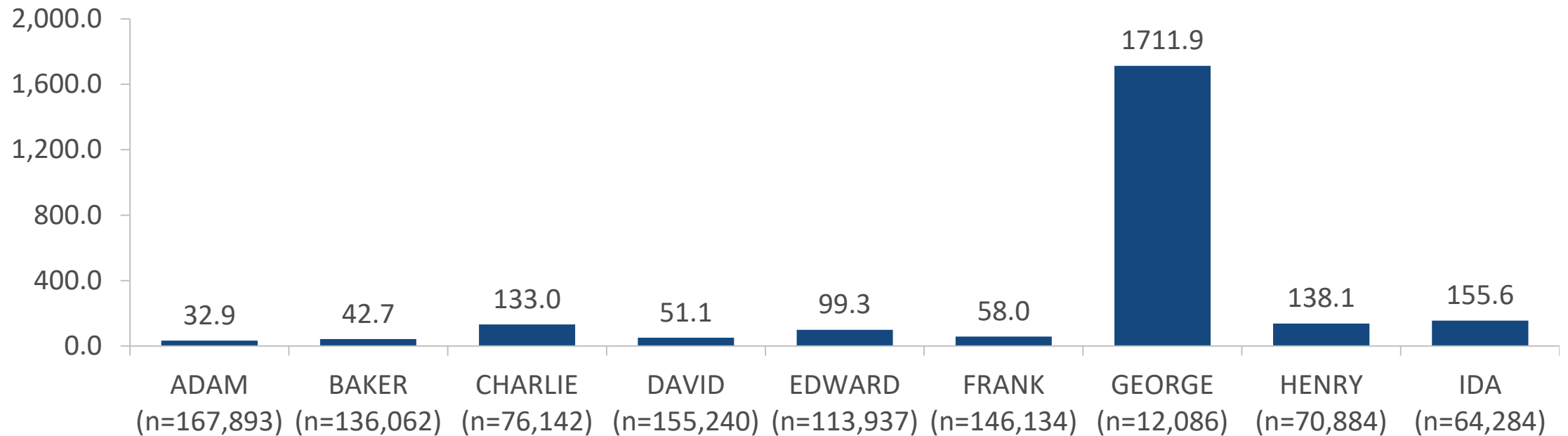


Use of Force by APD Sector

APD Sectors

- The frequency of police use of force varies dramatically across APD sectors
- George Sector accounted for 23% of use of force incidents

Figure 10: Use of Force per 10,000 residents*



*The airport has no population so APT sector is excluded from this graph.

Measuring Disparity: What are Benchmark Analyses?

- Entered national conversation as part of traffic stop / profiling research in 1990s
 - Percent stopped by race had to be compared to some other data to determine level of disparity
 - Can apply to any police outcome (e.g., stops, arrests, force)
- The numerator represents the individuals who experienced the actual outcomes
- The denominator represents the expected rate of the outcomes based on a comparison data source (i.e., the benchmark)

Disproportionality v. Disparity

- Within group comparison:

Disproportionality Index =

Proportion of racial/ethnic groups observed uses of force

Proportion of racial/ethnic groups expected uses of force

- DI = 1.0 indicates no disparity
- DI > 1.0 indicates disparity (e.g., group UOF rate more than expected based on benchmark)
- DI < 1.0 indicates reverse disparity (e.g., group UOF rate less than expected based on benchmark)
- Larger the size of the DI, the greater the disproportion

- Between group comparison:

Disparity Ratio =

Minority Group's Disproportionality Index

Majority Group's Disproportionality Index

- Interpreted as the likelihood of an individual in the minority group having force used compared to the majority group
 - For example: DR = 2.0 – the minority group is two times more likely to have force used against them in comparison to the majority group)

Limitations of Benchmarks

- Reliable benchmarks are proxy measures for people who are “similarly situated” or “at risk” of experiencing the same outcome, assuming no bias exists
- No benchmarks examine all risk factors that might explain racial/ethnic differences in outcomes
- Results vary widely by benchmark – can lead to dramatically different conclusions
 - Residential census data is a particularly flawed benchmark in terms of ability to measure risk

For Example:

- For traffic stops, the **risk** of being stopped may be influenced by:
 - Driving quantity, quality, location, and times
 - Condition of vehicle
 - Motorist & passenger characteristics and behaviors (including offending behavior)
- For use of force, an individual’s **risk** of having force used against them may be influenced by:
 - Frequency, nature, and location of contacts with the police
 - Known or suspected involvement in criminal activity
 - Individual characteristics and behaviors during the encounter (particularly resistance)

Racial/Ethnic Disproportionality and Disparity

Analyses of Use of Force Rates: City-Wide

Kroll examined five benchmarks (i.e., comparison groups):

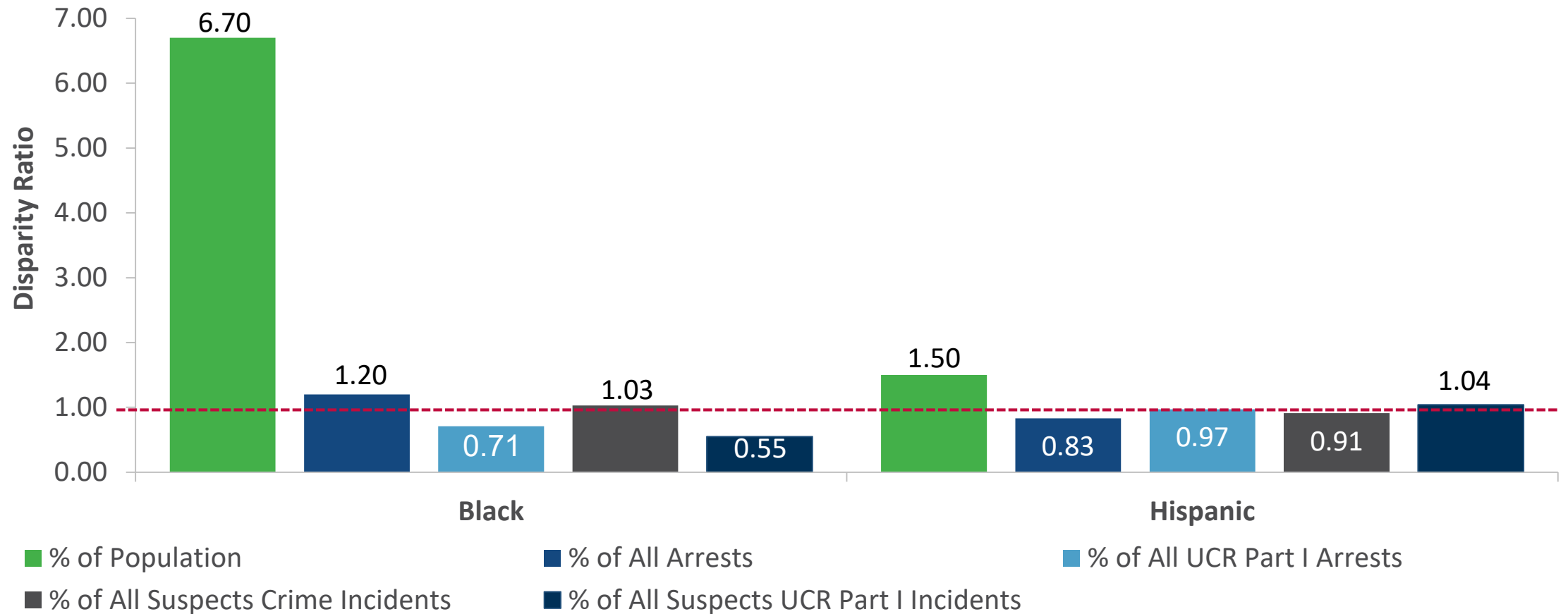
- 1) Residential Population**
- 2) Arrestee Population (all offenses)**
- 3) Arrestee Population (Part I Violent offenses)**
- 4) Criminal Suspect Population (all offenses)**
- 5) Criminal Suspect Population (Part I Violent offenses)**

Disparity Ratios:

- Blacks were **6.7 times** and Hispanics **1.5 times more likely** than whites to have force used against them compared to their representation in the residential population
- When compared to arrest and suspect-based benchmarks, these disparities are much reduced or eliminated
 - All arrestees—Blacks were **1.2 times more likely** and Hispanics **less likely** to experience force compared to whites
 - Part 1 Violent arrestees—Blacks and Hispanics were **less likely** than whites to experience force
 - All suspects—Blacks were **equally likely** and Hispanics **less likely** than whites to have force used against them
 - Part 1 Violence suspects—Hispanics were **equally likely** and Blacks **less likely** compared to whites to have force used against them

Citywide Disparity Ratios by Benchmark

Figure 21: Citywide Disparity Ratios by Race with Various Benchmarks as Denominators



Racial/Ethnic Disproportionality and Disparity

Analyses of Use of Force Rates: Sector Level

- **Benchmark 1: Residential Population**

- *Major disparities* in use of force for Blacks (across **all APD sectors**) and Hispanics (**half of APD sectors**)

- **Benchmark 2: Arrestee Population**

- *Minor or no disparities* in use of force for Blacks (**all sectors**) and Hispanics (**most sectors**)
- Two sectors (**George** and **Ida**) showed Hispanics are *1.5 times more* likely to have force used

- **Benchmark 3: Criminal Suspects**

- *Minor or no disparities* in use of force for Blacks and Hispanics (**most sectors**)
- One sector (**George**) showed Blacks are *1.2 times more* likely to have force used
- Two sectors (**Edwards** and **George**) showed Hispanics are *1.2 and 1.6 times* more likely to have force used

Multivariate Statistical Analyses

- Statistical models that simultaneously control for multiple factors that predict stop outcomes (i.e., “holding all else constant”)
- Officer decision making is complex – factors influencing police behavior
 - Suspects’ characteristics
 - Legal characteristics
 - Characteristics of the stop
 - Officers’ characteristics
 - Organizational influences
 - Community influences
- But...statistical models do not include all possible and relevant variables – model misspecification
- Multivariate tests are most appropriate as descriptive tool to assess strengths of relationships

Multivariate statistical analysis

- Kroll examined 126,096 arrests from 2017-2020 to identify factors that predict whether force was used

Findings:

- As expected, strongest predictors of force within arrests are **legal and incident characteristics** (e.g., custodial, weekend, weapon seizures)
- Note: **Individual's resistance** is not measured in APD's arrest data and **offense severity** is not reliable in APD's data – neither predictor is included in the statistical models
- Overall, there were **small racial disparities** in whether force was used in arrest situations
 - Blacks were *slightly more likely* than whites to be involved in arrests that resulted in force
 - Arrests within areas with higher violent crime rates had a greater likelihood of use of force
 - In communities with higher violent crime rates, no racial/ethnic differences in the likelihood of force
 - Black individuals arrested in communities with low violent crime rates *slightly more likely* to have force used against them

Use of Force Analysis: Summary

- Force has significantly *increased* during 4-year period examined, while arrests have sharply *decreased*
 - Trends may be partially explained by: Changes in use of force reporting, increased use of alternatives to arrest, and changing pattern in use of force experienced in 2020 (possible result of civil unrest, changes in crime patterns, pandemic response, etc.)
- Trends noted in use of force (consider for continuous improvement):
 - Impaired individuals (drugs/alcohol)
 - Individuals experiencing mental / behavioral health crisis
 - Changes in frequency and severity of resistance shown
 - Consistent problems in data collection that limits detailed analyses
- Some racial/ethnic disparities found across statistical techniques
 - Majority of disparities reported are substantively small and may be result of unmeasured factors
 - Consistent findings across statistical techniques for racial/ethnic disparities in **George** Sector

Section 4:

Qualitative Use of Force Analysis – June to November 2019 (6 Months)

Use of Force (June – November 2019)

Kroll evaluated 1,321 incidents involving 2,960 uses of force from June 1, 2019 to November 30, 2019

112 incidents (8.5%) contained issues of concern

- 82 incidents (88 individuals) involved inappropriate force or unnecessary escalation of the encounter
- 30 cases involved additional issues of concern
- In all cases, supervisors were notified

The racial/ethnic breakdown of the 88 individuals:

- Black – **28.4%**
- White – **21.6%**
- Hispanic – **47.7%**
- Asian/Other – **2.3%.**

Problem Areas



Section 5:

Analysis of Traffic Stops, Arrests, Citations,
and Searches 2020 (Total = 68,330)

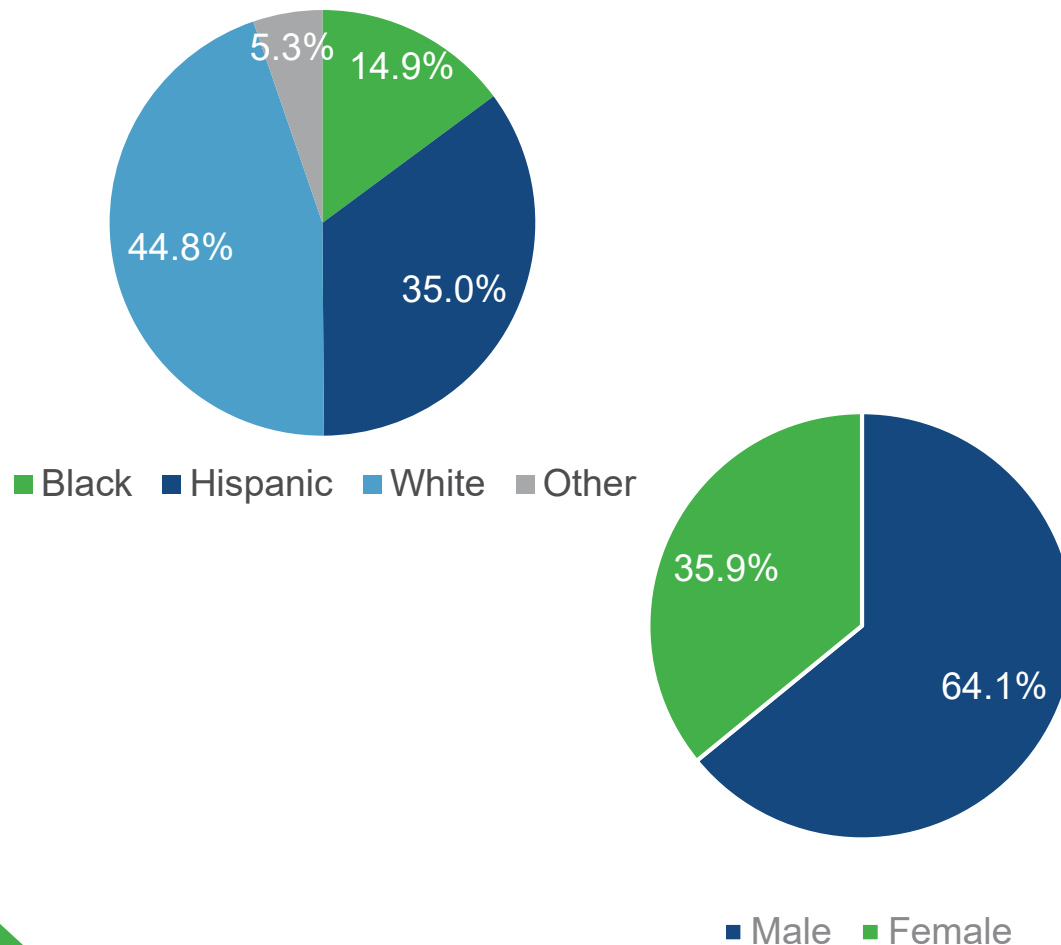
Analysis of All Arrests 2017-2020
(Total=128,213)

APD Vehicle Stop Data Limitations

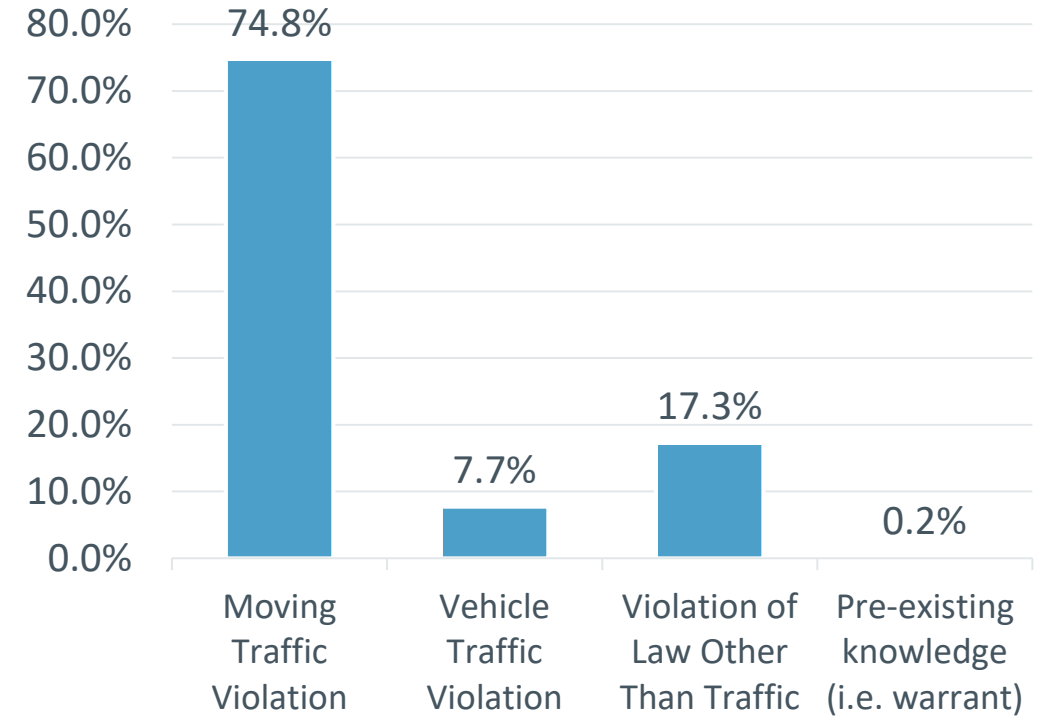
- Initial scope of work requested an analysis of stops, citations, charges, arrests, and searches for a six-month period from June to November 2019
- APD does not have a comprehensive motor vehicle stop database
 - Instead combines three separate databases (warnings, citations, and arrests) that are not mutually exclusive
 - Traffic stop data collected prior to January 1, 2020 has known errors and could not be reliably used
 - Stops counted multiple times if a single stop resulted in multiple outcomes (e.g., citation and arrest) – also resulted in double counting of searches
 - No automated method available for identifying and removing duplicates – *must be manually cleaned*
 - Current findings should not be directly compared to previous reports on APD traffic stops because these reports were produced using data we now know to be invalid
- Data collected after January 1, 2020 has undergone extensive cleaning efforts by APD staff

Motor Vehicle Stops: January 1 to December 31, 2020

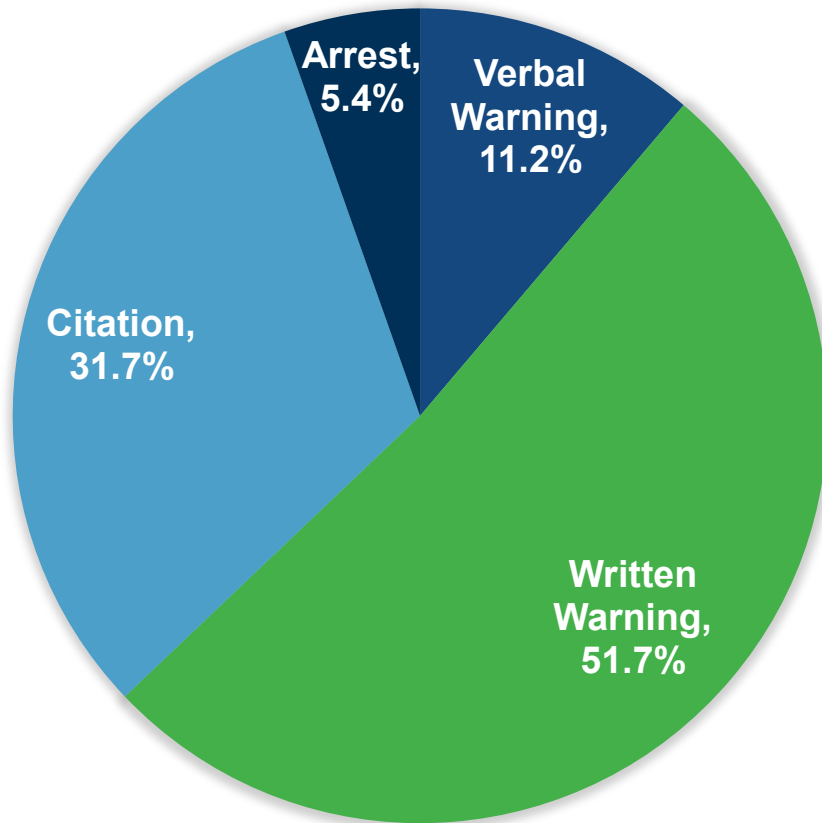
Race/Ethnicity and Gender of Individuals Involved in APD Motor Vehicle Stops



Reason for Stop for APD Motor Vehicle Stops



Outcomes of Motor Vehicle Stops: Jan 1 - Dec 31, 2020

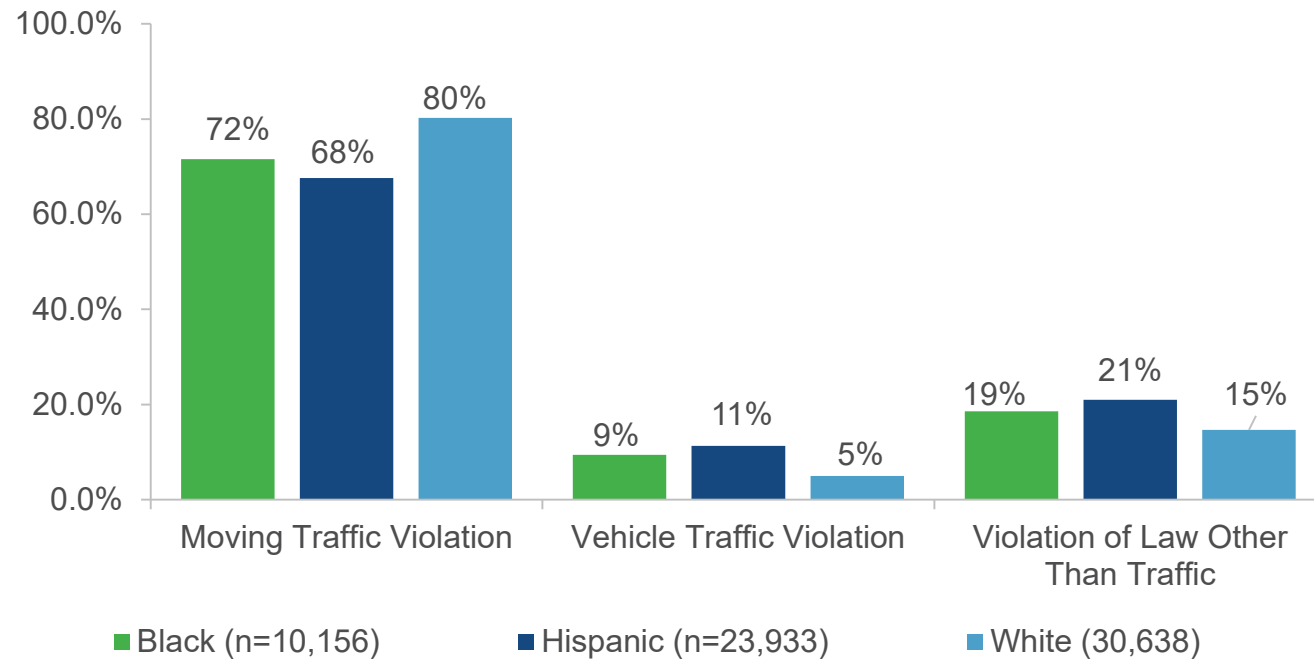


- Categories are mutually exclusive
- APD collects data in three different datasets; only the most serious outcome resulting from a traffic stop is measured
- Cannot determine what percentage of stops result in *any* warning or citation, only percentage of stops that had warning or citation as *most serious* outcome recorded
- Cannot determine if multiple warnings or citations were issued to a single individual during a stop
- Cannot determine who (driver or passenger) was warned, cited, or arrested

Racial/Ethnic Differences in Vehicle Stops

- Examining racial/ethnic differences in who gets stopped depends on a benchmark analysis
- But...benchmark comparisons are only appropriate for discretionary stops; APD stop data does not distinguish officer-initiated from dispatched stops
- Kroll examined racial/ethnic differences in reason for stop and stop outcomes

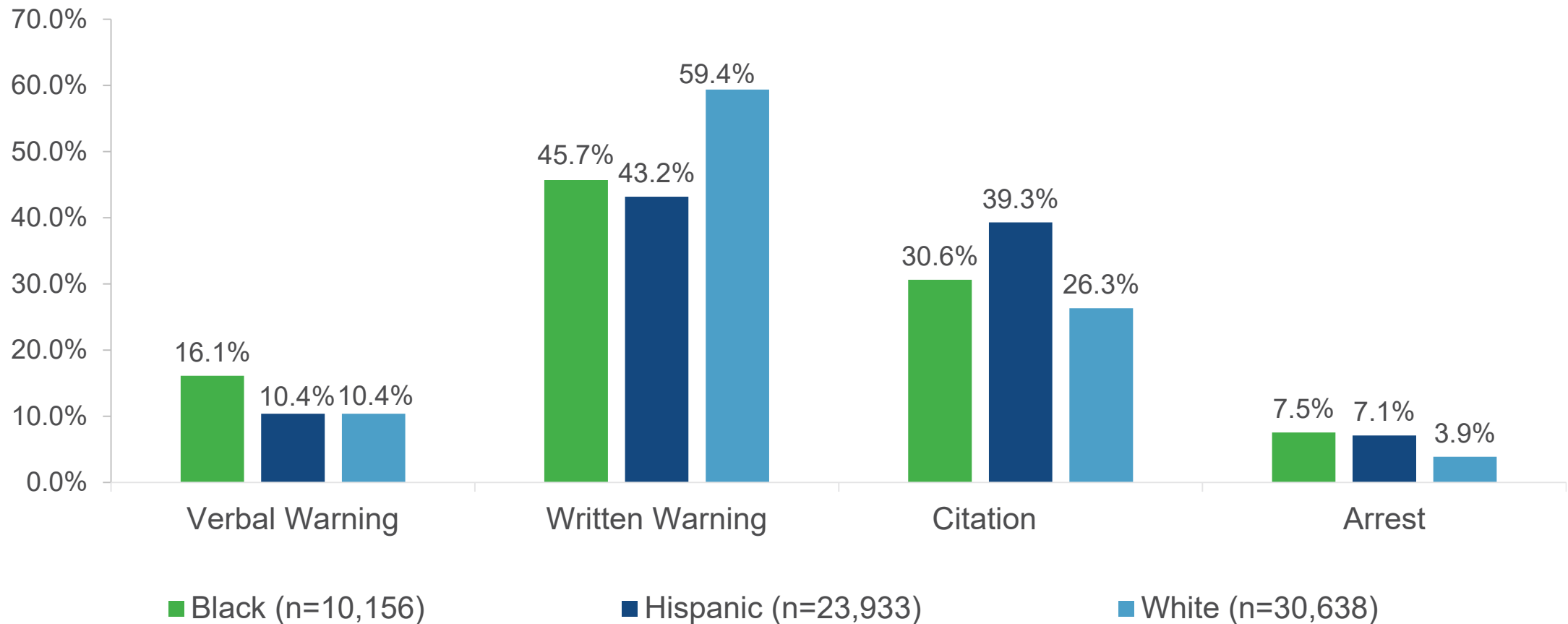
Racial/Ethnic Differences in Reason for Stop



Note: Black individuals were also *more likely* than all other racial/ethnic groups to be stopped based on pre-existing knowledge (0.5% Blacks, compared to 0.2% Hispanics, 0.1% whites, and 0.1% others)

Racial/Ethnic Differences in Vehicle Stops Outcomes

Racial/Ethnic Differences in Vehicle Stop Outcomes



Multivariate statistical analyses

Kroll examined 68,330 vehicle stops in 2020 to identify factors that predict warnings, citations, and arrests

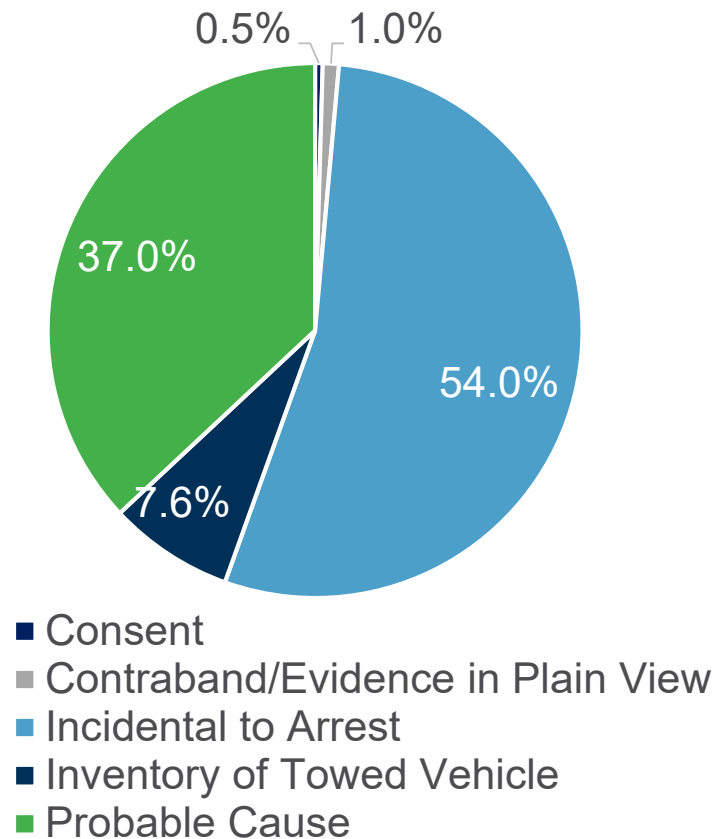
Findings:

- Strongest predictors of outcomes are **legal and incident characteristics** (e.g., reason for stop, whether contraband was seized, city street vs. highway)
 - Note: missing important predictor variables (e.g., whether the stop was officer-initiated or dispatched, offense severity, an individuals' age, and community characteristics including the location of the stop, neighborhood crime rate, SES, and racial composition)
- After controlling for **some** legal & incident characteristics, significant racial/ethnic differences in outcomes remain:
 - **Warnings:** Blacks and Hispanics were significantly ***less likely than whites*** to be issued warnings
 - **Citations:** Hispanics and those of other race/ethnicity were ***1.5 and 1.3 times more likely*** than whites to be issued citations
 - **Arrests:** Blacks and Hispanics were ***1.7 and 1.5 times more likely*** to be arrested, while individuals of other race/ethnicity were ***2.4 times less likely*** to be arrested compared to whites

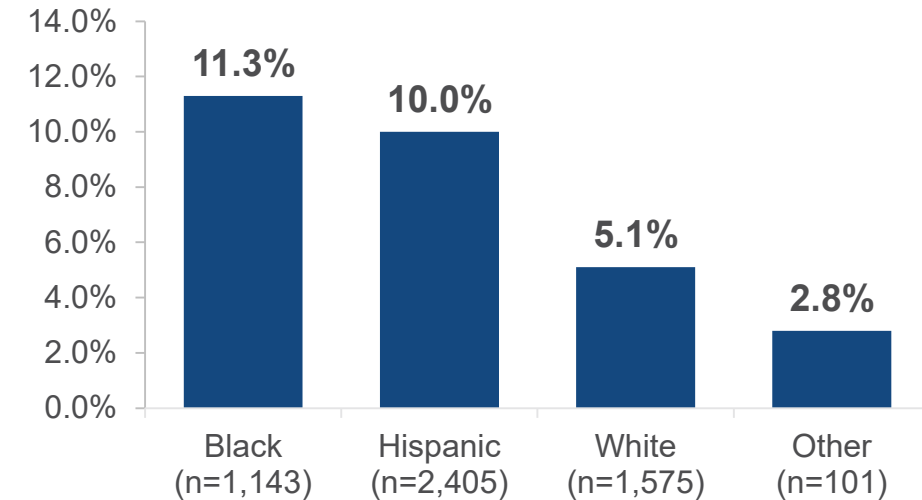
Searches during Vehicle Traffic Stops

Searches were conducted in 7.6% (5,224) of 68,330 vehicle stops in 2020

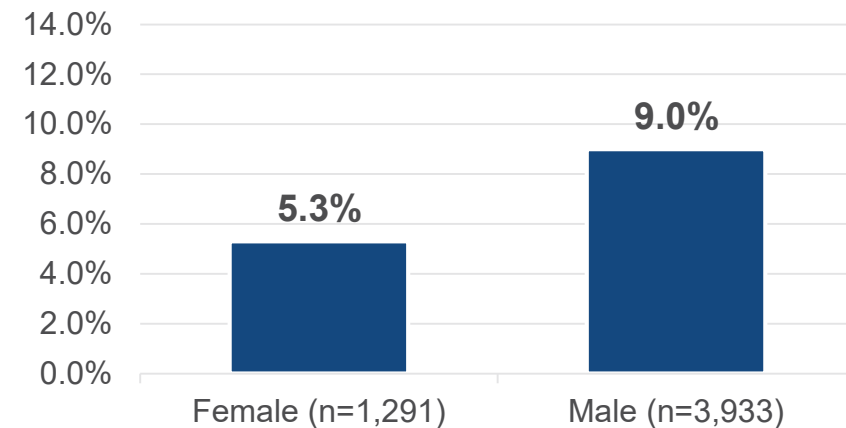
Reasons for Search



Racial/Ethnic Differences in Searches

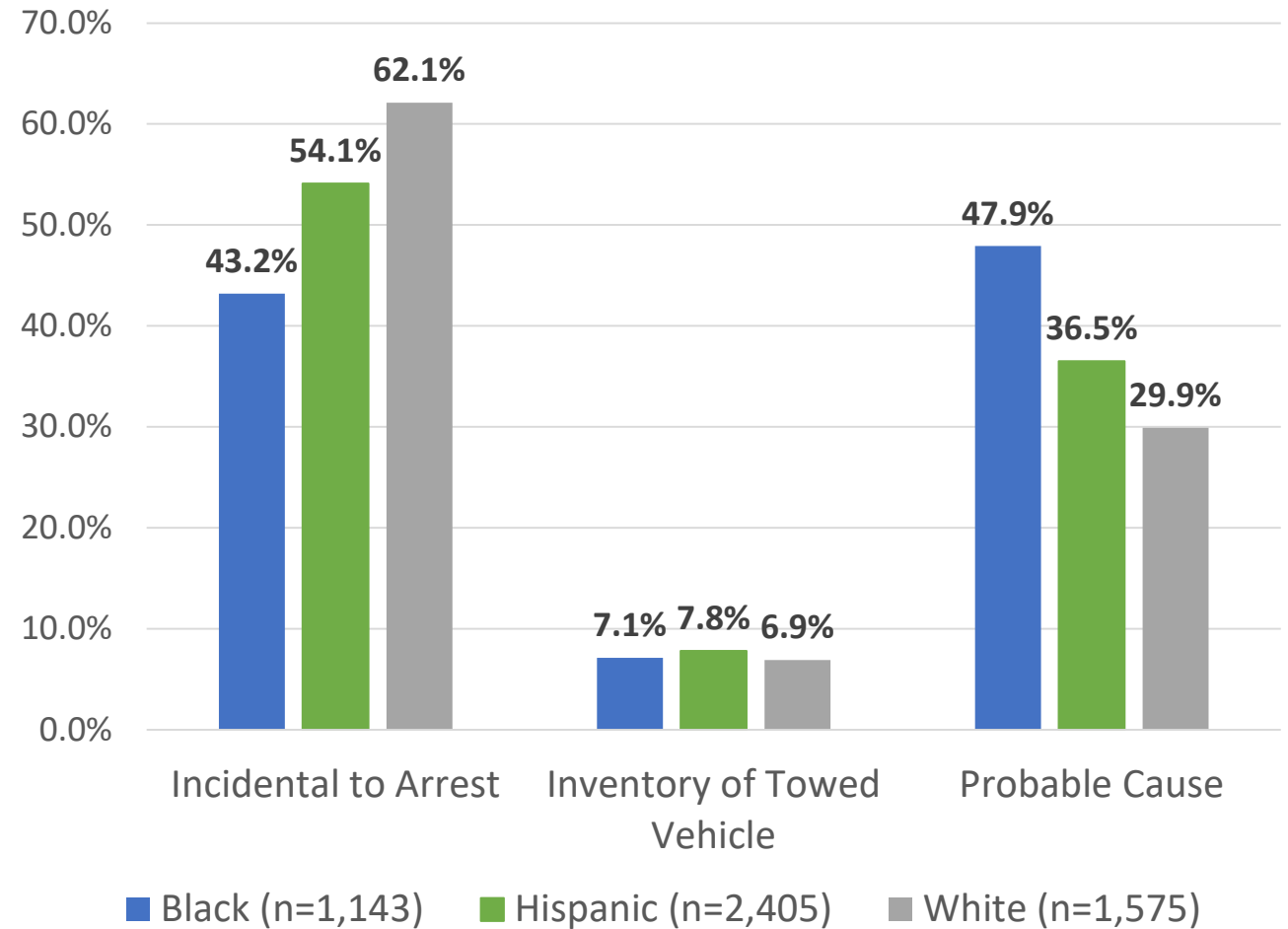


Gender Differences in Searches



Racial/Ethnic Differences in Search Reasons during Traffic Stops

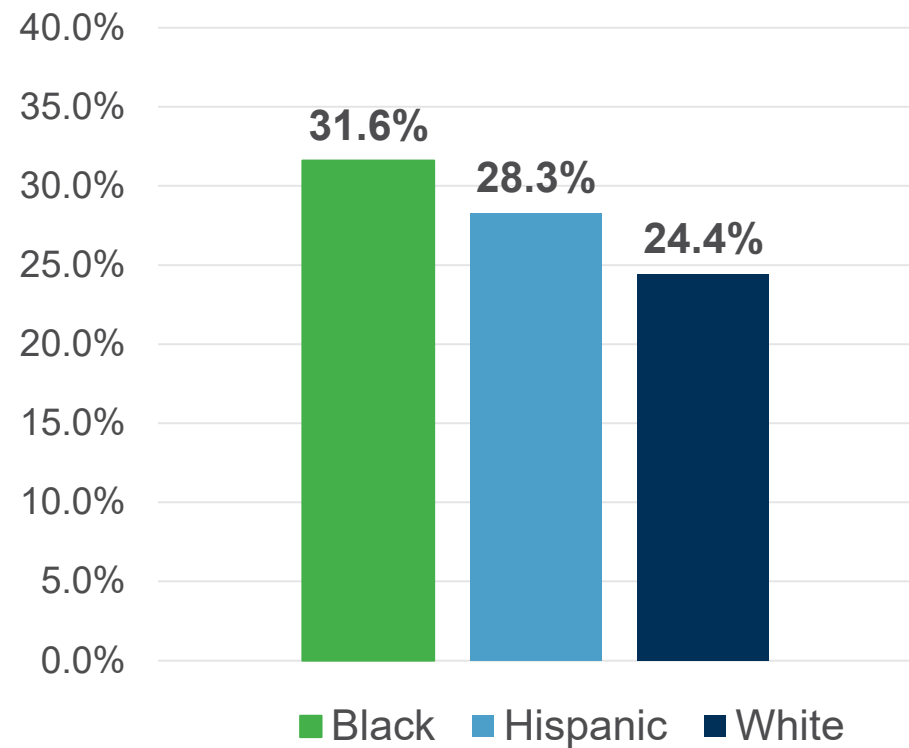
- Only examine racial/ethnic differences in three most common reasons for search: probable cause, incident to arrest, and inventory of towed vehicle
- Black and Hispanic individuals were more likely than whites to be searched based on probable cause
- White individuals were more likely than all other racial/ethnic groups to be searched incidental to arrest



Contraband Seizures during Searches

- Almost one quarter of all searches (23.9%) resulted in seizures of contraband
- Mandatory searches:
 - 21.3% have contraband seizures
- Discretionary searches
 - 28.2% have contraband seizures
- Racial/ethnic differences in only **discretionary searches** should be used to examine disparities

Racial/Ethnic Differences Seizures during Discretionary Searches (n=1,982)



2020 Vehicle Stop Data Findings: Summary

● Vehicle Stops:

- Serious data limitations; no benchmark analyses conducted
- ¾ of vehicle stops for moving traffic violations; some racial/ethnic differences in reasons for the stop
- Majority of stops (73%) result in warnings (verbal or written); arrest is infrequent event (5.4% of stops)
- Racial/ethnic differences in vehicle stop outcomes observed even after controlling for *some* other factors
 - Hispanic individuals **1.5 times more likely** than whites to be issued citations
 - Black and Hispanic individuals **1.7 and 1.5 times more likely** to be arrested compared to whites

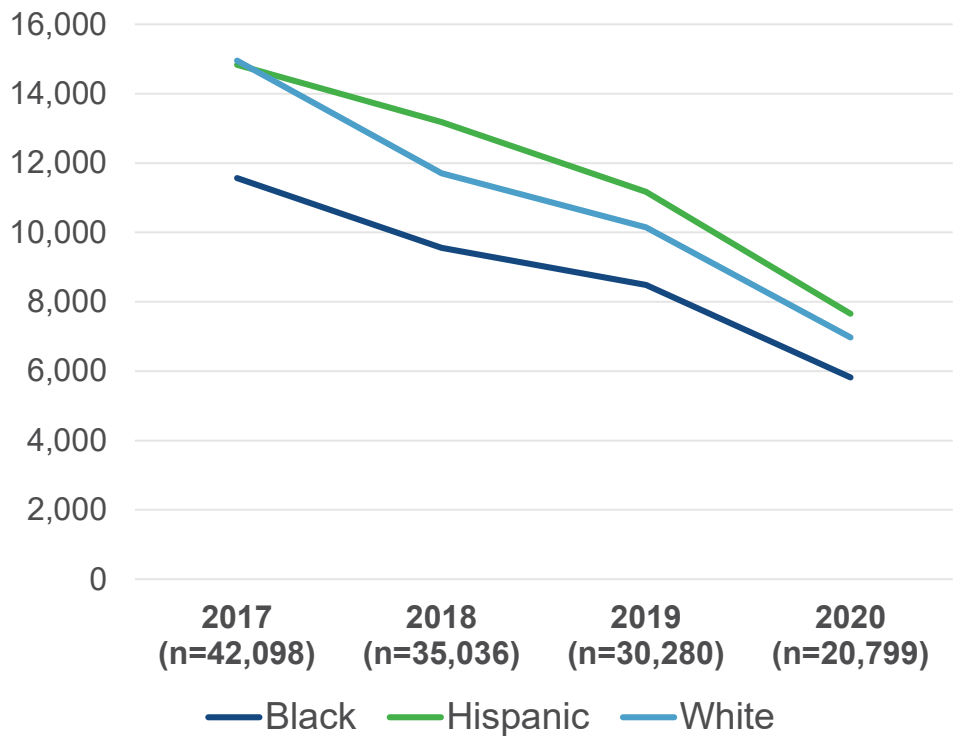
● Searches during Vehicle Stops:

- Searches during vehicle stops occur infrequently (7.6% of all stops)
- Searches are most likely for mandatory reasons (61.6%) – incident to arrest and inventory
- Racial/ethnic differences in searches
 - 11.3% of Black individuals stopped, 10.0% of Hispanic individuals, 5.1% of white individuals, 2.7% other
- Racial/ethnic differences in reasons for a search
 - Black and Hispanic individuals are more likely searched for discretionary reasons; white individuals are more likely searched for mandatory reasons
- Higher percentage of Black and Hispanic **discretionary** searches result in contraband seizures
 - 31.6% of Black individuals searched, 28.3% of Hispanic individuals searched; 24.4% of white individuals searched

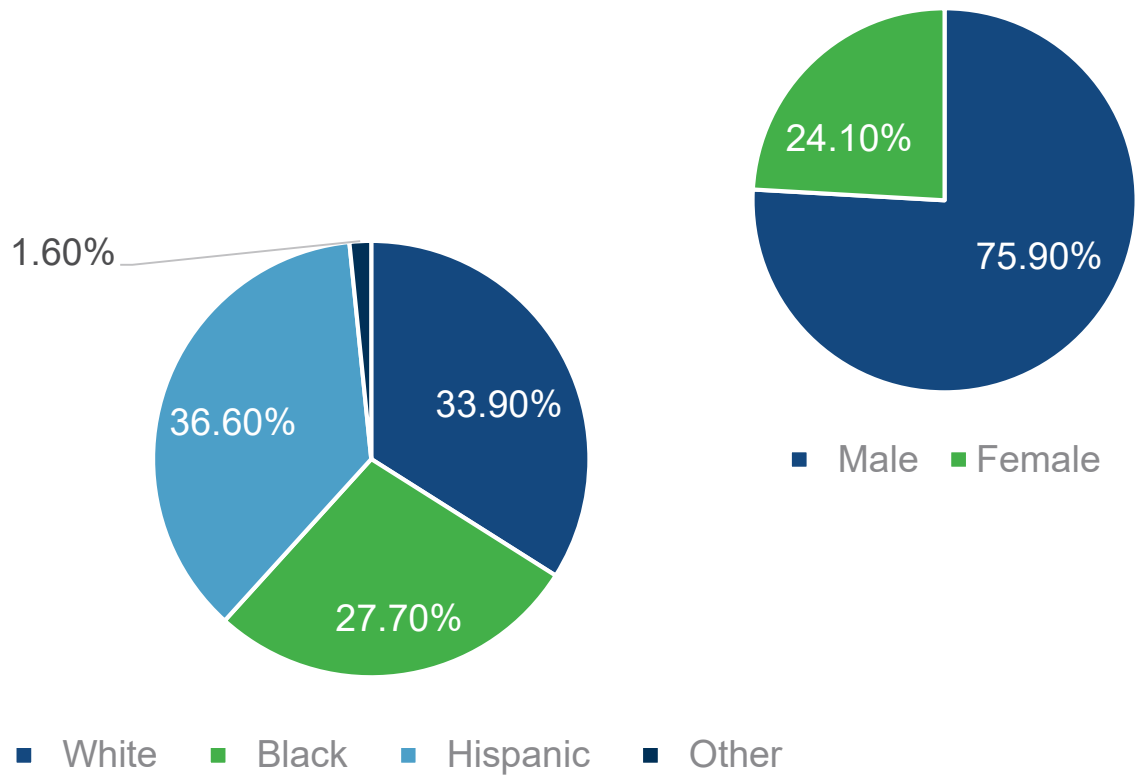
APD Arrests: January 1, 2017 – December 31, 2020

Kroll examined 128,213 total arrests from 2017 – 2020

Number of Arrests by Race/Ethnicity

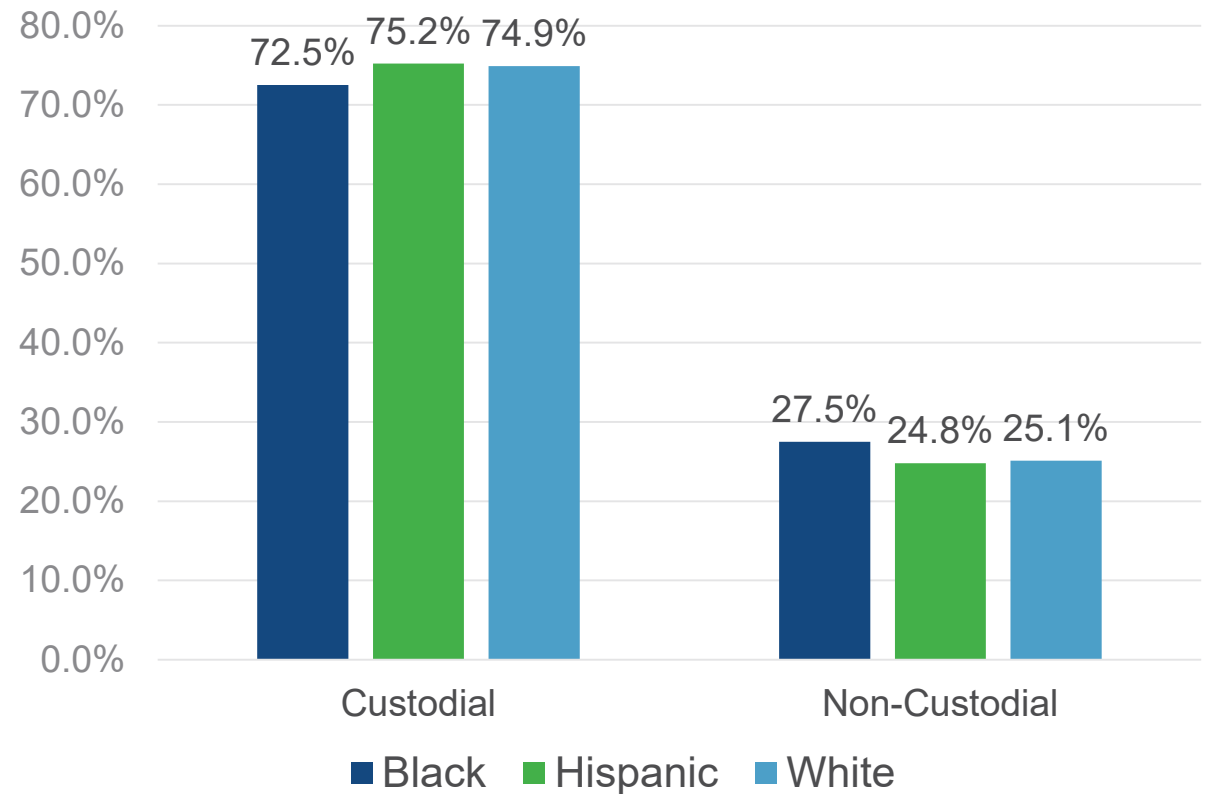


Race/Ethnicity and Gender of Individuals Arrested



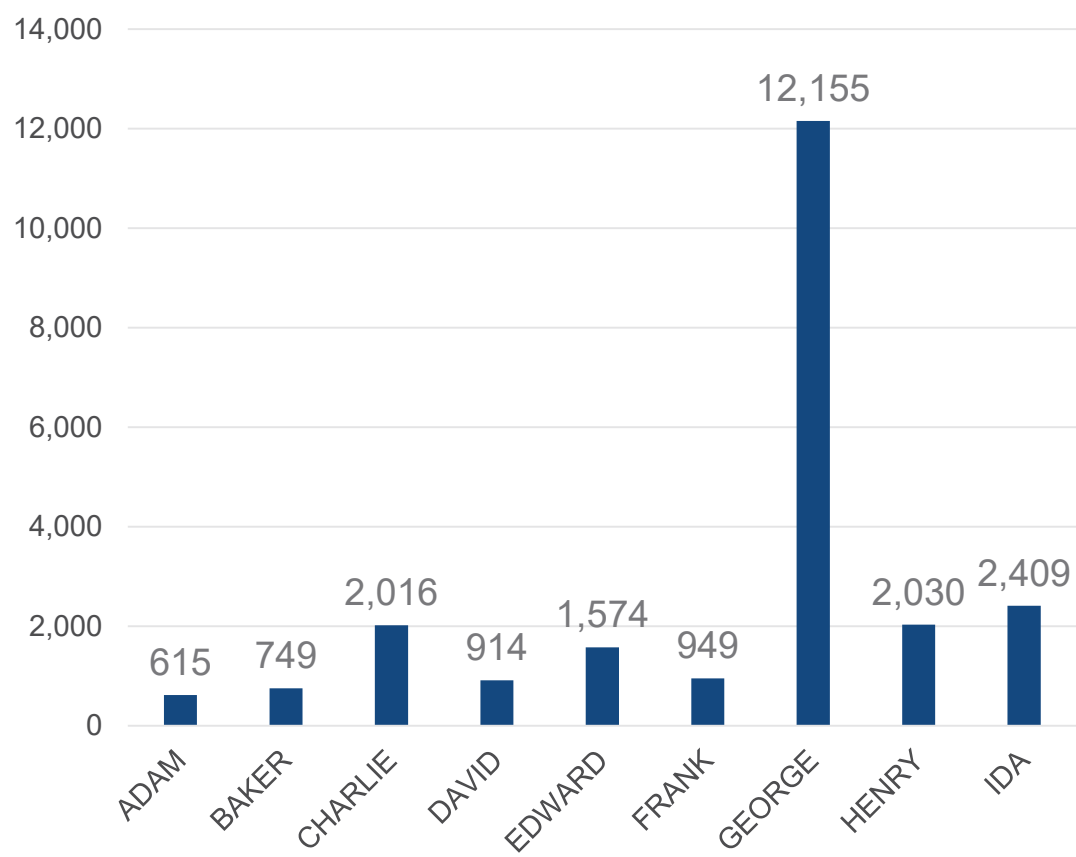
Racial / Ethnic Differences: Custodial vs. Non-custodial Arrests

- 74.3% of arrests involved physical custody
- Minor racial/ethnic differences in arrest type
 - Black individuals were *slightly less likely* than Hispanic and white individuals to be taken into custody when arrested, and *slightly more likely* to be cited and released with a court summons



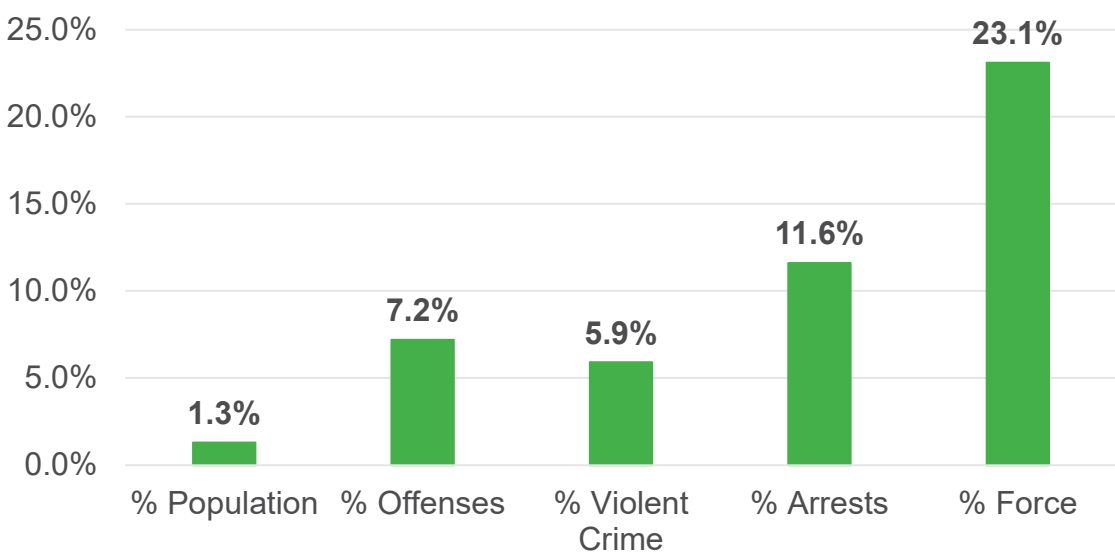
Arrest Rates across APD Sectors

Arrest Rates per 10,000 residents by APD Sector



- Arrest rates differed across APD sectors, but **George Sector** was a clear outlier – arrest rate five times higher than the next closest sector
- **George** is the least populated and geographically smallest sector, but home to Austin’s entertainment district
- Arrest rates cannot be explained by violent crime rate

George Sector – Percentages Relative to Remainder of City

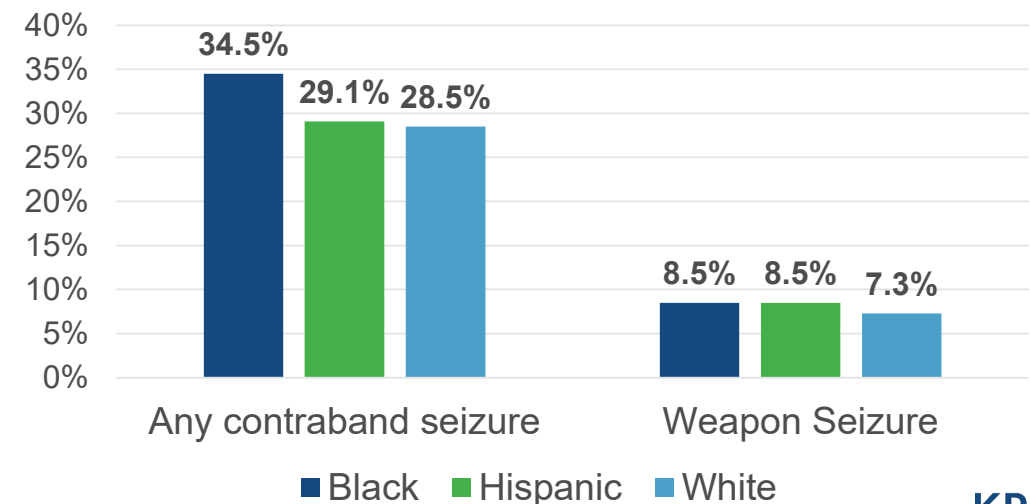


Arrests that include Searches: 2017 – 2020

- 79.5% of arrests involve searches
- Of searches conducted, 82.6% incident to arrest
- Data limitations:
 - APD only includes one reason for search
 - Temporal ordering of searches and arrests is difficult to determine (search conducted during an arrest can be *the reason for the arrest* or *the result of an arrest*)
- No racial/ethnic differences in search during arrests
 - 80.0% of Black arrestees searched, 79.2% of both Hispanic and white arrestees

- 30.3% of searches during arrests resulted in contraband seizure (8.1% in seizure of a weapon)
- Overall seizure rate highest for Black arrestees
- Weapon seizures:
 - Blacks and Hispanics = 8.5%, Whites = 7.3%

Arrests with Searches: Contraband Seizures by Race/Ethnicity



2017 - 2020 Arrest Data Findings: Summary

• Arrests:

- Decline in arrests over 4-year period consistent across racial/ethnic groups
- In $\frac{3}{4}$ of arrests, the individual was taken into custody
- Black individuals were slightly more likely to have non-custodial arrests
- Arrest rates differed across APD Sectors
- **George Sector** was an outlier
 - Arrest and force rates were out of proportion to population, reported crimes, and violent crime

• Searches during Arrests:

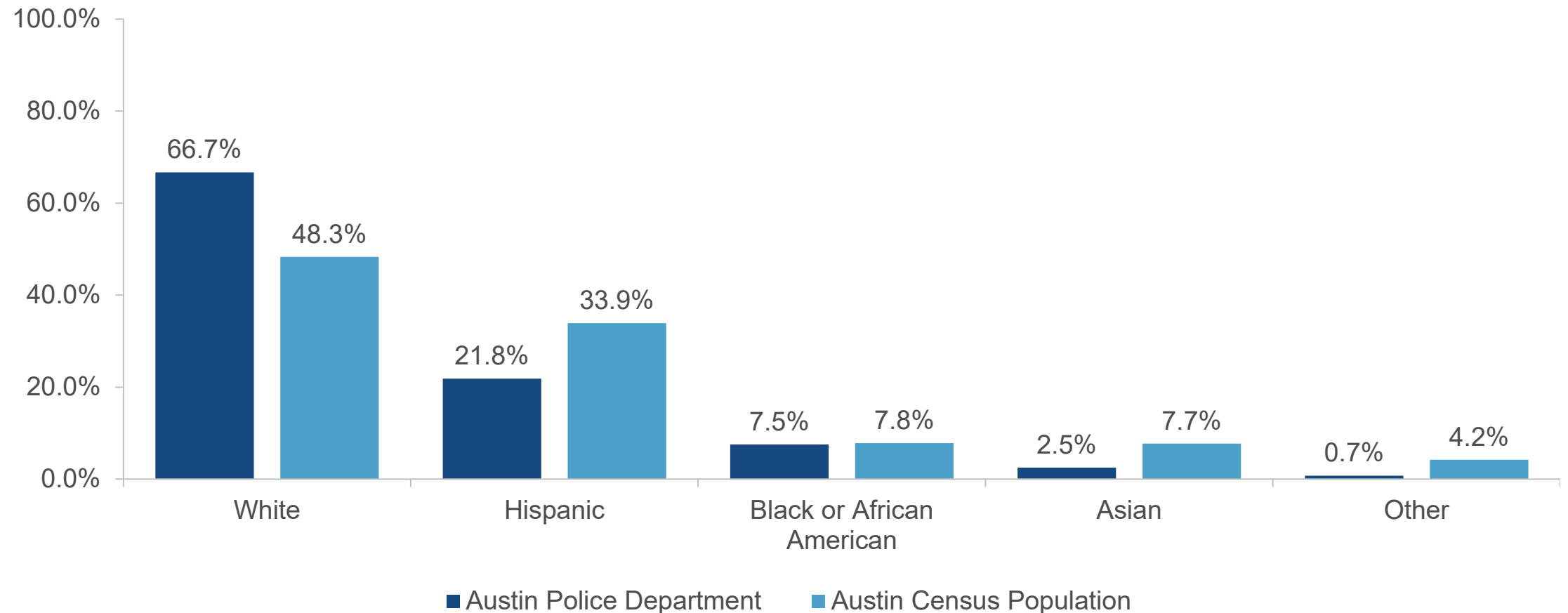
- Serious data limitations
- 80% of arrests involve searches; of searches conducted, 83% are incident to arrest
 - Unable to determine if search/seizure is reason for arrest or result of arrest
- Unlike traffic stops, no racial/ethnic differences in search during arrests
- 30% of searches result in contraband seizures
- Black arrestees more likely to have contraband seizures than other racial/ethnic groups
 - 35% seizure rate for Black arrestee searches, compared to 29% for Hispanic and white arrestees

Section 6:

Recruitment, Selection, and Promotions

APD Diversity

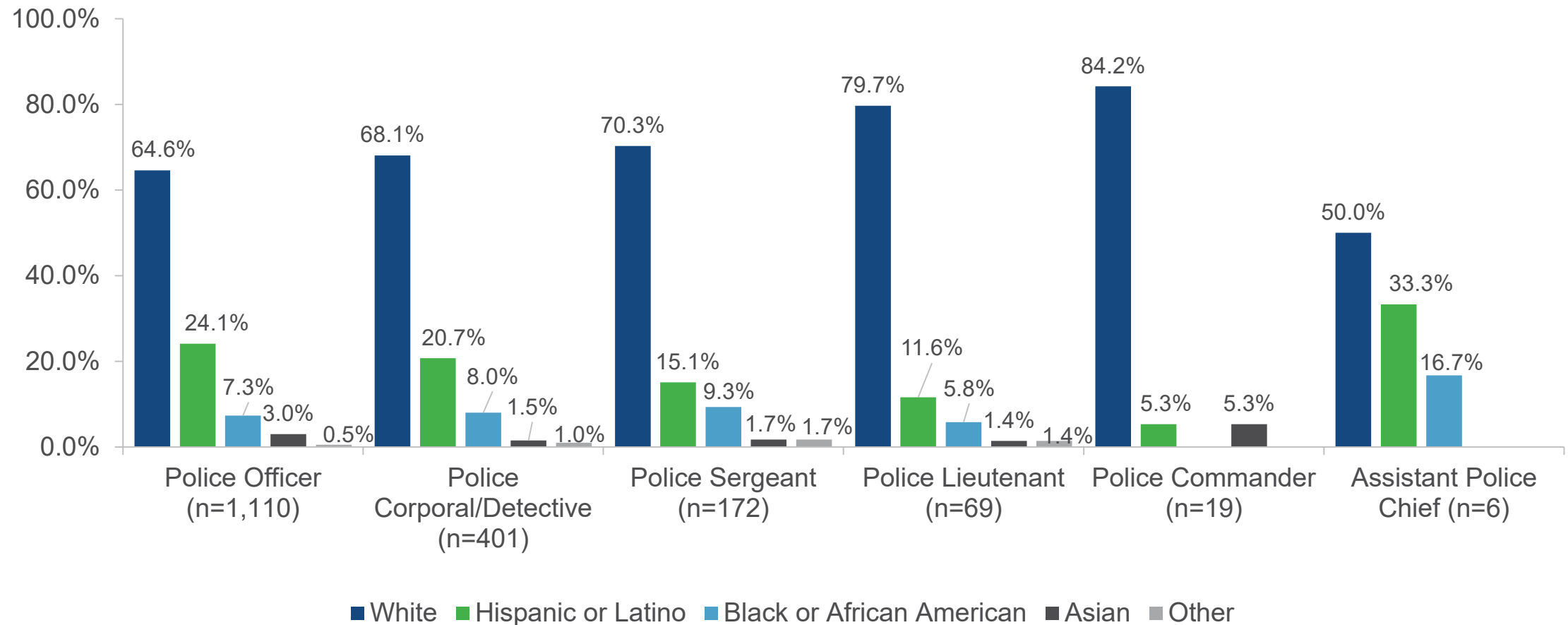
Figure 1. Race/Ethnicity Comparison of APD Personnel and City of Austin Population Statistics



APD Diversity (cont'd)

Race/Ethnicity by Rank

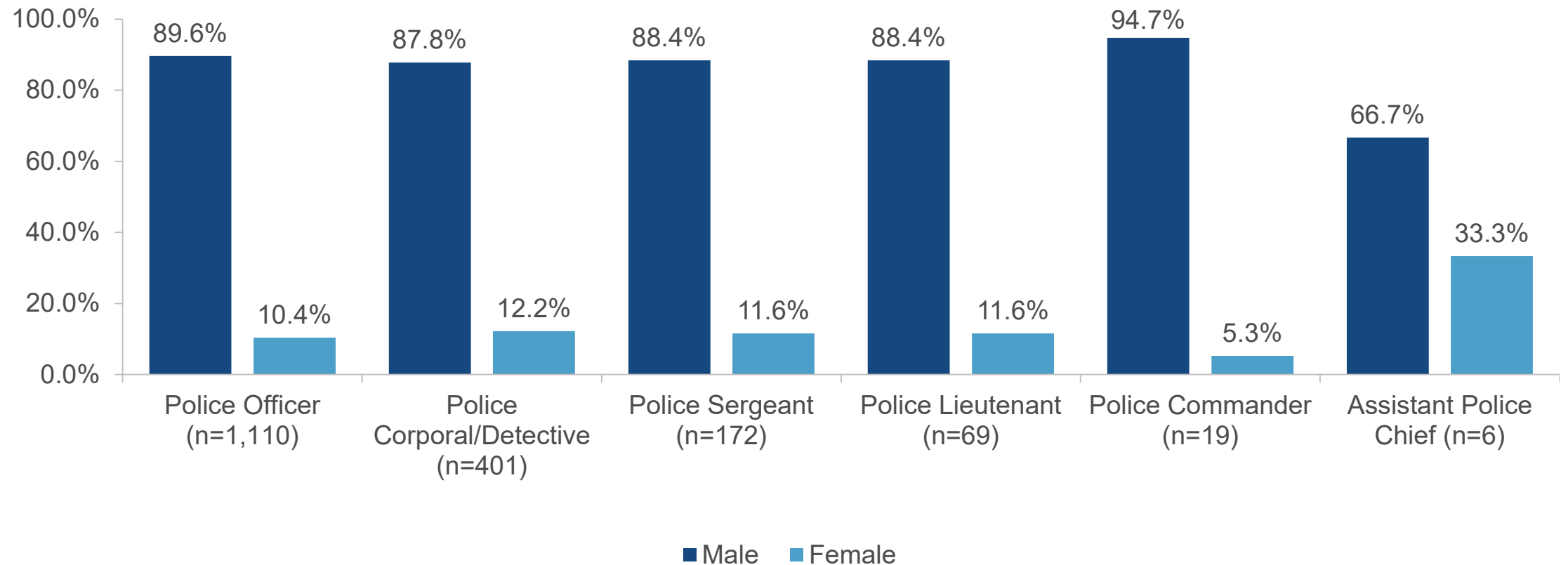
Figure 3. APD Sworn Personnel Race/Ethnicity by Rank, March 2021



APD Diversity (cont'd)

Rank by Gender

Figure 4. APD Sworn Personnel Gender by Rank, March 2021



Recruitment

Figure 6. Type of Recruiting Events for APD Recruits January 2016-March 2020

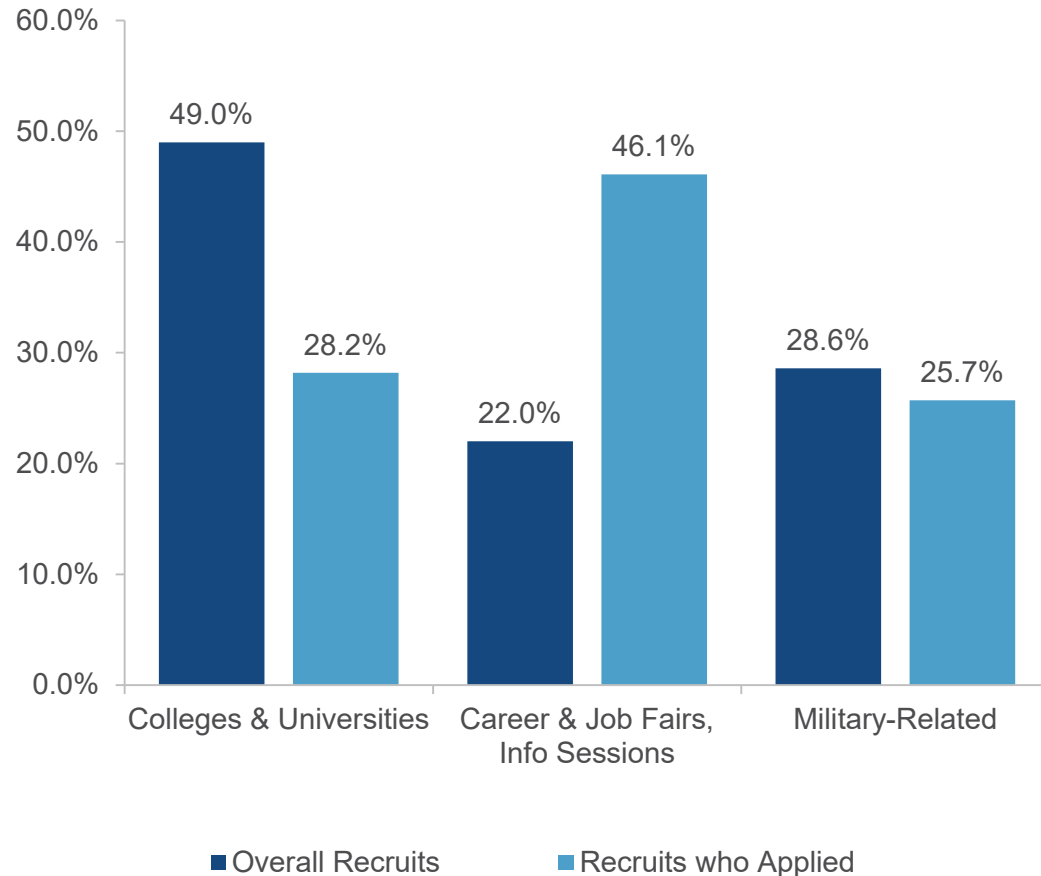
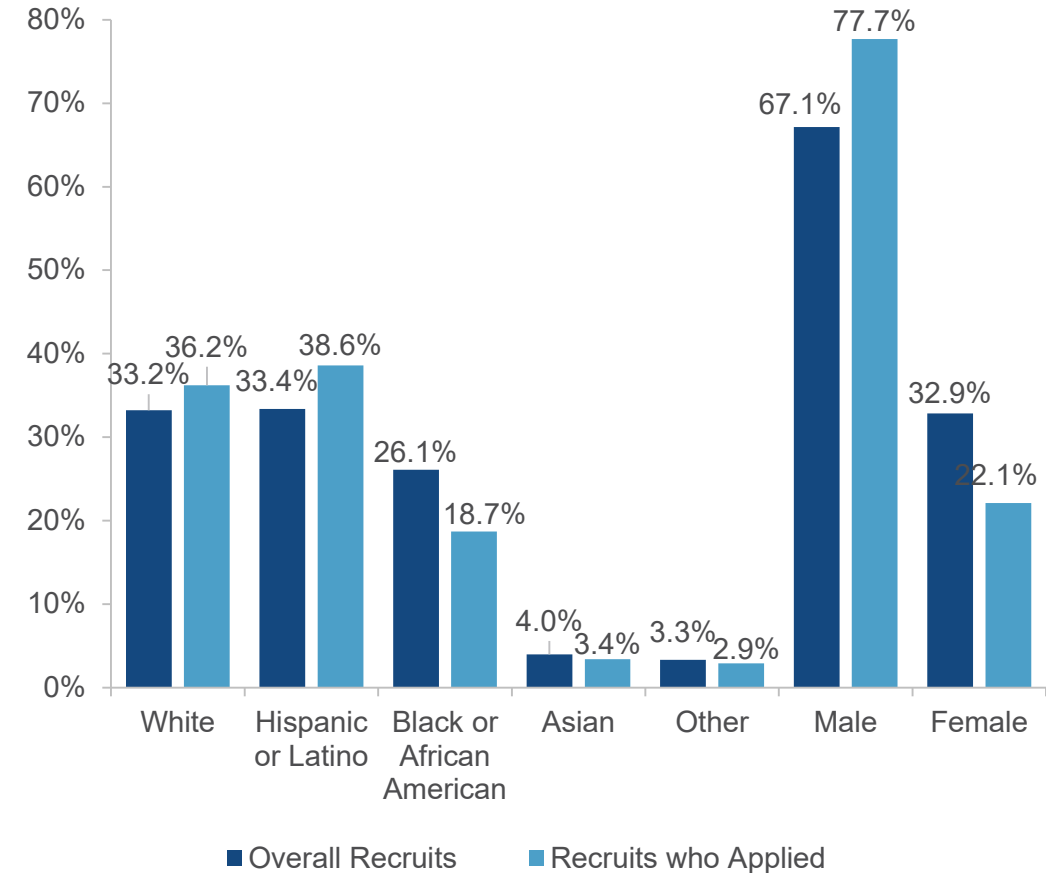


Figure 7. Demographic Characteristics of APD Recruits January 2016-March 2020



Recruitment (cont'd)

Most effective recruiting events?

- Regardless of gender and race/ethnicity, recruits who applied were most likely to do so if they had been recruited at general career/job fairs or information sessions.
- **Data Collection:** APD has had difficulty accurately matching information gathered from prospective applicants at recruiting events with the online applications that are later completed
 - The actual percentages of APD personnel that are women and people of color do not mirror the level of diversity in the recruitment pool

Hiring and Selection

Hiring and Selection Process

- APD hiring process is consistent with standard police department hiring practices in the US
 - APD frequently modifies selection practices to increase retention of diverse applicants

Cadet Classes 130 - 143

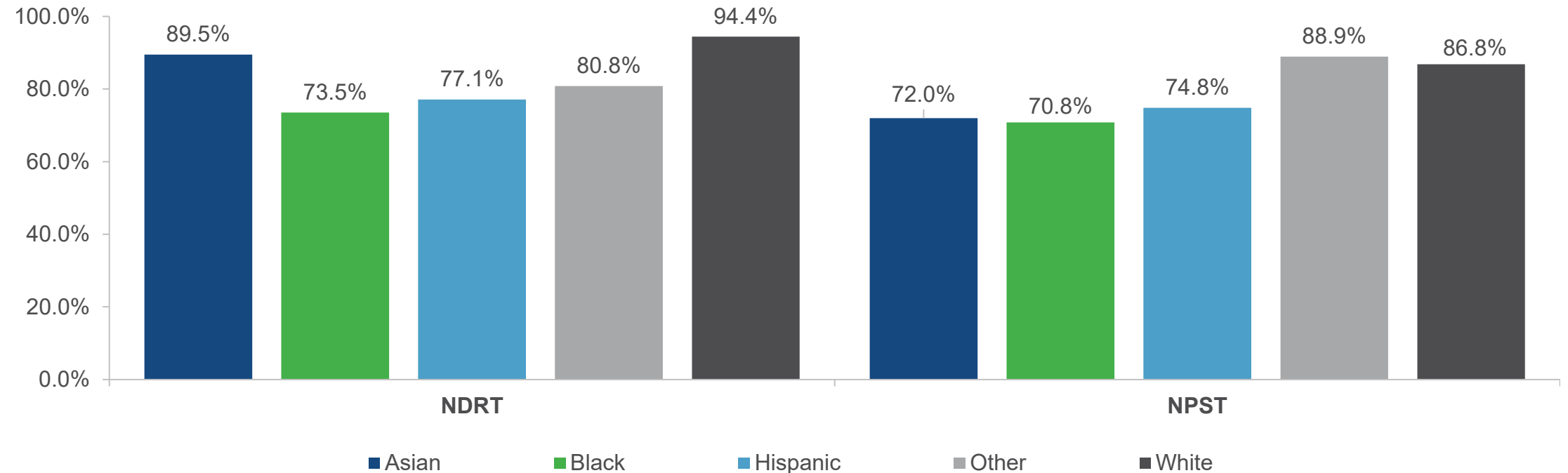
- 6,601 total applicants
 - 5,890 were disqualified at some point during the process
 - 711 ultimately became cadets at the Academy

Hiring and Selection (cont'd)

Findings:

- The current written (i.e., cognitive ability) test for applicants continues to show racial/ethnic disparities

Figure 14. NDRT vs NPST Written Test Results (Percent Who Pass by Race/Ethnicity)



Hiring and Selection (cont'd)

Physical Ability Test

- No significant racial/ethnic differences
 - Past gender differences in Physical Ability Test failures have been eliminated

Background History Statement

- Black applicants were disqualified more often due to credit histories
- White applicants were disqualified more often due to the polygraph, medical, or psychological exams
- Drug Usage:
 - 30% of white applicants were disqualified due to drug usage
 - vs. 16.2% (Black) and 21.8% (Hispanic)

APD Hires

- Ultimately, 66.0% of APD hires are white
 - vs. Hispanic - 21.5%, Black - 7.7%, Asian/Pacific Islander - 4.5%

APD Promotions

The Promotional Process

- From 2015 to 2020, Kroll found:
 - No significant gender differences in promotion outcomes
 - Asian and white promotion candidates are more likely to be promoted than Black and Hispanic candidates
 - The promotional written test may have an adverse impact on:
 - Candidates of color
 - Older candidates
 - Seniority bonus points have narrowed promotional score gaps for Black and Hispanic candidates

Promotions (cont'd)

Assessment Center Scoring

- Asian and white candidates score significantly better on the assessment centers than Black and Hispanic candidates.
 - Assessment center scores have a disparate impact on Black and Hispanic promotion candidates for Sergeant.

Promotion Eligibility Lists

- Percent of candidates promoted of those who sought promotion:
 - Asian/Pacific Islander - 72.7%
 - White - 60.1%
 - Black - 56.4%
 - Hispanic - 54.3%

Section 7:

Recommendations

Recommendations

DATA COLLECTION RECOMMENDATIONS

- Arrest Data
- Use of Force Data
- Traffic Stop Data
 - See Appendix to Section 7.5 (Data Fields for Traffic Stop Data)

USE OF FORCE RECOMMENDATIONS

- APD Policy
- Training
- Supervision

Recommendations

ORGANIZATIONAL RECOMMENDATIONS

- Examine Trends
- Examine Racial/Ethnic Disparities
 - Monitor over time
- Treat Statistical Findings as Diagnostic Tools
- Adopt a Holistic Approach
- Explore Other Data Sources re: Potential Factors Contributing to Racial/Ethnic Disparities
- Understand Limitations of Data

Recommendations

RECRUITMENT, SELECTION, AND PROMOTION RECOMMENDATIONS

- **Recruitment**
 - Continue Intentional Efforts to Further Increase Diversity
 - Examine Recruiting Events – What works / What doesn't?
 - Continue to Develop Community Partnerships
 - Improve Data Collection / Linking
 - Re-institute Explorer Program / Expand Internship Program
 - Consider Realistic Job Preview
 - Continue to Evaluate Disqualification Factors

Recommendations

- **Selection**

- Monitor Written Test Disparities
- Retain Independent Consultant – Validation Study of Physical Fitness Requirements
- Emphasize Necessity of Preparing for Physical Ability Test
- Improve Record Keeping Process for Oral Interview Board

- **Promotions**

- Affirmatively Support Mentorship Programs
- Analyze Promotional Score Data / Consider Other Assessment Centers
- Reconsider Promotional Test Components and Weighting
- Enhance Career Development / Training Opportunities

Questions?



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