



CITY OF NEW ORLEANS ETHICS REVIEW BOARD

525 St. Charles Avenue New Orleans, LA 70130-3409

erb@nolaerb.gov

<https://www.nolaerb.gov/>

BOARD MEETING

City Hall, City Council Chamber, New Orleans, Louisiana

Monday, April 10, 2023

12:00 P.M.

AGENDA

1. Call to order.
2. Approval of the minutes of March 13, 2023, board meeting.
3. Monthly report of Office of Inspector General.
4. Reports of Office of the Independent Police Monitor.
 - a. Report and discussion regarding proposed ordinance on investigatory functions.
 - b. Monthly report.
5. Discussion of issues raised in the letters described below (attached as Item 1), including a presentation by the OIPD and by any city or NOPD representatives who wish to be heard:
 - a. 2023-02-09 OIPM Letter to Morrell Turner re Conflict.pdf
 - b. 2023-02-22 Turner Letter to OIPM re Conflict Issues.pdf
 - c. 2023-03-13 OIPM Letter to Council and Others re Security Breach re Vappie Investigation.pdf
 - d. 2023-03-15 City News Release re PIB Issue and OIPM Letter.pdf
 - e. 2023-04-06 OIPM Letter to ERB re ERB April 10th Meeting
6. Monthly report of Ethics Trainer.
7. Monthly report of General Counsel and Executive Administrator.
8. Report on appointments to ERB and Quality Assurance Review Advisory Committees.
9. Executive session pursuant to La. R.S. sec. 42:17 to discuss investigative proceedings regarding allegations of misconduct.
10. Call for agenda items for future board meetings.
11. Adjournment.

**Draft Minutes of
Previous Board
Meeting**



Ethics Review Board for the City of New Orleans

Board Meeting of March 13, 2023, at 12:00 P.M. in New Orleans City Council Chambers

Minutes

1. *Call to Order.*

1.1. The chair called the meeting to order at 12:09 p.m.

1.2. ERB members present:

1.2.1. Holly Callia, Chair.

1.2.2. Elizabeth Livingston de Calderon.

1.2.3. Michael A. Cowan.

1.2.4. Monique G. Doucette

1.2.5. Tyrone G. Jefferson, Jr.

1.3. ERB members absent:

1.3.1. Wanda A. Brooks.

1.3.2. SUNO appointee (position is vacant).

1.4. Staff members present:

1.4.1. Dane S. Ciolino, Executive Administrator and General Counsel.

1.4.2. Jordy Stiggs, Ethics Trainer

1.5. Staff members absent:

1.5.1. None.

- 1.6. The agenda for the meeting is attached.
2. *Approval of Minutes.* Upon a duly made and seconded motion, the ERB unanimously approved the minutes of the regular ERB meeting of January 30, 2023.
3. *Monthly Report of the Office of the Inspector General.*
 - 3.1. Ed Michel appeared on behalf of the Office of the Inspector General. He was accompanied by his general counsel, chief evaluator, chief auditor, and office manager.
 - 3.2. Mr. Michel presented his office's monthly written report (attached). He also reported orally to the ERB and responded to ERB members' questions.
 - 3.3. Discussed work of audit division and reports soon to be released.
 - 3.4. Discussed work of the investigation division.
 - 3.5. Discussed billing errors by the SWB that have been piling up for many years. Despite that, the SWB wants a rate hike. Recent report recommended that rate increases be deferred until the SWB collects outstanding bills.
 - 3.6. Discussed the progress of mitigating homestead exemption fraud. Many deceased homeowners are on the tax rolls. He is coordinating with state officials in this regard.
 - 3.7. Discussed investigation into employee of the city who was improperly employed full time by a non-City entity.
 - 3.8. Discussed investigation into payments improperly made (\$1.46 MM dollars) to nonprofit group.
 - 3.9. Ms. Doucette noted that the challenge to SWB collections stems from billing inaccuracies. Consumers get large bills and believe the bills are wrong, and they cannot afford to pay. Why are bills not right? Mr. Michel stated that the problems arise from estimating problems; the SWB does not have the staff to go out and record usage on a monthly basis. In addition, the SWB software is old and outdated. Apparently, "smart meters" will soon be installed to automatically report actual usage at consumer's locations. The estimated installation date is next year (2024). Also, there are a lot of bills that are simply unpaid even though no disputes have been filed.
 - 3.10. Ms. Calderon asked Mr. Michel to update his monthly report to include his budget and projections regarding his annual report. Ms. Calderon asked for a new column on the report to show expected expenditures vs. actual expenditures. Mr. Michel said that he can add that column to his monthly report.

- 3.11. The OIG Audit and Review, Inspections & Evaluations and Investigations departments presented a slide show on their functions and operations (attached).
- 3.12. Mr. Cowan asked what the word “evaluator” meant? OIG staff responded, “someone who is evaluating programs.”
- 3.13. Ms. Callia thanked Mr. Michel and his staff for the presentations.
- 4. *Monthly Report of the Office of Independent Police Monitor.*
 - 4.1. Stella Cziment and Boncyle Sukunbi appeared on behalf of the Office of the Independent Police Monitor. Lawyer Sharonda Williams also appeared with the IPM.
 - 4.2. Ms. Cziment discussed the monthly report (attached).
 - 4.3. Ms. Cziment discussed her office’s work regarding the NOPD Office of Secondary Employment and related issues. Among other things, new changes will ensure no double billing by officers performing details.
 - 4.3.1. Mr. Cowan thanked the IPM for the report on secondary employment and related issues.
 - 4.3.2. Mr. Cowan asked, “where are we on the federal consent decree” and “your role going forward.”
 - 4.3.2.1. She responded, the city is not in “full and effective compliance.” The monitors’ new annual report reflected some “backsliding.” She is working with NOPD and the monitors to put in place technical and operational changes to avoid any additional backsliding. The city must reach full and effective compliance, then the judge will put the city into a sustainment period. The federal monitors will be in charge of the sustainment monitoring; however, they will do less work and the OIPM will take more work.
 - 4.3.2.2. The IPM also noted that the mayor’s office has moved the federal court to dissolve the consent decree. This motion will be ruled on in the next three months. Ms. Calderon asked what the federal government’s position was on this motion. The IPM responded that they object to dissolution.
 - 4.3.2.3. Ms. Callia asked how many people are currently performing this function for the federal monitor? The IPM responded that 10-15 people work for the federal monitor team; there are only 5 people in her office currently. She noted that her office is working on a sustainment strategy that will involve a lot of triage and prioritization.

- 4.4. Ms. Calderon and Ms. Callia both noted the opportunity to engage local universities to assist with the work of the OIPM.
- 4.5. Discussed the concerns presented by the same lawyers representing a city leader and the internal investigations unit of NOPD. Ms. Callia confirmed that the IPM is not investigating any allegations regarding any city officials. Her offices only monitors the NOPD's investigations.
- 4.6. Discussed her office's regular reports to the Council's Criminal Justice Committee.
- 4.7. Noted that her office participated in a public forum in Central City regarding the consent decree with the federal monitors.
- 4.8. Mr. Cowan asked what is causing noncompliance with the consent decree. The IPM noted that the policies have been created, but the problem lies in following the policies. There is no clear definition of "noncompliance." As to "backsliding" categories, there is no clarity as to what exactly the problem is. A number of areas of concern have been identified but it remains unclear which, if any, will be "moved" into a "backsliding" into "yellow" category from "green." Ms. Doucette clarified that "compliance" is defined as "hitting 95." If NOPD does not "hit" that mark, it is in "noncompliance." But it is a different issue as to how the NOPD can "fall out" of "green" compliance. That is not well defined. All of this "lack of clarity" is addressed in the City's motion to dissolve the consent decree.
- 4.9. Ms. Callia asked for an update on the IPM's effort to change the code of ordinances. The IPM said that there are no new developments. She believes that it has been "backburnered" to the May 2023 council meeting. Ms. Callia asked for an update at the next ERB meeting. Ms. Calderon noted that there are two issues raised by the IPM's efforts; they should separate the two. The IPM agreed.
5. *Discussion and vote on board resolution to require OIG and OIPM to share with ERB all correspondence with mayor and members of the city council regarding (1) funding requests, and (2) proposed amendments to the City Code of Ordinances and City Home Rule Charter.*
 - 5.1. Motion to adopt resolution by Ms. Calderon; seconded by Mr. Cowan.
 - 5.2. Mr. Ciolino reported on the history of this resolution.
 - 5.3. Mr. Michel noted that his office has no objection to the adoption of this resolution. Noted that he believes that this resolution will not interfere with the independence of his office.
 - 5.4. Ms. Cziment noted that her office has no objection to the adoption of this resolution. Noted that she believes that this resolution will not interfere with the independence of her office. Any action taken thereafter might, but that is not the issue.

- 5.5. The ERB discussed the motion.
- 5.6. The ERB invited public comment; none received.
- 5.7. The ERB voted on the resolution. The resolution passed unanimously.
- 6. *Monthly Report of Ethics Trainer.*
 - 6.1. Mr. Jordy Stiggs presented his monthly written report (attached).
 - 6.2. Mr. Stiggs reminded the board members to submit their financial reports to the state board by May 15, 2023.
 - 6.3. Mr. Stiggs reported that he will assist Ms. Callia to prepare an onboarding packet for new ERB members. Mr. Stiggs asked for information from Mr. Cowan and Mr. Ciolino regarding the history of the ERB and its structure and operations. He will also get information from the OIPM and OIG regarding their operations.
 - 6.4. Mr. Stiggs share copies of his new training posters and information.
- 7. *Report of the Executive Administrator and General Counsel.*
 - 7.1. Mr. Ciolino presented his oral report.
 - 7.2. Mr. Ciolino reported on the potential conflict notice provided by Ms. Cziment relating to her brother's relationship with Ring (security camera provider).
 - 7.3. Mr. Ciolino noted that he provided a draft of the annual report for 2022 to Ms. Callia.
 - 7.4. Mr. Ciolino reported on staff, offices, phone, website, and mailing address. Ms. Callia asked what would happen if Mr. Ciolino disappeared. He reported that he will set up a legacy contact in GoDaddy. She also asked Mr. Ciolino to forward all "chair" emails to Ms. Callia.
 - 7.5. Mr. Ciolino discussed the ERB budget for 2023, attached as Item 1 to the agenda.
 - 7.6. Mr. Ciolino reported that the ERB has received no new complaints.
- 8. *Report on QARAC Appointments.*
 - 8.1. Mr. Ciolino reported that the ERB is awaiting QARAC nominations from the mayor and city council.
 - 8.2. Mr. Ciolino also reported that the ERB is awaiting a nomination from the mayor as to the Loyola, SUNO, and Dillard ERB positions. He reported that the Loyola position should be filled in the next 4-6 weeks.

9. *Discussion of Onboarding Plans for New ERB Members.*
 - 9.1. Already covered in other discussions.
10. *Discussion of Strategic Plan for ERB.*
 - 10.1. Already covered in other discussions.
11. *Comments by Mr. Cowan.*
 - 11.1. Mr. Cowan noted that he has attended at least 134 ERB meetings. He has been working since 2005 on creating the ERB, OIPM, and OIG. He has studied corruption and ethics regulation and racial tensions and insider dealing; all go together, unfortunately. Broadening economic activity requires “going after corruption.” So too for reducing racial tension. This is what is required for positive social change.
 - 11.2. The ERB, OIPM, and OIG are precious creations in the life of this city. They did not exist 20 years ago. ERB members, “this is all in your hands.” These organizations are responsible for running their own organizations; we should consult and advise, but they are autonomous. The ERB must oversee without interfering in the offices’ operations.
 - 11.3. Mr. Cowan’s final challenge to the board: the board has monthly plans and reports in writing and live during meetings. Members must read the offices’ reports and raise questions and comments. That is the ERB’s opportunity to review, evaluate, and advise those offices.
 - 11.4. Mr. Cowan thank everyone for the opportunity to serve. Everyone thanked Dr. Cowan.
12. *Call for Agenda Items for Future ERB Meetings.*
 - 12.1. None.
13. *Adjournment.*
 - 13.1. A motion was made to adjourn the ERB meeting.
 - 13.2. The motion was seconded.
 - 13.3. The ERB unanimously voted to adjourn. The meeting was adjourned at 2:07 p.m.

* END *

Monthly Report of OIG

MONTHLY REPORT

MARCH 2023



OIG

**NEW ORLEANS
OFFICE OF INSPECTOR GENERAL**

**EDWARD MICHEL, CIG
INSPECTOR GENERAL**

ADMINISTRATION DIVISION



1,915

Number of registered Twitter followers

ADMINISTRATION

The Office Manager is responsible for the following ongoing tasks:

- Human Resources
 - Coordinating the hiring process
- Finance
 - Managing and refining the OIG budget
- Procurement Process
 - Communicating with OIG vendors
 - Processing requisitions to create purchase orders
 - Overseeing the timely payment of OIG expenditures
- Operations
 - Coordinating with the OIG's landlord and various City departments on administrative matters

INFORMATION SECURITY

The OIG Information Security Specialist is responsible for the following tasks to maintain the OIG's information technology (IT) integrity

- Technical Support
- Hardware and Software Updates
- Communication and Coordination
- Consultation for IT Purchases

AUDIT & REVIEW DIVISION

The Audit and Review Division conducts financial audits, attestations, compliance, and performance audits of City programs and operations. Auditors test for appropriate internal controls and compliance with laws, regulations and other requirements.



The Audit and Review Division has the following projects in process:

- Orleans Parish Communications District (OPCD) Expenditures
- Wisner Fund
- Orleans Parish Sheriffs Office
- Short Term Rentals

Project Phase Descriptions:

Planning - includes background research, data gathering, initial interviews, and/or internal controls assessment.

Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

Draft Report - includes data and statistical reviews, documenting fieldwork results, initial report writing, revisions and internal Quality Assurance Review (QAR) prior to supervisory review.

Supervisory Review - includes the review by both Deputy Inspector General and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, adequate fieldwork procedures, and proper conclusions, content, presentation and readability.

Legal Review - Report review by in-house General Counsel and/or outside Legal Counsel to ensure appropriate and proper legal citations and/or interpretations.

IG Review - Report review by the Inspector General based on corrections and recommended changes resulting from the Legal Review.

30-Day Comment Period - 30-day deadline for the department to review the draft report and submit management responses for inclusion in the final report.

MEASURING PROGRESS

AUDIT AND REVIEW DIVISION

The following information provides a summary of the Audit Division's project phase and a summary of the audit objectives.

Project Name	Project Phase ¹	Anticipated ² Completion Date
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Orleans Parish Communications
District

Completed

April 6, 2023

Summary of Objectives: To determine if management's internal controls are designed properly and implemented and operating effectively to ensure expenses and disbursements were business-related and allowed by law.

Wisner Fund

Draft Report

Ongoing

Summary of Objectives: The OIG will be releasing a letter explaining why the 2020 Extension of the Wisner Trust was not proper, violating City Code and prior court rulings concerning the Trust.

Orleans Parish Sheriffs
Office

Planning

Ongoing

Summary of Objectives: The purpose of the audit is to evaluate the operating effectiveness of the Orleans Parish Sheriff Office's controls and expenditures related to payroll and paid details.

Short-Term Rentals

Fieldwork

Ongoing

Summary of Objectives: The OIG will be releasing a letter suggesting that the City increase its efforts to levy fines on illegal short-term rentals.

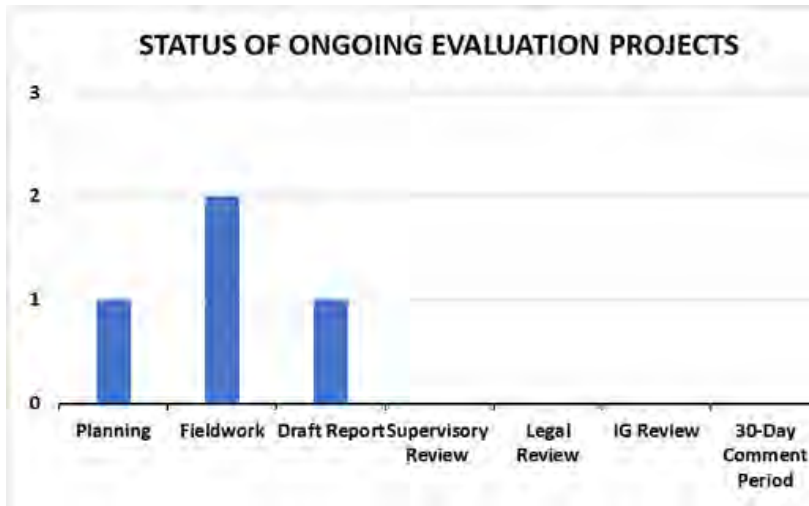
Footnotes:

1 - Project phase determination is based on the objective(s), scope, and methodology for each project. It is not determined by a standard set of hours and/or phase deadline.

2 - The completion date may be re-evaluated if necessary.

INSPECTIONS & EVALUATIONS DIVISION

The Inspections and Evaluations Division works to increase the efficiency, effectiveness, transparency, and accountability of City programs, agencies, and operations. Evaluators conduct independent, objective, empirically based and methodically sound inspections, evaluations, and performance reviews.



The Inspections & Evaluations Division has the following projects in process:

- New Orleans Police Department (NOPD) Violent Crime Response Analysis
- City of New Orleans Employee Time and Attendance Reporting
- EMD Fuel Dispensing Follow-Up
- Sewerage and Water Board Water Loss Control

Project Phase Descriptions:

Planning - includes background research, data gathering, initial interviews, and/or internal controls assessment.

Fieldwork - includes data and statistical analyses, interviews, testing of procedures, onsite observations, and/or physical inspections.

Draft Report - includes data and statistical reviews, documenting fieldwork results, initial report writing, revisions and internal Quality Assurance Review (QAR) prior to supervisory review.

Supervisory Review - includes the review by both Deputy Inspector General and First Assistant Inspector General to ensure sufficiency and appropriateness of evidence, adequate fieldwork procedures, and proper conclusions, content, presentation and readability.

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MEASURING PROGRESS

INSPECTIONS AND EVALUATIONS DIVISION

The following information provides a summary of the Inspections and Evaluations Division's project phase and a summary of the each project's objectives.

Project Name	Project Phase ¹	Anticipated ² Completion Date
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City of New Orleans
Employee Time and
Attendance Reporting

Fieldwork

Ongoing

Summary of Objectives: To determine whether the City has policies, procedure, and controls to ensure that Time and Attendance is reported accurately.

NOPD Violent Crime
Response Analysis

Draft Report

Ongoing

Summary of Objectives: To assess the NOPD's response to violent crimes in the City in relation to best practices and industry standards.

EMD Fuel Dispensing
Follow-Up

Fieldwork

Ongoing

Summary of Objectives: This follow-up evaluation seeks to determine if the City implemented the corrective actions to which it agreed in June 2016 in response to the OIG's initial evaluation, and whether the deficiencies identified in the original report still exist.

Sewerage & Water Board
Water Loss Control

Planning

Ongoing

Summary of Objectives: To assess Sewerage and Water Board policies and controls for the loss of treated water due to infrastructure failures.

Footnotes:

1 - Project phase determination is based on the objective(s), scope, and methodology for each project. It is not determined by a standard set of hours and/or phase deadline.

2 - The completion date may be re-evaluated if necessary.

INVESTIGATIONS DIVISION

ADMINISTRATIVE INVESTIGATIONS (MARCH HIGHLIGHTS)

Issued a Request for Documents to the Information Technology and Innovation Department

Met with Administrator for Louisiana Tax Commission regarding residential properties which continued to receive a homestead exemption and senior freeze reduction despite the listed homeowner reportedly being deceased.

Issued two Requests for Documents to NOPD

Issued a Request for Documents to the Orleans Parish Sheriff's Office

Issued a letter and related documents to the Assessor's Office concerning ten (10) residential properties which continued to receive a homestead exemption and senior freeze reduction despite the listed homeowner reportedly being deceased. The total number of residential properties submitted for 2023 is 20. Assessor's Office acknowledged receipt of the letter.

Received a letter from JP Morrell, New Orleans City Council President asking that our office investigate the handling of the New Orleans Police Department's Public Integrity Bureau investigation into Officer Jeffrey Vappie and claims of payroll fraud regarding Officer Vappie. Morrell also complained that the New Orleans City Attorney's Office leaked confidential investigatory materials from the Public Integrity Bureau's (PIB) open investigation into Officer Vappie. He also contends that the City Attorney Office leak compromises PIB's investigation, undermining public trust and confidence.

AUDIT DIVISION

(MARCH HIGHLIGHTS)

On March 16, 2023, the Audit Division issued a public letter signed by Inspector General Edward Michel concerning the use of Upper Pontalba Apartment. The purpose of this letter was to mitigate waste and promote efficiency concerning a second floor Upper Pontalba apartment. In light of the Mayor's personal use of the apartment, the arrangement gives the appearance of a donation of public property in possible violation of the Louisiana Constitution. The OIG recommended that the City relinquish the apartment to the French Market Corporation to rent to the public.

I&E DIVISION

(MARCH HIGHLIGHTS)

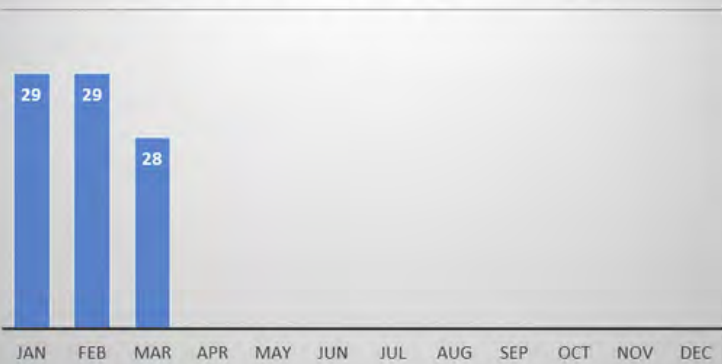
On February 28, 2023, the Inspections and Evaluations Division issued a public letter signed by Inspector General Edward Michel concerning uncollected payments owed to Sewerage and Water Board of New Orleans (SWBNO). The OIG recommended a delay in any rate increase until the SWBNO makes every effort to collect monies validly owed for prior services rendered to its customers. The SWBNO should also utilize the tools currently at its disposal, and those in development, to increase bill accuracy prior to pursuing a rate increase.

MEASURING PROGRESS

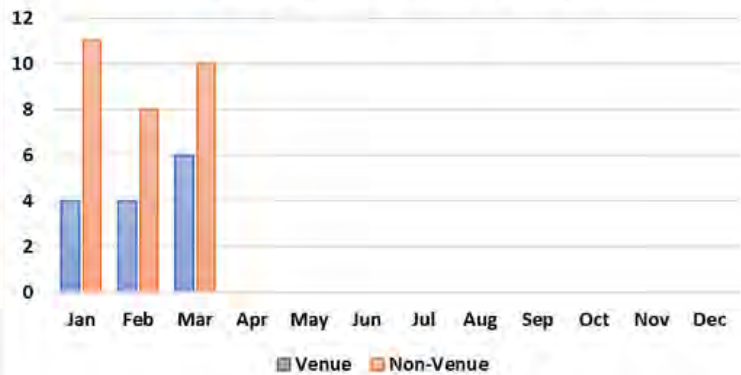
INVESTIGATIONS DIVISION

The Investigations Division conducts criminal and administrative investigations involving City of New Orleans employees, contractors, and vendors that receive City funds. Investigators also work with local, state, and federal partners to conduct joint investigations. The Investigations Division is also available to provide fraud awareness training to City employees and to engage in other outreach programs with businesses and citizens.

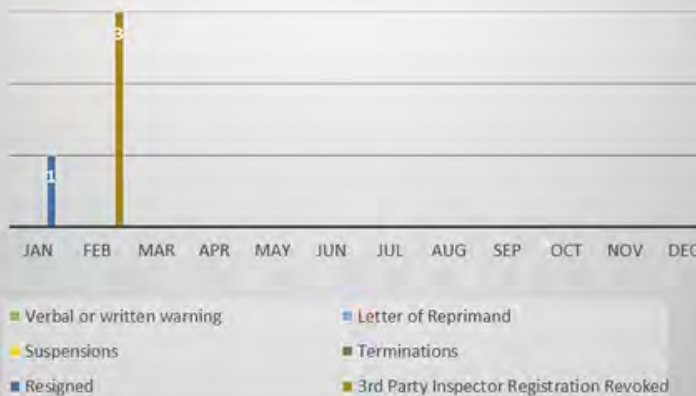
NUMBER OF OPEN INVESTIGATIONS



NUMBER OF COMPLAINTS RECEIVED



RESULTS OF ADMINISTRATIVE INVESTIGATIONS



RESULTS OF CRIMINAL INVESTIGATIONS



Venue: Matters that the OIG has the jurisdiction to investigate

Non-Venue: Matters outside of the OIG's jurisdiction

2023 BUDGET

TOTAL APPROPRIATION FOR 2023: \$4,020,437

Expenditures	Spent YTD	Projected Expenditures FY 2023
Personnel	\$ 594,067	\$ 3,209,430*
Operating	\$ 136,248	\$ 723,937
Total	\$ 730,315	\$ 3,933,367
Remaining Balance	\$3,290,122	\$ 87,070

*The OIG is actively hiring to fill the following vacant positions: Public Relations Specialist, Information Technology II Specialist, Criminal Investigator IV, Forensic Auditor II, Forensic Auditor III, Inspector & Evaluator III, and two additional interns.

As of 4/1/2023

OIG ON SOCIAL MEDIA



OIG ON SOCIAL MEDIA



New Orleans OIG @NOLAOIG · Mar 16

OIG recommends that the City relinquish the apartment to the French Market Corporation to rent to the public.

nolaoig.gov/media/use-of-u...



2



2



215



OIG ON SOCIAL MEDIA



New Orleans OIG @NOLAOIG · Feb 28

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The Office of Inspector General sent a letter to S&WB Executive Director Ghassan Korban regarding Delinquent Accounts and Collection Efforts.

files.constantcontact.com/1b8199d3201/ac...



NEW ORLEANS OFFICE OF
INSPECTOR GENERAL



FOR EMBARGOED RELEASE: 2/28/2023

MEDIA CONTACT: communications@nolaig.gov

S&WB Delinquent Accounts

The New Orleans Office of Inspector General released a Public Letter to S&WB

The Office of Inspector General sent a letter to S&WB Executive Director Ghassan Korban regarding Delinquent Accounts and Collection Efforts. Please review the attached communication, [transmittal letter](#). The S&WB letter is attached here for your review. [Click here to read the entire public letter.](#)

OIG reports and letters are published on its website nolaig.gov

Edward Michel, Inspector General



Monthly Report of OIPM

OFFICE OF THE INDEPENDENT POLICE MONITOR

MONTHLY REPORT

March 2023



Office of the Independent
Police Monitor

LETTER TO THE COMMUNITY

Dear New Orleans Community,

When I think about our work in the month of March, I think about the word: "accountability." That word weighed heavily on me when I sat in the Federal Courthouse for two days of sentencing for former NOPD officer, Rodney Vicknair. Rodney Vicknair was convicted of sexually assaulting a child - a teenager that he was directed to transport to the hospital for a rape kit test related to a different incident. Instead of upholding the values, integrity, and professionalism that should come with being a police officer, Rodney Vicknair saw an opportunity to target a vulnerable child and her family. Rodney Vicknair used his position as an officer for the New Orleans Police Department to gain the trust of this child's parent in order to gain access to her child. As this parent said in open court during sentencing, that was the beginning of her nightmare. But in March, in front of a judge, and the family and community that Rodney Vicknair betrayed, the nightmare ended. He was sentenced to 14 years in prison and 5 years of supervised probation upon his release.

I was the person who handled this allegation of sexual assault for our office. I spoke with representatives of the family and Public Integrity Bureau leadership about how to proceed. I facilitated those first phone calls with the PIB investigator, and monitored as that investigator started to gain the trust of this family so they would participate in the subsequent investigation. In this investigation I saw some of the worst within the police department and some of the best. I was impressed with the empathy and sensitivity I saw this investigator give this child and her parent. I saw that same empathy when he hugged the family in Federal Court, years later, when Rodney Vicknair was sentenced to jail - because that investigator would never miss an opportunity to support this family and stand behind his investigation. I want to honor the hard police work that went into securing that conviction and the disappointment and anger that everyone feels knowing that an officer would have done something so cruel and criminal while in his squad car, wearing his NOPD badge.

Working in oversight is challenging. This work is not easy and often accountability may feel like it's not enough when faced with such misconduct and brutality. I share how this experience affected me with the hope that those whose trust in the NOPD was shaken by this event will also know that it was the work of the NOPD that led to this conviction and the beginning of this family's healing. I thank everyone who helped in this investigation and, on behalf of the OIPM, I say that we stand with survivors of sexual assault and hope to always create a space that enables survivors to come forward.

During the month of March, the OIPM monitored investigations, produced work product to make operations of the NOPD better, and engaged with the community. From monitoring police presence on St. Joseph's Night while Mardi Gras Indian Tribes celebrated their culture to connecting with different people on Instagram over videos of police interactions, the OIPM appreciated this opportunities to connect with the community. Thank you for trusting our office and sharing your experiences - no matter what they may be - of interacting with the NOPD. Your voice matters.

Thank you,



Stella Cziment

Independent Police Monitor

WHO WE ARE

The OIPM is an independent, civilian police oversight agency created by voters in a 2008 charter referendum. Its mission is to improve police service to the community, community trust in the NOPD, and officer safety and working conditions. Since first opening its doors in August 2009, the Office of the Independent Police Monitor has been responsible for representing the community of New Orleans, providing accountability and oversight to the NOPD, and assisting in the reforms required under the Federal Consent Decree.

The OIPM is protected and required by City Charter and Ordinance. The OIPM operates through a Memorandum of Understanding (MOU) with the City of New Orleans and the New Orleans Police Department and has distinct responsibilities outlined by ordinance. This means this office was created by the people of New Orleans to represent all people interacting with the New Orleans Police Department to improve the way our community is policed.

Ensuring Compliance and Reform

- The OIPM reviews the NOPD's policies, practices, and investigations to ensure that every action taken is compliant with local, state, and federal law, and Consent Decree reforms.
- The OIPM advises on policy, tactics, training, and supervision to ensure that the NOPD is adopting national best practice and building a nondiscriminatory, safe, effective, and respectful police department that is responsive to the needs of the community and their employees.
- The OIPM does this through monitoring, case reviews, audits, and policy recommendations.

Amplifying the Needs of the Community

- The OIPM engages with the community to ensure that they both know about our services and understand how the police department works. Through providing information, the OIPM is equipping and empowering the community to navigate police encounters safely and demand what they need.
- Provides Complaint Intake.
- Operates the Community-Police Mediation Program.
- Partners with Families Overcoming Injustice.
- Coordinates public forums and outreach opportunities for the community to provide vital input on the way they are policed.

Making the NOPD a Safer and Nondiscriminatory Workplace

- The OIPM provides recommendations and assessments to ensure that the NOPD is a safe and nondiscriminatory work place for all employees.
- The OIPM assesses supervision and training to ensure that employees are being equipped and supported.
- The OIPM meets with police associations to hear concerns from their membership.
- The OIPM monitors disciplinary hearings to ensure that discipline is consistent and nonretaliatory.
- The OIPM receives commendations and accounts of positive policing from the community.



WHAT DO WE DO?

Mission, Vision, Work

We serve the community, ensure police transparency, compliance, and accountability, and make policing a safer and more rewarding employment experience.

WHAT WE DO



Misconduct Complaints



Disciplinary Proceedings



Data Analysis



Community Outreach



Use of Force



Community-Police Mediation Program



Audits and Policy



Commendations

The OIPM is the oversight body for the New Orleans Police Department (NOPD). The OIPM provides oversight through monitoring, reviewing, and auditing police activity and data. The OIPM is responsible for conducting complaint and commendation intake, on-scene monitoring of critical incidents and uses of force, overseeing the community-officer mediation program, reviewing investigations, providing assessments, identifying patterns, and making recommendations for improved practice, policy, resource allocation, and training. There are three components to the OIPM's work and mission:

The OIPM envisions a police force where the community is a valued and respected partner in public safety and law enforcement. This is achieved through:

- Assurance of transparency, accountability, and fairness within the NOPD and in all policing practices
- Community-driven policing policy that reflects the changing and dynamic needs of New Orleanians
- Continued efforts to engage the community and collaborate with community partners
- Recruitment and retention of a police force that is representative of and responsive to the community it serves
- Utilization of de-escalation techniques and methods when responding to calls of service
- Conducting only lawful and necessary arrests free of discriminatory practices
- Thorough and effective investigations resulting in appropriate arrests and prosecutions
- Clear and professional communication with victims and witnesses of crime and all that come into contact with the NOPD
- Responsible utilization of equipment and allocation of resources
- Development of highly trained supervisors and organizational leadership
- Interactions with the public and internally within the police force that are based in mutual trust and respect

The OIPM seeks to amplify the voice of the community to ensure that all within the city – visitors and residents alike – can access police services equally and have a positive experience with officers.

DATA OVERALL: YEAR TO DATE AND MONTH

	2023	2022	2021	2020	2019	2018	2017	Avg 2017-2022
Civilian Complaint Count	33	14	14	10	22	6	8	12.33
Police Complaint Count	0	0	0	0	0	4	1	0.83
Civilian w/in NOPD	0	0	0	0	0	0	0	0
Anonymous Complaint	8	3	9	2	0	0	0	2.33
Criminal Case Liaison Count	10	3	6	18	11	1	3	7
Case Monitoring Count	2	6	1	7	0	5	4	3.83
Case Review Count	0	4	0	1	1	1	0	1.17
Contact Only Count	18	9	1	3	6	0	2	3.5
Disciplinary Hearing Count	10	7	4	5	6	12	12	7.67
Critical Incident Count	1	3	3	3	4	1	5	3.17
Firearm Discharge Count	1	4	2	3	3	1	2	2.5
Level 4 Non-Critical*	2	4	2	5	0	0	0	1.83
Force Monitoring*	1	-	-	-	-	-	-	-
Mediation Count	3	3	5	7	8	1	6	5
Commendation Count	1	0	0	0	0	0	0	0
Grand Total	90	60	47	64	61	32	43	51.17

	Mar-23	Mar-22	Mar-21	Mar-20	Mar-19	Mar-18	Mar-17	Avg 2017-2022
Citizen Complaint Count	11	6	5	1	11	2	4	4.83
Police Complaint Count	0	0	0	0	0	0	0	0.00
Civilian w/in NOPD*	0	0	0	0	-	-	-	0.00
Anonymous Complaint*	5	2	2	0	-	-	-	1.33
Criminal Case Liaison Count*	3	0	3	2	6	-	-	2.75
Case Monitoring Count	0	2	0	1	0	3	1	1.17
Case Review Count	0	3	0	1	0	1	0	0.83
Contact Only Count	5	3	0	0	3	0	0	1.00
Disciplinary Hearing Count	3	0	1	2	2	3	3	1.83
Critical Incident Count	0	0	2	0	2	1	0	0.83
Firearm Discharge Count	0	0	1	0	1	1	0	0.50
Level 4 Non-Critical*	0	0	1	2	-	-	-	1.00
Force Monitoring*	0	-	-	-	-	-	-	-
Mediation Count	3	3	2	2	6	1	2	2.67
Commendation Count	1	0	0	0	0	0	0	0.00
Grand Total	31	19	17	11	31	12	10	16.67

*indicates a new category or a category that was not always captured by OIPM

CURRENT BUDGET

OIPM Budget Description	Amount
Personnel	\$769,582.00
Operating	\$400,000.00
2022 Total OIPM Budget	\$1,169,582.00
2022 Total OIPM Budget	\$1,169,582.00
Amounts Spent to Date:	(\$72,585.00)
Unexpended funds	\$1,096,997.00

MISCONDUCT WORK

Relevant Definitions

Complaint

A complaint is an allegation of misconduct filed against a NOPD officer(s) by a member of a public or civilian (external) or another officer (internal). A complaint may concern an action or lack of action taken by a NOPD officer(s), an interaction with a NOPD officer, or a witnessed interaction with a NOPD officer.

Complainant

A complainant is the individual who files a complaint against a NOPD officer(s). A complainant may be generated internally (by another officer or a supervisor) or externally (by a member of a public). The complainant does not need to be personally affected by the incident.

OIPM Complaint Codes

When the OIPM receives a complaint referral, the OIPM organizes the complaint according to the source of the complaint.

- Civilian based complaints are classified as: CC.
- Complaints from police officers are classified as: PO.
- Complaints from civilians working within the NOPD are classified as: CN.
- Anonymous complaints are classified as: AC.

Misconduct

Officer action or failure to take action that violates any rule, policy, procedure, order, verbal or written instruction of the NOPD or is a violation of any city ordinance, state or federal criminal law. Misconduct includes, but is not limited to:

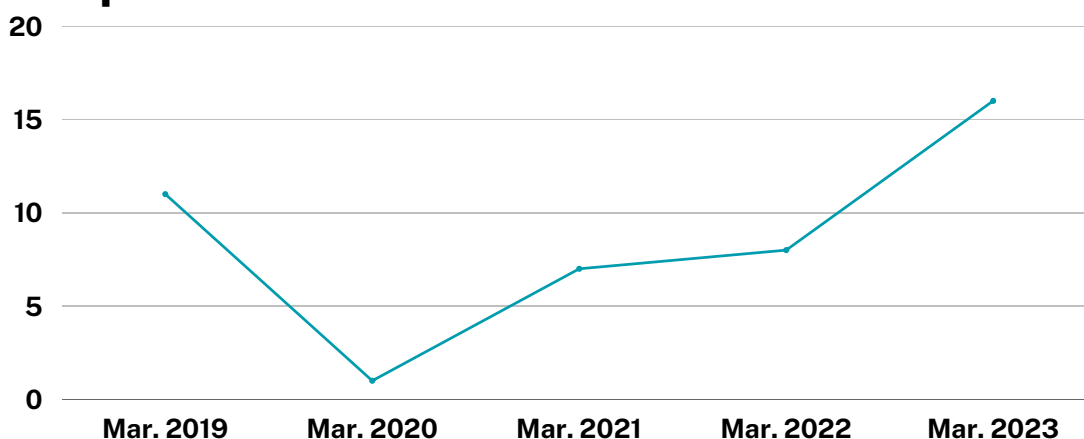
- Use of Force
- Abuse of Authority such as unlawful searches and seizures, premises enter and search, no warrant, threat to notify child services, threats to damage of property, etc., refusal to take complaint, refuse to identify themselves, damages to property seized
- Failure to supervise
- Falsification of records
- Inappropriate language or attitude
- Harassment
- Interference with Constitutional rights
- Neglect of duty
- Discrimination in the provision of police services or other discriminatory conduct on the basis of race, colors, creed, religion, ancestry, national origin, gender, sexual orientation
- Theft
- Retaliation for filing complaint with NOPD or the OIPM

Complaint Procedures

The OIPM does not verify the statements made during complaint intake or agree with the statements provided by the complainant. The OIPM strives to accurately capture the words, emotions, goals and narrative shared by the complainant and selects the policy, practice, or rule that each allegation of behavior / incident could have violated if determined to be true. OIPM personnel may review information in NOPD systems regarding the interaction complained of, including body worn camera video, in car camera video, electronic police reports and field interview cards. The OIPM may include information obtained from NOPD information systems in the complaint referral.

The OIPM assesses whether in the information provided should be provided confidentially or if the OIPM would recommend covert operations conducted by the Special Investigation Squad (SIS). Anything shared in this report is public information.

Complaint Totals - March



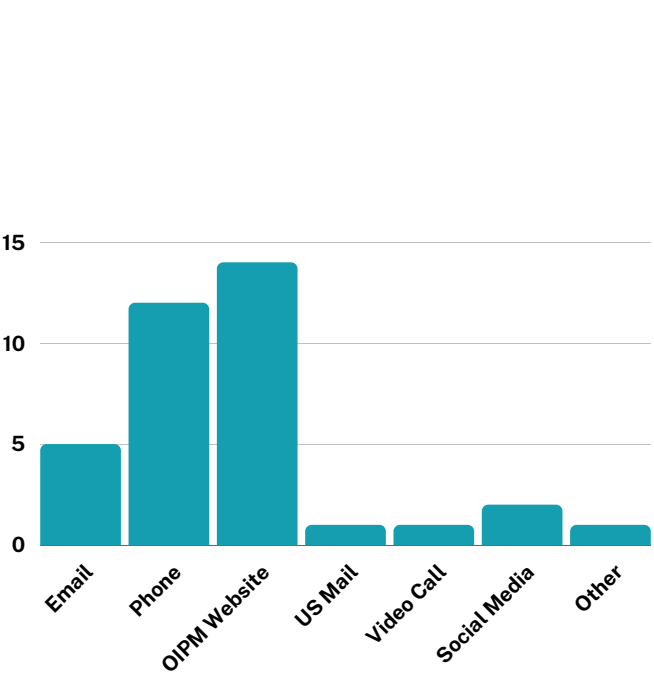
16

**Total Complaints
Received this
month**

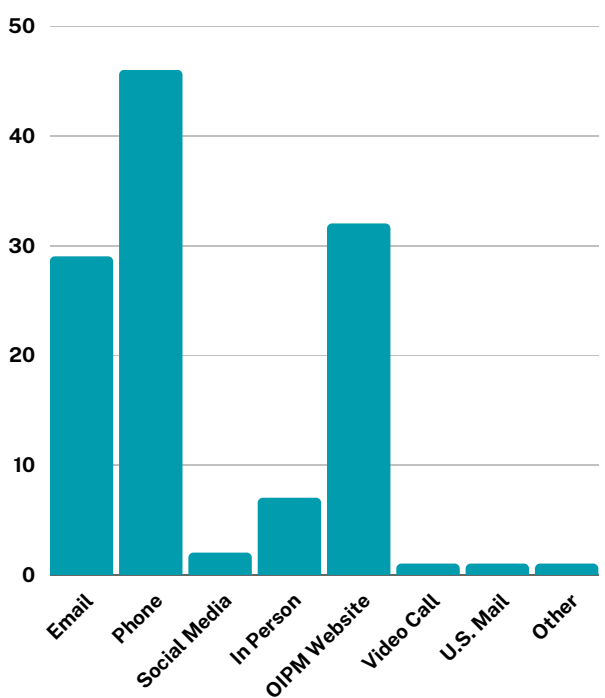
120

**Total Complaints
Received in
the Past 12
Months**

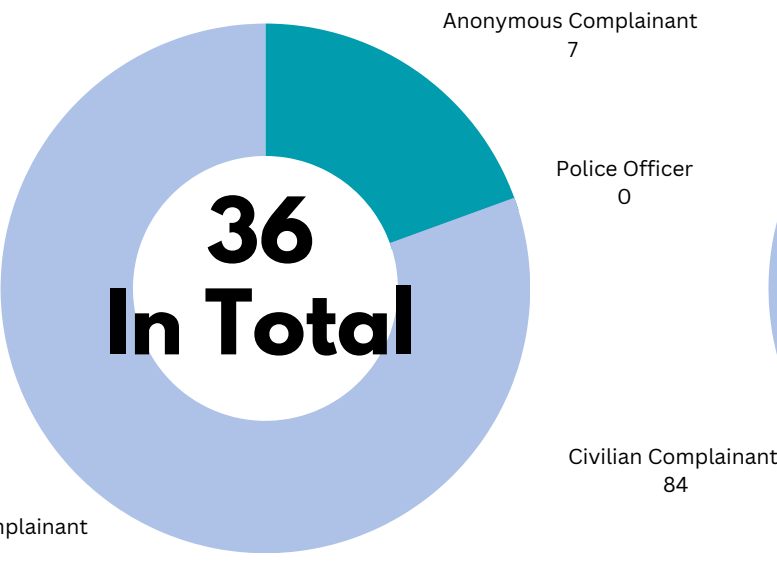
Complaint Intake Source - 2023



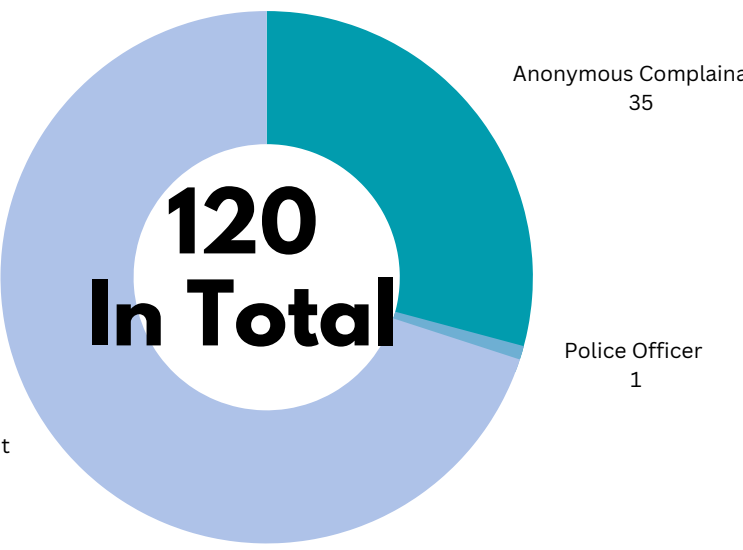
Complaint Intake Source - Past 12 Months



Complainant Type - 2023



Complainant Type - Past 12 Months



Anonymous Complainant: 10%
Civilian Complainant: 90%

Anonymous Complainant: 28.6%
Civilian Complainant: 70.5%
Police Officer Complainant: 0.9%

Complainant Type - Past 12 Months



Top Allegations - Past 12 Months

This chart captures the top allegations are proposed by the OIPM in the referral letters submitted to the Public Integrity Bureau. This chart is limited since it will only include the allegations that the OIPM entered into our database and has not yet been updated. The OIPM hopes to work on this issue with the NOPD in order to ensure accuracy in the proposed allegations.



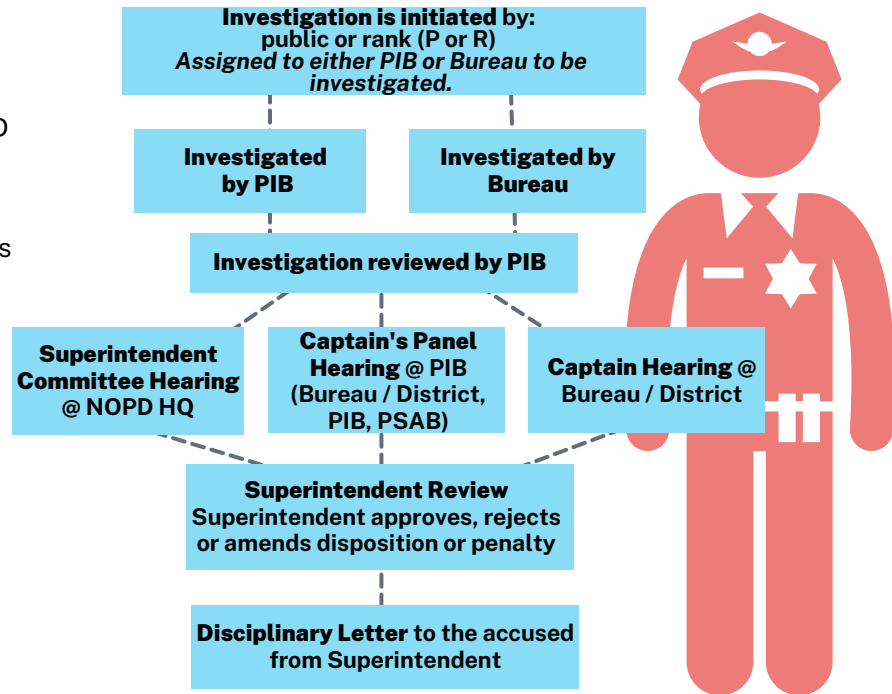
Districts - Past 12 Months

This chart communicates where the alleged misconduct occurred by police district. This requires the misconduct to occur in a physical space (instead of an incident that occurs over the phone or internet for example). This is based on complainant disclosure and the OIPM tries to verify this information through electronic police reports, body worn camera footage, and field identification cards.



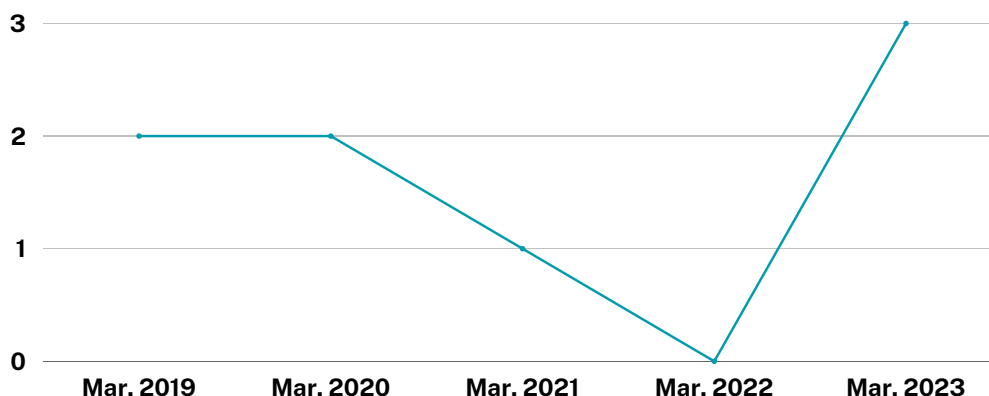
DISCIPLINARY PROCEEDINGS

After the misconduct investigatory process, if the investigating officer sustained an allegation, then that allegation must be affirmed by NOPD leadership in order for that accused officer to be disciplined. This occurs through the disciplinary proceeding process. The disciplinary proceedings are conducted by the NOPD - either by Captains or Deputy-Chiefs. The OIPM monitors and assesses the efforts of NOPD to ensure all disciplinary investigations and proceedings are conducted in a manner that is non-retaliatory, impartial, fair, consistent, truthful, and timely in accordance with NOPD policies and law. Adjudication of misconduct is handled internally by the PIB or the Bureau of the officer / employee.



The OIPM may monitor the process conducted by the PIB or by the Bureau; however, under the MOU, there are detailed directions regarding how the OIPM is notified of investigations by the PIB and similar protocol does not currently exist for Bureaus. For that reason, the OIPM tends to be more involved with investigations and disciplinary proceedings conducted by the PIB. During every disciplinary proceeding, the OIPM remains in the room for deliberation with the NOPD leadership to give the hearing officers feedback and input. This process is how the OIPM provides our recommendations and feedback regarding the strength of the investigation, liability and risk management concerns, and areas where the policy required clarification or was being applied inconsistently. Though OIPM may provide this feedback in memorandums to the NOPD prior to the hearing or supplementing these hearings, these discussions during the deliberation process enable the NOPD to consider and digest our points before any final decision was made on the matter. These discussions are an opportunity for the OIPM to provide and receive insight into the NOPD investigation and often these comments lead to meaningful discussion with not just the hearing officers, but the assigned investigator on the case, since it was an opportunity for that investigator to explain investigatory decisions and to answer questions.

Disciplinary Proceedings



3

Total Disciplinary Proceedings Received this month

OIPM tracks Disciplinary Proceedings based on the date notice is received from NOPD and not necessarily on when the disciplinary proceeding occurs. These proceedings are often rescheduled for scheduling conflicts. Tracking by notification date allows for consistent and accurate data collection.

USE OF FORCE

Relevant Definitions

Critical Incident

Critical incidents are an internal definition that was agreed upon by the OIPM and the NOPD through the November 10, 2010 Memorandum of Understanding. This definition captures that the OIPM should be notified of deaths, certain levels of injuries, and officer involved shootings within an hour so the OIPM has the ability to monitor the on scene investigation by the Force Investigation Team. According to this shared definition, critical incidents are:

- All incidents including the use of deadly force by an NOPD officer including an Officer Involved Shooting ("OIS");
- All uses of force by an NOPD officer resulting in an injury requiring hospitalization;
- All head and neck strikes with an impact weapon, whether intentional or not;
- All other uses of forces by an NOPD officer resulting in death; and
- All deaths while the arrestee or detainee is in the custodial care of the NOPD.

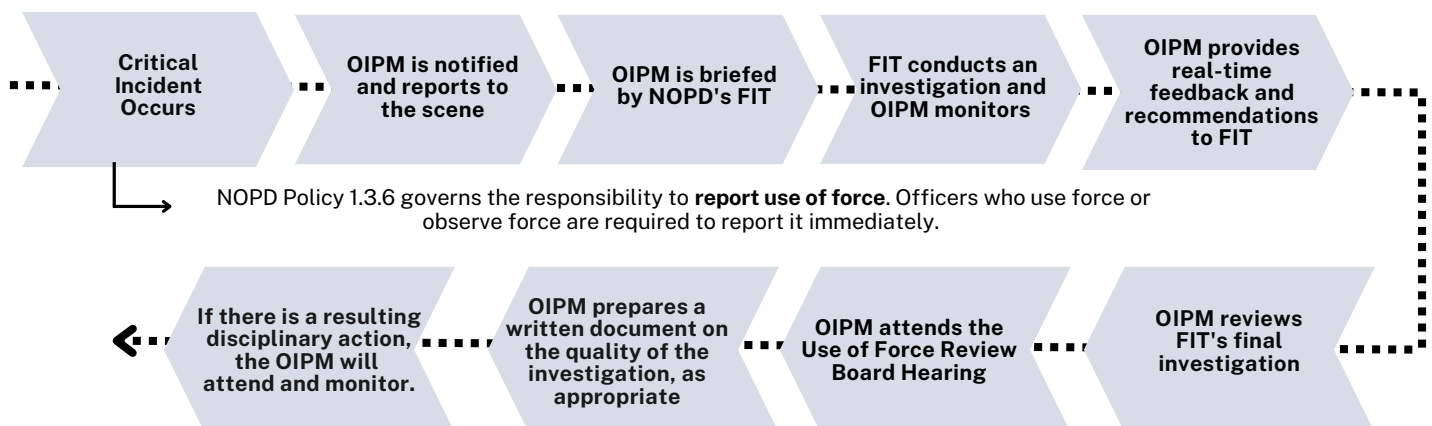
Use of Force

Use of Force is when an officer uses physical contact on an individual during a civilian-police interaction. The force can be mild to severe based on the levels of force outlined in the NOPD policy. The force may be considered justified by NOPD policy considering the facts and circumstances known to the officer at the time which would justify that appropriate physical contact based on how officers are trained to handle that interaction. Force will be assessed based on the type of contact utilized compared to the resistance encountered, resulting injuries, witness statements, officer statements, and evidence found.

Levels of Force

- **Level 1:** Includes pointing a firearm at a person and hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip) applied as pressure point compliance techniques that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for non-striking purposes (e.g., prying limbs, moving or controlling a person) that does not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.
- **Level 2:** Includes use of a CEW also known as "tasers" (including where a CEW is fired at a person but misses); and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force.
- **Level 3:** Includes any strike to the head (except for a strike with an impact weapon); use of impact weapons when contact is made (except to the head), regardless of injury; or the destruction of an animal.
- **Level 4:** Includes all 'serious uses of force' as listed below:
 - (a) All uses of lethal force by an NOPD officer;
 - (b) All critical firearm discharges by an NOPD officer;
 - (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization;
 - (d) All neck holds;
 - (e) All uses of force by an NOPD officer resulting in a loss of consciousness;
 - (f) All canine bites;
 - (g) More than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive;
 - (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and
 - (i) Any vehicle pursuit resulting in death, serious physical injury or injuries requiring hospitalization.

Critical Incident / Use of Force Chain of Events

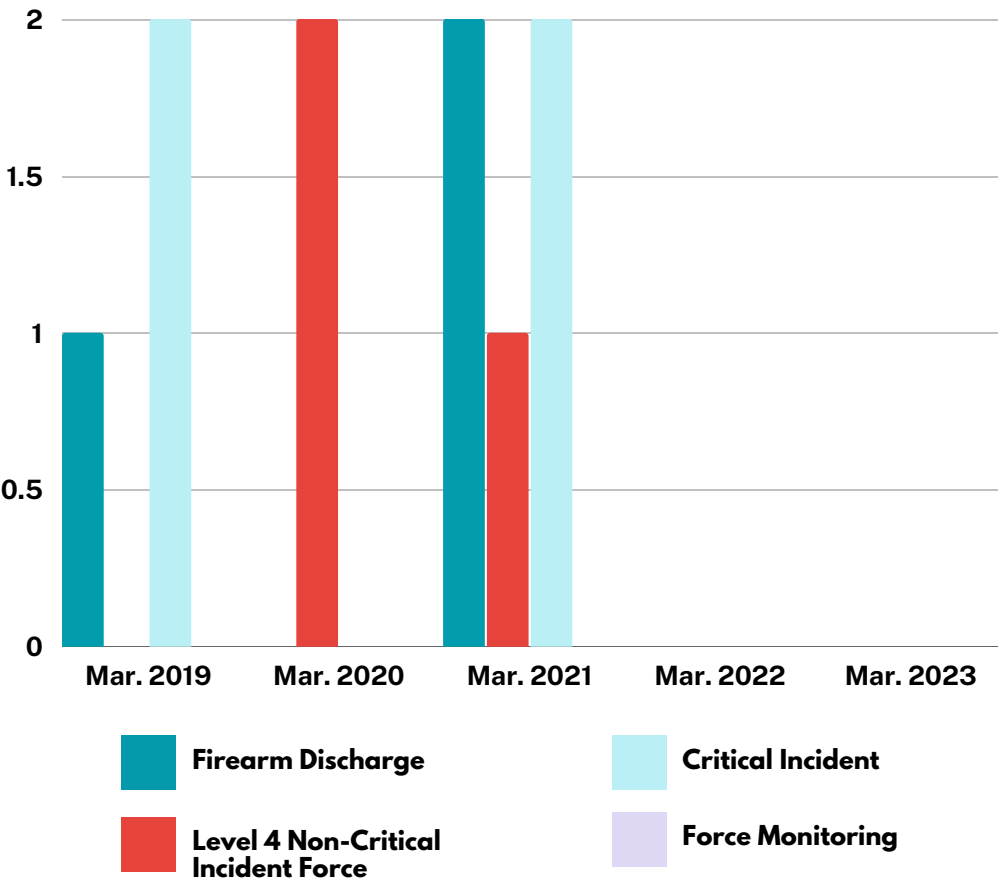


Use of Force Work

Use of Force monitoring and reviews are an opportunity for the OIPM to conduct a qualitative assessment of an investigation to ensure thoroughness, timeliness, fairness, transparency, accountability, and compliance with law, policy, and the Federal Consent Decree. The OIPM monitors and reviews the use of force, in-custody death, and critical incident investigations conducted by the Force Investigation Team (FIT) within the Public Integrity Bureau (PIB) of the NOPD. The OIPM is required by City Code § 2-1121 and by the MOU to monitor the quality and timeliness of NOPD’s investigations into use of force and in-custody deaths. The OIPM will attend the investigation or the relevant activity, and will document the activity taken and not taken by the NOPD. The expectation is that the OIPM representative does not participate in the activity, but instead observes the police actions and takes notes.

While OIPM is notified of each use of force that occurs, OIPM gives the most attention to the most serious uses of force incidents, Critical Incidents. However, OIPM will often review lower-level uses of force incidents to ensure NOPD policy is being upheld.

Use of Force - March 2019, 2020, 2021, 2022, 2023



0
Firearm Discharge this month

0
Critical Incidents this month

0
Level 4 Non-Critical Use of Force this month

0
Force Monitoring this month

Force Monitoring

In 2023, the OIPM began tracking "Force Monitoring." The OIPM is required to report to Critical Incident scenes, but may elect to report to a scene if necessary details to make a determination of force categorization are not available at the time of notification. OIPM recognizes many critical steps are taken early in an investigation and believes it is important not to miss the opportunity to monitor an investigation that may become critical, if possible.

Use of Force Review Board

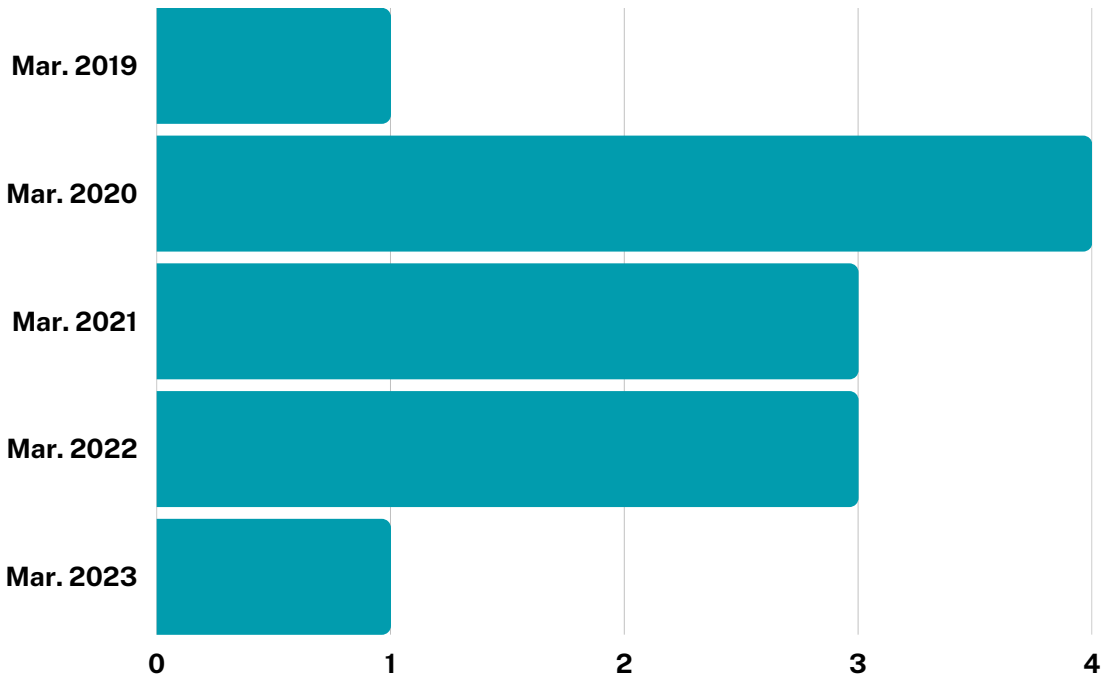
The Use of Force Review Board (UFRB) serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement perspective. UFRB hearings should be held every 30 days.

The voting members of the UFRB are the Deputy Superintendents of Field Operations Bureau, Public Integrity Bureau, and Investigations and Support Bureau. Other NOPD deputy chiefs and commanders serve as non-voting members, and outside groups like OIPM and the Office of the Consent Decree Monitor have been invited to observe, listen and participate in discussion. During UFRB, the FIT investigator prepares a written report, presents the cases and provides recommendations to the Use of Force Review Board (Board). The Board makes the final determination of whether or not an NOPD officer's use of force is within policy or not based on the facts and evidence presented in the investigation. If the Board determines the use of force violated NOPD policy, the Board will refer it to PIB for disciplinary action.

The OIPM receives the cases ten (10) days before the hearing and has approximately one week to review the investigation and respond with our questions and feedback prior to the hearing. The OIPM may provide feedback formally or informally prior to the UFRB. OIPM often provides feedback to FIT investigators throughout the entirety of the investigation.



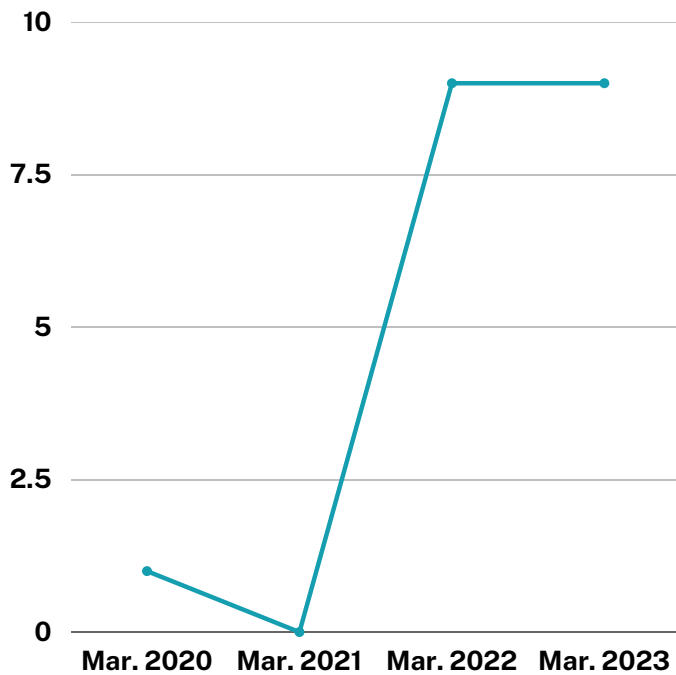
Use of Force Review Board Cases Heard



COMMUNITY ENGAGEMENT

The community is vital to police oversight and the center of the work conducted by the OIPM. In the Memorandum of Understanding, the OIPM committed to developing relationships with community and civil groups to receive civilian and anonymous complaints, meeting with police associations, and conduct public outreach meetings and engagement activities. In this section of the Monthly Report, the OIPM explains the community outreach and public events that the OIPM coordinated or participated in the last month.

Outreach - March 2020, 2021, 2022, 2023



Outreach Events

- WDSU interview pertaining to Perlita St. Shooting Misconduct Investigation
- Consent Decree Public Meeting held virtually
- 2 hour Virtual Mediation Training
- Mediator Community Building Meet and Greet in Gentilly
- Presented at NOPD Citizens Academy
- Monitored police presence and interactions at St. Joseph's Night
- WDSU interview about Rodney Vicknair Sentencing
- FOX 8 interview about Rodney Vicknair Sentencing
- NOLA.com interview about Rodney Vicknair Sentencing

9

Total Outreach Events this Month



IPM, Stella Cziment, is pictured above discussing police activity that took place during St. Joseph's Night



DPM, Bonycle Sokunbi, is picture above presenting at NOPD's Citizens Academy

COMMUNITY-POLICE MEDIATION

Relevant Definitions

Mediation

A mediation process helps parties develop a mutual understanding of a conflict. Mediation may help the parties identify disputed issues, facilitate communication, provide an opportunity to improve community relationships, and generate options that may help the parties reach a mutually acceptable resolution.

Consent

All parties must voluntarily agree to participate in mediation and give consent. The consent process involves communication between the participant and the Mediation Director or program staff about the mediation process, what to expect, and clarification of any questions. Consent forms are signed in advance of confirming the mediation session.

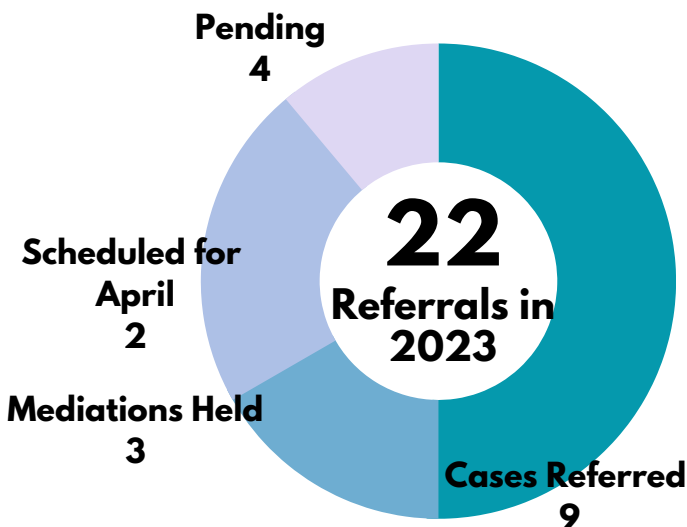
Mediator

The role of the mediator is to be a neutral and trained third party who listens, clarifies, and facilitates conversation. Mediators are non-judgmental and do not give advice, take sides, or decide who is right or wrong. Mediators do not influence or pressure participants to come to an agreement. Mediators are trained and recruited by the OIPM.

Voluntary

All participants engage in mediation at their own free will. They can end the process at any time and will not be forced to do anything or say anything they do not want to. No one is forced to agree to anything they do not want to.

Mediation Numbers for March 2023



What is Mediation?

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation provides a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the officer and civilian to be fully heard and understood in a non-judgmental way. Mediation creates a safe, neutral space for officers and civilians to speak for themselves, share about their interaction and how it impacted them, explain what is important to them, and come to their own agreements and solutions about moving forward.

The Public Integrity Bureau (PIB) of the NOPD determines which complaints are referred to the Mediation Program. The types of complaints that are most often referred to mediation are those that allege lack of professionalism, neglect of duty, or discourtesy. Complaints such as unauthorized use of force, unlawful search, and criminal allegations are ineligible for mediation and continue through the formal complaint investigation process by the PIB.

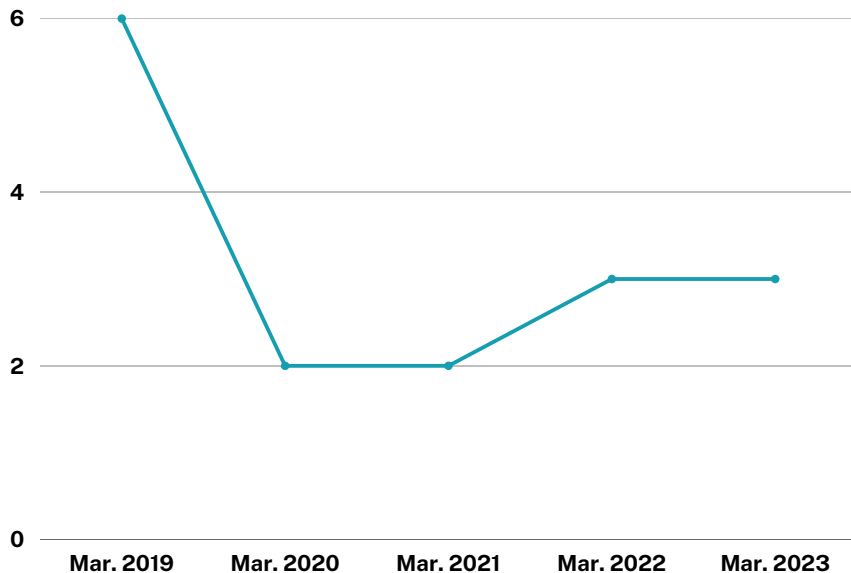
Non-judgmental
Confidential
Voluntary



Mediation is:

- ➔ A participant-guided process that helps the community member and the officer come to a mutually-agreeable solution. This helps to create mutual understanding and improve relationships.
- ➔ A space of discussion without the need to say who is right or wrong. No evidence is needed. The mediators are not judges. The mediators do not present their thoughts on the issue.
- ➔ It's about dialog, not forced resolutions. People are not forced to shake hands or make-up. The role of the mediators is to be neutral 3rd party facilitators. They will not pressure either participant to come to an agreement.
- ➔ An opportunity for the community member and the officer to be in charge of their own process and outcome. It will not be decided by an outside agency or person. It is outside of any punishment framework or the legal process. There is no appeal because mediation is voluntary.

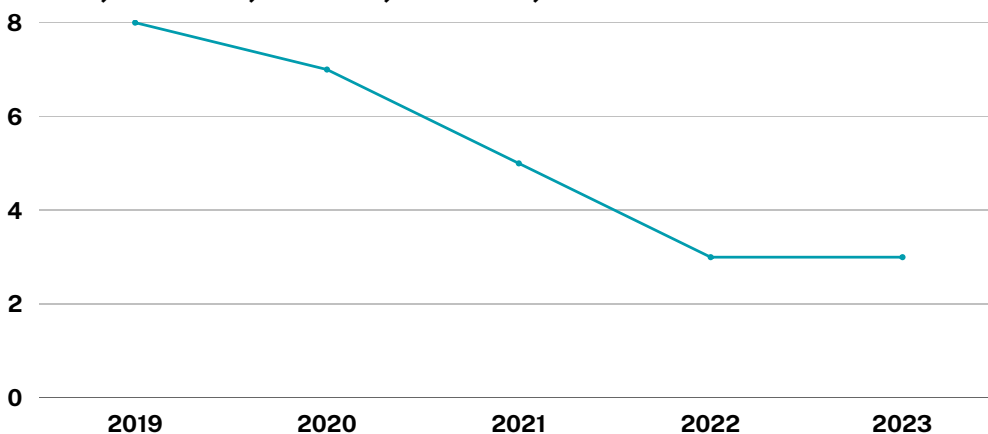
Mediations Held in March 2019, 2020, 2021, 2022, 2023



3

**Total Mediations
Held this month**

Mediations Held YTD In 2019, 2020, 2021, 2022, 2023



CONSENT DECREE & OVERSIGHT BACKGROUND

The OIPM is providing the following information in our monthly reports as a way to keep our partners and the public informed of the role of oversight, the policing history that led to the creation of the Consent Decree, and the differences between different types of oversight.

The OIPM wants to use every opportunity available to share valuable information and historical context to our work so everyone working towards the goal of accountability, transparency, and police oversight can be equipped, informed, and engaged.

Over the year, the OIPM may add to this section additional resources and information that we assess as helpful and empowering.



LEGAL JURISDICTION; OBLIGATIONS OF THE OIPM OFFICE AND STAFF

The OIPM operates under three core legal documents that guide the scope of local oversight and the jurisdiction of our work. Additionally, below are overviews of other ordinances that affect our work and create new legal obligations on the OIPM.

New Orleans Code of Ordinances Stat. § XIV: Office of the Independent Police Monitor

This statute was created by voter referendum and provides the legal responsibilities, perimeters, and budgetary support of the OIPM. This was put to a public vote in November 2016 and passed. This statute states the responsibilities of the OIPM and requires particular work streams and tasks. The statute also describes the disclosure requirements of the office.

Louisiana Revised Stat. § 33:2339: Detail or Secondary Employment; City of New Orleans

This statute was created in 2013 and gives legal abilities and subpoena power for the OIPM to investigate allegations of misconduct in the secondary employment system operated by the Office of Police Secondary Employment. The statute is silent as to the ability for the OIPM to refer these investigations to the NOPD or the District Attorney's Office for subsequent criminal or administrative accountability based on the OIPM investigation.

Memorandum of Understanding between NOPD and OIPM Executed November 10, 2010

The MOU is a Memorandum of Understanding between the NOPD and OIPM which outlines the responsibilities, expectations, and authority of the OIPM when providing oversight to the NOPD. Through this MOU, there is clarity regarding the work the OIPM will complete and how the OIPM will access NOPD records, data, and reports and monitor NOPD during on scene investigations. The MOU was entered into in November 2010 and in the coming year the OIPM intends to work with NOPD leadership to review this agreement and determine if it should be updated to ensure it is still relevant and considers updates to technology.

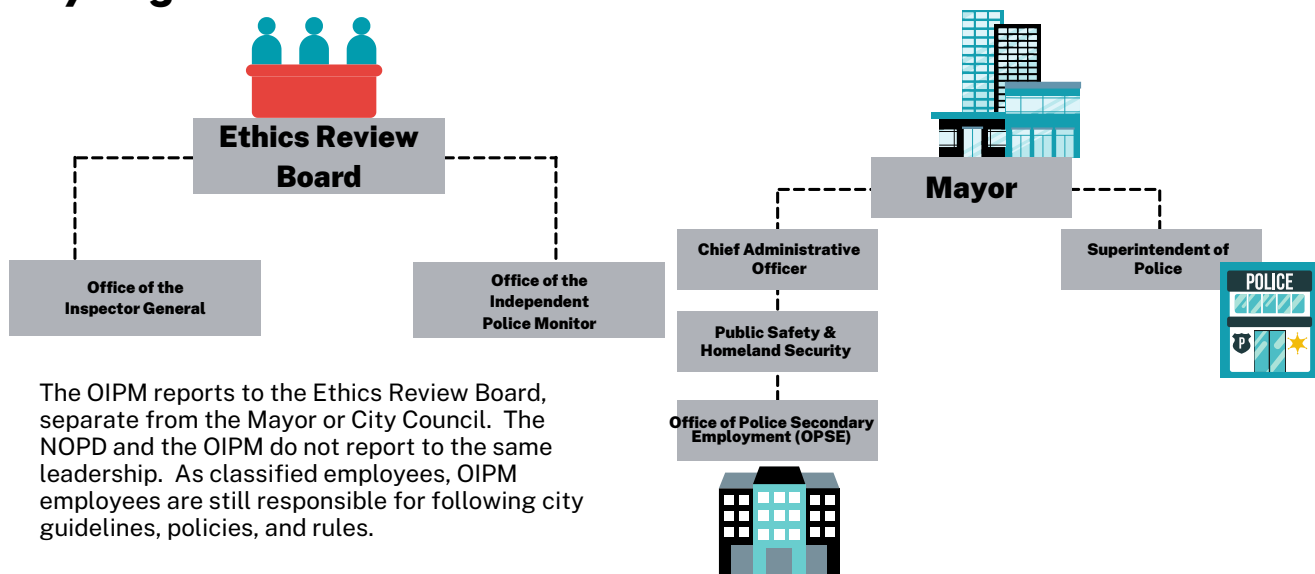
Ordinance 29130: Sharing of Data

Ordinance 29130 requires that our office (along with other public safety agencies) provide data monthly to City Council.

Ordinance 29063: Quarterly Presentations to the Criminal Justice Committee

Ordinance 29063 requires that our office (along with other public safety agencies) present quarterly to the City Council Criminal Justice Committee.

City Organizational Structure - Truncated



OVERSIGHT MODELS

Different Reasons Why There is Oversight / Monitors

Court Ordered

Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.

Consent Decree Monitors

Monitors that are the result of federal Consent Decrees.

Oversight Agencies

Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

New Orleans has both of these types of oversight

Models of Civilian Oversight

Review-Focused Model

Review-Focused models tend to utilize volunteer boards and commissions.

- Review-focused models assess the quality of finalized investigations conducted by an internal affairs division or the police department
- Conduct reviews of the agency's policies, procedures and disciplinary proceedings.
- Hold public forums, hear appeals, or make recommendations for investigations regarding allegations of misconduct

OIPM reviews the quality of finalized investigations conducted by the Public Integrity Bureau (which is the internal affairs of the NOPD)

Investigative-Focused Model

Investigative-focused models will employ professionally trained staff

- Investigative-Focused Conduct independent misconduct investigations
- Operate as an intake site for complaints.
- These models may: mediate complaints, analyze policies and practices issue recommendations to the police and public.

OIPM is a complaint intake site and OIPM has investigatory power over the secondary employment office.

Review-Focused Model

- Auditor / Monitor-Focused Assess systemic reform efforts.
- Review processes, evaluate policies, practices, and training. Based on those assessments, this oversight model will identify patterns and make recommendations Share findings with the public.
- These oversight agencies may participate in investigations.

OIPM assesses systemic efforts and will evaluate and review policies, practices and training then provide recommendations to NOPD.

Hybrid Civilian Oversight Model

Hybrid Civilian Oversight Hybrid civilian oversight means there is one office serving functions from different models or multiple agencies in one jurisdiction which may be different models (like an advisory civilian board and the investigatory OIG).

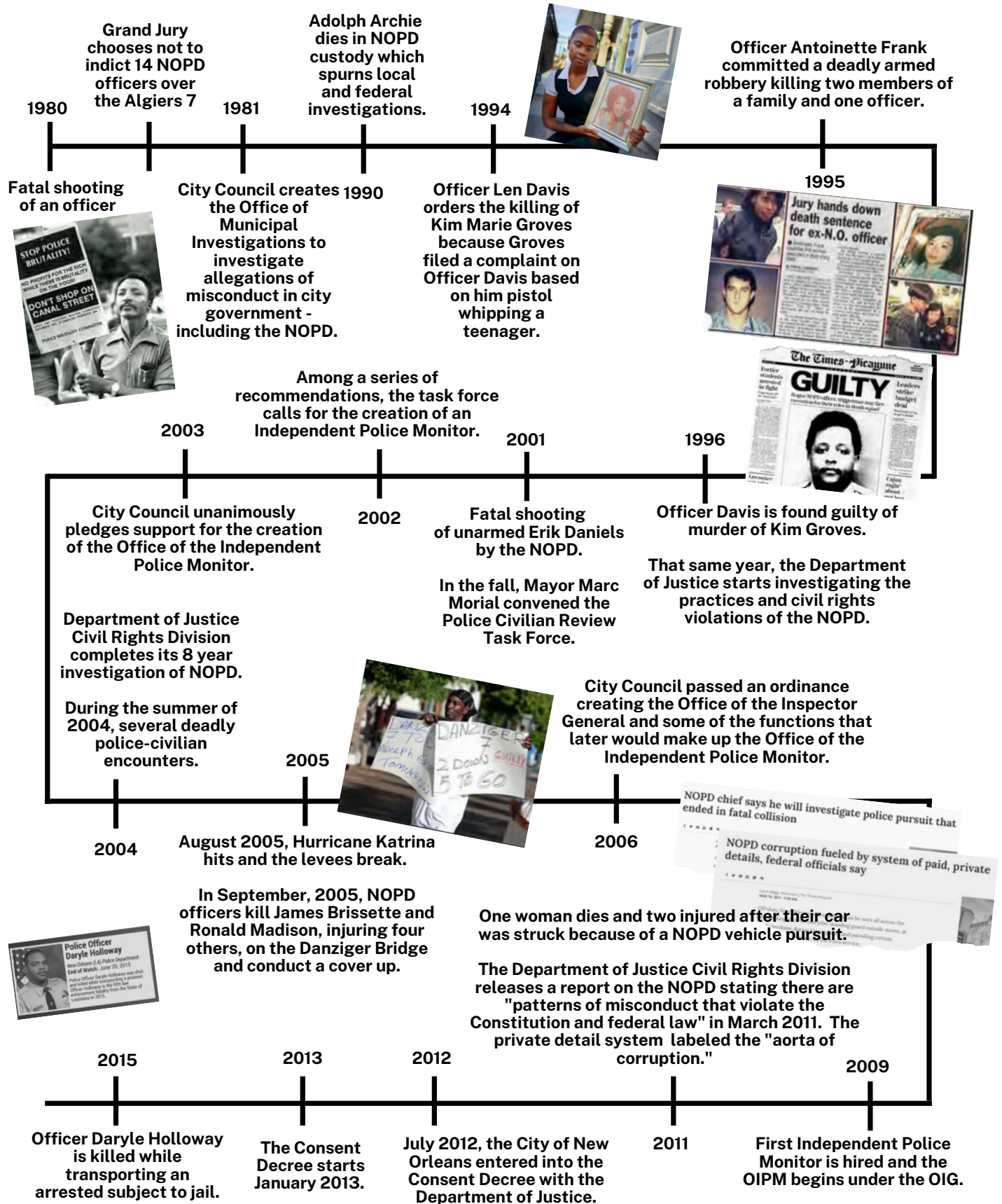
OIPM is a hybrid oversight agency because it has elements of all the different types of oversight models. Additionally, New Orleans has hybrid civilian oversight since we have multiple oversight agencies serving different functions.

13 Principles of Effective Oversight

The National Association for Civilian Oversight of Law Enforcement (NACOLE) identifies these 13 principles as necessary for effective oversight. The OIPM adopted these principles:

- Independence
- Clearly defined and adequate jurisdiction and authority
- Unfettered access to records and facilities
- Access to law enforcement executives and internal affairs staff
- Full cooperation
- Sustained stakeholder support
- Adequate funding and operational resources
- Public reporting and transparency
- Policy patterns in practice analysis
- Community outreach
- Community involvement
- Confidentiality, anonymity, and protection from retaliation
- Procedural justice and legitimacy

BRIEF HISTORICAL HIGHLIGHTS OF THE CONSENT DECREE; POLICING IN NEW ORLEANS



UNDERSTANDING THE CONSENT DECREE AND HISTORY

New Orleans entered a formal consent decree in January, 2013. This Consent Decree process started in the years prior with the investigation of the patterns and practices of the NOPD by the Department of Justice's Civil Rights Division. In order to understand the necessity of the Consent Decree and the reforms required within it, it's important to understand the historical context of the city and the NOPD's problematic behavior within the community.

The NOPD had a long history of misconduct, violence, discriminatory practices, and corruption stemming back decades. In the 1980s was the beginning of a community effort to organize civilian based oversight of the NOPD. This effort resulted in multiple initiatives from the Office of Municipal Investigations to the Police Civilian Review Task Force to eventually the creation of the Office of the Inspector General to the Office of the Independent Police Monitor.

While these local efforts were evolving, simultaneously, the federal government was conducting ongoing investigations of the NOPD, the most recent ending in March 2011. Ultimately, the Department of Justice found that the patterns and practices of the NOPD violated the Constitution and federal law. The report identified systemic deficiencies in multiple operational and substantive areas including policy, supervision, training, discipline, accountability - all of which "led to unconstitutional discrimination, uses of force, stops, searches, and arrests." The findings of the Department of Justice may have surprised the country, but the community of New Orleans was already well aware of the violent and unchecked behavior of the NOPD and the culture of obstructionism and discrimination that existed within the department.

This shared history of policing is briefly overviewed on the next page and the OIPM included examples of the dynamics of the NOPD and the crimes committed that directly impacted the safety of the community and public trust in the police department.

The OIPM strives to acknowledge and remember those in the community who both fought for oversight and were impacted by the pain caused by the NOPD. This is why a tenant of the work completed by civilian oversight is to amplify the voice of the community. It is in that memory that the OIPM works and stays vigilant monitoring the policing occurring today because a possible backslide from compliance, depending on the severity, could result in a return to a pattern and practices of policing that was corrupt, violent, and unconstitutional.

The goal of the Consent Decree is for the reforms to be so deeply enmeshed into the operations, policies, systems, and culture of the police department that to dismantle those reforms would be easily catchable and not only cause alarm in the community but also be virtually impossible because of the changed culture and expectations within supervision and the police department.

The position of the OIPM is that New Orleans must own our history with the police. Our history informs our fears. This is why there is a fear of history repeating itself. In New Orleans there is a real concern of "backsliding" and a return of the "old NOPD." Our neighbors, friends, coworkers, and loved ones may have experienced injustices at the hands of the NOPD. In our recent history as a city, filing a misconduct complaint about the police could have ended with retaliation or violence, walking in an unfamiliar neighborhood may have resulted in intrusive and illegal searches, arrests were conducted with force, officers could be bought, and supervisors turned a blind eye to a culture of corruption, discrimination, and violence.

For this reason, the OIPM is sensitive of allegations or noncompliance in areas that touch on these historical problems and shared fears that may exist in our community. The OIPM will not sweep these fears under a rug, but instead ensure that these allegations are immediately prioritized and addressed:

Criminal activity or associations

Corruption

Violence

Use of Force

Receiving payouts

Field strip searches

Targeting of young African

American boys

Supervisors failing to take

misconduct allegations

Unauthorized pursuits

Cover-up of wrong doing and

manipulation of misconduct

investigations

Discriminatory practices

LOCAL & FEDERAL OVERSIGHT IN NEW ORLEANS

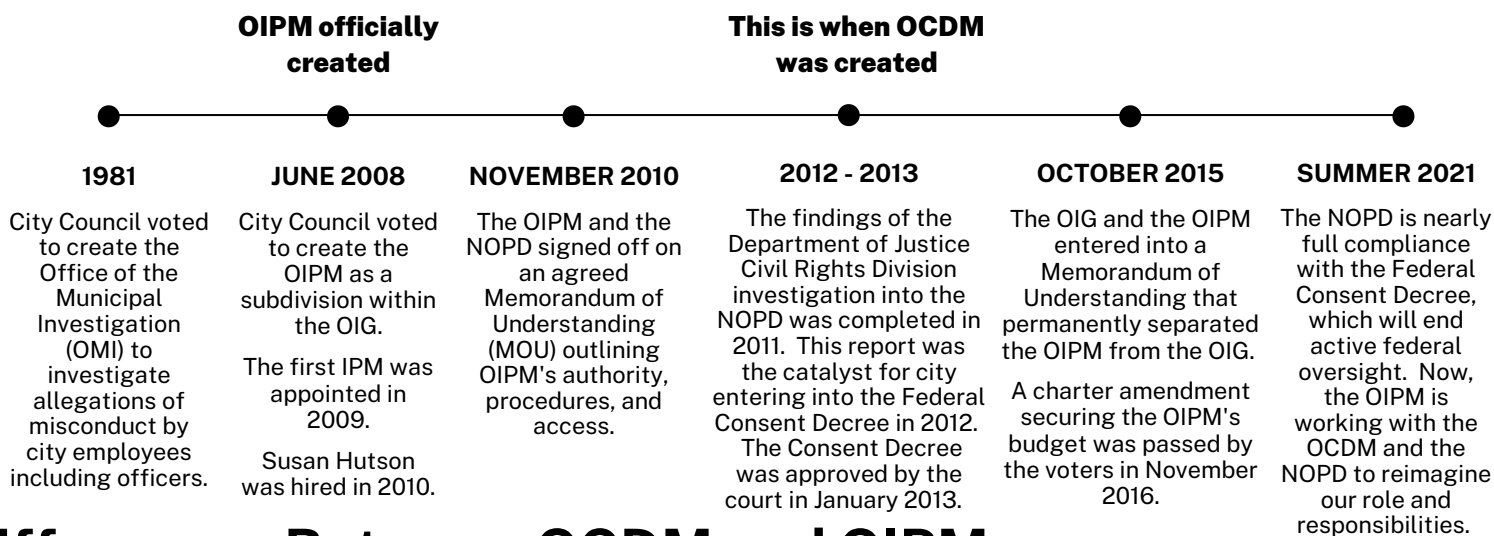
There are two types of monitors in New Orleans. There are three reasons why a city may have oversight or monitoring:

- Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.
- Monitors that are the result of federal Consent Decrees.
- Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

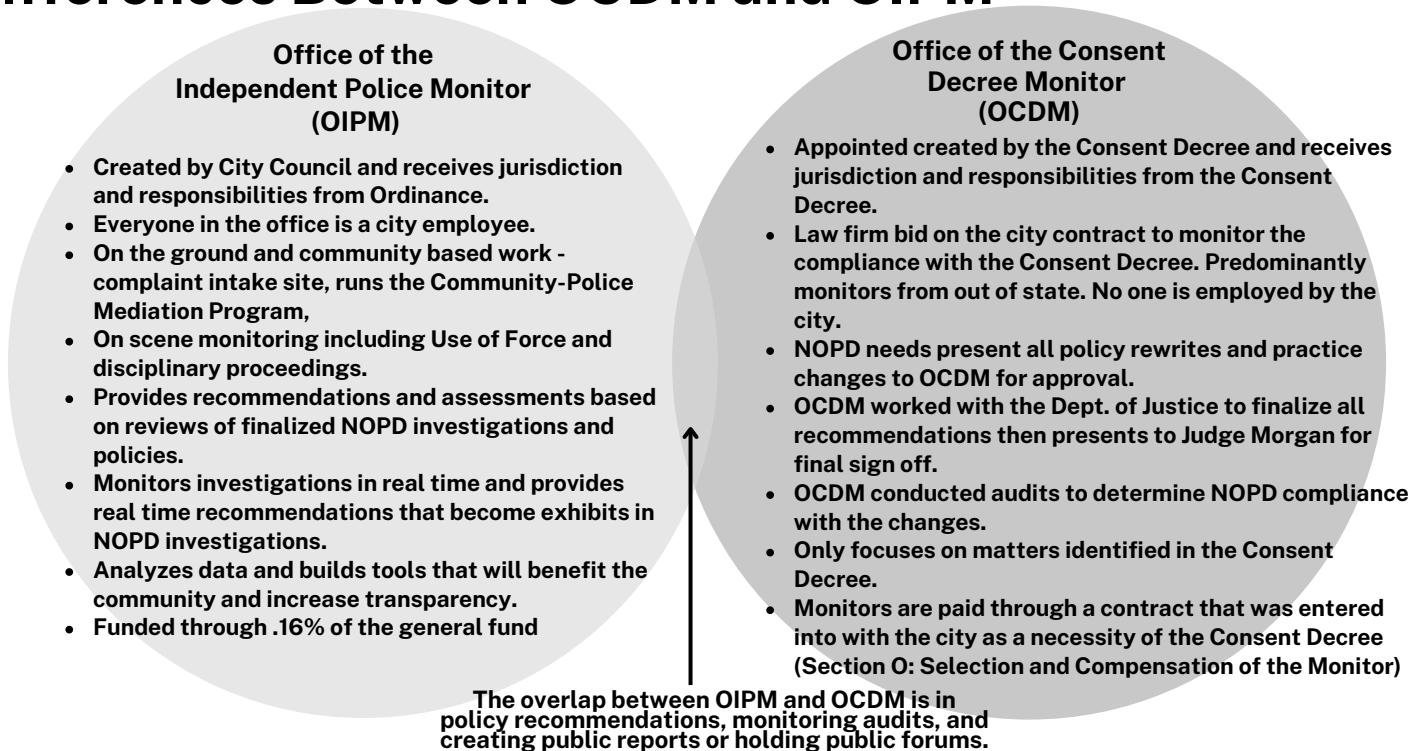
New Orleans has monitors for two of these reasons. There are monitors that a result of a federal consent decree and civilian oversight that is responsible for auditing, review, and / or investigation. The two offices have different responsibilities, were created through different mechanisms, and have different jurisdiction - all of which is described below.

Timeline of Oversight

Below is the timeline of oversight in New Orleans. While the Office of the Independent Police Monitor is rather new, the concept of oversight and accountability for officers and public employees has existed in New Orleans since 1981. The OIPM was created in 2008 and became independent in 2015, two years after the Consent Decree was entered into by the City of New Orleans.



Differences Between OCDM and OIPM



Monthly Report of Ethics Trainer



MARCH 2023

MONTHLY REPORT

TRAINING DIVISION
NEW ORLEANS ETHICS REVIEW BOARD



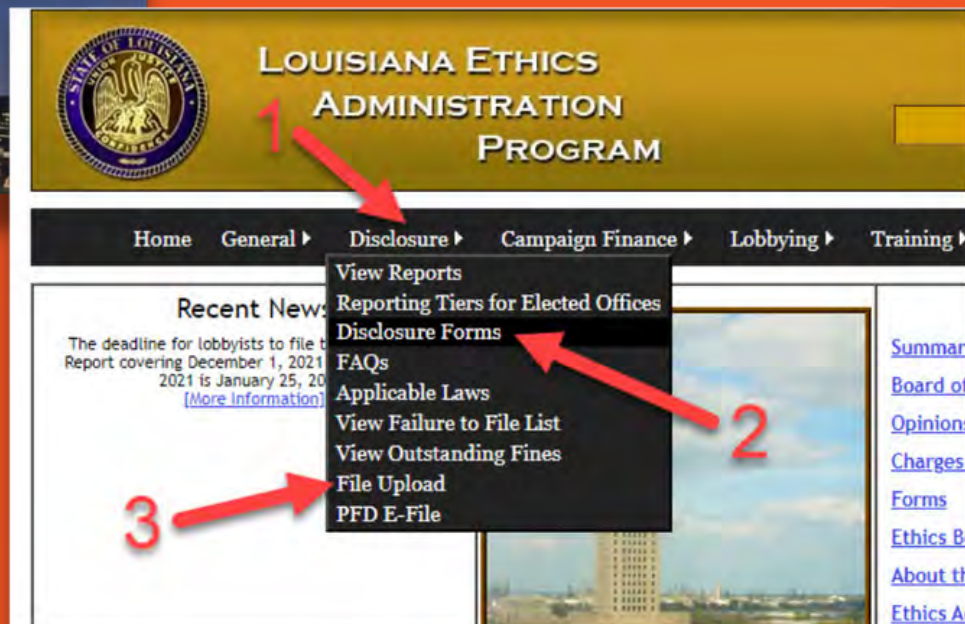
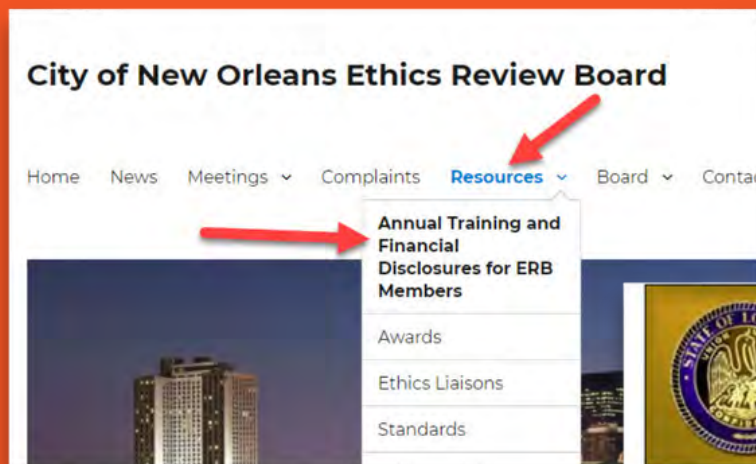
REMEMBER YOUR 2022 FINANCIAL DISCLOSURES!

All elected officials, as well as certain members of boards and commissions, are required to file a personal financial disclosure statement with the Louisiana Board of Ethics by **May 15th** of each year.

Please ensure that disclosure form '**Tier 2.1**' is completed and submitted. The form is located on the Ethics Review Board website (Fig. 1) or may be obtained directly from the state ethics website, www.ethics.la.gov (Fig. 2).

Submission options:

- Fax: 225-381-7271
- Mail: Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821
- Upload: www.ethics.la.gov





MARCH ETHICS EDUCATION

ERB Ethics Trainer and city department liaisons have received notification from the Louisiana Board of Ethics that it is time now to complete the necessary recertification training for all liaisons and certified trainers.

Training opportunities for 2023 are available via webinar or in-person, with the latter being newly offered for 2023 since being suspended in 2020 in accordance with COVID-19 restrictions that were put into place at that time. Recertification must be completed by

Friday, June 30, 2022.



NEW ORLEANS ETHICS REVIEW BOARD

Training Division

MARCH SESSION ATTENDANCE

Attendee Count:

116 Individuals



MARCH ETHICS EDUCATION, CONT.

HIGHLIGHT

Training was conducted in March with the New Orleans Business Alliance for their 2023 quarterly professional development workshops.

Attendees included -

- Lower Ninth Ward Economic Development Foundation
- St. Bernard Economic Development Foundation
- Friends of King School Board
- Algiers Economic Development Foundation
- New Orleans Biodistrict Board
- Virage Community Services Board
- 1 State Senator
- 3 State Representatives
- 2 New Orleans City Council Members



QUARTERLY ECONOMIC DEVELOPMENT DISTRICT CONVENING

State Ethics Training

SPEAKER



Jordy C. Stiggs, MS
Training Coordinator, City of New Orleans | Ethics Review Board

Tuesday, March 21 | NOLABA Community Room or via Zoom | 10 AM - 12 PM

WEBSITE RENOVATION



The Ethics Review Board Website at NolaErb.Gov will be undergoing an overhaul to better align with the board's vision to have the site be viewed and used as an information and reference resource for visitors. Some of the improvements to the page will include improved navigation, the introduction of a knowledge base, and educational tools and resources that will be available for download.

The project will be completed by Amaze Media, a New Orleans-based WordPress developer.

Their services are charged at \$75/hr for nonprofit organizations. Total billed hours are to be determined after framework consulting.



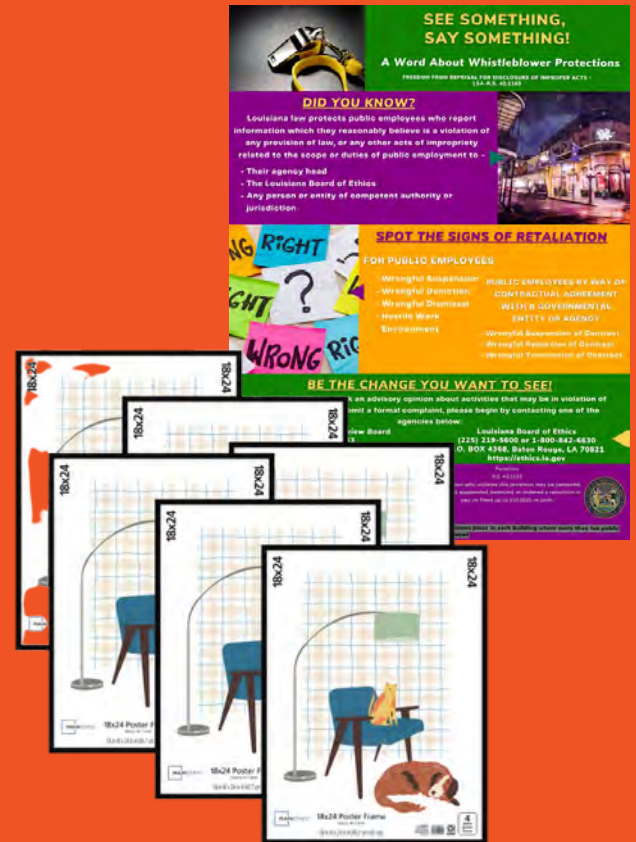
ONGOING PROJECTS

WHISTLEBLOWER POSTERS

The redesigned ethics whistleblower poster will be distributed to all department liaisons and has been requested by several partner organizations in the city.

The Ethics Review Board will be printing posters for the department liaisons and will provide the image to partner organizations so that they may make prints of the poster at their respective facilities.

The posters that will be distributed to the department liaisons will be placed inside plastic poster frames for display.



BOARD MEMBER ORIENTATION BOOKLET



The orientation booklet that will be used to aid in the onboarding of new board members is still in development and is projected to be available for review at the next monthly board meeting.

A pdf version of this manual may potentially be included on the newly redeveloped ERB website.



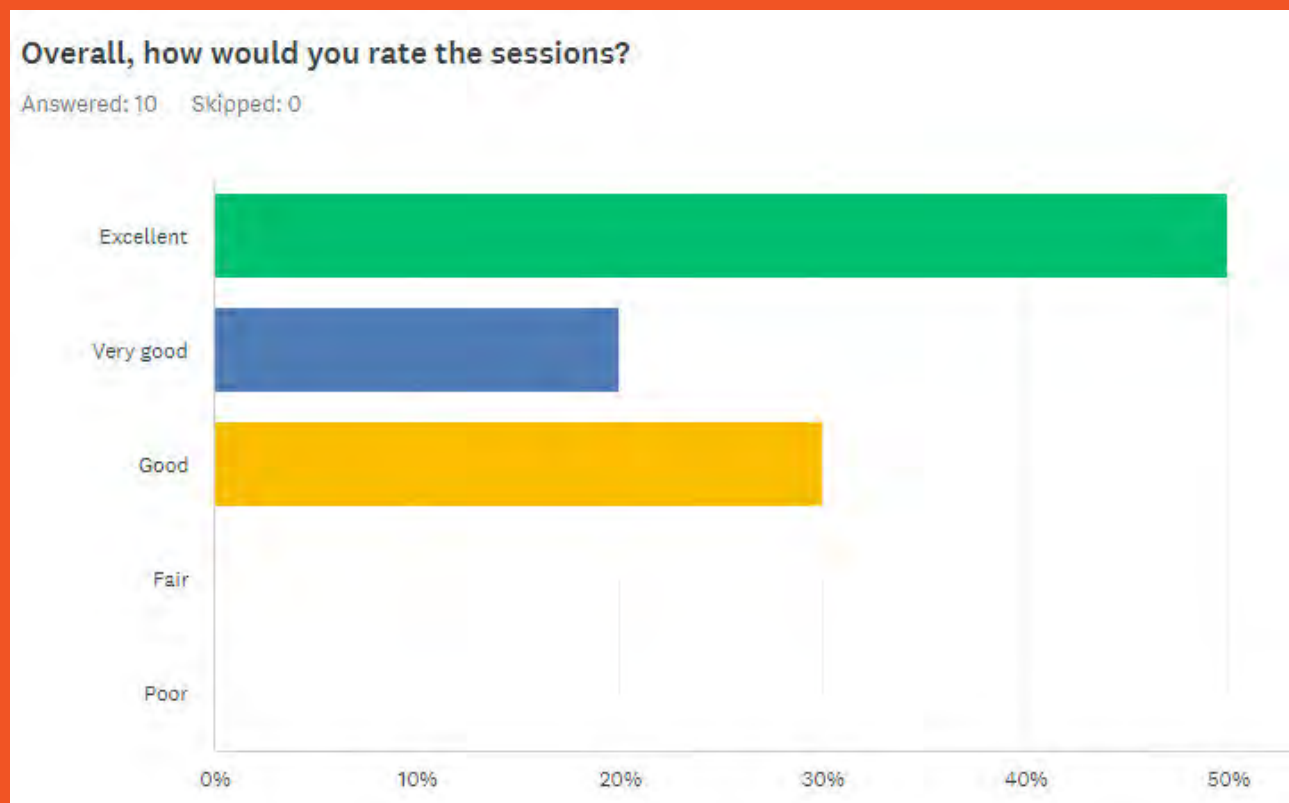
TRAINING DIVISION FEEDBACK SURVEY

In support of ongoing process improvement and development of best practices, a feedback/evaluation survey was distributed to a sampling of stakeholders who utilized the services of the ERB training division in 2022.

The group included (3) department ethics liaisons, (3) agency heads, and (4) training administrators from partner organizations.

It was shown that the training program is overwhelmingly viewed as satisfactory and suggestions indicated that there are desires for a longer program and more audience participation activities.

The full results may be viewed below.

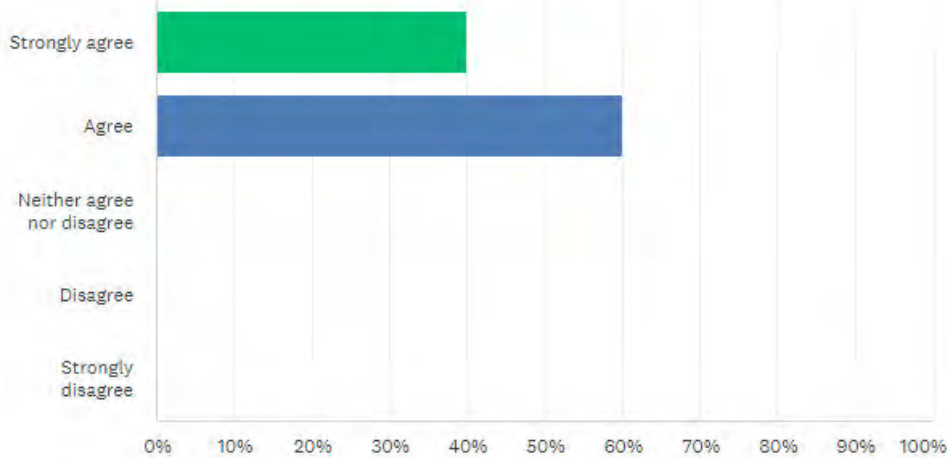




TRAINING DIVISION FEEDBACK SURVEY

The covered material was sufficient for the session.

Answered: 10 Skipped: 0



2022 Louisiana State Code of Governmental Ethics Training Program Feedback

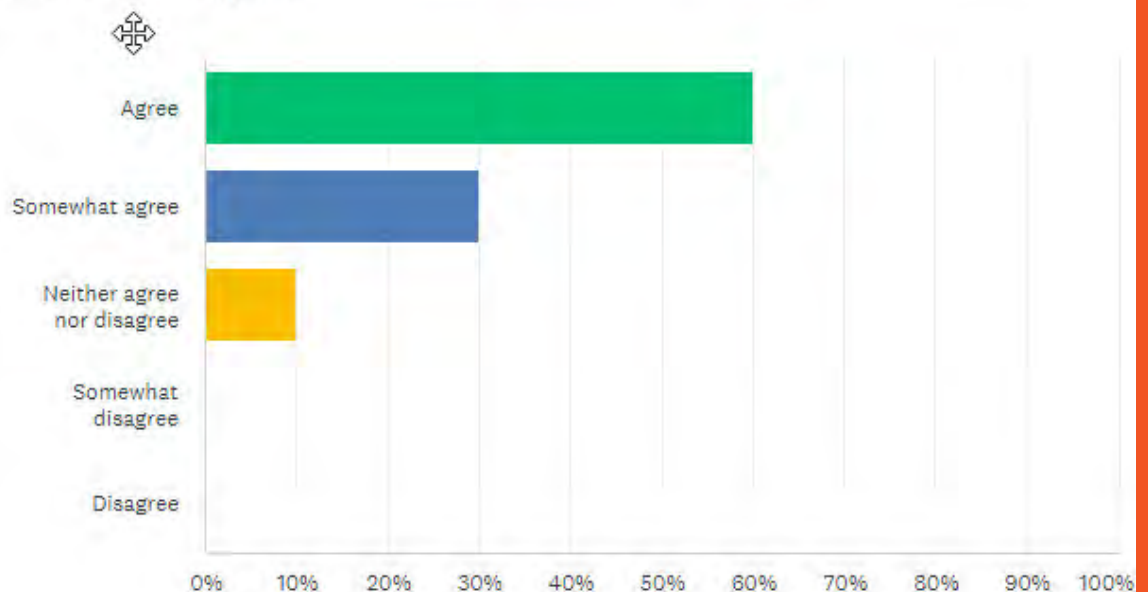
Y (0)

Full Question:

At the end of the sessions, I feel that my staff has gained an understanding of the State of Louisiana Code of Governmental Ethics.

At the end of this sessions, I feel that my staff has gained an under...

Answered: 10 Skipped: 0



2022 Louisiana State Code of Governmental Ethics Training Program Feedback

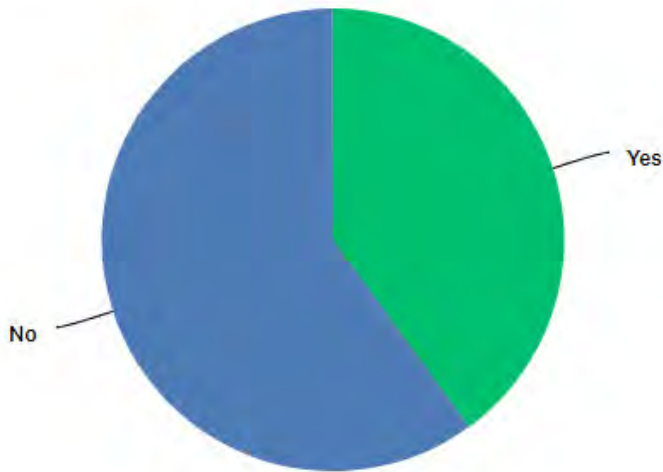
Y (0)



TRAINING DIVISION FEEDBACK SURVEY

I have been able to receive feedback from stakeholders within my ...

Answered: 10 Skipped: 0



2022 Louisiana State Code of Governmental Ethics Training Program Feedback

Y (0)

Full Question:

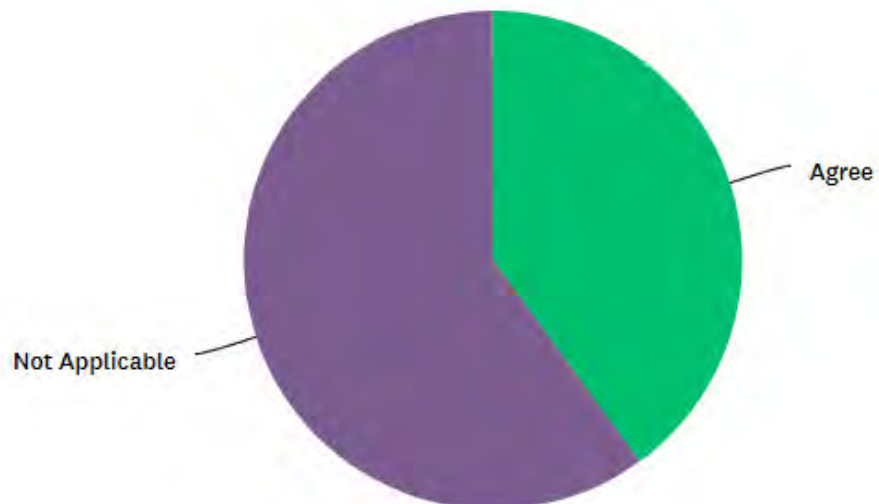
I have been able to receive feedback from stakeholders within my organization regarding observable improvements in ethical behavior and reporting by respective staff.

Full Question:

Feedback from stakeholders aligns with my expectations regarding observable behavioral changes.

Feedback from stakeholders aligns with my expectations regardin...

Answered: 10 Skipped: 0



2022 Louisiana State Code of Governmental Ethics Training Program Feedback

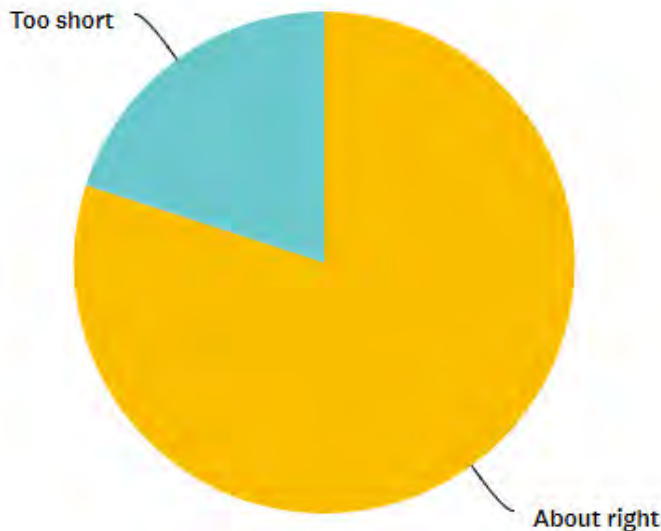
Y (0)



TRAINING DIVISION FEEDBACK SURVEY

Was the event length too long, too short or about right?

Answered: 10 Skipped: 0



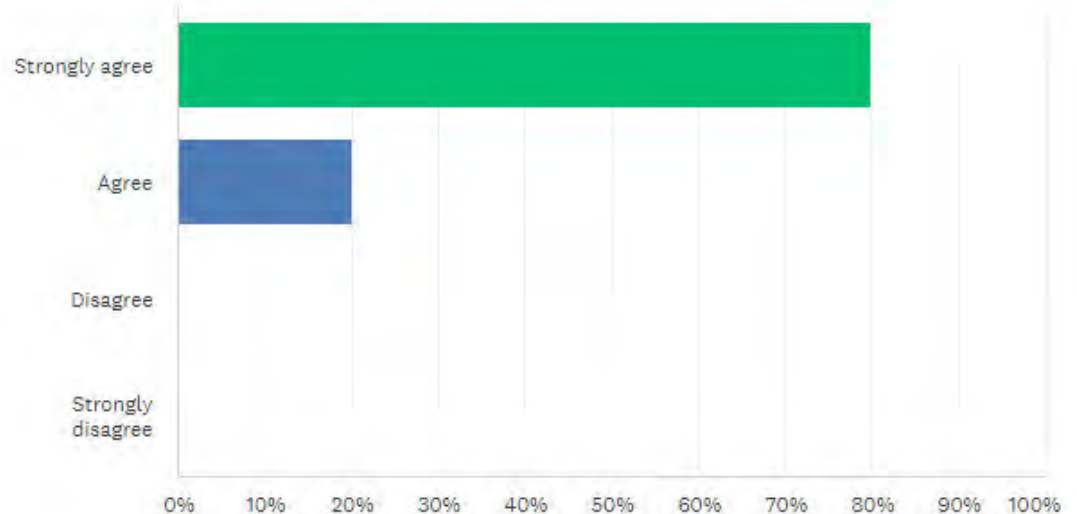
2022 Louisiana State Code of Governmental Ethics Training Program Feedback

Full Question:

The facilitator was engaging and the pace of the presentation was satisfactory.

The facilitator was engaging and the pace of the presentation was ...

Answered: 10 Skipped: 0

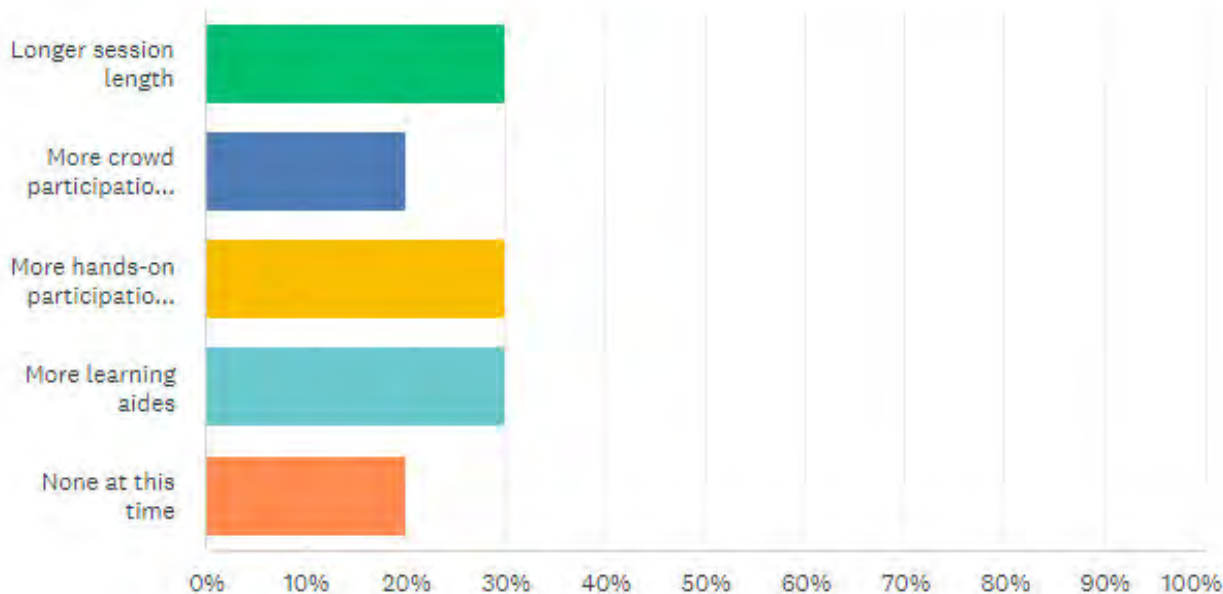




TRAINING DIVISION FEEDBACK SURVEY

What improvements/changes would you like to see in the program? ***

Answered: 10 Skipped: 0



Item 1



2714 Canal Street Suite 201 New Orleans LA 70119

www.nolaipm.gov

(504) 309-9799

February 9, 2023

Council President JP Morrell
City Hall, Room 2W50
1300 Perdido Street
New Orleans, LA 70112

City Attorney Donesia Turner
City Hall, Suite 5E03
1300 Perdido Street
New Orleans, LA 70112

RE: Potential Conflict of Interest or Appearance of Conflict of Interest regarding the NOPD Investigation CTN 2022-0513-R

Dear Council President Morrell and City Attorney Turner:

In accordance with La. R.S. § 40:2531 Chapter 25, Municipal Code of Ordinances, Part II, Chapter 2, Article XII Section 2-1121, and the November 10, 2010 Memorandum of Understanding between the New Orleans Police Department (NOPD) and the Office of the Independent Police Monitor (OIPM), I am writing to bring a potential legal conflict of interest to your attention and to seek your assistance in resolving this matter. Currently, the NOPD is conducting a formal disciplinary investigation into a matter that involves city leadership, Mayor LaToya Cantrell, and a current NOPD officer, Officer Jeffrey Vappie. The OIPM in collaboration with the Office of the Consent Decree Monitor (OCDM) is responsible for monitoring the investigation and providing technical assistance to the NOPD through this process. While completing these oversight responsibilities, the OIPM has identified the appearance of a legal conflict of interest, and we write to you now to seek your assistance with addressing this matter.

More specifically, we seek clarity on who is legal counsel for NOPD in these circumstances. Mayor Cantrell, along with possibly the Superintendent of Police – both current and former – may be material witnesses to the allegation of misconduct. However, Mayor Cantrell, the current Superintendent of Police, and the Public Integrity Bureau conducting the investigation of misconduct all share the same lawyer: the Office of the City Attorney, which may be problematic for several reasons.

First, this investigation may lead to an adversarial relationship between the NOPD and the Mayor. This adversarial relationship is evidenced by the February 3, 2023 statement from the Mayor's Office of Communications: "Those who purport themselves to be in law enforcement but who rather score cheap and meaningless political points at the expense of the safety and well-being of the people of the City of New Orleans should exercise their right to remain silent." Such a statement constitutes a directive by the Mayor that NOPD officers not participate in or conduct the misconduct investigation even though NOPD must do so. To ensure that NOPD is protected in performing these duties, NOPD may need different legal counsel than the Mayor.

Second, the OIPM is concerned that the NOPD may not fully seek the necessary evidence and legal advice they would ordinarily seek from the City Attorney's Office for fear of providing information to the same attorney who represents material witnesses in this matter.

In short, the OIPM is concerned that even the appearance of a conflict of interest in this matter will compromise the integrity of the investigation and cast doubt on any investigatory dispositions.

The OPM would like assurance that the NOPD has the independent legal counsel it requires to fully complete this investigatory matter (and to handle any resulting disciplinary and appeal issues if the need arises).

This is the first time that the OIPM is stepping outside of the NOPD to provide an assessment directly to the Council and the City Attorney's Office. We do so, however, in respect of your positions but also with an understanding that we have no jurisdiction over whatever approach, if any, your offices choose to pursue to address this issue. With that said, the OIPM is open to providing information regarding national best practices in circumstances such as this if you wish to discuss.

Thank you for your attention and consideration of this serious matter. The OIPM welcomes dialog, questions, or responses to this letter and looks forward to working with you to address this potential investigatory hinderance.

Thank you,

A handwritten signature in black ink, appearing to read "Stella Cziment". The signature is fluid and cursive, with the first name "Stella" being more prominent than the last name "Cziment".

Stella Cziment
Independent Police Monitor

Copied: Jonathan Aronie, Office of the Consent Decree Monitor
Deputy-Chief Keith Sanchez, Public Integrity Bureau

CITY OF NEW ORLEANS
LAW DEPARTMENT
1300 PERDIDO STREET, 5TH FLOOR EAST
NEW ORLEANS, LOUISIANA 70112
TELEPHONE: (504) 658-9800
TELECOPIER: (504) 658-9868

LATOYA CANTRELL
MAYOR

DONESIA D. TURNER
CITY ATTORNEY

February 22, 2023

VIA ELECTRONIC MAIL

Ms. Stella Cziment
Independent Police Monitor
Office of the Independent Police Monitor
2714 Canal Street, Suite 201
New Orleans, Louisiana 70119

Re: Potential Conflict of Interest or Appearance of Conflict of Interest
Regarding the NOPD PIB Investigation CTN 2022-0513-R

Dear Ms. Cziment:

This correspondence is in response to yours of February 9, 2023, directed to me and Council President J.P. Morrell, wherein you expressed concern for an alleged “conflict of interest” or “appearance of a conflict” between my office and the New Orleans Police Department (“NOPD”). More specifically, you believe an alleged conflict precludes the City Attorney’s Office from providing advice and counsel to NOPD’s Public Integrity Bureau (“PIB”), relative to its misconduct investigation No. 2022-0513-R of Officer Jeffrey Vappie.

First, in accordance with the Home Rule Charter §4-401(2) (“Charter”), the City Attorney shall “[p]rovide legal advice to the Mayor and Council when requested and when directed by the Mayor to all offices, departments, and boards concerning any matter ***affecting the interests of the City.***” This mandate does not state that the City Attorney shall represent the Mayor or Councilmembers in their individual capacities. Further, §4-401(3) of the Charter states in part, that the City Attorney shall “[h]ave charge of all legal matters in which the City has an interest or to which the City is a party.”

As such, the City Attorney’s Office provides legal advice to all City departments relative to disciplinary actions taken against classified personnel in their respective departments. This legal advice includes guidance on conducting and documenting investigations of all alleged misconduct to ensure compliance with City policies, Civil Service Rules, and departmental policy.

In compliance with the Charter and the mandates of the Consent Decree, the City Attorney’s Office works with NOPD in drafting departmental policies, including but not limited to, policies on conducting misconduct investigations. Additionally, the City Attorney’s Office

provides instructions to newly promoted Sergeants on the Police Officer's Bill of Rights and how the law applies to them, as well as the officers they may be charged to investigate. **Attorneys in my office routinely respond to requests for legal guidance at all stages of misconduct investigations and attend all high profile pre-disciplinary hearings.** Our attorneys provide guidance during confidential deliberations concerning any legal issues raised by NOPD chiefs conducting pre-disciplinary hearings and represent NOPD at any subsequent Civil Service Appeals by an officer challenging a disciplinary action.

The depth of legal guidance my office regularly provides to NOPD relative to misconduct investigations is unique not only because of the Consent Decree and the NOPD's Bill of Rights, but because NOPD conducts investigations and a pre-disciplinary hearing before any level of discipline. Other city departments, except for the Fire Department, only conduct pre-disciplinary hearings in cases in which terminations are being considered. The NOPD is not a separate legal entity capable of suing or being sued. Thus, contrary to your letter, NOPD does not need separate legal counsel.

Second, according to the information given to the City Attorney's Office, there is a PIB investigation into allegations against Office Vappie, not the Mayor. We dispute that the trained officers in PIB "may not seek the necessary evidence and legal advice they would ordinarily seek from the City Attorney's Office for fear of providing information to the same attorney who represents material witnesses in this matter." NOPD officers are not fearful and this statement is an insult to all officers who diligently and fearlessly work in the department. The statement is also inaccurate to the extent that the City Attorney's Office does not represent any material witnesses in this matter. Lastly, the City Attorney's Office has treated this investigation as we do all other investigations. To suggest that my office has a conflict in this matter is unfounded.

Finally – and unfortunately – since you have assumed your position, you and I have never had a one-on-one discussion regarding our respective positions and duties. In the future, please feel free to give me a call, or set up a meeting to discuss any concerns you may have. I believe a face-to-face conversation will prove to be more fruitful.

Sincerely,



Donesia D. Turner
City Attorney

DDT/ts

c: Honorable J.P. Morrell, President, New Orleans City Council
Jonathan Aronie, Office of the Consent Decree Monitor
Deputy Superintendent Keith Sanchez, Public Integrity Bureau



2714 Canal Street Suite 201 New Orleans LA 70119

www.nolaipm.gov

(504) 309-9799

March 13, 2023

RE: Breach of Security regarding NOPD Investigation CTN 2022-0513-R

Dear Council President JP Morrell, Judge Morgan, Federal Monitor Aronie, Deputy-Chief Sanchez, and Department of Justice:

We are writing to inform you of an apparent breach of confidentiality and security within the Public Integrity Bureau that compromises the integrity of the investigation **CTN 2022-0513-R**. This is the investigation concerning Officer Jeffrey Vappie and potentially involves Mayor Cantrell. It is vital that the Public Integrity Bureau safeguard all investigatory materials in pending investigations, and if possible, this need was heightened considering the political realities and sensitive material within this investigation.

Today, we were made aware by a confidential source that all recorded interviews with witnesses within the investigation have been released to members of the public and the media. This individual provided proof in the form of a flash drive. I took a screenshot of the contents of the flash drive and listened to the recorded interviews to verify that they were complete.

View

PC > USB20FD (D:) > PIB Vappie

Name	Date modified	Type	Size
Capt Dewight Robinette.mp3	2/3/2023 8:27 AM	MP3 File	69,163 KB
Charles Ellis.mp3	2/3/2023 8:29 AM	MP3 File	84,237 KB
Jeffrey Vappie 1.mp3	2/3/2023 8:33 AM	MP3 File	71,970 KB
Jeffrey Vappie 2.mp3	2/3/2023 8:34 AM	MP3 File	42,435 KB
Jeffrey Vappie 3.mp3	2/3/2023 8:33 AM	MP3 File	4,306 KB
Jeffrey Vappie 4.mp3	2/8/2023 11:23 AM	MP3 File	162,200 KB
John Douglass.mp3	2/3/2023 8:31 AM	MP3 File	34,018 KB
Kristy Johnson.mp3	12/6/2022 12:12 PM	MP3 File	112,309 KB
Robert Monlyn.mp3	2/3/2023 8:32 AM	MP3 File	137,506 KB
Sgt Tacasheba Lane.mp3	2/3/2023 8:33 AM	MP3 File	29,108 KB
sgt Wendell Smith.mp3	12/6/2022 12:09 PM	MP3 File	128,673 KB

These unredacted interviews were clearly released prior to the completion of the pending investigation and outside of NOPD protocol and possibly in violation of Louisiana law. The OIPM is not aware of any investigatory materials being reported stolen or compromised by the Public Integrity Bureau and does not understand how this breach occurred.

I am renewing my request to the Deputy-Chief of the Public Integrity Bureau for the audit trial for all platforms where evidence and recorded statements were housed. Additionally, we are requesting a list of all equipment used in the investigation, where that equipment is housed, who has access to that information, and who has been provided information or copies of interviews within and without of NOPD (including all city offices and officials).



2714 Canal Street Suite 201 New Orleans LA 70119

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(504) 309-9799

Finally, we are requesting the NOPD review all security protocol and provide assurance that other investigatory information has not been inappropriately released.

Thank you,

Stella Cziment
Independent Police Monitor

[View it in your browser.](#)**FOR IMMEDIATE RELEASE**

March 15, 2023

For Media Inquiries Only

communications@nola.gov

(504) 658-4945

**CITY ATTORNEY, PUBLIC INTEGRITY BUREAU ISSUE
STATEMENT IN RESPONSE TO LETTER FROM INDEPENDENT
POLICE MONITOR**

NEW ORLEANS — City Attorney Donesia Turner and Deputy Superintendent of the Public Integrity Bureau (PIB) Keith Sanchez today issued the following statement:

"There is no breach of any kind within the Public Integrity Bureau (PIB)," said **Sanchez**

"Immediately upon receipt of such allegation, the Administration began an internal investigation into these charges. Our collective investigation revealed the referenced information drive was inadvertently released by the Law Department to a HANO board member in response to the City Council's directive to exchange records in advance of a special meeting. The Law Department has since taken steps to address this mishap and has placed additional safeguards into practice to prevent these types of incidents from happening again," said **Turner**.

We are disappointed the Office of Independent Police Monitor did not come to us first with such allegations in order for us to work collaboratively to resolve this misunderstanding. There is no benefit or value that could be derived by the PIB or the Administration by releasing any interviews or investigatory materials to members of the public or media.

###

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CONFIDENTIAL

4 attachments

HC

H
To



2714 Canal Street Suite 201 New Orleans LA 70119

www.nolaipm.gov

(504) 309-9799

April 6, 2023

Dear Ethics Review Board:

The Office of the Independent Police Monitor (OIPM) received a directive yesterday to prepare a presentation for Monday's ERB meeting regarding the following questions:

- Why the OIPM did not violate the Memorandum of Understanding executed between the New Orleans Police Department (NOPD) and the Independent Police Monitor on November 10, 2010, by sending a letter warning of a potential leak of confidential information in the open investigation: CTN 2022-0513-R and not including the Superintendent;
- Whether the OIPM is conducting an investigation as it relates to Vappie;
- Why the work being conducted by the OIPM is monitoring and not investigating; and
- Why the OIPM sent a letter to the City Council to the exclusion of the Superintendent and Mayor / City Attorney.

The OIPM notes we do have concerns about the questions that have been raised as they could lead to discussions of information that is confidential and not for public consumption.

Additionally, the ERB invited "public comments about these issues [referencing a letter regarding the appearance of the conflict of interest with the City Attorney and the NOPD] from you or someone else from the administration or the NOPD at the Monday's ERB meeting." This directive and the notification that the Mayor's Office, City Attorney, and / or the NOPD may come to comment on our work has raised serious concerns for OIPM. The OIPM is concerned:

1. That this directive and invitation is creating the appearance or the impression that the Mayor, City Attorney, and / or NOPD has influence over our work;
2. That asking the OIPM to publicly discuss our actions in the Vappie case may compromise the investigation the Office of the Inspector General (OIG) is currently conducting regarding the unauthorized release of the Vappie investigation recordings.

I always wish to comply with the expectations and requests from the ERB and respect their authority as our governing body and as my boss; therefore, I say with all respect, I am concerned about this request.

Thank you,

Stella Cziment

Independent Police Monitor
Office of the Independent Police Monitor
scziment@nolaipm.gov

INDEPENDENT POLICE MONITOR



OFFICE OF INSPECTOR GENERAL



CITY OF NEW ORLEANS

Memorandum of Understanding Between the NOPD and the IPM

Susan Hutson
Independent Police Monitor
525 St. Charles Avenue
New Orleans, LA 70130

Ronal W. Serpas
Superintendent of Police
New Orleans Police Department
715 S. Broad St.
New Orleans, LA 70119

Arlinda Westbrook
Deputy Superintendent of Police
New Orleans Police Department
118 North Rocheblave St.
New Orleans, LA 70119

November 10, 2010

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PREAMBLE

The Office of the Independent Police Monitor (IPM) and the New Orleans Police Department (NOPD) recognize the need for interagency communication, interoperability, and cooperation. The City of New Orleans has established an ordinance creating the IPM to provide civilian oversight to the NOPD. Both agencies understand the need to work together to establish and maintain communications and cooperation to fulfill the will of the public with respect to the ordinance.

PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to provide a structure for the personnel of both agencies to work together to allow the monitoring of NOPD investigations and policies/procedures.

IMPLEMENTATION

It is the responsibility of the heads of each agency to ensure that this MOU is followed and to ensure that agency personnel are trained and updated appropriately.

MODIFICATIONS

Updates and modifications will take place, as necessary and as agreed upon.

AUTHORIZING ORDINANCE

Legislation establishing the Independent Police Monitor Office is codified in the Municipal Code of Ordinances, Part II, Chapter 2, Article XIII Section 2-1121, entitled "Office of independent police monitor:"

1. Creation of the Office of Independent Police Monitor

There is hereby created within the Office of Inspector General an Independent Police Monitoring Division, headed by an Independent Police Monitor. The Independent Police Monitor shall be assisted by a Deputy Independent Police Monitor, and an Executive Director of Community Relations.

2. Qualifications

The Independent Police Monitor shall be an attorney with substantial experience in criminal, civil rights, and/or labor law, or corporate and/or governmental investigations; or an individual with at least five years experience in law enforcement oversight, preferably with a graduate degree. Knowledge of law enforcement, particularly of internal investigations of wrongdoing and uses of force, is essential. The Monitor shall possess impeccable integrity, sound judgment, and an ability to relate effectively with all those who have a stake in law enforcement including, but not limited to, residents of and visitors to New Orleans, the Police Department, other law enforcement agencies, and relevant parts of city government. The monitor shall possess an understanding of the city's ethnic diversity, cultural traditions, and socio-economic situation.

3. Duties and Responsibilities

The Independent Police Monitor shall monitor the New Orleans Police Department, civilian and internally-generated complaints; internal investigations; discipline; use of force; and in-custody deaths. The Independent Police Monitor shall review and analyze the numbers and types of complaints; assess the quality and timeliness of New Orleans Police Department investigations; review the adequacy of data collection and analysis; review the public integrity bureau's policies, procedures, and resource needs; conduct risk management reviews; review the operations and effectiveness of New Orleans Police Department "early warning system"; review specific issues regarding supervision, training, and discipline; conduct relevant pattern analysis; and other tasks to ensure New Orleans Police Department accountability, transparency, and responsiveness to the community it serves.

4. Complaints

The Independent Police Monitor shall receive complaints alleging misconduct by New Orleans Police Department member that he will refer to the New Orleans Police Department Office of Internal Investigations for investigation. The Independent Police Monitor shall develop relationships with community and civic groups that may receive civilian and anonymous complaints against New Orleans Police Department member as a supplement to existing complaint intake mechanisms.

5. Investigatory Power

The New Orleans Police Department will advise the Independent Police Monitor within seven (7) days of receipt by the New Orleans Police Department of any complaint of misconduct, classified as a formal disciplinary investigation, disciplinary citation, informal disciplinary investigation, or information documentation. The Independent Police Monitor shall have the power to review the classification of all internal investigations and, in circumstances where the Independent Police Monitor believes an investigation was misclassified, to recommend to the New Orleans Police Department that it be reclassified. The Independent Police Monitor shall also review and monitor such investigations by the office of municipal investigations.

6. Public Reporting Requirements

The Independent Police Monitor shall have the power to recommend that an internal investigation be re-opened if he determines that the investigation was not thorough or fair. The reopening of case recommendation provision only applies to the very limited instance where the statutory time limit permits. If the New Orleans Police Department declines to accept the recommendations of the Independent Police Monitor relative to the classification of an investigation, a line of questioning, re-opening an investigation not deemed to have been appropriately completed, or any other recommendation, the Independent Police Monitor shall issue a public report relative to the refusal. All completed investigations reviewed by the Independent Police Monitor shall be accompanied by a report in writing to the New Orleans Police Department stating whether the investigation was considered fair, thorough, timely or insufficient.

7. Police Commendations

The Independent Police Monitor shall also compile data regarding commendations and shall identify officers, units, and precincts that have been commended by the public for doing exceptional work. Such information shall be presented in public reports. The Independent Police Monitor will note patterns in commendations and urge the New Orleans Police Department to share commendation information widely within the department and identify practices and initiatives that should be emulated broadly throughout the department. No provision of this ordinance shall violate the Officer Bill of Rights.

8. Civilian Complainants

Civilian complainants, who have tried unsuccessfully to obtain a meaningful status report on a complaint they initiated, may, upon request, receive such a status report from the Independent Police Monitor. Civilian complainants, who are dissatisfied with the outcome of an investigation they initiated, may request a review by the Independent Police Monitor of the completed New Orleans Police Department investigation. When he deems it appropriate, the Independent Police Monitor may recommend that such an investigation be re-opened and report to the complainant whether he has recommended any further investigation. The re-

opening of case recommendation provision only applies to the very limited instance where the statutory time limit permits.

9. Civil Claims and Lawsuits

The Independent Police Monitor shall review patterns relating to civil claims and lawsuits alleging New Orleans Police Department misconduct, payout amounts over time, units disproportionately represented as subjects of claims and lawsuits, related training, and other issues. The Independent Police Monitor shall review the investigation of the underlying incidents described in such claims and lawsuits, whether those investigations pre-dated the filing of a claim or lawsuit or the investigations were initiated following such filings.

10. Recommendations to Police Superintendent

The Independent Police Monitor shall evaluate complaint trends and other information and investigation practices. The Independent Police Monitor shall make recommendations to the Superintendent to improve upon policies and practices based on national best practices.

11. Training Review

The Independent Police Monitor shall periodically review training sessions and schedules to identify best practices and any need for improvements to training curriculum or frequency.

12. Public Accountability

The Independent Police Monitor shall distribute information about its office, duties and functions. The Independent Police Monitor shall issue complaint and commendation forms in languages and formats accessible to residents. The Independent Police Monitor shall be required to hold at least one public outreach meeting in each council district of the city at least once every four months. The Independent Police Monitor shall be required to meet with each police association a minimum of three (3) times each year.

13. Civil Service Commission to Establish Rules and Regulations

The New Orleans Police Department and the Civil Service Commission shall work cooperatively to establish rules and regulations that require both to cooperate with the Independent Police Monitor as he actively monitors disciplinary and non-disciplinary proceedings. Those policies shall provide for, among other things: timely notification prior to disciplinary proceedings; complete access to the proceedings of departmental boards and civil service hearings involving the disciplining of officers; and complete access to all materials to which those boards and the civil service commission have access. The policies shall also provide for the ability of the Independent Police Monitor to attend disciplinary and non-disciplinary proceedings, to review disciplinary and non-disciplinary documents, to make determinations as to whether departmental rules or policies have been violated, to make recommendations regarding appropriate discipline, and to review the appropriateness of disciplinary sanctions. The Independent Police Monitor in conjunction with the New Orleans Police Department internal

investigations office shall make recommendations to the civil service commission relative to improving police disciplinary procedures.

14. Review of Data Collection and Analysis

The Independent Police Monitor shall review New Orleans Police Department data collection and analysis to enable it to track trends in relation to types and sources of civilian and internally-generated complaints, processing and investigation, and determinations stemming from complaints, discipline imposed by type of complaint, use of the early warning system to intervene with an officer in need of additional training, supervision, or other issues of concern that arise during a review by the Independent Police Monitor. The New Orleans Police Department shall provide the appropriate database and personnel to facilitate this section.

15. Mediation of Civilian Complaints

The Independent Police Monitor shall establish and administer a mediation program for civilian complaints, guided by best practices identified in other jurisdictions with such mediation programs. Consent of the civilian complainant, the police officer involved, and the New Orleans Police Department shall be required before a case can be scheduled for mediation by a trained neutral mediator from outside the New Orleans Police Department.

16. Public Reporting Requirement

The Independent Police Monitor shall be required to issue at least one public report each year, by March 31st, detailing its monitoring and review activities and the appropriate statistical information from the internal investigations office, and other divisions of the New Orleans Police Department. The Independent Police Monitor shall be required to report upon problems it has identified, recommendations made and recommendations adopted by the New Orleans Police Department. The report shall also identify commendable performance by the New Orleans Police Department and improvements made by the department to enhance the department's professionalism, accountability, and transparency. The criminal justice committee of the New Orleans City Council shall conduct a hearing on each annual report within 30 days of submission. Additional reports relating to policy and training recommendations, matters of significant public interest, or other concerns may be issued throughout the year. Such reports will be submitted to the Criminal Justice Committee of the City Council of New Orleans and simultaneously released to the public. The Committee will have discretion as to whether to conduct a public hearing relating to such reports.

17. Penalties for Violating this Section

It shall be the duty of all city members, classified or unclassified to cooperate with the Independent Police Monitor in his work pursuant to this ordinance. Any city member who violates any provision of this Chapter shall be subject to investigation, and if warranted, to discharge or such other discipline consistent with civil service rules and procedures, in addition to any other penalty provided in the City Charter or ordinances.

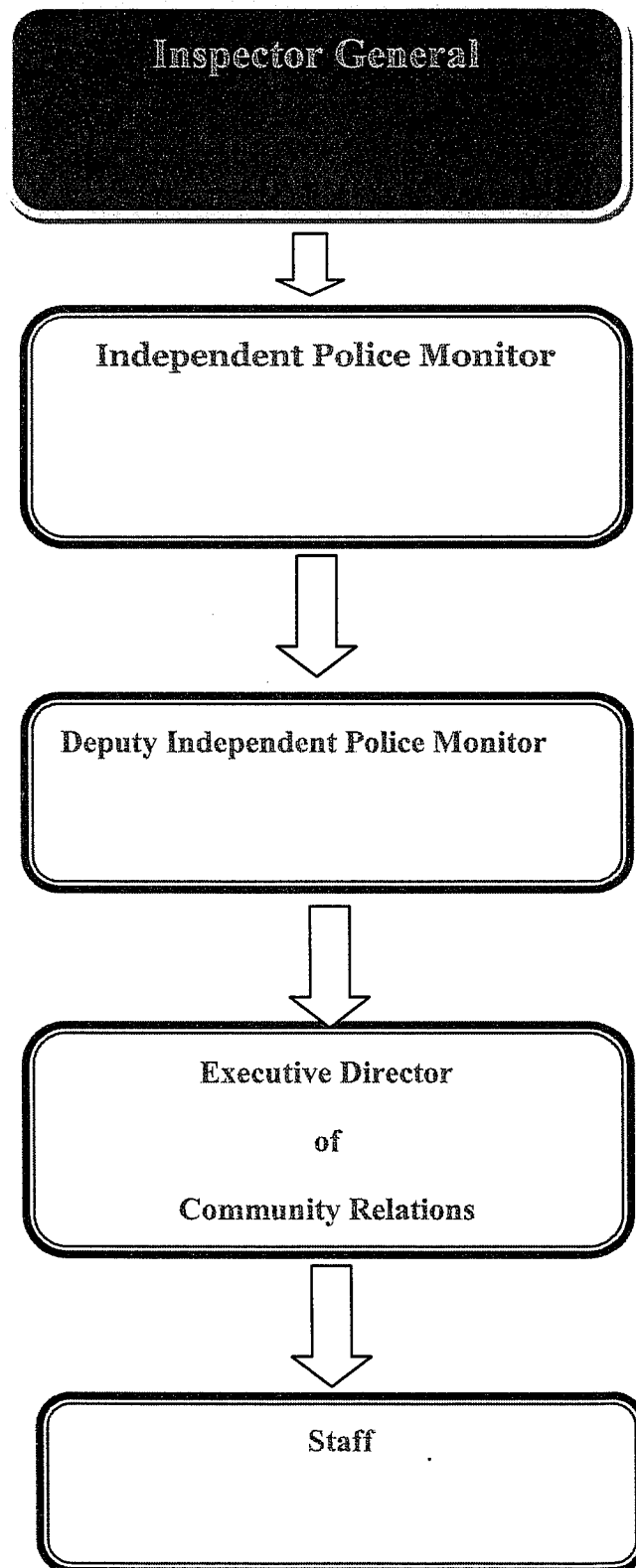
18. Negotiation of Protocols

The Independent Police Monitor and the New Orleans Police Department shall be required to negotiate protocols within 90 days of the appointment of the Independent Police Monitor.

19. Retention of Powers by Inspector General

Nothing in this ordinance shall be construed to limit the existing powers of the Office of Inspector General granted by statute, ordinance, rule or regulation. The Office of Inspector General shall retain all the powers and duties granted by federal and state statute, court ruling, ordinance, executive order, rule and regulation, contract or other means.

INDEPENDENT POLICE MONITOR ORGANIZATION CHART



DEFINITIONS

For purposes of this Memorandum of Understanding, these words and phrases have the following meanings:

Classifications: Pursuant to NOPD Operations Manual Chapter: 52.1, Internal Disciplinary Investigations, all complaints are classified as *DI-1*, *DI-2*, *DI-3* or *INFO*:

DI-1 (formal disciplinary investigation) – Documentation of the initiation of a formal investigation of a complaint from a citizen or employee, whether a third party or anonymous, or observed behavior of an employee. The investigation of behavior, an act, or the omission of an act by an employee, which a supervisor has become aware of, involving an alleged violation of a departmental regulation, order, or procedure, or of a criminal law.

DI-2 (disciplinary citation) – The documentation of corrective action taken by a supervisor upon confirming an employee's behavior involving a minor violation of a Departmental regulation, order, or procedure. This behavior must be considered so minor that it is correctable by simple counseling or minimal intervention by a supervisor.

DI-3 or NIMS (informal disciplinary investigation) – The documentation of a review of information received by a supervisor of an allegation made by a citizen or employee of an employee's conduct, which may or may not involve a minor violation of a Departmental regulation, order or procedure. The supervisor's review must address the concerns of the complainant, and the subsequent action taken by the supervisor to either remedy those concerns and/or to counsel the employee. The incident does not merit a formal investigation; therefore this classification does not result in the initiation of a formal investigation.

INFO (information documentation) – The documentation of information relative to a potential complaint (example: witness to an incident for which no official complaint has been received information), a situation reported by a citizen, or an observation by an employee which does not contain sufficient information to initiate an investigation of an alleged violation of a departmental regulation, order, or procedure.

Complaint: A written, filed expression of dissatisfaction, an allegation of misconduct or of a violation of a departmental regulation, order or procedure or of criminal law by an NOPD employee, whether brought by a civilian or internally generated. Complaints can be brought by an involved party or by a third party. Complaints can be brought anonymously.

Computing Time: When calculating any time period specified in this Protocol the following rules apply: (A) exclude the day of the event that triggers the period; (B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

Critical Incident: The term “Critical Incident” means:

- All incidents involving the use of deadly force by an NOPD officer, including an Officer Involved Shooting (“OIS”);
- All uses of force by an NOPD officer resulting in an injury requiring hospitalization, (commonly referred to as a law enforcement related injury or LERI incident);
- All head strikes with an impact weapon, whether intentional or not;
- All other uses of force by an NOPD officer resulting in a death, (commonly known as a law enforcement activity related death or LEARD incident); and
- All deaths while the arrestee or detainee is in the custodial care of the NOPD, commonly referred to as an in-custody death or ICD; and

Department member: any employee of the NOPD, whether a civilian or a commissioned officer.

Early Warning System: A method of identifying department members exhibiting a pattern of behavior that signals potential problems for both the NOPD and the public.

Findings: Upon completion of any internal disciplinary investigation, however classified, the complaint will be found: sustained, not sustained, exonerated, unfounded, resigned or retired under investigation (RUI), dismissed under investigation (DUI), withdrawn, cancelled or duplicate.

Independent Police Monitor (PM): The director of the IPM.

Mediation: A voluntary, confidential complaint resolution option. It is an alternative to the investigation, adjudication or disciplinary processes. Mediation is a structured process guided by a neutral, third-party, professionally-trained mediator which enables direct communication between the complainant and the department member.

Misconduct: Actions that include but are not limited to the following:

- Use of excessive force
- Abuse of authority such as unlawful searches and seizures), premises enter and search, no warrant, threat to notify child services, threats to damage property, etc., refusal to take complaint, refuse to identify themselves); damages to property seized
- Failure to supervise
- Falsification of records
- Inappropriate language or attitude
- Harassment
- Interference with Constitutional rights
- Neglect of duty

- Discrimination in the provision of police services or other discriminatory conduct on the basis of race, colors, creed, religion, ancestry, national origin, gender, sexual orientation
- Theft
- Retaliation for filing a complaint with the NOPD or the IPM

Office of the Independent Police Monitor (IPM): The Division within the Office of Inspector General that shall monitor the New Orleans Police Department, civilian and internally-generated complaints; internal investigations; discipline; use of force; and in-custody deaths; training and policies and procedures, to ensure New Orleans Police Department accountability, transparency, and responsiveness to the community it serves.

Public Integrity Bureau (PIB): The NOPD Bureau designated by the Superintendent of Police to have the “primary responsibility for the intake, coordination and review of every allegation of police misconduct.” NOPD Operations Manual Chapter: 52.1 Para. 19.

Standard of Proof: NOPD disciplinary findings must be supported by a preponderance of the evidence. Civil Service Commission Rules Sec. 44; Cittadino v. Civil Service, 558 So. 2d 1311 (4th Cir. 1990).

Superintendent: Superintendent of Police of the New Orleans Police Department (NOPD).

MONITORING INVESTIGATIONS OF ALLEGED NOPD EMPLOYEE MISCONDUCT

The IPM monitors NOPD investigations of allegations of misconduct committed by NOPD members, whether the allegations are raised by civilian complaints or are internally generated. The IPM also monitors investigations of critical incidents as defined above.

IPM Complaint Intake and Referral to PIB

The IPM shall receive complaints from any source regarding alleged misconduct by an NOPD member. Complaints may be filed by telephone, in writing, by mail, by e-mail, in person at designated locations or on the IPM's website. They may be submitted by third parties not directly involved in the complaint or incident and they may be submitted anonymously. See, **Confidentiality/Safety of Complainants**, below.

1. Anyone may request that the IPM receive their complaint, including a person who is currently incarcerated or one who has a pending criminal charge may file a complaint without fear of retaliation. If the complainant is incarcerated, the IPM will visit the complainant upon request and will notify PIB of his/her location.
2. When complainants present IPM staff with physical evidence, the IPM will immediately contact PIB to take custody of the evidence. If conditions prevent the IPM from contacting PIB, the IPM shall follow best practices for preserving the chain of custody maintaining this evidence until PIB can collect it.
3. The IPM will note the afterhours phone number for PIB on its complaint hotline message, to facilitate provide immediate assistance for complainants when the IPM is closed.
4. To facilitate reporting of complaints, the IPM will widely disseminate copies of Appendix A, Complaint/Commendation Form, in English, Vietnamese and Spanish.
5. The IPM and PIB shall develop relationships with community and civic groups that may receive civilian and anonymous complaints of police misconduct and shall accept complaints from these groups on behalf of individuals who have complained to them. The IPM and PIB may jointly provide training to these groups on the acceptance of complaints.
6. The IPM shall refer complaints to the PIB within four (4) days of receipt. See, Appendix B, Referral to PIB.
7. Alternatively, the IPM or PIB may recommend such complaints for mediation. See, Mediation below.

8. Where appropriate, the IPM shall refer such complaints to the Federal Bureau of Investigation, the United States Attorney, the District Attorney or other relevant agencies for possible investigation and criminal prosecution. The IPM shall notify the Deputy Superintendent of PIB of any such referrals if agreed to by the referral agency.

Confidentiality/Safety of Complainants and Witnesses

9. The NOPD and the IPM jointly agree that both offices will keep the names of any complainants and witnesses confidential from public disclosure, to the extent allowed by law, if the complainant or witness asks for anonymity.
10. If it is necessary to enter the name of confidential complainants and witnesses in any database maintained by the IPM and/or NOPD, said name will be masked or inaccessible to all employees of each office, excluding the investigative officer or IPM's reviewing staff-member; and their supervisors.
11. The Superintendent of Police, Deputy Superintendent of PIB, Independent Police Monitor and the Deputy Independent Police Monitor will have the highest levels of access to all confidential information, except as noted specifically herein.
12. The IPM will notify PIB within 24 hours of any complainant or witness, especially department employees, who fears retaliation for filing a complaint.

PIB Notification to IPM

13. PIB will notify the IPM within seven (7) days of its receipt of all complaints, whether civilian or internally generated, and however classified. The PIB will simultaneously provide the IPM with a complete copy of the original "COMPLAINANT/INITIAL INTAKE," and/or the DI-1 initiation form, DI-2 Citation of Disciplinary Action, DI-3 initiation form or INFO form, and any related incident reports. PIB shall not exclude any information from the complaint form provided to the IPM.
14. Upon request by the IPM, PIB will provide the IPM with complete access to the departmental employee's work history, including discipline, the early warning system and all current and/or prior complaints involving the department member. NOPD Operations Manual Chapter 52.2, DEFINITION *DI-1*.

Classification

15. The IPM will provide PIB with its recommendation as to classification of any complaint within seven (7) days of receipt of information regarding prior or current complaints or investigations involving the department member.
16. The IPM will provide PIB with its written criteria for the review of the classification of any complaint. See, Appendix C, IPM Classification Checklist.

17. The NOPD and the IPM jointly agree that complaints shall be classified as INFO or NIMS when the sole reason for the complaint consists of one or more of the following issues, unless the initial conversation with the complainant identifies other types of misconduct:
 - a. Disputed traffic citation, excluding complaints related to the traffic stop such as racial profiling, illegal search and any use of force;
 - b. Delay in service, if the delayed response of a patrol unit or a detective failing to conduct a follow up interview is due to workload. However, if the preliminary investigation discloses there was negligence rather than a delay in providing service due to workload (e.g., call lost when passed from one unit to another at change of watch), the complaint will be classified according to its merits.
 - c. Complaints that are of a civil nature, unless the conduct or its effects had some substantial nexus to the employment of the accused employee.

The IPM will also review cases classified in this manner.

18. Should the IPM disagree with PIB's classification of any complaint or investigation, it will notify PIB in writing within seven (7) days of receipt of notification the complaint. See, Appendix D, Recommendation for Re-classification.
19. The PIB will have seven (7) days to respond to the IPM's Recommendation for Re-classification. An extension of time for the response may be agreed to between the IPM and PIB. After that time, the IPM may issue a public report regarding the complaint and stating the grounds for its disagreement. This report shall include the PIB response, if received within the time period designated.

Monitoring Ongoing Investigations

20. The IPM will continue to attend the PIB Comstat meeting each week. At least two (2) days prior to the meeting, the IPM will provide the Deputy Superintendent of PIB a list of cases or issues which the IPM requests be discussed in detail during the meeting.
21. In order to allow the IPM to fulfill its monitoring functions under the Ordinance, the IPM will have read and print access to PIB investigative files located in the IPM/PIB database. The IPM will not make editions or changes to the investigative files in the database.
22. As to administrative investigations conducted by PIB, the IPM will have view only access in the IPM/PIB database to the ongoing investigation, including but not limited to complaints, reports, and evidence, as the information is added or

scanned into the electronic case file in the database. PIB supervisors shall review and approve the scanned material prior to the IPM's access.

23. As to criminal investigations conducted by PIB, the IPM will view these investigations in the database once they become ongoing administrative investigations after the close of the criminal investigation. The Police Monitor will be briefed by the Deputy Chief of PIB about the status of criminal investigations which cannot be viewed in the database.
24. Although, the IPM will monitor the investigations, the IPM will not write its report about the quality of the investigation, until the completed investigation has been approved by the Director of PIB. If the IPM notes any issues/concerns with respect to an investigation while it is still open, the Police Monitor will provide those issues/concerns to the Deputy Chief of PIB at the weekly PIB Comstat meeting.

Status Report on Investigations

25. On the request of a complainant who has tried unsuccessfully to obtain a meaningful status report on a complaint initiated with the NOPD, the IPM will review the status of the investigation in the IPM/PIB database or, if the database is unavailable, obtain such a report from PIB within seven (7) days of the request. See, Appendix E, Notice of Status of Complaint.
26. Upon a request for a status report on an investigation, PIB will provide the IPM with the following information:
 - a. The date the complaint was received by the NOPD;
 - b. How it was classified;
 - c. The assigned investigator and his/her contact information;
 - d. Any actions taken by the PIB;
 - e. The outcome of the investigation if it has been completed, including any discipline imposed; and
 - f. Any pending deadlines, such as those imposed by La. R.S. 40:2531 or by departmental regulations.
27. The IPM will provide the complainant with the following information about the status of the investigation:
 - a. Whether the complaint investigation is still open (ongoing) or closed; and
 - b. The assigned investigator and his/her contact information;
28. The IPM will provide PIB with any supplemental complaint information received from the complainant within three (3) days of its receipt by the IPM.

29. If the complaint was sustained by PIB and appealed by the NOPD member to the Civil Service Commission, the IPM will also inform the complainant of the date of appeal to the Civil Service Commission and the dates of hearings before the Commission. The IPM will provide the complainant with a copy of the Commission's decision if it has been rendered and further inform the complainant if the appellant has appealed a decision of the Civil Service Commission to the 4th Circuit Court of Appeals.

Review of Completed PIB Investigations of Alleged Misconduct

30. The IPM shall complete its review of the results of PIB investigations within ten (10) days of its completion or of the IPM's receipt thereof.
31. The investigation will be considered to be completed upon its approval by the Deputy Superintendent of the Public Integrity Bureau.
32. The IPM shall have the authority to review the investigations of all allegations of criminal misconduct, any critical incidents, *DI-1* formal administrative disciplinary investigation, *DI-3* informal administrative investigation, *DI-2* Citation of Disciplinary Action or INFO, as soon as it is available, but no later than ten (10) days of its completion. It is goal of both PIB and IPM that the case be available for IPM review within enough time to allow the IPM to give its findings about the investigation prior to the adjudication of the complaint.
33. The IPM shall have access to investigative reports, all evidence collected during investigations and any other documents or materials related to the investigation of the allegations of misconduct, including but not limited to recordings of interviews, investigative notes, chronological records, or memoranda.
34. The IPM will provide PIB with its written criteria for the review of investigations. See, Appendix F, IPM Complaint Investigation Review Matrix.
35. Whenever the IPM reviews a completed investigation, it shall submit a report in writing to the NOPD, the public and/or the complainant (if the complainant requested the review) stating whether the investigation was found to be fair, thorough and timely.
36. If the IPM makes a determination that the investigation was not fair, thorough or timely, it can issue findings and recommend that the investigation be re-opened. However, this power is limited to those investigations where further investigation is not barred by state law. IPM and PIB shall issue a joint final report as to PIB's response to the IPM's findings. The joint final report shall be issued within 15 days of the IPM's findings. An extension of time for the report may be agreed to between the IPM and PIB.

DISCIPLINE AND HEARINGS

37. The PIB shall provide the IPM with five (5) days prior notification of all disciplinary and non-disciplinary hearings, as authorized by paragraph 13 of the Ordinance; including but not limited to the Administrative Shooting Hearing, Commander's Hearing, the Bureau Chief's Hearing, the Assistant Superintendent's Committee and the Superintendent's Hearing.
38. The PIB shall provide the IPM with complete access to the proceedings of departmental boards and civil service hearings involving the disciplining of officers; and complete access to all materials to which those boards and the civil service commission have access at least five (5) days prior to the disciplinary or non-disciplinary hearing.
39. The NOPD shall permit the IPM to attend all disciplinary and non-disciplinary hearings.
40. The PIB shall provide the IPM with notice of the findings of the hearings officer within seven (7) days of their issuance.
41. As to hearings, the IPM shall, as appropriate, make determinations as to whether departmental rules or policies have been violated, make recommendations regarding appropriate discipline, and review the appropriateness of disciplinary sanctions as authorized by paragraph 13 of the Ordinance. These determinations, recommendations, and findings shall be submitted to the NOPD in writing within seven (7) days of receipt of notice of the discipline.

MONITORING OF CRITICAL INCIDENTS

42. The Command Desk will notify the PM, or her designee, of the occurrence of any critical incident, within **1 hour** of its occurrence.
43. The IPM will monitor these investigations on the same basis and using the same procedures set forth herein for monitoring civilian and internally generated complaints.
44. The Superintendent of Police or his designee shall designate one supervisory officer of the investigating unit, at the scene, to provide the IPM with an overview of the incident. See attached Appendix G, IPM Critical Incident Response Form. Such briefing shall include, but not be limited to the following information:
 - a. Location of Occurrence: (Address/Intersection/Description)
 - b. Incident Details
 - c. Officers Involved (District assignments, Badge/Employee No., rank)
 - d. Subjects Involved (Name, DOB, race, sex, address)
 - e. Deaths (If known)
 - f. Injuries, Number & Injury Type (to officers and subjects)
45. The supervisor of the investigating unit shall allow the PM, or her designee, access to the crime scene during the immediate investigation. While at the scene, the IPM will be given a walk-through of the crime scene area and perimeters, to the extent possible, without compromising the scene or the evidence therein. Such walk-through shall include, but not be limited to, the viewing of the following information:
 - a. Any deceased persons still at the scene (to the extent allowed by the Coroner's Office)
 - b. Any evidence to be processed at the scene, including but not limited to:
 - i. Bullets/bullet casings
 - ii. Weapons
 - iii. Clothing
 - iv. Blood or tissue
 - v. Entry or exit points
 - c. Pathways taken by the involved officers, subjects and witnesses
 - d. Any video or audio that will be viewed at the scene by investigators
46. The investigating unit shall provide the IPM access to the incident report, use of force report and the investigative report (with complete investigation), within 24 hours of the creation of the report.
47. The IPM shall be notified at least 48 hours prior to the interviews of police officers involved in critical incidents and shall be allowed to view those interviews from the monitoring room. The investigating unit shall provide the IPM beforehand with all documents, evidence and information available to the NOPD investigators conducting the interviews.

48. Within 7 days of the notification of any critical incidents, PIB will provide the IPM with complete access to the departmental employee's work history, including discipline, the early warning system and all current and/or prior complaints involving the department member. NOPD Operations Manual Chapter 52.2, DEFINITION *DI-1*.
49. After a lead investigator has assigned, he/she is responsible for keeping the IPM staff member assigned to monitor the case informed of all pertinent issues throughout the investigative process. The IPM staff member and lead investigator will discuss the incident complete with a dialogue regarding all known issues, conflicts, problems, and concerns.
50. All staff members of the IPM have responsibilities in maintaining the strict confidentiality of the investigation and involved personnel. Use of force investigations typically include considerations of potential criminal culpability and inappropriate or untimely disclosure of evidence could potentially damage the progress of an investigation.
51. Within 7 days of receipt of the complete internal investigation into the critical incident, but prior to the Administrative Shooting Hearing decision as to the appropriateness of the use of force, the IPM will submit its written report as to matters of investigative techniques, unchallenged assumptions or unconscious biases from investigators, case law, discipline, training, department policy, as well as a consideration of tactics employed during the incident and investigative thoroughness (depth and scope). See attached Appendix H, IPM Critical Incident Investigations Matrix and Appendix I, IPM Critical Incident Review Report.

MEDIATION

52. The IPM and PIB will work together to jointly establish and administer a mediation protocol and program for civilian complaints, guided by best practices identified in other jurisdictions with such mediation programs. The agreed to mediation protocol will be attached to this agreement as Appendix J, Mediation Program.
53. The IPM and PIB will offer mediation as a confidential, voluntary alternative to the traditional complaint process.
54. Mediation allows complainants an opportunity to address and resolve their concerns, and for both parties to learn from the open discussion and contribute to better community relations. A trained and neutral mediator can help the parties understand the underlying issues, deal with stereotypes and misperceptions and overcome any perceptual barriers.
55. Because the IPM/PIB mediation program is a non-adversarial alternative to the regular complaint-handling procedure conducted by PIB, if the citizen and employee agree to mediation, there will be no PIB investigation and no disciplinary action. A record of the complaint will be maintained, indicating: "Closed by mediation."

COMMENDATIONS

56. The IPM shall receive commendations from the public for NOPD members.
57. The IPM shall forward these commendations within 7 days of their receipt to PIB or the NOPD member's chain of command.
58. The IPM shall also compile data regarding commendations and shall identify department members, units and precincts that have been commended by the public for doing exceptionally meritorious work.
59. Such information shall be included in public reports. The IPM will note patterns in commendations and will identify practices and initiatives that should be emulated broadly through the department. No provision of this section shall violate the Police Officers' Bill of Rights.

DATA COLLECTION AND ANALYSIS

60. Prior to the IPM/PIB database becoming operational and with such limitations as shall be agreed upon by the IPM and the NOPD, the IPM shall be allowed complete electronic access to the IPM/PIB database in order to retrieve, print and download information to which it is legally entitled.
61. The IPM will have control of the civilian oversight functions of the database.
62. The NOPD and IPM will each have a system administrator to assist each office in its administration of the separate investigative (NOPD) and oversight (IPM) functions therein.
63. The IPM shall: 1) assess the quality and timeliness of the PIB complaint processing, including investigation and determinations stemming from complaints, whether civilian or internally generated; 2) review the adequacy of the PIB's data collection and analysis; 3) review the PIB's policies and procedures; 4) review the PIB's resource needs; and 5) make recommendations to the Superintendent to improve the PIB's data collection and analysis, and resources.
64. The IPM shall analyze aggregate data to track trends in relation to types and sources of civilian and internally generated complaints, processing and investigation, and determinations stemming from complaints, discipline imposed by type of complaint, use of any early warning system to intervene with a department member in need of additional training, supervision or other issues of concern that arise during a review by the IPM.
65. The IPM and NOPD will work together to jointly establish procedures for the IPM to access the Department's data/information which is necessary to conduct risk management reviews and pattern analyses pursuant to paragraph 3 of the Ordinance.
66. Prior to and after the IPM/PIB database becomes operational, the IPM will have complete access to, review and assess the effectiveness of any early warning system that the NOPD may have in place and make recommendations to the Superintendent, or his designee, for improvement.

ACCOUNTABILITY AND REPORTING

67. The IPM shall periodically issue and publicize reports which detail its monitoring and review activities, the appropriate statistical information from IPM/PIB database, policy and training recommendations, matters of significant public interest, or other concerns/recommendations.
68. In all reports issued publicly by the IPM, the identity of all complainants and departmental members shall be confidential, up and until the point at which the case is closed. A case is closed on the date the Superintendent makes his final decision with respect to discipline.
69. All reports issued publicly by the IPM will be submitted to PIB prior to public dissemination.
70. All reports issued publicly by the IPM will be disseminated to the criminal justice committee of the City Council of New Orleans and simultaneously released to the public, pursuant to the IPM Ordinance.
71. At least once each year, by March 31, the IPM shall issue a public report for the preceding calendar year, January 1 through December 31, detailing its monitoring and review activities during that period and the appropriate statistical information collected from the PIB and other divisions of the NOPD. The IPM shall report on problems it has identified, recommendations it has made and recommendations adopted by the NOPD.
72. In order to allow the IPM sufficient time to prepare this annual report, the PIB shall provide information regarding complaints and investigations for the preceding calendar year by January 31st. It is recognized that until the IPM/PIB database becomes fully functional, PIB may not be able to produce a full report in 2011 as to statistics regarding complaint investigations.
73. PIB shall have 30 days in which to respond to any of the IPM's reports and findings, excluding reports/findings on individual investigations.
74. It is the desire of both the IPM and PIB to jointly prepare and disseminate a report regarding actions to be taken in response to any IPM report or evaluation.
75. The IPM may also periodically review contents of randomly selected completed complaint files for the purpose of quality control; and publish reports about its findings.
76. The IPM shall also identify commendable performance by the NOPD and improvements made the Department to enhance its professionalism, accountability, effectiveness and transparency.

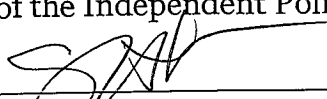
77. The IPM shall issue additional reports relating to policy and training recommendations, matters of significant public interest or other concerns throughout the year.
78. The IPM will develop an audit plan to systematically review the NOPD. The plan shall be developed in conjunction with the NOPD.

POLICY AND PROCEDURES

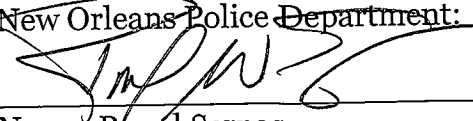
79. The IPM shall review specific issues regarding supervision, training discipline and other issues to identify problems and make recommendations for improvement. It is the desire of both the IPM and PIB to jointly prepare and disseminate a report regarding actions to be taken in response to any IPM report or evaluation.
80. The IPM shall periodically review training sessions and schedules to identify best practices and any need for improvements to training curriculum or frequency.
81. The IPM shall make recommendations to the Superintendent to improve NOPD policies and practices based on national best practices.
82. The IPM shall conduct period risk assessments of NOPD activities and advise the NOPD and the City Attorney of its findings.

"IN WITNESS WHEREOF the undersigned, duly appointed representatives of the Office of the Independent Police Monitor and of New Orleans Police Department, respectively, have on behalf of the Parties signed the present Memorandum of Understanding in two originals, this 10th day of November, 2010.

Office of the Independent Police Monitor:


Name: Susan Hutson
Title: Independent Police Monitor
Date: 11-10-10

~~New Orleans Police Department:~~


Name: Ronal Serpas
Title: Superintendent of Police
Date: 11-10-10

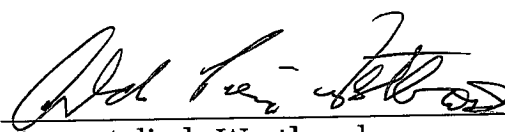

Name: Arlinda Westbrook
Title: Deputy Superintendent of Police
Date: 11-10-10

TABLE OF APPENDICES

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Appendix J, IPM-NOPD Mediation Program

IPM Complaint Form (cont.)**Witness Information**

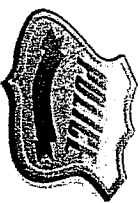
(Name, Address & Telephone Numbers)

This completed complaint form may be either mailed, faxed, or brought in person to the IPM:

525 St. Charles Avenue
New Orleans, LA 70130
Phone: (504) 681-3217
Fax: (504) 681-3230

Cooperating organizations - You can also file a complaint with:

Safe Streets Strong Communities
1600 Oretha Castle Haley Blvd.
New Orleans, LA 70112
(504) 522-3949

**Commendations**

If you want to compliment an officer, you can speak to the officer's supervisor or write to the Superintendent of Police at:

715 S. Broad Street
New Orleans, LA 70119

You can also contact the IPM to make a commendation.

How to File your Complaint**IPM**

You can file with us by phone, by mail, on our website at www.nolaio.org or in person at our offices in the Federal Reserve Bank. Please ring the bell at the gate for entrance. A guard will assist you.

525 St. Charles Avenue
New Orleans, LA 70130
Hotline (504) 681-3217

You may also file complaints with the:

- NOPD Public Integrity Office - You can file in person, by phone or by mail at 118 North Rochelave St. New Orleans, LA 70119 (504) 658-6800

For complaints of criminal activity *only* you can file with:

- District Attorney's Office - (504) 822-2414
- Federal Bureau of Investigation - (504) 816-3000



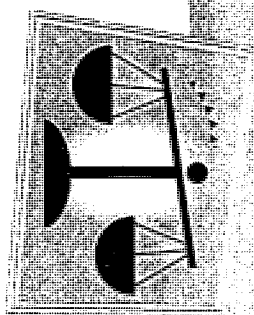
Any person with knowledge

of alleged

misconduct can file a complaint, whether a victim, a witness or third person who is not involved.

Independent Police Monitor

Office of Inspector General
City of New Orleans



DEDICATED to improving cooperation and trust between the community and the NOPD

COMMITTED to bringing highest national standards and best practices to the NOPD

ACCOUNTABLE to the People of New Orleans

525 St. Charles Avenue
New Orleans, LA 70130
504-681-3217

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

November 10, 2010

Arlinda Westbrook
Director, Public Integrity Bureau
New Orleans Police Department
118 North Rocheblave St.
New Orleans, LA 70119

COMPLAINT REFERRAL

Dear Ms. Westbrook:

This is to inform you pursuant to New Orleans City Code Section 2-1121 (the Police Monitors Ordinance) that the Office of the Independent Police Monitor (IPM) has received the following complaint of misconduct by an NOPD employee(s):

Complaint Information

IPM Complaint #:

Date filed with IPM:

NOPD Item #:

Complainant Information:

Name:

Race:

Sex:

DOB:

Address:

Home Phone:

Cell Phone:

Other Phone:

E-mail:

Subject NOPD Employee(s) Information:

525 ST. CHARLES AVENUE | NEW ORLEANS, LOUISIANA | 70130-3049
Phone (504) 681-3223 | Fax (504) 681-3230

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

Name:
Race:
Sex:
Badge #:
Car #:
Description:
District/Unit:

Incident:

Date:
Category:
Location:
Time:

Summary:

Details:

Relevant Summons/Booking #:

Witness Information:

Name:
Race:
Sex:
DOB:
Address:
Home Phone:
Cell Phone:
Statement:

Classification Recommendation:

The IPM recommends that this complaint be classified XXX.

Request for Subject Employee(s)' Disciplinary Files

Please provide the names, badge numbers and supervisors of all NOPD employees involved in this incident. In order that the IPM may properly recommend classification of the complaint, please provide the IPM with the disciplinary files of the subject employee(s) within seven (7) days of receipt of this letter.

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

I appreciate your prompt attention to this matter. Please contact me if you have any questions.

Sincerely,

Susan Hutson
Independent Police Monitor
504-681-3275

CC:

Transcribed by:

**Independent Police Monitor
Office of The Inspector General
Complaint Classifications Checklist
(Created 8/17/10)**

NOPD Complaint Classifications:

DI-1 - FORMAL disciplinary investigation of:

Behavior which mandates a DI-1 classification (Chapter 52.2):

- 1) an alleged violation of a Departmental regulation, order, or procedure, except a violation of a minor nature which can be corrected by simple counseling or minimal intervention by a supervisor;
- 2) an alleged violation which parallels the same behavior documented in three (3) DI-2 citations, all three (3) cited violations having occurred within the twelve (12) months prior to the date of occurrence of the current complaint;
- 3) an alleged violation which parallels the same behavior documented in three (3) DI-3 investigations, all three (3) alleged behaviors having occurred within the twelve (12) months prior to the date of occurrence of the current complaint; and
- 4) an alleged violation of a criminal law or an alleged involvement in criminal activity.

DI-2 - an alleged violation of Departmental regulation, order, or procedure that **IS** so minor in nature that it can be corrected by simple counseling or minimal intervention by a supervisor.

DI-3 - INFORMAL disciplinary investigations or NIMS - alleged violation of a Departmental regulation, order, or procedure, minor *or otherwise*, where the following circumstances apply:

- 1) Accused employee acted in accordance with a Departmental regulation, order, or procedure;
- 2) All available means to identify accused employee have been exhausted without success;
- 3) Adjudication is pending for the complainant's arrest, summons, warrant, or evidence;
- 4) The complainant requested that a formal disciplinary investigation not be initiated;
- 5) The complainant requested supervisory intervention/action in lieu of a formal disciplinary investigation.

INFO - A catchall classification used to document information relative to a potential complaint (ex: witness information to an incident for which no official complaint has been received) or a situation reported by a citizen. It can also apply to an observation by an employee which does not contain sufficient information to initiate an investigation of an alleged violation of a departmental regulation, order, or procedure.

I. Violations of Criminal Law:

Does the complaint describe an alleged violation of criminal law?

A. NO _____

If NO, skip to Section II, below.

Complaint Classification Checklist

B. YES _____

If YES, do any of the following exceptions apply?

- (1) All available means to identify the accused employee have been exhausted without success _____
- (2) The legality of complainant's arrest/summons/citation; warrant obtained/served; evidence seized has yet to be adjudicated _____
- (3) The complainant requested a formal disciplinary investigation not be initiated _____
- (4) The complainant supported supervisory intervention/action (counseling, discussion of complainant's concerns with accused employee, and/or remedial training) in lieu of formal disciplinary investigation _____
- (5) The accused employee acted in accordance with a Departmental regulation, order, or procedure _____

_____ If YES, the complaint is a **DI-3**.

_____ If NO, the complaint is a **DI-1**.

II. ***Violations of Departmental Rules and Regulations***

Does the complaint describe an alleged violation of a Departmental regulation, order, or procedure?

A. NO _____

_____ If the complaint does not describe a violation of departmental rules or regulations **and** does not describe a violation of criminal law, the complaint is a **DI-3**.

B. YES _____

If YES, do any of the following exceptions apply?

- 1) All available means to identify the accused employee have been exhausted without success _____

Complaint Classification Checklist

- 2) The legality of complainant's arrest/summons/citation; warrant obtained/served; evidence seized has yet to be adjudicated _____
- 3) The complainant requested a formal disciplinary investigation not be initiated_____
- 4) The complainant supported supervisory intervention/action (counseling, discussion of complainant's concerns with accused employee, and/or remedial training) in lieu of formal disciplinary investigation_____
- 5) The accused employee acted in accordance with a Departmental regulation, order, or procedure _____

_____If ANY of these exceptions apply, the complaint is a **DI-3**.

_____If NONE of these exceptions apply, but the violation can be corrected by simple counseling or MINIMAL INTERVENTION by a supervisor, the complaint is a **DI-2**.

III. Prior Complaints

Does a complaint that would otherwise be classified as a **DI-2** or **DI-3** describe behavior by the subject officer described in 3 previous **DI-2** or **DI-3** complaints?

NO_____

If NO, the complaint retains its original classification.

YES_____

If YES, do any of the following exceptions apply?

- 1) All available means to identify the accused employee have been exhausted without success _____
- 2) The legality of complainant's arrest/summons/citation; warrant obtained/served; evidence seized has yet to be adjudicated _____
- 3) The complainant requested a formal disciplinary investigation not be initiated_____
- 4) The complainant supported supervisory intervention/action (counseling, discussion of complainant's concerns with accused employee, and/or remedial training) in lieu of formal disciplinary investigation_____

Complaint Classification Checklist

- 5) The accused employee acted in accordance with a Departmental regulation, order, or procedure _____

_____ If ANY of these exceptions apply, the complaint retains its original classification.

_____ If NONE of these exceptions apply, the classification is changed to **DI-1**.

IV. Classification

How was the complaint classified?

- 1) DI-1
- 2) DI-2
- 3) DI-3
- 4) INFO

Was the classification appropriate?

NO _____

If NO, please explain. _____

YES _____

If YES, no comment required.

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

November 10, 2010

Arlinda Westbrook
Director, Public Integrity Bureau
New Orleans Police Department
118 North Rocheblave St.
New Orleans, LA 70119

RECOMMENDATION FOR RECLASSIFICATION

Dear Ms. Westbrook:

Pursuant to New Orleans City Code Section 2-1121 (the Police Monitors Ordinance) the Independent Police Monitor (IPM) has reviewed the following complaint filed with your office:

PIB #:
IPM # (if any):
Complainant:
Subject NOPD employee:

Although your office classified this complaint as a XXX, the IPM recommends that it be classified XXX, for the following reasons:

In the event you disagree with this recommendation, please notify our office within seven (7) days. Thank you for your assistance in this matter.

Sincerely,

Susan Hutson
Independent Police Monitor
504-681-3227

CC:

Transcribed by:

525 ST. CHARLES AVENUE | NEW ORLEANS, LOUISIANA | 70130-3049
Phone (504) 681-3223 | Fax (504) 681-3230

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

November 10, 2010

Arlinda Westbrook
Director, Public Integrity Bureau
New Orleans Police Department
118 North Rocheblave St.
New Orleans, LA 70119

REQUEST FOR STATUS REPORT

Dear Ms. Westbrook:

Pursuant to New Orleans City Code Section 2-1121 (the Police Monitors Ordinance) please provide the Independent Police Monitor with information regarding of the following complaint, including but not limited to:

- a. The date the complaint was received by the NOPD;
- b. How it was classified;
- c. Any actions taken by the PIB;
- d. The outcome of the investigation if it has been completed, including any discipline recommended; and
- e. Any pending deadlines, such as those imposed by La. R.S. 40:2531 or by departmental regulations.

If the complaint was sustained by PIB and appealed by the NOPD employee to the Civil Service Commission, please provide the date of appeal to the Civil Service Commission and the dates of scheduled hearings before the Commission.

Complaint Information

IPM Complaint #:

Date filed with IPM:

NOPD Item #:

Complainant Information:

525 ST. CHARLES AVENUE | NEW ORLEANS, LOUISIANA | 70130-3049
Phone (504) 681-3223 | Fax (504) 681-3230

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

Name:

Race:

Sex:

DOB:

Address:

Home Phone:

Cell Phone:

Other Phone:

E-mail:

Subject NOPD Employee(s) Information:

Name:

Race:

Sex:

Badge #:

Car#:

Description:

District/Unit:

Thank you for your assistance in this matter.

Sincerely,

Susan Hutson
Independent Police Monitor
504-681-3275

CC:

Transcribed by:

[illegible]

Complaint Investigations Matrix

C. Name & Employee No. of Investigating Officer (I/O):

D. Name & Employee No. of Approving Supervisor (OIC):

E. Entity receiving the complaint.

1. IPM
2. PIB
3. NOPD District
4. MCC
5. Other

F. Name & Employee No. of Complaint Intake person:

G. Name & Employee No. of Approving Supervisor of Complaint:

Complaint Investigations Matrix

II. Complaint Processing

1. Did the personal initiating/receiving complaint properly document all of the complainants' allegations of misconduct in the written complaint document?

Comments: Review complaint to see if any of the complainant's allegations are missing from the complaint.

- A. Yes
B. No (comment required)

1 st	2 nd
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2. Based on the allegation(s), was PIB notified promptly?

Comments: Was P.I.B. notified immediately if the nature of the misconduct involves:

- i. A violation of criminal law;
 - ii. Vehicle accidents involving injuries to any parties, including the employee;
 - iii. Alcohol or suspected alcohol abuse by employees on or off duty; or
 - iv. Domestic or other disturbances involving on or off duty employee's.
- (Chapter 21.1, Paragraph 13)

- A. Yes
B. No (comment required)

1 st	2 nd
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3. If the misconduct was reported to a department employee or the IPM was it forwarded to PIB in a timely manner?

Comments: Supervisors shall "submit the documentation in a timely manner according to the guidelines of the corresponding departmental regulations:"

- i. Chapter 52.2 - DI-1 (three (3) calendar days of the date the supervisor originally received, observed, or became cognizant of the complaint)
- ii. Chapter 52.3 - DI-2 (four (4) calendar days of the date the supervisor originally received, observed, or became cognizant of the complaint)
- iii. Chapter 52.4 - DI-3 (fourteen (14) calendar days of the date the supervisor originally received, observed, or became cognizant of the complaint)

A disciplinary investigation shall be initiated against the initiating supervisor for any documentation form not received in the P.I.B. office within the mandated time period.

- A. Yes
B. No (comment required)

1 st	2 nd
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Complaint Investigations Matrix

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4. Was an extension timely and properly requested and received?

Comments: The I/O shall “[a]pply for an extension of the due date (within the first fifteen (15) days of the date the investigation was initiated) when necessary, and particularly when any complainant, witness, principal, or evidentiary material will not be available in time to complete the investigation by the investigator’s assigned due date. Chapter 52.1, paragraph 42.

- A. Yes
- B. No (comment required)
- C. N/A

1 st	2 nd
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Complaint Investigations Matrix

III. Complaint Classification

5. How was the complaint classified? (See Classification Checklist)

Comments: The documentation of an investigation of a complaint of misconduct against a member of the New Orleans Police Department shall be classified as a DI-1, DI-2, DI-3, or INFO.

- A. DI-1
- B. DI-2
- C. DI-3
- B. INFO

1 st	2 nd
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6. Was the complaint classified appropriately? (See Classification Checklist)

Comments:

1. **DI-1** (formal disciplinary investigation) - Documentation of the initiation of a formal investigation of a complaint from a citizen or employee. The investigation of behavior, an act, or the omission of an act by an employee, which a supervisor has become aware of, involving an alleged violation of a departmental regulation, order, or procedure, or of a criminal law. Behavior which mandates a DI-1 classification (Chapter 52.2):
 - a. an alleged violation of a Departmental regulation, order, or procedure, except a violation of a minor nature which can be corrected by simple counseling or minimal intervention by a supervisor;
 - b. an alleged violation which parallels the same behavior documented in three (3) DI-2 citations, all three (3) cited violations having occurred with the twelve (12) months prior to the date of occurrence of the current complaint;
 - c. an alleged violation which parallels the same behavior documented in three (3) DI-3 investigations, all three (3) alleged behaviors having occurred within the twelve (12) months prior to the date of occurrence of the current complaint; and
 - d. an alleged violation of a criminal law or an alleged involvement in criminal activity.
2. **DI-2** (disciplinary citation) - The documentation of corrective action taken by a supervisor upon confirming an employee's behavior involving a minor violation of a Departmental regulation, order, or procedure. This behavior must be considered so minor that it is correctable by simple counseling or minimal intervention by a supervisor.
3. **DI-3** (informal disciplinary investigation) - The documentation of a review of information received by a supervisor of an allegation made by a citizen or employee of an employee's conduct, which may or may not involve a minor violation of a Departmental regulation, order, or procedure. The supervisor's review must address the concerns of the complainant, and the subsequent action taken by the supervisor to either remedy those concerns and/or to counsel the employee. The incident does not merit a formal investigation, therefore this classification does not result in the initiation of a formal investigation.
4. **INFO** (information documentation) - The documentation of information relative to a potential complaint (example: witness information to an incident for which no official complaint has been received), a situation reported by a citizen, or an observation by an employee which does not contain sufficient information to initiate an investigation.

- A. Yes
- B. No (Comment required)

1 st	2 nd
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Complaint Investigations Matrix

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7. Did PIB forward the complaint to the IPM for the review of the classification in a timely manner?

Comments: The New Orleans Police Department will advise the Independent Police Monitor within seven (7) days of receipt by the New Orleans Police Department of any complaint of misconduct, classified as a formal disciplinary investigation, disciplinary citation, informal disciplinary investigation, or information documentation. (See IPM Ordinance).

- A. Yes
B. No (comment required)

1 st	2 nd
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8. Should the employee have been placed on emergency suspension or administrative reassignment?

Comments: If the violation involves actions or conditions which question the accused employee's continued ability to perform his/her duty, the supervisor shall take the necessary steps to obtain the proper authorization to have the employee placed on emergency suspension or administrative reassignment (Chapter 52.8).

- A. Yes (comment required)
B. No

1 st	2 nd
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Complaint Investigations Matrix – Continued

IV. Investigation

9. Did the I/O use every available and reasonable means to identify the accused employee?

Comments: Were the following types of documentation reviewed:

- i. A roll call for the officers and civilian employees working at the NOPD stables in City Park on 8/11/2010
- ii. A vehicle log of the vehicles available that are based at the NOPD stable and a record of their use during the course of the tour.
- iii. A trip sheet for each vehicle that was used during that tour, recording all locations visited by the vehicle
- iv. Memo book entries for all of the officers working during the tour who fit the description

- A. Yes.
B. No. (comment required)
C. UTD, there was no chronological record in the case file

1 st	2 nd
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10. Should a timeline have been created by the I/O?

Comments: Review to determine if a timeline is necessary to understand the chronology of events in an investigation.

- A. Yes, and one was created.
B. Yes, and one was not created.
C. No.

1 st	2 nd
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11. Did the I/O keep a chronological record of his/her progress in the investigation?

Comments: Necessary to determine the investigative steps taken by the I/O.

- A. Yes
B. No (comment required)
C. UTD, Chronological Record was missing from the case file
D. N/A, an investigation was not conducted

1 st	2 nd
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Complaint Investigations Matrix – Continued

12. Was the I/O's chronological record updated and did it properly document the progress of the investigation?

Comments: Necessary to determine the investigative steps taken by the I/O.

- A. Yes
- B. No (comment required)
- C. UTD, Chronological Record was missing from the case file
- D. N/A, an investigation was not conducted

1st 2nd

13. Was the investigation completed within the required timeframe?

Comments: The administrative disciplinary investigation should be completed within sixty (60) days, or within the extended time frame as approved by the Civil Service Commission for the city of New Orleans or as agreed to via written agreement between the accused and the appointing authority. (Chapter 52.1, Paragraph 38(h).)

- A. Yes
- B. No (comment required)

1st 2nd

14. Did the I/O prepare and forward correspondence to the complainant as required?

Comments: Chapter 52.1, paragraph 59, including initial correspondence (sent immediately) and updates (every 45 days).

- A. Yes
- B. No (comment required)

1st 2nd

15. Did the I/O address each section of the investigative report, documenting all facts?

Complaint Investigations Matrix – Continued

Comments: Chapter 52.1, paragraph 42 and Chapter 52.6, paragraph 61-62. The investigator shall utilize an NOPD Form 105 (Interoffice Correspondence) to document the formal investigation. The investigator shall address each of the following areas using the following headings:

- i. INTRODUCTION
- ii. INVESTIGATION
- iii. SUMMARY
- iv. RECOMMENDATION(S)
- v. EXHIBITS

- A. Yes
- B. No (comment required)

1 st	2 nd
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16. Did the I/O reach a logical conclusion and prepare a recommendation?

Comments: Chapter 52.1, paragraph 42.

- A. Yes
- B. No (comment required)

1 st	2 nd
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17. Did the I/O submit a complete, coherent investigative report to his/her ICO or designee by the investigator's assigned due date?

Comments: Chapter 52.1, paragraph 42. The date of the investigative report shall be the date the completed report is submitted to the investigator's ICO or designee for approval.

- A. Yes
- B. No (comment required)

1 st	2 nd
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18. Were all the allegations listed on the complaint form addressed by the investigation?

Comments: Even if not addressed by investigation, review to see if all allegations were disposed of within the body of the investigation, in some manner.

Complaint Investigations Matrix – Continued

- A. Yes
- B. No (comment required)

1 st	2 nd
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19. Did the allegations as framed in the investigation properly address the complained of acts of misconduct?

Comments: Review to see if for example, racial profiling was listed as an allegation if articulated by the complainant.

- A. Yes
- B. No (comment required)

1 st	2 nd
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20. Was there a conscious or subconscious bias in the department member's report?

Comments: Review I/O's questions and comments to see if a particular tendency or inclination to skew questions in favor of the accused officer is present.

- A. Yes (comment required)
- B. No

1 st	2 nd
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21. Did the I/O make reasonable efforts to identify, locate, interview and audio tape all relevant witnesses that were noted in the investigation, whether mentioned by the complainant, accused employee or other witnesses?

Comments: See **Chapter: 52.1, paragraph 42.** The I/O shall "[i]nterview and audio tape the statements of the complainant, any principal, and every known witness, both for and against the accused employee. (For non-department employees, a written statement, signed and dated by the individual giving the statement, may be substituted for an audio taped statement. However, only audio taped statements shall be taken from department employees.)

- A. Yes
- B. No (comment required)
- C. N/A, interview was not appropriate for this investigation

1 st	2 nd
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Complaint Investigations Matrix – Continued

D. UTD, no documentation provided as to the I/O's efforts

--

22. Did the I/O collect or make reasonable efforts to collect all relevant physical, electronic, documentary, or scientific evidence and property, when applicable, and maintain chain of custody records?

Comments: (e.g., photographs, Arrest Reports, Use of Force Reports, Daily Field Activity Reports, medical reports, diagrams, etc.)

A. Yes

B. No (comment required)

C. UTD (no documentation provided as to I/O's efforts)

1 st	2 nd
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23. Were material inconsistencies between complainant's statements, witness' statements, and the accused employee's statements resolved by the I/O?

Comments: Document any inconsistencies you find that were not addressed in the investigation.

A. Yes

B. No (describe inconsistencies and comment)

C. N/A, statements were consistent **or** no statements were taken

1 st	2 nd
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24. Were material inconsistencies between statements and physical evidence resolved by the I/O?

Comments: Document any inconsistencies you find between statements and the physical evidence that were not addressed in the investigation

A. Yes

B. No (describe inconsistencies and comment)

C. N/A, there were no inconsistencies between witness statements and the physical evidence **or** there was no physical evidence and/or no statements were taken

1 st	2 nd
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Complaint Investigations Matrix – Continued

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25. Overall, did the I/O conduct a complete investigation and thoroughly exhaust all leads?

Comments: See Chapter: 52.1, paragraph 42.

A. Yes

B. No (comment required)

1 st	2 nd
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Complaint Investigations Matrix – Continued

V. Interviews

26. Were all statements, except those that indicate a refusal to be taped, tape-recorded? Note tape number.

Comments: Most interviews should be completed recorded, unless recording is refused or unavailable.

- A. Yes
- B. No (indicate name of the witness and reason provided)
- C. UTD, tape could not be located or there were no recorded interviews.

1 st	2 nd
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27. Did the review of the tape-recorded interviews reveal an incomplete interview or that there was any discussion with witnesses that was not recorded?

Comments: (i.e. a statement gets cut off, a statement begins midway, unusual breaks/pauses in the flow of the recording). Note areas on the recordings (tape number and tape counter).

- A. Yes (comment required)
- B. No
- C. UTD, tape could not be located

1 st	2 nd
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28. Did the I/O interview and audio tape the complainant's statement?

Comments: See Chapter: 52.1, paragraph 42. The I/O shall "[i]nterview and audio tape the statements of the complainant, any principal, and every known witness, both for and against the accused employee. (For non-department employees, a written statement, signed and dated by the individual giving the statement, may be substituted for an audio taped statement. However, only audio taped statements shall be taken from department employees.)

- A. Yes
- B. No (document any reason provided)
- C. N/A, Department-initiated complaint or anonymous complainant

1 st	2 nd
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Complaint Investigations Matrix – Continued

29. Did the I/O interview and audio tape the accused employee's statement?

Comments: See Chapter: 52.1, paragraph 42.

- A. Yes
- B. No (document any reason provided)
- C. N/A, unknown **or** not a Department employee **or** interviews not appropriate for this investigation

1 st	2 nd
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30. Were all relevant issues covered in the interview?

Comments: Review the tapes and determine whether the questions asked by the I/O were appropriate and focused on the investigation.

- A. Yes (comment required)
- B. No
- C. UTD, tape could not be located or there were no recorded interviews.

1 st	2 nd
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31. Were the statements of NOPD members consistent with requirements of NOPD Standard Operating Procedures SOPs?

Comments: See new honesty policy.

- A. Yes
- B. No (comment required)
- C. UTD, Statements not recorded.

1 st	2 nd
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Complaint Investigations Matrix – Continued

32. Was the overall manner of conducting interviews objective?

Comments: Note areas on the recordings (tape number and tape counter) in which I/O was not objective.

- A. Yes
- B. No (comment required)
- C. UTD, tape could not be located or there were no recorded interviews.

1 st	2 nd
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33. Was applicable policy or law covered in each NOPD member's interview?

Comments: Note applicable policies and law covered during the interview.

- A. Yes
- B. No (comment required)
- C. UTD, tape could not be located or there were no recorded interviews.

1 st	2 nd
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34. Was the investigator's demeanor or intonation of voice different towards citizens than towards members?

Comments: Note I/O's comments and note the areas on the recordings (tape number and tape counter) in which the comments take place.

- A. Yes (comment required)
- B. No
- C. UTD, tape could not be located or there were no recorded interviews.

1 st	2 nd
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35. Did the investigator interject his own personal opinions or rationalize any NOPD member's behavior?

Comments: Note I/O's comments and note the areas on the recordings (tape number and tape counter) in which the comments take place.

Complaint Investigations Matrix – Continued

- A. Yes (comment required)
- B. No
- C. UTD, tape could not be located or there were no recorded interviews.

1 st	2 nd
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36. Were witnesses allowed to give uninterrupted statements? Were witnesses allowed to explain their answers?

Comments: Note the issues and note the areas on the recordings (tape number and tape counter) in which the issues take place.

- A. Yes
- B. No (comment required)
- C. UTD, tape could not be located or there were no recorded interviews.

1 st	2 nd
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37. Did the investigator encourage witnesses to feel at ease prior to beginning the interview?

Comments: Note the issues and note the areas on the recordings (tape number and tape counter) in which the issues take place.

- A. Yes
- B. No (comment required)
- C. UTD, tape could not be located or there were no recorded interviews.

1 st	2 nd
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38. Did the review of the tape-recorded interview reveal a group interview was conducted?

Comments: Group interviews should not be taking place, since it allows one witness to taint another's testimony.

- A. Yes (comment required)
- B. No
- C. UTD, tape could not be located or there were no recorded interviews.

1 st	2 nd
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Complaint Investigations Matrix – Continued

39. Do the facts as represented in the investigation fully, fairly, and accurately summarize the actual tape-recorded statements?

Comments: Note the issues and note the areas on the recordings (tape number and tape counter) in which the issues take place. Document tape number and inaccuracies between write-up of statements and the tape recorded statements.

- A. Yes
- B. No (document tape number and inaccuracies between paraphrased statements and the tape recorded statements)
- C. UTD, tape could not be located or there were no recorded interviews.

1 st	2 nd
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40. If inaccuracies in the write-up of recorded statements exist, whom do they favor?

- A. Complainant (comment required)
- B. Accused Employee (s) (comment required)
- C. N/A, no inaccuracies discovered
- D. UTD.

1 st	2 nd
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41. Did the review of the tape-recorded interviews reveal any inconsistencies between statements made by the Department employees and witnesses?

Comments: Note the issues and note the areas on the recordings (tape number and tape counter) in which the inconsistencies take place.

- A. Yes (comment required)
- B. No
- C. UTD, tape could not be located

1 st	2 nd
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Complaint Investigations Matrix – Continued

42. If inconsistencies between statements made by Department employees and witnesses exist, did the I/O appropriately address the statement inconsistencies?

Comments: Note how and where the inconsistencies are addressed.

- A. Yes (comment required)
- B. No (comment required)
- C. N/A, statements were consistent
- D. UTD

1 st	2 nd
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43. Did the review of the tape-recorded interviews reveal inappropriate leading/suggestive questioning?

Comments: Note the issues and note the areas on the recordings (tape number and tape counter) in which the issues take place.

- A. Yes (comment required)
- B. No
- C. UTD, tape could not be located or interviews were not recorded.

1 st	2 nd
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44. Did the review of the tape-recorded interviews reveal a discourteous, confrontational, or hostile tone/demeanor by the interviewer?

Comments: Note the issues and note the areas on the recordings (tape number and tape counter) in which the issues take place.

- A. Yes (comment required)
- B. No
- C. UTD, tape could not be located

1 st	2 nd
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45. Did the review of the tape-recorded interviews reveal a failure to ask logical follow-up questions?

Complaint Investigations Matrix – Continued

Comments: Note the issues and note the areas on the recordings (tape number and tape counter) in which the issues take place.

- A. Yes (comment required)
- B. No
- C. UTD, tape could not be located

1 st	2 nd
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46. Were any additional allegations raised during the tape-recorded interviews?

Comments: Note the allegations and note the areas on the recordings (tape number and tape counter) in which they were raised.

- A. Yes (comment required)
- B. No
- C. UTD, tape could not be located

1 st	2 nd
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47. How were additional allegations handled?

Comments: Note how and where the allegations are addressed. Included PIB #, if new complaint generated.

- A. Supplemental Investigation
- B. New complaint form generated
- C. Not addressed (comment required)
- D. N/A, no additional allegations raised
- E. UTD

1 st	2 nd
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48. Were the additional allegations handled appropriately?

Comments: Note why handed inappropriately.

- A. Yes
- B. No (comment required)

1 st	2 nd
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Complaint Investigations Matrix – Continued

- C. N/A, no additional allegations raised
- D. UTD, tape could not be located

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49. Did the review of the tapes reveal interviews with witnesses who were not denoted elsewhere in the investigation?

Comments: Note the witnesses and note the areas on the recordings (tape number and tape counter) or in the investigation in which they were first introduced.

- A. Yes (comment required)
- B. No
- C. N/A (comment required)
- D. UTD

1 st	2 nd
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Complaint Investigations Matrix – Continued

VI. Adjudication & Discipline/Training

50. Was the adjudicator's rationale properly completed and supported by the evidence?

Comments: NOPD disciplinary findings must be supported by a preponderance of the evidence and consistent with other similar cases.

- A. Yes
- B. No (comment required)
- C. UTD, it was missing from the case file
- D. N/A, not required.

1 st	2 nd
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51. Should training have been required of the accused employee?

Comments: Was the employee unaware of the legal or procedural requirements of his/her job?

- A. Yes (comment required)
- B. No

1 st	2 nd
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52. If training was required, is it in the accused employee's disciplinary or training record?

Comments: IPM should follow up with PIB, training unit, and the employee's chain of command.

- A. Yes
- B. No (comment required)

1 st	2 nd
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Complaint Investigations Matrix – Continued

53. Taking into account the applicable Disciplinary Matrix (sworn or civilian), was the penalty appropriate and reasonable?

Comments: See Chapter 26.2.

- A. Yes
- B. No (comment required)
- C. N/A, penalty was not imposed

1 st	2 nd
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54. Were the accused employee(s)' complaint history and disciplinary records, where relevant, appropriately taken into consideration in the adjudication of the complaint?

Comments: Did the adjudicator note similar allegations, verbiage, patterns, or directed training from other complaints?

- A. Yes
- B. No, and it should have been considered (comment required)
- C. N/A, unknown or not a Department employee or consideration was not appropriate

1 st	2 nd
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55. Was the complaint adjudicated in favor of the accused employee(s) solely based on the complainant's criminal history?

Comments: The Department should employ the standards set in _____ when it makes credibility determinations; where relevant and appropriate, consideration of the civilian's criminal history may be used to evaluate credibility.

- A. Yes (comment required)
- B. No
- C. N/A, complainant's criminal history was not considered
- D. UTD

1 st	2 nd
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56. Was the criminal history of any independent witness appropriately taken into consideration in the adjudication of the complaint?

Complaint Investigations Matrix – Continued

Comments: The Department should employ the standards set in _____ when it makes credibility determinations; where relevant and appropriate, consideration of the civilian's criminal history may be used to evaluate credibility.

- A. Yes
- B. No (comment required)
- C. N/A, no independent witnesses **or** no documented criminal history

1 st	2 nd
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57. Was the complaint adjudicated in favor of the accused employee(s) solely on basis that the complainant withdrew the complaint either in whole or in part?

Comments: DI-1 investigations should be investigated to the extent allowed without the complainant's cooperation. At a minimum, a review of the accused employee's complaint history for allegations of a similar nature should be conducted.

- A. Yes (comment required)
- B. No, reasonable efforts were made to investigate the allegations and to corroborate the information by other witnesses
- C. N/A, complainant did not withdraw the complaint in any form

1 st	2 nd
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58. Was the complaint adjudicated in favor of the accused employee(s) solely on basis that the complainant was unavailable or refused to make a statement?

Comments: DI-1 investigations should be investigated to the extent allowed without the complainant's cooperation. At a minimum, a review of the accused employee's complaint history for allegations of a similar nature should be conducted.

- A. Yes (comment required)
- B. No, reasonable efforts were made to investigate the allegations and to corroborate the information by other witnesses
- C. N/A, statement was obtained from complainant

1 st	2 nd
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59. Was the complaint adjudicated in favor of the accused employee(s) solely on basis that the complaint was made anonymously?

Complaint Investigations Matrix – Continued

Comments: DI-1 investigations should be investigated to the extent allowed without the complainant's cooperation. At a minimum, a review of the accused employee's complaint history for allegations of a similar nature should be conducted.

- A. Yes (comment required)
- B. No, reasonable efforts were made to investigate the allegations and to corroborate the information by other witnesses
- C. N/A, complainant was not anonymous

1 st	2 nd
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60. Was the complaint adjudicated in favor of the accused employee(s) solely on basis of the officers' statement or the police report made by the officers?

Comments: There should be no automatic preference for an officer's statement (written or verbal) over the statement of any other witness including a complainant who is also a witness.

- A. Yes (comment required)
- B. No, reasonable efforts were made to investigate the allegations and to corroborate the information by other witnesses.

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61. Does the totality of the investigation support the adjudication of each allegation (i.e., consider all of the statements including whether conflicting accounts exist; all relevant evidence [testimonial or physical], and whether all relevant evidence was gathered)?

Comments: Note the reasons the adjudication was unsupported.

- A. Yes
- B. No (comment required)
- C. UTD (based on the deficiencies in the investigation)

1 st	2 nd
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62. Overall, was the adjudication of the complaint fair and objective?

Comments: Note the reasons the adjudication was unfair or not objective.

- A. Yes
- B. No (comment required)

1 st	2 nd
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Complaint Investigations Matrix – Continued

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Complaint Investigations Matrix – Continued

VII. Disciplinary History

63. Has the employee's disciplinary record been accurately updated to reflect the final allegations/rule violations?

Comments: In order to accurately assess an employee's risk level, their disciplinary history must be accurately updated.

- A. Yes
- B. No (comment required)
- C. N/A, unknown employee or not a Department employee

1 st	2 nd
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64. Please list the final allegations/rule violations and adjudication for each accused as listed on the employee's disciplinary record.

<i>Allegation/Rules Violation</i>	<i>Adjudication</i>

65. Review the accused employee's disciplinary record and determine whether, based on the last five years, the accused employee has a significant number of complaints.

Comments: Use Complaint Risk Level Criteria.

- A. Yes (comment required)
- B. No
- C. N/A, unknown employee or not a Department employee

1 st	2 nd
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66. Does the employee have a pattern of similar complaints in the past five years?

Complaint Investigations Matrix – Continued

Comments: Use Complaint Risk Level Criteria.

- A. Yes (comment required)
- B. No
- C. N/A, unknown employee **or** not a Department employee

1 st	2 nd
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Complaint Investigations Matrix – Continued

VIII. Risk Management & Liability Issues

67. If the review of the accused employee's disciplinary record, reveals the accused employee has a significant number of complaints and a pattern of similar complaints the last five years, will a Pattern Assessment be recommended?

Comments: Must be approved by IPM or DIPM. See Pattern Assessment Matrix.

- A. Yes (comment required)
- B. No

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68. Did your review reveal any potential violations of the accused officer's rights under Chapter 2531 of Title 40 of the Louisiana Revised Statutes of 1950, "Rights of Law Enforcement Officers While Under Investigation."?

Comments: See CHAPTER: 52.1, paragraphs 29-38 and the Peace Officers Bill of Rights attachment.

- C. Yes (comment required)
- D. No

1 st 2 nd

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69. Did your review reveal any potential constitutional or other legal issues that were not addressed or were addressed inadequately by the investigation?

Comments: Review the investigation and determine if there are any constitutional and/or other legal issues pertaining to *Miranda* warnings, search (pat down/frisk, location search, vehicle search, consent search, search incident to an arrest, pre-booking search, etc.), detention or seizure of any complainant and/or other persons or evidence that were not identified by the investigation. Legal bases for searches include search warrants, probable cause-vehicle exception, searches incident to arrest, consent searches, and searches resulting from exigent circumstances (see the definitions below). If the reviewer is unable to determine a corresponding legal basis for a search, detention or seizure of a person or evidence, the complaint supervisor shall be notified and shall make a determination.

- E. Yes (comment required)
- F. No

1 st 2 nd

Complaint Investigations Matrix – Continued

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70. Does the investigation suggest other risk management or liability issues that were not adequately addressed by the Department?

Comments: Review the investigation and determine if the investigation identifies all potential risk management or liability issues (lack of supervision, disparate treatment, patterns of misconduct, at-risk employee/supervisor, etc.) and determine if the Department properly addressed them. If any risk or liability issues were **not** addressed, notify a supervisor for appropriate action.

- A. Yes (comment required)
- B. No

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Complaint Investigations Matrix – Continued

ADDITIONAL COMMENTS ON ITEMS NOT COVERED BY THE MATRIX
OR RECOMMENDATIONS

Supervisor Comments:



INDEPENDENT POLICE MONITOR OFFICE OF THE INSPECTOR GENERAL CRITICAL INCIDENT RESPONSE INVESTIGATION FORM

NOPD Incident No.:

TYPE OF INCIDENT (Check one)	☐ OIS ☐ OIS-ANIMAL ☐ INJURY ☐ HEADSTRIKE ☐ K9 CONTACT ☐ CHOKE HOLD ☐ NEGL. DISCHARGE ☐ ICD ☐ OTHER		
IPM Staff Responding:	Name	Time at Scene	Time Left Scene
Incident Info:	District or O/S Jurisdiction	Date	Time
Date & Time IPM was Notified:	Date IPM Notified	Time IPM Notified	
IPM Staff Member Info.	Person Receiving IPM Notification	Person Making Notification to IPM Name: Tel. No.	
Location of Occurrence: (Address/Intersection & Descript.)			
Officers Involved:			
On-Scene Briefing Made by	Rank and Name	Telephone:	Dept. Entity/Agency:
Deaths (If known)	# of Officers:	# of Suspects:	# of Animals:
Injuries, Number & Injury Type (Explain Below)	Officers: Type	Suspects: Type	Animals: Type
Weapons, Caliber, Number of Rounds	Weapon Type	Caliber of rounds found	Number of Rounds

IPM On-Scene Investigative Summary --

Revised: 02/04/10 CRG

Approved: Deputy Police Monitor _____ Date: _____

Approved: Police Monitor _____ Date: _____

CRITICAL INCIDENT USE OF FORCE REVIEW MATRIX

APPENDIX H

ITEM No:

1st level auditor (circle answer)

2nd level auditor (write answer)

Name & Serial No.: _____

Name & Serial No.: _____

Date: _____

Date: _____

(For every comment write your serial# and the date)

Officer(s): ☐ On Duty ☐ Off Duty

Type: ☐ OIS ☐ LERI ☐ ICD ☐ Headstrike ☐ CAROTID HOLD ☐ LEARD ☐ K9/Hospitalization

For OIS only

Officer: ☐ Injured ☐ Deceased ☐ Unharmed

Suspect: ☐ Injured ☐ Deceased ☐ Unharmed

Animal: _____

Accidental? ☐ Yes ☐ No Tactical? ☐ Yes ☐ No

Suspect Armed? ☐ Yes ☐ No If Yes, Weapon Type _____

Timeliness

Date/Time of Incident: _____

Date/Time Incident Reported: _____

Date/Time CD Notified: _____

Immediate CD Response? ☐ Yes ☐ No

IPM Notified Promptly? ☐ Yes ☐ No (Time _____) IPM or Representative Respond? ☐ Yes ☐ No

Date Investigation Completed: _____

Number of days between incident and completed investigation? _____

Date of Shooting Review Board: _____ Number of days between completed investigation & Board? _____

Date of Board Recommendations to COP: _____

Date of COP Recommendations: _____

Date to IPM: _____

Statute Date: _____)

1. Did the Officer(s) report the UOF to their supervisor without delay? A. Yes B.

Quality/Findings

2. Were the officers separated at the scene? A. Yes B. No C. UTD
(No and UTD requires a comment) _____

CRITICAL INCIDENT USE OF FORCE REVIEW MATRIX

3. **Were the officers transported separately?** A. Yes B. No C. UTD
(No and UTD requires a comment) _____
4. **Were the officers kept separate at the station until AFTER their statements?** A. Yes B. No C. UTD
(No and UTD requires a comment) _____
5. **Was ALL available evidence collected?** A. Yes B. No C. UTD
(No and UTD requires a comment) _____
6. **Did Investigators canvass the Area for witnesses?** A. Yes B. No C. UTD
(No and UTD requires a comment) _____
7. **Were any injuries sustained?** A. Yes B. No C. UTD
(No and UTD requires a comment) _____
8. **Were injuries treated?** A. Yes B. No C. N/A, no injuries sustained.
9. **Were there any inconsistencies NOT noted within the investigation?** A. Yes B. No
(Yes requires a comment) _____
10. **Were there any discrepancies with the evidence?** A. Yes B. No
(Yes requires a comment) _____
11. **Were there any problems with the interview techniques?** A. Yes B. No
(Yes requires a comment) _____
12. **Were the COP's recommendations consistent with policy and match those of the Board?** A. Yes B. No
(No requires a comment) _____
13. **Were there any issues with the officers' tactics?** A. Yes B. No
(Yes requires a comment) _____
14. **Were there any issues with the officers' on Draw/Exhibit/Holstering?** A. Yes B. No C. N/A
(Yes requires a comment) _____
15. **Did Were there any issues with the officers' UOF?** A. Yes B. No
(Yes requires a comment) _____
16. **What criminal charges did the C/A or D/A (circle one) file?** A. None **or** B. (write charges)
Charges: _____

Completeness

17. **Were there any witness statements that were not transcribed?** A. Yes B. No
18. **For witness statements that were not transcribed, were they reviewed by the IPM?** A. Yes B. No C. N/A

CRITICAL INCIDENT USE OF FORCE REVIEW MATRIX

19. Was a supervisor present at the incident? A. Yes B. No
20. Was there an evaluation as to the presence or absence of a supervisor at the scene? A. Yes B. No
21. Was the evaluation of the supervision conducted? A. Yes B. No
22. Were officers referred to Department Psychiatrist before being returned to the field? A. Yes B. No
23. Did the Board consider the officers work history, disciplinary history information, and UOF history?
A.Yes B.No (No requires a comment) _____
24. Was a criminal investigation regarding the officers Use of Force initiated? A.Yes B.No
25. Was the DA notified as required? A.Yes B.No D/A Respond? A.Yes B.No (CD P58)
26. Did the subject have any mental health issues? A.Yes B.No
If yes, did involved officers request assistance from mental health professionals (eg., CIT, SMART, etc.)?
Yes No Explain (details of requested assistance or lack of requested assistance) _____

27. Does the reviewer believe that the investigator did a good job investigating the situation? A. Yes B. No
If yes, does the reviewer believe that the investigator deserves a commendation for the investigation? If no, does the investigator need remedial training? Explain either outcome. _____

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

DATE: November 10, 2010

TO: Superintendent of Police
Deputy Superintendent of Police, Bureau of Investigations
Deputy Superintendent of Police, Public Integrity Bureau

FROM: Independent Police Monitor

SUBJECT: OFFICER-INVOLVED SHOOTING – Item No. _____, November 10, 2010

Division Date Time Duty-On () Off() Detail-Yes() No() Uniform-Yes() No()

Officer(s) Involved in Use of Force Length of Service

Total Involved Officer(s)

Suspect Deceased () Wounded () Non-Hit ()

Superintendent Recommendations

Tactics –
Drawing/Exhibiting/Holstering –
Use of Force –

IPM Recommendations

Tactics –
Drawing/Exhibiting/Holstering –
Use of Force –



Superintendent of Police
Deputy Superintendent of Police, Bureau of Investigations
Deputy Superintendent of Police, Public Integrity Bureau
November 10, 2010
Page 2

Incident Summary

Police Report

-

IPM Recommendations

Tactics

-

Drawing/Exhibiting/Holstering

-

Use of Force

-

Investigation Quality

-

Training Issues

-

Equipment Issues

-

Additional Comments

-

Susan Hutson
Independent Police Monitor



INDEPENDENT POLICE MONITOR
OFFICE OF INSPECTOR GENERAL
525 ST. CHARLES AVENUE | NEW ORLEANS, LOUISIANA | 70130-3049
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